

TOWN OF CORTLANDT
PLANNING AND ZONING BOARDS

PLANNING BOARD MEETING

Town Hall
1 Heady Street
Cortlandt Manor, New York 10567

August 31, 2021

7:00 p.m. - 10:30 p.m.

August 31, 2021

MEMBERS PRESENT:

Loretta Taylor, Chairperson

Robert Foley, Member

Stephen Kessler, Member

George Kimmerling, Member

Jeffrey Rothfeder, Member

Robert Mayes, Alternate Member

Chris Kehoe, Deputy Director, Planning Division

1 August 31, 2021

2 (The board meeting commenced at 7:00 p.m.)

3 MS. LORETTA TAYLOR: Pledge.

4 MULTIPLE: I pledge allegiance to the
5 flag of the United States of America and to the
6 republic for which it stands, one nation under
7 God, indivisible, with liberty and justice for
8 all.

9 MR. CHRIS KEHOE: Mr. Kimmerling?

10 MR. GEORGE KIMMERLING: Here.

11 MR. KEHOE: Mr. Rothfeder?

12 MR. JEFFREY ROTHFEDER: Here.

13 MR. KEHOE: Mr. Kessler?

14 MR. STEPHEN KESSLER: Here.

15 MR. KEHOE: Ms. Taylor?

16 MS. LORETTA TAYLOR: Here.

17 MR. KEHOE: Mr. Mayes?

18 MR. ROBERT MAYES: Here.

19 MR. KEHOE: Mr. Foley?

20 MR. ROBERT FOLEY: Here.

21 MR. KEHOE: Mr. Bianchi and Ms. Decker
22 noted as absent.

23 MS. TAYLOR: There will be one change to
24 the agenda tonight. The hearing for PB 6-15,

1 August 31, 2021

2 that's the Hudson Wellness Hearing will be held
3 on September 9th at the Muriel Morabito Community
4 Center, so they will not be on for this evening.
5 Can I get a motion to adopt the minutes for June
6 1 and July 6th?

7 MR. KESSLER: So moved.

8 MS. TAYLOR: Thank you.

9 MR. KIMMERLING: Second.

10 MS. TAYLOR: Thank you. All in favor?

11 MULTIPLE: Aye.

12 MS. TAYLOR: Opposed? All right, first
13 item for tonight's agenda is correspondence, and
14 that is for PB 13-05, a letter dated July 30,
15 2021 from Brad Schwartz, Esquire, requesting the
16 19th 90-day time extension of final plat approval
17 for the Mill Court Crossing Subdivision located
18 at the south end of Mill Court.

19 MR. KESSLER: Madam Chair, I move that
20 we adopt resolution 11-21 approving the
21 extension.

22 MS. TAYLOR: Okay. May I have a second,
23 please?

24 MR. KIMMERLING: Second.

1 August 31, 2021

2 MS. TAYLOR: Thank you. On the question?

3 MR. FOLEY: On the question, I will be
4 voting no on this extension as I have in the
5 past, to be consistent, and I stated my reasons
6 in a memo to the Board this morning. Basically, a
7 lot of years have gone by, there have been
8 changes environmentally, and with traffic
9 patterns in that quadrant, so I'm concerned.

10 MS. TAYLOR: Okay. All right, so all in
11 favor?

12 MULTIPLE: Aye.

13 MS. TAYLOR: Opposed?

14 MR. FOLEY: Opposed.

15 MR. KEHOE: Mr. Kimmerling?

16 MR. KIMMERLING: Yes.

17 MR. KEHOE: Mr. Rothfeder?

18 MR. ROTHFEDER: Aye.

19 MR. KEHOE: Mr. Kessler?

20 MR. KESSLER: Yes.

21 MR. KEHOE: Ms. Taylor?

22 MS. TAYLOR: Yes.

23 MR. KEHOE: Mr. Mayes?

24 MR. MAYES: Yes.

1 August 31, 2021

2 MR. KEHOE: Mr. Foley?

3 MR. FOLEY: No.

4 MR. KEHOE: Motion carries five to one.

5 MS. TAYLOR: All right.

6 MR. BRAD SCHWARTZ: Thank you, Madam

7 Chair.

8 MS. TAYLOR: Thank you. Okay. We have a
9 couple of new hearings tonight, new public
10 hearings, the first being BP 1-16, the
11 application of Pomona Development, LLC for
12 preliminary plat approval and for steep slope
13 wetland and tree removal permits for a proposed
14 three-lot major subdivision of an approximately
15 17., 16, I'm sorry, 16.78 parcel of property
16 located on the south side of Revolutionary Road
17 500 feet south of Eton Lane. The drawings are
18 dated May 19, 2021.

19 MR. KESSLER: And just for the record,
20 Chris, we have later drawings than May, right?

21 MR. KEHOE: Yes. I don't know if they
22 were given to you in your packets. They just came
23 in. They're on the screen. I think we talked
24 about it at the work session that at that time

1 August 31, 2021

2 you didn't have them yet. So, I don't think you
3 got the hard copies yet, correct? Right.

4 MR. KESSLER: But we'll be talking about
5 the new ones tonight?

6 MR. KEHOE: Yes.

7 MS. TAYLOR: All right.

8 MR. CAFO BOGA: My engineer is on the
9 way, so let me start by introducing my --

10 MR. KEHOE: Could you just state your
11 name for the record, please.

12 MR. BOGA: That's what I'm doing. So let
13 me start by introducing myself. My name is Cafo
14 Boga, C-A-F-O B-O-G-A, and I'm the owner of the
15 property. I have met most of you at the site
16 inspection. And, but for the benefit of the
17 audience, I bought this property about five, six
18 years ago with intention to build about nine
19 homes. When I first met with the town, I was told
20 that I may stand a chance for about six homes,
21 but then later on, a lot of issues were
22 discovered, one being the, the driveway, the road
23 to it, and some other issues, so to make the long
24 story short, before you now is a proposal to

1 August 31, 2021

2 approve for three homes. I intend to build three
3 reasonably nice homes for this market. Basically,
4 it would be in the range of what sells in the
5 area, and I think the neighbors would be very
6 happy to see that, so this place where a lot of
7 activity [unintelligible] [00:05:32] used to take
8 place will no longer be there. They will have
9 some three homes, very nice homes as neighbors
10 and not unwanted activities in their backyard.
11 And I'll be happy to answer any questions that
12 anyone may have.

13 MS. TAYLOR: Okay. Well, this is a
14 public hearing. And you are invited to come up,
15 state your name, your residence and give us
16 whatever comments you would like to make either
17 for or against the project. Apparently we don't
18 have anyone here for this particular --

19 MR. KEHOE: As Steve mentioned, the
20 drawings have just come in. The wetland
21 delineation, the wetland redelineation is still
22 outstanding. Paul Jennings is updating the
23 wetlands. Jim Annicchiarico did make some minor
24 changes to the drawing, I think shifted a house

1 August 31, 2021

2 location maybe a little bit on lot one. He's
3 providing more detail on the tree removals. This
4 would be similar to the Mahlab subdivision in the
5 sense it doesn't really have any common
6 improvements, so the tree plans are unique to
7 each individual lot and would be handled I
8 believe at the time of building permit with
9 respect to a replanting plan that would be
10 referred to the CAC for their comment. But we
11 don't believe the public hearing is ready to be
12 closed until we have some more time to go over
13 the revised drawings. I don't know if Mike, the
14 engineer has anything to add.

15 MR. PREZIOSI: Thank you, Chris. I'll
16 just piggyback and just clarify the tree removal.
17 We had discussed with the engineer about
18 redelineating the wetland since it has been a few
19 years since the wetlands were delineated. They
20 had requested that the tree inventory not be
21 redelineated as part of this application, to be
22 able to reuse the existing tree inventory that
23 was done about three to four years ago, and then
24 to supplement that at the time of filing for a

1 August 31, 2021

2 building permit.

3 What we would ask the planning board to
4 look at and approve would be the overall removal
5 as far as total square footage of disturbance for
6 acreage, and also the total number of trees
7 proposed to be removed. And then, if there's any
8 substantial differentiation or deviation from
9 what the planning board would approve, then we
10 would refer it back to the planning board prior
11 to a building permit being issued.

12 Otherwise, we would have the final
13 reforestation replanting plan issued an approved
14 at the time of filing for each individual
15 building permit lot, similar to what was done in
16 the past.

17 MR. KIMMERLING: But the latest plans
18 have how many trees being taken down?

19 MR. PREZIOSI: Oh, I have not looked at
20 the latest plans.

21 MR. KEHOE: Yes.

22 MR. PREZIOSI: But Chris mentioned it,
23 they are there.

24 MR. KIMMERLING: Okay. So we need to see

1 August 31, 2021

2 that first, right. So we should just adjourn.

3 MS. TAYLOR: Okay.

4 MR. BOGA: If I may just add, it's only
5 one lot that really will require some tree
6 removal. The other two lots are pretty much in
7 the clear, and the only trees that would be
8 removed are some dead trees.

9 MR. KEHOE: Right. So it's hard to see
10 on the plan, but 57 trees are proposed to be
11 removed on lot one, ten on lot two, nine on lot
12 three. A lot of those trees though are necessary
13 for the sewer easement that has to connect over,
14 those tree removals. Jim, the engineer is here
15 now.

16 MR. JAMES ANNICCHIARICO: It wouldn't
17 let me in.

18 MR. KEHOE: But Jim, the public hearing
19 was opened, there was no public comment, so the
20 planning board is just discussing the drawing and
21 the fact that you did email them to me, but they
22 haven't gotten to the planning board yet, and as
23 we discussed, the wetlands need to be
24 redelineated. But we were talking about the trees

1 August 31, 2021

2 a little if you have any information you want to
3 update to the planning board.

4 MR. ANNICCHIARICO: Sure. So, I'm the
5 tree report that we had --

6 MR. KEHOE: Just, just, just state your
7 name, sorry, for the record.

8 MR. ANNICCHIARICO: Yes, Jim
9 Annicchiarico, from Cronin Engineering. So the
10 previous tree report that we had done, that's
11 still valid. That was done by Trevor and that was
12 done for the original application for six lots,
13 so that included many more trees than we would
14 need for the three-lot subdivision as we're
15 proposing now. So, it was determined I believe by
16 staff that the tree, the previous tree report was
17 still valid.

18 I put on the tree plan for this
19 submission how many trees were proposed to come
20 down for each lot, as I think the Board
21 requested. There are very few trees to come down
22 on lots two and three, as, you know, the areas
23 there are already cleared. Lot one obviously has
24 more trees to come down because that's very

1 August 31, 2021

2 wooded and there are, you know a fair amount of
3 trees that would be removed within the right of
4 way to get up to the property, as required to
5 widen the existing driveway, you know, to meet
6 the emergency access requirements.

7 So I think one of the other things that
8 was asked of us at the site walk was to possibly
9 move the house up on lot three, which we did. I
10 looked at it, it could probably be moved up a
11 little bit more, but I don't think it really
12 matters too much, because that, like I said,
13 there aren't many trees coming down on lot three.
14 Lot one, that could even be moved up a little
15 further, but, you know, it's right about in the
16 middle of the lot, you know, meets zoning
17 obviously, setbacks, things like that. I think if
18 we moved it up, we'd probably have similar number
19 of trees coming down. They'd just be different
20 trees. And then there were, on lot three,
21 included in lot three, I think we broke that out
22 as well, where the number of trees that would be
23 required to install the sewer main.

24 MS. TAYLOR: Okay.

1 August 31, 2021

2 MR. ANNICCHIARICO: So I would be happy
3 to answer any questions anybody has.

4 MS. TAYLOR: Is there anyone on the
5 Board who would want to ask a question?

6 MR. PREZIOSI: So we have completed a
7 fairly comprehensive review for the subdivision
8 as we were stating before. We were in agreement
9 that we can use the past tree inventory to assess
10 this development plan and then refer it back to
11 the planning board in the event that there's
12 substantial changes when a building permit is
13 filed. There's still a lot of legwork to be done,
14 so adjourning the public hearing and letting us
15 have a chance to review these drawings would be
16 the preferred stance of staff.

17 MR. KIMMERLING: Madam Chair, I move
18 that we adjourn the public hearing to the next
19 meeting.

20 MS. TAYLOR: Okay.

21 MR. KESSLER: Second.

22 MS. TAYLOR: Thank you. On the question,
23 all in favor?

24 MULTIPLE: Aye.

1 August 31, 2021

2 MS. TAYLOR: Opposed? Okay. Thank you.

3 MR. ANNICCHIARICO: Thank you.

4 MS. TAYLOR: All right, the next item is
5 again a new public hearing for PB 2020-6, it's
6 the application of Palisades Enterprises, LLC for
7 site plan approval, a special permit and for tree
8 removal and steep slope permits for a proposed
9 2,940 square foot gas station and convenience
10 store with six fuel pumps on an approximately 1.7
11 acre parcel of property located at 2058 East Main
12 Street, Cortlandt Boulevard. The latest revised
13 drawings are on August 19, 2020. Good evening.

14 MR. RALPH MASTROMONACO: Good evening,
15 Ralph Mastromonaco for Palisades. We are, we have
16 an application for site plan approval, site and
17 special permit. The application is to convert an
18 existing gas station into a bit larger gas
19 station. In that process -- this is on, by Bear
20 Mountain Parkway and Route 6, in that process --
21 oh, good. In that process, one, one existing home
22 on the right side of that map would be taken
23 down. The old restaurant way over on the left,
24 the brick building, that would be taken down and

1 August 31, 2021

2 the gas station would be taken down and built up.

3 This is a 12-pump gas station with a
4 convenience store market. With me today is the
5 architect, Mr. Joe Thompson and Andrea Connell
6 from Kimley-Horn. Andrea did the traffic study.
7 Mr. Canning is in Ireland, and so Andrea is
8 sitting in. But Andrea knows everything that's
9 going on with the traffic.

10 One of the things that we did -- well,
11 some of the things that we've done already is a
12 tree study, storm water reports, illumination
13 plans, we have a system to treat stormwater. The
14 total disturbed area is about a little less than
15 one acre. And even though we don't -- aren't
16 required to do certain stormwater things, we are
17 doing them anyway. It would stormwater treatment
18 and we have a capture oil separator as well.

19 We also did, at the request of the
20 Board, a historic analysis. It was prepared by
21 Hudson Valley Cultural Resource Consultants. And
22 they looked at the brick building, the old
23 Popeye's Restaurant. And the ultimate, you
24 probably, I assume everyone has this report. And

1 August 31, 2021

2 I think the conclusion of that report was that
3 there was not considered to be sensitive for pre-
4 contact or historic cultural resources.

5 Therefore, no further archeological
6 investigations are warranted. And they also were
7 pretty sure that there was never a cemetery, even
8 though anecdotally, someone had said there had
9 been a cemetery there. So they did all that work.

10 We're going to take down about 24 trees,
11 it's required for the excavation and the paving
12 of the property. And that's about it. What I'd
13 like to do is I'd like to ask Andrea to talk
14 about, which I know is a very important issue
15 here, was the traffic studies that they've done
16 with conjunction with your consultant and New
17 York State DOT. Andrea.

18 MS. ANDREA CONNELL: Thank you, Ralph.
19 Yes, I'm Andrea Connell with Kimley-Horn. We did
20 the traffic studies for the project. So, as Ralph
21 said, it's an existing gas station that's looking
22 to expand and also modernize. The traffic studies
23 that we did looked at various options for access
24 into the property.

1 August 31, 2021

2 So we know that the Route 6 intersection
3 with the Bear Mountain Parkway westbound ramp has
4 been problematic. And our traffic study found
5 that a traffic signal installed there would
6 improve operations. So this application is an
7 opportunity to resolve this longstanding problem.

8 So your consultant has conducted several
9 reviews of the traffic studies and has said that
10 all of the important issues have been addressed.
11 Their latest review from June 24th conditionally
12 accepts the findings of the traffic study and
13 notes that certain conditions must be met, which
14 most of them are related to the New York State
15 Department of Transportation's final approval.

16 So regarding the DOT, they have said
17 that they will approve the signal. During the
18 course of the review, they also have determined
19 that they're going to prohibit left turns
20 entering the site, so that would be eastbound on
21 Route 6. And as part of that left turn
22 prohibition, in addition to the no left turn
23 signage, they also would like to see some type of
24 a physical barrier installed on the driveway

1 August 31, 2021

2 itself. Maybe if you zoom in, you might be able
3 to see that on the main driveway there. So we've
4 submitted actually this type of a drawing to DOT.
5 We're awaiting them for their decision on whether
6 that would be acceptable or not. You can just
7 see, there's a little tiny triangle right there,
8 yeah.

9 So DOT is reviewing this at the moment.
10 So we are awaiting their approval of the ultimate
11 design of the driveway before we finalize our
12 driveway plans. And then we will also do a
13 detailed traffic signal plan. So some of the
14 comments in your consultant's recent review will
15 be addressed then, some of those regarding
16 crosswalk striping, signage, those will all be
17 addressed at that point. That's all I have.

18 MS. TAYLOR: Okay. This is again a
19 public hearing, and you are --

20 MR. KEHOE: Loretta, we do have our
21 traffic consultant here if you would like to hear
22 from him. Michael? I guess you can come up here,
23 or you can go with Michael Cunningham.

24 MR. MICHAEL BEATTIE: Mike Beattie with

1 August 31, 2021

2 AKRF, just filling in temporarily for Marissa,
3 who's on leave. As stated, we issued a memo in
4 July. Generally for the traffic findings, we
5 agree with the findings. We did have some edits
6 for them to kind of clean up but the findings in
7 terms of where it ended up, where the impacts
8 are, what can be done, we agree with.

9 As was stated, a signal would go in
10 place at the driveway, left turns would be
11 prohibited. They do include an island and what's
12 difficult is the island is made so that it would
13 discourage lefts. We can't actually physically
14 prohibit those left turns because you still need
15 the driveway to exit out for through movement,
16 it's a left movement. So typically, you would
17 think you put a barrier in the median, it stops
18 the lefts. Unfortunately, you can't in this
19 situation. We think at least the island, the way
20 it's designed, could at least discourage that
21 left turn.

22 There's still some elements of the site
23 plan that needed to be looked at, which we noted.
24 I know we've mentioned there should be crosswalks

1 August 31, 2021

2 present where those curb ramps are. Where the
3 island is shown there, there's going to have to
4 be some way for a pedestrian to walk through that
5 island, so whether it's cut or somehow mounted,
6 so that might need some detail where pedestrians
7 are crossing there, we don't want them to go
8 around that island.

9 And lastly I know there's been some
10 truck turning diagrams done, I think for large
11 trucks. But we did ask for fire trucks, since
12 they do operate a little bit differently when
13 they navigate the site.

14 So there's some elements in there that I
15 think we still want to see for the site plan. But
16 for the traffic study, at this point, I think
17 we're in agreement. We've just made some notes
18 for them to kind of clean up the traffic
19 analysis. That's the town analysis, unless you
20 guys have any questions.

21 MR. KIMMERLING: Can you go directly
22 from the off ramp of the Bear Mountain Parkway
23 here and go directly into the facility?

24 MR. BEATTIE: Correct.

1 August 31, 2021

2 MR. KIMMERLING: Okay.

3 MR. BEATTIE: And that's why, and that's
4 what makes it a little difficult. Again, to
5 prohibit left, you'd want that island to be a
6 little more curved in, to really just force right
7 turns. But because we have to accommodate that
8 through movement, they've kind of done the best
9 they can to push the island so that you could
10 still accept that through movement, but make it
11 difficult for a left turner to make that
12 movement.

13 Again, could someone do it? Yes. But
14 hopefully, it's enough where it'll be
15 discouraged. But to accommodate that through
16 movement off the ramp, and to accommodate the
17 people coming out, taking a left, that's kind of
18 as far as you can go to prohibit those left
19 turns, along with the signage too.

20 MR. FOLEY: So you're saying that
21 someone could come off the off ramp of the Bear
22 Mountain Parkway on the eastern end of the
23 overpass and cut across three lanes on Route 6 to
24 go into the gas station?

1 August 31, 2021

2 MR. BEATTIE: With a signal. So imagine
3 a signal is there. So don't imagine it today
4 where it's a side street stop. There would be a
5 signal there, so you'd have -- it'd be stopped
6 for you to cross over.

7 MR. FOLEY: There would be a green arrow
8 that you can go straight?

9 MR. BEATTIE: Probably a green ball.

10 MR. FOLEY: Green right, if you want to
11 go right.

12 MR. BEATTIE: Yeah.

13 MR. FOLEY: But you can also go left,
14 correct?

15 MR. BEATTIE: Yes, off the ramp?

16 MR. FOLEY: Off the ramp to go into
17 Peekskill.

18 MR. BEATTIE: Yep.

19 MR. FOLEY: I can understand about the
20 no left turn coming out of your facility where
21 the island, no, I mean going in.

22 MR. BEATTIE: Going in.

23 MR. FOLEY: Going eastbound. Doesn't the
24 island, as I look at this, I don't know if it's

1 August 31, 2021

2 up there, doesn't it almost create somewhat of a
3 hazard? It's going to be along the edge of the
4 road.

5 MR. BEATTIE: Correct.

6 MR. FOLEY: And the idea is to prevent
7 anyone going eastbound on 6 turning into your
8 facility?

9 MR. BEATTIE: Correct. I think the way
10 it's designed and correct me if I'm wrong, it's
11 not at the curb height level, like you would
12 picture like the 6-inch curb. I believe it's a
13 mountable curb. So again, if someone were to come
14 across it, they could mount it. I believe that's
15 how it was designed, just for that sort of
16 situation. I think that's what I saw on the
17 notes. It was mountable?

18 MS. CONNELL: I believe so, yeah. And
19 DOT will have the ultimate say, I guess in what
20 they want to see there.

21 MR. BEATTIE: So it kind of addresses
22 that. Understandably, if it was like a 6-inch
23 full curb, you're right, it's getting close to
24 that travel lane, so it does have some give with

1 August 31, 2021

2 that in terms of being mountable. But again, it
3 still needs some design work where you just put
4 an impediment for a pedestrian crossing through.
5 So I think that's still going to be refined with
6 DOT. But short of just having a sign to
7 accomplish other movements, it's kind of the best
8 you have in terms of the size of what that looks
9 like.

10 MR. FOLEY: I don't agree with just
11 having a sign. I mean we did a similar thing over
12 at the Town Center, at where Westbrook goes up
13 into the Town Center a few years ago, where there
14 is an island on the bend and it's mountable, a
15 little bit of a curb. I think, and this size,
16 there's been a few incidences there where someone
17 jumps it. But it's to prevent making such turns.

