

TOWN OF CORTLANDT  
PLANNING AND ZONING BOARDS

PLANNING BOARD MEETING

Town Hall  
1 Heady Street  
Cortlandt Manor, New York 10567  
December 7, 2021  
7:00 - 8:20 p.m.

December 7, 2021

MEMBERS PRESENT:

Loretta Taylor, Chairperson

Thomas A. Bianchi, Vice Chairperson

Robert Foley, Member

Stephen Kessler, Member

George Kimmerling, Member

Jeffrey Rothfeder, Member

Robert Mayes, Alternate Member

Chris Kehoe, Deputy Director, Planning

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

3 MS. LORETTA TAYLOR: Please stand and  
4 salute the flag.

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

10 MR. CHRIS KEHOE: Mr. Kessler?

11 MR. STEPHEN KESSLER: Here.

12 MR. KEHOE: Mr. Kimmerling?

13 MR. GEORGE KIMMERLING: Here.

14 MR. KEHOE: Ms. Taylor?

15 MS. TAYLOR: Here.

16 MR. KEHOE: Mr. Bianchi?

17 MR. THOMAS A. BIANCHI: Here.

18 MR. KEHOE: Mr. Foley?

19 MR. ROBERT FOLEY: Here.

20 MR. KEHOE: Mr. Mayes?

21 MR. ROBERT MAYES: Here.

22 MR. KEHOE: Mr. Rothfeder?

23 MR. JEFFEREY ROTHFEDER: Here.

24 MR. KEHOE: Ms. Decker noted as absent.

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2 MS. TAYLOR: Alright. This evening, we  
3 have an executive session that we will have to  
4 attend for a few minutes. So we're going to do  
5 that at this point. When we come back, we will do  
6 the changes to the agenda and move on with the  
7 rest of the agenda for this evening.

8 MR. KESSLER: Madam Chair, I move that  
9 we go to executive session at this time.

10 MR. KIMMERLING: Second.

11 MS. TAYLOR: Do I have a second to it?

12 MR. KIMMERLING: Second.

13 MS. TAYLOR: Thank you. On the motion,  
14 all in favor?

15 MULTIPLE: Aye.

16 MS. TAYLOR: Opposed? Okay, very good.

17 [OFF THE RECORD]

18 [ON THE RECORD]

19 MR. KESSLER: I move that we come out of  
20 executive session, Madam Chair.

21 MS. TAYLOR: Okay.

22 MR. KIMMERLING: Second.

23 MR. FOLEY: Second.

24 MS. TAYLOR: Thank you. On the question,

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2 all in favor?

3 MULTIPLE: Aye.

4 MS. TAYLOR: Opposed? Okay. Alright. Now  
5 we've done the roll call. We're down to the next  
6 item on the agenda, which is changes to it by a  
7 majority vote. We are going to change the three  
8 things on the agenda tonight. We will not be  
9 hearing PB 2020-10, which is the solar power  
10 system on 202 and Lexington, we will not be  
11 hearing 1-16, which is a three-lot subdivision on  
12 Revolutionary Road and we will not be hearing 6-  
13 15, which is the Hudson Wellness application. Can  
14 I have a motion to make these changes to the  
15 agenda.

16 MR. KESSLER: So moved.

17 MR. BIANCHI: Second.

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

20 MULTIPLE: Aye.

21 MS. TAYLOR: Opposed? Alright. Can I  
22 have a motion now to adopt the minutes of  
23 November 3rd?

24 MR. KIMMERLING: So moved.

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2 MR. KESSLER: Second.

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

5 MULTIPLE: Aye.

6 MS. TAYLOR: Thank you. Seems everybody  
7 answered aye. Okay. Here we are. Now, the  
8 correspondence, I think we have several items of  
9 the correspondence, PB 2019, the letters dated  
10 October 21st, and November 19, 2021 from Keith  
11 Staudohar requesting the first one year time  
12 extension of conditional site plan approval for  
13 Custom Marine located at 301 6th Street.

