

TOWN OF CORTLANDT
PLANNING AND ZONING BOARDS

BOARD MEETING

Nyberg Meeting Room
Town Hall, Cortlandt, New York

June 1, 2021

7:00 p.m. - 8:55 p.m.

June 1, 2021

MEMBERS PRESENT:

Loretta Taylor, Chairperson

Thomas A. Bianchi, Vice Chairperson

Robert Foley, Member

Stephen Kessler, Member

George Kimmerling, Member

Jeffrey Rothfeder, Member

Suzanne Decker, Member

Robert Mayes, Alternate Member

1 June 1, 2021

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

3 MS. LORETTA TAYLOR: June 1st regular
4 session of the planning board of the town of
5 Cortlandt, can we stand please and recite the
6 pledge.

7 MULTIPLE: I pledge allegiance to the
8 flag of the United States of America and to the
9 Republic for which it stands, one nation under
10 God, indivisible, with liberty and justice for
11 all.

12 MS. TAYLOR: We're going to proceed with
13 the roll call shortly, but before we do that, I
14 want to announce that the planning board is
15 finally back up to full strength. We have two new
16 members, a regular and an alternate, who we are
17 pleased to welcome here tonight.

18 Suzanne Decker, a real estate lawyer,
19 will serve as the regular member. She, excuse me,
20 she's worked with developers, investment bankers,
21 and she's also advised lenders on zoning and land
22 issue matters. She is currently a partner with a
23 New York City firm. This is Suzanne, welcome.

24 Robert Mayes is a lawyer, he's a former

1 June 1, 2021

2 ADA with the Westchester County District
3 Attorney's office, and a former executive board
4 member of the Westchester Bar Association.
5 Currently, he's a hearing officer with the New
6 York State Department of Corrections and he is in
7 his second term as a trustee of the Lakeland
8 Central School Board of Education.

9 So, I'm happy to, on behalf of the
10 Board, welcome you tonight and tell you how
11 pleased we are you are joining us and we look
12 forward to working with for as many years as you
13 can stand us. [applause] Okay. Welcome.

14 MS. TAYLOR: So now we can proceed with
15 the roll call.

16 MR. CHRIS KEHOE: Mr. Kimmerling?

17 MR. GEORGE KIMMERLING: Here.

18 MR. KEHOE: Mr. Kessler?

19 MR. STEPHEN KESSLER: Here.

20 MR. KEHOE: Ms. Taylor?

21 MS. TAYLOR: Here.

22 MR. KEHOE: Mr. Rothfeder?

23 MR. JEFFREY ROTHFEDER: Here.

24 MR. KEHOE: Mr. Foley?

1 June 1, 2021

2 MR. BOB FOLEY: Here.

3 MR. KEHOE: Ms. Decker?

4 MS. SUZANNE DECKER: Here.

5 MR. KEHOE: Mr. Bianchi?

6 MR. THOMAS BIANCHI: Here.

7 MR. KEHOE: Mr. Mayes?

8 MR. ROBERT MAYES: Here.

9 MS. TAYLOR: Okay. We don't have any
10 changes to the agenda, but I have been advised
11 that probably should mention that PB 6-15, which
12 is the application of Hudson Wellness Center will
13 return to the agenda for the July meeting. So for
14 those people listening, either here or at home,
15 you will know that they will be here in our July
16 meeting.

17 We don't have the minutes tonight. We've
18 been working with trying to get someone on board
19 who will take the minutes. We do work with I
20 think currently a transcriptionist, I think is
21 what you said. And so she's working to try to
22 catch up with some of the things that have been,
23 some of the meetings that we don't yet have
24 minutes for. Let me put it another way. We have

1 June 1, 2021

2 recording of the actual proceedings, but they
3 have not yet been typed and so we cannot approve
4 them at this point.

5 All right, the next item on the agenda
6 is the correspondence and there is a letter dated
7 May 14, 2021 from Laura DeMaria Silva requesting
8 an adjournment of a request for a beer garden to
9 be located at the Hemlock Hill Farm on 500 Croton
10 Avenue.

11 MR. KESSLER: Madam Chair, I move that
12 we receive and file the letter.

13 MS. TAYLOR: Thank you. May I have a
14 second?

15 MR. ROTHFEDER: Second.

16 MR. KIMMERLING: Second.

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

19 MULTIPLE: Aye.

20 MS. TAYLOR: Thank you. Alright, we're
21 going to skip down to old business. We're going
22 to leave the public hearing until a little later,
23 and move down to old business, the first item
24 being PB 2020-9, the application of CVE North

1 June 1, 2021

2 America Inc., for the property of Kirquel
3 Development, Limited and Patrick and Sharon Parr
4 for site development plan approval and a special
5 permit and for tree removal and steep slope
6 permits for a proposed three megawatt solar
7 energy production facility to be located on two
8 parcels of property located along Red Mill Road
9 and at the end of Mill Court, totally
10 approximately 43.12 acres. The latest drawings
11 were revised, dated March 2021.

12 Okay, you all were out for a sign
13 inspection on Sunday. Did you, well, I guess you
14 might want to start by saying a few things about
15 the application and then our members can talk
16 about whatever concerns they have with the site.

17 MR. CARSON WEINAND: Sure. Yes. Thanks
18 for having us, good to see the board again. I'm
19 Carson Weinand with CVE, senior project
20 developer. I also have Jared Lusk from Nixon
21 Peabody, our counsel and then Ali Yildiz, our
22 engineer, internal engineer at CVE. But yeah,
23 just wanted to take this opportunity with the
24 Board to follow up on our site visit from last

1 June 1, 2021

2 Sunday. I wanted to review any comments or
3 questions you had from that site visit. We also
4 wanted to review the carbon impact analysis that
5 we submitted to the Board. I wanted to review the
6 hot off the press biodiversity comments from
7 Weston & Sampson, and then confirm the public
8 hearing for July 6th.

9 So, yeah, I thought the site visit went
10 well. We were there for maybe an hour and a half.
11 We toured the site pretty extensively, showed you
12 all the limits of disturbance, the footprint of
13 the limits of disturbance and the property lines,
14 where the landscaping will be going, where the
15 access road is going, which way the panels will
16 be facing, away from Mill Court. And where some
17 of the steep slopes will be graded, where that
18 one tree of stature is located, where the
19 wetlands were, I'm just wondering if you had any
20 questions or if I could answer anything following
21 up on that site visit.

22 MR. BIANCHI: Well, I can begin. Yeah,
23 as a result of the site visit, and I'm looking at
24 that bigger tree on your photo location map, --

1 June 1, 2021

2 MR. KEHOE: Tom, please use the mic.

3 MR. BIANCHI: Oh, sorry, forgot about
4 that. And I'm looking at figure 3 of the photo
5 location map that's in your supplemental
6 [unintelligible] [00:08:13] report. And I saw
7 this when I was there. There are two locations
8 right off of Mill Court and I think they're
9 designated as two, eight and seven over here. The
10 houses sort of, when you're facing the end of
11 Mill Court to the right and to the right.

12 MR. WEINAND: On the east?

13 MR. BIANCHI: Yeah.

14 MR. WEINAND: Yeah.

15 MR. BIANCHI: And when we stepped into
16 the site, we did have leaves on the trees, but
17 based on that model that you had put up, I could
18 see that I could see those houses from where I
19 was standing, and I'm sure the opposite would be
20 true. If they could see those panels from their
21 view.

22 MR. WEINAND: Sure.

23 MR. BIANCHI: Now, I asked, I don't know
24 if it was you, I asked somebody about the

1 June 1, 2021

2 screening.

3 MR. WEINAND: Yeah.

4 MR. BIANCHI: And I don't know what the
5 size of the trees is, but they look pretty small
6 in terms of the plantings --

7 MR. WEINAND: Yes.

8 MR. BIANCHI: -- that you're using for
9 screening, and I don't think that's going to cut
10 it in terms of blocking the view.

11 MR. WEINAND: Sure.

12 MR. BIANCHI: So that's one question I
13 had.

14 MR. WEINAND: Yeah, understood. If you
15 went up to -- yeah, there's a landscaping plan,
16 there you go, in the site plan deck. That one
17 home, which is on the western side of Mill Court,
18 probably has the most direct view of the facility
19 and you can see the home even 250 feet into the
20 forest. So that forest there on the northern
21 property line is not as dense as other areas, and
22 something we can do is increase landscaping and
23 screening along that northern edge.

24 MR. BIANCHI: The other question I had,

1 June 1, 2021

2 and I sort of learned this since the last --
3 since the site visit, is that the tilt of the
4 panels is, it's not arbitrary but it's
5 adjustable. Let me put it that way.

6 MR. WEINAND: To some degree.

7 MR. BIANCHI: Your panel was I think
8 eight feet at the peak I think, something like
9 that or nine feet? I don't recall.

10 MR. WEINAND: Yeah, about eight-and-a-
11 half feet high.

12 MR. BIANCHI: And if you were to lower
13 the tilt, you would lower the visual impact. So
14 can you talk about lowering the tilt and if
15 that's a doable thing or if it's not, from your
16 viewpoint, from an operations viewpoint.

17 MR. WEINAND: Sure. I think that tilt is
18 roughly about 20 degrees and that's been decided
19 to optimize the energy production from our
20 engineering team. Actually, Ali designed that,
21 configured the tilt and the height of the array.
22 There's not too much wiggle room there for us at
23 CVE, because you start lowering it too much and
24 it significantly, noticeably starts to impact

1 June 1, 2021

2 production, energy production. But that's
3 something we can chat about and see if there's
4 maybe half a foot of reduction.

5 MR. BIANCHI: Yeah, anything you can do
6 would help because eight-and-a-half feet is
7 pretty high and again, these homes over here are
8 going to be impacted. Now, you know, with the
9 screening will help and with the leaf off season,
10 it might also help.

11 MR. WEINAND: Yeah. We can try to maybe
12 make some tweaks to the design. But there's only
13 so much wiggle room before the economics --

14 MR. BIANCHI: No, I understand.

15 MR. WEINAND: Yeah.

16 MR. BIANCHI: I understand and the
17 economics and the efficiency too.

18 MR. WEINAND: Yes. Mm-hmm.

19 MR. BIANCHI: Alright. Thank you.

20 MR. WEINAND: Yeah, so there's two
21 panels, about six feet in length each. And it
22 doesn't add up to 12 feet tall because they're at
23 a tilt.

24 MR. BIANCHI: Right.

1 June 1, 2021

2 MR. WEINAND: And right now, they're
3 configured to about eight-and-a-half feet high.

4 MR. BIANCHI: Right.

5 MR. ROTHFEDER: In your carbon impact
6 comparison, could you tell me how you got the CO2
7 avoided figure.

8 MR. WEINAND: Yeah. So we used figures
9 provided from the EPA. The conclusion there was
10 even though we're removing 3,000 trees,
11 approximately --

12 MR. ROTHFEDER: Right. No, I meant --

13 MR. WEINAND: Yeah.

14 MR. ROTHFEDER: -- no I understand what
15 you're getting at. But how did you figure out
16 that specific line, CO2 avoided pounds per year,
17 what did you multiply?

18 MR. WEINAND: CO2 avoided, so it came
19 from an average carbon impact of generating one
20 kilowatt hour of electricity.

21 MR. ROTHFEDER: Okay.

22 MR. WEINAND: A data point provided from
23 the EPA.

24 MR. ROTHFEDER: Right. The problem is,

1 June 1, 2021

2 and there are a few -- I appreciate you doing
3 this comparison, but there's a little bit of
4 apples and oranges comparisons going on with your
5 sources at the bottom, the average household
6 pounds of carbon consumption per year, that
7 includes people driving cars and things like
8 that. That's not just electricity. So I didn't
9 know how you got that number, that's why I'm
10 bringing it --

11 MR. WEINAND: I think it should just be
12 the electricity.

13 MR. ROTHFEDER: No, not the household
14 pounds of carbon consumption per year. I looked
15 it up.

16 MR. WEINAND: Okay.

17 MR. ROTHFEDER: The pounds of carbon
18 produced per kilowatt hour is the electricity. Of
19 course, and this gets even a little more complex,
20 obviously, but at this point, there's very little
21 carbon usage because we're using Indian Point. I
22 realize Indian Point is closing though.

23 MR. WEINAND: Because you're what? I'm
24 sorry.

1 June 1, 2021

2 MR. ROTHFEDER: Because we're using
3 Indian Point, there's no carbon emissions from
4 Indian Point.

5 MR. WEINAND: Okay.

6 MR. ROTHFEDER: So the EPA number is a
7 national average number.

8 MR. WEINAND: Yeah.

9 MR. ROTHFEDER: This is a very -- I
10 don't know if you want concede this, but I've
11 looked into this a lot over the years. It's a
12 very difficult comparison to do because of the
13 different types of energy and where it comes
14 from.

15 MR. WEINAND: It's tough to get hyper
16 local energy data for consumption and generation.

17 MR. ROTHFEDER: Right. But I do
18 appreciate that there is a difference. I
19 understand that. The other question I had though
20 is so your starting number on the trees removed
21 is 3,386 and aren't we more at like 3,800?

22 MR. WEINAND: That was revised down with
23 our resubmission.

24 MR. ROTHFEDER: Okay. So that is where

1 June 1, 2021

2 you're starting, at 3,396?

3 MR. WEINAND: Yes.

4 MR. ROTHFEDER: Okay.

5 MR. WEINAND: And then I think we
6 subtract out some of the trees that we're
7 planting.

8 MR. ROTHFEDER: Right. Right. Okay.
9 Thank you.

10 MR. WEINAND: Mm-hmm.

11 MR. FOLEY: If I could echo what Tom had
12 said earlier, after we went to the site visit,
13 and the fact that at least two field office those
14 homes are very visible. So we're assuming the
15 solar arrays will be visible to them. Plus, there
16 seemed to be a closeness up at the other end of
17 the property by Courtland Colony.

18 MR. WEINAND: Mm-hmm.

19 MR. FOLEY: Where I think you walk
20 further in to the wooded area. So I'm also
21 concerned about the visual impacts.

22 MR. WEINAND: Sure.

23 MR. FOLEY: And I'm wondering, although
24 I don't know if it's been brought up before,

1 June 1, 2021

2 whether your total footprint may be too large. So
3 I'm concerned about that. The higher the panels
4 that Tom brought up, we had attended virtually a
5 seminar about solar on farms, recently. I think
6 it was the Cornell Cooperative. And it seems that
7 that, the moderator of that seminar talked about,
8 at least with the, from his experience, the
9 height of five and six foot high panels.

10 MR. WEINAND: Yeah.

11 MR. FOLEY: Is that something that's
12 doable with your proposal?

13 MR. WEINAND: I don't think so, no. I'm
14 not sure where five and six feet came from.

15 MR. FOLEY: Well, maybe I'm wrong, but I
16 thought that that was mentioned during the -- I
17 could check the seminar again. I mean it was a
18 week ago.

19 MR. KESSLER: I think it was. I recall
20 that too.

21 MR. FOLEY: It was a lower number.

22 MR. KESSLER: It was a lower number,
23 yeah.

24 MR. FOLEY: Than what you had showed us,

1 June 1, 2021

2 eight to eight-and-a-half feet as we were there
3 in the field, in the wooded area. So I'm just
4 asking about that, whether anything could be
5 adjusted down. I think some of these questions I
6 asked are in the site visit and you answered, but
7 just for public, the staging area would be off of
8 the top of Mill Court, but off of Mill Court into
9 the property, correct?