18 MR. BEATTIE: Right.

19 MR. FOLEY: I'm just, I'm concerned
20 about not only -- and also coming across Route 6,
21 even with the signals.

22 MR. MAYES: So I also have a question,
23 more of a concern. I'm going to try to phrase
24 this correctly. So going eastbound, prior to

1 August 31, 2021

2 reaching that entrance at Bear Mountain Parkway,
3 where the proposed light is, I believe in the
4 previous looks like quarter mile or so, there's
5 two additional traffic lights. One at the
6 intersection of Conklin and by Taylor Avenue, the
7 other one I believe the entrance to the, I guess
8 that would be the eastbound Bear Mountain
9 Parkway.

10 So even though we're trying, the
11 applicant is trying to greatly discourage
12 individuals from making that left turn, I mean
13 granted it's probably going to happen at some
14 level. So how much of a traffic problem will that
15 create when you're also dealing with the two
16 previous lights? I mean couldn't that potentially
17 create a logjam?

18 MR. BEATTIE: So what's being done here
19 is I believe the applicant's paying for the
20 light, but it's being put together with the rest
21 of the system. So this is not being a single in
22 isolation and then these two are running over
23 here, then you have this running by itself. It is
24 going to be your [unintelligible] [00:25:54] to

1 August 31, 2021

2 traffic control system, it's going to be part of
3 that. So it does operate together. So, you avoid
4 that what's this light doing here, I've created
5 logjams back there. And so it should work in
6 coordination. So it is, while it's being paid for
7 and done with this applicant, it's not a
8 standalone signal operating on its own.

9 MR. MAYES: Well, it would be in unison.
10 I guess my question is there's not going to be
11 obviously green arrows to make a left turn
12 because we're not trying to encourage a left
13 turn.

14 MR. BEATTIE: Correct.

15 MR. MAYES: I'm just imagining a
16 scenario where you have somebody trying to make
17 that left turn, is sitting at that green light
18 for 30 seconds waiting to make that turn. It's, I
19 just find it a little bit concerning.

20 MR. BEATTIE: Fair point. Fair point,
21 absolutely. If somebody is doing something like
22 that illegally, yeah, you then could have people
23 trying to get around them. I can't argue that.
24 It's definitely a possibility when you can't

1 August 31, 2021

2 truly prohibit that left.

3 MR. MAYES: And that area has always
4 been a very awkward area to turn into
5 historically and then we're trying to -- so the
6 applicant wants to increase traffic into there,
7 so it was just kind of exasperates the problem.

8 MR. FOLEY: And there has been a
9 fatality there a year or two ago. I'm reading
10 Marissa's report of June 24th, our traffic
11 consultant, and I always wondered whether she was
12 considering -- this goes back to Gasland with the
13 overpass.

14 MR. BEATTIE: Mm-hmm.

15 MR. FOLEY: In the queuing lane to go
16 into Gasland on the other side, when a tractor
17 trailer truck and I've seen them come out of Town
18 Center, whether it's Wal-Mart, Shoprite, the big
19 18-wheelers, they move to the center of the
20 tunnel so they don't hit the lower part. So they
21 are then eating up part of the queue lane, at
22 least in the westbound going to Gasland and then
23 they have to move back to the right. And I don't
24 know, tractor trailers I guess will still move to

1 August 31, 2021

2 the center in front of your facility.

3 MR. BEATTIE: They would have to.

4 MR. FOLEY: Uh, I don't know how much
5 that was considered in the other reports, but the
6 other thing, what I think Robert was alluding to,
7 the synchronization or lack thereof of that whole
8 lighting system, whether it goes from Westbrook
9 all the way to Conklin. That was all in the grand
10 plan. Sometimes it works, sometimes, it doesn't.
11 I've lived here a long time. I think once or
12 twice, I've made all green lights, maybe from
13 even Lexington to Conklin to go Holy Spirit, but
14 very rare. So it seems like it doesn't always
15 work the way it was planned, the way I imagined
16 it. I think I asked Marissa at one of the
17 previous meetings, how do you get that really in
18 sync to keep the cars moving, because you've got
19 the light at Parkway also, besides Conklin.

20 MR. BEATTIE: Yeah.

21 MR. FOLEY: So maybe Mike knows.

22 MR. PREZIOSI: Yeah. I don't want to
23 Michael on the spot, but the adapted signals
24 would be expanded along the Route 6 corridor

1 August 31, 2021

2 towards the Peekskill municipal border with these
3 two projects. The Gasland project was putting in
4 a new traffic signal with two adaptive
5 controllers and then this project would be adding
6 the missing link so to speak, between the Locust
7 Avenue and Route 6 site and these two
8 intersections. So, the adaptive traffic control
9 would be across the entire Cortlandt Boulevard
10 once these projects are constructed and DOT
11 approval is granted.

12 MR. FOLEY: So this is kind of the
13 missing link?

14 MR. PREZIOSI: Right. the adaptive
15 traffic controls do not extend all the way to the
16 municipal border with Peekskill. They end at
17 Locust Avenue on Route 6.

18 MR. FOLEY: Okay. That's a lot of lights
19 and a lot of gas stations and a lot of left
20 turns, and I don't know. It seems like we're
21 almost creating a problem.

22 MR. PREZIOSI: I think just for record's
23 sake, the discussion about prohibiting left
24 turns, Michael correct me if I'm wrong, it's left

1 August 31, 2021

2 turns into the site from Route 6.

3 MR. BEATTIE: Correct.

4 MR. PREZIOSI: Not left turns leaving
5 the site.

6 MR. BEATTIE: Correct.

7 MR. KIMMERLING: In terms of how the
8 signal and the signage for no left turns would
9 be, how visible would it be, what would it look
10 like, it could be designed and set up so that if
11 you're coming east on Route 6, you would clearly
12 see the signal before you go under the overpass,
13 if I have this correct, right? Like there's
14 enough distance, so that the signal would be
15 visible to you before you go under the bridge,
16 rather than you're past the bridge and then all
17 of a sudden, there's a signal?

18 MR. BEATTIE: I can't speak to that.
19 I've seen advanced warning signs where if it's
20 red, there will be a red signal ahead where you
21 have those, like really a visual cone where
22 you're looking at as you approach. So I've never
23 seen really a signal placed beforehand warning
24 about the signal coming up except for a flashing

1 August 31, 2021

2 warning sign. So the bridge is terms in tough in
3 terms of people being aware of it. It's just the
4 hope would be through coordination, you're not
5 going through a green and being hit with a red
6 immediately.

7 And then for the signal design, I know
8 this still has to be done, I've seen stuff where
9 instead of having a green ball, you show a green
10 arrow to at least show people that you're going
11 through as opposed to a green ball which could
12 indicate you could take all movements. So during
13 the signal design, there could be maybe elements
14 worked on with DOT where show the green arrow,
15 really try to hammer home you can only go through
16 and not take a left, things that could be
17 considered.

18 MR. KIMMERLING: You could also have a
19 big sign that says no left turn.

20 MR. BEATTIE: And I mean the sign,
21 again, I think we put the signs in everywhere
22 too, and that's an enforcement issue. So what
23 else could we do, and then that's what the
24 island. But I think there would be stuff at the

1 August 31, 2021

2 signal that again, really tries to facilitate
3 through movement. But again, the bridge, again,
4 I've seen advanced warning signs. But maybe it's
5 something that would have to be discussed with
6 DOT, the applicant really had to warn people that
7 signal's coming with the bridge.

8 MR. KIMMERLING: Yeah, I just can't
9 remember what it's like visually.

10 MR. KEHOE: George, Alan wanted to makes
11 sure that your mic was on. Is it green?

12 MR. KIMMERLING: Hello?

13 MR. KEHOE: Oh, I guess he's saying it's
14 good, sorry.

15 MR. KIMMERLING: It's good now?

16 MR. KEHOE: Yes.

17 MR. KIMMERLING: Okay. Thanks. And then
18 sort of on a scale of one to five, the
19 effectiveness of that island in discouraging left
20 turns is --

21 MR. BEATTIE: I mean --

22 MR. KIMMERLING: -- it seems like kind
23 of a suggestion.

24 MR. BEATTIE: I think typically it would

1 August 31, 2021

2 work. If someone wants to take that left, they're
3 going to take the left. We can't stop it, based
4 on trying to do the other movements.

5 MR. KIMMERLING: I mean you don't
6 really, wouldn't see the island until you've made
7 the left, and then like oh, there's an island.

8 MR. BEATTIE: No, you'd be able to see
9 the island from there.

10 MR. KIMMERLING: Okay.

11 MR. BEATTIE: So you'd be able to see
12 with the signage and the signal and you could see
13 that. You should know, all right, that's
14 something I shouldn't be doing, because it does
15 make a slightly awkward left. You kind of have to
16 --

17 MR. KIMMERLING: Go in and out.

18 MR. BEATTIE: -- [unintelligible]
19 [00:32:34] 90, you're going to look further than
20 that.

21 MR. KIMMERLING: Yeah, yeah, okay.

22 MR. BEATTIE: So I would say yes, it
23 would probably discourage the majority of people.
24 As you brought up, some could do it and now we're

1 August 31, 2021

2 stuck in the situation. Yeah, it's hard to design
3 around that, to be honest.

4 MR. KIMMERLING: Okay. No, that's really
5 helpful though, thanks.

6 MR. MAYES: I want to dive a little bit
7 more into what we were talking about before going
8 under the -- heading eastbound going under the
9 overpass, because you're coming from a light,
10 you're going to enter an overpass and then you
11 come to another light, I don't know, I can't
12 tell, but maybe a hundred yards, if that. How
13 visible, I mean, and I apologize if you've
14 already answered, but how visible is that light?
15 I mean is somebody going to be able to, who
16 doesn't, is not familiar with the area, going to
17 be able to see the light as they go into the
18 overpass?

19 MR. BEATTIE: We'd have to look at that.
20 They have sight distance requirements, so we'd
21 have to see, based on NETCD whether they're
22 meeting it, and if they're not, that's when you
23 may have to do those advance warning signs, for
24 at least a red light. I've never seen advanced

1 August 31, 2021

2 warning sign for a green light, but for at least
3 a red light, it would tell you red light ahead.

4 MR. KEHOE: How often would you get the
5 green on the west side of the Bear Mountain and
6 catch a red on the east side?

7 MR. BEATTIE: It should be, the way it
8 should work, it should be unlikely. It should be
9 that it progresses. I mean that's the way the
10 system should work. At some point, it has to turn
11 to red, so you may have a car that has to deal
12 with that. But the idea of the system is a
13 platoon is moving through the system, green,
14 green, green then shuts down. But yeah, I think
15 that site distance has to be looked at to make
16 sure it's meeting the requirements, if there's
17 enough going out of that tunnel.

18 MR. FOLEY: So you're saying there has
19 to be further sight distance review, because --

20 MR. BEATTIE: It needs to be checked.

21 MR. FOLEY: Yeah, the overpass --

22 MR. BEATTIE: Because we need to know
23 where the signal is being placed to know if --

24 MR. FOLEY: -- the configuration of the

1 August 31, 2021

2 Bear Mountain, whatever you call it, tunnel,
3 you're not going to see lights that easy, and
4 then if you have a lot of signs, all kinds of
5 warning signs, where are they going to be up? In
6 the traffic light areas?

7 MR. KESSLER: Is there also a regulation
8 on how high the light can be?

9 MR. BEATTIE: Yeah, there's regulation
10 on how high, distance to stop are, that's all
11 stuff when we do the traffic signal plan, that
12 needs to be fleshed out to makes sure you're
13 meeting those minimum requirements, or even
14 sometimes maximum requirements. That would have
15 to be designed accordingly.

16 MR. FOLEY: The other thing, and I may
17 have asked Marissa this last year, sunset going
18 west, if you've ever been there, it could blind
19 you. I don't know about going east in the
20 morning, like in this case, you're not seeing the
21 no left turn sign. So I think that has to be
22 looked at also. It's one of those --

23 MR. BEATTIE: It's a factor.

24 MR. FOLEY: -- factors you don't think

1 August 31, 2021

2 about unless you're traveling that route every
3 day.

4 MR. KIMMERLING: I guess the good thing
5 is there's other gas stations right up the road
6 and so a lot of people hopefully are going to not
7 make that turn.

8 MS. TAYLOR: Also, let me just ask a
9 quick question. The entrance and the egress, in
10 terms of the lanes, are they fairly wide?

11 MR. BEATTIE: They're adequate in terms
12 of being able to accommodate the regular traffic
13 and at least so far what we've seen as a truck,
14 being able to accommodate at least the width of
15 the driveway. But the lanes themselves are I
16 believe are adequate enough to accommodate your
17 typical vehicles coming in and out. And they do
18 truck turn -- and they do car turning templates
19 to make sure they can get in and out without
20 crossing over. So nothing there kind of draws a
21 red flag until at least we also see the fire
22 truck turning template.

23 MS. TAYLOR: Some people do have a
24 tendency to come in and even when they're

1 August 31, 2021

2 leaving, kind of pull the car in the center of
3 the lane and then that becomes difficult for
4 somebody to get in, so that's why I'm asking if
5 you have any extra space.

6 MR. BEATTIE: Well that's the one --
7 what's nice about that island right there is it
8 does start to force people to be on their side.
9 So if there's no island there, someone wants to
10 take a left, they're maybe already scooting over
11 a little bit. Here with the stripe and the
12 island, they're already kind of forced to stay on
13 that right side, so if someone is coming off the
14 parkway and coming across, the vehicle that would
15 opposed them has to be on the other side of the
16 island to make that movement. Without the island,
17 I've seen that too, where someone is already
18 making the, I'm going to scoot over to a little
19 bit left and beat that person coming across,
20 absolutely.

21 MS. TAYLOR: It would be problematic at
22 times.

23 MR. FOLEY: And what else complicates
24 it, it's not just the gas station with expanded

1 August 31, 2021

2 pumps. You've got the deli there too with the
3 drive around. So for people coming there the
4 first time, I don't know, a little bit of
5 confusion coming in, in my view. And then when
6 you come out behind the deli, proposed deli, it
7 causes another problem.

8 I also, you mentioned, or there was
9 there some diagrams there about truck turning.
10 That included [unintelligible] [00:37:25] fire
11 trucks?

12 MR. BEATTIE: No. I believe it was just
13 the truck turn, but we've asked for fire trucks
14 still to make sure --

15 MR. FOLEY: Oh, they've still go to do
16 that, right?

17 MR. BEATTIE: Yeah. That was in the
18 memo. And I don't believe in the packet I
19 received, I don't believe I saw fire truck turn
20 template.

21 MR. PREZIOSI: It's a standard comment
22 memo that we do with site plan --

23 MR. BEATTIE: Okay.

24 MR. PREZIOSI: -- review to make sure

1 August 31, 2021

2 that the largest fire apparatus truck for the
3 local fire department can make a smooth maneuver.
4 So that's why [unintelligible] [00:37:46]
5 analysis will be provided.

6 MR. FOLEY: I guess it would be a story
7 garage with the gas pumps, okay.

8 MR. PREZIOSI: Well, yeah, it's
9 clearance in and around the pumps, so as long as
10 it can circulate and pull up as required by the
11 state building code, then yes, that's what we
12 look for.

13 MS. TAYLOR: Okay. This is a public
14 hearing and if there are people among you who
15 want to get up and, you know, express a
16 particular point of view, pro or con, now is the
17 time. You can come up, give us your name and your
18 residence and make your comment.

19 MR. ERIC LARABEE: Yes, hi, my name is
20 Eric Larabee. I am a Cortlandt resident. So, I
21 live near there. I am kind of concerned first of
22 all, as was mentioned before by Mr. Mayes and
23 others, we have, on the west side, we have three
24 different traffic lights beforehand. To the east

1 August 31, 2021

2 side, we have the traffic light at the Mobile
3 station, so there's in a span of a quarter mile,
4 you have four different traffic lights, you're
5 now adding a fifth. And to the traffic flow is
6 going to be inconvenient to say the least I
7 think. No matter how well you try to time it,
8 it's going to be wrong.

9 Secondly, you already have three
10 different gas stations within a quarter mile of
11 this existing place. And I think the reason the
12 existing gas station has basically gone out of
13 business is because it's a very inconvenient
14 location. Has there been any environmental study
15 of what's going to happen to us when it goes
16 bankrupt, because I don't think it's going to be
17 viable. People already go to three different gas
18 stations within a quarter mile here. Why do we
19 need a fourth in a very inconvenient location and
20 tearing down trees and everything else? Thank
21 you.

22 MS. MCKAREN: Good evening, my name is
23 McKaren and I'm a 35 year resident of the town of
24 Cortlandt and I feel this is very important,

1 August 31, 2021

2 that's why I'm here on my birthday.

3 MULTIPLE: Happy Birthday.

4 MS. MCKAREN: Thank you. The concern
5 that Mr. Foley expressed about the overpass for
6 the Bear Mountain Extension is quite valid. That
7 whole area is very congested. Any commercial
8 vehicle that is over a certain height has to veer
9 to their left lane going both east and west. So
10 that also contributes to congestion. I also agree
11 with the gentleman who just said we have two
12 existing gas stations on the corner of Locust and
13 Route 6, we have an empty gas station there that
14 went out, and also approvals for a brand new mega
15 gas station at the exit, bottom of the ramp for
16 the Bear Mountain Extension on the other side of
17 the overpass. This station would be much more
18 light, much more congestion and I don't think
19 that there is a need for another gas station in
20 addition to the gas station further east on Route
21 6, which by the way, is next to Wendy's and
22 there's a Shell station. The Shell station and
23 Wendy's, both of them, you cannot enter if you
24 are heading west on Route 6. And anyone who lives

1 August 31, 2021

2 in the area or surrounding areas, knows that
3 people don't necessarily follow the sign do not
4 make a left hand turn, or, you know, so that's
5 also a problem. And that area is very busy, but
6 it is also much wider than what we are presented
7 with here.

8 I just took some notes. I, we have
9 concerns about having the green space disturbed,
10 having rodents from garbage, if it's a bigger gas
11 station, there's going to probably be a larger
12 food component, and that obviously contributes to
13 the refuge and how that refuge is contained and
14 whether or not the people who live nearby are
15 going to have rats or raccoons that do exist, but
16 not to the extent that we were faced with when
17 there was an open, viable restaurant in the past.

18 We're concerned about the light from
19 Route 6. Right now, we are fortunate enough that
20 we have a lot of foliage in the summer months and
21 green space back there as a buffer. Once that's
22 disturbed to make way for their parking lot, it
23 is going to interfere with that and you know,
24 it's going to be a bit, lit up ball field. It

1 August 31, 2021

2 could very well be that the times that the gas
3 station are open also are different than what
4 they currently are. It's not a very spacious gas
5 station right now, so the limits, the amount of
6 cars that can fill up there are reduced. If it's
7 expanded, it'll be more inviting for larger
8 number of cars to gas up. I can't, I didn't quite
9 see the plan well enough to count the pumps. But
10 currently, it's one small island with a couple of
11 pumps. And this looks like it's going to be
12 considerably more.

13 Crosswalk is an issue. There's not a lot
14 of room there. It's not very safe to walk there
15 to begin with. And, I don't know what plans they
16 have to put in a pedestrian crossing once that
17 island is established to somewhat encourage or
18 direct traffic. So I think there's a number of
19 problems just even getting a tanker truck in
20 there with the new design getting in there and
21 out of there. Right now, I don't think there's
22 any type of restriction on whether a car or a
23 tanker or a delivery truck make a left into that
24 if they're heading east. There's nothing to

1 August 31, 2021

2 prevent anyone from making a left. And that may,
3 it may pose problems down the road, eliminating
4 making the ability to make a left, all these
5 suppliers and these tankers may not be able to
6 negotiate the turns they need to make to get into
7 the lot from Route 6 and not disturb the flow of
8 traffic.

9 Just, we know that process is such that,
10 you know, we do need sometimes more services. I
11 don't believe that this is a service that this
12 area needs right now. Thank you all for your
13 time.

14 MR. LARABEE: Can I add ask one more
15 question?

16 MS. TAYLOR: Yes.

17 MR. LARABEE: Thank you for your time. I
18 see this is also cutting quite significantly into
19 the hill. There's a lot leveling out of the area
20 that's going to be needed when I look at the
21 grading lines. So that means there's going to be
22 a lot of bulldozing, demolition, blasting and
23 everything else to get that dirt and rock out of
24 there. What's the construction time for this

1 August 31, 2021

2 particular project, assuming it gets approved,
3 and I sincerely hope it does not. If it does get
4 approved, what construction time are you looking
5 at and what kind of disruption is that going to
6 cause for the traffic flow on Route 6 while this
7 is going on? Has this been proposed to the
8 planning board and discussed with anyone? Because
9 it looks like there's going to be a lot of big
10 trucks going in and out of this facility for
11 many, many months and it's going to make Route 6
12 an absolute nightmare, so that's another big
13 concern of mine. Thank you so much for your time.

14 MR. BERNARD VYE: Good evening, my name
15 is Bernard Vye. I'm from Verplanck. I was looking
16 through the, for something else on the town
17 website and I saw this and have, you know,
18 driving Route 6 all the time, I had some concerns
19 about this project and to make sure things were
20 done. One, I'm glad to hear a signal is proposed
21 for this, because what's shown on the current
22 website doesn't show a signal.

23 One of my first questions was I seem to
24 recall that four or five, six years ago, DOT was

1 August 31, 2021

2 talking about building an interchange and taking
3 out that restaurant. And I believe it was put on
4 the shelf for funding. I was just wondering with
5 the infrastructure bill that's coming out, if
6 that might be resurrected and then this becomes a
7 moot point. So I mean maybe somebody should check
8 with DOT and find out if that's a possibility.

9 The other thing is my concern is you're
10 going to be putting up signs, you're going to be
11 putting up an island to prevent truckers from
12 coming into that site. However, I believe most of
13 the gas farms around here are up in Newburgh. So
14 truckers will come down Route 9, they'll come up
15 Route 6 though Peekskill, and they will want to
16 make that left hand turn. Some of them will see
17 the sign, they'll go on. Some of them may sit
18 there for who knows how long, creating a traffic
19 problem being stopped in the left lane and
20 possibly stopping other vehicles from coming
21 through on the right side due to the low bridge.

22 And those trucks that do come up Route 6
23 through Peekskill go to this station, find out
24 they can't make that left hand turn, where are

1 August 31, 2021

2 you proposing that they turn around and come
3 back? Because if you have truckers that are not
4 familiar with the area -- I mean we have issues
5 down in Verplanck with Lafarge with tractor
6 trailer trucks coming into the point and they
7 don't know where to turn around and some of the
8 turns they make are very hairy. I do not want to
9 see somebody making a hairy turn with a tractor
10 trailer truck full of gasoline.

