

TOWN OF CORTLANDT
PLANNING AND ZONING BOARDS

PLANNING BOARD MEETING

Town Hall
1 Heady Street
Cortlandt Manor, New York 10567
January 4, 2022
6:30 p.m. - 7:20 p.m.

January 4, 2022

MEMBERS PRESENT:

Loretta Taylor, Chairperson

Thomas A. Bianchi, Vice Chairperson

Suzanne Decker, Member

Robert Foley, Member

Stephen Kessler, Member

George Kimmerling, Member

Jeffrey Rothfeder, Member

Robert Mayes, Alternate Member

Chris Kehoe, Deputy Director, Planning

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2 (The board meeting commenced at 6:30 p.m.)

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

8 MR. CHRIS KEHOE: Mr. Kimmerling?

9 MR. GEORGE KIMMERLING: Here.

10 MR. KEHOE: Mr. Rothfeder?

11 MR. JEFFEREY ROTHFEDER: Here.

12 MR. KEHOE: Mr. Kessler?

13 MR. STEVEN KESSLER: Here.

14 MR. KEHOE: Ms. Taylor?

15 MS. LORETTA TAYLOR: Here.

16 MR. KEHOE: Ms. Decker?

17 MS. SUZANNE DECKER: Here.

18 MR. KEHOE: Mr. Bianchi?

19 MR. THOMAS A. BIANCHI: Here.

20 MR. KEHOE: Mr. Mayes?

21 MR. ROBERT MAYES: Here.

22 MR. KEHOE: Mr. Foley?

23 MR. ROBERT FOLEY: Here.

24 MS. TAYLOR: There are going to be

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2 several changes to the agenda tonight. The first
3 is PB 2020-10, which is the solar power, well the
4 2.3 solar power megawatts, excuse me, I'm getting
5 it all confused. It's the solar power system.
6 Then we have a change of PB 1-16, that is the
7 three-lot subdivision on Revolutionary Road and
8 Eton Road, then 6-15, PB 6-15, which is Hudson
9 Wellness. They're all being adjourned until the
10 next meeting, and Mr. Bianchi, can we get
11 somebody, please, would you please give us the --

12 MR. BIANCHI: [unintelligible]

13 [00:01:39].

14 MS. TAYLOR: Pardon me?

15 MR. BIANCHI: [unintelligible]

16 [00:01:42] do you want me to take it?

17 MS. TAYLOR: Yes, please.

18 MR. BIANCHI: Okay. Madam Chair, I'll
19 move that we adopt Resolution number 1-22, to
20 grant the renewal for the special permit for
21 three years.

22 MR. KEHOE: No.

23 MS. TAYLOR: No, no. We're doing the
24 changes.

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2 MR. KEHOE: Loretta wants you to make a
3 motion to adjourn those three cases.

4 MR. BIANCHI: Oh. I'm sorry.

5 MR. FOLEY: The changes.

6 MS. TAYLOR: Yeah.

7 MR. BIANCHI: Okay. I'll take that back.
8 Madam Chair, I move that we move to adjourn the
9 three cases that were mentioned.

10 MS. TAYLOR: Alright. I need a second on
11 that please.

12 MR. KESSLER: Second.

13 MR. FOLEY: Second.

14 MS. TAYLOR: On the question? All in
15 favor?

16 MULTIPLE: Aye.

17 MS. TAYLOR: Opposed? Alright, so that's
18 taken care of. Can I get a motion please to adopt
19 the minutes of December 7th?

20 MR. KESSLER: So moved.

21 MS. TAYLOR: Thank you. A second,
22 please.

23 MR. MAYES: Second.

24 MS. TAYLOR: Alrightie.

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2 MR. FOLEY: On the question, I have a
3 few minor ones I'll print out and leave in the
4 box outside.

5 MR. KEHOE: Okay.

6 MS. TAYLOR: Okay. All in favor?

7 MULTIPLE: Aye.

8 MS. TAYLOR: Opposed? Good. Alright. The
9 first area on the agenda tonight, excuse me, is
10 for resolution, and the first we have is the
11 application of Yeshiva Ohr Hameir for renewal of
12 a special permit for a university, college or
13 seminary for property located at 141 Furnace
14 Woods Road, as described in a letter dated
15 October 13, 2021 from David Steinmetz, Esq. and
16 as shown on a three-page set of drawings entitled
17 Site Plan, prepared by Ciarcia Engineering, P.C.,
18 latest revision June 19, 2014.

19 MR. KESSLER: Madam Chair, I move we
20 adopt resolution 1-22, approving the renewal of
21 the special permit.

22 MS. TAYLOR: Alright.

23 MR. ROTHFEDER: Second.

24 MS. TAYLOR: Alright. Thank you. Second,

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2 please.

3 MR. ROTHFEDER: I second.

4 MR. BIANCHI: Jeff seconded.

5 MS. TAYLOR: Oh, I'm sorry, okay. On the
6 question? All in favor?

7 MULTIPLE: Aye.

8 MS. TAYLOR: Opposed? Alright.

9 MR. DAVID STEINMETZ: Thank you.

10 MR. KEHOE: So we'll see you,
11 correspondence wise, in October of that, you
12 know, you'll send a letter, code enforcement does
13 their thing. Thank you.

14 MR. STEINMETZ: Thank you very much,
15 Madam Chair, and to the board, Happy New Year.

16 MS. TAYLOR: Okay. Happy New Year to you
17 as well. Alright. The next, the next item under
18 resolutions was 2020, but we have said that said
19 that that, excuse me, application is adjourned to
20 our next meeting. So we're going to move to page
21 two, to an adjourned public hearing from a
22 previous meeting, this is PB 1-16, and that one
23 as well was adjourned to the next meeting, to the
24 February meeting, per the applicant. So we can

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2 then move on down to PB 2020-6, the public
3 hearing of Palisades Enterprises, LLC for site
4 plan approval, a special permit and fro tree
5 removal and steep slope permits for a proposed
6 2,940 square foot gas station and convenience
7 store with six fuel pumps on an approximately
8 1.7-acre parcel of property located at 2058 East
9 Main Street, Cortlandt Boulevard. The latest
10 revised drawings are December 20, 2021.

