



November 24, 2021

Ms. Lorretta Taylor and Members of the Town of Cortlandt Planning Board  
Town Hall, 1 Heady Street  
Cortland Manor, NY 10567

Re: Sinclair Gas/Palisades Fuel Application  
US Route 6 at the westbound Bear Mountain Parkway Exit.

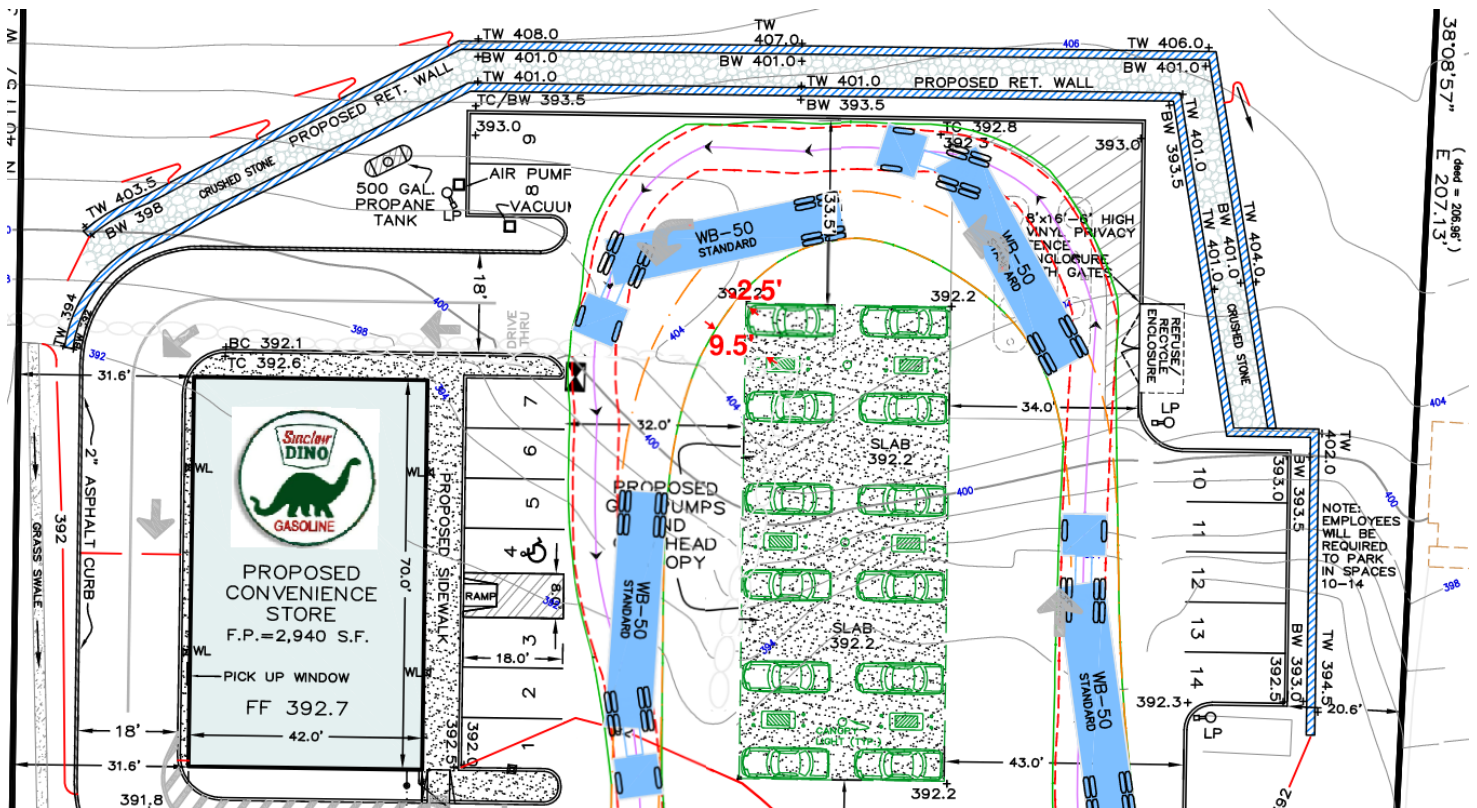
Dear Ms. Taylor and Honorable board members:

We are in receipt of AKRF's memo of November 22, 2021 and, respectfully, we take exception to much of what is presented therein. As detailed below, we are concerned that the lack of data justifying certain requests and potential impacts of the requests on the business unwarrantedly spell the end of this unique opportunity for the following reasons.

1. Site Circulation. The requirement for signage, striping, and hardscapes to create the suggested circulation system is unfair and unwarranted. No such circulation system was required for the recently approved Gasland project. If circulation was such an important issue, it would have been raised should have been required at that project. If circulation was such an important issue, it should have been raised should have raised in AKRF's October 2, 2020 or June 24, 2021 Memoranda. That they were not, suggests that there is not an obvious reason for the requested signage, striping and hardscape. Further, no such circulation is in place at the nearest gas stations, suggesting that, if there is not a clamor for change at those locations, the need for such measures is not apparent:
  - Mobil Station at the corner of Locust and Rt 6;
  - Gulf station at the corner of Locust and Rt 6;
  - Gulf station at 2098 E Main Street
  - Gulf station at the corner of Locust and Rt 202;
  - Mobil Station just west of Crompond Road on Rt 202;
  - Sunoco station on N Division Street at Parkway Place.

It is further noted that none of these stations have turn restrictions either. As a professional traffic engineer with 30+ years of experience, I have testified that the proposed circulation will function safely. If the recommended circulation pattern was such an important issue, it should have been identified months ago. The fact that it wasn't indicates that it is not that important. However, from a business perspective, adding the one-way-circulation to the eastbound left-turn entering restriction is just one more way to reduce the business at and the viability of the project. That said, if the one-way circulation is what it takes to get this project approved, the Applicant has indicated that they will make the suggested changes.

- The Town's consultant has provided no evidence to support the claim that fuel delivery vehicles cannot negotiate the back of the site. To the contrary, the plans submitted (and shown below) indicate that, even if fuel deliveries are made when every fueling position at the site is occupied (an unlikely occurrence), the fuel delivery vehicles can circulate around the site without coming within 2.5 feet of a car or within 9.5 feet of a fuel pump. This, combined with the fact that the fuel tanks are located at the back of the site (140 feet, the furthest distance possible, from the street, and 83 feet further from the street than the Gasland tanks were located), will make this site one of the most accessible for fuel delivery in the Town.