11 You're talking about putting the island
12 in to prevent the left hand turns. Hopefully,
13 it's high enough to prevent tanker trucks from
14 saying well I can jump that and go on in. But the
15 flip side of that, you have to worry about the
16 island being too high because right now you have
17 a line of telephone poles which are very close to
18 the road and non-desirable. And this is going to
19 be that much closer to the road.

20 In looking at some of the turn diagrams
21 you have here, I suggest you take a look at it,
22 that for traffic coming in from Home Depot into
23 this gas station, it looks like that last row of
24 pumps may have to be eliminated for the turn

1 August 31, 2021

2 because when they're showing the vehicle, they're
3 also showing the radius clipping the edge of the
4 island. It's not a good thing to have gasoline
5 tankers clipping the islands. And now with this
6 signal, you're putting a turn lane on, at Bear
7 Mountain ramp. With there being no signal there,
8 you know, during rush hours, I've seen traffic
9 backed up considerably on that ramp. Is there
10 enough room on that ramp to allow stacking of
11 tracking that when the signal is possibly longer
12 for traffic to clear? And that would be about it.
13 Thank you.

14 MS. TAYLOR: Thank you.

15 MR. FOLEY: Mr. Vye, we did look at the
16 DOT idea of a cloverleaf from years ago. It's
17 been discussed in the work session and with any
18 new federal monies, that could all change. It had
19 been put aside. I was on the original sustainable
20 development task force when I saw the diagrams of
21 it. So, yeah, you're right. This would complicate
22 things. So I hope the applicant knows that.

23 MR. PREZIOSI: Yeah, the interchange was
24 not on the most recent state transportation

1 August 31, 2021

2 improvement projects list, but we can always
3 reach out to the regional director and double
4 check that.

5 MS. TAYLOR: Is there anyone else who
6 wants to make a comment?

7 MR. MATT PASQUARELLO: Hi, my name is
8 Matt Pasquarello and I'm a recent resident to the
9 area. And I actually showed up for the previous
10 project that you folks were reviewing, and don't
11 want to show any disrespect for the people who
12 put work in for this project or any of the
13 comments made, but would just like to point out
14 the future environmental concerns that could be
15 present as we move into a greener future. All the
16 remediation costs that'll be involved in pulling
17 all these tanks up from all these different gas
18 stations on 6 that are in town. It's not just the
19 cost now that we have to deal with, but it's the
20 cost down the road. That's it, thank you.

21 MS. TAYLOR: Okay. Thank you. Okay. I
22 guess we're done.

23 MR. MAYES: Madam Chair, I move that we

24 --

1 August 31, 2021

2 MR. FOLEY: Can we discuss historical at
3 all, or I guess that's a --

4 MS. TAYLOR: Pardon me?

5 MR. FOLEY: Historical aspect of this?
6 We have a detailed report from the historical
7 archeological consultant. I have a question.

8 MS. TAYLOR: It was mentioned. You want
9 a -- is there a question?

10 MR. FOLEY: A bunch of questions on it.

11 MS. TAYLOR: Okay.

12 MR. FOLEY: I'll address them to Ralph.

13 MR. MASTROMONACO: Did you say you had
14 some questions? I'm not sure.

15 MR. FOLEY: On the historical report.

16 MR. MASTROMONACO: You have the report.

17 MR. FOLEY: I have the report.

18 MR. MASTROMONACO: Okay.

19 MR. FOLEY: And I have some questions.

20 MR. MASTROMONACO: I, I --

21 MR. FOLEY: You kind of glossed over it.
22 Again, but I understand --

23 MR. MASTROMONACO: Well, I went --

24 MR. FOLEY: -- [unintelligible]

1 August 31, 2021

2 [00:53:04] was paramount.

3 MR. MASTROMONACO: -- I went right to
4 the conclusion, but I really can't speak. The --

5 MR. KEHOE: Well, Ralph, we had thought
6 that the consultant was going to be here. There
7 were some emails back and forth. I mean the
8 hearing is going to be adjourned, so it might be
9 best to have the consultant come to the next
10 hearing, because I think we made it known to your
11 client that our planning board members were going
12 to have questions on this report.

13 MR. MASTROMONACO: Yes, and we couldn't
14 get that person here tonight, but all I can say
15 is, you know, the report does reach a conclusion,
16 Mr. Foley.

17 MR. FOLEY: I know that. After you get
18 through all the boiler plate, historical --

19 MR. MASTROMONACO: It's at the end, yes.

20 MR. FOLEY: -- indigenous, all of the
21 history going through all the deeds, then you get
22 the one paragraph. So I'll just bounce these off
23 quick and maybe it could be passed on to the
24 consultant.

1 August 31, 2021

2 MR. MASTROMONACO: If you could do that,
3 that would be great.

4 MR. FOLEY: To the adjourned hearing.
5 There's a mention in her report, I'm not
6 questioning here, photos inside the schoolhouse,
7 and I didn't see any photos inside the
8 schoolhouse in the report. There are plenty of
9 other photos. The so-called rumor or whatever it
10 was about a graveyard which somehow I passed
11 along, and I can't figure who mentioned it to me.
12 The person who came up with the old photos of the
13 schoolhouse, an historian, he said he didn't
14 mention a graveyard.

15 But I did find out back in that era it
16 was common to have a graveyard next to a
17 residence, in this case it was a schoolhouse.
18 Henry Ward Beecher was the one who built the
19 schoolhouse, Harriet Beecher Stowe's brother, for
20 his kids, so there may be a little more
21 historical value there than the report states.

22 On the possible graveyard, I would like
23 to ask your consultant whether she comes to the
24 next meeting, or you could ask her, did they do,

1 August 31, 2021

2 other than the walkover reconnaissance, as she
3 mentions, through the property, and it is
4 compromised property, she kind of focused on the
5 back slope, but there's no way there could be a
6 graveyard there. But I don't think anyone said it
7 was on the back slope. But I wonder if they did
8 any ground penetrating radar of the site.

9 MR. MASTROMONACO: They did not.

10 MR. FOLEY: They did not?

11 MR. MASTROMONACO: No.

12 MR. FOLEY: It's been done.

13 MR. MASTROMONACO: We've done it on
14 other projects.

15 MR. FOLEY: In the other area, yeah,
16 there's the book, the cemetery books of
17 Westchester and North Castle. They did and
18 actually discovered part of the Fishkill Depot on
19 Route 9 and 84, they discovered.

20 MR. MASTROMONACO: I think in those
21 cases, there was indication possibly that there
22 was possibly graves there, headstones or
23 something like that, but here's there's just no
24 indication of that.

1 August 31, 2021

2 MR. FOLEY: Yeah. Other than the word of
3 mouth so to speak.

4 MR. MASTROMONACO: I haven't --

5 MR. FOLEY: So I was just curious about
6 some aspects of her report. Okay. So, whether she
7 answers or comes to the next meeting, I don't
8 know.

9 MR. MASTROMONACO: Okay. If it's
10 acceptable, we'll -- Andrea wrote the questions
11 down, if we present them to the consultant and
12 have answers for you before the next meeting,
13 would that be sufficient?

14 MR. FOLEY: Yeah, there was some holes
15 in the report where she says the owner of St.
16 Claire said that there's no historical
17 significance inside the old brick schoolhouse
18 because it was in such deterioration. Yeah, that
19 could be, but did she go in the schoolhouse? I
20 have those questions.

21 MR. MASTROMONACO: Yeah.

22 MR. FOLEY: Okay.

23 MR. MASTROMONACO: Well, I, I read it
24 that it was -- I mean this was a fairly

1 August 31, 2021

2 professional study and we'll pass those questions
3 on.

4 MR. FOLEY: Yeah, I'm not saying it's
5 not professional.

6 MR. MASTROMONACO: Yeah.

7 MR. FOLEY: But I know, I have it here
8 also.

9 MR. MASTROMONACO: Yeah.

10 MR. FOLEY: But it just seems like the
11 report is full of the stuff it's supposed to be
12 full of, the deeds and everything else, but I
13 just wondered. And the other thing is the
14 recommendation from the town's historical review,
15 or whatever the board is that Michelle is our
16 liaison to. If this continued, if this proceeds
17 on, I would hope they would consider that
18 recommendation regarding the old school house.

19 MR. MASTROMONACO: Was the
20 recommendation for photo -- was that a
21 recommendation for a photo --

22 MR. FOLEY: No. To incorporate, if this
23 goes forward, to incorporate part of the Popeye's
24 structure into the deli in some form. There's a

1 August 31, 2021

2 report to --

3 MR. MASTROMONACO: Oh, oh, no, no. No, I
4 didn't --

5 MR. FOLEY: You didn't see it?

6 MR. MASTROMONACO: I did a long time ago
7 when it was presented to us.

8 MR. FOLEY: Well it was in December of
9 last year.

10 MR. MASTROMONACO: I, I, frankly didn't
11 think that that was possible to do that, so. We
12 have our architect here if you.

13 MR. FOLEY: But it is done elsewhere and
14 she cites, Michelle cites two examples.

15 MR. MASTROMONACO: You know, the grades
16 are different, it's so different. It's a
17 different, different structure. But I will look
18 at it again.

19 MR. FOLEY: Well, if it's that
20 different, I don't know why she put it in her
21 report then.

22 MR. MASTROMONACO: I don't know. Okay.
23 I'll pass that on.

24 MR. FOLEY: I hate to see this go

1 August 31, 2021

2 forward and then all of a sudden they're
3 excavating and they come up with whatever.

4 MR. MASTROMONACO: I agree.

5 MR. FOLEY: Okay.

6 MR. MAYES: Madam Chair, at this time, I
7 move that we adjourn the public hearing to the
8 next regularly scheduled business meeting.

9 MR. KESSLER: Second.

10 MS. TAYLOR: Thank you. On the question?
11 All in favor?

12 MULTIPLE: Aye.

13 MS. TAYLOR: Opposed? Okay.

14 MR. MASTROMONACO: Thank you very much.

15 MS. TAYLOR: Alrightie, see you next
16 time. Okay. We're moving on to a couple of other
17 hearings at this point, but these are adjourned
18 from previous meetings. All right, this is a
19 public meeting PB 2021-1 for the application of
20 NRP Properties for site development plan
21 approval, a special permit, excuse me, a special
22 permit and for tree removal and steep slope
23 permits for a proposed 135 unit active adult
24 residential community to be located on an

1 August 31, 2021

2 approximately 8.7 acre parcel of property at 119
3 Oregon Road. The latest revised drawings are June
4 23, 2021.

5 MR. DAVID STEINMETZ: Good evening,
6 Madam Chair, members of the Board, good to see
7 you all. David Steinmetz from the law firm of
8 Zarin & Steinmetz, here this evening representing
9 NRP. With me this evening, Myles Monaghan from
10 NRP, whom you've met previously, the property,
11 the current property owners, Sheila and Alan
12 Drogy are here, our project engineer, Jerry
13 Schwalbe, from Divney Tungy and Schwalbe and
14 Carlito Holt from Provident Engineering, our
15 traffic engineer.

16 Madam Chair, members of the Board, what
17 we've been doing since we last appeared before
18 you has been addressing a number of review memos
19 that we received from your staff and professional
20 outside consultants. We received and responded to
21 Mr. Preziosi's engineering memo, Mr. Kehoe's
22 planning memo, and HVEA's traffic memo. We did
23 that as quickly as we could to try to make our
24 submission deadline. I know that some of you had

1 August 31, 2021

2 hoped we would be turning around and submitting
3 additional plans in connection with our active
4 adult project. We did not have enough time to
5 address all of the specific, meaningful,
6 empirical comments that we got and still do
7 plans.

8 And I would remind you, technically,
9 we're here with regard to our request for a
10 rezoning or text amendment to allow for this
11 active adult project at Colonial Terrace. We do
12 know that if we are successful, and complete the
13 SEQOR process in front of the town board as lead
14 agency and secure the rezoning, we will be back
15 for final site plan approval.

16 We genuinely appreciate the fact that
17 the town has allowed us to essentially proceed in
18 front of your board with our conceptual site plan
19 as well as in front of the town board with regard
20 to rezoning.

21 We're here tonight to focus on what we
22 think are the two primary issues and areas that
23 seem to be of continued concern and inquiry. We
24 did have representatives present at your work

1 August 31, 2021

2 session, so tonight, we're prepared, number one
3 to address in particular the parking question. I
4 know that there had been some questions from some
5 of the board members about some of the data that
6 was assembled, particularly with regard to
7 Springvale Apartments and other similar projects.
8 We have compiled that information in what I hope
9 is a more user friendly fashion, and Carlito is
10 about to walk us through that and explain that to
11 the Board.

12 I will state at the outset that Mr.
13 Monaghan and NRP, as we've told you and the town
14 board, they have developed an awful lot of these
15 projects nationally and regionally. After all of
16 the inquiries that we got from your board about
17 parking, we went back to senior level management,
18 not just the folks on the front line, but others
19 as well. Everyone remains quite confident that
20 the parking ratio that we have here works. They
21 feel quite clearly that they're prepared to
22 invest and develop the project and if they didn't
23 think they were going to have enough parking,
24 they would have an unsuccessful project and they

1 August 31, 2021

2 would not be where we are here today. So I do
3 want you to know that they feel quite confident
4 about the parking ratio.

5 The second issue that we're going to
6 address this evening is landscaping, in
7 particular some trees. We've obviously spent a
8 fair amount of time with your board, as well as
9 with the town's arborist, focusing on vegetation,
10 landscaping. The Drogy family has done a
11 magnificent job throughout the years keeping that
12 property the way it has been and has appeared to
13 the public. NRP remains committed to keeping that
14 tree lined entrance concept and keeping it
15 vegetated in an attractive fashion. Jerry
16 Schwalbe is going to address that briefly as
17 well.

18 We know you have a long agenda, you've
19 got a lot of people outside who are waiting to
20 get in, so we're going to try to be as efficient
21 as possible so that you can enjoy the folks in
22 the hallway and proceed with other applications.
23 I'm going to turn it over to Carlito. We're happy
24 to answer any questions and work through

1 August 31, 2021

2 everything with you this evening. Our goal, so
3 you understand, is to try to at least complete
4 the SECR process in front of the town board, try
5 to get our text amendment adopted, and then we do
6 expect that we would return to the planning board
7 to resolve a number of final details, many of
8 which your consultants and staff have already had
9 us address, but we are anxious to try to get the
10 text amendment in place so that we can then
11 develop the plans to their fullest. So I'm going
12 to turn it over to Carlito.

13 MR. CARLITO HOLT: Good evening,
14 everyone, Carlito Holt with Provident Design
15 Engineering. We're the traffic and parking
16 consultant on the proposed application. So as
17 David mentioned, we heard some concerns or
18 questions concerning some other similar site
19 surveys.

20 And we prepared this table, and I'll
21 just walk you through it to give you a sense of
22 what we did. So what you're looking at here is a
23 parking comparison table of the proposed Overlook
24 Terrace project, which is in this column here,

1 August 31, 2021

2 against the Jacob's Hill Apartment Complex, which
3 was also a 55+ active adult community similar in
4 size to Overlook Terrace. The Springvale, again
5 active adult, but much larger and a much
6 different garden style kind of clustered layout
7 development and then Roundtop, which is slightly
8 smaller, but it's also non-age restricted, so not
9 quite as comparable.

10 And what we did in the original traffic
11 study and at the recommendation of staff was do a
12 more detailed parking survey at Jacob's Hill
13 Road, where we actually got two weeks of data to
14 find out how much parking was occurring at that
15 site at any time during that two week period.

16 So running through each row, you can see
17 total units and we also have total bedrooms and
18 the as built parking spaces, so obviously this is
19 the proposed parking for Overlook Terrace to be
20 provided, and then Jacob's Hill has 122 parking
21 spaces. We related that parking ratio to number
22 of units, as well as number of bedrooms. So for
23 instance, at Overlook Terrace, it'll have 1.08
24 parking spaces per unit, and .83 parking spaces

1 August 31, 2021

2 per bedroom.

3 Then the key aspect was really the
4 parking utilization count. So these are the
5 actual demands observed at each of the sites. Now
6 this is a proposed facility, the numbers here
7 that are represented, are Institute of
8 Transportation engineer parking generation rates
9 for a land use that is actually non-age
10 restricted. So we took a conservative analysis
11 and they recommend .75 spaces per unit and .66
12 spaces per bedroom. So obviously, the proposed
13 project is above that amount.

14 Then moving to Jacob's Hill Road, what
15 we observed over the two week period, the average
16 peak parking demand per unit was only .77 parked
17 vehicles per unit, and .64 parked spaces per
18 bedroom. Again, seeing that Overlook Terrace is
19 well above that, we felt comfortable and
20 confident that this project was parked adequately
21 to support the proposed use.

22 At Springvale, again, we were a little
23 concerned because it's not quite the same
24 development style as the product that the

1 August 31, 2021

2 applicant is producing, but again, still well
3 below what the parking to be provided at the
4 proposed project is going to be.

5 Roundtop, you know, what's interesting
6 here is they have a higher parking demand per
7 unit, but that's because they have a higher
8 bedroom count per unit. So you when you relate
9 their actual observed parking demand per bedroom,
10 you get the .83, which coincidentally is exactly
11 what the proposed application is providing per
12 bedroom.

13 So I can answer any questions but I
14 think this provides a better overview of the
15 similar type facilities in the town.

16 MR. MAYES: I do have one quick
17 question. For Jacob Hill, Springvale and I can't
18 really read, is that Roundup or --

19 MR. HOLT: Roundtop.

20 MR. MAYES: -- Roundtop, I'm sorry. Do
21 you know whether or not those facilities were
22 fully occupied at the time the study was done?

23 MR. HOLT: Yeah, they were all fully
24 occupied.

1 August 31, 2021

2 MR. MAYES: Got it.

3 MR. STEINMETZ: Any other questions on
4 the exhibit?

5 MR. KESSLER: You'll give us a copy of
6 that?

7 MR. STEINMETZ: Sure.

8 MR. KEHOE: Do we want to keep Carlito?
9 Because we have our traffic consultant here. Do
10 we want to discuss anymore Mike? Do you want to
11 discuss the crosswalk or do it later?

12 MR. PREZIOSI: Well, I think we can
13 maybe stick on the traffic topic right now, and
14 just wrap it up. But we do have our consultant
15 here from HVEA that can summarize the review memo
16 that was sent over to the planning board and I
17 think we're at a point now where we've completed
18 the review of the traffic study and we've come
19 done to just a point of clarification as to the
20 location of the proposed crosswalk and the
21 pedestrian accommodations, and I'll turn it over
22 to Brendan who will explain in more detail, but
23 essentially it's where the location of the
24 proposed crosswalks should go versus where

1 August 31, 2021

2 they're proposed and then just a matter of
3 coordinating that into a final site plan for
4 review and approval. So, do you want to take the
5 lead?

6 MR. BRENDAN FITZGERALD: Sure, thanks.
7 I'm Brendan Fitzgerald from HVEA. I'm glad to
8 meet all you guys. So with the crosswalk,
9 obviously, with this type of development and
10 being age restricted, part of it is predicated on
11 the fact, the use of people being able to walk
12 and use public transit. So certainly the crossing
13 of Oregon Road is an important aspect of this
14 development. What the applicant has proposed is
15 rectangular rapid flashing beacon in between
16 their entrance driveway on Oregon Road and the
17 signalized intersection at Pump House, Eton and
18 Heady Street.

19 Looking, there are some guidelines that
20 the DOT offers in terms of traffic, traffic
21 volumes and speeds, and recommendations for their
22 use of this type of system. They have been used
23 all around. We have used them. They are effective
24 in certain situations. But one of the

1 August 31, 2021

2 requirements is that it be located a certain
3 distance from other intersections and certainly
4 signalized intersections. Here, it's a little
5 less than 200 feet from the signalized
6 intersection at Eton and, you know, that's --
7 they recommend at least 300 feet. In an area like
8 this, it can be reduced to something like 200
9 feet in an urban area. This wouldn't really be
10 considered to be, you know, urban in that regard.

11 So our review of that and our
12 recommendation would be that the crosswalk
13 actually be installed at the signalized
14 intersection, with pedestrian signalization. It
15 is, any reasonable traffic engineer, or any
16 engineer for that matter, will tell you that the
17 signal at that intersection is certainly
18 antiquated. The controller is not a modern
19 controller, but it is a controller that could
20 facilitate the addition of pedestrian
21 signalization.

22 It would help consolidate it. I think it
23 actually coincides very well with the expected
24 pedestrian traffic flow in terms of where the bus

1 August 31, 2021

2 stops are located. It's going to be a much safer
3 location for a crosswalk on Oregon Road, and it's
4 also not going to result in traffic having to
5 stop on more than one occasion.

6 MR. KEHOE: Brendan, this is their
7 drawing, CP2, which seems to have moved the
8 crosswalk closer to the intersection from where
9 it was located on CP1. But is this the exact area
10 where you and Mike think it should be or just
11 closer to where you and Mike think it should be?

12 MR. FITZGERALD: Closer. I mean I think
13 --

14 MR. KEHOE: It's moving in the right
15 direction, but?

16 MR. FITZGERALD: -- I think our
17 recommendation, and it's hard to tell from this
18 distance for me, but I mean I think our
19 recommendation would be that it is actually on
20 the corner and, you know, under that signal's
21 control with a stop bar for that westbound
22 approach being behind there.

23 MR. KEHOE: So maybe over a little more?

24 MR. FITZGERALD: Yeah, it's hard to

1 August 31, 2021

2 tell, though. Is that -- maybe Carlito could --

3 MR. HOLT: Well you, don't forget you
4 have Eton Downs and Heady Street, so it's, it's
5 located --

6 MR. FITZGERALD: Yeah, I know. So it be
7 on the corner of --

8 MR. HOLT: -- it really is located
9 immediately east of Eton Downs.

10 MR. FITZGERALD: Okay.

11 MR. HOLT: So I think it, you know, I
12 think I think this is a concept --

13 MR. PREZIOSI: This is a concept plan.

14 MR. FITZGERALD: Right.

15 MR. HOLT: We can, you know, work out
16 those technical details.

17 MR. FITZGERALD: And that's exactly
18 right. It would be on that eastern corner of Eton
19 Downs.

20 MR. PREZIOSI: Yeah, so just to wrap
21 with the traffic discussion, everything else
22 seems to have been addressed as far as the level
23 of service assessment, of the intersection. The
24 applicant and their traffic consultant has

1 August 31, 2021

2 addressed most of the town's concerns, comments,
3 made some efforts as to providing some concept
4 plans for future improvements to the intersection
5 and the traffic light and it's our recommendation
6 at the moment to just contemplate putting the
7 traffic crosswalk at the intersection as opposed
8 to the mid-block red flashing beacon crosswalk
9 further along this driveway site. So that's where
10 we are with traffic. I think we can pretty much
11 at this point wrap it up as far as discussion
12 goes on that topic, and then turn it over for the
13 rest of the site development, trees, landscaping
14 and onsite circulation, so.