11 MR. JOHN CANNING: Good evening, Madam
12 Chair and members of the board. I'm glad to see
13 you're all well enough to be here and hopefully
14 we all say that way. Thank you for your time this
15 evening. As you know, this is a zoning compliant
16 application for a site plan and special permit
17 approval to expand the operations of an existing
18 gas station on Route 6, opposite the westbound
19 exit for the Bear Mountain Parkway.

20 Since the application was made in April
21 of 2020, we've worked productively with this
22 board, with town staff, with the town's
23 consultants and the DOT to make many improvements
24 to the plan. We've managed to persuade the DOT

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2 that we can install a much needed traffic signal
3 at the intersection. We have also significantly
4 reduced the volume of traffic that the station
5 will generate by agreeing to prohibit left turns
6 into the site from eastbound Route 6. We've
7 affirmed that the convenience store will not be a
8 high traffic generator, like a Dunkin Donuts and
9 since we met with you last, we've relocated the
10 dumpster, improved the circulation around the
11 site for fuel delivery vehicles, and we've also
12 succeeded in persuading the owner to drop any
13 drive through operations around the building at
14 the convenience store, which I know was something
15 that you really wanted and I had to push very
16 hard for that. Ralph and I had to push very hard
17 for that.

18 We did consider Mr. Preziosi's
19 suggestion that the site be rotated, that the
20 building be put at the back and the pumps be
21 turned. And we determined for the reasons
22 outlined in my memo and in Ralph's memo that
23 while it's a good suggestion, it doesn't work
24 with this site, specifically because it pushes

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2 the building further back into the slope, so we
3 think it's better not to do that, which would
4 require more disturbance and a higher wall. It
5 also requires the vehicle fueling, the vehicle to
6 stop in front of the store because that's the way
7 it would go in and go around the truck, so it
8 would be in front of the store to deliver fuel.
9 We don't think that is advisable either. It
10 pushes, when you turn the pumps, it pushes
11 everybody over to the right, so you'd have to put
12 the driveway a bit further to the west, which
13 might jeopardize the signal, its visibility under
14 the bridge, and finally, as indicated in Mr.
15 Mastromonaco's letter, it increases the distance
16 that motorists have to circulate on the site to
17 get in and out. And cumulatively, they would be
18 traveling more and potentially there would be
19 more risk of accidents, although the risk is very
20 modest.

21 The project will improve the aesthetics
22 of the property, eliminate the problems
23 associated with the current configuration. The
24 two pumps are very close to the street. It will

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2 also preserve a significant portion of the site
3 in its natural state. What little comment there
4 has been from the public has been considered and
5 incorporated into the site plan where appropriate
6 and we have responded to all of your consultant's
7 comments.

8 In the interest of brevity tonight, we
9 would be happy to discuss additional items that
10 you have, but we would request that the board
11 close the public hearing and direct staff to
12 prepare a resolution one way or the other for the
13 next planning board meeting. Thank you.

14 MS. TAYLOR: Thank you. Well, we have
15 had some discussion on this latest rendering, and
16 I think maybe we want to sort of bring up a few
17 things with you on that and see where it goes.
18 One of them has to do still with the layout here.

19 MR. CANNING: Mm-hmm.

20 MS. TAYLOR: I personally still feel
21 that, you know, we, we are getting too close to
22 cars on, that are parked in front of the
23 convenience store, and we might need to work on
24 that a little bit. Some people are suggesting

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2 that we get rid of two pumps in the back I think
3 and that would give us additional room to
4 navigate the turn and come through. That's one
5 thing.

6 There are others who are concerned about
7 the traffic coming in on the right, coming into
8 the site, making a right turn into the site and
9 the fact that there are cars that are allowed to
10 come across the front. There's an arrow, that's a
11 very busy drawing there. But there's an arrow at
12 the front, which allows people to come in on the
13 front and make a right turn and it looks as
14 though it could be a bit of a problem there, at
15 least I see, that I see that there could be a
16 problem there, right there, whereas people are
17 coming in, others are being allowed to go across
18 the front.

19 So there are other issues I think people
20 would want to bring up, but maybe we can talk
21 about those. I think those were the more
22 prevalent issues there.

23 MR. CANNING: Thank you, Madam Chair.

24 With regard to the circulation, we have made a

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2 number of changes. You will see on the top right
3 there, the curve that is next to parking spaces,
4 I'm going to guess 10, 11, 12 and 13, that curve
5 there, has been pushed back by about five feet,
6 which allows the truck that as it comes in to
7 stay more to the right. And we've also shifted
8 the actual pumps over about five feet because
9 there was concern the last time. You can see the
10 alignment there. The yellow is original and you
11 can see on the right hand side, how the backs of
12 the cars are now a little bit further over.

13 So those changes have allowed us to
14 provide even more room for the truck circulation
15 and there be at least three to five feet between
16 any vehicles and the trucks as they turn around.
17 And we've done this truck turning circulation
18 with a WB50 vehicle, which is the largest vehicle
19 that you'd ever have fuel delivered. But we've
20 looked up and found that fuel, a lot of fuel
21 deliveries are made with smaller tankers, so the
22 plan that we have presented works. We've
23 demonstrated it and improved it.

24 I know this board would like to see two

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2 fewer vehicle fueling positions. I've repeatedly
3 expressed your concerns and desires to the
4 applicant, along with the desire to not have a
5 drive through operation. I am happy to be able to
6 say that he has, I guess the word is conceded or
7 decided not to have a drive through operation.
8 They're very firm about the number of vehicle
9 fueling positions. So, you know, regardless of
10 the other issues, when you vote on this, I think
11 that's an issue that it will have to be a
12 decision maker up or down.