10 MR. WEINAND: Correct.

11 MR. FOLEY: And that would only last
12 five to six months, max?

13 MR. WEINAND: Yes.

14 MR. FOLEY: During construction.

15 MR. WEINAND: Mm-hmm.

16 MR. FOLEY: And then during
17 construction, the equipment, bringing up
18 equipment, not only the construction equipment,
19 would be all brought up or down Red Mill Road,
20 the two precarious hill, S-curve hills?

21 MR. WEINAND: Yeah, they'd have to use
22 Red Mill Road and then they'd come up and down
23 Mill Court, for construction and permanent
24 access.

1 June 1, 2021

2 MR. FOLEY: Yeah, as I looked at this
3 further, I don't know. I did as, our CAC member
4 who site visited the same day whether there was
5 any chance temporarily whether a staging area
6 could have been up by Lexington, across from the
7 West Street George Washington School, temporary
8 and bringing equipment down, skirting the
9 wetland.

10 MR. WEINAND: Right.

11 MR. FOLEY: Without damaging, again, I
12 didn't walk up there completely. I just wondered
13 if that's something that's doable during the six-
14 month period. Again, I don't know. The town would
15 have to look at it.

16 MR. WEINAND: Yeah, we can take a look
17 at it. The wetlands are extensive over there.
18 We've got to see how much frontage is on
19 Lexington as well, if any.

20 MR. FOLEY: Well, a lot --

21 MR. WEINAND: See the amount of steep
22 slopes to get over to the --

23 MR. FOLEY: That was the issue, the
24 steep slopes and the wetland.

1 June 1, 2021

2 MR. WEINAND: -- LODs as well.

3 MR. FOLEY: But the frontage, it seems
4 to be a lot. That's where the original proposal
5 from Kirquel was to build two other houses there.

6 MR. WEINAND: Yeah, I think that one
7 section is no longer part of this parcel.

8 MR. FOLEY: Oh, yeah, I think it was
9 taken out. There was a new storm water drain, it
10 would seem to be an improvement I think, from
11 years ago. I think I asked someone who was on the
12 site, the, oh, he explained about HVEA
13 Engineering's, that was our consultant that
14 reviewed the TRC, but okay, he explained. And the
15 reference to, this sounds minor, but the
16 references in the document, in the book,
17 Peekskill Hollow Creek is Peekskill Hollow Brook,
18 correct?

19 MR. WEINAND: Is that in the
20 [unintelligible] [00:19:04]?

21 MR. FOLEY: It's in the, it's in your
22 book here, in your -- there's a reference to the
23 Peekskill Hollow Creek. Maybe it's just semantics
24 and you really mean Peekskill Hollow Brook.

1 June 1, 2021

2 MR. WEINAND: Maybe.

3 MR. FOLEY: Which is a protected
4 watercourse.

5 MR. WEINAND: Okay.

6 MR. FOLEY: I'm just wondering. I don't
7 know, I can't get into battery storage and
8 hazard. I think you address that in the book.
9 That's my main concerns.

10 MS. TAYLOR: Anybody else?

11 MR. KESSLER: Yeah, just a question on,
12 in terms of the [unintelligible] [00:19:46] on
13 the property, do you expect it to even out on the
14 property, do you -- if not, how many trucks do
15 you expect to be leaving the property with excess
16 debris?

17 MR. WEINAND: Yeah, so there's a grading
18 plan in that site plan set that does touch on cut
19 and fill, includes the figures, the cubic yards
20 for cut and fill. And to the maximum extent
21 possible, we'll leave all of the cut onsite. And
22 then, it would be up to our EPC discussions,
23 further discussions with our construction
24 contractor to pinpoint how many trucks we'll need

1 June 1, 2021

2 to remove.

3 MR. KESSLER: So you have no estimate
4 right now of how many trucks are going to be
5 traveling up and down Mill Court?

6 MR. WEINAND: No. No. We could take a
7 closer look at the grading plan, but I haven't
8 calculated an estimated truck.

9 MR. KESSLER: And how many trucks will
10 it take to bring in all of the equipment?

11 MR. WEINAND: I'm not sure.

12 MR. KESSLER: Okay. Can you get that for
13 the public hearing then?

14 MR. WEINAND: Yes, sir.

15 MR. KESSLER: Thank you.

16 MR. KIMMERLING: I just had a couple of
17 follow ups from the site visit. It was a
18 beautiful day.

19 MR. WEINAND: Yeah, it was great.

20 MR. KIMMERLING: And we were there for
21 quite a long time. You and I and someone walked
22 sort of to the south end, right. And we were
23 talking about the placement of that one flag.

24 MR. WEINAND: Yeah.

1 June 1, 2021

2 MR. KIMMERLING: So I just wanted to
3 understand, because I think no one else from the
4 Board was with us when we were discussing it.
5 What is the distance from that private property,
6 which I guess is a pool.

7 MR. WEINAND: Yes.

8 MR. KIMMERLING: Right, there's a fence,
9 and maybe there's a wall, because it's set up a
10 little bit higher than ground level, to the limit
11 of disturbance on the southern end?

12 MR. WEINAND: Yeah, so it should be 150
13 feet. So our property line setback along the
14 northern edge was 200 feet, along the western
15 edge, where we had more buffer with the town
16 land, further away from the homes, was 100 feet,
17 and along the south, the southern property line,
18 it was 150 feet. So I don't know why that flag
19 was so close to the property line, to the
20 facility.

21 MR. KIMMERLING: I mean --

22 MR. WEINAND: It didn't make sense. It
23 looked like 50 feet away.

24 MR. KIMMERLING: Yeah. No, it seemed

1 June 1, 2021

2 really close, especially because that, you know,
3 is an active recreation spot for that complex or
4 whatever. And they are set, you know, higher than
5 ground level, so in terms of both disturbance and
6 screening, it didn't seem right to me.

7 MR. WEINAND: Sure, I agree. It was a
8 bit odd how close the flags were. I mean even
9 looking at those plans. They look well set back
10 from that community facility. And there's, you
11 know, a couple of good rows of landscaping,
12 screening there.

13 MR. KIMMERLING: Yeah, okay. And then my
14 other question was we talked a little bit about
15 this. There were one or two really relatively
16 sizable boulders or rock formations, one of them
17 had a lot of nice graffiti on it. We talked a
18 little bit about removing those. They would need
19 to be removed and whether or not you would
20 anticipate blasting or you would simply use some,
21 I forget the name of the device.

22 MR. WEINAND: A backhoe with some sort
23 of, yeah.

24 MR. KIMMERLING: Well, some hammer

1 June 1, 2021

2 thing. I mean any thoughts about what's going to
3 be required to remove that?

4 MR. WEINAND: Yeah, our plans don't
5 include any blasting.

6 MR. KIMMERLING: Okay.

7 MR. WEINAND: And we can make every best
8 effort to not blast. We can make that a condition
9 if needed.

10 MR. KIMMERLING: Okay.

11 MR. WEINAND: Yeah, and I can check with
12 TRC on why that flag was so close to that
13 community facility, because it doesn't match up
14 with the plans.

15 MR. KIMMERLING: Okay. Great. And then
16 just one last question. There's, I guess you
17 can't really see it on this picture, but there's
18 Cedar Lane, which is sort of a cul-de-sac but on
19 the lower left. You can't really see it, but I'm
20 assuming there's sufficient distance, or what is
21 the difference I guess between those houses in
22 that corner and the limit of disturbance?

23 MR. WEINAND: Yeah, it would be more
24 than 200 feet, which is the requirement from the

1 June 1, 2021

2 town.

3 MR. KIMMERLING: Okay. Great. Thanks.

4 MR. WEINAND: Yeah.

5 MR. BIANCHI: I just have a
6 clarification. You mentioned the 3,396 trees that
7 are, would be removed.

8 MR. WEINAND: That's correct.

9 MR. BIANCHI: I have a question for
10 staff. If this were, if we were to proceed with
11 the Mill Court subdivision, do you recall how
12 many trees were involved in that?

13 MR. KEHOE: Well, believe it or not,
14 that Mill Court subdivision came in prior to you
15 having a tree ordinance. So I looked at that
16 recently. I believe they only delineated trees
17 greater than 12 inches at that time, so it's not
18 really an apples to apples comparison.

19 MR. BIANCHI: Oh, and this is four
20 inches, right?

21 MR. KEHOE: Yes.

22 MR. BIANCHI: Okay.

23 MR. KESSLER: But you have 1,700 on your
24 comparison?

1 June 1, 2021

2 MR. WEINAND: Yeah, above 12 inches, or
3 you talking the Mill Court trees?

4 MR. BIANCHI: Yeah, say 16-home
5 development, 1,750, right?

6 MR. WEINAND: Yeah.

7 MR. BIANCHI: Yeah.

8 MR. WEINAND: That was an estimate based
9 on a rough area of disturbance for the Mill Court
10 Subdivision of 12 acres.

11 MR. BIANCHI: I see.

12 MR. WEINAND: We don't have the final
13 plans for that subdivision in our FOIL requests,
14 but we have some pretty late stage documents and
15 it showed a 12-acre limit of disturbance. And
16 that was rounded down and trying to be
17 conservative.

18 MR. BIANCHI: Okay. And that's with the
19 four-inch?

20 MR. ROTHFEDER: Right, that's, yeah,
21 exactly.

22 MR. BIANCHI: Thank you.

23 MR. ROTHFEDER: I have to, just my
24 observation was that was a pretty nice forest,

1 June 1, 2021

2 and it's in really good shape and that's what the
3 tree report says as well, and it's a lot of trees
4 going to -- double the amount of the development,
5 so that was, I was struck by in what great shape
6 that forest is in.

7 MR. WEINAND: Mm-hmm. Yeah, just to
8 rebut that, we are clearing about net 3,100
9 trees. This is a pretty low impact development.
10 We're not installing any pervious surfaces, it'll
11 be pollinator friendly vegetation, a bed of
12 grasses and flowers underneath the array. It will
13 still be a habitat, it'll still be biodiversity
14 friendly. We also will make a donation to one,
15 the local tree fund. I think we're making an
16 estimated 80, \$90,000 payment to the town of
17 Cortlandt, to their tree fund for the trees that
18 we are removing. And then we're going to make
19 something that CVE does on every project, it's
20 called -- it's part of our green initiative, is a
21 one dollar donation per panel, so there's about
22 12,000 panels onsite, and we'll make a \$12,000
23 donation to a local environmental agency that
24 locals can decide which cause they want to put

1 June 1, 2021

2 that money to.

3 MR. ROTHFEDER: I mean it, to me, that
4 doesn't replace a forest because if you just
5 start to plan new trees. So, we've walked through
6 a lot of properties, for a lot of developments
7 and a lot of times, many times, the forest is in
8 pretty bad shape, a lot of vines, a lot of
9 invasive trees, and this one just isn't that way.
10 Plus, you may be gone in 25 years and then we
11 will have taken down 3,300 trees in a forest that
12 would be a lot, would continue to grow for, for
13 centuries, so --

14 MR. WEINAND: Part of our
15 decommissioning plan with the town is a tree
16 reforestation plan, so at the end of the useful
17 life of the facility, we'll also be replanting
18 according to the town code. There's no trees of
19 significance, except for one. There's no
20 endangered trees, so these trees were rated as
21 good or fair grade, not exceptional, so we think
22 it's -- it's unfortunate a little bit. I
23 understand what you're saying, but there's a lot
24 of things we're doing to mitigate and trying to

1 June 1, 2021

2 work with the town.

3 MS. TAYLOR: I have a quick question.
4 What would be the size of the trees that you
5 would be planting at the end?

6 MR. WEINAND: Mm-hmm. Oh, at the end.

7 MS. TAYLOR: For reforestation.

8 MR. WEINAND: That's a good question.
9 Within the reforestation plan, they'd be
10 compliant with town code, and I think it's one
11 tree every maybe 40,000, one tree every acre,
12 maybe more dense than that. But size wise and
13 species, I'd have to double check. Maybe Chris,
14 do you know? Mike Preziosi might know that.

15 MR. KEHOE: Well, I think it's typical,
16 a minimum of two-and-a-half inches is what we
17 require. But I think sometimes, he likes to go to
18 three, three-and-a-half inches. But I can talk
19 with him about that.

20 MR. WEINAND: Okay.

21 MR. KEHOE: But along those lines, I
22 wanted to ask you, your plan, I think L101, is
23 where you do your math with respect to the trees.
24 And it talks about the removals and the credits

1 June 1, 2021

2 and then what you're going to plant and how many
3 you're short. And then, at least in this, it says
4 that you're short 537 trees, which, you know, we
5 can discuss as we go through the public hearing
6 process. But then you say those 537 trees will be
7 planted once the project has been decommissioned,
8 which is what you just mentioned now. But if you
9 multiply 537 by \$150, that comes out to the 80,
10 \$90,000. So that's the number that you're basing
11 your contribution on as well?

12 MR. WEINAND: Yes.

13 MR. KEHOE: Okay.

14 MR. WEINAND: Yeah, we'll --

15 MR. KEHOE: Because that's not really
16 clear. It seemed to imply that those trees would
17 be planted 20, 30, 40, 50 years from now when you
18 decommission.

19 MR. WEINAND: Right. We're replanting
20 when we decommission, and we're making an upfront
21 payment for that gap in trees.

22 MR. KEHOE: And then just quickly, the
23 other thing I looked at recently is when we
24 approved the Mill Court Subdivision, the entire

1 June 1, 2021

2 eastern third, where the wetland is was to be
3 preserved in a conservation easement. Would you
4 be willing to conserve it in a conservation
5 easement as part of this project?

6 MR. WEINAND: Yes, mm-hmm.

7 MR. FOLEY: If I could say something
8 more again about the trees, if I could reiterate
9 what Jeff had said a few minutes ago. After we
10 walked through that property and we walked
11 through many over -- I've been on the Board I
12 don't know how many years, more than 20. Is that
13 second growth forest, do you know? In other
14 words, it seemed to be a good, a pretty good
15 forested area.

16 MR. WEINAND: I'm not sure when it was
17 last cleared, the site.

18 MR. FOLEY: I thought there was a
19 reference to it.

20 MR. WEINAND: It doesn't seem overly
21 mature, but it doesn't seem young either.

22 MR. FOLEY: So that still remains a big
23 concern of mine. And whatever happens with this
24 in making any kind of donation, you did emphasize

1 June 1, 2021

2 local, and if that happens, I would hope that it
3 would really be local, whether it's to the
4 Lakeland School System, where there's a school
5 right there, across from, within a half-mile of
6 the property, as opposed to an agency or
7 something that's distant or national.

8 MR. WEINAND: Understood.

9 MR. FOLEY: So I hope the town --

10 MR. WEINAND: We put together --

11 MR. FOLEY: -- will follow that I hope.

12 MR. WEINAND: Mm-hmm. Yeah, we put
13 together a group of local environmental advocates
14 to decide on where that money should go. We're
15 not making that decision. Locals are.