15 MR. FOLEY: I'd like to ask a question
16 on traffic.

17 MR. PREZIOSI: Sure.

18 MR. FOLEY: Which I did bring up at the
19 work session and in the past. I have nothing
20 against the project, I think it's a great
21 project. The only issue I have is to try to
22 diffuse traffic and because as the gentleman just
23 explained with the series of lights on Oregon
24 Road around Gallows Hill Road which is a bad

1 August 31, 2021

2 intersection, up to Heady Street and Pump House
3 Road. I think that if you could have an egress on
4 to Eton Lane, I know right now, it's only
5 designed as an emergency --

6 MR. PREZIOSI: Well, no, actually
7 they've addressed that comment by --

8 MR. FOLEY: So you can come out?

9 MR. PREZIOSI: -- agreeing with the town
10 and our consultant's recommendation as to
11 allowing vehicles to leave the site, turn on to
12 Eton Downs and utilize the traffic signal to make
13 left turns onto Oregon Road. So it will be an out
14 exit and an emergency in, so emergency entrance.

15 MR. HOLT: I think there was some
16 concern about potentially bypass traffic coming
17 through the site.

18 MR. FOLEY: Yeah, I understand that,
19 yes.

20 MR. HOLT: So what they've proposed at
21 this point is to have an exit out of their
22 facility onto Eton Downs, but it's going to be
23 channelized such that it's going to be a right
24 turn only.

1 August 31, 2021

2 MR. FOLEY: Right. So, in other words,
3 then my idea of having a left turn up Eton Downs
4 also, which could diffuse traffic going back to
5 Oregon Road and like, for people who live up in
6 that area or want to cut up to Waterbury Manor,
7 along Waterbury Parkway, which is a fairly good
8 road, up to Route 6, I thought that if you're
9 allowed to make a left turn out of there, that
10 would help diffuse traffic. Otherwise, they're
11 all going to feed down to the light at Oregon and
12 Eton and Pump House.

13 MR. PREZIOSI: Right. That's a comment
14 we can bring back to the applicant to review and
15 make sure it's a full movement exiting the site,
16 right out, left out as opposed to an entrance in,
17 and see if there's enough, or any concerns with
18 traffic movement that could potentially impact. I
19 think the majority of southbound traffic, which
20 would be coming down the stream is very minimal
21 on Eton Downs, so it may not be a turning
22 conflict. So we can ask Carlito and Brendan to
23 just touch base on that and see if it can be
24 converted to full movement.

1 August 31, 2021

2 MR. FOLEY: I don't know how much
3 traffic is going to be generated out of the site
4 with employees, supposedly residents, supposedly
5 won't have cars, but if this is just 55 and over,
6 right, so some will have cars.

7 MR. HOLT: Yes.

8 MR. PREZIOSI: Carlito should be able to
9 address the assignment and distribution of the
10 vehicles exiting the site, so.

11 MR. HOLT: Yeah, So, essentially the
12 distribution was a 50/50 split on north and south
13 on Oregon Road. There wasn't any assignment
14 really back up Eton Downs Road, and like Michael
15 said, the concern was the benefit of maybe one or
16 two cars making that movement to go that way as
17 opposed to coming out and going back up Eton
18 Downs was balanced with the potential that people
19 then would bypass the signal and use the site as
20 a cut through, so we had a slight safety concern.
21 But we can definitely work that out technically
22 with staff and consultants. And if we find that
23 there is a balance that can be struck to allow
24 that movement, I don't think the applicant is

1 August 31, 2021

2 opposed to it.

3 MR. FOLEY: I don't know how you reached
4 the figure that it would be very minimal coming
5 out and making a left, but again, you guys did
6 the analysis. I'm just trying to find a way to
7 avoid more cars going down Oregon Road and the
8 confusing light system there.

9 MR. HOLT: Understood.

10 MR. KIMMERLING: So the egress to Eton
11 Downs is right turn only? Up Eton Downs to Oregon
12 Road?

13 MR. HOLT: Right now, it's proposed to
14 be right turn only, but would allow full movement
15 emergency access.

16 MR. KIMMERLING: Okay. And can people
17 come down Eton Downs and make a left into the
18 project?

19 MR. FOLEY: A right.

20 MR. HOLT: A right, no.

21 MR. KIMMERLING: No, left.

22 MR. FOLEY: So in other words, they
23 would have to go --

24 MR. KIMMERLING: I can turn down Eton

1 August 31, 2021

2 Downs, and the go left into --

3 MR. KESSLER: Going up and down.

4 MR. KIMMERLING: What was that?

5 MR. KESSLER: I think we're getting
6 confused about up and down. We're using down Eton
7 Downs.

8 MR. PREZIOSI: I think the question
9 that's trying to be asked is whether or not
10 consideration was given to fully address the
11 comment, which was to make the Eton Downs
12 entrance/exit a full movement, so it's an
13 entrance and an exit as opposed to just an exit
14 in this diagrammatic sketch.

15 MR. KIMMERLING: Thank you, Michael.

16 MR. FOLEY: Because it seems like what
17 George is saying --

18 MR. KIMMERLING: And what is the answer?

19 MR. FOLEY: -- and then it would bring
20 more cars down to the Oregon Road light as
21 opposed to them turning the right into -- maybe
22 they work there, maybe they're a resident. I
23 don't know.

24 MR. KEHOE: Well, I guess, George --

1 August 31, 2021

2 MR. STEINMETZ: [unintelligible]

3 [01:19:24] the answer?

4 MR. KIMMERLING: No. So if I made a
5 right on Eton Downs, then could I make a left
6 into the development through that?

7 MR. HOLT: Well, you make a right, it
8 would be two right hand turns. So if you're
9 coming down Eton Downs, you come to the light,
10 make a right on Oregon Road and then make a right
11 into the site driveway. But you're asking could
12 you --

13 MR. KIMMERLING: I'm asking if I'm
14 coming on Oregon Road and I make --

15 MR. MAYES: Going east.

16 MR. KIMMERLING: -- I don't know.

17 MR. KEHOE: Yes, going east.

18 MR. KIMMERLING: Going east.

19 MR. HOLT: Oh, can you make a right,
20 then a left?

21 MR. KIMMERLING: You make a right on
22 Eton Downs and then a left into the project?

23 MR. HOLT: Not as it, no.

24 MR. STEINMETZ: Presently, the answer is

1 August 31, 2021

2 no.

3 MR. HOLT: No.

4 MR. KIMMERLING: Thank you.

5 MR. STEINMETZ: There's a
6 [unintelligible] [01:20:01] that will be there
7 that will be there that will preclude that other
8 than for emergency purposes.

9 MR. KIMMERLING: Okay. Great. Thank you.

10 MR. PREZIOSI: It's an exit only is
11 what's being shown.

12 MR. KIMMERLING: Right. I have to wear
13 sneakers that say right and left sometimes.

14 [laughter] I appreciate it.

15 MR. STEINMETZ: I think we're going have
16 Jerry [unintelligible] [01:20:19].

17 MR. KIMMERLING: Sure.

18 MR. JERRY SCHWALBE: Good evening, Jerry
19 Schwalbe from Divney Tung Schwalbe. We had been
20 working on the plans since the last meeting. One
21 of the things that was discussed and obviously
22 you were at the site walk, where we had seen the
23 plans and the layout in the field, the number of
24 trees that are on the property and existing

1 August 31, 2021

2 infrastructure that's there.

3 One of the things that we were tasked
4 with was to restore the property. Obviously, the
5 proposed program will, and purposely so, the
6 building was nestled down in the site. So I don't
7 know if you remember, the oval in the back is
8 approximately 70 feet higher than Oregon Road at
9 the driveway. And what we did is to bring the
10 building down such that the roof of the building
11 is actually less than the existing catering hall
12 that's there now. So, the top of the roof
13 elevation would be about the same elevation as
14 the center point at the oval behind you. So if
15 you were driving down the oval, you wouldn't see
16 the building at all where right now, it's another
17 15 or so feet higher.

18 So that was the guiding principle of why
19 we tried to do that. Now, obviously when you do
20 that, there's some excavation and grading that
21 needs to be done. One of the results was we have
22 a nice flatter front entry area, we have more
23 gradual driveway to get out to Oregon Road and
24 what we've done now is once the layout has been

1 August 31, 2021

2 set is to try to find a plan that one, creates
3 the site stabilization because we have some steep
4 slopes that we had identified before. Obviously,
5 we want to have some visual interest both onsite
6 and offsite, what does it look like from offsite,
7 and also some diversity in planting. You don't
8 want to do all one type of plants.

9 So we picked up some cues that the Board
10 had, one being the entryway coming in. There's a
11 lot of tall, evergreen trees, which are a mix of
12 larches and white pines, some of which are
13 snapped off at the top. The larches I understand
14 have a disease, they're not doing well. So we're
15 proposing with the new roadway going through it,
16 to create sort of nice alley of trees, about 35
17 feet on center, but increasing the caliper, so
18 like four-and-a-half to five inches in size day
19 one going in. So we'll have ten -- so if you see
20 in, it's kind of far maybe to see, but the entry
21 road, you can see, there's ten trees there, and
22 those would be proposed as red maple trees. So in
23 the fall, you can imagine, you get that really
24 bright glow of color going as they mature, and

1 August 31, 2021

2 it'll be quite nice. And those would be, you
3 know, as I said, four-and-a-half to five inches,
4 good sized trees going in day one.

5 Some of the other trees on the site were
6 either in the building area, and you know, cuts
7 and fills where we -- you know, obviously to save
8 a tree like a large tree would not be feasible.
9 We did identify one tree which was a 70-inch
10 maple tree. So sort of in that left quadrant
11 there, you'll see, where the walkway curves over
12 to the, down to Oregon Road, there's a circular
13 pattern there. That's a 70-inch maple tree that
14 we're going to make all efforts to try to save
15 that, okay.

16 So we're going to do some additional
17 grading to move the impact of the grading and any
18 kind of drainage piping, sewer piping that had
19 gone there before and sort of keep it out of that
20 zone. So a 70-inch tree, as you can imagine, has
21 a big, large root zone, both on the internal
22 structure of it and then also the feeders that go
23 out beyond that. So we're trying to make sure
24 that's -- as a gal in my office said, it looks

1 August 31, 2021

2 like a Harry Potter tree, so I think it's worth
3 making that effort to preserve it as best we can.

4 The other areas, along the buffers,
5 especially on Eton Down, I just drove there today
6 on my way in, and a lot of invasives in there,
7 some are not doing well, some are broken off, so
8 we're proposing to go in and do sort of a
9 cleaning up of that corridor. I feel that the
10 buffer there needs to be strengthened a little
11 bit, but also I think we want to keep some views,
12 because there's an open lawn area there. And we
13 adding more trees and a walkway, I think that
14 would be nice to be able to look in and see that
15 nice front lawn and everything there. So we'll
16 work with the Board in terms of what the best
17 solution there is. But I think it's more of a
18 restoration of the buffer and strengthening it a
19 little bit more.

20 The other area, you can see, there's two
21 basins. There's two basins. There's a stormwater
22 basin on the right, which is more of a quantity
23 kind of basin, which will have more plantings at
24 the bottom, more moist soil and that'll be the

1 August 31, 2021

2 core of the basin, of the site measure that will
3 detain and store most of the water.

4 The small basin on the left will be our
5 water quality basin and that will have some
6 trees, some smaller trees, shrubs and wetland
7 grasses in there so that would offer a lot of
8 diversity in that section, and that'll be right
9 below where that large maple tree is and then the
10 walkway will come around it. You can see we have
11 some flowering trees and some others, large trees
12 as well.

13 So a total of right now where we're at
14 is about 167 trees going in on this site, with
15 shrubs, quite a number of shrubs and then
16 grasses. If you zoom out a little bit, Chris, you
17 can see towards the back of the site, well
18 actually if you just showed the whole plan would
19 be okay as well. So there's a little shaded area
20 right behind the emergency access road, so that's
21 sort of a steep slope that we're creating as we
22 drop the building down. And then there's a
23 retaining wall that we had mentioned before. So
24 that slope will be revegetated with shrubbery and

1 August 31, 2021

2 ground cover to sustain that in permanence.

3 And everything back from that area,
4 there's also a sewer line easement that goes
5 through there, so part of that wooded area will
6 remain but we're supplementing other trees, some
7 lower flowering trees. Those colored tree symbols
8 are the flowering trees that we're proposing, a
9 variety of different kind of trees, which we'll
10 outline to you, including dogwoods and other
11 hawthorn trees, redbuds and hornbeam kind of, you
12 know, more native and a diverse selection of
13 trees in that area.

14 And that's sort of like the plan that
15 we've proposed is putting in a lot more
16 restoration, a lot more trees in the area, and
17 those trees on the buffer, we'll save most of
18 those trees, but if they're dying and not doing
19 well, I think it's worthwhile to remove them and
20 make a more sustainable plan by replanting with a
21 tree that's been designed to be in that area.

22 There's one tree along the entrance road
23 at the end by Oregon Road, it was labeled as a
24 good tree, but if you stand back and look at it,

1 August 31, 2021

2 a major branch is just snapped off at the crown,
3 at the top. And to me, that's already going to
4 invite disease and mold and things. I think
5 that's the tree that we want to replace anyway.
6 But those are the things that, you know, you come
7 across as you go through and clean up the
8 buffers, so we wanted to apprise you of the
9 efforts we're trying to do here and make a
10 better, more sustainable plan for the future. If
11 there's anything specific, I'd be glad to answer.

12 MR. KESSLER: We had talked early on
13 about possibly in the front, some sort of
14 covering. Have you thought about that or
15 revisited that?

16 MR. SCHWALBE: Oh, the canopy?

17 MR. KESSLER: Yeah.

18 MR. SCHWALBE: Yeah, I think, Myles, did
19 you --

20 MR. MYLES MONAGHAN: I mean the same
21 concept, Member Kessler, that Jerry was referring
22 to, which would be to clean up the frontage on
23 any trees that are not healthy and replant them
24 according to this plan, you know, a caliper that

1 August 31, 2021

2 meets code and the species selections, bottom
3 right, you can, a little bit of a menu that we
4 created if you can get over that.

5 MR. KESSLER: Yeah, I know, different
6 canopy.

7 MR. MONAGHAN: Oh, yeah, yeah, yeah, at
8 the building entrance, sorry. I thought you were
9 thinking tree canopy. Got you, roof canopy. So
10 it's as proposed, we are open to extending it to
11 that island. I do remember that comment. We
12 haven't gotten fully into elevations yet. This is
13 kind of back to David's earlier comment about
14 kind of needing to rezone the property and
15 getting to a certain point where we're willing to
16 kind of get into vertical design and really
17 explore that. And we're absolutely open to that
18 kind of feedback and I think as we progress,
19 we'll make those changes and continue the
20 conversation.

21 MR. KESSLER: Thanks.

22 MR. STEINMETZ: So, Madam Chair, we
23 really had nothing else affirmatively that we
24 wanted to present this evening. We're happy to

1 August 31, 2021

2 answer any other questions. Our primary goal
3 tonight was to come back, NRP wanted to make sure
4 that our team was responsive to these issues. We
5 certainly sent a fair amount of written product
6 back to Michael and Chris and Brendan and their
7 teams. And we are hoping, Madam Chair and members
8 of the Board, to be in front of the town board
9 during the month of September and to potentially
10 conclude the SEQR process.

11 Whether your board procedurally wishes
12 to close your public hearing or hold it open, we
13 now we're coming back to discuss site plan but we
14 would like to continue to proceed with the town
15 board, to try to get the text amendment addressed
16 and then come in with final design site plans.

17 MR. KESSLER: Would you think that would
18 be the October meeting or the November member
19 where we would continue this?

20 MR. STEINMETZ: That we would?

21 MR. KESSLER: Continue the discussion,
22 the public hearing.

23 MR. STEINMETZ: So it would probably be
24 smart to keep us on the October agenda and we can

1 August 31, 2021

2 always pull off if we don't get your materials in
3 advance. My discussions with the town attorney's
4 office indicated the possibility of being on a
5 September 21st town board agenda relative to
6 SEQR, so we hope to do that. If that's the case,
7 we could be back here in October potentially.

8 Sorry, that was a long answer to your
9 question, Mr. Kessler, hold us for October,
10 because I know Myles is keeping a fire under all
11 of us.

12 MS. TAYLOR: Sounds good.

13 MR. KEHOE: Well, I believe there are
14 people who wish to speak, sorry, so.

15 MS. TAYLOR: Okay, we are in a public
16 hearing for this project. If there's anyone who
17 wants to make a comment, please come forward. We
18 need your name and your residence.

19 MS. WENDY TALIA: Hello. I'm Wendy
20 Talia, 3 Watson Street in Cortlandt Manor. I'm
21 here speaking tonight on behalf of the North
22 Cortlandt Residents Vision Committee, just
23 responding to the response to comments and the
24 EAF as it stands so far, understanding that NRP

1 August 31, 2021

2 has pledged to collaborate with the Historical
3 Resource Advisory Council. We just want to
4 express our current observations. So we see that
5 the plans for facility thus far appear as if they
6 will impact the community character of the
7 neighborhood and may actually serve to erase
8 certain chapters of history in the Van
9 Cortlandtville section of town.

10 The extent of the historical research
11 included in the EAF documents to date only
12 documents a desktop check-in with the New York
13 State office of Parks, Recreation and Historic
14 Preservation. And it simply states, it's the
15 opinion of the OPRHP -- may I take this off? I'm
16 having a hard time breathing -- that no
17 properties including archeological and/or
18 historic resources listed in or eligible for the
19 New York State and National Register of Historic
20 Places will be impacted by this project.

21 This is a true statement, but this
22 property has never been proposed to be registered
23 and so it's just simply not in their database.
24 That doesn't mean there's no impact to a historic

1 August 31, 2021

2 resource. I know that everyone in this room, on
3 this board is well aware of the historical sites
4 in the area, so I won't talk at great length, but
5 I will give a one minute tour for NRP.

6 The immediate area is home to several
7 sites on the National Registry that includes the
8 Little Red Schoolhouse, John Jones homestead, Old
9 St. Peter's Church, the Old Cemetary and the Van
10 Cortlandt Upper Manor House. Oregon Road, Gallows
11 Hill, Pump House, and Locust Avenue are all
12 designated historic roads. The town is part of
13 the Washington-Rochambeau national trail and will
14 be a focal point in celebrations for the nation's
15 250th, coming up in 2026.

16 The Colonial Terrace property itself was
17 originally part of Van Cortlandt's Manor across
18 the street. The Manor House was used many times
19 by George Washington and his officers from 1776
20 to 1778 and a skirmish with the British occurred
21 right on the front lawn of the property that is
22 under revitalization I hope.

23 The Van Cortlandt family is not just
24 locally significant for founding our town. They

1 August 31, 2021

2 played significant roles in the founding of our
3 country. Pierre Van Cortlandt, Sr., was the first
4 lieutenant governor of New York State. He helped
5 write the New York State Constitution. His son
6 Pierre, Jr., studied law in the office of
7 Alexander Hamilton, he served on the State
8 Assembly, he was elected to the 12th Congress. He
9 also founded the Westchester County Bank in
10 Peekskill. And it was his brother, Philip, who
11 was our first town supervisor.

12 A later occupant of this property,
13 Colonel Eugene Waterbury is locally known as the
14 developer of Waterbury Manor. He was also a
15 founding member of the Rough Riders and served in
16 the Spanish American War. He went on to invent a
17 process that's still used today to manufacture
18 vitamin D supplements.

19 In contrast, NRP's plans so far, show a
20 columned portico on an otherwise unremarkable
21 facility that's typical of most condominium
22 projects and bears little resemblance to the
23 mansion that it's replacing.

24 This design might be welcomed in a

1 August 31, 2021

2 blighted urban setting or a rural community
3 seeking revitalization. It doesn't really fit
4 well in a prominent section of a historic hamlet.

5 With all due respect to the Drogy family
6 and I really mean this because I had a wonderful
7 wedding reception at your facility, a display of
8 memorabilia from the property's most recent use
9 as a catering hall does not do justice to the
10 memory of its prior occupants or the history that
11 happened here.

12 We only ask that NRP better align their
13 plans with the town's matter plan, which includes
14 policies such as developing design guidelines for
15 historic areas, such as Van Cortlandtville.
16 Seeking formal and state national registry
17 designations for eligible resources, even if the
18 building is not there, the people who came
19 through it are worth remembering, developing
20 signage and historical plaques and improving the
21 visual quality and community appearance of
22 existing hamlet areas throughout the area, such
23 as streetscapes and public art. And we thank you
24 for your improved landscaping plan. We just hope

1 August 31, 2021

2 you'll do the same for the building itself. Thank
3 you.

4 MR. CRAIG HORSFIELD: Good evening,
5 Craig Horsfield, Cortlandt Manor resident of 25
6 years. I live on Oregon Road and I just have some
7 concerns regarding this proposal. I know it was
8 briefly touched on with the traffic patterns that
9 are going to affect Oregon Road specifically.
10 I've been on Oregon Road, like I said, for 25
11 years and adding this potential traffic is not
12 going to be conducive to the problem we already
13 have on Oregon Road, which is, you know, the high
14 amount of vehicles already that go across Oregon
15 Road every day.

16 So one of my concerns, I don't know if I
17 missed the first meeting or the second meeting,
18 this is the first I knew about this particular
19 proposal, so it's my concern that adding all this
20 vehicular traffic to the area is going to cause a
21 strain on all the resources that we have now
22 because the only traffic devices that we have
23 from Peekskill to Cortlandt, the first one is I
24 believe on Constant and North Division, which is

1 August 31, 2021
2 a traffic light. And then the next traffic ligh
3 is not until I believe what is it, Heady, right
4 here at the end of town hall here. So I live
5 right on the bend of Oregon Road, and I can
6 honestly tell you we've been trying to address
7 the issue with that, that cars are coming, you
8 know, at a substantial speed because there is no,
9 I don't know what you want to call it, a slow
10 down area.