13 The documentation that we've presented
14 shows that the site works, that eliminating two
15 vehicle fueling positions is not going to make a
16 significant difference and that's my professional
17 --

18 MR. BIANCHI: When you say two
19 positions, you mean two pumps?

20 MR. CANNING: No, two positions.

21 MR. BIANCHI: Positions being two?

22 MR. KESSLER: One pump, two fueling
23 stations.

24 MR. CHANNING: Potentially, it would be

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2 one pump. You could also still keep the pumps and
3 just not have a second hose on the other side.
4 But the bottom line is the client has made clear
5 to me that they want to have 12 vehicle fueling
6 positions. With regard --

7 MR. FOLEY: So two positions would be
8 one pump? Is that what you're saying?

9 MR. CANNING: A fueling position is not
10 a pump. It's a position next to a pump. Each pump
11 can have two fueling positions. But you can do it
12 in a number of ways. Regardless --

13 MR. FOLEY: Two positions per pump?

14 MR. CANNING: There are two positions
15 per pump, although you could close off one and
16 just have one position if you wanted. Just like
17 you have a drive that's two-way, you could make
18 it one-way by putting signs up. With regard to
19 the circulation, as I've indicated, because of
20 the turn restrictions, the site's predominant
21 circulation is going to be counterclockwise. It
22 is generous in the dimensions that are on the
23 site. We are, I am personally comfortable that it
24 will be safe and operate safely. The town's

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2 consultant did suggest that we put some signing
3 and striping to make it completely one way
4 circulation so that you, when you came in at the
5 west driveway opposite where the signal will be,
6 opposite the exit from the westbound exit from
7 the Bear Mountain Parkway, you would have to go
8 right and go around, and you couldn't go straight
9 up and just park and use the convenience store.

10 If the board feels that that is a
11 benefit to the site, the applicant has indicated
12 that he will stripe it that way so that when you
13 come in, you have to right and everybody will
14 have to go around the site counterclockwise.

15 MR. ROTHFEDER: But that just
16 exacerbates the problem you have with all the
17 circulation coming through from the east, which
18 is why we've been wanting to get rid of the one
19 fueling station, because if you have cars backed
20 up and everybody is coming in from that
21 direction, even to the convenience store, there's
22 a real risk of problems back there. Not just the
23 truck, but just in terms of cars, let's say
24 backing up if two are stacked up at the fueling

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2 stations.

3 MR. CANNING: Well, I understand the
4 concept, but I have to say that just by virtue of
5 the fact that we can only take traffic from one
6 direction on Route 6, and it's a convenience
7 based business so people along the parkway, most
8 of them are just going to go on until they hit a
9 street that has a gas station. We're going to
10 have a lot less traffic than you imagine for this
11 store, and I don't see that as an issue, to be
12 honest with you.

13 I respect the fact that it could happen,
14 but I think we've already addressed it by
15 prohibiting left turns. If the board would like
16 us to have the one-way circulation, we will do
17 it. I personally don't think it's necessary. But
18 we could do it as paint.

19 MR. KESSLER: But if you didn't have the
20 one-way circulation, John, not everybody that's
21 going in on the western side is necessarily going
22 to the convenience store, they'll be pulling into
23 a pump and then you'll have the contention from
24 people on the --

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2 MR. CANNING: You're right, they could.
3 And we're happy to make it one-way so that
4 everybody has to go around.

5 MR. KEHOE: But you want to make it one-
6 way with striping. I think our consultant is
7 showing a little raised island or something like
8 that. You would prefer pavement markings?

9 MR. CANNING: We would prefer pavement
10 markings. But, you know, if that's all that we're
11 left to discuss, whether it's pavement markings
12 or a curbed island, I think we could get a curbed
13 island, so.

14 MR. FOLEY: Can you go back over that?
15 So in other words, up there, coming in on the
16 left entrance, closest to the Bear Mountain
17 Parkway, and those cars would be mostly coming
18 across Route 6 off the Bear Mountain Parkway?

19 MR. CANNING: Correct.

20 MR. FOLEY: So they, the way you have it
21 now, they have to go to the right immediately
22 once they get on site, and go all around. I'm not
23 [unintelligible] [00:16:42].

24 MR. CANNING: The way it's shown on the

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2 plan there, they come in and if they want to go
3 to the convenience store, they go straight up and
4 turn left into a parking space.

5 MR. FOLEY: They can go straight and
6 pull into a parking space.

7 MR. CANNING: If they want to get gas,
8 they have a choice, as Mr. Kessler, I believe
9 pointed out. they could go straight up and make a
10 right into the pumps, or if they wanted to, for
11 whatever reason, they could go right and go
12 around and come back through the pumps the other
13 way. So those are the options you would have as
14 you came in.

15 And if it was restriped, as it was
16 suggested by your consultant, anybody who came in
17 at that location, as soon as they're on the site,
18 they would have to go right and then they would
19 have to circulate around and then they would turn
20 and go westbound through the pumps, and if they
21 wanted to shop at the convenience store they
22 could go all the way around and pull in and park.

23 MR. KEHOE: I think that's important. I
24 mean I'm sure the planning board members remember

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2 that, but it was good to remind that that
3 movement really is only for people coming off the
4 parkway.

5 MR. CANNING: Correct.

6 MR. KEHOE: In theory, if you miss this
7 turn, that maybe would, but you're not prohibited
8 from making a right there. But this would seem to
9 me to be the main way people are coming into the
10 store.

11 MR. CANNING: Absolutely.

12 MR. KEHOE: Yeah.

13 MR. CANNING: You're probably going to
14 get 60 vehicles an hour coming in at the right
15 driveway and probably ten vehicles an hour coming
16 in at the left driveway. So, that's a car a
17 minute at the right driveway and a car every six
18 minutes at the left driveway.

19 MR. KEHOE: Because that's what you were
20 saying. Not too many people are going to be on
21 the Bear Mountain Parkway and determine that they
22 need to get their gas there.

23 MR. CANNING: Correct.

24 MR. FOLEY: Well, how do you know that

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2 really, but --

3 MR. CANNING: Well, it's a convenience
4 business. So when you want gas, you look at --
5 nobody wants to drive around on fumes, right. So
6 you're down to a quarter of a tank, it's okay,
7 I've got to get gas, and I'm a busy person, and I
8 know I'm going here and I know the price is right
9 there, so when I'm passing it, I'll get it.
10 That's most people.

11 Some people are a little more
12 conservative. They say I need gas now, I'm going
13 to go for gas and that's my primary purpose. And
14 so those people would say okay, I'm going to get
15 off the parkway. Where it's more of a convenience
16 thing they say well I'm on the parkway, I'm not
17 going to get off, wait for a signal, cross in,
18 wait for a signal, cross out, go again, I'm going
19 to go until where I get to my destination or
20 close to my destination and then when I'm on a
21 road like Route 6 or 202, where there's a lot of
22 gas stations, I'll find one, usually on the right
23 side, because I can make a right in and a right
24 out, and continue on my way, as opposed to a left

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2 in, left out.