16 MR. FOLEY: Yeah.

17 MS. TAYLOR: Alright. Okay.

18 MR. ROTHFEDER: Madam Chair?

19 MS. TAYLOR: Go ahead, Jeff.

20 MR. ROTHFEDER: I move that we refer
21 this back and set a public hearing for the next
22 meeting, on July 6th.

23 MR. KESSLER: Second.

24 MS. TAYLOR: On the question? All in

1 June 1, 2021

2 favor?

3 MULTIPLE: Aye.

4 MS. TAYLOR: Opposed? Okay. Alright. So,
5 we will have that public hearing.

6 MR. WEINAND: Thank you, Loretta.

7 MS. TAYLOR: I'm sorry?

8 MR. WEINAND: I said, thank you,
9 Loretta.

10 MS. TAYLOR: Oh.

11 MR. KEHOE: In advance of that meeting,
12 if you could answer, put together a memo and
13 answer some of those questions the best you can.

14 MS. TAYLOR: Yes.

15 MR. KEHOE: And get it to us by June
16 23rd.

17 MR. WEINAND: Is the public hearing at
18 7:00 o'clock?

19 MS. TAYLOR: Yes. Carson, are you
20 agreeing to getting that list together?

21 MR. WEINAND: Yes.

22 MS. TAYLOR: Yes?

23 MR. WEINAND: Yes.

24 MS. TAYLOR: Okay. Very good. All

1 June 1, 2021

2 rightie. Are we ready for -- I think we're ready
3 for the public hearing at this point?

4 MR. BIANCHI: Yes.

5 MS. TAYLOR: Great. Okay. Alright. So
6 we're going to go back in the agenda up one, to
7 the public hearing, which was adjourned at a
8 prior meeting. This is for PB 2020-10. It's an
9 application of Cortlandt CSG, LLC, for the
10 property of 202 Cortlandt, LLC for site
11 development plan approval and a special permit
12 and for tree removal and steep slope permits for
13 a proposed 2.3 megawatt community solar power
14 system located on approximately 33.86 acre parcel
15 of property located on the north side of Route
16 202, west of Lexington Avenue, the latest revised
17 drawings, May 20, 2021. Alright.

18 MR. KIERAN SIAO: Great. Good evening,
19 Chairman Taylor.

20 MS. TAYLOR: Good evening.

21 MR. SIAO: And the rest of the board.
22 It's great to see y'all again in person. I know
23 it's been a while, so glad to be back in this
24 room. My name is Kieran Siao. I'm the director of

1 June 1, 2021

2 development with Dimension Energy. I'm joined
3 here tonight by Keith Staudohar, from Cronin
4 Engineering and Brad Schwartz from Zarin &
5 Steinmetz, we're here tonight because our company
6 is proposing to develop a 2.3 megawatt DC 2.1
7 megawatt AC community solar facility on our
8 approximately 35 acre property on Lexington
9 Avenue.

10 So, since we last met, in March, we had
11 some great updates that I'm excited to share with
12 you. But before that, I figure it's best not to
13 bury the lead and just talk about
14 [unintelligible] [00:34:51]. So, looking back
15 through our notes, this is our sixth planning
16 board meeting, this is our fifth public hearing.
17 I think for the last couple meetings we've done a
18 great job at working through the open end
19 questions for this project, answering all the
20 questions, meeting a lot of milestones and I
21 think in our meeting tonight, we'll demonstrate
22 that we've resolved several of the remaining open
23 items. And those that remain after tonight,
24 predominantly the biodiversity study and the

1 June 1, 2021

2 SWPPP, will be answered by the July meeting.

3 So, as noted in our cover letter, what
4 we are requesting tonight is simply that the
5 planning board authorize planning staff to start
6 drafting a resolution for a SEQRA negative
7 declaration, to be prepared and ready for the
8 July meeting. And I want to be very clear about
9 what we're not asking. I'm not asking the
10 planning board to commit to issuing a SEQRA
11 negative declaration in July. We understand that
12 in the second round of biodiversity Weston &
13 Sampson could find anything onsite. In reviewing
14 the SWPPP, there could of course always be more
15 questions.

16 We're simply asking that this resolution
17 be prepared so it's ready in July, so should
18 nothing be found, as we expect to be the case,
19 and should the remaining issues with the SWPPP be
20 resolved, it's simply administratively ready to
21 be read at the July meeting. And if we find there
22 are additional issues identified, obviously, the
23 planning board would simply not move to pass that
24 resolution at that meeting, and then we'll all

1 June 1, 2021

2 come back together in September.

3 But we think this is a fairly
4 straightforward and simple ask that will put all
5 of us in a good position should the remaining
6 survey identify what we all expect to be found on
7 site, which is nothing. And it will help us
8 maintain our overall intended schedule, which
9 will allow us to go to the Town Board in August,
10 and then back to the planning board for final
11 site plan in September.

12 So, Brad's going to cover that more, I'm
13 happy to answer questions there, but at a high
14 level. Not that we're requesting, I just want to
15 be very clear that this is with no expectation
16 that the planning board commit to issuing the
17 SEQRA Neg Dec in July. This is simply an
18 administrative exercise.

19 So, with that said, lots of great
20 updates since our last meeting in March. The
21 first one of course is the first round of the
22 biodiversity field assessment, which Weston &
23 Sampson, the town's consultant performed on April
24 14th. I know that that memo was provided to this

1 June 1, 2021

2 planning board at the last meeting. I know Weston
3 & Sampson couldn't be here tonight, but just as a
4 quick recap of the event, their biologist went on
5 site, they reviewed the entire property, with
6 special focus to our limit of disturbance. This
7 particular field assessment was specifically to
8 review the site for amphibians, reptiles, mammal
9 species. And in their memo, Weston & Sampson says
10 that the site has very low biodiversity habitat
11 on site. It is a young to mid-age secondary
12 successional forest. Predominantly, if you recall
13 from the tree inventory, invasive species
14 predominantly black locust and Norway maple, and
15 with a good portion of the trees being in poor
16 health.

17 They also note that in this first field
18 assessment for amphibians, reptiles, mammals,
19 they also note birds in the assessment, they note
20 that the site has very little understory, due to
21 deer predation. And the understory is there is a
22 combination of herbaceous and shrub level
23 invasive species, mainly phragmites, Japanese
24 barberry, Japanese stillgrass, mustard grass. All

1 June 1, 2021

2 of these do not provide biological value, and in
3 fact, based on their analysis, show that the
4 conditions reduce the available nesting habitat
5 for many forest bird species and reduce habitat
6 suitability for reptiles and amphibians.

7 So I think this is very important to
8 note not only for the intended scope of their
9 visit in April for these amphibian and reptile
10 species but also to give a preview of what they
11 might find in their next biodiversity field
12 study, which is in June.

13 So I think this is very important to
14 consider, especially when you consider it against
15 what we are proposing on site. Currently, there's
16 very little understory, little herbaceous layer.
17 As part of our project, as part of our planting
18 for our solar array of course, as we've discussed
19 in the past, we are providing native low growth
20 pollinator grass and flower species within the
21 confines of our fence line within the array,
22 which we think will serve that habitat function
23 to benefit reptile, amphibian and bird species
24 above and beyond what is currently on site.

1 June 1, 2021

2 In addition to that, the understory, the
3 shrub layer of trees that we have included as
4 part of our landscaping plan will further serve
5 that benefit above and beyond what is currently
6 onsite. So we think that that's very important to
7 highlight and we look forward to what Weston &
8 Sampson finds when they're back onsite with our
9 consultant later this month.

10 Of course, the other thing that they
11 highlighted on site, given the tree species, the
12 black locust, the Norway maple, they did identify
13 that there could be potential habitat here for
14 bad species. Of course, not surprising, it's a
15 forest [unintelligible] [00:40:00]. They did
16 highlight that the site is not flagged for
17 endangered species by the DEC and there's no
18 federal nexus, so therefore, the U.S. Fish and
19 Wildlife Service -- and they also noted that
20 given this, there's currently no time
21 requirements with regard to tree clearing.
22 However, they do recommend that we maintain
23 seasonal tree clearing timing restrictions with
24 no tree clearing from April to October, which is

1 June 1, 2021

2 something that we're happy to commit to. That's
3 something that we included in our original
4 biodiversity assessment as we were scoping the
5 field assessment.

6 So we think this is really positive. We
7 think this is largely consistent with what we
8 originally proposed to the planning board several
9 months ago, and again, look forward to what
10 Weston & Sampson identifies in their next round
11 later this month. And I'm happy to answer any
12 questions about this report.

13 The second update we have is with regard
14 to visual screening. So if you recall at our last
15 meeting, we provided photo simulations from a
16 variety of vantage points around the project site
17 to show what it would look like from Lexington
18 Avenue, from the south and Crompond Road, from
19 the north and to the west.

20 And I think we all agree that for the
21 majority of these vantage points, it was
22 determined that the project would either not be
23 within view, or it would be perhaps slightly in
24 view, but not a nuisance or impact.

1 June 1, 2021

2 The one open area of course, was the
3 northwestern corner along Baron De Hirsch and the
4 neighbors who live on those properties along
5 Baron De Hirsch Road. So, since we had that
6 hearing in March, our team met on site with those
7 neighbors, the Fueys [phonetic], the Lockwoods
8 [phonetic] and the Harts [phonetic].

9 We had great discussions. The first
10 thing we did, it was me and our consultant C&S
11 who performed the visual simulations. We met them
12 all onsite, we stood at the edge of their
13 property boundaries, so we all agreed where the
14 vantage point would be from, and then we walked
15 into the field, me and the C&S team. And what we
16 did was we walked out and showed them where is
17 the limit of tree clearing and where is the fence
18 line, and that in and of itself was a very
19 helpful exercise. I think there was some
20 confusion over what is our limit of disturbance
21 versus what were the limits of the tree inventory
22 that we did several months ago.

23 The neighbors saw some ribbons on trees,
24 they thought that meant that the trees were

1 June 1, 2021

2 getting cut down, which of course is not the
3 case. And in fact, between those parcel lines,
4 for those properties, in our limit of
5 disturbance, there's around 380 feet of tree
6 stand that's going to be left in place and
7 maintained. So I think that clarification that
8 all those trees were being kept in place was very
9 helpful to understand.

10 So, from there, we talked through what
11 are some other things we can do to make those
12 neighbors more comfortable with the perceived
13 visual impact with the concern about the visual
14 nature of the site. And two things that they
15 raised were of course as we reiterated in
16 previous public hearings, a new row of evergreen
17 trees along our western fence line, which we've
18 committed to and we're providing here in this
19 sim. This is also reflected in our landscaping
20 plan. This is around 90 to 95 new evergreen
21 trees. I believe it's a combination of Fat Albert
22 spruce and arborvitae. We think this is going to
23 do a great job of screening the project from view
24 from those properties.

1 June 1, 2021

2 MR. KIMMERLING: What's the size of the
3 trees?

4 MR. SIAO: At planting, it's like six to
5 eight feet tall, six feet are typical. But we
6 picked these species and Fat Albert Spruce in
7 particular, because it grows fast, it grows wide,
8 but it caps out at around 15 feet tall. So this
9 would be effective at screening the project from
10 view, but it will not cast shadows on the array,
11 so we think this is typically the ideal choice or
12 type of tree. And this was very satisfying to the
13 neighbors. I spoke to the Fueys earlier today and
14 they were very happy to see our revised
15 [unintelligible] [00:43:42].

16 The other thing they suggested and
17 something that we included in our original
18 biodiversity assessment to this board is, you
19 know, within that 380 feet between the property
20 line and our limit of disturbance, that's of
21 course where the wetlands are in sight. And we're
22 of course avoiding impact to wetlands as part of
23 our project.

24 But to go further, something we

1 June 1, 2021

2 suggested in our biodiversity desktop assessment,
3 many months ago and something that the neighbors
4 were interested in and we're happy to commit to
5 is putting those wetlands and the acreage around
6 the wetlands and their associated buffer into
7 conservation easement.

8 And that gave them a lot of comfort in
9 knowing that if this project were to be
10 developed, not only is the array being screened
11 in such a way that it mitigates visual impact
12 from their properties, but also these areas that
13 are nearest to them and the associated water
14 resources in this area will be protected in
15 perpetuity.

16 So these two pieces together I think,
17 went a long way in making these neighbors
18 comfortable and Dimension is happy to do it.

19 So, Chris, just going back quickly to
20 the sims, I think that's helpful to look at
21 again. So if you go back to the first one, this
22 is existing conditions. It's hard to tell, but if
23 you kind of look in the middle of the image,
24 there's an orange flag here. That orange flag

1 June 1, 2021

2 represents the limit of our tree clearing. That's
3 around 380 feet from where we're standing, which
4 is the edge of the property line.

5 Even harder to see, but behind that, if
6 you look really closely, there's a yellow flag.
7 And the way we did this to show them is we went
8 out there, there was two of us. We had these ten
9 foot poles. And on top of the poles, were these
10 colored flags. Orange represented tree line,
11 green represented fence line, or probably it was
12 a bright yellow. And I was holding the fence line
13 one, and I was so far back, if you recall, from
14 where we're standing in this photo, to the fence
15 line is around 500 feet.

16 It was so far back that no one could see
17 me. And in fact, they couldn't see the flag on
18 the top of the pole. And so what I had to do was
19 take off my construction vest, put it at the top
20 and then wave it like I was on Castaway. So I
21 think it was really helpful to show just how far
22 away this was and how many trees are going to
23 stay between the parcel line and the limit of
24 disturbance.

1 June 1, 2021

2 So can we go to the second one? So this
3 is proposed conditions at day one of planting.
4 So, like we mentioned, and very similar to the
5 sim that we provided several months ago, we have
6 here some of the array being visible, if you
7 recall, given the topography of the site, this is
8 upslope of where we're standing. The topographic
9 relieve is around 50 feet. Then we're at kind of
10 the plateau of the hill and then it drops down to
11 the other side to Lexington Avenue.

12 So what we see here is just the leading
13 edge of those panels before it goes over the
14 crest of the hill to where it cannot be seen
15 anymore. And again, these evergreen trees in the
16 front, six feet at planting, already doing a
17 great job at screening a lot of the array from
18 view.

19 Another thing to call out here of course
20 is these photos were taken in leaf off
21 conditions. So we wanted to be as conservative as
22 possible and show kind of the most visible this
23 will be. Of course, for the majority of the year,
24 all these trees in the foreground, that 380 feet

1 June 1, 2021

2 will have leaves on them. So that will further
3 obscure the property. And again, this is right at
4 the parcel line, the closest we could be to the
5 parcel. The Fueys in particular, they have this
6 nice deck in their backyard. That's where they
7 have barbeques over the summer. That's further
8 back and we think that the existing trees, leave
9 on conditions are even going to further obscure
10 the project from view. So --

11 MR. FOLEY: So what we're seeing on
12 photo 1B there, beyond the tree line, the new,
13 the evergreens, those are the arrays?

14 MR. SIAO: Yes. That's our fence line
15 and then 20 feet beyond the fence is kind of the
16 leading edge of the panels.

17 MR. FOLEY: Okay.

18 MR. SIAO: So this is day one, day one
19 of planting. One thing I will call out here is in
20 our landscaping plan, if you look, not only do we
21 have the evergreen trees and the fence line, but
22 if you recall from our previous submittals, we
23 also have a number of trees planted kind of on
24 the toe of that hill within our limit of

1 June 1, 2021

2 disturbance that we're replanting as part of our
3 mitigation onsite. That is not included as part
4 of this sim, so there there's going to be
5 additional screening even between our limit of
6 disturbance leading edge and the fence line.