11 So now you're getting to a point here
12 where there are two traffic devices in a short
13 distance, but all these vehicles coming from
14 Peekskill into Cortlandt have no way of being
15 able to slow down at this added, you know,
16 traffic pattern that's going to be onto Oregon
17 Road, because there's no other access onto Oregon
18 Road, I mean no other access out of the specific
19 site, other than Oregon Road, correct. And, like
20 I said, it's bad enough what we have already and
21 adding this particular amount of potential
22 vehicular traffic is just going to cause more
23 hindrance for the neighborhood. I mean I
24 appreciate the effort and everything. And I think

1 August 31, 2021

2 it's just a little too much for this specific
3 area, so thank you.

4 MR. CHARLES MESSINA: Good evening, my
5 name is Charles Messina, I've lived in Cortlandt
6 for 38 years. I live on Dogwood, so it's not too
7 far from Colonial Terrace. I seem to, I guess I
8 must have missed something here also, when we
9 were discussing traffic patterns. A traffic study
10 was done and what was the conclusion? Did, is it
11 going to impact the traffic on Oregon Road? Is
12 there going to be a traffic light that's going to
13 be put in, and Bob had suggested at a previous
14 meeting using Heady Street, is that Head Street,
15 as an exit.

16 MR. FOLEY: Eton Downs.

17 MR. MESSINA: Eton Downs, I'm sorry,
18 Eton Downs, which I think would be a great
19 proposal because then you have a traffic light.
20 Once you leave the --

21 MR. STEINMETZ: It's been incorporated.

22 MR. MESSINA: It's been incorporated?
23 Alright. So, so that is going to be an exit?

24 MR. STEINMETZ: Correct.

1 August 31, 2021

2 MR. MESSINA: Because originally, last
3 time I heard it was going to only be for
4 emergency vehicles.

5 MR. STEINMETZ: Yeah, it's been
6 incorporated. We said it earlier. You may have
7 missed it.

8 MR. MESSINA: Okay. I did miss it.

9 MR. STEINMETZ: [unintelligible]
10 [01:40:47] preventing anyone from making a left,
11 only right turns out onto Eton Downs.

12 MR. MESSINA: Alright. So, when you
13 leave the property, you won't be able to make a
14 left, you can only make a right?

15 MR. STEINMETZ: Correct.

16 MR. MESSINA: I don't see what the point
17 of that is, but whatever. Okay. And the other
18 issue, there was another issue, but
19 unfortunately, I've forgotten it. Oh, I know. How
20 many units are actually going in and how many
21 parking spaces are there? Could you tell me that?
22 How many actual units are going in?

23 MR. STEINMETZ: 135 units and 146
24 parking spaces.

1 August 31, 2021

2 MR. MESSINA: And how many bedrooms to
3 each unit?

4 MR. STEINMETZ: We have --

5 MR. PREZIOSI: Let's just focus the
6 comments to the planning board and then the
7 applicant can wrap up and address some of the
8 comments at the end of the public hearing.

9 MR. MESSINA: Alright, then, so someone
10 answer the question, how many units? How many
11 bedrooms, how many parking spaces?

12 MR. PREZIOSI: And Myles, if you would
13 like to step up just to answer that real quick.

14 MR. STEINMETZ: [unintelligible]
15 [01:41:52] let him finish now.

16 MR. PREZIOSI: Just speak into the
17 microphone Myles, if you don't mind. Thank you.

18 MR. MONAGHAN: So the proposed project,
19 Overlook Terrace, has 135 total apartments, 175
20 total bedrooms with a total parking spaces of
21 146. And as you've seen here, we had our traffic
22 engineer from Provident Engineering discuss the
23 comparable properties in the town, Jacob's Hill,
24 Springvale and Roundtop and you can see them here

1 August 31, 2021

2 compared.

3 MR. MESSINA: And it is still proposed
4 that there will be no assigned parking spaces?

5 MR. MONAGHAN: That's true.

6 MR. MESSINA: And was there any mention
7 of staff that's going to be working at that
8 facility? Was there enough parking for other
9 people coming in, working on the property,
10 managers and so on?

11 MR. MONAGHAN: Yes, that's been
12 contemplated, yes.

13 MR. MESSINA: Very good, thank you.

14 MS. TAYLOR: Is there anyone else who
15 wants to make a comment? Well --

16 MR. HORSFIELD: I'm sorry, back again,
17 Craigh Horsfield, just to clarify now, I'm
18 getting cross information I think and maybe it
19 wasn't explained clearly. So there is no exit,
20 other than Eton Downs, is that what I'm hearing?
21 So you can enter off Oregon Road, but you can't
22 exit onto Oregon Road? Is that what was said,
23 because before I think what was told was that
24 there was going to be an exit but for emergency

1 August 31, 2021
2 purposes only, not as an exit for people to leave
3 the building, it was only for exigent
4 circumstances that people can leave from that
5 exit on Eton Downs. And I think that's where
6 things got crossed because I was paying attention
7 and it said for exigent circumstances, not for
8 everyday exit. So now we have traffic coming in
9 and going out onto Oregon Road, which is already
10 going to be bottlenecked at that specific area
11 because if you look at Cross Creek having similar
12 issues to what you guys are proposing may not be
13 an issue, because they can't make the left or the
14 right, and there's no traffic device there as
15 well. And that's directly across the street from
16 the gas station and I don't think their units are
17 as many as you guys are requesting.

18 And according to the charts here, it's
19 great to make a comparison to the other places in
20 the area. However, they're not located on -- like
21 if we look at Overlook Terrace, there's not a
22 major road that runs into their parking lot, you
23 know. It's off the beaten path and I believe most
24 of these other facilities are off the beaten

1 August 31, 2021

2 path. There's no major concerns of a school
3 directly across the street, and elderly folks
4 rehabilitation center across the street and then
5 also the two traffic lights in between that, you
6 know, you've got school buses coming every
7 morning. And when Colonial Terrace was actually
8 opened, most of the traffic was after the close
9 of business because they ran the business that
10 catered to weekends and later on in the evening
11 where the traffic was able to sustain itself
12 during the day because the business was closed
13 down and whatnot.

14 So now you're creating two spots within
15 probably less than a half a mile of left and
16 rights with no traffic devices whatsoever on
17 either one. And like I said, Oregon has the buses
18 coming every morning. I can sit here and I love
19 that you have traffic people all involved. They
20 don't live on this street. I live on this street
21 and I can tell you right now that it's going to
22 be a bottleneck. So you can have all that paper
23 stuff and whatnot. You have to actually see it on
24 a daily basis to see what actually goes on, on

1 August 31, 2021

2 Oregon Road. Because we do get the big commercial
3 traffics with the gas station trucks like I've
4 heard from the previous proposal and I just want
5 to know where all this traffic is going. And like
6 I said, I've been here 25 years and it's only
7 getting worse with all the new developments that
8 are coming in and that's my major concern, so
9 thank you again.

10 MR. RICK RIBEIRO: Good evening, my name
11 is Rick Ribeiro, 5 Mill Court, I came for a
12 different project, but I just wanted to ask a
13 question with regarding this. The total units
14 that were mentioned of approximately 135, is each
15 individual unit limited to only one vehicle being
16 parked on premise or are they allowed to have
17 multiple vehicles, especially if there's a two-
18 bedroom unit. It seems like the number might be a
19 little tight as far as the number of units,
20 parking spaces, people working on the facility.
21 And then, it hasn't been brought up, hopefully
22 these people, these residents have family members
23 and friends that are visiting them as well, and
24 you could increase that easily by 25 percent at

1 August 31, 2021

2 any given time, on a holiday, on a weekend. So if
3 that could be addressed possibly, if there's
4 going to be a restriction, parking space per
5 unit, as many spaces as you need, or what that
6 might look like. Thank you.

7 MS. TAYLOR: Okay. Are we done? Is there
8 anybody else?

9 MR. STEINMETZ: Just very briefly to
10 recap, and really to respond, I apologize, I
11 didn't catch your name.

12 MR. HORSFIELD: Craig Horsfield.

13 MR. STEINMETZ: It's possible that some
14 members of the public are not fully aware that
15 comprehensive traffic analysis was done by our
16 client. It was then independently reviewed by the
17 town's consultant. The conclusions were that
18 there was no significant adverse impact
19 associated with traffic or parking. In fact, the
20 traffic movements actually show that there would
21 be fewer movements coming from this project than
22 there were during Colonial Terrace, which does
23 operate and did operate at the p.m. peak.

24 So our p.m. peaks are significantly less

1 August 31, 2021

2 than p.m. peak movements for Colonial Terrace and
3 the conclusion of the report demonstrated that
4 our a.m. peak would not have an adverse impact.

5 Nonetheless, our client voluntarily
6 agreed to work with the town to deal with a
7 preexisting, and acknowledge, a preexisting
8 condition that's there. We're very well aware of
9 that, sir. In fact, it's something that our
10 client not contributing substantially to the
11 movements on Oregon Road would love to see Oregon
12 Road improve, it's exactly why they've agreed to
13 step up, as Michael said earlier, and work
14 voluntarily with the town on some potential
15 design modifications that I think Mr. Fitzgerald
16 will confirm can be dealt with in that
17 controller, as well as providing the crosswalk.

18 Bottom line, Madam Chair, members of the
19 board, my client looks forward to helping address
20 and mitigate a preexisting condition here in the
21 town on Oregon Road. Our client looks forward to
22 working cooperatively with the community to
23 address the historical benefits of this area.
24 They're very well aware of what has happened.

1 August 31, 2021

2 We've met with other folks directly from the
3 community, who have expressed some concerns about
4 how we address some of the historic issues. The
5 Drogys have been wonderful about making some of
6 their resources available for preservation. And I
7 appreciate the fact that you quoted SHPO
8 acknowledging that this is not a historic
9 designated site and that they did not find any
10 adverse impact.

11 Having said all of that, we look forward
12 to coming back to the Board in October. We look
13 forward to continuing to work with the entire
14 community cooperatively and we anticipate
15 appearing in front of the town board for a
16 negative declaration so that the zoning text can
17 be adopted. If the Board has no further
18 questions, I know you have a lengthy agenda
19 behind us. We will see you hopefully in October.

20 MS. TAYLOR: Okay, fine.

21 MR. FOLEY: Two quick questions I didn't
22 get a chance to ask Jerry. Briefly, the tree
23 that's in the front, the bluish green that I
24 think Loretta was hugging at the site visit,

1 August 31, 2021

2 that's gone, right? Or did you work it into the
3 front of the building?

4 MR. SCHWALBE: Which one, Bob? Is that -
5 -

6 MR. FOLEY: As you come up to the front
7 of the building.

8 MR. SCHWALBE: Right.

9 MR. FOLEY: To the left, there's a
10 beautiful small specimen tree, small.

11 MR. SCHWALBE: The American smoke tree I
12 think it was called, yeah.

13 MR. FOLEY: Is that gone now?

14 MR. STEINMETZ: Yeah, that, there's no
15 way to -- that's right in the heart of the
16 parking lot and you know.

17 MR. SCHWALBE: It's in the building
18 path.

19 MR. FOLEY: Okay.

20 MR. STEINMETZ: By the way, Bob, that is
21 not -- we could replace it with another one, but
22 we wouldn't do that because it's not a native
23 tree from this area.

24 MR. FOLEY: Alright. It just looked

1 August 31, 2021

2 beautiful.

3 MR. STEINMETZ: No, I understand, yeah.

4 MR. FOLEY: On the, I just want to
5 reiterate before I do the other, my idea on the
6 traffic was to diffuse traffic. Now, as I see
7 some other people have spoken, when you travel
8 that corridor every day, you see the problem with
9 the series of from actually Pump House Road,
10 which not, Pump House, Gallows Hill, which
11 doesn't have a light, but then as you proceed,
12 going westerly, there's that series of lights and
13 whether it's [unintelligible] [01:51:32] in and
14 out, Colonial Terrace, great place, I've been
15 there many times, you're great people. That is
16 not 24 hours a day, right, whereas this will be.
17 And I know you did a study.

18 So I would hope that on the traffic, we
19 look at it carefully and my idea about Eton Downs
20 was just to kind of find another way for cars to
21 go. And I understand about the concern about cars
22 cutting through, okay.

23 So let me, and also on historical,
24 [unintelligible] [01:52:06] historical on the

1 August 31, 2021

2 Board, and so is Charlie who just spoke. And
3 there is an article that the Drogys cooperated
4 with, that Charlie and Jerry Dempsey wrote in our
5 newsletter. I thought I had passed that on to our
6 board last year. But it was very informative and
7 there's a lot of historical significance in the
8 area. So whatever you can do, as I Ms. Talia I
9 believe said, whatever you could do in the
10 entrance would be good, I mean inside.

11 MR. STEINMETZ: Understood.

12 MR. FOLEY: I'd like to make a motion
13 that we adjourn, are we going to close, we're not
14 going to close or just adjourn to the October 5th
15 meeting?

16 MS. TAYLOR: To, yes, to October.

17 MR. FOLEY: Okay. I make a motion we
18 adjourn to October 5th.

19 MR. KIMMERLING: Second.

20 MS. TAYLOR: Thank you, On the question?
21 All in favor?

22 MULTIPLE: Aye.

23 MS. TAYLOR: Opposed?

24 MR. STEINMETZ: Thank you all. Stay

1 August 31, 2021

2 safe, have a good night.

3 MS. TAYLOR: Okay. Thank you. Alrightie,
4 we're moving on to the final public hearing.
5 Excuse me. Hello back there, hello. Please. This
6 is PB 2020-9, the application of CVE North
7 America, Inc., for the property of Kirquel
8 Development, Limited and Patrick and Sharon Parr
9 for site development plan approval and special
10 permit and for tree removal and for steep slope
11 permits for a proposed five megawatt solar energy
12 production facility to be located on two parcels
13 of property located along Red Mill Road and at
14 the end of Mill Court, totaling approximately
15 43.12 acres. The latest drawings revised June 17,
16 2021.

17 MR. CARSON WEINAND: Yes, hello. Carson
18 Weinand from CVE, great to see the Board tonight.
19 So, I saw Chris has pulled up our materials for
20 the night. Since the last planning board meeting,
21 we have responded to a handful of requests that
22 have come in. So, extensive engineering comments
23 from Michael Preziosi, fire comments and then of
24 course, comments from the public. So about a week

1 August 31, 2021

2 ago, we submitted a supplemental application,
3 responding to all of those comments and
4 questions. This information serves as one
5 centralized place for all of the important key
6 statistics of our solar farm.

7 And tonight, I don't want to -- it's 30
8 pages, I don't want to go through each slide in
9 depth. I know there are some time constraints
10 tonight, but I want to talk about the highlights.
11 I wanted to talk about our new setback compliant
12 layout. We have a new updated layout that is much
13 smaller in size. I wanted to compare this new
14 layout to the previously approved Mill Court
15 residential subdivision at the same site. And
16 then I wanted to talk about the extensive
17 mitigation efforts that we're taking in response
18 to this solar project and some of the new things
19 that we've introduced. So I'll keep it brisk
20 here.

21 Just turning he page, on page four is a
22 slide on our new layout. So this is our fourth
23 layout in our site plan application. Yep, that's
24 the layout right there. This layout, as compared

1 August 31, 2021

2 to layout number three, which was previously
3 proposed at the last meeting and is now outdated
4 and CVE is recommending and proposing layout four
5 shown there.

6 So this layout is 16 percent less in all
7 of the key data points. So it is 2,088 fewer
8 panels, it's 3.09 fewer acres of disturbed
9 acreage and it is impacting 547 fewer trees. It
10 is now compliant with all property line setbacks
11 so on the north, the west and the south, it's 200
12 feet from the solar facility to the property
13 line. It is a roughly four megawatt solar system
14 now consisting of 9,500 solar panels. Previously,
15 it was a five megawatt solar system consisting of
16 11,500 panels, so, a significant reduction in the
17 size of our system. We removed two columns along
18 the western border of the site, and we removed
19 one row, one or two rows along the southern,
20 yeah, if you flip back and forth, you can see how
21 it shrunk.

22 So now the total trees removed are
23 2,800. Previously they were 3,347, so a big
24 reduction in the number of trees, 547 trees that

1 August 31, 2021

2 we are no longer impacting. We are also, which
3 I'll get to later, but quickly here, I guess,
4 we're planting 80 new trees in the northern
5 property line buffer, the northern property
6 setback buffer. So, I believe it's 50 evergreen
7 trees and 30 deciduous trees.

8 Layout five is optional and it's
9 something we wanted to just prepare and present
10 to the Board. This is the same size system as
11 layout four, except it shifts the layout 50 feet
12 further away from Mill Court. So it's 250 feet
13 from the northern property line, 200 feet from
14 the western property line and now 150 feet from
15 the southern property line. Just as an option,
16 maybe this is more appealing considering it's
17 further away from Mill Court. It does impact a
18 small number of more trees, slightly more trees
19 than layout four though.

20 So how does layout four, if we keep
21 moving maybe to slide ten, how does layout four
22 compare to the Mill Court Subdivision approved in
23 2016? We think it's less impactful, except for
24 the trees, which I'll quantify upcoming in one or

1 August 31, 2021

2 two more slides. It's less impactful on almost
3 all other criteria. So less impactful as compared
4 to distance to property lines, distance to
5 nearest homes, maximum structure height, so now
6 our panels are only six-and-a-half feet high. We
7 made, a couple meetings ago, we made a big
8 adjustment, we reduced the height of the panels
9 from I believe 7'9" to 6'5".

10 Our solar farm is less impactful with
11 regards to impervious surface, there's no
12 asphalt. The construction period is much shorter.
13 The number of vehicles add, the traffic up Mill
14 Court is almost zero. There's no students added
15 to the school districts and we are performing a
16 whole handful of mitigation measures that that
17 subdivision was not required to perform. So we're
18 mitigating beyond what the subdivision is
19 proposing and we're mitigating even beyond what
20 the code requires.

21 So, to keep moving forward, some
22 statistics, some hard data comparing our site to
23 the subdivision is on the next slide. As you can
24 see, some of these homes were much closer to the

1 August 31, 2021

2 property lines, and they were much closer to the
3 other homes.

4 The solar farm is disturbing six more
5 acres, the limits of disturbance is six acres
6 greater and we're impacting 1,093 more trees. At
7 the same time thought, we are also implementing a
8 very robust expansive landscaping plan that's
9 mitigating for a lot of those trees. So we're
10 impacting 1,093 more, but once you factor in all
11 of the trees and shrubs that we are replanting in
12 comparison to the subdivision, we are only
13 impacting 690 more trees than the subdivision.

14 The next slide just shows some of those
15 statistics I mentioned already, impervious
16 surface is lower impact than the subdivision,
17 maximum height on the structures is lower,
18 construction period is significantly less. I
19 think to construct 13, 14 homes, it would take
20 multiple years. Our site should take about six
21 months to construct. No vehicle traffic, no
22 students added to the school district.

23 We can keep going to mitigation efforts,
24 slide 14, so I will touch on these quickly. So I

1 August 31, 2021

2 think the first one and a very important one, we
3 are offering to place 63 percent of the total
4 acreage of our sites under conservation easement.
5 It's 27 acres, it adds up to 27 acres. This is
6 5.6 more acres under conservation than the
7 subdivision.

8 And I think another positive of that is
9 we also have a secondary parcel which is the
10 parcel east of Mill Court, the small sliver
11 parcel. It's owned by the Parr family and
12 previously the subdivision did not have control
13 over that property, was not proposing to use that
14 property and was not proposing to place that
15 property under conservation, so everything on
16 that property will be placed under conservation
17 except for a small corridor for some underground
18 wires. That's a big benefit for the homes on the
19 eastern side of Mill Court. Their backyards will
20 never be disturbed.

21 The next slide shows the landscaping
22 plan, our landscaping plan in some detail. I
23 don't know if I need to go over this in detail. I
24 think maybe the highlights are showing that we

1 August 31, 2021

2 replanting a bunch. We're removing 2,800 trees in
3 gross per the code, we'd be required to replant
4 938. We are getting credit for 447. So 938 is
5 what we need to replant per the code. We're
6 getting credit for replanting 447, so that means
7 we need to still mitigate for 491, 491 trees.

8 And how are we accounting for that, well
9 that's the next slide. We are offering to make a
10 contribution. Well, first, we're required to make
11 a contribution for those 491 trees and we will, a
12 contribution to the Cortlandt Tree Fund. And then
13 we are offering, CVE is offering to contribute to
14 the tree fund in excess of those requirements of
15 the code to deliver a net tree impact equal to
16 that of the residential subdivision. So we're
17 doing a little extra math here to try to get this
18 project on equal footing, on par with regards to
19 trees as compared to the residential subdivision.
20 So we are offering to contribute for an
21 additional 647 trees to the Cortlandt Tree Fund.

22 The next slide, slide 18, well I think
23 I'm one behind you, Chris, yeah, shows the math
24 for the contribution to the tree fund there. So

1 August 31, 2021

2 we're required to contribute for 491. That's
3 \$73,000 CVE is offering to contribute for another
4 646, which is \$100,000, for a total contribution
5 to the Cortlandt Tree Fund of \$170,000.

6 We're also, we've also submitted a
7 reforestation plan at decommissioning, so another
8 note is that this is a temporary structure with a
9 useful life of 25 to 35 years. Once the facility
10 is removed, we will replant, per the code, 491
11 trees on site, even though we've done all of
12 these other mitigation efforts, we will replant
13 onsite 491 trees once the system is removed and I
14 think those are all the highlights.

15 One other thing worth mentioning maybe
16 that's important to the town is on slide 23,
17 talking about tax revenue. It's a breakdown of
18 the applicable tax revenue, so we will execute a
19 pilot with the town once permits are issued. That
20 is at the rate -- the highest rate that NYSERDA
21 recommends from their pilot guidebook. So it's
22 \$11,100 per megawatt AC, so this is potentially
23 \$55,000 a year just for the pilot, which will get
24 split pro rata between the town, the county and

1 August 31, 2021

2 the school district. There are additional tax
3 revenues to the town though, through special
4 district taxes. These are calculated based on the
5 assessed value of the facility, so the math for
6 that is in the footnotes, but we estimate that
7 this could be 30 to \$40,000, potentially even
8 more, depending on the assessed value of the
9 facility per year in addition to the pilot.

10 And then one other thing that we've seen
11 throughout the state and our solar projects
12 throughout the state, something new called host
13 community agreements, so we are offering and
14 willing to execute a host community agreement in
15 addition to the pilot. And there's some legal
16 language on the sample host community agreement
17 on the right side of this slide, but basically,
18 it's a contract between the developer and the
19 local government where the developer agrees to
20 provide the community with certain benefits and
21 mitigate specified impacts of the solar project.
22 Usually it's an agreement where the town gets
23 additional tax revenue, or they get a larger
24 share of the tax revenue. So that's something we

1 August 31, 2021

2 could look into. And I appreciate your time. I'll
3 stop there. Thank you very much.

