

TOWN OF CORTLANDT
PLANNING AND ZONING BOARDS

PLANNING BOARD MEETING

Videoconference

November 3, 2021

7:00 p.m. - 8:00 p.m.

November 3, 2021

MEMBERS PRESENT:

Loretta Taylor, Chairperson

Thomas A Bianchi, Vice Chairperson

Stephen Kessler, Member

George Kimmerling, Member

Jeffrey Rothfeder, Member

Suzanna Decker, Member

Robert Mayes, Alternate Member

ALSO PRESENT:

Chris Kehoe, Deputy Director, Planning

Michael Preziosi, Director of DOTS

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

3 MS. LORETTA TAYLOR: Cite the 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. TAYLOR: Here.

17 MR. KEHOE: Mr. Bianchi?

18 MR. THOMAS BIANCHI: Here.

19 MR. KEHOE: Ms. Decker?

20 MS. SUZANNE DECKER: Here.

21 MR. KEHOE: Mr. Foley noted as absent
22 and Mr. Mayes noted as not here yet. We expect
23 him I believe.

24 MS. TAYLOR: Alrighty. We have a couple

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changes to the agenda tonight. PB 1-16 Pomona Development with three lots subdivision and okay. And PB 2020-10, the 2.3-megawatt solar power system at Route 202 and Lexington Avenue. Can I have someone please make a motion to adopt these changes?

MR. BIANCHI: So moved.

MS. TAYLOR: Thank you.

MR. KESSLER: Second.

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

MULTIPLE: Aye.

MS. TAYLOR: Opposed. Alrighty.

MR. KESSLER: Hudson Wellness I thought was also changed in the agenda.

MR. KEHOE: Oh, yeah. That came about after our work session that Hudson Wellness will be adjourned til the December meeting.

MS. TAYLOR: Okay.

MR. KEHOE: Yeah.

MS. TAYLOR: Well, are we gonna add that to the...

MR. BIANCHI: The motion?

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2 MS. TAYLOR: Yeah.

3 MR. BIANCHI: Sure.

4 MS. TAYLOR: To the motion. We're
5 adding the -- excuse me. PB 615 which is the
6 application for Hudson Wellness to this motion to
7 change the agen-, the agenda. So we, we were on
8 the question, all in favor?

9 MULTIPLE: Aye.

10 MS. TAYLOR: Opposed? Very good. Okay.
11 Moving along. Can I have a motion please to
12 adopt the minutes of the meeting of October 5th?

13 MR. KIMMERLING: So moved.

14 MS. TAYLOR: Thank you.

15 MR. KESSLER: Second.

16 MS. TAYLOR: Thank you. On the
17 question, all in favor?

18 MULTIPLE: Aye.

19 MS. TAYLOR: Opposed? Alrighty. Moving
20 down now to items of correspondence. PB 2020-3,
21 a letter dated October 14, 2021 from Heike
22 Schneider, AIA requesting the 1st, one-year time
23 extension of condition site plan approval for the
24 3451 Lexing- Lexington Avenue Classic Car Storage

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2 Facility.

3 MR. BIANCHI: Madam Chair, I move we
4 adopt resolution 16-21 approving the extension.

5 MS. TAYLOR: Alrighty.

6 MR. KESSLER: Second.

7 MS. TAYLOR: Thank you. On the
8 question, all in favor?

9 MULTIPLE: Aye.

10 MS. TAYLOR: Opposed? Okay. Alright.
11 The next item the PB 2019-10, the letter dated
12 October 21, 2021 from Keith Staudohar requesting
13 the 1st, one-year time extension of conditional
14 site plan approval for Custom Marine located at
15 what 301 6th Street. May I have a motion please?

16 MR. ROTHFEDER: Okay. Madam Chair, I
17 move that we refer the spec to staff.

18 MS. TAYLOR: Thank you.

19 MR. KIMMERLING: Second.

20 MS. TAYLOR: Thank you. On the
21 question?

22 MR. KEHOE: And just on the question for
23 the record, we're gonna go out and do a site
24 inspection before recommending that you grant a

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2 time extension. We wanna take a look at the
3 site. We believe there are some compliance
4 issues.

5 MS. TAYLOR: Did you want the Board to
6 go or just?

7 MR. KEHOE: No, it's just staff.

8 MS. TAYLOR: Oh, just staff, okay.

9 MR. KEHOE: Just staff.

10 MS. TAYLOR: Alrighty. Okay. So we
11 have on the question, all in favor?

12 MULTIPLE: Aye.

13 MS. TAYLOR: Opposed? Alright. Good.
14 The final item under correspondence is PB 13-05,
15 a letter dated October 21st -- excuse me. 2021
16 from Brad Schwartz, Esquire requesting the 20th,
17 90-day time extension of final plan, final plat
18 approval for Mill Court Crossing Subdivision
19 located at the south end of Mill Court.

20 MR. KIMMERLING: Madam Chair, I move
21 that we approve the extension and adopt
22 resolution. I'm sorry I think it's number 18-21?

23 MULTIPLE: 17th.

24 MR. KIMMERLING: You changed the

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2 numbers?

3 MR. KEHOE: Yes.

4 MR. KIMMERLING: Okay. 17-21.

5 MR. KESSLER: Second.

6 MS. TAYLOR: Thank you. On the
7 question, all in favor?

8 MULTIPLE: Aye.

9 MS. TAYLOR: Opposed? Alright. Very
10 good. Excellent. Moving along to resolutions.
11 PB 2021-12, the application of New York SMSA
12 Limited Partnership d/b/a Verizon Wireless, for
13 the property of the Lake Mohegan Fire District,
14 for recertification of the special permit for an
15 existing cell tower located at 260 Croton
16 Avenue.

17 MR. KEHOE: Was that Bob's?

18 MS. TAYLOR: Yes.

19 MR. BIANCHI: I'll take it. You wanna
20 take it Robert? Okay. Madam Chair, I'll move
21 that we adopt resolution number 18-21 --

22 MS. TAYLOR: Alright.

23 MR. BIANCHI: -- to grant the
24 recertification.

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2 MS. TAYLOR: Okay.

3 MR. ROBERT MAYES: Second.

4 MS. TAYLOR: Thank you. On the
5 question, all in favor?

6 MULTIPLE: Aye.

7 MS. TAYLOR: Opposed? Very good.

8 Alright. Moving along to the next item under
9 resolutions is PB 2021-1, the application of NRP
10 Properties for site development plan approval, a
11 special permit and with tree removal and steep
12 slope permits for a proposed 135-unit active
13 adult residential community to be located on an
14 approximately 8.7-acre parcel of property at 119
15 Oregon Road. The latest revised drawings are
16 dated September 22, 2021. Good evening.

17 MR. LEE LEFKOWITZ: Good evening, Madam
18 Chair, Members of the Board. We're back before
19 your Board. I'm with the rezoning approved by
20 the town board now for a special permit and site
21 plan approval. And I'm here with Miles Monahan
22 from NRP. We're available to answer any
23 questions your Board may have but we're in
24 receipt of the resolution which I understand your

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2 Board is also in possession of. The resolution
3 is acceptable to NRP and today we'll be asking
4 that your Board approve the resolution as it's
5 before you and we wanna thank all of, all of you
6 for your hard work on this. Especially, I wanna
7 also thank Mr. Cunningham who we had -- for his
8 dialogue with us and his hard work on this
9 resolution. So we're available for any questions
10 but we're tonight we'll be asking that your Board
11 approve this resolution.

12 MS. TAYLOR: Was there any questions?

13 MR. KEHOE: Just obviously as you know,
14 you receive one at the work session and that was
15 shared with the applicant. They worked with the
16 attorney and agreed upon some changes. I spoke
17 with Mike Preziosi and there was some more
18 changes so that real convoluted track changes one
19 was sent over via e-mail along with the clean
20 version and as I said almost all of those
21 modifications are either timing of when
22 signatures happen or how we explain securities
23 but there's nothing substantively changed.