7 MR. ROTHFEDER: So why didn't you make
8 those evergreens, if they were evergreens?

9 MR. KIAO: They are evergreens.

10 MR. ROTHFEDER: Oh. I guess I'm not
11 seeing the leaves on them. Okay.

12 MR. KIAO: The trees along the fence
13 line?

14 MR. ROTHFEDER: Yeah, they look, they
15 look bare to me, but maybe it's, I can't see from
16 there. That's fine.

17 MR. KIAO: The trees along the fence
18 line are certainly evergreen trees. Those are --

19 MR. ROTHFEDER: Oh, I see. On the site,
20 right, Okay. I got you.

21 MR. KIAO: Yes, yes. So as you recall,
22 at our previous submission of visual simulation,
23 we provided not only winter conditions, but also
24 spring conditions, where we rendered what it

1 June 1, 2021

2 would look like with the leaves on. And I admit,
3 it looked a little silly. So we didn't bother
4 with that. You can kind of imagine all these
5 trees in the foreground, what that'll look like
6 with full foliage.

7 MR. ROTHFEDER: Right.

8 MR. SIAO: But we wanted to show worst
9 case.

10 MR. ROTHFEDER: I've got that now.

11 MR. FOLEY: So photo 1C would be the
12 full growth of those evergreens?

13 MR. SIAO: That's correct. So that's
14 after a couple of seasons of growth. So, and as I
15 mentioned, the Fat Albert spruce typically cap
16 out around 15 feet tall and they grow side, so it
17 will effectively be a wall of evergreen.

18 So this was a really great conversations
19 with the Fueys and the Lockwoods and the Harts,
20 glad to be able to meet with them, and talk with
21 them on this issue. I think we brought a lot of
22 comfort there.

23 So, in addition to those neighbors, and
24 with regard to this sim, around May, I'm sorry,

1 June 1, 2021

2 around March, we also received a letter from an
3 organization called the North Cortlandt
4 Residents' Group. And they provided a couple
5 other vantage points where they were interested
6 in seeing will this array have any visual impact.
7 And the two areas they called out were Granite
8 Road, which is south of Crompond Road, as well as
9 various points of view from the Sylvan Glen
10 Preserve.

11 So while C&S and I were in the area, we
12 not only visited the neighbors along Baron De
13 Hirsch, but we went to these additional areas to
14 try and assess is there any ability for this
15 project to likely be seen from those vantage
16 points. And the answer is no. So this is Granite
17 Road. This is a couple hundred feet south of
18 Crompond Road. You can see kind of the tree, the,
19 the truck along the road here, some smaller
20 vehicles in the distance. We do not anticipate
21 the project that the project to be visible from
22 this vantage point. There is a significant number
23 of trees even between these properties and
24 Crompond Road to the south, but even once you get

1 June 1, 2021

2 to the north of Crompond Road, if you remember,
3 there are multiple -- rather [unintelligible]
4 [00:50:10] there's a dense tree stand not only
5 made up of our parcel, but also the
6 [unintelligible] [00:50:16] right of way of
7 Crompond Road, which is forested. And between
8 both of these, there's around 600 feet between,
9 rather I should say 500 feet between Crompond
10 Road and the natural gas right of way. None of
11 those trees are proposed to be removed as part of
12 the project. There's also substantial topographic
13 relief from this property to the site. So it's
14 not as if these folks will be looking down at the
15 property, if anything, the property will be
16 higher than them and those existing trees, those
17 500 feet of trees are going to be screening of
18 the view. So we do not anticipate visual impact
19 from Granite Road.

20 And then that leaves Sylan Glen Park
21 Preserve. They called out a few places here.
22 Snake Hill, which is kind of the top, if you look
23 at the map again, those western trails, Snake
24 Hill is kind of that top trail. Slightly below

1 June 1, 2021

2 that is Grant Lookout, and then below that is
3 Turtle Pond.

4 So we visited all three of them,
5 beautiful preserve by the way, I was really happy
6 to walk through that. And we went to each of
7 these areas and took photos. And once again, the
8 project is not going to be able to be seen. This
9 is from the same right of way that cuts through
10 our project. This is kind of looking down the
11 road, you know, towards Lexington, and again,
12 given the topographic relief and the existing
13 forest line from this area, which is the most
14 open out of anywhere we went in the park, the
15 project is not going to be seen.

16 There are a couple other areas kind of
17 down in this area. Just clicking through, of
18 course, the preserve has its own robust tree
19 stand. Again, these are leaf off conditions. This
20 was taken, I believe late March, maybe early
21 April. And this is where the potential for the
22 project to be most visible. And as you flip
23 through these and similar for Snake Hill and
24 Grant Lookout, the existing tree stand within the

1 June 1, 2021

2 park is so dense that you could barely see
3 outside of the park.

4 When we were up at Snake Hill, which is
5 the area that's highest in elevation in that
6 preserve, we could see maybe to the next
7 neighboring block. I believe that's Grant Avenue,
8 yes, it's Grant Avenue, we could start to see
9 maybe the rooftops of those properties, but
10 nothing beyond it.

11 And the distance from Snake Hill to the
12 Grant Avenue properties, that's around 1,000
13 feet. The distance from that same lookout to our
14 property is 3,000 feet, so three times the
15 distance. So, as you can see here, we're
16 confident that from these areas, you will not be
17 able to view the project. And I think it's great.
18 I think this preserve is a great asset to the
19 towns of Cortlandt and Yorktown. It'll continue
20 to be a great asset for future generations to
21 come, and the view will not be impacted by the
22 project.

23 So we think both of these were great
24 updates. We were able to really close a lot of

1 June 1, 2021

2 open items here. In addition to that, we of
3 course, updated both the site plan and the SWPPP,
4 so I'm going to turn the floor over to Keith, who
5 can provided updates there, and once Keith
6 provides those updates, Brad will come up and
7 kind of talk through next steps and process from
8 here.

9 MR. BIANCHI: One question before you
10 turn it over. I'll ask the same question I had
11 for CVE.

12 MR. SIAO: Sure.

13 MR. BIANCHI: The height of the panels
14 and the tilt.

15 MR. SIAO: [unintelligible] [00:53:32]
16 25 degrees.

17 MR. BIANCHI: And is there anything that
18 can be done to lower them?

19 MR. SIAO: No.

20 MR. BIANCHI: And lessen the tilt?

21 Mr. SIAO: No. It's, as Carson
22 mentioned, for, when we design a project, we look
23 at the different tilts to see what is the maximum
24 yield and the maximum productivity. And in this

1 June 1, 2021

2 area, 20 to 25 degrees is typical. And that's why
3 we look at things like effective screening to,
4 and maximizing setbacks to make the form factor
5 and the line of sight as noninvasive as possible.

6 Mr. Foley, to answer your question about
7 five or six feet tall, to get to a panel of
8 around that height, that's kind of like a ten or
9 a fifteen degree tilt, so that's pretty flat,
10 something that's not really able to be done kind
11 of in this geography. So I know it was Cornell, I
12 think that it's interesting that they suggested
13 that. We don't typically see tilts that low
14 around this area.

15 And another thing to consider, for
16 projects here in New York State, because of snow,
17 the bottom edge of our panels are typically two
18 feet off the ground and that's so for part of the
19 year there's a heavy snow, the bottom of your
20 panel is not going to be buried in snow and
21 you're going to lose productivity there. I know
22 in other geographies, sometimes, that leading
23 edge is lower to the ground, but that's not
24 typical or feasible in New York. So perhaps

1 June 1, 2021

2 that's what they were suggesting.

3 MR. FOLEY: It could have been from
4 upstate, because one of the moderators of the
5 seminar was from --

6 MR. SIAO: Sure, Cornell.

7 MR. FOLEY: I'd have to --

8 MR. SIAO: I'd be interested in hearing
9 more about that project. That's not
10 [unintelligible] [00:55:00]. So, any other
11 questions on either of these updates before we
12 turn the floor over to Keith? Alright. Thank you
13 very much.

14 MR. KEITH STAUDOCHAR: Good evening,
15 Keith Staudohar with Cronin Engineering. It's
16 good to be back in person, or do we miss the Zoom
17 meetings. As part of the updates, our office has
18 prepared a stormwater pollution prevention plan.
19 It's been submitted. We are awaiting technical
20 comments from I guess WSE and Mike Preziosi.

21 Of note, this project, except for a 31
22 foot by 12 foot wide equipment pad will not
23 result in any impervious areas. So we're going to
24 replace the wooded area with a pollinator meadow

1 June 1, 2021

2 and this solar panel array. For the equipment pad
3 though, even though it is impervious and it's
4 very small, we are providing stormwater quality
5 treatment for that pad with an infiltration
6 trench around the pad. Other than that, the
7 access road is a pervious access road. I don't
8 know if anyone remembers what we did at Croton
9 Avenue with the solar farm that's finished now,
10 basically. We did the same thing there, and this
11 SWPPP is similar to that. So we don't expect
12 anything but some minor technical comments from
13 WSE and Mike Preziosi regarding this.

14 As far as the site development plan that
15 we prepared, it's been updated since the last
16 time you saw it. We've provided a zoning layout
17 plan. This project meets all requirements of
18 local law number eight for the solar panel system
19 in terms of setbacks from property lines and
20 things of that nature. We have added a utility
21 and grading plan. And of note with the utility
22 and grading plan is it's, we're not changing the
23 grades that are out there necessarily, we're just
24 creating a side slope. So there will be no

1 June 1, 2021

2 removal of any material from this site, so there
3 will be no trucking of material offsite.

4 In addition, we've prepared an erosion
5 and sediment control plan, which is part of the
6 SWPPP. And then we did a tree removal landscaping
7 plan. So this is where we talk about the trees.
8 Chris if you could put up 4.0.

9 MR. ROTHFEDER: What's the date on the
10 newest site plan, Keith? The one that we just
11 got.

12 MR. STAUDOHAR: It should be March 30th.
13 I can't read it, even with my glasses on, but it
14 should be March 30th. So, within the tree cut
15 line, we have 2,023 trees. The tree inventory
16 exceeded our limits of disturbance, and it was a
17 total of 3,100 and something trees in the --
18 3,111 trees in the inventory, but within our tree
19 cut limit line, there's 2,023 trees to be
20 removed.

21 Of that, 901 of those trees are invasive
22 and 329 of those trees are dead or in poor
23 condition. So when we do the math back out, we
24 add in 86 trees that are counted that are on

1 June 1, 2021

2 slopes, which would count as two trees, do the
3 math, we have a grand total of 879 trees that we
4 believe we have to mitigate.

5 And going back to the invasive and dead
6 and poor trees, pursuant to local law number
7 eight, which is what controls this project.
8 Section H-10F-iii, trees determined to be
9 diseased, dead or invasive species are not
10 subject to the requirement of this plan. So,
11 we're down to 879 trees.

12 So we have a tree planting plan that
13 includes the planting of areas at the entrance,
14 which is in the southeast corner, and then areas
15 in the northwest flank of the project. And then
16 as Brad alluded to, we have added 90 plus trees,
17 evergreen trees along the western fence line to
18 add to the existing buffer that's there to any
19 houses along Baron De Hirsch. So when we add the
20 200, so we have a total of 228 trees that we're
21 planting back, so we take 879 minus the 228,
22 we're down to 651 trees that we believe are to be
23 mitigated. And we believe that those 650, you
24 know, would be an amount to the environmental

1 June 1, 2021

2 fund of about 97, \$98,000.

3 MR. KESSLER: I can't read the caliper
4 size, what does that say?

5 MR. STAUDOCHAR: Excuse me?

6 MR. KESSLER: The caliper size, on the
7 planting chart.

8 MR. STAUDOCHAR: It should be between two
9 and three. I can't read it.

10 MR. KESSLER: Okay.

11 MR. BIANCHI: Yeah, that's what it says.

12 MR. KESSLER: Could you go a little
13 bigger than that? I mean not on the font, but
14 like three to four?

15 MR. STAUDOCHAR: Well, I mean going up
16 that far is a huge cost difference, but I could
17 talk to the client and see if we could --

18 MR. KESSLER: Okay.

19 MR. STAUDOCHAR: -- mix in some three to
20 four inch trees. I don't know if all of them can
21 be that.

22 MR. KESSLER: Okay. Thanks.

23 MS. TAYLOR: It wouldn't hurt if you
24 could [unintelligible] [01:00:32] to the font as

1 June 1, 2021

2 well, with the tree surveys, you can't read them.

3 Pardon me?

4 MR. BIANCHI: [unintelligible]

5 [01:00:40]?

6 MS. TAYLOR: No, I don't know that he's
7 done. Are you done?

8 MR. STAUDOCHAR: I'm done for now, unless
9 you have any more -- I'd be glad to answer any
10 more questions.

11 MR. KIMMERLING: I just had a question
12 on the tree replanting. So I'm just a little
13 confused. So the 96 total spruce and arborvitae
14 along Baron De Hirsch, is that, that's part of
15 the 228 trees?

16 MR. STAUDOCHAR: Yes.

17 MR. KIMMERLING: Or that's in addition
18 to the 228?

19 MR. STAUDOCHAR: That's part of the 228.

20 MR. KIMMERLING: Okay.

21 MS. TAYLOR: Are there any other
22 questions, concerns from the board?

23 MR. STAUDOCHAR: If not, I can hand it
24 over to Brad for a recap.

1 June 1, 2021

2 MR. BRAD SCHWARTZ: Thanks, Keith, and
3 good evening, everyone, Brad Schwartz from Zarin
4 & Steinmetz, nice to see you all and welcome to
5 the new board members. I know tonight is a public
6 hearing, so before I wrap up on process, if the
7 Board would be, would like, we could open it up
8 to the public to hear if anyone is here tonight
9 to make any additional comments.

10 MS. TAYLOR: Okay. This is a public
11 hearing, and if you have any comments, concerns,
12 issues of any kind, you are welcome to come up
13 and express them. You'll need to give us your
14 name and your residence and you know, state your
15 case. I don't know that we expected no one, but,
16 okay.

17 MR. SCHWARTZ: Okay. Then, just to
18 reiterate what Kieran said at the beginning of
19 the presentation, our only ask tonight is that
20 the Board authorize staff to prepare a draft neg
21 dec for consideration at the July meeting. As
22 Kieran said, no promises, no guarantees, it all
23 depends upon the outcome of the stormwater review
24 and the outcome of the second field visit in June

1 June 1, 2021

2 for the [unintelligible] [01:02:38]. If both of
3 those check out clean, then at least your board
4 has a draft in front of you to consider in July.
5 If it is an issue, if a problem arises, you don't
6 vote on it in July, we come back in September. SO
7 that, that's the request tonight.