4 MS. TAYLOR: Okay. Thank you. This is a
5 public hearing. If you have a comment that you
6 wish to make, either pro or con for this project,
7 come up, give us your name and state your
8 residence as well and make your comment.

9 MR. RICK RIBEIRO: Good evening, my name
10 is Rick Ribeiro from 5 Mill Court. I have a small
11 presentation I emailed Chris earlier. I've been a
12 resident in the town of Cortlandt for over 25
13 years and the town has made great efforts to
14 protect and preserve our natural forest and
15 wildlife. The proposed site for this project is a
16 vibrant forest full of mature trees and many
17 types of wildlife, such as birds, deer,
18 squirrels, foxes, chipmunks, turtles, coyotes,
19 turkeys, hawks and countless bugs at a smaller
20 level that are all part of a wonderful balanced
21 biodiversity.

22 Setting aside the claims from CVE that
23 they are following guidelines, I ask you to
24 simply reflect on the first thoughts that come to

1 August 31, 2021

2 your mind when someone says I have a great idea,
3 let's clear cut at least 3,000 trees in a forest
4 and put in solar panels. Obviously, it sounds
5 like a terrible idea.

6 This project is a failure before it even
7 starts. The fact that the project already has a
8 plan to decommission and remove the solar panels
9 after approximately a 20 year time proves that
10 this is not the feel good project that CVE is
11 trying to convey. If the solar panel field and
12 the technology behind it were so good, they would
13 create a plan to upgrade the components once they
14 fail or when their optimal functionability has
15 diminished. These panels start to lose their
16 efficiency and start to produce less power as
17 time goes on. If something is good for the
18 environment in our community, it should be good
19 in perpetuity.

20 The fact that this is a money grab for
21 them to capitalize on large incentives that they
22 will receive from New York State and they have no
23 interest to spend their own money in the future
24 to upgrade the panels and components with the

1 August 31, 2021

2 next generations of panels that would allow the
3 solar field to continue to exist as supposedly,
4 they say, to help our community.

5 There are several misrepresentations
6 that CVE has stated in their plan and I would
7 like to show you how this solar field would look
8 from a homeowner's view. The first slide will
9 show you that CVE is boasting savings to our
10 community when in fact, it's really just peanuts.
11 Only seven percent of the Cortlandt Manor homes
12 will have a chance, but are not guaranteed, to
13 save approximately \$10.21 per month. This is a
14 far cry from being beneficial to our community.

15 The conservation easement that CVE is
16 claiming to put into place is only for the
17 setback area of the solar field. They like to
18 compare how the solar field is better than
19 building homes, but you can be sure that after
20 the solar field is decommissioned, they will be
21 back in front of the planning board asking to
22 build homes here.

23 The line of sight in this document, it's
24 very small and it's very hard to see above you,

1 August 31, 2021

2 there's a small dotted line that they like to
3 represent that the homeowners will have line of
4 sight. It looks like a laser beam. Of course we
5 have better vision than that. Our line of sight
6 is not that diminished and we can see on the
7 sketch that it's rather small.

8 The next slide will show you a blown up
9 version of the bottom of this page where they
10 have their notes. And you'll see where I
11 highlighted and made some notes there. It says
12 the claimer -- this sketch has a disclaimer
13 saying that it is for illustrative purposes only,
14 which really translates to this document is our
15 portrayal of what we want you to believe. This is
16 no scientific data correlated to our artistic
17 rendering.

18 It also says that there may be potential
19 obscured views of the fence line, inverters,
20 battery storage and distant panels and that these
21 views would not diminish for at least five years
22 when plantings might grow larger. Waiting five
23 years for shrubs to grow large enough to block
24 these views is about 25 percent of the life span

1 August 31, 2021

2 of this project.

3 The next slide will show you a more
4 realistic view of what a human eye could actually
5 see from where these panels would be. As per
6 their elevations on the top of their drawing, the
7 panels to the south, which is the right side of
8 the drawing are 40 feet higher in elevation than
9 the homes to the north on the left side of the
10 drawing. The approximate distance from the front
11 to the back of the solar field panel is about the
12 length of a football field.

13 So they would like us to believe that a
14 six foot tall shrub placed in front of a seven
15 foot tall panel immediately behind it, will be
16 able to block the views on the rest of the panels
17 as they rise higher above the elevation of the
18 shrubs. This would equate to trying to block the
19 view of a 40 foot tall building a football field
20 length away with a six foot tall shrub.
21 Obviously, it's impossible.

22 The next slide you're going to see a
23 small video clip and you can see caution tape
24 that I placed in the woods and I had my neighbors

1 August 31, 2021

2 also take a look at this as well. It should be a
3 video. If you could click once, Chris. There you
4 go. In this video, you can see the caution tape
5 that was placed at the beginning of the solar
6 field at panel height and this is a view from the
7 back of my home that I'll be able to see on a
8 daily basis, every time I'm moving around my
9 house or in the back of my property and my other
10 neighbors will see the same thing as well.

11 The next slide will show you a picture
12 of how visible the panels are from the front and
13 back of the yard and you will be able to see
14 this. I'm sorry, you will be able to see, the
15 next one, if you click again, Chris, or advance.

16 MR. KEHOE: Advance? Again?

17 MR. RIBEIRO: That's the one. Even under
18 low light conditions here, an existing tree
19 canopy you can see the area will be atrocious. If
20 you don't mind advancing to the next please. This
21 picture shows, this shows the panels will be from
22 the back of the yard and when the trees are
23 removed, the sunlight will illuminate them even
24 further into the center of the area.

1 August 31, 2021

2 The last slide is a picture from my
3 kitchen window. We'll see, if you advance through
4 that one, one more, please. Right there. So this
5 is the wonderful view that I'll be having from my
6 kitchen window and the surrounding windows in my
7 property, of the solar panels and the solar
8 field. And you can be sure that the six foot
9 shrubs that they're going to place in front of it
10 will not be blocking anything and helping us in
11 any fashion.

12 As mentioned before, this project is a
13 failure from the start. Our trees and wildlife
14 should not be sacrificed so easily when there are
15 more suitable locations for projects like this.
16 The wildlife suffers, the homeowners suffer, the
17 home values will suffer and the community will
18 suffer.

19 And before I forget, I'd like to request
20 that the planning board come out and take a look
21 at this caution tapes that's still up. I left it
22 up, you know, for a couple more days if you
23 wouldn't mind coming out, meeting with myself and
24 my neighbors, see what this looks like in person.

1 August 31, 2021

2 Looking at plans, looking at lines on a piece of
3 paper is a much bigger impact when you see it in
4 person. Thank you so much. [applause]

5 MS. SANDRA RIBEIRO: Good evening. So my
6 name is Sandra Ribeiro. And I want to talk about
7 in the response to my original question last
8 public meeting, regarding the decommissioning
9 plan, and I do know that the CVE did answer it in
10 the document and it actually had very similar
11 language seen in the New York State model of
12 solar energy law document.

13 But there is still some present concern
14 that I found about this project. And it's about
15 that New York State currently does not have a
16 recycling plan at all for these decommissioned
17 solar panels. So looking into research, I found
18 that there is information that shows, based on a
19 couple of articles, they're entitled
20 "Socioeconomic and Environmental Impacts of Solar
21 Panels" and the other article is "Solar Energy"
22 and these are found in the *International Journal*
23 *of Energy Research*. What I found was that the
24 article said that these disposables, or disposing

1 August 31, 2021

2 of these solar panels can actually become an
3 environment and health problem. So many of these
4 panels vary in their photovoltaic cell makeup and
5 it all depends on if it's generation number one,
6 two, or three. Regardless of their generation
7 types, they actually have hazardous materials and
8 that are at risk to the environment. Some
9 materials mentioned were glass, copper aluminum,
10 gallium arsenide, cadmium, telluride, and other
11 metals and silicon.

12 So, there can be potential as well of
13 these leaks in the modules that hold these
14 photovoltaic cells, which are actually toxic
15 carcinogenic or flammable. Furthermore, these
16 solar panels actually contain harmful pollutants
17 known as sulphur hexafluoride, which is actually
18 more potent than carbon dioxide. So this sulphur
19 hexafluoride is a greenhouse gas used as an
20 electrical insulator. It's actually colorless,
21 odorless, and flammable.

22 So these articles also highlight a
23 couple of other changes brought forth that can
24 affect residents and the environment. The

1 August 31, 2021

2 photovoltaic electricity generation systems cause
3 a microclimate change to the flora, fauna,
4 especially the birds, not to mention the
5 degeneration of vegetation and soil erosion. I
6 know these have also been mentioned by other
7 residents prior.

8 All of these are potential for an
9 inconsistent, an intermittent energy that is
10 based upon the amount of direct sunlight and its
11 concentration. Do not forget that after they
12 remove these trees, the bordering trees can cause
13 shade decreasing the amount of sunlight actually
14 hitting these solar panels. So there's also, like
15 mentioned before, a decline of energy. These
16 articles state that about 20 percent become
17 efficient over time and it's not said how or when
18 they lose these efficiencies, but it's known that
19 they do lose their deficiencies and their energy.

20 So therefore, that leads me to the
21 impact to the environment. So the question was
22 the impacts to the natural resources. Is this
23 sufficiently qualified and completely minimized?
24 Well, let's see. The section 424 of the New York

1 August 31, 2021

2 State Solar Guidebook states that projects that
3 require site plan review, like this one, will be
4 reviewed by the municipal planning board and
5 public input to review the environmental impacts
6 and determine its significancy, which is what
7 we're doing. I then hope that the planning board
8 of Cortlandt carefully considers this plan.

9 So let's look at the cost benefit
10 analysis of this project from a scientific point
11 of view. Trees, via chlorophyll, and solar panels
12 via these photovoltaic cells, both use
13 photosynthesis to convert light energy into
14 chemical energy. Therefore, removing a tree for
15 solar panels shall be further examined.

16 A single tree transpires and provides
17 about 400 liters of water a day and has air
18 conditioning efficiency of about 20 kilowatts,
19 the mature trees that provide a positive effect
20 to air temperature and humidity. If we are
21 thinking about energy saving to homes or
22 community, a house with trees can reduce energy
23 by about 20 to 50 percent in comparison to houses
24 in the open. Therefore, when trees are

1 August 31, 2021

2 distributed close to homes and in a neighborhood,
3 there is impact of temperature and energy savings
4 to residents. Other benefits of mature trees are
5 to reduce solar radiation about 70 to 90 percent
6 in the summer and reduce winds by 30 percent.

7 In solar energy, only 100 terawatt is
8 converted into photosynthesis, being low for
9 human energy consumption, with research actually
10 indicating a need to supplement planned growth in
11 order to make the solar energy facilitate biomass
12 production.

13 In closing then, I hope that the
14 information mentioned today will be concerned by
15 the planning board because it overall does have
16 an impact to the environment and the overall
17 present and future to the town of Cortlandt for
18 the residents and the community as a whole. Thank
19 you so much for your time. [applause]

20 MS. WENDY TALIA: Hello again. Wendy
21 Talia, 3 Watson Street, Cortlandt Manor. The
22 North Cortlandt Vision Committee had asked CVE to
23 explain how they selected this site, why they
24 believe the impact to the natural resources

1 August 31, 2021

2 present here is acceptable and why they believe
3 the plan represents a fair tradeoff for the
4 stated benefits.

5 CVE's response only confirmed for us
6 that their method of site selection does not
7 prioritize previously disturbed land, that they
8 undervalue these natural resources, consequently
9 understating the negative impact of the project,
10 and that the benefits do in fact justify this
11 impact. I'll speak to each of these in turn.

12 So regarding the site selection, CVE's
13 response represents a perfect case study that
14 highlights the unintended consequences of the New
15 York State's incentive programs and NYSERDA's
16 model solar ordinance. According to CVE, their
17 selection process did not follow the selection
18 process laid out by Scenic Hudson, which was to
19 first seek out a priority site, then at all costs
20 avoid, or minimize and then mitigate any impact
21 to environment or humans. And then finally to
22 ensure the feasibility in terms of proximity to
23 power, the topography and the acreage they need.

24 Instead, CVE's first step was to target

1 August 31, 2021

2 the town of Cortlandt because of its location
3 within the ConEdison territory, which is highly
4 incentivized by the state. They then worked
5 backwards from step three, assessing feasibility
6 and then worked the cost of environmental
7 mitigation into their business plan, with no
8 acknowledgment that a forest patch embedded in a
9 residential neighborhood is not a priority site.

10 The site does however meet CVE's
11 criteria, which included it's zoned R40, and if
12 they can just meet the environmental regulations
13 for that, they're good to go. It is compliant
14 with our solar law as it's currently stated. It
15 is privately owned and not previously developed.
16 In other words, the owner is motivated to sell.
17 And it is not located within a protected
18 environmental community, which is true at the
19 moment, but not the intention of the town.

20 In short, New York State incentives
21 combined with our own local laws and the lack of
22 protection on this land has left the site a
23 vulnerable sitting duck. And it is worth noting,
24 as CVE pointed out in their response, that when

1 August 31, 2021

2 they were negotiating with the landowner for an
3 option to purchase the property, a whole group of
4 other developers were also interested.

5 This is consistent with what many towns
6 in Westchester County are experiencing in terms
7 of the numbers of applicants for solar energy
8 systems.

9 Regarding the impact to the natural
10 resources, Tab W in their response confirmed that
11 27 percent of the core forest will be converted
12 to edge, essentially altering the nature of the
13 wetland buffer zone. Even in the new, preferred
14 alternate number four, the eastern portion of the
15 limit of disturbance is still adjacent to the
16 wetland buffer. The removal of the trees still
17 creates a new edge, beginning at the wetlands 100
18 foot buffer, forest edge extends 100 meters into
19 the wetland. Alternative four is still putting a
20 field, no longer shaded by canopy, in between
21 wetlands to the east on the Kirquel property and
22 also wetlands to the northwest, off their site,
23 which is currently owned by the town.

24 The end result is increased

1 August 31, 2021

2 fragmentation and stress from development,
3 increased temperature in the area and conserving
4 only the wetland portion as was already included
5 in the residential plan will not prevent this
6 impact.

7 The extensive mitigation that CVE so
8 proudly presents here is only necessary because
9 CVE chose a forest patch with wetlands in it.
10 They have to destroy thousands of trees to make
11 the plan work, but they did not have to choose a
12 forest. Mitigation should be a last resort, not
13 your going in strategy.

14 The response further attempts to
15 rationalize their site choice decision by
16 referencing the fact that there's still tens of
17 thousands of acres of core forest within five
18 miles of the site, presumably referring to the
19 Hudson Highlands.

20 Because the woods on this site are
21 technically designated as young woods and have a
22 low index weighting, they ultimately conclude the
23 project is not impacting a high quality or a rare
24 forest community. in other words, CVE would like

1 August 31, 2021

2 us to believe that unless a forest is of the size
3 and caliber of the Hudson Highlands, and home to
4 threatened, endangered or otherwise exceptional
5 species, then it's disposable.

6 RCAC states otherwise in its open space
7 plan, which identified this patch as among its
8 highest priority for conservation. They had
9 several reasons for this. Presence of
10 environmentally sensitive natural resources and
11 ecological services they provide, they contribute
12 to public health and climate resiliency without
13 any manmade assistance. They protect the
14 wetlands, they support a healthy and diverse
15 wildlife and a plant community of several species
16 that require being in a core forest.

17 The canopy keeps the temperature cool
18 and the root system helps control of flooding of
19 groundwater, especially to the surrounding
20 residential areas. And the trees do make oxygen.

21 As the only remaining bit of open space
22 in one of the most densely populated, highly
23 trafficked and commercially developed areas of
24 town, the land also offers improved quality of

1 August 31, 2021

2 life for humans. A visual buffer for residents in
3 the immediate area were encroached by commercial
4 development, it's sitting at the easternmost
5 gateway to the town. The patch as a whole
6 contributes to the overall community of the town
7 itself and there is potential for nature trails
8 and opportunity for educational programs.

9 The forest is estimated to be only 75 to
10 100 years old, which might be young, relatively
11 speaking, for a forest, but in terms of human
12 life, it will be 100 years or four generations
13 beyond decommissioning of the solar energy system
14 before we could hope to have it back. It's only
15 for want of time and funding that this patch is
16 not already environmentally protected.

17 Regarding direct benefits to the
18 community, if and only if 1,061 households
19 subscribe, they might collectively \$130,000 a
20 year and if they were all Cortlandt residents,
21 that would mean seven percent of our population,
22 might save us \$123 a year.

23 CVE will pay a pilot amount of 55,000 a
24 year, plus \$39,000 in a special district tax.

1 August 31, 2021

2 It's a contribution of \$95,400 per year, but put
3 in context, it represents .05 percent of the \$176
4 million that the town's residents contribute
5 every year.

6 CVE has also offered to bump up the
7 donation to the tree fund \$270,000 to make amends
8 for the potential residential plan approved
9 before the tree ordinance was in place. They will
10 donate \$1 per panel for the now reduced number of
11 panels 9,504 to a local environmental agency.
12 While I'm sure this money will be put to good
13 use, it still means 9,504 solar panels on what
14 amounts to, I think it's actually about a dozen
15 football fields in the backyards of our
16 residences.

17 Given that there are plenty of other
18 places to install solar energy systems that do
19 follow Scenic Hudson's guidelines and in fact, we
20 do have other installations in town, it's not
21 like Cortlandt isn't doing its part to reduce
22 emissions. We do not believe the benefits of
23 installing these four megawatts is a fair
24 exchange for our forest. Thank you. [applause]

1 August 31, 2021

2 MR. ERIC LARABEE: Hi, my name is Eric
3 Larabee. I live on the Arthur Street, which is
4 right near this area. I've been a resident for 23
5 years at Arthur Street. I love the area. So to
6 quote Ansel Adams, once destroyed, nature's
7 beauty cannot be repurchased at any price. Also,
8 he said that it is horrifying that we have to
9 fight our own government to save the environment.

10 There's some bike trails back there that
11 my son rides on, on a fairly regular basis. If
12 you look down the road, walk down the road,
13 you're going to see flyers of people with their
14 lost pets. The lost dogs, lost cats that have
15 been eaten by the wolves and, not wolves, coyotes
16 in the area and this has gotten a lot worse since
17 the Shoprite has been installed on Route 6 right
18 next to Van Cortlandt Elementary School.

19 So the wildlife have no more place to
20 go. They are going other places to look for food,
21 and when we install this project, they're going
22 to have even more dire straits and they're going
23 to be even more aggressive in trying to find
24 their food sources. So, it's just, it's

1 August 31, 2021

2 absolutely horrific, what we're going to be
3 proposing here. There's plenty other options that
4 we can do. There is solar carports that can be
5 done on existing parking lots. I'd be all for
6 that. I have solar on the top of my roof. I have
7 geothermal in my house. I'm 100 percent for clean
8 energy. But there's other things that we can do
9 that doesn't have to require deforestation of our
10 area.

11 So we have other places that are, like
12 Indian Point that's closing down, we could put up
13 solar panels down there once that gets removed.
14 There are places that we have that are dead zones
15 within the town that we could repurpose that
16 industrial area for a solar farm. Great. I'm all
17 for that. We do not need to deforest.

18 So, in closing, please read Dr. Seuss's
19 *The Lorax*. I am the Lorax. I speak for the trees.
20 Thank you. [applause]

21 MS. NANCY YOUNG: I've spoken with you
22 before about this project. I spoke at the July
23 6th meeting. I live at 9 Mill Court. Probably one
24 of two houses, Rick, my neighbor, is at 5 Mill

1 August 31, 2021

2 Court. We're the houses closest to the perimeter
3 of the array. This parcel is bordered by
4 residences, the Cortlandt Colony, Mill Court,
5 Wild Birch Farms and homes along Mountain View
6 Road. Projects of this nature do not belong in
7 residential areas. And we can spend all the time
8 CVE would like debating whether the project
9 itself is worthy of considering, but for
10 tonight's discussion, that's a moot point,
11 because this is a project being proposed for the
12 wrong location.

13 In reading the NYSERDA Solar Guidebook,
14 never is a healthy, young forest that requires
15 clear cutting mentioned as a recommended site for
16 a solar farm. To the contrary, the guide states
17 that they should be placed on reclaimed land, in
18 brown fields, in unfarmed fields and on
19 commercial or residential buildings.

20 I've read as much as I could possibly
21 read of the latest response submitted by CVE and
22 there are some changes, but nothing substantively
23 different than their original plan for the
24 parcel. And one of the things I found most

1 August 31, 2021
2 interesting in the document is the lack of
3 consistency in describing the parcel at the end
4 of Mill Court. For example, at times they include
5 the parcel within the Hudson Highlands forest
6 acreage as a way to demonstrate that converting
7 this acreage to a solar farm will not
8 significantly reduce total forested areas. At
9 other times, they identify the parcel as being
10 fragmented and not really part of the Hudson
11 Highlands, so its loss is not significant to
12 wildlife who are already disconnected from the
13 Hudson Highlands. You cannot be part of the
14 Highlands when it suits your argument and
15 detached when it does not.

16 When CVE discusses the removal of trees,
17 it doesn't really mention the number of trees
18 with a circumference less than four inches that
19 would be clear cut. And there are a lot of young
20 saplings in that forest that are of that
21 circumference. And if they did mention that, it
22 would be painfully obvious that the total number
23 of trees being removed are far in excess of their
24 newly revised figure.

1 August 31, 2021

2 And nowhere in their proposal will you
3 find mention of tree topping, which is the
4 drastic removal or cutting back of large branches
5 in mature trees leaving large, open wounds, which
6 subject the tree to disease and decay. According
7 to Purdue University Cooperative Extension,
8 topping creates a health and safety crisis for
9 the tree. Pruning away live, green tissue reduces
10 the tree's ability to photosynthesize and
11 manufacture food products. This action also
12 creates wounds that require energy to close.

13 Topping slows the growth of the tree,
14 which reduces its ability to maintain sources and
15 it ruins the tree architecture. This
16 indiscriminate pruning permanently damages the
17 tree as the branch stubs die and the tree decays.
18 The interior wood of topped branches, which is
19 typically older, can decay rapidly, making new
20 sprouts more susceptible to failure as they grow.
21 And tree topping occurs when you need to reduce
22 the height of surrounding trees, the trees that
23 you have not clear cut, to ensure that the solar
24 panels have the best exposure to the sun that is

1 August 31, 2021

2 possible.

3 So my question this evening is this was
4 never mentioned in the proposal. I was just
5 wondering if this project requires tree topping
6 in order to provide the panels with the necessary
7 amount of sun exposure.