14 MR. BIANCHI: Madam Chair, I move that  
15 we adopt Resolution number 2121, granting a  
16 three-month extension.

17 MR. KESSLER: Second.

18 MS. TAYLOR: Thank you. The applicant  
19 has been made aware that it is three months.

20 MR. KEHOE: Yes.

21 MS. TAYLOR: Alright. So, on the  
22 question, all in favor of the three month  
23 extension?

24 MULTIPLE: Aye.

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2 MS. TAYLOR: Thank you. Opposed?  
3 Alrightie. Let's move on to the next item, PB  
4 2019-16, a letter dated November 17, 2021 from  
5 Ralph Mastromonaco requesting the fifth 90-day  
6 time extension of final plat approval for Scenic  
7 Ridge at Amberlands, property located on the  
8 south side of Scenic Drive.

9 MR. BIANCHI: Madam Chair, I move that  
10 we approve Resolution 22-21, approving it.

11 MR. KIMMERLING: Second.

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

13 MR. KEHOE: Just on the question, Ralph,  
14 we talked about it at the work session. As you're  
15 well aware, it's more of sort of just like a lot  
16 line adjustment. There's not a lot of complexity  
17 to that subdivision, so the board was just  
18 wondering if you could wrap it up?

19 MR. RALPH MASTROMONACO: Yes, we'll be,  
20 our part this coming week.

21 MR. FOLEY: You've got to come to the  
22 mic.

23 MR. KEHOE: Yeah, could you just, sorry,  
24 could you just say that on the record? He

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2 couldn't hear it.

3 MR. MASTROMONACO: Yes, we've made an  
4 application to the health department, and we  
5 responded to some of their comments. We have all  
6 the responses now. And there were some changes  
7 needed to the plat. And we've responded to some  
8 comments from the health department, and now we  
9 are resubmitting our plat to the health  
10 department for their approval and that would be  
11 the end of it.

12 MR. MICHAEL PREZIOSI: I think we're  
13 just off, my recollection we're waiting on one or  
14 two easements to be redefined as well, that may  
15 have crossed the lots. They just need to be --

16 MR. MASTROMONACO: That's exactly what  
17 we did. And it basically, Michael, it was we've  
18 created a blanket easement over the lower lot for  
19 all access and utilities.

20 MR. PREZIOSI: Okay. Great. So that's  
21 what we were waiting on. Great, thank you.

22 MR. MASTROMONACO: Yes.

23 MS. TAYLOR: Okay, that was on the  
24 question. All in favor?

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2 MULTIPLE: Aye.

3 MS. TAYLOR: Opposed? Alrightie. The  
4 next item is the adoption of the 2022 planning  
5 board meeting schedule.

6 MR. KESSLER: Madam Chair, I move that  
7 we adopt the proposed schedule for 2022.

8 MS. TAYLOR: Alrightie.

9 MR. BIANCHI: Second.

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

11 MR. KEHOE: Just for the record, the one  
12 that was posted on the internet, in case anyone  
13 looked at it, we've made some changes to that. So  
14 technically, the board is adopted the revised  
15 one, which you got in the packet, and it'll be  
16 posted to the town's website within the next  
17 couple of days.

18 MS. TAYLOR: Okay. But the revised one  
19 was on the website wasn't it?

20 MR. KEHOE: The old one that had some  
21 different dates was posted to the public portion  
22 of the website. We post all of the agenda items,  
23 so people can see it before the meeting. But the  
24 one that you have in front of you now is revised

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2 from that.

3 MS. TAYLOR: Okay. Alright.

4 MR. FOLEY: That's the one you sent us?

5 MR. KEHOE: Yes.

6 MR. FOLEY: Okay.

7 MS. TAYLOR: Okay. Very good. So we have  
8 a second. All in favor?

9 MULTIPLE: Aye.

10 MS. TAYLOR: Opposed? Alright, moving  
11 right along, as I said earlier, when I announced  
12 the changes, PB 2020-10 will not be heard  
13 tonight. Bob, would you please.

14 MR. FOLEY: This is on --

15 MS. TAYLOR: That's the community solar  
16 power on Lexington.

17 MR. FOLEY: I make a motion that we  
18 refer this back and you had mentioned that the  
19 applicant had requested an adjournment.

20 MS. TAYLOR: Right. Moving it to January  
21 4th.

22 MR. BIANCHI: Second.

23 MS. TAYLOR: Thank you very much. On the  
24 question, all in favor?

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MULTIPLE: Aye.

MS. TAYLOR: Opposed? Alright. Now we're moving to the public hearings. The first one here is one that we will not hear tonight. This is PB 1-16, Steve?

MR. BIANCHI: No, I'll take it.

MS. TAYLOR: Okay.