3 MR. FOLEY: Or, another theory could be
4 they could be a local person commuting home from
5 the south, getting off the Bear Mountain Parkway,
6 and that's their favorite gas station.

7 MR. CANNING: Yep, yeah.

8 MR. FOLEY: And they're going to go
9 straight across and fill up before the next
10 morning.

11 MR. CANNING: That's absolutely true.

12 MR. FOLEY: So that's another theory.

13 MR. CANNING: That's absolutely true.

14 They could do that.

15 MR. FOLEY: Yeah, I mean coming in that
16 way, I don't have a big problem if they were to
17 come, if they were going to the deli, to come up
18 and just make a left into one of the parking
19 spaces. But it's the amount of room there is
20 what's bothering me.

21 MR. KIMMERLING: Can I ask a question
22 just about data? It seems like a lot of what
23 folks are saying is, you know, this could happen
24 or that could happen or what if a car went this

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2 way and a car went that way, as if all the
3 drivers are not paying attention. I mean is there
4 data on traffic accidents at gas stations and
5 what causes them? I mean, just curious, right. I
6 mean just does it happen a lot? Are there certain
7 gas stations and certain features of gas stations
8 that, you know, encourage or are more likely to
9 lead to accidents and then we could sort of use
10 that information to decide whether this
11 particular plan --

12 MR. CANNING: So I can tell you to the
13 best of my knowledge, and I know not everything,
14 but a good deal about this sort of stuff.

15 MR. KIMMERLING: Yeah.

16 Mr. CANNING: There are no detailed
17 studies about what the optimum design is for
18 safety for a gas station. Unlike the highways, I
19 know that the state and the county and sometimes
20 towns and villages, undertake traffic safety
21 studies where they look at all of the accidents
22 on the highways and they say okay, where do they
23 occur, how many were there, what type of
24 accidents were there, what were the contributing

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2 factors and what can we do to fix it. So I know
3 that's done lots of places. I don't know of any
4 studies where they've looked at gas stations and
5 said, okay, what's the safest way for a gas
6 station to operate.

7 MR. KIMMERLING: But like even within
8 like the gas station industry, whatever that
9 association would be, they've done -- and I'm not
10 challenging you or expecting you to have this
11 information. I think it would just be helpful
12 because there's a lot of kind of what if
13 conversation going on and maybe, you know, I mean
14 if there was this study by the gas station
15 association which is probably not a thing, that
16 said these are the kind of design elements or
17 clearances that we need to avoid the kinds of
18 accidents we're seeing on our members, right.
19 Wouldn't that be helpful?

20 MR. CANNING: It would, and --

21 MR. KIMMERLING: Again, I'm not
22 suggesting you need --

23 MR. CANNING: And I'm not saying that
24 it's not out there. I'm just saying that I'm not

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2 aware that it's out there, but I do know a lot of
3 this, this information. I will say that this is a
4 very well designed, generous gas station. There's
5 32 foot travel isles, we have a traffic signal so
6 you can get in and out safely. There's lots of
7 gas stations where access onto the main street is
8 uncontrolled and people are making left turns on
9 a heavy road. That's not the case here.

10 MR. KIMMERLING: Yeah.

11 MR. CANNING: We have, by design, an
12 almost default one-way circulation which reduces
13 conflicts and we can implement, with striping and
14 other measures, a one-way circulation which would
15 be, you know further homogenized activities. So I
16 think we've got a safe design here is what I'm
17 telling you.

18 MR. KIMMERLING: Well, I actually tend
19 to agree and I think that there are far worse gas
20 stations in the town that have much crazier
21 setups with all kinds of traffic going all which
22 way. So, you know, I don't know.

23 MR. KESSLER: I just want to point out
24 that your, not your recommendation, but your

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2 offer to stripe that western entrance, so you
3 force traffic over to the right, I don't think
4 striping is going to work there. I think if we,
5 and if we want, and you agree on, forcing that
6 turn, you're going to have to put a curb island
7 there, because I can see people just going in,
8 straight in, no matter what the striping says,
9 and turning into the store.

10 MR. FOLEY: Yeah.

11 MR. CANNING: Okay. So, I don't disagree
12 with you.

13 MR. KESSLER: I'm not proposing one way
14 or the other, I'm just saying if you go that
15 route, you're going to have to put a curbed
16 island in.

17 MR. CANNING: Okay. Understood.

18 MR. ROTHFEDER: That just raises my
19 concern about going in that direction. I still
20 feel we need to [unintelligible] [00:16:42] --

21 MR. CANNING: Well, so, look.

22 MR. ROTHFEDER: -- get rid of the one
23 pump.

24 MR. CANNING: We'd love to live in a

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2 perfect world.

3 MR. ROTHFEDER: Well --

4 MR. CANNING: And parts of it are far
5 from perfect. This gas station is about as close
6 to perfect as we can get.

7 MR. ROTHFEDER: I know you're going to
8 say that. And it just doesn't feel comfortable to
9 me with all the potential traffic coming in that
10 way. So, but anyway, I did want to ask, because
11 you mentioned it. Are you saying that if we
12 approve a resolution that doesn't hue to this
13 design, we shouldn't even go that direction?

14 MR. CANNING: Uh --

15 MR. ROTHFEDER: If we prepare a
16 resolution?

17 MR. CANNING: So I guess, let me state
18 the answer carefully. If this board passes a
19 resolution that states, that's the plan that's in
20 front of you, we approve this plan, provided that
21 you have the one-way circulation with the curbed
22 island, I don't think that's a problem. If this
23 board passes a resolution that says we approve
24 this plan but there have to be two fewer vehicle

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2 fueling positions, I think that will be a problem
3 for either the project won't get built or worse.

4 MR. ROTHFEDER: Worse?

5 MR. KESSLER: What's worse?

6 MR. CANNING: I don't know. What's worse
7 than the project not getting built?

8 MR. ROTHFEDER: I don't know. Staying
9 the same as it is? Correct?

10 MR. FOLEY: And the reason --

11 MR. KEHOE: You may be implying a
12 lawsuit, right, John?

13 MR. CANNING: Maybe. [laughter]

14 MR. ROTHFEDER: Dunkin Donuts.

15 MR. CANNING: A Dunkin Donuts. But the
16 point is, my client has listened to my
17 representations from this board and believes that
18 he needs to have all the vehicle fueling
19 positions and that the difference between having
20 ten vehicle fueling positions and 12 fueling
21 positions is more important to him than your
22 concerns. That's his position.