8 I learned more about solar projects from
9 speaking with the director of planning in a town
10 that has some solar installations and is in the
11 process of making a second amendment to its
12 zoning ordinances to protect them in the future.
13 That planning board started out supporting the
14 idea of community solar energy, but that is no
15 longer the case.

16 I believe there is a lesson to be
17 learned from our neighbors in towns where solar
18 ground arrays have been installed. The director
19 of planning that I spoke with described their
20 situation to me as managing an onslaught of solar
21 providers seeking to install solar arrays.

22 My second question this evening is if
23 CVE is so invested in solar energy and the
24 environmental benefit it provides, why are they

1 August 31, 2021

2 not proposing solar projects on commercial roofs
3 or on canopies over parking areas? Metro North is
4 in the process of seeking consultants and perhaps
5 even close to choosing solar providers to do
6 installations over parking areas at the Croton
7 and even potentially the Cortlandt train station.

8 Not only do these panels provide solar
9 energy, but they also lower the temperature in
10 autos parked beneath the canopy, allowing them to
11 work more efficiently and reduce emissions on
12 startup during summer months.

13 I've lived in this town for 28 years. We
14 bought our home with the plan of putting down
15 roots and staying because we wanted to become
16 part of a community, we wanted to contribute, we
17 wanted to be proud of where we lived. And we
18 truly love where we live and I think this is one
19 of the best decisions my husband and I ever made.
20 But choosing to live here was not simply a
21 financial or investment decision predicated on
22 making money at some future date with the sale of
23 our home, because our home is a sanctuary,
24 especially for people like my husband and I who

1 August 31, 2021

2 were born and raised in New York City.

3 Given all of that, I never once thought
4 that the value of my home would be negatively
5 impacted by the intrusion of an inappropriately
6 placed and artificial project being marketed as
7 good for the environment while destroying the
8 environment we value and should be protecting.

9 And then I walked into the woods after
10 reviewing the latest plan, alternative number
11 four with my neighbor Rick, who had put the
12 caution tape at the height that the panels would
13 be, about six feet, maybe a little bit taller.
14 And he ran the caution tape around the perimeter
15 of the proposed solar array. It was only then
16 that I realized that randomly space, individual
17 stakes at ground level do not accurately
18 represent the massive amount of space the solar
19 array takes up both in width and height. We're
20 talking about an area the size of 12 football
21 fields. And that array will be clearly visible
22 from my kitchen windows, my back deck, and the
23 side and rear areas of my home. And this is right
24 now, when the trees are pretty much in full leaf.

1 August 31, 2021

2 And it'll only be worse when the leaves have
3 fallen. Only after looking at it this way did I
4 realize that the project will be impacting the
5 value of my home in a town where I've paid my
6 fair share of taxes and contributed, because I
7 still think this is a great place to live.

8 And we're going to be the losers here,
9 the loss of habitat and open space and the loss
10 and the value of our homes. This is not a project
11 with limited impact. To the contrary, its
12 environment impact will be felt for at least 100
13 years as Wendy just noted. And in the short term,
14 it's impacting home owners who didn't choose
15 their homes as a way to make money in the future
16 but who will now be penalized for the choice they
17 made.

18 And I cannot state this strongly enough.
19 The photos of the view, views of, and from our
20 homes included in the CVE proposal do not
21 accurately represent what we'll be seeing when we
22 look out our windows or enjoy time outside. So to
23 the members of the planning board, I know you've
24 already made one site visit. But tonight, I'm

1 August 31, 2021

2 asking, along with my neighbor Rick, that you
3 please return to the site with the homeowners
4 affected by this project, walk the boundaries
5 with us, take a look at the tape that's been laid
6 out at the perimeter and at the height of this
7 project. And imagine this site once the leaves
8 are gone, the trees are clear cut and there's an
9 enormous sun exposed landscape covered with solar
10 panels and surrounded by fencing and just imagine
11 what that would be like to see that outside your
12 windows every single day. And we'd be happy to
13 walk that property with you again. Thank you.
14 [applause]

15 MS. Good evening. My name is Mae
16 Carpenter. I am a former resident of Cortlandt
17 Manor. I chose to raise my children there, here
18 rather, and I am a Westchester resident. I have
19 lived here all my life, except some parts, and I
20 have chosen to be here, to live here, to raise my
21 children here for the fact that it is an
22 environmentally beautiful, recreational area and
23 beautiful, beautiful woodlands that house our
24 native plants, creatures, and our beautiful

1 August 31, 2021

2 views. They cannot be compared anywhere in the
3 world.

4 This is a part of the Hudson Valley that
5 contributes to the Hudson River and our wetlands
6 and our marshes contribute to its flow and its
7 resource as a recreational and a commercial
8 viaduct.

9 We are, the members of the Cortlandt
10 Manor Garden Club, we are 150 plus members strong
11 as of the beginning of this spring and we are
12 growing ever more. We are against this project
13 because clear cutting is not anything that we
14 ever want to face. We do not want to see any of
15 our forests brought down in this manner, and the
16 mature trees that are there have been there so
17 many years and giving us enjoyment of our
18 environment, we want to preserve that for our
19 children, our grandchildren, the saplings that
20 are there are not being counted in this survey of
21 trees.

22 If you take the quarter of an acre that
23 they actually counted, okay, in that quarter acre
24 is not the same density as in other parts of this

1 August 31, 2021

2 forest, and if you multiply the amount of trees
3 in that quarter acre and you do it on the scale
4 of where in that quarter acre there are only a
5 third of what there is in the rest of the forest,
6 you're going to have a lesser, a much lesser
7 number of trees. So their estimate of about 2,800
8 trees isn't correct.

9 In the inner forest, there will be more
10 saplings, there will be more, there will be more
11 mature trees, there will be more cost to the
12 environment. You have native species of animals
13 and creatures, you have native, you know,
14 wildlife, native plants. You will not find them
15 near the edges, because that's not where they
16 live. You're going to have way more trees. You
17 could multiply this figure by three. So you're
18 going to have 6,000 trees that are going to be
19 clear cut and you're going to have three times
20 more habitat that they are giving you as figures.

21 We do not want to see this forest used
22 as a playground for people who want to benefit
23 financially. It is not to our benefit as a town
24 in Westchester. We do not want to see this

1 August 31, 2021

2 deforestation, we do not want to see this. It's
3 ugly. I have seen this such project in Maine, an
4 entire long, long field of solar panels. It is
5 horrific, something that you might imagine gives
6 you the feeling of the 1984 book and movie. It is
7 not something that is for that area. We should be
8 using rooftops of commercial and community
9 buildings. We should be using garage rooftops, on
10 top of train stations, we should be, you know,
11 mandating maybe 30 percent of every new structure
12 in the town to be solar panels and the benefit
13 goes directly to the consumer first then to the
14 town.

15 I don't know what they do with the
16 lumber, I think that they probably sell it to a
17 mill and that's to CVE's benefit. We do not get
18 the benefit of that, and it does not benefit us
19 in any way. Thank you. [applause]

20 MR. GREG PECKHAM: Hi, Greg Peckham, 8
21 Mill Court. I've been a Cortlandt resident for 18
22 years, but I've been at Mill Court for about five
23 years. A couple things that we, I think we missed
24 tonight so far. Number one, I don't think that

1 August 31, 2021

2 the CVE response to the rainwater runoff issue
3 was adequately addressed. Anyone that has
4 traveled up and down Red Mill Road in the spring
5 knows that at the bottom of Mill Court, the water
6 percolates there in the spring. It's a very heavy
7 runoff. Clear cutting this many trees will
8 absolutely cause more water.

9 We have, Rick has done half the
10 driveways on our street because the rainwater
11 destroys the front of the driveways. I think that
12 will only get worse, so that is going to be a
13 major problem.

14 The second issue is I'm two houses away.
15 I'm kind of across the street and diagonal across
16 the street from Nancy and I can see Rick's tape
17 from my front porch. That's only going to get
18 worse in the winter when there's no leaves and I
19 think that this is a residential neighborhood and
20 this just does not belong in this neighborhood.
21 That's it. Thanks. [applause]

22 MR. GREG DIAMOND: Greg Diamond, from 9
23 Mill Court, one misrepresentation that was made
24 earlier on when it was talking about the fourth

1 August 31, 2021

2 alternative, which they have chosen as the best.
3 He said that Mill Court was the, that that
4 alternative was the furthest away from Mill
5 Court. If you look at their data, that fourth
6 alternative is the closest to the property lines
7 of the homes there. And I can, it's three or four
8 slides earlier. It's 200 feet. The others are
9 higher. So I don't know if you want to go back,
10 but.

11 Secondly, he talked about taxes that
12 they'll be paying. I'm sure there are just a few
13 of the homes that the people who have talked here
14 add up to more taxes paid than they're going to
15 be paying. And once our homes are devalued and
16 there will be a lot of homes in the area that are
17 devalued, you will lose that tax revenue far
18 beyond what they'll be paying.

19 I support everything that's been said
20 here. I think Rick's last point about the water
21 runoff needs to be addressed as it was addressed
22 with the prior project. Thank you. [applause]

23 MS. ANDREA MONTALVO: Good evening. My
24 name is Andrea Montalvo. We are 7 Mill Court.

1 August 31, 2021

2 Actually we're the slate roof house that's been
3 on that court for over 100 years. We moved in
4 about two years ago, been in Cortlandt for over
5 20, because of how beautiful the area is. And I
6 actually want to say how proud I am to have you
7 guys as my neighbors because you are freaking
8 awesome. [applause]

9 Okay. This is amazing. So, and thank you
10 for your time. I won't restate everything.
11 Clearly, they've handled that. But, you know,
12 there is something to say about numbers and I do
13 want to bring to your attention that a number of
14 people were not able to come in who were on this
15 topic because there was no room. So it's very
16 passionate to a lot of people. And the property
17 is just amazing and to see what, to have the
18 demonstration, it really hit home like a ton of
19 bricks. We have deer, just a plethora of wildlife
20 that we get to see and at the end of a 14-hour
21 shift, it's become a bit of a sanctuary. So,
22 just, please, thank you for your time in
23 listening to my neighbors. [applause]

24 MR. BERNARD VYE: My name is Bernard Vye

1 August 31, 2021
2 from Verplanck. My concern is not necessarily
3 about this farm, but it's about solar farms in
4 general in the town. The big question is how
5 green are these solar farms between their
6 manufacturing and everything else, and when you
7 get to something like this where you're clear
8 cutting, how green -- it reduces that green value
9 of the energy. I would like to see them come up
10 with something that's, the solar that is
11 generated is a wonderful idea but they still have
12 to straighten out a number of things.

13 With the closure of Indian Point, we're
14 finding out what end of service costs are and
15 what the hidden costs are. These guys are talking
16 about 25 to 35 years. With Indian Point, we were
17 all told there's going to be -- they're going to
18 get rid of spent fuel, it's no problem. They're
19 going to have the same issue with the panels. One
20 of the things we were looking at when they were
21 talking about a blade factory in Verplanck was
22 end of service for the blades. Everybody was
23 talking about everything is green, green, green.
24 Well, the turbine blades are ending up going into

1 August 31, 2021

2 landfills. With these panels, I doubt they can go
3 into landfills. Now, supposedly they found a new
4 green solution for the turbine blades is to burn
5 them in concrete plants, but that takes more fuel
6 and everything else, so there goes your green
7 issues.

8 And the other thing is what's to say
9 that if they set up X number of dollars for this
10 to be decommissioned at the end, they spend that
11 money and if it's not enough money they say we're
12 gone, have the property, have the panels, it's
13 yours.

14 The other thing I'm looking at is with
15 these solar farms, I'm wondering what the impact
16 is on the fluctuating loads to our electric
17 grids. When they're generating their power, it's
18 going to be fluctuating throughout the day
19 depending on how much sun they have, how much
20 cloud cover they have, passing storms. It's going
21 to be placing loads on -- they're going to be
22 telling one company you don't produce power
23 because we're buying solar, but at a moment's
24 notice, they may now have to switch back and

1 August 31, 2021

2 forth.

3 So, I just hope that everybody is
4 looking into some of the other facts with this to
5 make sure that we're not left -- it's bad enough
6 we have Indian Point and the cleanup of Indian
7 Point. We don't need to have cleanup issues with
8 these various solar farms and other things that
9 are being proposed.

10 One of the things that's out there right
11 now is the current owners of solar panels on
12 their homes, everything is wonderful, they're
13 making all kinds of money, but they're in for a
14 surprise when it comes to find out do they
15 dispose of those solar panels. Thank you.

16 [applause]

17 MS. MICHELLE RAMOS: Hi, my name is
18 Michelle Ramos and I live at 6 Mill Court. I
19 don't want to spend too much time but basically,
20 I am 100 percent opposed to the solar farm. We
21 came from the boroughs, from the Bronx, and we
22 came to Westchester to improve our quality of
23 life for me, my family and my kids. And the
24 reason why we chose Westchester County was just

1 August 31, 2021
2 to improve our quality of life. And we chose Mill
3 Court because of the beauty. The landscaping the
4 trees, the forests, we fell in love. Once we saw
5 that house, we knew it was ours, we had to move,
6 and we have been there for eight years. I think
7 it's a big mistake, and I just support everyone,
8 what they said here tonight. That's all I want to
9 say. [applause]

10 MR. RAMOS: How you doing? I'm the
11 husband. [laughter]

12 MR. KESSLER: Also from the Bronx.

13 MR. RAMOS: I'm so proud of my
14 neighbors. I am very proud of you guys. You're my
15 lawyer, Rick. Anyway, you know, we came up here
16 for the quality of life. I have a lot of friends
17 here, my family is around here. And we just love
18 this area. We take pride I this area and we have
19 to go to you guys and say listen, this is just
20 wrong. For all the reasons my neighbor said, it's
21 wrong. Something don't add up. Right. With me,
22 it's very personal. I talk to my coyotes. I do
23 have coyotes in the back, the owls, we sit in
24 front of the porch, we just look at the scenery.

1 August 31, 2021

2 It's incredible. Solar panels back there does not
3 belong there. I mean I wish I could hit the lotto
4 and I buy this land from whoever owns it and just
5 leave it alone, because it's that beautiful. So
6 if you do get a chance and take a walk out there,
7 you're going to see what we're talking about.

8 Thank you. God bless. [applause]

9 MR. WARREN SMITH: Hi, I'm Warren Smith
10 from Verplanck New York, 203 Ninth Street. And I
11 just have one question really. I see we're up to
12 alternative number four and it looks like CVE has
13 been trying to mitigate issues that you've
14 brought up previously. And my question is if they
15 got up to alternative number six and they
16 mitigate the rainwater runoff and the sightlines
17 and whatnot, according to how the zoning laws are
18 written, your zoning ordinances are written right
19 now, would it be possible for you, just -- you
20 know, these people have brought up a lot of valid
21 points about the scenery. And is it possible the
22 way the zoning laws are standing right now, to
23 say no to CVE? And is this more of a policy type
24 situation here, which the Board needs to remedy?

1 August 31, 2021

2 I didn't know how much leeway you have,
3 if you're following the state laws, state
4 regulations and how leeway do you have that's
5 above and beyond those types of ordinance or
6 regulations. Is that a question I -- I don't
7 know, I'm just asking you because I don't know.

8 MR. KESSLER: I think we have lots of
9 leeway.

10 MR. SMITH: You do?

11 MR. KESSLER: I mean, keeping with the
12 rules of SEQOR and evaluating the impacts that it
13 has on the neighborhood, that's within our
14 purview. That's how we make our decision.

15 MR. SMITH: Okay. Thank you. [applause]

16 MR. ANDY KUCHYNSKY: Hello, my name is
17 Andy Kuchynsky, I'm relatively new to the area.

18 MR. KESSLER: Bring the microphone down
19 a little bit.

20 MR. KUCHYNSKY: Yes, Andy Kuchynsky. I'm
21 relatively new to this area, just a few years.
22 Retired from the City of New York Department of
23 Environmental Protection and now a little bit
24 about water, and it's powerful stuff. You start

1 August 31, 2021

2 changing the environment, and I've seen it with

3 golf courses and other places that it just adds

4 to the problem. We have these storms coming in

5 that through the infrastructure doesn't handle

6 it. And we take away something that's

7 irreversible damage. It takes time for the forest

8 to grow and to give it a little -- a whole lot of

9 thought about changing something and when you

10 change something, trying to get it back is tough.

11 The mechanical problems that have been caused

12 down county, the Sawmill River Parkway and all

13 the rivers, all the -- you start changing the,

14 you know, cutting, getting -- changing the

15 forest, changing is going to cause an impact, and

16 it deserves a lot of thought. You take away

17 something without having a lot of extra thought,

18 the engineering involved is significant. So I

19 hope you all -- I enjoy -- I really hadn't -- I

20 came over here because my friend is, that I

21 garden with really supports this look on this,

22 not to ruin these forests, make changes that we

23 might regret, so I really enjoyed coming and

24 listening in on this. Thank you. [applause]

1 August 31, 2021

2 MR. FOLEY: Sir, may I ask, are you in
3 the Red Mill Road area? The gentleman who just
4 spoke?

5 MR. KUCHYNSKY: Hampton [unintelligible]
6 [03:00:36].

7 MR. FOLEY: Oh, all right. Okay.

8 MR. JULIANO CYST: My name is Juliano
9 Cyst [phonetic]. I'm the guy across the pond. You
10 have all of Mill Court here speaking, and I'm the
11 guy that all this is coming down on and that is
12 on Mountain View Road. So I'm guess the only guy
13 that ever speaks for Mountain View Road. I'm in
14 agreeance with 99.9 percent of what they all
15 said. I only have one comment. I'm used to, with
16 the profession that I'm in, dealing with
17 developers. So I know what they got to offer and
18 what they want to give you and what they want you
19 to hear.

20 This is what I heard. This company right
21 here, all they did is come in and try to keep
22 peace with all the ones bitching at Mill Court.
23 That's all they did. You know how he did it? He
24 moved it all from one end, I'll move it 200 feet

1 August 31, 2021

2 this way. It's the same thing, just to keep Mill
3 Court Happy. Well now, I'm Mountain View, the
4 only one that's ever going to speak. I have not
5 too much to say. But that's his recommendation.
6 He's just going to take that whole project, shift
7 it away from Mill Court that might keep everybody
8 happy once he said that.

9 Well, one guy from Mountain View Road
10 isn't happy if that's going to be moved down
11 there. And plus, go put this stuff someplace
12 where nothing happens. Who I work for is
13 unimportant unless you want to know who I work
14 for. But this is no place to put things like
15 this. Imagine putting this in your backyards. Go
16 find some abandoned I don't know what, and just
17 put it there, not in the middle of 40 acres of
18 land. Chow. [applause]

19 MR. ALFONSE TRUJILLO: Hello, thank you
20 again for giving us this opportunity to come and
21 speak tonight. I took a tour with a couple of the
22 neighbors to the property.

23 MR. KEHOE: State your name and address
24 for the record.

1 August 31, 2021

2 MR. TRUJILLO: I'm sorry?

3 MR. KEHOE: Just state your name and
4 address for the record.

5 MR. TRUJILLO: I'm sorry. My name is
6 Alfonse Trujillo, I'm from 4 Mill Court and I've
7 been in the area for 18 years, I'm living on Mill
8 Court for over 18 years now. And as everybody
9 said, I moved here because I love the area. But
10 anyway, the grand scope to deforest, as Nancy
11 said, equivalent of 12 football fields to put a
12 giant reflector that now I've got to come home
13 and I've got to see a giant reflector up the
14 street, I think is, as I said last time, I'm just
15 opposed to the whole idea and I just hope that
16 you are also. Well, thank you for your time.
17 [applause]

18 MR. KEVIN GIBSON: Good evening. My name
19 is Kevin Gibson. I live at 10 Mill Court, so that
20 would be the top of the cul-de-sac on the east
21 side of the cul-de-sac, the house closest to the
22 top. Just a caveat off of what a few of my
23 neighbors said here, I know they've been here 20,
24 25 years, 30 years. I bought a house four months

1 August 31, 2021

2 ago, and yeah. [applause] Much for the same
3 reasons they did 25 years ago. The place is
4 absolutely beautiful. I have a 2-month old son at
5 home, and we're really looking forward to growing
6 roots in the area. You know, the school systems,
7 the safety, everything up here is, you know, the
8 best that I could ever hope for and I was so glad
9 to finally get in the area. And I really am
10 looking forward to growing roots in this area and
11 contributing and making this place even better
12 than where I found it.

13 To caveat off of what my neighbor Greg
14 said, when I heard about this, it just didn't
15 seem like it fit the bill. It didn't seem, it was
16 almost like hammering a square peg into a round
17 hole. It didn't seem like this really fits.
18 Again, I'm new to the area, clearly. You know,
19 and this area offers a lot of things that I
20 didn't have growing up. One of them is a garden
21 in the back yard, right. And you hear about the
22 potential for pollution and you pair that with
23 the water runoff and me being at the top of the
24 cul-de-sac I think I would have a hesitation of

1 August 31, 2021
2 even eating something that's grown in the back
3 yard, you know. And I don't know as far as, you
4 know, to what lengths that pollution can go to
5 and you pair that with the runoff and me being at
6 the bottom of the hill or being on the slope on
7 the way to the hill down. Something like that is
8 kind of like a simple liberty that I would expect
9 is to say if I'm growing something in my
10 backyard, I feel like it would be safe enough to
11 eat. But to have this amount of hardware, and
12 like they clearly said from the minute they put
13 it in, it's almost like it's going to start to
14 degrade because they already have a plan for when
15 it's going to, you know, they're giving you a
16 ballpark of when it's going to be done.

17 That to me is kind of the most impactful
18 is when you start saying it's so close to home,
19 it's 200 feet, you know, that's probably not even
20 two of these rooms, you know. So to have that
21 threat for pollution, I'm all for clean energy
22 but I think chopping down thousands of trees for
23 clean energy, it's ironic. It's ironic as a fire
24 house burning down. It doesn't make any sense.

1 August 31, 2021

2 I hope that you guys take this with you.
3 I really appreciate the time to come up here and
4 talk to you and I appreciate the opportunity,
5 oaky. Thank you. [applause]

6 MR. DANIEL ASIS: Hey, good evening,
7 everybody. My name is Daniel Asis. I'm over at 25
8 Ely Road, so I'm not in the direct area that
9 everybody else is affected. And I just heard
10 about that saying it just didn't make sense like
11 everybody else is echoing here. I've actually
12 just moved here in the past year, so I don't know
13 any of these folks. I just heard about this. It
14 didn't make any sense. I moved up here because it
15 is beautiful. A lot of greenery out here and
16 that's the reason we moved. I've been all over
17 the world, traveled with the army for about seven
18 years.