24 MS. TAYLOR: Okay. The Board is

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2 looking. Nobody? You want? Did you wanna?

3 MS. DECKER: Motion to adopt Resolution
4 Number 19-21.

5 MS. TAYLOR: Okay.

6 MR. BIANCHI: Second.

7 MS. TAYLOR: Thank you. On the
8 question, all in favor?

9 MULTIPLE: Aye.

10 MS. TAYLOR: Opposed? Alrighty.

11 MR. LEFKOWITZ: Thank you very much.

12 MS. TAYLOR: Good luck.

13 UNIDENTIFIED MALE: Excuse the
14 distraction but I just wanna say thank you all.
15 It's been an absolute pleasure working with Mr.
16 Kehoe as well. I don't wanna leave out Mr. Kehoe
17 and Mr. Preziosi as well as Mr. Cunningham. The
18 rest of the Board we I think we have a terrific
19 project here. We're really excited about the
20 future. Thank you all.

21 MR. KEHOE: Thank you for correcting
22 that oversight.

23 MR. KESSLER: Sounds like a reduction of
24 the performance bond.

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2 MS. TAYLOR: Alrighty. The next item is
3 one that we had said would be not, not taken up
4 tonight. This is the, the 2.3-megawatt community
5 solar power system. So Mr. Bianchi?

6 MR. BIANCHI: Yes. Madam Chair, I move
7 that we adjourn this application to the December
8 meeting as per the applicant's request.

9 MR. KESSLER: Second.

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

12 MULTIPLE: Aye.

13 MS. TAYLOR: Opposed? Alrighty. Moving
14 right along. Alright. The next item is a public
15 hearing or excuse me. Let me just say that there
16 is the, the first item under public, adjourned
17 public hearing from previous meetings. That
18 first item will not be taken up as PB 116 which
19 was the -- excuse me. The subdivision for three
20 homes and that was at Revolutionary Road. So
21 that, I'll just leave it at that. We are going
22 to adjourn that so can I get a motion from Mr.
23 Kessler please on that.

24 MR. KESSLER: Oh, sure. I move that we

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2 defer this application to our December meeting.

3 MR. KIMMERLING: Second.

4 MS. TAYLOR: Thank you. On the
5 question, all in favor?

6 MULTIPLE: Aye.

7 MS. TAYLOR: Good. Alrighty. Opposed?
8 Alright. Moving right along to the second
9 previously adjourned hearing, public hearing PB
10 2020-6, a public hearing on the application of
11 Palisades Enterprises, LLC for site plan approval
12 and special permit for a tree removal and steep
13 slope permit for a proposed 2,940 square foot gas
14 station and convenience store with six fuel pumps
15 on approximately 1.7-acre parcel of property
16 located at 2058 East Main Street. Drawings, the
17 latest revised drawings are dated October 15,
18 2021.

19 MR. JOHN CANNING: Good evening, Madam
20 Chair, Members of the Board.

21 MS. TAYLOR: Good evening.

22 MR. CANNING: It's good to see everybody
23 this evening. Since we last met, we prepared a
24 response to your comments and provided an

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2 additional set of plans with some minor changes.
3 We've reviewed. There were a couple of
4 additional letters that came in or at least one
5 additional letter. To summarize, I guess the,
6 the concerns that the Board has raised and the
7 points that we have presented, there, there was a
8 question of having too many gas stations on Route
9 6 and I will note that this is an existing
10 business so we're not really adding a gas
11 station; that the site was too small and there's
12 too much traffic; that the applicants already
13 submitted to having traffic from the west
14 prohibited from entering the site which reduces
15 the traffic on the site; that it's a convenient
16 space business and by that I mean that most of
17 the people that actually stop at gas stations are
18 already passing on the street so it's not new
19 traffic. Once they get onto the site, there's
20 traffic but half of them are already passing on
21 the street. This site although it's small when
22 you look at it now, it's 40 percent larger than
23 the Gas Land 6 gas station that you approved on
24 the other side of the parkway. The drive aisles

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2 are generally 50 percent larger than the drive
3 aisles in the Gas Land application. The back of
4 the site is almost 175 feet from the street. The
5 signage that's proposed and physical improvements
6 are proposed in the driveways to prohibit and
7 discourage people from making left turns into the
8 driveway from the westbound -- from the eastbound
9 direction. That there's too much happening on
10 the site. The owner has committed and I
11 mentioned this to you the last day not to having
12 a Dunkin Donuts or some other similar high
13 traffic type use on the site in the convenience
14 store. We have because of the, the left turn
15 prohibition and because it's a convenience-based
16 business, not that many motorists are gonna get
17 off the park deliberately to come down. Some
18 will for sure but because you got the left turn
19 prohibition and because you have to get off the
20 parkway to get to the gas station, approximately
21 85 percent of the tr-, the traffic that
22 approaches this site is gonna approach from the
23 east, make the right turn in, and move around the
24 site in a counterclockwise direction so it will

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2 be more orderly and less chaotic. We have added
3 signage and, and striping to the plans to
4 encourage that and as I mentioned before, the,
5 the dimensions of the site are more
6 accommodating. There was a concern expressed at
7 the last meeting that we, we keep moving the goal
8 posts. Some -- well certainly there have been
9 some changes to the plans mostly in response to
10 comments that we've received from the DOT and
11 from your consultant but have added where we're
12 gonna put the, the vacuum pump and the air pump
13 which is over by the parking spaces that are in
14 the back of the left side and we've also added a
15 note to restrict or to require employees to park
16 in the parking spaces at the right so there will
17 be no noise from gas pumps and vacuum, vacuums
18 and air pumps over by the houses and the
19 employees will be parking on the right side
20 leaving the spaces on the left for the customers.
21 There will not be an order board for the drive
22 thru and we've added the window to the building.
23 The intent of the drive thru is basically for the
24 convenience of the C store customers, the

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2 convenience store customers who can either use an
3 app to order something or phone something in or
4 just drive up to the window and order it. So
5 it's not a high intensity use. We modified the
6 truck turning plans. There was a concern that
7 the truck turning plans showed the path of the
8 vehicle coinciding with the path of a parked
9 vehicle at the vehicle fueling positions so
10 that's been changed to address that. I think the
11 two biggest issues that the Board had an I
12 understand this is the number of vehicle fueling
13 positions which is 12, 6 pumps, 12 vehicle
14 fueling positions which is exactly what was
15 approved at the Gas Land site on the other side
16 of the, of the parkway and the drive thru which
17 the applicant has committed not to having a brand
18 name store in there selling coffee and the like.
19 I brought this to my client and expressed the
20 Board's concerns and his response basically was
21 twofold. One, he's already down traffic so he
22 has left traffic than they're gonna have at Gas
23 Land, he's only asking for what was approved at
24 Gas Land and that he has to complete with Gas

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2 Land and he makes his money on the margins and he
3 needs these veh- vehicle fueling positions 'cause
4 that's where people park and that they walk in
5 and it's a convenience-based business and the
6 same for the drive thru. And, and he feels that
7 this is, you know, a really important aspect of
8 this application for him and that the, the
9 project is already bringing a benefit to the
10 community with the traffic light which will
11 address a longstanding issue at that location and
12 that the volume of traffic on this site will be
13 lower than at Gas Land and the site is bigger.
14 And so he, he, he feels that this is an important
15 issue and he asks the Board for consideration in
16 this matter.