MR. BIANCHI: Madam Chair, I move that we adjourn this public hearing at the request of the applicant to the January meeting.

MS. TAYLOR: Okay. Thank you, much.

MR. KIMMERLING: Second.

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

MULTIPLE: Aye.

MS. TAYLOR: Opposed? Alright. Moving further along on our agenda, the next public hearing was adjourned from a previous meeting. It's PB 2020-6, the public hearing, the application of Palisades Enterprises, LLC for site plan approval, a special permit and for tree removal and steep slope permits for a proposed 2,940 square foot gas station and convenience

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2 store with six fuel pumps on an approximately  
3 1.7-acre parcel of property located at 2058 East  
4 Main Street, Cortlandt Boulevard, the latest  
5 revised drawings October 15, 2021. Okay, I'm  
6 ready.

7 MR. JOHN CANNING: Good evening, Madam  
8 Chair and members of the board. For the record,  
9 John Canning with Kimley Horn, and it's good to  
10 see everybody. I hope you had an enjoyable  
11 Thanksgiving. We have received your consultant's  
12 letter dated November 22nd of this year, and for  
13 the reasons enumerated in my response letter to  
14 the board, it's my opinion that the suggested  
15 additional striping and hardscaping measures are  
16 unnecessary and not typical. But I have spoken to  
17 my client and if the board requests that these  
18 measures be implemented, he has indicated that  
19 they will be incorporated into the plan. So if  
20 the board has I guess, they could express a  
21 preference on that. It's our opinion that they're  
22 not necessary, but if the board feels that they  
23 have to be there, then please so indicate and  
24 we'll incorporate them.

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2 MR. KIMMERLING: And where are you guys  
3 on the reduction in pumps that was also part of  
4 this.

5 MR. CANNING: Yes, I was just going to -  
6 -

7 MR. KIMMERLING: Okay, sorry.

8 MR. CANNING: No, no, we can come back.  
9 So there was a comment also on the dumpster  
10 location that it might cause a bottleneck. Right  
11 now, it's almost at the back of the site, and we  
12 feel that it's not really an issue. But we could  
13 move it further back, and again, if the board  
14 wants it to be moved further back, we move it  
15 further back.

16 And another comment from the consultant  
17 was that the C-store should not have a major  
18 traffic generator, and I think we've made it  
19 abundantly clear that there will not be a major  
20 traffic generator and that we will submit to that  
21 as a condition of approval so that the town and  
22 the board is protected. And then the big issue I  
23 guess is the -- I'm sorry, go ahead, Mr. Bianchi.

24 MR. BIANCHI: Before you make that

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2 point, you're saying that you're committing that  
3 it won't be a big issue? Is that what you said?  
4 Not that you won't have it, but it will be --  
5 this is the drive through we're talking about?

6 MR. CANNING: Who the tenant of the C-  
7 store with the drive through would be. So we  
8 won't have a Dunkin Donuts or Tim Morton, is that  
9 the guy, the deli kind of guy, whatever, there  
10 won't be a fast food high generator in it. We're  
11 committing not to do that and to submit to a  
12 condition of approval.

13 MR. BIANCHI: How could you enforce  
14 something like that? You're saying well, it won't  
15 be high volume. What's high volume, what's not  
16 high volume? What are you going to do through  
17 that if you don't have a concessionaire that's  
18 going to be providing on the go coffee or food or  
19 whatever?

20 MR. CANNING: So I feel confident that  
21 we can work with your staff to come up with  
22 language as a condition of approval that would  
23 not allow us to have a high generator  
24 independent, whatever the words are, operator.

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2 Typically what you see at a lot of gas stations  
3 these days is like a Dunkin Donuts. They just put  
4 a new one in in Elmsford. So that's the sort of  
5 thing that generates a lot of traffic. That's  
6 what we're committed not to do. And I'm confident  
7 that we can come up with some language that you  
8 feel comfortable.

9 MR. BIANCHI: You're not looking for the  
10 staff to approve or not approve who goes in  
11 there?

12 MR. CANNING: I would like an approval  
13 that the building inspector can look at it and if  
14 the applicant puts in an application that's not  
15 consistent with what the approval says or comes  
16 back at some later date and wants to make a  
17 change to the plan and it's not consistent with  
18 what the approval says, the building inspector  
19 can say if you want to do this, you have to go  
20 back to the planning board.