8 MS. TAYLOR: Alright. Tom, you go ahead.

9 MR. BIANCHI: All set?

10 MS. TAYLOR: Yeah.

11 MR. BIANCHI: Okay. Madam Chair I'll
12 move that we first close the public hearing.

13 MR. KIMMERLING: Second.

14 MS. TAYLOR: Alright. On the question,
15 all in favor?

16 MULTIPLE: Aye.

17 MS. TAYLOR: Opposed?

18 MR. BIANCHI: And if the Board is so
19 disposed, I'll request staff to prepare a
20 negative declaration, even though there are a
21 number of outstanding items, as Brad just
22 mentioned, the SWPPP report is being reviewed by
23 a consultant, the second phase biodiversity study
24 May, June, and a discussion on tree replanting,

1 June 1, 2021

2 but there is no commitment to vote on it. We
3 could just have it prepared.

4 MR. SCHWARTZ: Understood.

5 MS. TAYLOR: Okay.

6 MR. KESSLER: Second.

7 MS. TAYLOR: All rightie. On the
8 question?

9 MR. KIMMERLING: So these are two
10 separate motions and we'll vote on them
11 separately?

12 MR. BIANCHI: Yes.

13 MR. ROTHFEDER: We just voted.

14 MS. TAYLOR: We voted to close the
15 public hearing.

16 MR. BIANCHI: We voted on the first one,
17 closing the public hearing.

18 MR. ROTHFEDER: We did?

19 MS. TAYLOR: Yes.

20 MR. ROTHFEDER: Oh, see, old, okay,
21 sorry. I'm thinking way ahead.

22 MR. KIMMERLING: We've got to go back to
23 Zoom.

24 MR. ROTHFEDER: Exactly.

1 June 1, 2021

2 MS. TAYLOR: Okay.

3 MR. ROTHFEDER: Exactly. Sorry folks.

4 MS. TAYLOR: So, did you finish your
5 second motion?

6 MR. BIANCHI: Yes.

7 MR. KESSLER: And I seconded. We're on
8 the question, yeah.

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

11 MULTIPLE: Aye.

12 MS. TAYLOR: Opposed?

13 MR. KIMMERLING: No.

14 MS. TAYLOR: Alright.

15 MR. SCHWARTZ: I really appreciate that,
16 thank you.

17 MR. KEHOE: Was there a no?

18 MS. TAYLOR: You have to poll.

19 MR. KEHOE: So I've got to poll the
20 board?

21 MR. KESSLER: Yes.

22 MS. TAYLOR: Yeah.

23 MR. KEHOE: Mr. Kimmerling?

24 MR. KIMMERLING: No.

1 June 1, 2021

2 MR. KEHOE: Mr. Kessler?

3 MR. KESSLER: Yes.

4 MR. KEHOE: Ms. Taylor?

5 MS. TAYLOR: Yes.

6 MR. KEHOE: Mr. Rothfeder?

7 MR. ROTHFEDER: Yes.

8 MR. KEHOE: Mr. Foley?

9 MR. FOLEY: Yes.

10 MR. KEHOE: Ms. Decker?

11 MS. DECKER: Yes.

12 MR. KEHOE: Mr. Bianchi?

13 MR. BIANCHI: Yes.

14 MR. KEHOE: Motion carries six to one.

15 MS. TAYLOR: Alright. Okay.

16 MR. SCHWARTZ: Thank you.

17 MS. TAYLOR: Alright. Okay, we're moving
18 along in the agenda, and we're back under old
19 business at this point. This is PB 1-16,
20 application of Pomona Development, LLC for
21 preliminary plat approval and for steep slope
22 wetland and tree removal permits for a proposed
23 three-lot major subdivision of an approximately
24 16.78 acre parcel of property located on the

1 June 1, 2021

2 south side of Revolutionary Road, 500 feet south
3 of Eton Lane, drawings are dated May 19, 2021.

4 MR. JAMES ANNICCHIARICO: Hi, good
5 evening, Jim Annicchiarico, with Cronin
6 Engineering, nice to be back, especially for this
7 project. So, I know many of you were on the Board
8 when this first was before you a few years ago.
9 It was at that time, a six-lot subdivision. There
10 were, we ended up coming to basically one
11 meeting, we were referred back to staff
12 obviously, and at that meeting, I heard enough
13 pushback if you will, or issues with some of the
14 lots and some of the layout.

15 But we did go back and meet with staff
16 many, many times. One of the issues being the
17 legal access for the right of way, which we did
18 submit what David Steinmetz of Zarin & Steinmetz
19 looked into and I believe the town attorney
20 concluded that, you know, he was correct and that
21 there was legal access, legal rights over, over
22 the right of way for the project.

23 The next item that we ended up spending
24 some time on was how to, how to access the site

1 June 1, 2021

2 and meet the code, both state and town, for a
3 public road. We ended up really not being able to
4 do that. So, we've come back now with a three-lot
5 proposal, which does meet those requirements,
6 both town and state, the IFC, the International
7 Fire Code.

8 So we think this layout is a good
9 layout. I know we, the original layout for six
10 lots proposed about 3.25 acres of disturbance,
11 and the new layout is about 1.8 acres. This, I
12 don't know if I was clear or not, but this will
13 not be a town road, this will be a private access
14 drive for the three lots. We will still have to
15 bring up a public water main and fire hydrant at
16 the end of the access drive. There will then be
17 meter pits and water services up to each of the
18 houses. We are also still proposing to install a
19 public sewer main that we will, that we have been
20 and will continue to speak with the neighbor for
21 access to the existing public water main that the
22 town owns that's just off to the east of the
23 project, through the back yards of those existing
24 houses.

1 June 1, 2021

2 We do have the ability to propose septic
3 systems if necessary. We've looked at the layout
4 and we've identified what we think is a septic
5 area for each of the lots. So that is our backup.
6 Position.

7 MR. BIANCHI: Have you done any testing
8 yet for that?

9 MR. ANNICCHIARICO: No, not for that,
10 but based on, based on the soils that we know
11 that are there and the slopes, we're fairly
12 confident that that would be a backup. But we,
13 our main desire is to install the public sewer
14 main.

15 MR. BIANCHI: Is there any one specific
16 backyard you have to go through for the sewer?

17 MR. ANNICCHIARICO: There are at least
18 two.

19 MR. BIANCHI: Can you just --

20 MR. ANNICCHIARICO: The one that we're
21 connected -- the one that's shown on there right
22 now, now or formerly Rice, that would be --

23 MR. BIANCHI: That one?

24 MR. ANNICCHIARICO: -- that would be

1 June 1, 2021

2 choice number one, but we do have the ability to
3 go to the lot just to the south of that and still
4 connect via gravity.

5 Chris, if you could, maybe go to the
6 site plan page. I'm trying to remember, there was
7 a lot of talk about a lot of trees coming down. I
8 want to show how many trees we aren't taking
9 down, or how few trees we're taking down. So, if
10 you could find that chart. I don't have that off
11 the top of my head. I believe it's on -- that's
12 the existing conditions. That's the zoning plan.
13 It should be one more.

14 MR. KIMMERLING: It's the last one I
15 think, Chris.

16 MR. KEHOE: Subdivision plan? That's the
17 tree preservation plan.

18 MR. ANNICCHIARICO: There should be,
19 yeah, actually, yeah, because it was right there
20 actually. It was a chart up in the top of that
21 tree preservation plan. I don't know if you can
22 zoom in there.

23 MR. FOLEY: TP 9.1?

24 MR. ANNICCHIARICO: Yeah, that's it,

1 June 1, 2021

2 right there. So, we've, could you zoom in one
3 more? Sorry.

4 MR. KEHOE: 968.

5 MR. ANNICCHIARICO: So 968 trees that
6 were located, you know, that's a larger number
7 because that was based on 50 feet outside the
8 limit of disturbance for the proposed six lot
9 layout, so back then, we located that many trees.
10 If we were to do it again, it would be obviously
11 less. But we are only proposing to remove 87
12 trees. There is, there's obviously more trees on
13 the site. It's a 16-and-a-half-acre site. We
14 didn't locate probably half the trees that are on
15 the lot, or actually even less.

16 So, it's definitely less than the six
17 lot subdivision. I don't remember what that
18 number was. I don't know if you have that, Chris
19 anywhere, but it's definitely less. There is a
20 large area where the existing houses and the
21 driveways, outbuildings and whatnot, that is a
22 bit open anyway, with few trees. So, that might,
23 you might be able to see that in the existing
24 condition Chris, a little bit better.

1 June 1, 2021

2 We also, we have very little wetland
3 disturbance and it's mainly just the existing
4 drive that would be improved. And quite frankly,
5 in my opinion, the wetland that was flagged out
6 within the right-of-way is probably just seep out
7 from the wetland itself that wetland B that you
8 see there. And if that were piped properly, it
9 probably wouldn't be wet out there. But it's 700
10 square feet of wetland technically, that we would
11 be disturbing by improving the access drive
12 slightly.

13 MR. ROTHFEDER: But you are putting the
14 new road over a significant portion of the
15 buffer.

16 MR. ANNICCHIARICO: Yes, which is -- it
17 actually exists right now. We'll be widening it
18 to meet the --

19 MR. ROTHFEDER: In what way does it
20 exist? I mean --

21 MR. ANNICCHIARICO: There is a driveway
22 there right now.

23 MR. ROTHFEDER: Is that what the -- I'm
24 looking at this plan. Is that what these, these

1 June 1, 2021

2 are existing? There's no date on this. It just
3 says Revolutionary Road subdivision wetland now,
4 [unintelligible] [01:14:15] 1.1.

5 MR. FOLEY: It's a dirt road after Eton
6 Lane?

7 MR. ANNICCHIARICO: Yeah, Tom, you're
8 looking at, at --

9 MR. ROTHFEDER: Yeah.

10 MR. ANNICCHIARICO: Right. Yeah, that's,
11 you can see the drive. It's a little difficult to
12 see, but you can see the access drive that
13 traverses the right of way all the way up to the
14 existing house.

15 MR. ROTHFEDER: Is there anything you're
16 going to be doing to mitigate any of that?
17 Because it's a larger road now?

18 MR. ANNICCHIARICO: Yeah, we will be --

19 MR. ROTHFEDER: Is that going to --
20 mitigate that incursion into the buffer.

21 MR. ANNICCHIARICO: Yes, we, we will be
22 proposing whatever we can do stormwater wise for
23 the driveway itself. Likely, it'll be in the
24 form of an infiltration trench along the edge of

1 June 1, 2021

2 the driveway with the drive pitched towards it.
3 If there is anything we can do down at the bottom
4 at Revolutionary Road and Eton Lane, we will
5 certainly do something there but for each of the
6 lots themselves, we will be proposing stormwater
7 management on each of the individual lots as
8 well.

9 MR. ROTHFEDER: Has that plan been
10 submitted yet?

11 MR. ANNICCHIARICO: No, we haven't gone
12 that far yet.

13 MR. ROTHFEDER: Okay.

14 MR. ANNICCHIARICO: That would something
15 we would expect to submit in a response to Mike
16 Preziosi's technical review. Tonight, I'd really
17 like to get a better sense of how the Board feels
18 about this layout. Obviously, I would hope
19 there's a better reaction to this layout than the
20 six. But in order to move forward, and expand the
21 plans, we would like some sort of feedback I
22 guess, if you will, about whether or not we're on
23 the right path here. It's been quite a long road,
24 obviously, no doing of this board or anybody

1 June 1, 2021

2 else. But it's --

3 MR. ROTHFEDER: Is there any reason why
4 you put a T at the end of the road before you get
5 the houses versus a circle?

6 MR. ANNICCHIARICO: Well, the slope
7 there at the end is such that a cul-de-sac
8 doesn't work very well. It requires a very deep
9 cut up into the property. So and then that
10 exacerbates the driveways up to the houses. So,
11 working with, discussions with Mike Preziosi, we
12 came up with a hammerhead T that does the same --
13 it meets the same code requirements as the --

14 MR. ROTHFEDER: Okay. I just wondered.

15 MR. ANNICCHIARICO: Yeah.

16 MR. ROTHFEDER: Chris, is this our
17 requirement to show slopes at zero to 20 and 20
18 plus? I thought we had more gradations.

19 MR. KEHOE: We have more ranges than
20 that.

21 MR. ROTHFEDER: Yeah, I mean it's hard
22 to have an opinion when, you know, you're lumping
23 everything into a zero to 20.

24 MR. ANNICCHIARICO: Sure, we can change

1 June 1, 2021

2 that.

3 MR. ROTHFEDER: Yeah.

4 MR. ANNICCHIARICO: And, you know.

5 MR. KEHOE: I think you go, you know,
6 not a steep slope, then I think you go 15 to 20,
7 20 to 25 and then above 25.

8 MS. TAYLOR: Right.

9 MR. KEHOE: I think.

10 MR. ROTHFEDER: That sounds right.

11 MR. FOLEY: When you drive in, the
12 existing house is where? Where the T is? Or one
13 of the three?

14 MR. ANNICCHIARICO: When you drive in,
15 the existing house is actually, it's a little
16 ways into the property.

17 MR. FOLEY: Is it shown on any of these?

18 MR. KEHOE: Yes.

19 MR. ANNICCHIARICO: Yeah, if you look at
20 the --

21 MR. KEHOE: It's on the screen now.

22 MR. ANNICCHIARICO: -- WM-1.1, the
23 yellow and green, that map, Bob. The yellow and
24 green, basically the wetland map, if you look at

1 June 1, 2021

2 that, it'll show all the outbuildings. There are
3 a lot of outbuildings --

4 MR. FOLEY: Oh, I see.

5 MR. ANNICCHIARICO: -- on this property.
6 Pools, sheds, garages, it's quite something.

7 MR. ROTHFEDER: So just to be clear on
8 this road, so starting at Eton Lane, that's a
9 dirt road?

10 MR. ANNICCHIARICO: Right now, yes.

11 MR. ROTHFEDER: And you're proposing to
12 pave that, is that --

13 MR. ANNICCHIARICO: We would have to
14 pave it, it would not have to be a town standard
15 road.

16 MR. ROTHFEDER: Okay.

17 MR. ANNICCHIARICO: So it would not have
18 to meet grades.

19 MR. ROTHFEDER: Are you widening it?

20 MR. ANNICCHIARICO: We would be, we
21 would be required to do, I believe, 18 feet wide.
22 But it would follow, it would basically follow
23 the same grades. There would be very little cut
24 and drill.

1 June 1, 2021

2 MR. ROTHFEDER: So the road is already
3 going through the wetland, you're just paving it
4 --

5 MR. ANNICCHIARICO: Right.

6 MR. ROTHFEDER: -- and widening it?

7 MR. ANNICCHIARICO: Right. And we would,
8 we would put a new stormwater conveyance pipe
9 right at the, where the wetland does cross right
10 there and go into the adjacent property. So we
11 would essentially, we would fix that situation
12 right now.

13 MR. KIMMERLING: And the width of the
14 current dirt road is?

15 MR. ANNICCHIARICO: It's about 12.

16 MR. ROTHFEDER: And then, Chris can you
17 go back to just whatever, just the whole -- yeah,
18 zoom out on that. No, no.