17 MR. KESSLER: What I'm hearing is
18 because we approved it at, at Gas Land, we should
19 approve it here 12 pumps?

20 MR. CANNING: Well, so not, not really.
21 It's, it's that, that's what was approved there.
22 This site is bigger. This, this site has less
23 traffic. It has to compete with that site, with
24 that site. Your consultant has reviewed the

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2 traffic--

3 MR. KESSLER: You're also competing
4 with, you're competing with three other gas
5 stations as well.

6 MR. CANNING: Correct. That's correct.
7 Yes.

8 MR. KESSLER: But you're singling out
9 one for your arguments.

10 MR. CANNING: Well, 'cause well becau-
11 because I'm more familiar with that one to be
12 honest with you. The, the town's traffic
13 consultant has reviewed the traffic analysis.
14 The DOT has reviewed the traffic analysis, and we
15 believe that based on the arguments that we
16 presented to you that this will be a safe
17 operation, less intense than some of the other
18 uses, and that the record stands for itself.

19 MR. KESSLER: You mentioned the air and
20 vacuum yet you don't show that as a parking
21 space. Your plan says there are 14 parking
22 spaces. There are 14 parking spaces not
23 including your air pump.

24 MR. CANNING: Well, I--

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2 MR. KESSLER: The comment you mentioned
3 there's a parking space there. There is no
4 parking space there.

5 MR. CANNING: Aren't there too parking
6 spaces up by the?

7 MR. KESSLER: It's not on your plan.
8 You're saying there are six required, 11
9 provided, 11 and three and I count for-, you have
10 numbered 14 spaces here.

11 MR. CANNING: I believe--

12 MR. KESSLER: Not including the air pump
13 and vacuum. So what is it?

14 MR. CANNING: I believe there's 14 there
15 but--

16 MR. KESSLER: There are 14 but that does
17 not include your air pump and vacuum.

18 MR. KIMMERLING: They're not numbered so
19 16.

20 MR. KEHOE: No, I think they're
21 numbered.

22 MR. KESSLER: They're seven and eight.

23 MR. KEHOE: It's hard to see but there's
24 the eight --

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2 MR. KESSLER: Eight and nine, eight and
3 nine.

4 MR. KEHOE: -- there's an eight between
5 the word --

6 MR. KESSLER: Is there?

7 MR. KEHOE: -- air pump and vacuum and
8 then there's a nine.

9 MR. KESSLER: Yeah. Okay. I can't see
10 it. Okay. I stand corrected. Thank you.

11 MR. BIANCHI: The I don't know if this
12 was discussed previously. I don't remember.
13 There's a 500-gallon propane tank. Is that for
14 propane exchange tanks to be used? Is that a
15 service that's gonna be provided?

16 MR. CANNING: I believe that is intended
17 to provide propane for the store.

18 MR. BIANCHI: Oh, okay. So there's no
19 sales of propane?

20 MR. CANNING: That's right, Ralph?

21 MR. RALPH MASTROMONACO: It could be
22 sales of propane.

23 MR. CANNING: I stand corrected. There
24 could be sales of propane.

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2 MR. BIANCHI: Well, again, is there or
3 is there not and we need to know that?

4 MR. CANNING: Okay.

5 MR. BIANCHI: Because that impacts how
6 people with these heavy tanks have to park and
7 how they bring the tank there, a car there to, to
8 load the car 'cause they're not gonna carry these
9 tanks for long.

10 MR. CANNING: Understood. Understood.

11 MR. BIANCHI: Yeah.

12 MR. MICHAEL PREZIOSI: Yeah. Any out,
13 any outdoor merchandise displays or storage of
14 propane tanks, etc., needs to be shown on the
15 revised sight plan for referral to the town's
16 fire inspector and building inspector.

17 MR. CANNING: Okay. Okay.

18 MR. BIANCHI: Don't you also need
19 bollards there or something between the parking
20 lot?

21 MR. PREZIOSI: Yes. There's separation
22 requirements and there's also code or sections of
23 our code that limits the amount of outdoor
24 storage and merchandise displays.

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2 MR. CANNING: Okay. I'll follow up on
3 that.

4 MR. KEHOE: Alright. But until Ralph
5 spoke, I mean the plan implies that it's to heat
6 or provide fuel for the gas station, correct?

7 MR. CANNING: Well, that, that was my
8 understanding but I would clarify.

9 MR. BIANCHI: So I would like to know
10 how the tanks are gonna be filled. Is it going
11 to be on each tank or you gonna exchange tanks
12 and where is the display gonna be for the
13 exchange or cage whatever you call it?

14 MR. CANNING: Yep.

15 MR. BIANCHI: And how, how is that gonna
16 work so I need to know the procedure for filling
17 those tanks is gonna -- what it is -- what it's
18 going to be I should say.

19 MR. CANNING: Understood.

20 MR. ROTHFEDER: I, I find the argument
21 about the gas pumps unconvincing for, for a few
22 reasons. One, you sort of keep falling back on
23 it's not gonna be a lot of traffic there, it's
24 not gonna have the same volume as the one down

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2 the street but you want as many pumps and you

3 said that last time where, you know, we're

4 already curtailed. Well, then you don't need as

5 many pumps and my concern is the way you wrote

6 this response is now you've got these cars and I

7 understand people do that, I do it as well,

8 you've got these cars now stopped at these pumps

9 and sitting there for awhile perhaps as they go

10 in. So I -- to me, it's creating more of the

11 problem that we were raising of cars coming in

12 and cars having to go around cars that are there

13 already and, you know, so I think you, actually I

14 think you have enough parking spaces at the store

15 itself that you're never going to need more there

16 and, and so having to, to put people at pumps and

17 wait there, you know, to me is more problematic

18 actually rather than less. So I, I -- my sense

19 is, you know, and we raised this last time as a

20 Board that we'd like to cut back two pumps.

21 That, that I don't know how the rest of the Board

22 feels but I, I, I definitely still feel that way.

23 MS. TAYLOR: I would agree with that. I

24 would agree. I have also some, some -- I need

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2 probably some more clarity about the circulation
3 in, in this situation. Are people going to come
4 in, drive in and park, walk over to, to exchange
5 the propane tanks and whatever? I'm not sure how
6 things are going to be working here. There's a
7 lot of -- the, the, the con-, the applicant has
8 proposed a new -- a number of things and all of
9 this is built on, on, on a site where flow of, of
10 cars is, is, is really tantamount to success and
11 I don't know -- I just don't think it this thing
12 works in terms of the flow.

13 MR. CANNING: Well, so I will have to
14 get back to you on the tanks presuming that there
15 is going to be an exchange of tanks because--

16 MS. TAYLOR: If one person from the
17 store for example, was destined to go and do
18 the, the thing with the tanks, that's one thing
19 but when you have numerous people driving in and
20 then, you know, going to do this, going to the
21 store or going to the tanks, I just think it's a
22 little too busy and that spot, that site itself
23 is a little -- even though you may have a larger
24 amount of, of --

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2 MR. CANNING: Area.

3 MS. TAYLOR: -- area. Thank you.

4 MR. CANNING: Uh-huh.

5 MS. TAYLOR: It just, it just seems to
6 me that you're trying to do too much in this one
7 site which is potentially fairly dangerous. I
8 mean this site I drive past it all, all, all the
9 time and I see so many strange things even with
10 that little site. The guy's gas is very cheap so
11 a lot of people will, you know, drive up to get
12 in. People have come across the, the, the
13 parkway, parkway and come out and then they go
14 across the Route 6 to go get up in there and I'm
15 thinking --

16 MR. CANNING: Uh-huh.

17 MS. TAYLOR: -- this is really -- it's
18 just, it just seems like a little too much. If
19 you had one or two less things for people to do,
20 it might feel safer to me than all of these
21 things going on. Then you might have also with
22 the, with the window, the drive thru window, how
23 does that work? Why would somebody drive up to
24 the window and sit there while somebody else has

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2 to go and get something and bring it out? I mean
3 what, what's going on there? Just seems so
4 strange.

5 MR. CANNING: So Madam Chair, if I may
6 respond to that in one moment but Ralph has
7 something to say as well.

8 MR. MASTROMONACO: Yeah. Good evening.
9 The propane tank is that is shown on the site
10 plan is for heating the building as well as the
11 emergency generator.