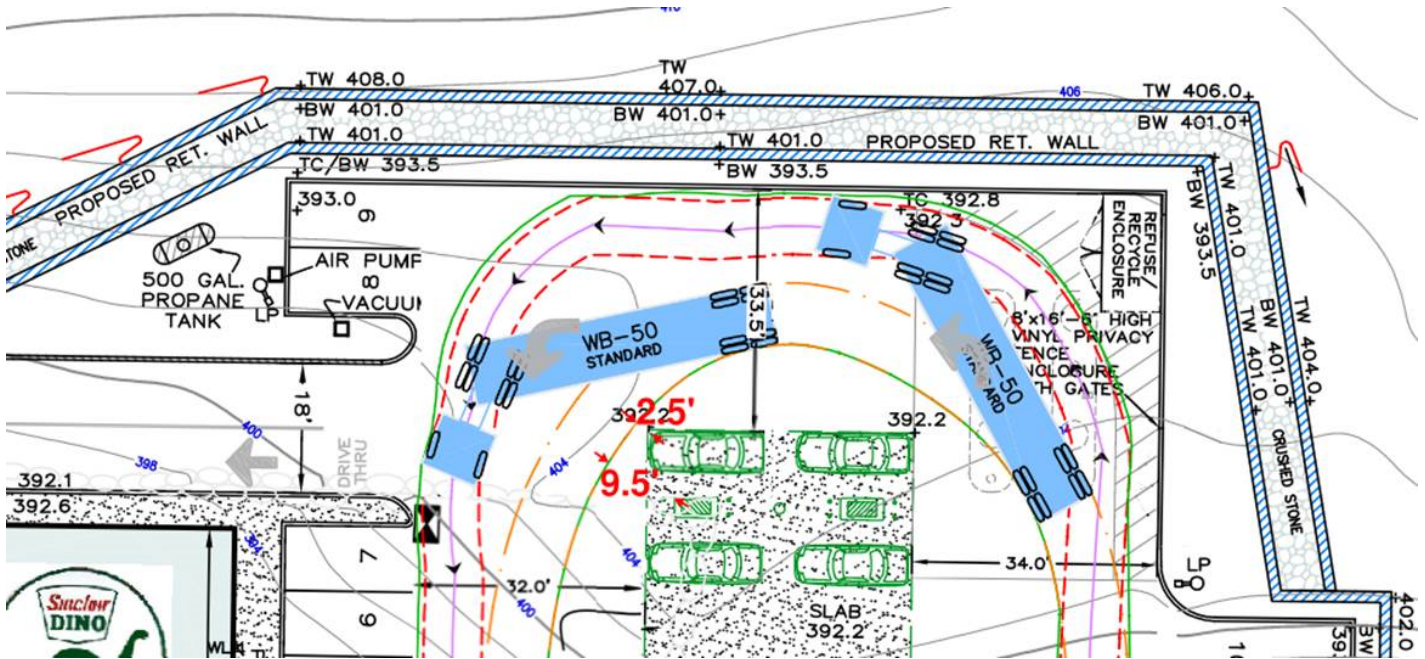


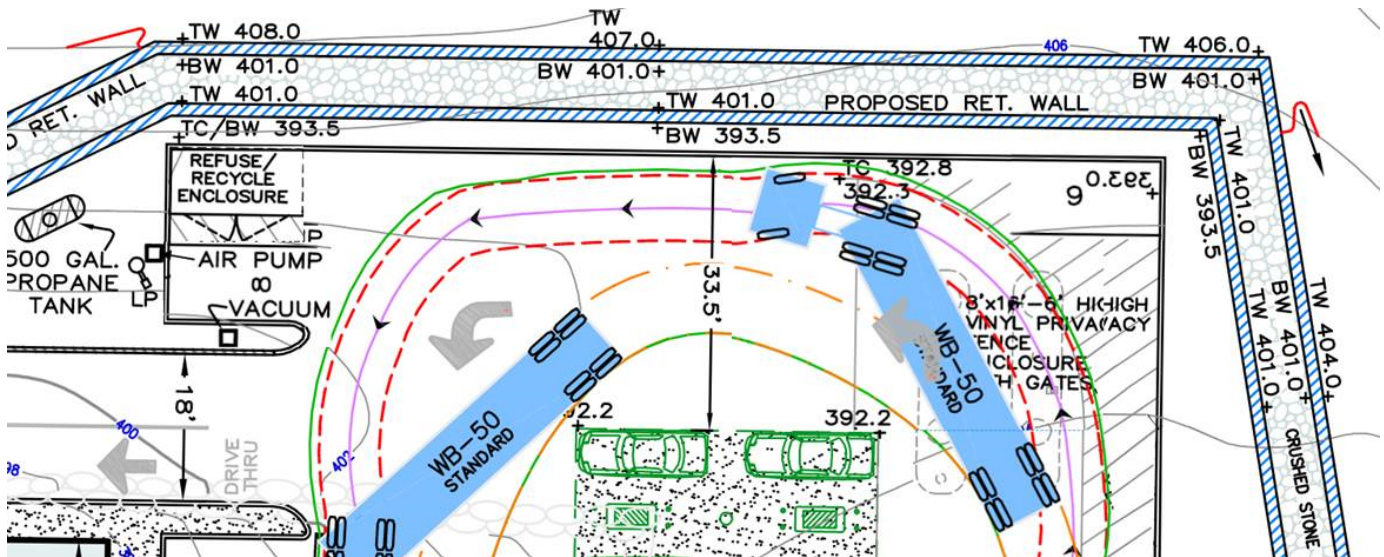
The assertion that removal of four vehicle fueling positions will reduce peak-hour traffic by 62, 68 and 83 trips in the AM, PM and Saturday, respectively, is not supported by any evidence and is contrary to the accepted facts previously presented and accepted as part of this application. The October 2020 traffic study (which had been revised, per AKRF's suggestion, to correct the project trip generation and which was subsequently accepted/not challenged by AKRF), indicated that the project would generate a total of 249 AM trips, 276 PM trips and 265 Saturday Trips the study indicated that 58 AM, 65 PM and 62 Saturday peak-hour trips would be turning left into the site. These trips are now proposed to be prohibited. If 90% of people obey the prohibition, that will be 104 fewer trips in the AM peak hour (because if a trip does