19 MR. KEHOE: It's just, the file's big,
20 so it takes a while.

21 MR. ROTHFEDER: Okay.

22 MR. KEHOE: This type of plan?

23 MR. ROTHFEDER: Yeah, just move it up a
24 little. So lower left, is there a house there? It

1 June 1, 2021

2 says, now a former, now or formerly --

3 MR. ANNICCHIARICO: I believe there is a
4 house on that property, to the -- which on?

5 MR. ROTHFEDER: Yeah, the lower one.

6 MR. ANNICCHIARICO: That one, yes, there
7 is a house on that property, yes.

8 MR. ROTHFEDER: And then they --

9 MR. FOLEY: But on your property?

10 MR. ROTHFEDER: -- they don't come off
11 of Revolutionary, they come off of --

12 MR. ANNICCHIARICO: They come off Eton
13 Lane.

14 MR. ROTHFEDER: Eton Lane, okay.

15 MR. ANNICCHIARICO: Yes, correct.

16 MR. ROTHFEDER: And same on -- what
17 about on the other side of Revolutionary Road?

18 MR. ANNICCHIARICO: Same thing. I don't
19 believe anybody comes off of Revolutionary Road
20 except for us.

21 MR. FOLEY: And the existing house you
22 mentioned, that's on WM-1.1 Is that a two story?
23 It's hard to read the plan. It's to the right
24 after you come in, and all these other are

1 June 1, 2021

2 outbuildings?

3 MR. ANNICCHIARICO: Yeah, all the
4 smaller buildings that you see there are all
5 garages or sheds.

6 MR. FOLEY: But the actual existing
7 house, the larger --

8 MR. ANNICCHIARICO: Right. It's kind of
9 like L-shaped.

10 MR. FOLEY: Yeah.

11 MR. ANNICCHIARICO: Yeah, that's it.
12 It's got a pool behind it.

13 MR. FOLEY: Okay. I see.

14 MR. ANNICCHIARICO: Above ground pool.

15 MR. ROTHFEDER: Chris, how much as staff
16 viewed this at this point?

17 MR. KEHOE: Well, staff did a -- it was
18 a long time ago, but Mike Preziosi did a pretty
19 thorough review memo of the six-lot subdivision.
20 There hasn't been a review memo done for this
21 three-lot subdivision yet. Although, as Jim said,
22 we have met several times, because I think
23 reducing it down to three lots really minimizes
24 the amount of improvements they need to make to

1 June 1, 2021

2 that driveway/road. And the fire inspector has
3 already examined it. We'd have to double check
4 with all of the environmental things that have
5 been done, the trees and the wetlands were done a
6 while ago. We would have to confirm that. So
7 another review memo would need to be done, but I
8 think that you thought that maybe you could go
9 out and take a look at it.

10 MR. ANNICCHIARICO: Yeah, I'd ask that
11 we set something up for a site walk if you're
12 willing to do that at this point.

13 MR. ROTHFEDER: Well, I think after the
14 review memo we should do that.

15 MR. KEHOE: Well, you're going out
16 anyway. That's up to you, but I thought there was
17 some thought since you're going to Colonial
18 Terrace and this is right next door, you would do
19 both.

20 MR. ROTHFEDER: Oh, is it? All right. So
21 we'll do three that day, is that what you're
22 saying?

23 MR. KEHOE: I think only two.

24 MR. ROTHFEDER: That's what I'm saying,

1 June 1, 2021

2 this'll be three.

3 MR. KIMMERLING: Two.

4 MR. ROTHFEDER: Oh, no, I'm sorry.

5 MR. KESSLER: No, I think this would be
6 the second.

7 MR. ROTHFEDER: I'm sorry, you're right.
8 Okay. Got it.

9 MR. FOLEY: You want to make a motion?

10 MR. KIMMERLING: Yes.

11 MR. ROTHFEDER: Yeah.

12 MR. ANNICCHIARICO: I think we've enough
13 of the larger issues. I don't know if you
14 remember, Mr. Kessler, but we were coming through
15 the two wetlands buffers to a house back there
16 and I know that you had a big issue with that.
17 So, you know, and we had some, we had another
18 lot, which was lot five, just to the south or
19 east of that, that had a very long, windy
20 driveway and was way up on the slope. So I think
21 this brings it all down together, down into areas
22 that are much more manageable, less disturbance.

23 MR. ROTHFEDER: But way back, this was a
24 two-lot subdivision when we first came, the Hay

1 June 1, 2021

2 subdivision.

3 MR. ANNICCHIARICO: A long time ago.

4 MR. KEHOE: Yeah, this is the leftover
5 piece of it.

6 MR. ROTHFEDER: Twenty years ago, yeah.

7 MR. ANNICCHIARICO: Right. That was one
8 of the first subdivisions I did I think.

9 MR. ROTHFEDER: Is that right?

10 MR. ANNICCHIARICO: Yeah.

11 MR. ROTHFEDER: Full circle.

12 MR. ANNICCHIARICO: Yeah. My daughter
13 started high school when this started I think.
14 She's graduating now.

15 MR. FOLEY: So question before I make a
16 motion. How close, when you go over the border to
17 Peekskill, is that near the Peekskill Reservoir,
18 or water source? Or am I wrong?

19 MR. ANNICCHIARICO: I think it's close.

20 MR. KESSLER: Yes.

21 MR. FOLEY: So is that why you want to
22 make sure you get the sewer connection as opposed
23 to septic?

24 MR. ANNICCHIARICO: No, because we're

1 June 1, 2021

2 downhill from them.

3 MR. FOLEY: Oh, you're down?

4 MR. ANNICCHIARICO: Yeah, that's much higher.

5 MR. FOLEY: Oh, this is -- Peekskill is
6 higher?

7 MR. ANNICCHIARICO: Yeah, we wouldn't have
8 any impact on their --

9 MR. FOLEY: Alright.

10 MR. ANNICCHIARICO: -- property.

11 MR. FOLEY: Okay. I make a motion to refer
12 this back and to set a site visit, do you want it as
13 one motion? And set a site visit for Sunday morning,
14 June 27th.

15 MR. ROTHFEDER: Second.

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

18 MULTIPLE: Aye.

19 MS. TAYLOR: Opposed? All rightie.

20 MR. ANNICCHIARICO: Thank you very much.

21 MR. KEHOE: Ms. Taylor? The applicant for
22 Paraco Gas, which is the Rail Niner project would like
23 to know if they could go up, it should only take a
24 minute or two, above NRP because NRP has a longer

1 June 1, 2021

2 presentation they'd like to make.

3 MS. TAYLOR: That's fine with me. What about
4 the members?

5 MR. ROTHFEDER: Yeah.

6 MR. KEHOE: Sure.

7 MS. TAYLOR: Okay.

8 MR. ANNICCHIARICO: Thank you very much.

9 MS. TAYLOR: Okay. Let me go ahead and read
10 this. This is actually new business, but we're going
11 to handle it now. The PB 2021-3 is the application of
12 Paraco Fuel Company for amended site development plan
13 approval for the construction of an approximately
14 1,400 square feet building for office and storage
15 space at the existing gas storage and distribution
16 facility located at 8 & 14 Bay View Road. The drawings
17 are dated May 21, 2021. Alright. Good evening.

18 MR. KEITH STAUDOCHAR: Good evening, Keith
19 Staudohar, Cronin Engineering. I want to thank you for
20 bumping me up one, and thank you, Mr. Steinmetz for
21 allowing me to ask. This project is Paraco Field down
22 on Bay View Road, right down on the river, off of Roa
23 Hook Road. Superstorm Sandy, back in 2012, knocked out
24 their existing building which is that huge

1 June 1, 2021

2 rectangular, there you Chris, thank you. So they
3 replaced that building with two trailers which didn't
4 make code and they were violated by the code
5 enforcement department several years ago. So we came
6 in with a site plan to put a new office on the site.
7 It's a little bit bigger than this office we're
8 showing now. We've carried that through the approval
9 process. We got all the conditions resolved. We had
10 the chairman sign the site plan and the project just
11 laid dormant. They came back, they wanted to put this
12 office where we're showing it, and that's where we're
13 at right now. It's a smaller office. Everything else
14 on site remains the same. There's no other
15 improvements proposed other than this building. The
16 building has to be built so that the first floor
17 elevation is above, two feet above the flood plain and
18 the back half of the building is going to be storage.
19 So we're hoping this gets referred back to staff and
20 we can go from there. I'm glad to answer any
21 questions.

22 MR. KEHOE: We did have a brief, we've had
23 some discussions about this with Keith and Mike
24 Preziosi. So we would need to do a review memo. We

1 June 1, 2021

2 don't think you would ultimately need a public hearing
3 necessarily, but we would like to do a review memo so
4 you can refer it back.

5 MS. DECKER: Motion to refer back to staff.

6 MR. KESSLER: Second.

7 MS. TAYLOR: Alright, on the question, all in
8 favor?

9 MULTIPLE: Aye.

10 MS. TAYLOR: Opposed? Okay.

11 MR. STAUDOCHAR: Thank you very much
12 everybody.

13 MS. TAYLOR: You're welcome. Alright. This is
14 the application -- this is PB 2021-1, the application
15 of NRP Properties, LLC for site development plan
16 approval, a special permit and for tree removal and
17 steep slope permits for a proposed 135-unit active
18 adult residential community to be located on an
19 approximately 8.7 acre parcel of property at 119
20 Oregon Road. The drawings are dated May 19, 2021.

21 MR. DAVID STEINMETZ: Good evening, Madam
22 Chair, members of the board, Chris, first note for the
23 record Keith Staudohar owes me one, so just make a
24 note of that.

1 June 1, 2021

2 MR. KEHOE: Noted.

3 MR. STEINMETZ: Madam Chair, members of the
4 Board, you may not have expected to hear me say this
5 ever, but it's kind of good to be back before all of
6 you. So having spent many a night in this room
7 together, it was productive, but unusual to be
8 spending as much time as we all did over the last 15
9 months on Zoom, and I'm really, I am happy to be back
10 in this room. It kind of feels comfortable and good
11 and glad to see all of you well.

12 So I'm here this evening, David Steinmetz,
13 from the law firm of Zarin & Steinmetz, on behalf of
14 NRP and St. Katherine's Group. We've talked about this
15 matter virtually. I'm glad to be able to talk about it
16 live and in person. We're going to try to be
17 efficient.

18 Just to remind you procedurally, as well as
19 for the new members of the Board, and welcome to both
20 of you, we are here processing a zoning text amendment
21 in front of the town board simultaneously with
22 conceptual site plan review in front of your board
23 specifically with regard to the redevelopment of
24 Colonial Terrace.

1 June 1, 2021

2 As the chair indicated, this is a proposal
3 for 135 mixed-income residential rentals and 146
4 parking spaces. This is an exciting project for this
5 site. We've spent a great deal of time working with
6 your board, the town board and your professional staff
7 to come up with a design that we think is conducive to
8 the appropriate redevelopment of the property. And
9 most importantly, it provides a housing type for the
10 community that really doesn't exist today.

11 We know we've been working in conjunction
12 with the sellers, trying to make appropriate historic
13 recognition of the property. We'll talk a little bit
14 about that tonight. I'm joined by Jonathan Gertman and
15 Myles Monaghan from NRP with me this evening, as well
16 as Jerry Schwalbe from Divney Tung and Schwalbe.

17 So the Board knows and so the record is
18 clear, we have met with neighbors. We, at the request
19 of the supervisor, we did send out a notice to our
20 neighbors and conducted a meeting a while back. I
21 think we did tell you that in our last appearance. But
22 I wanted to make sure everyone was clear that we did
23 announce to the public that we were proceeding in this
24 fashion, we had a very productive and favorable

1 June 1, 2021

2 meeting with the neighbors. We've made some revisions
3 to the plan, which Miles and Jerry are going to go
4 through this evening.

5 And one of the main focuses for tonight's
6 presentation, and we will try to make it efficient, is
7 to make sure your board is clear what studies we've
8 already conducted and what studies are underway. We
9 are trying to amass all of the necessary empirical
10 data to present to your board and the town board, to
11 demonstrate that there are no significant adverse
12 environmental impacts. We are working on formulating
13 some mitigation measures presently in conjunction with
14 your staff as well as your outside consultants. And
15 we're going to walk you through where we stand in all
16 of that with the hopes of making some progress in the
17 process.

18 I will get up at the end, we'll talk a little
19 bit more about process but I'm going to turn it over,
20 and our PowerPoint over to Myles Monaghan and Jerry
21 Schwalbe. Thanks.

22 MR. MYLES MONAGHAN: Good evening everyone.
23 Thank you, David. Thanks for having us. I will echo
24 David's sentiments. It's nice to stand in front of you

1 June 1, 2021

2 in person. I was beginning to think I might only get
3 to know you all as tiny floating boxes on my computer
4 screen, so I appreciate the opportunity. Thank you,
5 Chris. If you wouldn't mind, I'll just kind of flag
6 you when I need to move to the next one.

7 So we are back here to tell you a little bit
8 about Overlook Terrace, our concept for the Colonial
9 Terrace property at 119 Oregon Road. I want to keep it
10 short and sweet this evening. A quick little
11 background refresher, just to let you guys know, or I
12 guess remind you of our concept here. So we have 135
13 units. If you wouldn't mind moving to the next one,
14 Chris, thank you, of senior housing, active adult
15 housing, age restricted at 55 years and older.

16 We feel the property from a location
17 perspective is complementary to the existing uses
18 along the Oregon Road corridor. It's going to be a
19 contextual development in terms of scale and density
20 and really will offer our new residents the
21 opportunity to kind of enjoy those amenities and
22 services along Oregon Road, and we feel will be a very
23 desirable asset for the town of Cordtlandt.

24 We also feel it's going to be addressing a

1 June 1, 2021

2 significant amount of demand for affordable rentals
3 that, as kind of David noted, there's a limited supply
4 in the town of Cortlandt and really in northern
5 Westchester, and there's really pent up demand for
6 this type of product.

7 And we also want to note for the town of
8 Cortlandt that this will be another opportunity to
9 kind of diversity the local tax base while providing
10 kind of a net benefit to municipal budgets.

11 The next slide, Chris. Yeah, we'll show you a
12 little bit kind of what we're thinking in terms of
13 this corridor. And we really thought a bit about it
14 and how our site ties into the neighborhood. We have
15 quite a bit of local services and amenities right
16 along Oregon Road, highlighted by the B-line bus
17 running on that corridor. That offers local residents
18 already and will offer once we are able to build this,
19 if we can be so lucky, the access we feel they're
20 really going to appreciate to local religious
21 organizations, country clubs, the Morabito Senior
22 Center, grocery stores, and of course, Town Hall,
23 where we are today.

24 So, that really wraps up kind of the

1 June 1, 2021

2 introduction that we wanted to offer once again to you
3 all just to kind of remind you of kind of our vision
4 and how that ties into the details. So, we want to
5 update you as well on our progress on the site plan.
6 And I think if that next slide, Chris is the one I'm
7 thinking, yeah, is the existing conditions. I'm going
8 to invite our civil engineer Jerry from Divney Tung to
9 speak a little bit more about kind of the challenges
10 and opportunities that we're seeing on the site.

11 MR. JERRY SCHWALBE: Thank you, Myles, and
12 good evening. It is good to be back, certainly after
13 all this time. And not to go through the details of
14 the site in a certain way, but just to get you,
15 obviously, you know where it is, it's next door, so
16 the site is 8.7 acres in size. It's the Colonial
17 Terrace Catering Hall, which is in the middle of that
18 white mass that's there. Parking areas are all
19 throughout the site. This site has been developed over
20 a number of years and been disturbed over a number of
21 years. And it's evolved into certain aspects of what
22 it is. It's a catering hall and it has parking
23 basically. It's closed at the current moment. If you
24 see the center part of the site straight up to the

1 June 1, 2021

2 top, which is Oregon Road, that's the main driveway
3 coming into the property, then it swings back off to
4 the left and right with parking and then you head up
5 to the building.