12 MS. TAYLOR: Uh-huh.

13 MR. MASTROMONACO: So there was a plan
14 at one time but that we were discussing that they
15 would have a little place to re- return propane
16 tanks but not to fill them there. So since it's
17 not shown on the site plan at the moment, there
18 is no plan to put a cage with stored propane
19 tanks. It's an underground tank only for
20 emergency generator and heating the building and
21 it's I think I've mentioned this earlier, it's a
22 -- for heating the building, it's an interim
23 measure because there's been a lot of trouble
24 with our contractors getting applications filled

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2 at ConEdison when they wanna get gas connections.
3 They just take months. So that's the purpose of
4 the propane tank. It wasn't for anything more
5 than that.

6 MR. ROBERT MAYES: Could I have a
7 follow-up question to that?

8 MR. KIMMERLING: Where's the generator?

9 MR. MAYES: So you said first that it's
10 an underground propane tank, not an above ground
11 propane tank?

12 MR. MASTROMONACO: Yes.

13 MR. MAYES: Okay. And second, is there
14 a generator on the plans?

15 MR. MASTROMONACO: No, the generator is,
16 the generator is taken to the site on a truck if
17 there ever is a prolonged outage, that's how they
18 get. This is a company. They have these things.
19 They bring the generator to the site.

20 MR. MAYES: And the second clarifying
21 question, you said there would be a spot possibly
22 you were thinking to return tanks. You're
23 talking about an exchange and not just returning?

24 MR. MASTROMONACO: It's not happening

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2 through. I said it's not--

3 MR. MAYES: So that's scrapped, that,
4 that--

5 MR. MASTROMONACO: No, it's not
6 happening.

7 MR. MAYES: Okay.

8 MR. KESSLER: Propane is purely for
9 internal use.

10 MR. MASTROMONACO: Yes.

11 MR. KESSLER: Thank you.

12 MR. PREZIOSI: The generator permit is
13 required to town code is specific on that. New
14 York State building code is specific on that so
15 they're gonna have to show the generator on the
16 site plan even if it's a standby and brought to
17 the site. When the building plans are submitted,
18 they'll have to be the quick connect and/or the
19 interconnect to the building in order to hook up
20 the generator. So that needs to be shown so it
21 doesn't block fire access, windows, etc. In
22 addition, the propane tank should be shown on the
23 site plan as well as any other utilities
24 proposed. That was I believe indicated in one of

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2 our earlier review memos to show all existing and
3 proposed utilities onsite and that would include
4 tanks and generators, etc. So the plan should be
5 revised to reflect anything that is being
6 proposed on this site.

7 MR. MASTROMONACO: The propane tank is
8 shown on the site.

9 MR. KESSLER: Generator he is saying.

10 MR. KIMMERLING: The generator is not.

11 MR. MASTROMONACO: Because it's
12 portable. I never heard of that rule that you
13 have to show where a portable generator goes.
14 It's the first I've ever heard of it but, but as
15 Mike said, it is a building permit issue,
16 wouldn't it be?

17 MR. PREZIOSI: With the architectural
18 drawings, the MEP, the electrical engineer would
19 show the connection, the location but the
20 location of a generator does have to meet zoning
21 compliance setbacks, noise requirements to the
22 property lines, etc., so we would like to see
23 where it would be going on the site plan. You
24 don't -- you just have to indicate where it's

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2 gonna be placed relative to the building. If
3 you're gonna be bringing it in as a standby
4 generator, that's fine, but you still need to
5 show where it would conceivably be located so
6 that it does not block fire, fire lanes, it does
7 not block emergency egress to the site, etc.

8 MR. MASTROMONACO: But that could be,
9 that could be a condition, Mike?

10 MR. PREZIOSI: It's but to the Board if
11 they wanted.

12 MR. MASTROMONACO: I'm just saying but
13 it could be a condition. It's just--

14 MR. KEHOE: And it, and it may have been
15 obvious but maybe the plan just should say
16 underground 500-gallon propane tank?

17 MR. MASTROMONACO: Yes.

18 MR. KEHOE: Okay.

19 MR. BIANCHI: Alright. I, I, I agree
20 with Mike on that. I think the hookup has gotta
21 be shown where it's going to be and where the
22 provision for the standby generator is going to
23 be. I, I think that should show up on the site
24 plan if that's one of the uses for that propane

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2 tank.

3 MR. KESSLER: Yeah, I agree.

4 MR. CANNY: So, I'm sorry, Mr. Kessler.

5 MR. KESSLER: Yeah, yeah, Chris, can you
6 just go to sheet five please?

7 MR. KEHOE: It will take me a second.
8 The one will all the -- this one?

9 MR. KESSLER: Yeah. Yeah. It looks
10 better on my paper than it does up there.

11 MR. KEHOE: Yeah.

12 MR. KESSLER: So tell me, Jim, when,
13 when the fuel truck comes in, where is it parked?
14 Which one of those blue lines is where it's
15 parked basically?

16 MR. CANNING: So it's parked basically
17 in the top right corner. You can see a truck
18 there. It's in that general area. That's where
19 the tanks are. So it's, you know, you go to some
20 gas stations in, in some of the communities in
21 lower Westchester and half a tank is sticking out
22 into the road because they're older communities
23 and they're small. So this plan we can get it
24 all the way into the back of the site and you can

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2 still access almost all of the pumps.

3 MR. KESSLER: And you think you can
4 access the upper most pump with that truck parked
5 there?

6 MR. CANNING: No, you can't but the
7 trucks only there for an hour a week. And Madam
8 Chair, if I may, to respond I said I would
9 respond to your comments earlier about how much
10 is happening at the site. So the -- 95 percent
11 of what you're going to do is either gas or
12 convenience and it's about 50-50. Probably even
13 more on the gas. There's a combination of both,
14 right? So if you're going for gas, you're gonna
15 pull in, you're gonna mostly go down the right
16 side, turn left into a vehicle fueling position,
17 get gas. If you want to go into the store, you
18 can pull forward and park but most people say I'm
19 already parked, why am I going to get into my car
20 and go forward, get out of my car. So walk into
21 the store. They spend two minutes in there, then
22 come back out and they'll pull out of the vehicle
23 fueling position and leave. If they're
24 convenient, they're do that. Then if you wanna

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2 go to the store specifically so you're not -- you
3 don't need gas but you need milk, you'll come in
4 probably the, the left aisle there on, on the
5 picture. Just drive up, pull into the parking
6 space, go and get what you want, back out, and
7 drive out. Probably 95 out of a hundred folks
8 are going to do that and then maybe five out of a
9 hundred are gonna drive in the, the left aisle,
10 drive down the back, go around to the wi-, the
11 pickup window if they've called something in
12 already. The, the beauty of this site from, from
13 my perspective, from the owner's perspective and
14 from the town's perspective is right now it's a
15 nightmare. It's -- there's no signal, you can
16 har-, there's a lot of traffic, you can hardly
17 see under the bridge, the pumps are right up on
18 the street and so you take your life in your
19 hands if you're crossing over the Bear Mountain
20 crossing over Route 6. Then you get in, then you
21 have to make sure there's enough room for you to
22 pull in there and there's not somebody there
23 already. So we're going to fix all that. We're
24 taking the pumps and we're pushing them way, way

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2 back twice as far back from the street as they
3 are now and we're providing a signal that will
4 allow you to wait on the site until you get a
5 green light and everybody stopped to either go
6 into or out of the site. So from that
7 perspective, I think it's a significant
8 improvement than what you've got out there right
9 now and that's, you know, one of the reasons we
10 think you should consider moving this application
11 forward and I know we do have some minor changes
12 to make to the site plan but we, we think we've
13 got a viable plan here that, that meets all of
14 the requirements and is a betterment to this
15 site.