21 MS. TAYLOR: Well, what is it that you  
22 think the applicant wants to put there? What  
23 bother to put it there at all? What do you want  
24 to see there?

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2 MR. CANNING: He wants to have a  
3 standard gasoline station convenience store like  
4 a Stewart's or a Mobile station with a C-store.  
5 That's pretty common. That's what he wants.

6 MR. MAYES: Well, isn't it fair to say  
7 that your standard gasoline convenience store  
8 does not have a drive through?

9 MR. CANNING: That's true. But he, I  
10 mean we live in different times now and he would  
11 like to have the drive through as an option. That  
12 is correct. But he's not looking to put in a  
13 Dunkin Donuts or a high traffic generator. We're  
14 not even proposing an order board. So, if  
15 somebody that was a high traffic generator wanted  
16 to come back, I don't see how they could operate  
17 without an order board.

18 MR. ROTHFEDER: So this drive through  
19 thing, you think they're going to be a regular  
20 convenience store and, you know, this app thing  
21 is probably never going to happen for one thing.  
22 And so like why is it even needed? I mean people  
23 aren't going to come there and ask for a quart of  
24 milk. It just doesn't make a lot of sense. I mean

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2 it's barely going to be used.

3 MR. CANNING: Well, then, why are we  
4 arguing about it?

5 MR. ROTHFEDER: Well, I mean, you know,  
6 it's a little problematic though because it adds  
7 another dimension to the traffic on the site. But  
8 it just doesn't make a lot of sense, especially  
9 if you're not having a board there, and you're  
10 not having a major concession in there.

11 MR. CANNING: Yep, well, all I can is  
12 well, you know, it's part of the applicant's  
13 desire for his business and I'm just his traffic  
14 engineer. I'm telling you that it's not going to  
15 make a difference from a traffic perspective and  
16 I'm not telling him how to run his business I  
17 guess.

18 MR. PREZIOSI: John, would it be simpler  
19 to state or say that this proposal is more akin  
20 to a curbside pickup scenario, where like a pull  
21 out area you may see at like a McDonald's or a  
22 Wendy's where you order ahead but park in a  
23 designated space and your merchandise would be  
24 brought to you, as opposed to necessarily needing

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2 a drive through?

3 MR. CANNING: Well, I guess brought to  
4 you if you hand it out the window and that's  
5 bringing it to you I guess.

6 MR. PREZIOSI: But not necessarily  
7 creating or possibly leading to a Dunkin Donuts  
8 in the future. I think that's the --

9 MR. CANNING: We're all in agreement  
10 that this application is not for a Dunkin Donuts  
11 and there's no plans for a Dunkin Donuts or  
12 anything like that. And if there ever was, that  
13 the applicant would have to come back and deal  
14 with the issues at that time, which is pretty  
15 much the way the process works.

16 And Ralph just suggested we could have,  
17 as part of the language that there would be no  
18 sublease of the space in the C-store to a  
19 separate tenant.

20 MR. BIANCHI: So would you get rid of  
21 the drive through?

22 MR. CANNING: I've talked to my client  
23 and my client has indicated that they want to  
24 keep it.

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2 MR. BIANCHI: Okay. I mean we may not  
3 approve it, but yeah.

4 MR. CANNING: I understand. I  
5 understand. Unfortunately, that's not where I  
6 want to be either.

7 MR. BIANCHI: No, I understand.

8 MR. KESSLER: But originally there was  
9 no window there. I mean he wants to keep it, but  
10 originally the application didn't even have it  
11 there.

12 MR. CANNING: The intent was to have a  
13 window. The plan should have shown a window and  
14 it didn't.

15 MR. KESSLER: Okay.

16 MS. TAYLOR: Well, that's kind of a  
17 sticking point I think for several members on the  
18 board, including myself, and I don't know.

19 MR. CANNING: Okay. I mean I have  
20 conveyed this message to my client, and so, and  
21 he, I guess he understands where we're at. I know  
22 you do. And then the final issue was --

23 MR. KEHOE: Yeah, I was going to say  
24 that's the easier of the two sticking points

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2 [laughter] so.