23 MR. FOLEY: Okay. From a business
24 financial standpoint, correct?

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2 MR. CANNING: Yes, absolutely from a
3 business --

4 MR. FOLEY: How much, may I ask, as a
5 board, how much do we as board members have to
6 factor that part into our decision?

7 MR. CANNING: Well, I think it's
8 important and I know you guys, pardon, the wrong
9 word, I know you board members are executing your
10 job as conscientiously as possible, looking at
11 everything right. And what faces you is you have
12 an existing gas station that is less than
13 optimal, right. Your choices are deny it and it
14 stays as it is, approve this and are there risks,
15 safety risks? If you feel that there's safety
16 risks, that's a major concern. Approve this on
17 the knowledge that you've worked with your
18 consultants, with staff, with the professionals,
19 to make it the best gas station that you can.

20 And I will offer this, that, you know,
21 there are accidents at gas stations. Nowhere is
22 perfect. But for the most part, people are doing
23 five miles an hour and usually somebody backs
24 into somebody else and that's the extent of it.

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2 Very, very, very rarely do you see something that
3 is catastrophic. But if you go on You Tube,
4 you're bound to find a gas station that's going
5 up in flames because somebody came off the
6 highway somehow and thought they were in Die Hard
7 and just went right into the gas station. But
8 that's not a function of the design. That's a
9 function of just operator error.

10 MR. FOLEY: But John, we were, those of
11 us who have still questioned part of this are
12 focusing in on the safety angle. I know what
13 you're saying and you've done a lot of good work
14 on this and it's much improved. And then the
15 comparison of what's there now, it's terrible,
16 it's dangerous, we know that. But the question is
17 can it be made a little safer from some of the
18 suggestions we're making and apparently, you're
19 saying your client says no and mostly it's based
20 on how many pumps he needs to make a profit and
21 all that?

22 MR. CANNING: So what I'm saying is I
23 think we have already made it a lot safer and --

24 MR. FOLEY: Yeah, I know that.

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2 MR. CANNING: -- that my professional
3 opinion, you're not going to make it
4 statistically, measurably safer by eliminating
5 two pumps. Accidents happen on a scale of one per
6 million occurrences, right. So in maybe ten
7 years, you'll have one or two accidents at this
8 location, as you would have at any well designed
9 gas station. And you may not, because accidents
10 are such a random event. But statistically, I
11 think we have made this gas station as safe as
12 you can make it.

13 MR. FOLEY: Chris did you say AKRF did
14 see John's newer plan, and Ralph's plan?

15 MR. KEHOE: They saw John Canning's memo
16 -- no, they saw everything. But, I'd have to
17 confirm, you know, I did not get another memo
18 from them, which I can look into.

19 MR. FOLEY: I'd be curious what they say
20 in reference to the December 21st memo, which
21 we're discussing. And Ralph's also.

22 MR. CUNNINGHAM: And John, just for the
23 record, I'm not saying the board would go along
24 with this, but from your client's perspective,

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2 they would not be -- they would not even consider
3 reorienting the building and keeping the same
4 number of pumps?

5 MR. CANNING: So when you mean
6 reorienting the building and pushing it --

7 MR. CUNNINGHAM: To the west, pushing it
8 to the west.

9 MR. CANNING: Well, the west is still
10 left.

11 MR. KESSLER: Up, top, you're talking
12 about?

13 MR. CUNNINGHAM: Towards the top.

14 MR. CANNING: So putting it above the
15 pumps where the two curvy arrows are?

16 MR. CUNNINGHAM: Putting it above the
17 pumps the way that Michael Preziosi described at
18 the last meeting.

19 MR. CANNING: So, we believe that that's
20 disadvantage to everybody, frankly. It puts the
21 building back into the slope by about 15, 20
22 feet, it means that the fuel delivery truck has
23 to go in front of the store. Right now, it goes
24 at the back of the site away from everything. So

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2 I mean it just doesn't make any sense for the
3 operator to have it like that. I don't think it
4 makes sense for the town to have it like that
5 either, personally.

6 MR. FOLEY: The operator visibility, it
7 would be bad for them, as opposed to where it is
8 now, at least for westbound traffic on Route 6,
9 seeing it from the road.

10 MR. CANNING: That's true.

11 MR. KEHOE: Well, can I suggest at a
12 minimum that we close the public hearing?

13 MR. KESSLER: Yeah. And bring it back
14 under old business and discuss it and have a
15 resolution for the following meeting?

16 MR. KEHOE: Yes. I mean I don't
17 necessarily, you know, this is one of the few
18 cases where it's not just, you know, Chris
19 prepare a resolution.

20 MR. KESSLER: Right.

21 MR. KEHOE: And I know that we don't
22 want to do straw polls or anything like this, you
23 know, so yes, I guess the option would be they're
24 going to close the public hearing, but they're

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2 not directing me to prepare a resolution.

3 MR. KESSLER: Right. We'll bring it back
4 under old business next meeting, we'll discuss
5 what, if any, changes we'd like to see made, or
6 what needs to go into a resolution.

7 MR. KEHOE: Do you want the applicant to
8 revise the drawing to show the curbed island so
9 to speak?

10 MS. TAYLOR: That would be helpful.

11 MR. KESSLER: Yeah. I think the striping
12 --

13 MR. KEHOE: I think the majority -- I'm
14 not sure Jeff is on board with that, but I think
15 the majority of the board wants it channelized to
16 the right.

17 MR. KESSLER: I think there probably
18 needs to be a sign there on the western side just
19 saying right turn only, in addition to the
20 striping.

21 MR. KEHOE: Okay.

22 MR. KESSLER: Maybe on the island, you
23 know.

24 MR. KEHOE: Okay.

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2 MR. CANNING: So just so I'm clear, it
3 would be the striping, the island and a sign
4 saying right turn only?