not go in, it will, ultimately, not come out either), 117 fewer trips in the PM hour and 112 fewer trips in the Saturday peak hour. Thus, the Site will only generate 145 trips in the AM peak hour, 159 trips in the PM peak hour and 153 trips in the Saturday peak hour. The Town Consultant's suggestion that eliminating 4 vehicle fueling positions will reduce peak-hour traffic by 62, 68 and 83 trips in the AM, PM and Saturday, suggests that reducing the number of vehicle fueling positions by 33% will reduce the total site trips by 43% (54% on Saturday). The math just doesn't make sense.

Further, if you are to accept the consultant's projected trip reductions, the project will only generate a total of 83 trips in the AM peak hour, 91 trips in the PM peak hours, and just 76 trips in the Saturday peak hour, it just support's the Applicant's contention that he cannot give up any more ground to Gasland (or the other gas stations), which was projected to generate 219 AM trips, 242 trips and 203 trips on a Saturday. Even without the left-turn elimination of vehicle fueling positions, the Applicant stands to generate just 2/3 as much customer traffic as Gasland. There is just no justification for this request and it make the project financially impossible.

- The location of the dumpster near the northern pumps will not cause a bottle neck. It is almost as far as possible from the street (135 feet, which is 15 feet further than Gasland's dumpsters are from the street). That said, the applicant has indicated that he is willing to move the dumpster to either of the locations shown below, if they are acceptable to the Town. If they are not, we offer that if the Gasland Dumpster location was acceptable, the currently proposed dumpster location must also be acceptable.





4. Convenience store

The Applicant has already committed to the Board that he does not intend to have a higher trip generating tenant in the convenience store and is willing to submit to a condition of approval that, should he change his mind and want to have a fast food, coffee/donut establishment with a drive through, he would be required to return to the Planning Board as an entirely new application for review and approval.

In short, while the Applicant continues to show flexibility where possible, the non-evidence-based requests for further business-crushing concessions suggested by the Town's consultant will make it impossible for the Applicant to develop the site and install the much-needed traffic signal.

As stated previously, signage and striping could be added to demarcate circulation and the dumpster could be moved, but we hope that the data provided and the significant modifications already made to the Site Plan (most notably the prohibition of westbound left-turns and the commitment not to have a high-volume coffee, donut or food establishment in the convenience store) are sufficient to convince the Board that the Applicant has done everything possible to address concerns raised by the Board and that the site will function safely and efficiently.

I look forward to seeing you at your next meeting.

Very truly yours,

KIMLEY-HORN ENGINEERING AND LANDSCAPE ARCHITECTURE, P.C.

John Canning, P.E.  
Project Manager