16 MR. KESSLER: John, you mentioned the
17 pickup window.

18 MR. CANNING: Yep.

19 MR. KESSLER: So from what you just
20 said, you're saying that people are gonna call
21 ahead and say I need a gallon of milk and pick up
22 and, and--

23 MR. CANNING: Or they can, they can have
24 an app, they can order it on the app. If the C

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2 store has an app, you can just go online to
3 Stuarts or whatever it is and order milk.

4 MR. KESSLER: So you're expecting that
5 Sinclair will have an app for this store?

6 MR. CANNING: Yes.

7 MR. KESSLER: And, and how does anyone
8 know where the pickup window is? Is there
9 signage?

10 MR. CANNING: Well, we have a, we have a
11 drive thru sign. It's painted on the, on the
12 back. Up above the dinosaur there's it should
13 say drive thru there. I can't see it from here
14 but I did say -- see it on the plans previously.
15 Maybe it's not that one that's--

16 MR. KESSLER: That is the latest one.
17 But, but when you go into the site though,
18 there's nothing that says where the drive thru is
19 right?

20 MR. CANNING: No, at this point, at this
21 point, no.

22 MR. KESSLER: You just got to wan-, you
23 guys got to wander around the site to find the
24 drive thru window?

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2 MR. CANNING: Well, I mean when you go
3 in the site, the, the first driveway on the left
4 -- there's the building is on the left, the first
5 driveway on the left has an arrow coming out and
6 a do not enter so you don't go in there. So you
7 go down the building and you get to the back of
8 the building, then you go around, then you come
9 back out.

10 MR. MASTROMONACO: There's pavement
11 markings.

12 MR. CANNING: But we can, we can.
13 There's pavement marking?

14 MR. MASTROMONACO: Pavement marking.

15 MR. KESSLER: Starting where Ralph?

16 MR. KEHOE: It does say drive thru on
17 the ground. That's what he means when he says
18 pavement marking. If you could see right there
19 on your plan it says drive thru. So I'm assuming
20 what you're saying is that would be painted on
21 the asphalt.

22 MR. CANNING: Correct. I mean if, if
23 you, if the Board believes that it would be
24 beneficial to have a sign there, we'd be more

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2 than happy to add a sign there certainly.

3 MS. DECKER: And those other ones are
4 pavement--

5 MS. TAYLOR: Why do you need, why do you
6 need a drive thru window? Just, just why do you
7 need that?

8 MR. CANNING: Because it's, it's a
9 convenience business or we could have another
10 pandemic. It's, it's a benefit to have it
11 because you make a little extra on the
12 convenience. Some people might say, you know
13 what, and a lot of people do these days, I don't
14 wanna get out of my car and so they'll use the
15 app. They can cruise in, get their gallon of
16 milk, and go on their merry way. I'm not a big
17 drive thru fan myself frankly but.

18 MR. KESSLER: But there's no person
19 sitting at the drive thru window?

20 MR. CANNING: Not that I believe. No, I
21 don't believe so.

22 MR. MASTROMONACO: It's right behind the
23 counter.

24 MR. CANNING: It's behind the counter so

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2 I guess they're, they're, it's on, it's behind
3 them if they're at the counter.

4 MS. DECKER: And those are pavement
5 markings also on the --

6 MR. CANNING: Correct.

7 MS. DECKER: -- like that take you all
8 the way around.

9 MR. CANNING: Correct.

10 MS. DECKER: Right?

11 MR. BIANCHI: What's your experience
12 with a cuing for a window?

13 MR. CANNING: So for a window like this,
14 the cuing is minimal. It's two vehicles at most.
15 When you go to something like a CVS, they have a
16 drive thru. It's four or five. And then when
17 you go to Dunkin Donuts and Starbucks, it's like
18 ten, 12. So it really won't be an issue for this
19 and that's why we've committed not to have a
20 Dunkin Donuts or, you know, a high intensity
21 brand independent operator.

22 MR. BIANCHI: What is that on the, the
23 bottom I don't know what side it is, the bottom
24 of the sor-, past the pickup window, there's a

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2 hash area. It's right above the note that says
3 something about the, the landscaping over there.

4 MR. CANNING: Yes. So the hashed area,
5 the hashed area is basically you have, you have
6 the drive thru lane and you have if somebody goes
7 around the back and they said oh, what am I doing
8 around here and they don't want to be around the
9 back at the drive thru, they can pass somebody
10 who's at the window but when they get to the
11 corner, we want people to get back into single
12 file so we're, we're showing them don't drive on
13 this hashed area and then they go out to the, to
14 the plaza if you wanna call it that in the single
15 file because it's more orderly.

16 MR. BIANCHI: So you're, you're forcing
17 a merge at that point to--

18 MR. CANNING: Exactly. Yes. But it's
19 not like there's gonna be a lot of traffic. I
20 mean we could have not put it on there frankly.

21 MR. KIMMERLING: John, at the existing
22 site, how -- the existing gas station 'cause I
23 know you're saying, you know, it already exists
24 as a gas station, how many pumps are there at the

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2 gas station?

3 MR. CANNING: I believe there's two
4 pumps, four vehicle fueling positions.

5 MR. KIMMERLING: Two pumps.

6 MR. CANNING: Yeah.

7 MR. KIMMERLING: Okay. And this is six,
8 is that right?

9 MR. CANNING: This is six pumps. So
10 it's three times as many pumps but the pumps are
11 like ten feet off the street.

12 MR. KIMMERLING: Yeah, yeah, yeah.
13 Yeah.

14 MR. CANNING: And the building is 25
15 feet off the street.

16 MR. KIMMERLING: Yeah. And so, so
17 that's great and then in terms of the current
18 convenient store, how big is the current
19 convenient store at the site?

20 MR. CANNING: Oh, I honesty -- Ralph, do
21 you know that? It's probably about 1,000 square
22 feet. I, I don't know.

23 MR. MASTROMONACO: It's shown on the
24 plans.

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2 MR. CANNING: Is it shown on, is there
3 an existing conditions plan there that you can
4 pull up. I'm making, making you go all the way
5 back now, Chris. I'm sorry.

6 MR. KIMMERLING: It's, it's like a full-
7 service convenience store?

8 MR. CANNING: It's, it's, it's, I
9 wouldn't say it's a full service. You've got
10 your basic stuff. You know, you can get your
11 cans of coke and you can get your oil and but
12 it's not anything like what would be proposed
13 with this where you can go in and you can get
14 toilet paper and, you know, basically essentials
15 that, that we need along with candy which we
16 don't need and soda and beer, I guess.

17 MR. MASTROMONACO: Right.

18 [unintelligible] [00:37:20].

19 MR. CANNING: Yeah. It currently is a,
20 is a service station as well.

21 MR. KIMMERLING: But there won't be any
22 of that.

23 MR. CANNING: There won't be no, no auto
24 repairs.

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2 MR. KIMMERLING: No auto repairs.

3 MR. CANNING: Yeah. So, so that's I
4 guess a benefit, right?

5 MR. KIMMERLING: So from two to six
6 pumps.

7 MR. CANNING: Yes. Yeah.

8 MR. KIMMERLING: And then like a full-
9 service convenience store where there is just
10 maybe a small base to get some drinks currently
11 and a can of oil and maybe -- okay. So the, so
12 the, the building, the new building is 3,000
13 square feet.

14 MR. CANNING: Correct.

15 MR. KIMMERLING: Give or take, right?
16 And the existing one is 1,000 square feet.

17 MR. CANNING: Well, actually, now that I
18 look at it, it's bigger but, but a lot of it is
19 given over to the garage where the--

20 MR. KIMMERLING: Most of it, most of it
21 is repair --

22 MR. CANNING: Yeah. Yes.

23 MR. KIMMERLING: -- bays. Okay. So
24 that's kind of a substantial different, right, in

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2 terms of use of the site.