6 And then off to the left of that property is
7 Eton Downs Road, which is also next to Heady Street.
8 And then it curves back around the back of it, which
9 was part of the old, well, they called it the Oval,
10 which is a road that goes back to the backend section
11 of the neighborhood. And at the little notch in the
12 side of the property there, you'll see in the back,
13 right off the oval where the catering hall has their
14 loading dock and their facilities coming in and you
15 can see it's a little busy place back there, and
16 there's pavement and there's buildings and that's
17 where they had storage and the refuse and so forth, it
18 was back there.

19 And then on the right hand side, it was more
20 quieter, the area next to the adjacent residential
21 zone and also there's an unnamed brook that goes,
22 flows, I guess that's north, on the right side. And
23 that goes tributary to the Peekskill Hollow Brook, in
24 that location.

1 June 1, 2021

2 Just to give you a little perspective on
3 those property elevations and you may have known that
4 from looking at it from the front, but the back is
5 elevation 183 at the middle of the curve at the back.
6 That's the highest point on the property. And then if
7 you go down to the right hand corner, that's where the
8 drainage actually flows down to, is at elevation 110.
9 So there is quite a bit of drop. You don't see that
10 when you're looking from the road, but when you drive
11 up the main driveway, it's sort of a gentle slope and
12 then you get to the building and then there's a large
13 stairway and then you get to the first floor and then
14 the roof is above that. So the elevation increase is
15 more towards the back end of the property and the
16 front end is more gentle, even though it was an 80
17 foot elevation change, you don't really realize that
18 looking at it from the street. But in the back you do
19 and you have that wooded area in the back that also
20 has a, I guess the sewer line was installed through
21 there, so there's like a little bisect that's under
22 easement owned by the town, which is going to be
23 preserved.

24 So I just want to give you a sense of what

1 June 1, 2021

2 the property looks like today or feels like today
3 anyway. There's no wetlands on the property, there's a
4 lot of lawns. There's some forest areas in the back
5 but basically everything's been redeveloped in some
6 way or in some manner over a period of time.

7 Some of the trees, we're having an assessment
8 done currently now, we don't have that report in. We
9 should be getting that within a week or so, get a
10 better handle on it. But some of the trees there we've
11 noticed are damaged, tops are broken off, especially
12 the white pines. They don't do well in some of these
13 areas. They struggle a little bit. And we want to
14 assess what those look like and what we can keep and
15 what we may have to replace, more from a
16 sustainability point of view.

17 So in positioning this building, if you would
18 go to the next slide, Chris, this is the site plan
19 which you've seen before, and that's the building, the
20 135 unites, and there's parking that encompasses the
21 three sides of the building. And the main entry, the
22 main entry is the same location that currently exists
23 today. There will be some gradings through there. The
24 trees that are along that alley there, that entry

1 June 1, 2021

2 road, are not in great shape, and I think we'll look
3 at that when we see that on the 27th. And then on the
4 left and right of that road, you have one the right
5 hand side, where we have a stormwater basin proposed,
6 that's where an existing parking lot is somewhat
7 overgrown. On the left side is more of a meadow kind
8 of grass field, which has a better feel to and more a
9 level area.

10 So as you come up to the entrance drive, you
11 arrive at the entrance to the building, which is also
12 in some ways similar to the existing catering hall
13 where there's a center court and then there's, except
14 in that particular case, there's like a ten-foot rise
15 from going up the stairway to the main entrance,
16 obviously not an accessible building.

17 Here we have to make this building more
18 obviously accessible, accessible around the parking
19 lot in the back so people can enjoy the property more,
20 also get in the building, fire access and that sort of
21 thing. We've discussed briefly, not fully, but briefly
22 with the building department and the fire folks about
23 access for this particular building, allowing for fire
24 trucks coming into the property and around the

1 June 1, 2021

2 building. So in trying to do that, I mentioned that
3 the high point was at 183 in the back. Our finished
4 floor is going to be at 135. So it's actually going to
5 be about 14 feet lower than the current first floor of
6 the catering hall, because it's so far up in height,
7 and that requires us then to cut the site down.

8 So it's a big investment in bring the site
9 more balanced down and at a lower level, which has
10 some benefits as well, because it brings it down below
11 the sight lines from the neighborhood in the back,
12 which is up at 183. You're kind of looking over at the
13 top of those, the forest in the back where I mentioned
14 where the sewer line was for the most part will
15 remain. There's some grading that we're going to have
16 to do closer to the back of the building.

17 But I think for the most part, we'll be able
18 to keep what we can in terms of that buffer and
19 reinforce that much more. So you don't see a lot of
20 plantings there because we're kind of keeping that
21 alone as a restored woodland area. But then in the
22 front, we've got a walkable site, so everything's sort
23 of level around there. We have handicapped parking
24 around the site, we have 146 spaces, of which eight

1 June 1, 2021

2 would be handicapped, around the outside, which I
3 believe exceeds the actual requirement for handicapped
4 parking, even though it's not assisted living or
5 anything, there's still active adults here that may
6 require some assistance at times too.

7 And then coming out to the front, there was a
8 -- the planning board requested a walkway of some kind
9 to the street for a bus stop. If you can see that on
10 the side there, there's a little bit of a curve. As a
11 matter of fact, maybe you could go to the next one,
12 Chris, I think it might be easier to see on there. A
13 little bit more zoomed in, so you can see on the top
14 left quadrant, if you want to call it there, that
15 green area, there's a white line that comes through.
16 That's where the walkway, and that'll be ADA
17 accessible, in other words less than half of five
18 percent slope. And then at the street, we're going to
19 put the bus stop in that location coming through, so
20 theoretically they could go there and get access. As
21 Myles mentioned before, the route is pretty robust and
22 there's a lot of places you can get to with the bus.

23 And then the only access will be from that
24 one point, and then off on the left, we have an

1 June 1, 2021

2 emergency access, even though it's shown tying into
3 Eton Downs, the idea there, there would be like a
4 gated fence of some kind, decorative maybe that would
5 be used for emergency access only but no traffic would
6 be going through or into that area.

7 The area below the building on the bottom of
8 the sheet is not meant to be a full access road for
9 the users, but more for emergency as well. There will
10 probably be a signage there emergency vehicles only.
11 But obviously it's a walkable thing, you can walk on
12 it and for maintenance and so forth.

13 And then from a landscaping perspective,
14 we've got two courtyards I think that are going to be
15 a valuable asset for them in those, and what we
16 actually put in there, the amenities, will be
17 something I guess, I think we're developing over time.
18 Maybe there's some community gardens that we could put
19 in there, passive seating areas, I don't know maybe a
20 hibachi court or something like that, if it's not too
21 noisy, but certainly there's some things I think we
22 can do to make that more of a useable kind of quaint
23 little area for the residents.

24 The parking on each side of the building,

1 June 1, 2021

2 left and right, if you noticed, they're pretty close
3 to the building. We try to meet the fire requirements
4 of being within 26 feet of the building from an aerial
5 truck being able to use a ladder to get up into the
6 building.

7 The front, where we have more room, obviously
8 has more trees. I think the board mentioned about
9 screening some parking where we can. We feel we can do
10 some of that there as well, and try to keep that
11 screened from the upper floors. It is a three-story
12 building. The total building height to the peak of the
13 roof is less than 50 feet. So at elevation 135, the
14 top of the building would be at 50 feet and 185. But
15 just below the road, or just at the road elevation at
16 the back. And then with the trees and the buffer
17 there, you can see that the building is going to be
18 tucked down into the hillside quite a bit.

19 But the front of the property will be more
20 closer to the elevation that's there today. But
21 instead of going up like this, we're going to try and
22 keep it back balanced into the site, so the views, and
23 Myles will show you some of the renderings that look
24 really great on how this thing might look in the

1 June 1, 2021

2 future.

3 Then we have stormwater measures that we've
4 done. We've given you a simple report that we're going
5 to expand with that with the engineering department to
6 do a full SWPPP that we're going to have to provide
7 for the property. We have a sewer connection. We've
8 monitored the sewers for four weeks as per Mike
9 Preziosi's request. We have that data, we're going
10 through that now. And when we get a little bit further
11 ahead, we're going to meet with Mike's office and kind
12 of go through that.

13 There's also a water line actually comes
14 through the site, because this had many subdivision
15 aspects to it in the past, in its history, I think
16 there was a water line that came through it, which is
17 a town water line. Unfortunately, we have to move it,
18 we can't keep it. But we're going to keep it through
19 the site as well, but just move it in a different
20 location. The pressures and the flow from the water
21 line in that area is quite good. No problem for fire
22 protection. As a matter of fact, the building will
23 have fully sprinkler capabilities for the building and
24 then the only other thing I would just mention is the

1 June 1, 2021

2 utilities would be available from Oregon Road as well.

3 So, one last thing I wanted to just let you
4 know about it is the landscaping. So we've given you a
5 landscape plan that has, at the current moment, it
6 shows about 60 shade trees, 17 evergreen trees and 33
7 ornamental trees. And they would be scattered around
8 the site and you can see the colored trees that are
9 shown on the drawing are more the flowering trees or
10 ornamental trees. And then the larger ones like along
11 the roadway, they may be more higher shade trees. I
12 don't know if they'd be lindens or oaks, we're not
13 sure yet. Those are things we have to -- we have a
14 pallet of trees that we like to work with the Board on
15 to kind of create a nice image as we go through there.

16 The proposed disturbance limits is around 7.5
17 acres. That's primarily because of the building and
18 the stormwater basins that we have to provide. But
19 generally, it's fully restored, meeting the
20 requirements for the stormwater management, which now
21 includes as you know, infiltration in the ground,
22 unlike the way the property is currently, it doesn't
23 have any provisions for any water quality or of course
24 stormwater measures at all.

1 June 1, 2021

2 And then lastly, I mentioned we have a sewer
3 line, but the existing catering hall is on a septic
4 system. It's in the district, it's in the town and the
5 county district, so it just never connected for some
6 reason I guess. I'm not sure why, but the sewer is
7 right down on Eton Downs Road, where we can make a
8 connection into it, so that's our plan. And with that,
9 I'll bring it back to Myles.

10 MR. MONAGHAN: Thank you, Jerry. So, you'll
11 see here we wanted to give you all a sense this
12 evening of kind of the visual aesthetic we're going
13 for. Here, the goal is to show you we're really
14 maintaining this verdant look and feel of the property
15 that the community will experience from Oregon Road.
16 We have the central entry drive, we'll preserve the
17 two stone walls and really try and preserve kind of
18 the way this property is experienced from Oregon Road.

19 The next one Chris would be great. Here,
20 we've got the building entrance. So the circular
21 vehicular access at the building entrance is kind of
22 an homage to the accessibility of Colonial Terrace as
23 it is today. You'll see we're using kind of a colonial
24 architectural vernacular. That is abundant in the town

1 June 1, 2021

2 of Cortlandt and is also experienced at Colonial
3 Terrace as it is today. So that was a significant
4 inspiration for us here, and we also will using kind
5 of a columned portico entry, which is a very similar
6 entry for Colonial Terrace.

7 MR. ROTHFEDER: Does that entry extend over
8 the driveway, or it's just to the sidewalk?

9 MR. MONAGHAN: Currently, it's just to the
10 sidewalk, yeah. Thank you, Chris. So this is a bird's-
11 eye view and the goal here is to kind of show you the
12 scale of the development and really our ability
13 through our site plan to preserve a significant amount
14 of the site as permeable landscaped area. As Jerry was
15 mentioning, we've got the two kind of lawns, page
16 left, property north, that will serve as stormwater
17 basins, will serve as kind of outdoor recreational
18 areas and kind of provide the same face to the
19 community that the property has today. And we have the
20 back, where you start to have that topography going up
21 the hill to the Overlook Oval, largely undisturbed as
22 best we can and obviously, we'll need to create a
23 retaining wall because of that grade change, but that
24 will also be a significant kind of a view mitigant, if

1 June 1, 2021

2 you will, of our development for neighbors to the
3 south in Waterbury Manor.

4 MR. KESSLER: I didn't notice that before.
5 Are you proposing a second entrance off --

6 MR. MONAGHAN: So that's off Eton Downs, yes,
7 so we're proposing that to be emergency access only.

8 MR. KESSLER: Oh, just emergency?

9 MR. MONAGHAN: Yeah, it would be gated, you
10 know, with like a rope that would just say emergency
11 vehicles only, similar to the way that we are treating
12 the back road behind the building as well.

13 MR. KESSLER: Okay. But you raise an
14 interesting question there, because I mean if you come
15 out that way, at least you're coming down to a light,
16 right?

17 MR. MONAGHAN: If you exit onto Eton Downs --

18 MR. KESSLER: And you make a right.

19 MR. MONAGHAN: -- and you make a right, yes.

20 MR. KESSLER: You're coming down to Oregon.

21 MR. MONAGHAN: Yep.

22 MR. KESSLER: Then you have a traffic light,
23 whereas coming out in the center, you do not.

24 Mr. MONAGHAN: That's right. So, we, and

1 June 1, 2021

2 actually, we'll get to this in just a minute. Through
3 our SEQRA studies, we've engaged Provident Design and
4 Engineering to conduct a traffic study and actually
5 kind of a parking analysis for us. And so they are
6 looking at the traffic patterns along Oregon Road at
7 the corner with Heady Street, at Eton Downs and that's
8 all part of what will be assessed over the next couple
9 of weeks, so I definitely appreciate the comment.

10 MR. KESSLER: What are they doing for the
11 parking study?

12 MR. MONAGHAN: So, if you wouldn't mind,
13 Member Kessler, I'm actually going to cover that in a
14 slide, yep. So, the next one, Chris, so here we go. I
15 wanted to update you on a couple of ongoing SEQRA
16 studies that we don't have results yet to share this
17 evening, the first being the sewer monitoring which is
18 ongoing. We do have a SWPPP that was submitted as part
19 of the site plan, that was submitted prior to this
20 meeting. The traffic study is ongoing and Provident
21 has been engaged. The parking analysis, they are,
22 Provident is conducting parking counts at a comparable
23 property in the town of Cortlandt, Jacob Hill, to get
24 a sense of the parking counts onsite, as well as

1 June 1, 2021

2 parking utilization that will inform the site plan.

3 MR. KESSLER: Before they're done, can you
4 include Round Top at Montrose and Springvale?

5 MR. MONAGHAN: Yeah, Round Top and
6 Springvale?

7 MR. KESSLER: Yes, please.

8 MR. MONAGHAN: Yeah.

9 MR. KESSLER: Springvale seems to keep coming
10 back for more and more parking, so I'm just curious
11 what their ratio is, I want to know.

12 MR. MONAGHAN: Yeah, I appreciate that,
13 absolutely. And we'll cover a little bit more on
14 traffic and parking in just a moment, so definitely
15 happy to take more questions and feedback on that.

16 MR. KESSLER: And the tree assessment, we
17 understand that the town has engaged a tree consultant
18 to assess the health of the trees onsite. Our
19 understanding is that may have been completed. We
20 haven't see the study yet, but happy to continue to
21 collaborate and discuss the results of that over the
22 next couple of weeks.