19 I'm actually a professional engineer and
20 I also have the experience on the other end as an
21 army engineer for running crews that do
22 demolition work, running dozers and everything
23 else. And just look at this topo maps and the
24 gradients, it just looks bad. If they're already

1 August 31, 2021

2 having issues with drainage over there at their
3 driveways, and again, this is not affecting me
4 because I'm completely on the opposite end, just
5 looking at whatever that whatever erosion control
6 measures is, it's just not going to take
7 immediately. It's going to take time. You could
8 have your [unintelligible] [03:08:01] walls and
9 everything else. But it's these folks that are
10 out here that are going to suffer.

11 So I've done ground work, I've seen both
12 ends in terms of both the design end and also in
13 the practical execution, so that was just one of
14 my first concerns.

15 I saw that in vision four of this
16 they've descaled from five megawatts to four
17 megawatts. I just wasn't sure if that descaling
18 also took into account the yearly savings of the
19 130K per year coming out to about \$122 or \$10.21
20 per resident per month, if that was descaled as
21 well, going from five megawatts to four
22 megawatts, what's the actual return to the
23 taxpayers at that point.

24 Also is that number based on the actual

1 August 31, 2021

2 efficiency and output of these units or is it
3 actually based off of 100 percent efficiency?

4 Because, I don't know, since I've moved
5 here we've had two or three tornado warnings, and
6 frankly I was surprised. I lived in Texas for a
7 couple of years, and there were a lot of
8 tornadoes there. I lived in Ft. Sill, Oklahoma.
9 There's a lot of tornadoes out there. I really
10 didn't expect it up here, but we've seen them, or
11 I've had my kids down in the basement. So I'm
12 just curious, is there an active maintenance plan
13 as part of this for the 25 year duration of this
14 project? If we have some windfall, some downed
15 limbs which seems to be an issue around in this
16 area, is the company going to be coming in to
17 replenish these panels, repairing the, so that
18 we're getting that output and we're getting our
19 all \$10.22 cents per month, or are we getting
20 down to \$2 and then we're just losing on the
21 investment return?

22 I took a look at the decommissioning
23 plan. It's about total \$700,000 or \$500 net
24 positive based off laborers taking these things

1 August 31, 2021

2 off and then recycling and then reselling them.
3 I've worked with laborers, I've been in
4 construction. These folks, they're not
5 necessarily going to be taking care of it. I
6 don't know if it's for salvage scrap value or
7 something else. I don't know if that's inflated
8 or not, but it just seemed a little off to me
9 that you're putting in -- you're getting back
10 \$500,000 in this investment. So I was just
11 curious in terms of that.

12 A lot of the other folks out here have
13 mentioned alternative sites, there's a ton of
14 empty commercial space and active space, frankly.
15 They'd mentioned the parking areas. That's a
16 great idea. Just driving around, there's that
17 Cushman Wakefield for sale. I think it was an old
18 shopping area that could very easily be used for
19 something similar in terms of this and the same
20 accessibility in terms of the grid.

21 Unfortunately, also, having lived in
22 Texas, they did have a big issue in terms of
23 wheeling and dealing in terms of energy. I don't
24 know if y'all kept up with the news, the issue

1 August 31, 2021
2 with their different energy companies that were
3 feeding into their grids and the lack of
4 reliability during cold weather and inclement
5 weather. I think they had that deep freeze this
6 past winter. So I think that'd be a big concern.
7 I think someone else had mentioned that the lack
8 of reliability turning on and off other means of
9 electricity could be a big concern for the
10 residents as well, especially considering the
11 number of outages and issues we've had with ConEd
12 as it is.

13 So all in all, I think this may just be
14 a poor idea, but that's just my two cents, given
15 how frail these items are to be susceptible to
16 vandalism, hail, tornado, anything. So we may not
17 really see that return. But again, just I'm proud
18 of all these folks out here, like for being this
19 concerned. Thank you for your time. [applause]

20 MR. JOSH BLACKLER: Hello, Josh
21 Blackler, 137 Red Mill Road, adding my voice to
22 the chorus against this, the unsuitable site.
23 Since I've been here about eight years, I've seen
24 a number of projects alongside my property, where

1 August 31, 2021

2 young, healthy trees have been taken down. And I
3 think it has definitely shown me how quickly
4 things can change, you know, changes in the
5 vegetation, some areas that might have been moss
6 have kind of dried up and become completely
7 different. Changes in some of the plants from my
8 neighbors because of the amount of light that
9 changes.

10 So just saying I do have concerns about
11 the long term effects of a larger scale,
12 deforestation and how successful it would be even
13 with the meadow worked or whatever, the amount of
14 light and the amount of change that would do.

15 Similarly, little changes your neighbors
16 make can have massive effects on water. And I've
17 seen that a couple of times where I've seen
18 massive runoffs just through edge of my property
19 from something my neighbor has done just from a
20 small household project.

21 So the thought of the fact that we're
22 all on a pretty significant slope, any major
23 changes to any of that, it's got to go somewhere.
24 We already have issues on Mill Court, we already

1 August 31, 2021

2 have issues where I live at the bottom of my
3 driveway where there's water that overcomes the
4 storm drains, pools at the bottom of the road.

5 So, you know, I enjoy raising my kids
6 here. My son was so excited to see a hawk sitting
7 on one of our trees and how close we could see
8 it. And I just feel like this is the kind with
9 all these changes with the forest and things
10 around us that just, it doesn't provide any
11 benefit, and to be honest, the cost savings for
12 the small [unintelligible] [03:13:55] just
13 doesn't outweigh I think the damage and the
14 difficulty with that, so thank you. [applause]

15 MS. DOREEN LLERAS: Hi there, my name is
16 Doreen Lleras, 7 Mill Court. I am the retired
17 grandmother who loves to watch my grandkids
18 thrive. This neighborhood does that. I sent two
19 videos to Chris, I don't know if he ever really
20 got them. I'm not so good with the computer, that
21 can illustrate the loveliness of our
22 neighborhood. We have had turtles that laid eggs,
23 the kids got to watch. We've had a baby doe come
24 try to play with our little dog. That didn't go

1 August 31, 2021

2 so well.

3 But I think every person here must have
4 somebody that they love that has grown up and you
5 want to see them in happiness. Like they say,
6 come to our neighborhood and you'll see it. Thank
7 you. [applause]

8 MS. TAYLOR: All right, I think that was
9 --

10 MR. JARED LUSK: Good evening, members
11 of the Board. My name is Jared Lusk from Nixon
12 Peabody. I'm here representing CVE. I just had a
13 quick question. We saw the photos of the caution
14 tape and I'm just curious because it's hard to
15 tell sometimes with the tape. Is that caution
16 tape, is that run at the property boundary, or is
17 that, was that installed on the project site at
18 the distance of where the solar panels are, just
19 to be clear. I wasn't clear.

20 MR. RIBEIRO: I'm going to answer so
21 they'll have it on record, if you don't mind.

22 MR. LUSK: Yeah.

23 MR. RIBEIRO: Okay. The caution tape was
24 installed at the 200 foot mark, where it's not at

1 August 31, 2021

2 the property line. It's 200 feet off the property
3 line. Their version number four they're speaking
4 of today was reduced from 250 feet previously to
5 the 200 foot mark. So that line of tape that you
6 start seeing is actual panels being installed at
7 that location.

8 MR. LUSK: It was just hard to tell from
9 the photos the distance. Thank you very much.

10 MS. TAYLOR: All right.

11 MR. WEINAND: Hello.

12 MS. TAYLOR: [unintelligible] [03:16:31]
13 adjourned.

14 MR. KESSLER: Can I just ask a couple of
15 questions?

16 MR. WEINAND: Yeah.

17 MR. KESSLER: So in your presentation,
18 you identified three benefits, right. One was
19 environmental and carbon, one was tax, and one
20 was the customer.

21 MR. WEINAND: Yeah.

22 MR. KESSLER: Those are the three. If
23 those three things added up to 100 percent, can
24 you give me a percentage for each one of those as

1 August 31, 2021

2 to what you think the relative values are for
3 those three things? How important is customer
4 versus taxes versus environment in your project?

5 MR. WEINAND: Yeah. Uh, well they're
6 incentivized, these projects are incentivized
7 from a state level because of the environmental,
8 the positive environmental impacts, the positive
9 carbon impacts. So that's number one, and that is
10 by far the most impactful benefit of this site.
11 The math, on a per tree basis is very strong in
12 favor of solar. One tree removed is equal and
13 then replacing that tree with solar, it's equal
14 to replanting I think it's 67 trees. So that's
15 the number one benefit of this system. And that's
16 why Governor Cuomo has incentivized this so
17 heavily, ex-governor.

18 MR. KESSLER: The former governor, yeah.

19 MR. WEINAND: And then beyond that,
20 these solar programs are structured in a way to
21 include the community, so that, and that's where
22 this community solar program comes from. It's a
23 way to get local residents to participate and
24 feel like they're a part of the project. I think

1 August 31, 2021

2 that's the second most impactful is the customer
3 savings.

4 MR. KESSLER: Even at \$10 a month
5 savings?

6 MR. WEINAND: Well, I think the
7 cumulative benefit, which is correct, does need
8 to be updated to alternative four, that was an
9 oversight, a mistake. The carbon impacts have
10 been updated to alternative four in this, but the
11 customer savings cumulatively over 25 years are,
12 are very substantial I think, yes.

13 MR. KESSLER: Might be but when you
14 bring it down to the basics --

15 MR. WEINAND: And then the property tax
16 --

17 MR. KESSLER: -- it's still \$10 a month.

18 MR. KIMMERLING: It's less than \$10 a
19 month.

20 MR. KESSLER: Less than.

21 MR. WEINAND: It depends on -- yeah, but
22 it's about that. It's about \$10 a month every
23 month for 25 years across almost 1,000 residents.
24 And then the property tax.

1 August 31, 2021

2 MR. KESSLER: Two cups of coffee a
3 month. [applause]

4 MR. WEINAND: A Netflix subscription.

5 MR. KESSLER: The other question I have,
6 on the decommissioning I mean that presupposes
7 though that you're going to continue to own that
8 land in perpetuity. That's kind of an odd thing
9 to assume, isn't it?

10 MR. WEINAND: The decommissioning?

11 MR. KESSLER: Yeah.

12 MR. WEINAND: Yeah, so we're submitting
13 a decommissioning plan, a decommissioning bond to
14 remove the facility.

15 MR. KESSLER: But, you know, you're
16 proposing to plant trees.

17 MR. WEINAND: Yeah.

18 MR. KESSLER: And as people have raised,
19 and I have the same issue, that assumes that
20 you're going to keep that property and nothing
21 else is going to happen on that property.

22 MR. WEINAND: That's correct. After the
23 useful life of this solar facility, we'll have to
24 reassess what we want to do with the property

1 August 31, 2021

2 [boos/claps] once, once this facility stops
3 operating, we're required by the decommissioning
4 plan to remove the facility and replant trees.

5 MR. KESSLER: But you can replant trees
6 and then sell the property or you sell the
7 property before you replant trees?

8 MR. WEINAND: We replant trees before we
9 sell the property.

10 MR. KESSLER: And then somebody could
11 come and want to build something and take the
12 trees down again?

13 MR. WEINAND: That's correct.

14 MR. KESSLER: Okay.

15 MR. WEINAND: Whatever the future owner
16 wants to do with the property, they'd have to
17 reapproach the planning board and seek approval.

18 MR. KESSLER: And just the last
19 question, I promise. When you did the comparison
20 to the residential, you did not include a tax
21 revenue comparison as far as I could tell.

22 MR. WEINAND: Yeah. We don't have great
23 data on that, so.

24 MR. KESSLER: Well, you go back to the

1 August 31, 2021

2 Mill Court Subdivision.

3 MR. WEINAND: Yeah, it's a little more
4 complex. It's not a very straightforward
5 analysis. We were having some difficulty
6 deciphering it all. Yes, the gross level tax
7 revenue --

8 MR. KESSLER: I'm sure --

9 MR. WEINAND: -- the gross level tax --

10 MR. KESSLER: -- I'm sure staff can help
11 you come up with that number.

12 MR. WEINAND: It's higher than our solar
13 farm.

14 MR. KESSLER: Yes, that's my point.

15 MR. WEINAND: But once you factor in all
16 of the strain on town services, you know.

17 MR. KESSLER: I understand that as well.

18 MR. WEINAND: Water, sanitation,
19 traffic, police --

20 MR. KESSLER: Fire.

21 MR. WEINAND: -- school.

22 MR. KESSLER: I understand that.

23 MR. FOLEY: So do you own the property,
24 or does Kirquel?

1 August 31, 2021

2 MR. WEINAND: Kirquel, yes, he owns the
3 property.

4 MR. FOLEY: Okay. So, if this is granted
5 and you run the 25 years --

6 MR. WEINAND: Mm-hmm.

7 MR. FOLEY: -- and decommission, the
8 property goes back to him or whoever, and they
9 can develop it into a subdivision or whatever.
10 Correct?

11 MR. WEINAND: If we don't go forward
12 with this solar farm, that's correct, yes. They
13 just actually renewed the --

14 MR. FOLEY: But what happens if you run
15 the course and you're approved and you're there
16 for 25 years, the solar farm. After that, I'm not
17 going to be around, but --

18 MR. SCHWALBE: There's still a chance
19 reup the solar farm.

20 MR. WEINAND: Yeah.

21 MR. SCHWALBE: But still you guys are
22 assuming that in 25 years, we're not going to
23 install new solar panels and rerun the solar.
24 That's a possibility.

1 August 31, 2021

2 MR. MAYES: That's not in your plan,
3 that's not in your plan.

4 MR. WEINAND: It's the most likely
5 option.

6 MR. KESSLER: Well, that should have
7 been disclosed somewhere.

8 MR. FOLEY: I asked for a reason --

9 MR. WEINAND: An active interconnection.

10 MR. FOLEY: -- because there are other
11 solar farm proposals in the general area, at
12 least one.

13 MR. WEINAND: I'm sorry?

14 MR. FOLEY: There are other solar farms
15 in the next town, one, within a -- you could
16 throw a baseball and it would land on the other
17 property near where I live. I've lived there 50
18 years in that neighborhood below you guys. And
19 that property, if it's developed on the Yorktown
20 side into a solar farm and runs the course of 25
21 years, for example, it reverts back to the
22 original owner who could then develop it.

23 MR. WEINAND: We own it outright. We
24 would -- it doesn't revert back to Kirquel. And

1 August 31, 2021

2 we would, you know, run the numbers in year 35
3 most likely, if it makes sense to reinvest in the
4 site and install a new facility.

5 UNIDENTIFIED MALE: There won't be any
6 incentives then. You're not going to do it.

7 MR. WEINAND: At that point, we would
8 own the land and we'd have an active
9 interconnection agreement. The land is already
10 cleared and graded and can very easily
11 accommodate a new site. Also, you know, the
12 technology is probably a little bit more
13 efficient in 35 years. So, I mean it could be a
14 whole different setup criteria to assess whether
15 or not we'd want to install again.

16 MR. KIMMERLING: Just a question on
17 that. So this is part of, I think you said
18 community solar program?

19 MR. WEINAND: Yes.

20 MR. KIMMERLING: So what's the sense of
21 community in that if the community isn't really
22 looking forward to having you guys? [applause]

23 MR. WEINAND: Well, it's --

24 MR. KIMMERLING: I mean if you're

1 August 31, 2021

2 offering like --

3 MR. WEINAND: Yeah.

4 MR. KIMMERLING: -- if you came to them
5 and you said, look, we can make this like cool
6 thing for you and they're like no thanks, then
7 like --

8 UNIDENTIFIED MALE: We've been saying
9 no.

10 MR. WEINAND: It's a, it's a different
11 solar model.

12 MR. KIMMERLING: Like what community
13 would it be serving?

14 MR. WEINAND: Yeah, it's a different
15 solar model. There's rooftop solar, there's
16 residential solar, there's utility scale solar,
17 which is actually the majority of what's getting
18 installed in New York State, you know, sites that
19 are 200 to 2,000 acres, and then there's this
20 middle market, community solar, where they limit
21 you to a maximum of five megawatts. And these are
22 supposed to be upscale but distributed throughout
23 the community. So they're not 200 to 1,000 acres,
24 they're 20 to 40 acres, where local residents can

1 August 31, 2021

2 participate and it's a way of getting ground
3 mount solar in more developed areas and
4 distributing the benefits of that facility to
5 those nearby rather than 1,000 acre facility in
6 the middle of nowhere. It's a different model.

7 MR. KIMMERLING: And what is the
8 business model if nobody wants to sign up?

9 MR. WEINAND: I guess there is no
10 business model then. I mean, you know, you'd have
11 to

12 MR. KIMMERLING: I mean I --

13 MR. WEINAND: -- you'd have to obviously
14 get town support and get a permit.

15 MR. KIMMERLING: Yeah.

16 MR. WEINAND: Like any other project.

17 MR. KIMMERLING: But I mean who could,
18 seriously, this is not a rhetorical question.

19 MR. WEINAND: Yeah.

20 MR. KIMMERLING: Say none of the people
21 who live around there want to sign up, so who
22 could potentially sign up then? How far away or
23 like how does that work?

24 MR. WEINAND: Yeah, anybody in Con

1 August 31, 2021

2 Edison. Usually they do want to sign up. We
3 haven't come across that yet. I know it's only a
4 Netflix subscription every month, it's two cups
5 of coffee as you say, but it's free money
6 essentially. So, usually we have an easy time
7 getting people to subscribe.

8 MR. KIMMERLING: Thank you, I appreciate
9 the answer.

10 MR. WEINAND: Yeah.

11 UNIDENTIFIED MALE: I'll pay you ten
12 thousand bucks to stay away. [applause]

13 MR. KIMMERLING: Madam Chair --

14 MS. TAYLOR: Hello.

15 UNIDENTIFIED FEMALE: Fifteen. I'll form
16 a land trust.

17 MS. TAYLOR: Please, please.

18 MR. KIMMERLING: -- I'd like to make a
19 motion to adjourn the public hearing.

20 MS. TAYLOR: That's what I really would
21 like to do.

22 MR. KIMMERLING: I'm doing it.

23 MR. KESSLER: Second.

24 MR. MAYES: I second.

1 August 31, 2021

2 MR. KIMMERLING: So we're going to
3 adjourn this public hearing to our next scheduled
4 meeting, which is October 5th.

5 MS. TAYLOR: Okay. I need a second on
6 that.

7 MR. KESSLER: Second.

8 MR. KIMMERLING: You have a second.

9 MS. TAYLOR: Okay. On the question, all
10 in favor?

11 MULTIPLE: Aye.

12 MS. TAYLOR: Opposed? Okay. Thank you
13 all.

14 MR. KESSLER: Alright. See you next
15 month.

16 MR. FOLEY: We all appreciated your
17 comments.

18 MR. KESSLER: Excuse me, if you would
19 leave quickly, we have one more item on the
20 agenda to get through, we appreciate that, so we
21 can go home too.

22 MR. KESSLER: This is quick, right,
23 we've got a resolution?

24 MR. KIMMERLING: Yeah, there's a --

1 August 31, 2021

2 [OFF-MIC CONVERSATION]

3 MS. TAYLOR: Okay, we have another item
4 that we have to cover here.

5 MR. PREZIOSI: If anyone would like to
6 talk, please head out to the hallway and/or the
7 corridor. There's still one other agenda item on
8 the agenda. Thank you.

9 MR. KESSLER: Alright.

10 MS. TAYLOR: Okay. The final item
11 tonight is an item of new business. It's PB 2021-
12 4, a letter dated August 6, 2021 from Michael
13 Sheridan, Esquire, requesting the required five
14 year recertification of the special permit for an
15 existing cell tower located at 1065 Quaker Bridge
16 Road, East. Mr. Sheridan?

17 MR. SHERIDAN: Yes, good evening, chair,
18 members of the Board. My name is Michael
19 Sheridan, attorney for Snyder & Snyder, LLP, the
20 attorneys for New York SSMA Limited Partnership
21 DBA Verizon Wireless. As the chair just
22 indicated, we're here in connection with the
23 request for the five year recertification for the
24 special permit for the facility at 1065 Quaker

1 August 31, 2021

2 Bridge Road East.

3 MR. KESSLER: Did you guys have a
4 conversation already about what you were doing?

5 MR. KEHOE: Yes, that you're not getting
6 the five year certification given the fact that
7 the tower is still under construction. And yes,
8 we shared the proposed resolution.

9 MR. SHERIDAN: Yes, so --

10 MR. KESSLER: Okay, good, so Madam Chair
11 I move that we adopt the resolution 12-21
12 granting a one year approval of, one additional
13 year of approval of special permit.

14 MR. SHERIDAN: And that contains the
15 change that we requested?

16 MR. KEHOE: Yes.

17 MR. SHERIDAN: Okay.

18 MS. TAYLOR: It's an extension for one
19 year?

20 MR. KEHOE: Yes, but there was suggested
21 changes made by the attorney that our attorney
22 agreed to, which are highlighted in the
23 resolution that you have. The second page should
24 but some --

1 August 31, 2021

2 MR. KESSLER: Oh, yeah. I see it.

3 MR. KEHOE: And Mr. Sheridan just wanted
4 to ensure that we made that change.

5 MR. KIMMERLING: Yeah, we have that.

6 MR. KESSLER: Okay.

7 MR. FOLEY: The part in red?

8 MR. KESSLER: Yes.

9 MR. KEHOE: Yeah.

10 MR. KIMMERLING: Second.

11 MR. KESSLER: That's the resolution,
12 yes. I've made a motion on it, yes.

13 MR. SHERIDAN: Great, thank you.

14 MR. FOLEY: Second.

15 MS. TAYLOR: Thank you. Alrightie. On
16 the question? All in favor?

17 MULTIPLE: Aye.

18 MS. TAYLOR: Opposed? Okay.

19 MR. SHERIDAN: Thank you very much.

20 MS. TAYLOR: We're done, thank you so
21 much.

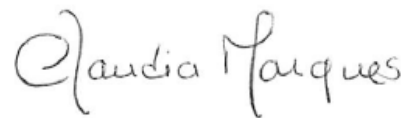
22 MR. KEHOE: It's 10:30, we're adjourned.

23 (The public board meeting concluded
24 at 10:30p.m.)

CERTIFICATE OF ACCURACY

I, Claudia Marques, certify that the foregoing transcript of the board meeting of the Town of Cortlandt on August 31, 2021 was prepared using the required transcription equipment and is a true and accurate record of the proceedings.

Certified By



Date: September 23, 2021

GENEVAWORLDWIDE, INC

256 West 38th Street - 10th Floor

New York, NY 10018