3 MR. CANNING: Yes.

4 MR. KIMMERLING: No longer auto repair -
5 -

6 MR. CANNING: Yes. Yeah, no. I mean --

7 MR. KIMMERLING: -- much larger.

8 MR. CANNING: -- from, from the
9 perspective of --

10 MR. KIMMERLING: Convenience store.

11 MR. CANNING: You know, you have motor
12 fuels and all that other stuff that you have at
13 an auto repair. You're taking the risk of that
14 which hopefully would be modest and you're
15 replacing it with minimal risk of having a, a
16 retail store.

17 MR. KIMMERLING: So in terms of --

18 MR. CANNING: And we, we--

19 MR. KIMMERLING: -- traffic to the new
20 site would be a lot more traffic to the new site
21 because of the store. It's not like people are
22 pulling in and getting their car fixed and
23 walking away, right? It's okay.

24 MS. DECKER: Yeah, although it could be

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2 less because it's less of a destin-, you know,
3 you go to the auto mechanic as opposed to just
4 pulling into the nearest convenience store.

5 MR. KIMMERLING: I don't, I don't quite
6 follow that.

7 MR. CANNING: Well, I, I think you're
8 gonna, you're gonna --

9 MS. DECKER: Like it's less of a
10 destination but a convenience.

11 MR. CANNING: -- have an increase in
12 the, in the gas sales 'cause you got more pumps.
13 You have a decrease in the auto repair sales
14 quantifiably I'm not sure how much that is and
15 you'll have another increase from the better C
16 Store. So overall, it's probably more but it's
17 not as much as if you didn't have an existing gas
18 station and existing repair shop.

19 MR. KEHOE: But one think you were all
20 on the site inspection, right, and I'm sure you
21 know this but this is the existing condition. So
22 you wouldn't really know but you're standing here
23 at the existing gas station, you know, they're
24 taking this house down. It doesn't even seem

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2 like it's part of this site and then obviously
3 what Bob has been interested in is the bar back
4 here. So the site will appear to be three times
5 bigger than it appears from the site inspection
6 especially with the house on the right-hand side.
7 It's obvious to me that Popeye's and the gas
8 station are sort of on the same lot but it's the
9 house over on the right that's also coming down.

10 MR. KIMMERLING: That's clear.

11 MR. CANNING: Yes.

12 MR. KEHOE: We, we discussed at the work
13 session the idea of whether we need more of an
14 opinion from our traffic consultant if there is a
15 benefit to a reduction in pump fueling stations.
16 So, you know, unless the Board has been convinced
17 and you wanna close the public hearing, I think
18 the, the only other option is to try to get some
19 professional opinion about from our traffic
20 consultants about.

21 MR. CANNING: I'm actually glad you
22 mentioned that because the difference will be
23 modest, right? It's sort of a curve and so you
24 start off with two and, and, and nobody wants to

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2 go to a two-pump gas station 'cause there's
3 always two people there. Then you get up into
4 the middle range and it's like that's where you,
5 most customers come and then you get up on the
6 top end and you've already got it for, for most
7 of the time but it helps your busy peaks. So if
8 you remove two vehicle fueling positions, yes,
9 there will be a reduction in traffic but it will
10 be modest because it's at the top end of the
11 range. It's like diminishing returns. It's
12 important to the, to the applicant because it's
13 dollars and cents but from a traffic perspective
14 and, and, you know, I'm happy to have your
15 consultant have a look at that and provide an
16 opinion but it's, it's, you know, a diminished
17 return because it's a, it's a curve sort of
18 thing.

19 MR. ROTHFEDER: Well, I'm not sure even
20 our traffic consultant could, you know, determine
21 like how would you determine how many cars are
22 sitting at the pumps the, the rear pumps and, you
23 know, if a truck comes in, a larger car with big
24 tires and stuff how easily can they get around.

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2 I mean that's, that's more the concern that I
3 have is that there's a bunch of stuff going on
4 back there.

5 MR. KEHOE: It's more of a site plan
6 issue and less of a traffic issue per se.

7 MR. ROTHFEDER: Yeah. Yeah. So I'm--

8 MR. KESSLER: And we keep saying cars
9 but, you know, you know, utility trucks pull in.
10 I mean, you know, I see it at Lupicella's
11 [phonetic] all the time.

12 MR. ROTHFEDER: Right.

13 MR. KESSLER: You know, I see RVs pull
14 in there.

15 MR. CANNING: Sure. But, but this, this
16 is not Lupicella's. This is--

17 MR. ROTHFEDER: But it's a big
18 convenience store.

19 MR. KESSLER: It's a gas station. I'm
20 not talking about the repair shop. I'm talking
21 about the gas station next door.

22 MR. CANNING: Okay. Alright.

23 MR. KESSLER: Okay. That's what I'm
24 talking about.

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2 MR. CANNING: Okay. And we have, you
3 know, the, the right-side drive aisle is 34 feet
4 wide. The left side drive aisle is 32 feet wide.
5 The rear aisle is I think 32 feet wide. So we
6 have -- the proportions are very generous. And,
7 and by the way, it's not like I'm listening to
8 you guys honestly.

9 MR. ROTHFEDER: Sounds a little bit like
10 that.

11 MR. CANNING: Well, it's, I, I'm doing
12 my best.

13 MS. DECKER: Chris, if you zoom in, it
14 feels less crowded when you zoom in and realize
15 that those are car -- it doesn't feel
16 particularly crowded to me. I would -- I mean
17 eyeballing it, I would guess that the distance
18 between the actual pumps is like three times what
19 they have at Lupicella's for the car -- there's
20 hardly any clearance. Like I keep looking at
21 that and thinking that once the cars are actually
22 at the gas pumps but the, the cars are pretty far
23 apart even the ones that are right next to each
24 other.

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2 MR. ROTHFEDER: Yeah, but Lupicella's
3 there's a lot more room as you're going towards
4 the convenience store. I, I feel like it's a
5 much more open.

6 MS. DECKER: No, I don't think so. I
7 mean I'm sure there's a real answer but.

8 MR. ROTHFEDER: I, yeah, I, I, I do
9 'cause I, I feel like there's gonna be a lot of
10 activity back there and, and because people are
11 going to be actually be going to the convenience
12 store through there where at Lupicella's you
13 don't have to go among the pumps to go to the
14 convenience store. But anyway, we don't need to
15 compare it to Lupicella's but.

16 MS. DECKER: No, no, no. It seems a
17 little more spacious.

18 MR. ROTHFEDER: Yeah. I, I just I have
19 a problem with that. And I don't think it's
20 gonna make a huge difference in, in the
21 applicant's sales so. Which is not my business I
22 understand but I just don't think it will make
23 that.

24 MS. DECKER: But you're taking out 30

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2 percent of the pumps if we take out two pumps.

3 MR. CANNING: Well, I think in fairness,
4 I think the suggestion was take out two fueling
5 positions rather than two pumps.

6 MS. DECKER: Oh, two, okay.

7 MR. KESSLER: Right. Right.

8 MR. ROTHFEDER: Yeah. That's it.

9 MR. KESSLER: Basically, yeah, you
10 combine the two up on top just with one. That's
11 what we're talking about last time.

12 MR. CANNING: That is, yeah.

13 MR. KESSLER: So the car if there's
14 somebody fueling there, they're more central.

15 MR. CANNING: Yes.

16 MR. KIMMERLING: We talked a little bit
17 about pavement markers. There was just one I was
18 curious about. Sort of in the center toward the
19 bottom, there's the arrow pointing to the right
20 between the two driveways, that one.

21 MR. CANNING: Yeah.

22 MR. KIMMERLING: So you wouldn't be able
23 to come in from that far right driveway and cut
24 across, right? That's sort of a one way out

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2 only. You can only go in that direction. You
3 can't come in the first driveway and cut across
4 and go to the store.