23 And then just lastly, we'll cover this in a
24 moment, but Colonial Terrace's heritage and we

1 June 1, 2021

2 understand that that is an important piece to the
3 community and we do have some ideas and a plan around
4 that as well.

5 So traffic and parking, we know this is a
6 concern locally. We do feel that the current parking
7 ratio we're proposing of 108 is adequate based on our
8 existing portfolio of senior housing, primarily in
9 Ohio and Pennsylvania. We understand that the Board
10 may say that that's not local, it's not New York, and
11 that is a totally valid piece of feedback and that's
12 kind of what we are doing, Member Kessler, is looking
13 at some of the comparables locally and we'll have I
14 think some more robust data to share in the next
15 meeting.

16 We do feel though that the pretty robust
17 services actually that the Morabito Senior Center
18 offers will help to mitigate parking demand. They
19 offer daily shuttle with property pickup and drop off,
20 and a three times a week medical car service. So
21 they're super helpful. We've spoken to Beth over there
22 on the phone, and she's like they just really need to
23 pick up the phone and call me and we're very flexible
24 about scheduling pickups and drop offs.

1 June 1, 2021

2 That in addition to, as we all know, kind of
3 the ubiquity of ride share services, and what we feel
4 is going to be a pretty prominent and nice looking bus
5 shelter, new bus shelter, which a walkway leading to
6 it, will all kind of combine to mitigate some parking
7 demand. And then just here a note again, as I
8 mentioned, there will be five intersections studied by
9 our consultant, Provident. And the scope was closely
10 formed with HVEA, the town's traffic consultant, so
11 we'll have results to share on that in the coming
12 weeks as well.

13 MR. KIMMERLING: Is there staff associated
14 with the building in terms of custodial staff and is
15 the parking, that's inclusive of any parking for
16 staff?

17 MR. MONAGHAN: Yeah, we should have -- we
18 will have one full time property manager, who will
19 live onsite. And we will have, you know, another one
20 to three staff members, depending on what we feel is
21 needed when we complete the building, who will be
22 onsite at various hours and would need a parking
23 space. So all said, it might be two to four spaces
24 that would be needed at various times on various days.

1 June 1, 2021

2 But we still feel with management and guests and then
3 kind of the intermittent exiting of residents
4 throughout the day, there'll be freed up parking
5 spaces that should satisfy demand there. This parking
6 will not be permanent or reserved by space.

7 MR. KIMMERLING: And then just for like
8 contractors who might need to work in the apartments
9 or deliveries, where do they come in and how do they
10 circulate around the property?

11 MR. MONAGHAN: They would come in in the same
12 manor. I guess if there was, they'd come in in the
13 same as any of the residents, so access off of Oregon
14 Road. They would park in any spot available to them.
15 If there were significant capital improvements that
16 would be needed to make for some reason, we would
17 arrange for them to maybe access off of Eton Downs and
18 use the emergency services lane and access the back of
19 the building. That would just make sure we're not
20 disrupting kind of the daily vehicular traffic onsite.

21 MR. KESSLER: There are no assigned spots?

22 MR. MONAGHAN: No assigned spots.

23 MR. KESSLER: Okay.

24 MR. MONAGHAN: Yeah.

1 June 1, 2021

2 MR. KIMMERLING: And no like community
3 services inside the building? There's no dining room,
4 there's no medical office? There's no -- this is
5 completely --

6 MR. MONAGHAN: We'll have some residential
7 amenity rooms. There won't be any common dining.
8 There's going to be a common room, a residential
9 lounge. There'll be a fitness room and then
10 courtyards. But if, yeah, there shouldn't be another
11 space onsite that would present significant new
12 traffic demand or parking demand.

13 MR. KIMMERLING: Could I just ask one more
14 question.

15 MR. KESSLER: But is your report that you're
16 going to produce about parking taking into account
17 even in the other places, those extra people that may
18 be working there, or coming onsite during a given day?
19 Because the way you have it now is just parking ratio
20 per unit.

21 MR. MONAGHAN: Right

22 MR. KESSLER: But that doesn't seem to take
23 that into account.

24 MR. MONAGHAN: Utilization is what you're

1 June 1, 2021

2 implying?

3 MR. KESSLER: Yeah.

4 MR. MONAGHAN: Yeah.

5 MR. KESSLER: So when you're making the
6 comparison are we going to see that comparison?

7 MR. MONAGHAN: So I think the answer to your
8 question is yes. And we anecdotally, so these
9 properties that we're displaying here are also not
10 permitted, so we don't really track parking
11 utilization data specifically because they're not
12 permitted. However, anecdotally, actually several of
13 those in Ohio our colleagues say they feel are over
14 parked. There are significant points in the day where
15 there is available parking spaces, and they have not
16 had trouble and haven't yet. There haven't been
17 issues, so.

18 MR. KESSLER: I would argue though, in your
19 comparison, not to get too detailed here, that the
20 average age of the people in each one of those would
21 make a difference in your ratios. That there's another
22 variable here that you're not considering.

23 MR. MONAGHAN: Okay. That's fair. The --

24 MR. KESSLER: If everybody moved in here and

1 June 1, 2021

2 they're 55 years old, I don't know how long those
3 other entities have been around, but I think age would
4 have an affect also, and also access to public
5 transportation and other things as well.

6 MR. MONAGHAN: Yeah.

7 MR. KESSLER: I just -- it's a little overly
8 simplistic for my taste.

9 MR. MONAGHAN: Okay. Noted, thank you, Member
10 Kessler. I will just note for the Board all five of
11 those properties do have an age restriction of 55
12 plus, so they're not 62 plus or in some way different
13 from an age restriction, but I hear you that, if you
14 know it's a 20 year old property, folks may be aging
15 in place and their vehicular needs may differ, so
16 understood.

17 MR. KESSLER: That's my point.

18 MR. MONAGHAN: Yeah.

19 MR. KIMMERLING: Can we just look again,
20 sorry, at the parking spaces --

21 MR. KEHOE: You want a plan or in the chart?

22 MR. KIMMERLING: On the plan. Yeah, so just a
23 question because I'm looking at this one here. There
24 are three exits and entrances to the building, right.

1 June 1, 2021

2 There's the front and then there's two sort of at the
3 --

4 MR. MONAGHAN: That's right.

5 MR. KIMMERLING: -- sort of tail ends,
6 lowest. So regardless of whether that's fire code, I'm
7 sure it is, or it will be, it seems like a long way to
8 walk from certain parts of the parking lot to get into
9 one of those. I don't know how that fits, and how that
10 consideration fits into your plan, whether that should
11 be differently located or two at the top and two at
12 the bottom on those side flanks or, anyway, just a
13 question. It seems a little inconvenient if you're
14 parked, you know, on the side but up towards Oregon
15 versus down one of the entrances. I'm assuming it's an
16 entrance and exit, right, not just a fire exit?

17 MR. MONAGHAN: Yes, it will be like a key
18 card access. Yeah, that's a valid point and we'll
19 definitely consider it in our design. It is a tough
20 thing to solve for, just given the parking needs on
21 the site and needing to accommodate the footprint of
22 both the building and the parking, but absolutely
23 we'll be looking into that as we get a little bit
24 further into vertical design.

1 June 1, 2021

2 MR. KIMMERLING: Cool. And then also, are
3 there entrances to the courtyard from the middle of
4 the building, or how do people enter the courtyard?

5 MR. MONAGHAN: Yes, you can see those
6 actually just faintly from kind of the core. You'll
7 see two pads coming out on the right and the left.

8 MR. KIMMERLING: Oh, I see it.

9 MR. MONAGHAN: Yeah. So those are, yeah.

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

11 MR. MONAGHAN: No problem.

12 MR. KIMMERLING: Thanks.

13 MR. FOLEY: I have a few questions. On
14 traffic, Steve brought up earlier, main driveway that
15 exists now, that will be two way, in and out?

16 MR. MONAGHAN: That's right.

17 MR. FOLEY: And it comes out to Oregon Road,
18 which is between a traffic light at Eton and the town
19 hall traffic light?

20 MR. MONAGHAN: Yep.

21 MR. FOLEY: And currently, what's been there
22 has been a catering hall, which is not used every day,
23 and the traffic that sometimes flows out of there is
24 at night or weekend. I'm just concerned knowing the

1 June 1, 2021

2 corridor and having lived here 50 years, and
3 experiencing the traffic jam just getting to the
4 meeting earlier that was unusual, would it be, would
5 the traffic study consider the safety of in and out?

6 MR. MONAGHAN: Oh, absolutely, yeah. And --

7 MR. FOLEY: Because an alternative, thinking
8 out of the box maybe just to come in from Oregon Road
9 and maybe exit out the Eton Downs, which is now only
10 emergency, but that would bring the cars down to a
11 controlled intersection at the traffic light at Oregon
12 and Eton Downs.

13 MR. MONAGHAN: Yeah.

14 MR. FOLEY: Just thinking of it, and if
15 you've been in the traffic, or just traveling that
16 route, you know what I'm talking about.

17 MR. MONAGHAN: Yeah, absolutely.

18 MR. FOLEY: Just to consider it, because it
19 would be a higher volume. I assume your study will
20 show them which currently exists there. Second, the
21 places, we'll see it in the traffic study, right,
22 where the counters are or will be? We noticed one on
23 Oregon Road already, near the site, but how far east
24 will they go? Do you know yet? Or the study will show

1 June 1, 2021

2 us?

3 MR. MONAGHAN: Yeah, the study is going to
4 show us all that, Member Foley.

5 MR. FOLEY: I hope it considers --

6 MR. MONAGHAN: We're going to be, yeah, happy
7 to analyze safety, traffic flow in and out, as well as
8 the larger kind of impacts, you know, across
9 intersections.

10 MR. FOLEY: Because traffic comes from the
11 east more so than it has in the past ten years, from
12 the Putnam Valley Oregon Corners area. The back
13 retaining wall, Jerry, would it be similar to what you
14 did, if I'm not wrong, at Shoprite, in the back, on
15 Route six?

16 MR. SCHWALBE: Yeah. I mean we don't have the
17 final details, but it would be similar to that.

18 MR. FOLEY: It would be attractive and yet --

19 MR. SCHWALBE: Yeah, more like -- it's
20 obviously going to be a pre-cast product, but the idea
21 is to have the image look like a stone wall kind of
22 thing, you know, maybe some color to it, yeah.

23 MR. FOLEY: And with the gardens proposed in
24 the back, it would be a safe area with the --

1 June 1, 2021

2 MR. SCHWALBE: Yeah, definitely lit.

3 Obviously, the courtyards are facing that way too.

4 MR. FOLEY: Okay.

5 MR. SCHWALBE: So everyone can see what's
6 going on down there.

7 MR. FOLEY: Okay. Last question, you said --

8 MR. SCHWALBE: There's no traffic there. The
9 idea is to keep it more just pedestrian use.

10 MR. FOLEY: Yeah. You said there would be no
11 dining facilities in the building?

12 MR. MONAGHAN: There will be kitchens in
13 every unit.

14 MR. FOLEY: Oh, so it would be up to the
15 individual --

16 MR. MONAGHAN: That's right, yeah.

17 MR. FOLEY: -- or rentee to provide?

18 MR. MONAGHAN: That's right.

19 MR. FOLEY: Okay. But there would be a common
20 area where they could gather?

21 MR. MONAGHAN: Absolutely.

22 MR. FOLEY: Okay. Alright. Alright. Thank
23 you.

24 MR. MONAGHAN: Yes, on to the Colonial

1 June 1, 2021

2 Terrace heritage, we've heard from the town board,
3 members of the planning board as well as in the
4 meeting we conducted with the Waterbury Manor
5 residents that this place holds some cultural, it
6 holds a place in the cultural consciousness if you
7 will, locally.

8 So, we've thought a little bit about how we
9 can go thinking about and maintaining this legacy of
10 Colonial Terrace. We will commit to documenting the
11 legacy of Colonial Terrace with local experts. We've
12 spoken with Jeff Canning of the Historical Society.
13 He's expressed particular interest in helping us with
14 this. We will also incorporate kind of a commemorative
15 wall in the building lobby honoring the legacy of
16 Colonial Terrace and we also feel that kind of the
17 architectural vernacular that we are designing onsite
18 is kind of in the tradition of Colonial Terrace and
19 specifically expresses some of its most distinct
20 features with the columned portico entry and the entry
21 drive and kind of circular access to the building
22 entry. So we do feel like we want to be collaborative
23 community partners in this way and this site is very
24 conducive to this type of redevelopment. But we

1 June 1, 2021

2 understand that this place does hold kind of a special
3 place in a lot of people's hearts and want to do our
4 best and try and honor that.

5 MR. FOLEY: On the historical, I'm glad
6 you're talking with Jeff and the society, plus there's
7 the town preservation advisory committee, whatever
8 it's called. But the Historical Society up the road in
9 Cortlandtville, we did a story a year or two ago in
10 our newsletter, which I could forward to you. I think
11 I sent it to our board members a few months ago,
12 because one of the, Valerie, who used to be on the
13 Board, was interested about the history and the
14 families of Colonial Terrace, so anything you could do
15 along preserving anything, or whether it's an area
16 inside the new building similar to what we did at the
17 Hollow Brook Golf Club, with the history of the Hollow
18 Brook, you know, where the Hollow Brook is.

19 MR. MONAGHAN: I'll take a look at that. I
20 didn't know about that. So that will be another visit
21 I will make locally, absolutely.

22 MR. FOLEY: The old golf club and what kind
23 of events, historical events that happened there.

24 MR. MONAGHAN: Thank you, okay.

1 June 1, 2021

2 MR. FOLEY: So anything you do there, and
3 I'll get you the newsletter, copy of that story.

4 MR. MONAGHAN: I appreciate that. Thank you,
5 Member Foley.

6 MR. KIMMERLING: Madam Chair, I'd like to
7 make a motion.

8 MS. TAYLOR: Please.

9 MR. KIMMERLING: That we schedule a site
10 visit for the 27th of June and a public hearing for
11 the July 6th meeting.

12 MS. TAYLOR: Thank you. Can I have a second
13 on that?

14 MR. KESSLER: Second.

15 MR. FOLEY: Second.

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

18 MULTIPLE: Aye.

19 MS. TAYLOR: Opposed? Okay. So we'll see you
20 on what, on the 27th?

21 MR. MONAGHAN: Thank you all, and I'll see
22 you on the 27th.

23 MS. TAYLOR: Okay.

24 MR. MONAGHAN: I appreciate your time this

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

June 1, 2021

evening.

MS. TAYLOR: Okay. Thank you.

MS. DECKER: Motion to adjourn at 8:55 p.m.

MS. TAYLOR: So moved.

MR. KIMMERLING: Just say it, yeah. We're
adjourned. Thank you.

MR. KESSLER: It doesn't have to be voted on.

(The public board meeting concluded at
8:55 p.m.)

CERTIFICATE OF ACCURACY

I, Devin Turpin, certify that the foregoing transcript of the board meeting of the Town of Cortlandt on June 1, 2021 was prepared using the required transcription equipment and is a true and accurate record of the proceedings.

Certified By



Date: July 2, 2021

GENEVAWORLDWIDE, INC

256 West 38th Street - 10th Floor

New York, NY 10018