3 MR. PREZIOSI: That's true.

4 MR. CANNING: Okay. So the final issue,  
5 I believe, is the elimination of vehicle fueling  
6 positions and I know your consultant wrote a  
7 letter and indicated that somewhere between I  
8 guess 62 and 83 trips would be eliminated by the  
9 elimination of two fuel pumps. And, first of all,  
10 that's 43 percent of the a.m. and p.m. trips and  
11 54 percent of the Saturday trips, based on the  
12 traffic study that was reviewed by the same  
13 consultant, and eliminating two pumps is just not  
14 going to do that. And it's not going to have an  
15 impact on Route 6 traffic either, because  
16 whatever traffic is eliminated, most of it is  
17 already passing on Route 6, because gasoline  
18 stations are a convenience business. You  
19 generally speaking, try to go when you're on your  
20 way somewhere else. You're already passing on  
21 Route 6.

22 I would note that, and I've mentioned  
23 this before. You're probably tired of hearing me  
24 saying it. The project's traffic is going to be

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2 reduced significantly already because there's no  
3 left turn permitted in, which is good from a  
4 traffic perspective, but it's bad from a business  
5 perspective. And asking the applicant to  
6 eliminate two more fueling positions is not going  
7 to make traffic --

8 MR. ROTHFEDER: He was actually  
9 eliminating four.

10 MR. CANNING: He had two pumps, four  
11 positions, yes.

12 MR. ROTHFEDER: Four positions, right,  
13 yeah, yeah.

14 MR. CANNING: That's correct.

15 MR. ROTHFEDER: Right. So it's one pump,  
16 two positions? I mean that's what we have been  
17 talking to you about actually.

18 MR. CANNING: Yes, yeah. Well --

19 MR. ROTHFEDER: What do you feel about  
20 that?

21 MR. CANNING: So my client has indicated  
22 they're not willing to do that either. The data  
23 we provided, we've reduced the traffic because  
24 we've eliminated the left turn, we're putting in

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2 the signal, we're making all of these other  
3 concessions, all of the analysis that we've  
4 conducted demonstrates that this would be a lower  
5 volume, more space, it'll function acceptively.  
6 And their position is they need to make a profit  
7 on this, they need to make up the money that  
8 they're losing from the left turn prohibition and  
9 to pay for the signal, and they can't afford to  
10 lose stuff on the margins and that's his  
11 position, unfortunately.

12 MR. KESSLER: John, the issue I don't  
13 think was a reduction in traffic by removing the  
14 pumps. I think it was a concern about having an  
15 adequate turning radius for the trucks.

16 MR. CANNING: So there's a couple  
17 things, okay.

18 MR. KESSLER: That's the issue. When  
19 you're arguing over whether it goes from 83 to 63  
20 is not really the issue.

21 MR. CANNING: Right. Okay. So well, on  
22 the whole vehicle circulation, we have provided a  
23 plan that shows that the WB50 tractor trailer  
24 fuel delivery vehicle, whatever it is, can make

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2 it around a fully parked site. So vehicle fueling  
3 positions, vehicles at all of the vehicle fueling  
4 positions, all of the parking spaces full and the  
5 truck can still make it around, in and out. And  
6 if the board still has concerns, we can tweak it  
7 a little bit more. I looked at it today, if we  
8 push the pumps a little bit further to the right,  
9 we'd provide a couple more feet of clearance to  
10 the vehicles. If we pushed the back a couple more  
11 feet deep on an angular shape, we could again  
12 provide a couple more feet.

13 The plans show that the truck can  
14 circulate around. And from what a practical  
15 perspective, what happens is the fuel pumps are  
16 all the way at the back, the truck driver pulls  
17 in, he's off the street, and then presuming that  
18 the way ahead is clear, because somebody could be  
19 driving or backing out of a vehicle fueling  
20 position, he proceeds to the back of the site and  
21 he stops there, he takes care of filling the  
22 tanks, and then when he goes to leave, it's just  
23 the same. If there's people driving around in  
24 front of him, he waits until the way is clear and

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2 then he drives out.

3 So, A, we've shown that the truck can do  
4 it, and B, the operator is going to only drive  
5 when he can drive. He's not going to drive over  
6 cars, this is not some sort of Chevy Chase movie.

7 MR. FOLEY: But John, what Steve brought  
8 up, I was going to. The real issue is safety. Now  
9 I know on paper, this looks good, what you're  
10 proposing with that tanker truck and I don't know  
11 how many gallons of fuel is in there. And you're  
12 saying if everything goes perfect. Suppose that  
13 driver is off a few feet or a car, and he turns a  
14 little. Are you comfortable, I'm not, with 2.5  
15 feet between the tanker and a person standing  
16 there, or even 9.5 feet between the nearest pump  
17 and the tanker.