5 MR. KEHOE: Well, that, that's a good
6 question. Who would be making that movement
7 'cause you can't go out that way, right? This
8 arrow.

9 MS. DECKER: When you change your mind
10 about which pump to use, you gotta keep going
11 around.

12 MR. KEHOE: Yeah. Just to go around.

13 MR. KESSLER: That's what you'd have to
14 do.

15 MR. KIMMERLING: So you're saying you
16 have to, you have to come in that first driveway
17 and go all the way around to get to the store.

18 MR. CANNING: No, you can go straight
19 up.

20 MR. DECKER: Really?

21 MR. CANNING: Oh, if you come in the
22 right driveway. I beg your pardon.

23 MR. KIMMERLING: The right driveway.

24 MR. CANNING: Yes.

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2 MR. KIMMERLING: The right driveway.

3 MR. CANNING: Yes.

4 MR. KIMMERLING: You have to go in and
5 you have to go all the way around to go to the
6 store, you can't make that quick.

7 MR. CANNING: That's what we're
8 encouraging -- I mean we're listening to you.
9 We're trying to encourage people to go in all in
10 the same direction.

11 MR. KIMMERLING: Yeah, yeah, yeah.

12 MS. DECKER: But the, but the drive
13 thru--

14 MR. PREZIOSI: I, I think the, the main
15 issue is vehicles that would be entering the site
16 making a left turn or coming through the off ramp
17 or the bare mountain going through the
18 intersection need to be channelized to the right.
19 Otherwise, you're gonna have conflicting turning
20 movements.

21 MR. KESSLER: Right.

22 MR. PREZIOSI: To the convenience store.
23 So you're gonna enter the site and make a right
24 to loop around in a counterclockwise position.

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2 MR. KESSLER: So it's almost like a do
3 not enter --

4 MR. PREZIOSI: Correct. Right.

5 MR. KESSLER: -- right there, right?

6 MR. CANNING: Yes.

7 MR. KESSLER: There's gotta be a--

8 MR. PREZIOSI: 'Cause you have an, an
9 arrow conflicting to the north of the site plan
10 showing that it is an exit only down. So you
11 wanna make sure.

12 MR. KESSLER: Right. So you don't want
13 somebody going straight up and parking in the
14 convenience store, right?

15 MR. CANNING: So, so I would not object
16 to that frankly. I mean I'm here to discuss it
17 with the Board. I believe that you're already 50
18 feet from the street. You're probably doing ten
19 miles an hour and, and there's not a lot of
20 traffic and you've come directly and off the
21 parkway.

22 MR. KESSLER: You said you went them to
23 go right into the convenience store?

24 MR. CANNING: If they wanna go to the

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2 convenience store, sure. Or if, if you, if you
3 wanna go to the convenience store, you can pass
4 the first driveway and make a right in. It's 32
5 feet wide which is the, you know, standard lane
6 is 12 feet so you, you have enough room for two
7 and a half lanes there. So you could go up the
8 right side and make a left turn and park.

9 MS. TAYLOR: It's getting scarier.

10 MR. BIANCHI: Well.

11 MS. TAYLOR: Just me. So I'm not sure
12 where I'm gonna be on this one here.

13 MR. CANNING: Well, Madam Chair, you
14 certainly have given us something to think about
15 and I know it's a public hearing so I would like
16 to see if there's anybody here to speak on the
17 matter. Certainly, if there's more questions,
18 yes.

19 MR. BIANCHI: Just, just I'd like to
20 take this up on the traffic consultants' opinion
21 on the elimination of two pump if that's
22 impacting.

23 MR. KEHOE: Two fueling stations.

24 MR. BIANCHI: Stations. I'm sorry.

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2 MR. KEHOE: Yeah.

3 MR. BIANCHI: And also, maybe add to
4 that any commenting they have on this pickup
5 window.

6 MR. KEHOE: I think we might be back to
7 a she now.

8 MR. BIANCHI: She?

9 MR. KEHOE: I think Marissa might be
10 back. I'm not sure.

11 MR. BIANCHI: Alright. She.

12 MS. TAYLOR: Alright. Let's, let's,
13 let's just go into the audience and see if
14 there's anybody here who wants --

15 MR. CANNING: Thank you, everybody.

16 MS. TAYLOR: -- to make con-, yes, thank
17 you. Make a comment on this application. We
18 don't appear to have anyone who wants to comment
19 on it.

20 MR. KEHOE: What do you feel about the
21 public hearing?

22 MR. ROTHFEDER: Well, we have to adjourn
23 it.

24 MR. KEHOE: Okay.

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2 MR. ROTHFEDER: Right?

3 MS. TAYLOR: Yeah. I, I would just
4 adjourn it. Yeah.

5 MR. ROTHFEDER: Should we do it? Yeah?
6 Madam Chair, I move that we adjourn the public
7 hearing to the December 7th meeting.

8 MS. TAYLOR: Okay.

9 MR. KIMMERLING: Second.

10 MS. TAYLOR: Thank you.

11 MR. CANNING: Just point of
12 clarification if I may? I just wanna make sure
13 what we need to get you before the next meeting -
14 -

15 MS. TAYLOR: Okay.

16 MR. CANNING: -- which is clearly
17 anything to do with outdoor merchandise. We,
18 we've committed not to have the tanks but just to
19 make sure there's no other outdoor merchandise
20 and I guess we'll figure out if we need to
21 although we could do the location of a temporary
22 generator which the intent was to bring it there
23 if there was no power and people needed gas. We,
24 we could think about not doing it as an

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2 alternative I guess but.

3 MR. PREZIOSI: Well, I think the point
4 that needs to be impressed upon the owner is
5 pretty much show what you wanna use and utilize
6 the site for. So if you wanna put a generator,
7 you're allowed to have a generator. Just show
8 the proposed location. That's what we're trying
9 to impress upon.

10 MR. CANNING: Right.

11 MR. KEHOE: Well, and we, we also and we
12 went through this I think with Gas Land, we
13 specifically have a set section of our code that
14 permits reasonable outside sales and storage --

15 MR. CANNING: Yes.

16 MR. KEHOE: -- for windshield wiper
17 fluid, wood, whatever --

18 MR. CANNING: Yeah.

19 MR. KEHOE: -- 'cause all of the gas
20 stations do it but it should be shown on the
21 plan. It's a mathematical formula about how big
22 of a rectangle it can be. It should be shown.

23 MR. CANNING: Okay. Thank you. Okay.
24 Thanks everybody.

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2 MS. TAYLOR: Alright.

3 MR. KEHOE: And, and also so I'm gonna
4 reach out to our traffic consultant. That's part
5 of the motion. Alright.

6 MS. TAYLOR: Yes. Okay.

7 MR. KESSLER: Did we vote?

8 MR. BIANCHI: Did we vote?

9 MS. TAYLOR: No, we were getting --

10 MR. KESSLER: We're on the question?

11 MS. TAYLOR: -- to be on the question.

12 On the question -- I'm sorry. Everybody's
13 looking at me. Is there something that somebody
14 wanted to say something? Okay. All in favor?

15 MULTIPLE: Aye.

16 MS. TAYLOR: Opposed? Alright.

17 Alrighty. So we're moving to a new public
18 hearing. It is PB 2021-5 on the application of
19 Percy and Barbara Montes for the renewal of the
20 childcare special permit for the Little Lamb
21 Child Care Center located at 18 Radio Terrace.
22 Latest revised drawings are June 11, 2007. Okay.

23 MS. BARBARA MONTES: Good evening.

24 MR. PERCY MONTES: Hello, how are you?

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2 MR. KIMMERLING: Hi.