5 MR. KESSLER: Sounds right.

6 MR. CANNING: Okay.

7 MR. KEHOE: And maybe a flashing light.
8 I'm just kidding. [laughter]

9 MR. ROTHFEDER: And a person there all
10 the time.

11 MR. KESSLER: Right, with a big sign.

12 MR. KIMMERLING: I mean just for the
13 record, I would like to say that I think that it
14 doesn't make sense to make all the traffic go all
15 the way around to get to the convenience store.

16 MS. DECKER: Yeah, I'm with Mr.
17 Kimmerling.

18 MR. KIMMERLING: I just don't think
19 that's reasonable. I don't think it's reasonable
20 for customers to have to travel all the way
21 around.

22 MS. DECKER: I also think the more you
23 drive the more you risk hitting something, so
24 like --

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2 MR. KEHOE: Well, that's -- to Ralph's
3 point, about all of the driving.

4 MS. DECKER: I disagree.

5 [CROSSTALK]

6 MR. MAYES: [unintelligible] [00:31:35]
7 and I kind of agree with that sentiment as well.
8 I think making everything going in the one
9 direction is going to cause too much.

10 MR. KESSLER: Yeah, but people could
11 also cut -- you know, if there's nobody occupying
12 the pump, they're going to just cut straight
13 through to the convenience store also, not
14 necessarily all the time going all the way
15 around.

16 MR. KIMMERLING: Right.

17 MS. DECKER: Yeah. So that's why --

18 MR. FOLEY: The smaller example --

19 MR. KESSLER: I just think there's some
20 merit that everybody is facing the same way.
21 That's all I'm saying, because you can't
22 guarantee that people going straight up are not
23 going to go to the gas pumps. I understand you're
24 saying go straight to the convenience store, but

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2 not everyone is going to do that.

3 MR. KIMMERLING: But that's how it works
4 in most gas stations. People go from both
5 directions to pull up to the pumps.

6 MR. KESSLER: If we get rid of --

7 MR. BIANCHI: Really messy -- if we
8 don't have the island, then you have more people
9 backing out and you're creating more issues.

10 MR. ROTHFEDER: Then it's really a
11 problem with this site.

12 MR. KIMMERLING: But, but --

13 MR. BIANCHI: If we don't have the
14 island, and I see somewhat the advantage of just
15 going straight up and pulling into the store, we
16 want to make sure that the cars don't pull in to
17 the right.

18 MR. KIMMERLING: Well, when would they
19 go backwards after fueling?

20 MR. BIANCHI: To the gas pumps either.
21 Because there's a car in front of it.

22 MR. KESSLER: Because that's going to
23 upset the flow of going on the other side.

24 MR. FOLEY: And they'll be cheating kind

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2 of. Cutting in.

3 [CROSSTALK]

4 MR. KESSLER: So I don't know if there's
5 any signage to prevent that from happening.

6 MR. CANNING: Well, we could -- we could
7 --

8 MR. KESSLER: Of if there's room between
9 the two.

10 MR. CANNING: -- put a solid line across
11 the left side of the pumps and say do not enter,
12 and so it would be -- and put an arrow behind it
13 so it would be clear that that was the direction
14 you were supposed to travel through the pumps.

15 MR. KESSLER: Right.

16 MR. CANNING: Is that going to prevent
17 everybody from doing it? No, but it'll prevent 90
18 percent of people from doing it.

19 MR. FOLEY: A real life, real time
20 example is down the road to the west, the Burger
21 King, granted on a smaller scope. When we
22 approved that or reapproved it for something a
23 few years ago, when you come in, you can't,
24 there's something that prevents you from, well if

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2 you come in from Conklin straight across into
3 Burger King, you have to make a right when you
4 come in. You can't scoot up by the takeout line,
5 the drive up and go around to order. I think if
6 it works there, you know, if you're not just
7 coming into Burger King to park in the front then
8 walk in. That may be one example of
9 [unintelligible] [00:33:42].

10 MR. KEHOE: But what I'm hearing is
11 that, you know, I'm making it up, it's four/three
12 one way, five/two the other, you know, who knows.
13 So maybe you just bring this plan back. I mean
14 you could discuss it now, right.

15 MS. TAYLOR: But that's what we're
16 doing.

17 MR. KEHOE: Well, discuss it now and
18 come to a conclusion now, because the only option
19 is you're going to do the same thing again next
20 month. So either do it now or do it next month. I
21 don't care. We'll bring it back next month.

22 MR. ROTHFEDER: We should wait til next
23 time because that's when we'll discuss the
24 resolution, what's going to be in the resolution.

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2 MR. KEHOE: Well, I won't have a
3 resolution.

4 MR. ROTHFEDER: No, no, I said next
5 time.

6 MR. KEHOE: Okay.

7 MR. ROTHFEDER: For the time after.

8 MR. KEHOE: Alright. So --

9 MR. ROTHFEDER: Next time, we're going
10 to discuss what we want on the resolution.

11 MR. KEHOE: -- you may have to, Mike you
12 correct me, but they may -- it's not really a
13 straw vote, but you, someone would say I really
14 want that island and then I've got to pick up the
15 cues that at least five other people say no I
16 don't want the island. I mean where it's going to
17 be some of that next month.

18 MR. CUNNINGHAM: I think for Chris's
19 ease at least, it would help if we had an idea of
20 who's in favor of the one-way, the
21 counterclockwise motion and who's in favor of
22 being able to go straight to the convenience
23 store.

24 MR. KEHOE: And we can do that next

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2 month, which is fine and then because that will
3 be more fresh for me to put into the resolution
4 for the following month.

5 [CROSSTALK]

6 MR. KEHOE: Or you could do it now.

7 MR. CUNNINGHAM: Why can't we just do it
8 now?

9 [CROSSTALK]

10 MS. TAYLOR: Yeah, the question is
11 you're either for --

12 MR. KESSLER: If that's the hang up,
13 then let's resolve it.

14 MS. TAYLOR: -- this or not.

15 MR. BIANCHI: But that's not only hang
16 up.

17 MS. TAYLOR: And we pretty much know,
18 pretty much, what we want. We want it either to
19 go to the right or not.

20 MR. KEHOE: The only --

21 MS. TAYLOR: Why do we need to wait
22 until the next time to do that?

23 MR. KESSLER: Because that's not the
24 only hang up and --

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2 MR. KEHOE: The only person I have, and
3 correct me if I'm wrong, I'm sensing that the
4 majority of you are leaning towards figuring that
5 we're getting pretty close and I don't think Jeff
6 is in that camp. But I'm not sensing anyone else
7 is in Jeff's camp. But I could be wrong. Alright.
8 So I am wrong. So then it means that maybe we
9 bring this back and hash this out more, because
10 we're not as ready to, well make this make this
11 tweak, make that tweak, we're ready to go.