18 MR. CANNING: I am --

19 MR. FOLEY: 2.5 feet is from Tom, less  
20 than Tom --

21 MR. CANNING: Yes, yes, yeah.

22 MR. FOLEY: To me, it's a safety issue  
23 and by doing what AKRF is recommending with going  
24 to the four pump stations, with moving everything

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2 down, just gives you more room, more safety, and  
3 we're spending a lot of time about the drive in  
4 lane and all of that, which is important. And  
5 moving the propane or the vacuums, but to me, the  
6 real safety issue when you look at this plan,  
7 yes, you've improved it with the circulation  
8 internally. It makes more sense. There is one  
9 issue I have there in front of the deli, where  
10 traffic, the red arrows are going in both  
11 directions. But again, I think you improved the  
12 plan and what AKRF has shown us in their November  
13 22nd, to me, that's more palatable, more  
14 acceptable, at least to me, and I'm usually very  
15 critical.

16 And I think that we have your letter or  
17 someone's letter addressed that why didn't you  
18 bring all of this stuff up sooner. If you go back  
19 through the minutes, or watch the meeting, a lot  
20 of this stuff was brought up, at least some of it  
21 by me, and by the public and other board members.  
22 So I kind of took issue with that. I know you  
23 probably didn't write the letter, but you did.

24 But anyway, I think that the AKRF plan

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2 is more doable, safer, and there are going to be  
3 different things that happen when you have all  
4 these cars coming in, some to get gas, some to go  
5 to the deli. Someone's going to make a swerve and  
6 be off a few feet and that sets everything off  
7 according to the best laid plans of an engineer  
8 and architect. And no offense, I have engineers  
9 in my family an architect. So that's my point.

10 And I'm concerned about that pinch point  
11 up there, as someone referred it to, I know AKRF  
12 referred it to as a pinch point. I'm more  
13 comfortable with the four pump stations, the  
14 eight fueling stations, the AKRF revision that  
15 they're recommending.

16 And just on the record, there was a  
17 record on, again, a little aside, from a  
18 resident. I guess it was entered into the record.  
19 I don't know who this is from Quarry Acres,  
20 sounds distant in a way, but he talks about the  
21 traffic and the concerns about gas stations,  
22 especially on the 6 corridor. And I think what  
23 this gentleman, I forgot his name here, I can't  
24 read it. I think it's important. This is what a

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2 lot of people are talking about. And I know you  
3 have a right to put there, and you submitted a  
4 lot of plans and work. I just think it's  
5 problematic since the beginning. But maybe as a  
6 solution, this latest AKRF report, I was a little  
7 disappointed in the beginning with AKRF but this  
8 is much better.

9 MS. TAYLOR: I would just like to say  
10 too, I am not particularly in agreement with the  
11 idea that this turning for the tractor trailers  
12 is really working. I don't like the fact that  
13 those red marks, I guess that's the, those are  
14 the angles that would be used for turning the  
15 tractor trailer. Those red dashes, isn't that  
16 what that --

17 MR. CANNING: That's correct yeah.

18 MS. TAYLOR: Okay. It's very close to  
19 the back of four, five, six and seven. Those are  
20 the parking spaces right there at the --

21 MR. CANNING: Correct.

22 MS. TAYLOR: -- convenience store.

23 MR. CANNING: Mm-hmm.

24 MS. TAYLOR: Those lines, that turning

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2 point there is very, very close to the back of  
3 these parking slots and I don't particularly  
4 think that's safe. I think, you know, all kinds  
5 of things could happen. It's a little better on  
6 the other side, but here I'm not particularly in  
7 favor of that. So you might want to think about  
8 dealing with this turning for the tractor  
9 trailers a little differently over here near, in  
10 front of the convenience store.

11 MR. CANNING: So, Madam Chair and Mr.  
12 Foley, I respect and deeply appreciate the  
13 concerns that you have and the work that you do  
14 on this board, reviewing every application that  
15 comes through here. We can make some minor  
16 modifications to this that will improve the  
17 turning some more. But I have spoken to my client  
18 and they've indicated that this is as far as they  
19 can go on this issue. I would remind the board  
20 that the gas station is existing. It has horrible  
21 access now. And by providing a traffic signal, it  
22 will have controlled access so you don't have to  
23 take your life in your hands when you come in and  
24 out of Route 6. And we're hopeful that the board

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2 can see all of these issues and work with us on a  
3 way forward to get this approved more or less in  
4 its current form.