3 MR. MONTES: Here we are again.

4 MS. MONTES: Yes, so daycare had --
5 daycare is going well up on Radio Terrace.

6 MR. KEHOE: I'm sorry, Barb, could you
7 just say your name. I know we didn't make them
8 say their names but it's...

9 MS. MONTES: Yep. I'm sorry. Barbara
10 Montes. My husband Percy Montes. We are now
11 actually, we actually own and operate the daycare
12 center. The ladies who --

13 MR. MONTES: Started.

14 MS. MONTES: -- started the daycare
15 center when we first came here since retired.
16 But we're servicing we probably have about 50
17 families right now and we went through some tough
18 times during the pandemic but we have some really
19 happy families who are being serviced up on, on
20 Radio Terrace. We renamed our business Happy
21 Tots. We're now Little Lamb Child Care and it's
22 going really well.

23 MR. KEHOE: And obviously it's a public
24 hearing so the sign went up and the notices went

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2 out and we received no phone calls. I don't
3 believe there have been any complaints about the
4 facility.

5 MS. TAYLOR: Alright. I, I don't think
6 there's anybody sitting here who has a complaint.
7 The chairs are empty. So --

8 MR. KESSLER: We'll close it and.

9 MR. KIMMERLING: We're good.

10 MS. TAYLOR: Yeah.

11 MR. KIMMERLING: Madam Chair, I move
12 that we close the public hearing and adopt
13 resolution 2021 granting the renewal of this
14 permit.

15 MR. ROTHFEDER: Second.

16 MS. TAYLOR: Thank you.

17 MS. MONTES: Thank you.

18 MR. MONTES: Thank you.

19 MS. TAYLOR: On the--

20 MR. MONTES: Have a good night.

21 MS. TAYLOR: No, one second. We got to
22 vote.

23 MS. MONTES: Okay.

24 MS. TAYLOR: On the question, all in

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2 favor?

3 MULTIPLE: Aye.

4 MS. TAYLOR: Opposed? Now you can--

5 MS. MONTES: So send your children and
6 your grandchildren to Little Lamb Child Care.

7 MR. KIMMERLING: I got to get some
8 first.

9 MS. TAYLOR: Okay.

10 MS. MONTES: Take care then.

11 MS. TAYLOR: Alright.

12 MR. KESSLER: Alright. See you in a few
13 years.

14 MS. MONTES: Okay.

15 MS. TAYLOR: Alrighty.

16 MR. KESSLER: Maybe.

17 MS. TAYLOR: Alrighty. Now we have an
18 item of new business which is the PB 2021-6, the
19 application of Yeshiva Ohr Hameir for a renewal
20 of a special permit for a university college or
21 seminary for property, property located at 141
22 Furnace Woods Roads as described in a letter
23 dated October 13, 2021 from David Steinmetz.
24 It's and it's shown on a three-page set of

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2 drawings entitled site plan prepared by CRC
3 Engineering. Latest revision is June 19, 2014.
4 Good evening.

5 MR. DANIEL RICHMOND: Good evening,
6 Madam Chair, Members of the Board, Staff. My
7 name is Daniel Richmond for the record. I'm a
8 partner with the Law Firm Zarin and Steinmetz
9 here on behalf of Yeshiva Ohr Hameir to
10 especially request that your Board renewal it's
11 special permit. As you recall, the Board
12 originally granted the Yeshiva special permit
13 pursuant to resolution number 1-10 and renewed
14 that resolution by nine -- resolution number 4-19
15 which was adopted in February of 2019. As your
16 Board is aware, special permit renewal like the
17 Yeshiva's application is a type two action under
18 SEQR presumptively has no environmental impacts
19 and as the courts have held in the absence of a
20 material change and conditions or evidence of a
21 violation, a renewal should be granted without
22 unduly burdening the applicant. Here, the use of
23 the Yeshiva on the and its property and its
24 improvements remain the same. Moreover, Yeshiva

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2 continues to work with and has regular contact

3 with the town, Armond [phonetic] Technical

4 Services and the Westchester County Department of

5 Health on a construction of a sewer main that

6 would be able to serve the Yeshiva and connects

7 with the creation of a Furnace Woods sewer

8 district. Yeshiva understands to this end that

9 DOTS has provided DOH with a revised plan for

10 this sewer main. That DOTS signature of these

11 plans is imminent. Yeshiva further understands

12 that once these plans are signed, the town will

13 be able to complete the bid documents and place

14 the sewer project out to bid and that following

15 an award a bid construction on the sewer project

16 could commence as early as spring of 2022.

17 Yeshiva stands ready to connect to such sewer as

18 soon as possible. The Yeshiva is aware that

19 there was an odor complaint and conducted an

20 inspection of its septic field with the town and

21 Department of Health to determine what the source

22 was. At the inspection, there was no F1 on the

23 ground as would indicate septic failure.

24 Nevertheless, at the town's request, the Yeshiva

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2 conducted a dye test. No dye was subsequently
3 visible on the ground as would suggest a problem.
4 In any event, at the town's suggestion, the
5 observation ports on the septic fields were
6 capped and the pump chamber was sealed with
7 silicone to prevent water or odor from emanating
8 from it. Otherwise, with respect to condition
9 number two of your Board's resolution 5-16, we're
10 unaware of any other issues or outstanding code
11 violations and respectfully request that the
12 special permit be renewed.

13 MS. TAYLOR: Alrighty. We have, yeah,
14 we have a resolution, don't we?

15 MR. KEHOE: No.

16 MS. TAYLOR: Okay.

17 MR. MAYES: Madam Chair, I move that we
18 schedule a public hearing for December 5th.

19 MR. KESSLER: Second.

20 MS. TAYLOR: Okay. Very good. On the
21 question, all in favor?

22 MULTIPLE: Aye.

23 MS. TAYLOR: Opposed? Very good.

24 MR. RICHMOND: Thank you very much,

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2 Madam, Chair Members.

3 MS. TAYLOR: Okay. Alright. Favorite
4 part of the meeting. There was a final item that
5 we have already indicated we would not be taking
6 up tonight and--

7 MR. PREZIOSI: Just a quick correction.
8 I think the next planning board meeting is
9 December 7th.

10 MS. TAYLOR: Yes.

11 MR. MAYES: My sheet was wrong.

12 MR. KESSLER: Two days.

13 MR. KEHOE: Yes.

14 MS. TAYLOR: Yes.

15 MR. KESSLER: Uh-huh.

16 MS. TAYLOR: So we were going to adjourn
17 it for the applicant. Yes? Tom? We're
18 adjourning for the applicant?

19 MR. BIANCHI: You want me to do it?
20 Alright. Madam Chair, I'll move that we adjourn
21 this application to our December meeting.

22 MS. TAYLOR: Okay.

23 MR. KESSLER: Second.

24 MS. TAYLOR: Thank you. On the

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2 question, all in favor?

3 MULTIPLE: Aye.

4 MS. TAYLOR: Opposed? Alright. Very
5 good.

6 MR. KEHOE: Someone at this end.

7 MR. KESSLER: Suzanne.

8 MS. TAYLOR: Suzanne.

9 MS. DECKER: Oh, meeting adjourned.

10 MR. TOM CARRIGAN: Excuse me. My name
11 is Tom Carrigan. I represent the project, the
12 Lexington Avenue project. I know it was first on
13 the agenda tonight. There was some confusion. I
14 apologize for my lateness. I'm not sure how you
15 guys resolved that this evening.

16 MR. KEHOE: The resolution granting the
17 one-year time extension was approved.

18 MR. CARRIGAN:

19 MR. KEHOE: And your office and Heiki
20 and Mr. Ahern [phonetic] will get a copy of that
21 resolution mailed to them.

22 MR. CARRIGAN: Thank you very much.

23 (The planning board meeting concluded at
24 7:57 p.m.)

CERTIFICATE OF ACCURACY

I, Claudia Marques, certify that the foregoing transcript of the planning board meeting of the Town of Cortlandt on November 3, 2021 was prepared using the required transcription equipment and is a true and accurate record of the proceedings.

Certified By



Date: November 22, 2021

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