12 MR. KESSLER: And AKRF memo I think is
13 important to react, see what their reaction is to
14 the latest drawings.

15 MR. FOLEY: Yeah, so they'd be aware of
16 what's being said by John tonight, because the
17 issue of the lesser pumps to me is still an
18 issue.

19 MR. BIANCHI: Well, AKRF too, point that
20 out to them because in their initial report they
21 had, the whole, you know, the whole set going
22 down, one whole set. And we actually are just
23 asking for the two pumps instead of four, so I'd
24 like to hear what they think now.

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2 MR. FOLEY: Right. I agree.

3 MR. KESSLER: But they have to do that
4 before the comment period closes, right, Chris?
5 If we close the public hearing?

6 [CROSSTALK]

7 MR. CUNNINGHAM: The public hasn't
8 spoken in the past few meetings.

9 MR. KEHOE: The public hearing is for
10 the public, so --

11 MR. KESSLER: No, I thought it was for
12 all correspondence as it relates to the
13 application.

14 MR. CANNING: But you could close it
15 with a date for comment, right?

16 MR. KEHOE: Well, yeah. I mean, you
17 know, you could keep it open for ten days and
18 I'll make sure that I get the letter from them.

19 MR. KESSLER: That's it. That's all I'm
20 saying. Make sure we get the letter. That's all.

21 MR. CANNING: So for the benefit of the
22 board, I hope, anyway --

23 MS. TAYLOR: For my benefit as well,
24 because I think [unintelligible] [00:36:53]. You

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2 know. Okay.

3 MR. CANNING: Just on the circulation
4 issue, there's three, there's sort of two-and-a-
5 half options.

6 MS. TAYLOR: Right.

7 MR. CANNING: Option one is the
8 counterclockwise with the island. And the
9 disadvantage of that is that you're pushing
10 everybody into the entrance lane that comes in.
11 The few people that come in the west lane, you're
12 pushing them into the entrance lane. I think
13 that's the concern that was expressed about that.
14 Is that correct?

15 MS. TAYLOR: Mm-hmm.

16 MR. CANNING: Option two is do the plan
17 as it is there and the concern about that was
18 twofold, one, you have people going up to the
19 convenience store and people coming out of the
20 gas pumps, and more concerning was you have
21 people going up and turning into the gas pumps,
22 right. And then option two-and-a-half would be
23 leave it as it is there, except put a line and an
24 arrow on the pumps indicating that you're

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2 supposed to go westbound through them. And that
3 would reduce, if not eliminate people going up
4 and turning right. So those are the three --

5 MR. KESSLER: What do those people do
6 when they see that sign? That's the issue?

7 MR. CANNING: Well, they could go up,
8 around, I guess.

9 MR. KESSLER: You can't. You can't.
10 That's the problem.

11 MR. CANNING: Well, they could go
12 through the one way, they could go through the
13 one-way around the back of the building.

14 [laughter]

15 MR. KESSLER: I don't think the half
16 works.

17 MR. KEHOE: Pick up a coffee at that
18 window.

19 MR. KESSLER: And in your first issue,
20 stress the word a few people, because you're
21 exactly right. It's the few people that are going
22 to be coming in on the westbound side. You know
23 [unintelligible] [00:36:53] --

24 MR. CANNING: I agree, I agree.

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2 MR. KESSLER: The ten out of 60 or
3 whatever you said.

4 MR. CANNING: Okay. So those are the
5 two-and-a-half options and I already hear some
6 logical arguments about the second half, right,
7 which is the line. And I'm hoping that after you
8 hear from your consultant and you've had a month
9 to ruminate on it that we can discuss it quickly
10 next month and find some consensus even if we
11 don't all love it and hopefully move on.

12 MR. KESSLER: Alright. I'd like to make
13 a motion that we close the public hearing and
14 bring this back under old business at the next
15 meeting.

16 MR. BIANCHI: Second.

17 MS. TAYLOR: Alright.

18 MR. CANNING: Do you want a comment
19 period, Chris?

20 MR. KEHOE: Yeah, with a ten-day comment
21 period for written comments, mainly for our
22 consultant, but for anyone.

23 MR. KESSLER: So amended.

24 MR. BIANCHI: Second.

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2 MS. TAYLOR: Alrightie.

3 MR. CANNING: Thank you all very much.

4 MS. TAYLOR: Let us have the vote,
5 please.

6 MR. FOLEY: Do we have a second?

7 MS. TAYLOR: No, we got a second
8 already. Alright. Thank you. All in favor?

9 MULTIPLE: Aye.

10 MS. TAYLOR: Opposed?

11 MR. CANNING: Thank you now.

12 MR. CUNNINGHAM: Okay. Stay safe.

13 MR. CANNING: Okay, bye-bye.

14 MR. FOLEY: Chris, does the neighbors
15 who had appeared, do they get a notice?

16 MR. KEHOE: Yeah.

17 MR. FOLEY: Wow, that's over with.

18 MS. TAYLOR: Okay. Now the final, or
19 what would have been the final item on the agenda
20 is PB 6-15, which the applicant has asked us to
21 adjourn to January 26th, and at that point, we
22 would have a special meeting to hear what has
23 been discussed about this particular application
24 at this point. The applicant is meeting with some

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2 people from, what is it, CRSID [phonetic], yeah.
3 And so actually, they may have reached an
4 agreement of some sort. We need to hear what it
5 is. There are other people who are not part of
6 that group apparently, who also may have some
7 input. So we will have that special meeting on
8 the 26th, and I would need somebody to motion for
9 that.

10 MR. KESSLER: Did we agree on that,
11 because I know, Tom, you had some issues.

12 MR. BIANCHI: Well, I'm just not sure as
13 to whether or not we can do it with the regular
14 meeting, given the agenda is not done. I don't
15 have a problem with the special meeting. It's
16 okay. Maybe there's going to be a lot more people
17 here than I expect anyway.

18 MR. KIMMERLING: So just if, I know
19 we're not on the question yet, so if we decide to
20 follow this time table and we have the special
21 meeting on the 26th with the draft agreement,
22 with the agreement, right, to us, by the 19th,
23 would people coming to the public hearing be able
24 to -- will they have been able to read that

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2 agreement prior to their coming to the public
3 hearing so that everyone can talk about that
4 agreement and the people not party to that
5 agreement can say I like or don't like this,
6 right?

7 MR. KEHOE: I would have to confirm with
8 our legal department, but in advance of every
9 meeting, all of the items are posted on our
10 website. So all the plans, John Canning's memo
11 for this, Ralph, they were all up there. Assuming
12 that this is a public document, which I assume it
13 would be, I will put it up prior to the January
14 26th meeting, and I'm in constant contact with a
15 lot of these people. I mean they're not yet
16 sending me Christmas cards, but they're calling
17 me all the time. So I would reach out to them if
18 I'm authorized to, to alert them, because it
19 would make the public hearing much easier if
20 people weren't coming in here not aware of that.

21 MR. KIMMERLING: Yeah, that wouldn't
22 really be a public hearing, people would have
23 need to have read that to come in to comment,
24 because that would be a really material change in

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2 the record.

3 MR. KESSLER: Right.

4 MR. KEHOE: Yeah.

5 MR. FOLEY: And it's only two --

6 MR. KESSLER: Any sense of how big this
7 agreement is? I mean is it two pages or is this
8 20 pages?

9 MR. KEHOE: I don't know.

10 MR. FOLEY: And it's only two weeks from
11 now.

12 MR. KESSLER: And if it doesn't come in
13 by the 19th, do we still have the meeting?

14 MR. KEHOE: Well, why don't we -- what
15 you're going to do on the 19th, on the 26th I
16 believe, is you're going to have your work
17 session, so you don't have to come out, because
18 the work session was regularly scheduled for the
19 27th. So no matter what you're going to be here
20 on the 26th to hold your work session and then
21 you'll go into the public hearing. If it all
22 falls apart, I'll just do what I did for the past
23 six or seven months, is I'll notify everyone the
24 public hearing is not happening on the 26th.

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2 MR. KESSLER: And we'll just have the
3 work session?

4 MR. KEHOE: Yes.

5 MR. ROTHFEDER: I just realized I'm not
6 going to be here on the 26th so. That's not one
7 of the reasons why I didn't want it, but I just
8 realized that. I just want to put that on the
9 record, that's all.

10 MS. TAYLOR: Right. Okay.

11 MR. KEHOE: Yeah, that's a Wednesday,
12 not a Thursday, Wednesday the 26th.

13 MR. KIMMERLING: Can we agree if we have
14 the special session on the 26th, we're not going
15 to bring it back the following Tuesday?

16 MR. KEHOE: I can't agree to any of
17 that. The only things that are sure is that you
18 will hold a public hearing on the 26th. Any other
19 --

20 MR. KIMMERLING: Well, we have to vote
21 on that, so it's not sure.

22 MR. KEHOE: Well, if you vote on that,
23 but any other bullets below that on what you --
24 that's dependent in my opinion on what happens on

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2 the 26th. You know.

3 MR. KIMMERLING: Okay.

4 MR. KEHOE: You'll have to see what
5 happens on the 26th, so.

6 MR. KESSLER: Right.

7 MS. TAYLOR: We will on the question at
8 this point. All in favor?

9 MULTIPLE: Aye.

10 MS. TAYLOR: Opposed?

11 MR. KIMMERLING: I'm not sure we
12 actually made a motion, did we? Or am I
13 forgetting?

14 MR. KESSLER: I don't know if we made a
15 motion either or not.

16 MR. KIMMERLING: I don't think we made a
17 motion.

18 MR. KESSLER: So the motion is to have a
19 public hearing for Hudson Wellness on the 26th,
20 following the work session, which is now being
21 rescheduled from the 27th to Wednesday the 26th.

22 MR. KEHOE: Correct.

23 MS. DECKER: Of January.

24 MS. TAYLOR: Okay.

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2 MR. KESSLER: This year.

3 MR. ROTHFEDER: I'll second that motion.

4 MS. TAYLOR: Thank you. Okay. So we can
5 move forward now. On the question? All in favor?

6 MULTIPLE: Aye.

7 MS. TAYLOR: Opposed? Good. And I think
8 it just says here, I wanted to just say in
9 addition to saying that I'm pleased that we're
10 all back and well, I wanted to make a bit of a
11 change as it pertains to how we leave or disband.
12 I notice that from time to time, well, maybe more
13 than from time to time, people are standing up
14 and packing up as we are closing out. I would
15 appreciate it if everybody would let, well,
16 you're the newest member at this point, so you
17 would be closing us out so to speak, Madam Chair
18 it's such and such a time, you know, the meeting
19 is adjourned. Then we get up and leave. But let's
20 please, let's get up after the motion to adjourn
21 has been satisfied, okay. I'd appreciate that.

22 The last time I was here, we were here
23 in December, I was trying to say something about,
24 you know, Linda's retirement and people were

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2 packing up and walking out and I'm talking. It
3 didn't look good. I mean I think she deserved at
4 least some kind of acknowledgement from this
5 board, you know, in terms of her 30 year tenure
6 as a supervisor and I really felt a little bad
7 about the fact that we didn't appear at least, to
8 show a certain amount of respect for that. So I
9 really want to, in the future, let's all try this
10 year to wait until at least we have been formally
11 adjourned and then we can all head for the door.
12 Okay. Thank you so much.

13 MR. KIMMERLING: Sounds good.

14 MS. DECKER: On that note, Madam
15 Chairperson, I move that we adjourn at 7:20 p.m.

16 MS. TAYLOR: Thank you so much, the
17 meeting is adjourned.

18 (The public board meeting concluded at
19 7:20 p.m.)
20
21
22
23
24

CERTIFICATE OF ACCURACY

I, Claudia Marques, certify that the foregoing transcript of the board meeting of the Town of Cortlandt on January 4, 2022 was prepared using the required transcription equipment and is a true and accurate record of the proceedings.

Certified By



Date: February 2, 2022

GENEVAWORLDWIDE, INC

256 West 38th Street - 10th Floor

New York, NY 10018