5 MS. TAYLOR: Okay.

6 MR. BIANCHI: Make sure your client  
7 understands that what he's asking for he may not  
8 get.

9 MR. CANNING: I --

10 MR. BIANCHI: And on a previous point.

11 MR. CANNING: You are correct. I  
12 understand that.

13 MR. BIANCHI: Okay.

14 MR. CANNING: And I think I've made that  
15 clear to him.

16 MR. FOLEY: And also the whole premise  
17 about well this will improve the situation with  
18 the traffic with the red light there now if that  
19 happens. That's true. It will also improve the  
20 aesthetics, what's the mess that's there now.

21 MR. CANNING: Yeah.

22 MR. FOLEY: But still we have to look at  
23 it, I look at it at least and some of us, from a  
24 safety standpoint.

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2 MR. CANNING: I understand, yes.

3 MR. FOLEY: And I just think that when  
4 you look at, maybe if the deli wasn't there and  
5 people were just coming in for gas, and they knew  
6 where they were going, they're not going all  
7 over. When you look at this, you know, I even  
8 have another further question looking at this  
9 AKRF's thing. When you come in off 6, there seems  
10 to be, well it's not up there, where the two,  
11 where the island is, it comes in, yeah, there, in  
12 the center, and then goes over to the right and  
13 around. I don't remember that in the original.

14 But I'm just saying it's a confusing,  
15 complex setup and I know you guys have tried  
16 hard. But I still have an issue with the overall  
17 safety of this plan, unless maybe we tune into,  
18 focus in on what AKRF is suggesting.

19 MR. CANNING: So --

20 MR. KEHOE: And -- hang on.

21 MR. CANNING: Yes.

22 MR. KEHOE: Along those lines, we should  
23 hear from AKRF. Maybe John can answer, but AKRF  
24 is here.

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2 MR. FOLEY: Oh, okay.

3 MR. KEHOE: To explain anything that you  
4 want.

5 MS. TAYLOR: Before you go there, I  
6 wanted to say this. I personally would be willing  
7 to say, give you ten spots, as opposed to you  
8 losing two, you just lose one, but you'd have to,  
9 again, work this so that the turning lanes for  
10 the tractor trailer is made safer than we see  
11 now. I would be -- but I'm -- it's just such a  
12 tight situation here.

13 MR. KESSLER: John, we talked about it,  
14 and again, we talked about those upper pumps.  
15 Perhaps making that one pump, more centrally  
16 located is your, is the applicant adverse to that  
17 as well?

18 MR. CANNING: The last time I spoke to  
19 them, they were adverse to that.

20 MR. KESSLER: Would you mean losing two  
21 fueling stations versus four?

22 MR. CANNING: Yes, correct.

23 MR. KESSLER: Okay.

24 MR. CANNING: Yeah.

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2 MR. KIMMERLING: I just want to beat a  
3 dead horse to death for a minute. I know that the  
4 applicant really, really wants a drive through  
5 window, but if they didn't have a drive through  
6 window in the back, is it conceivable that the  
7 convenience store could move to the left,  
8 providing greater turn space for the trucks  
9 rather than clipping the backs of those parking  
10 spots? Do you know what I'm saying? What kind of  
11 space would we have -- we, you -- would have to  
12 move the entire convenience store back if we  
13 didn't need the space for the drive around?

14 MR. MASTROMONACO: Okay. Can I answer  
15 that for you?

16 MR. KIMMERLING: Please, I'm asking.

17 MR. MASTROMONACO: I'm sitting here and  
18 there's too much confusion. Maybe I can help.  
19 There does not have to be service to customers  
20 behind this building. That is a road, a driveway,  
21 that we normally put behind any gas station.

22 MR. KIMMERLING: Okay.

23 MR. MASTROMONACO: There doesn't have to  
24 be any service there. There is no service there.

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2 MR. KIMMERLING: Okay.

3 MR. KESSLER: Do you need it as big if  
4 there was no service there? As wide?

5 MR. MASTROMONACO: Well, in order to  
6 make that turn, yeah, it should be that -- I mean  
7 it's not that wide. It's 18 feet wide.

8 MR. KIMMERLING: Okay.

9 MR. MASTROMONACO: It's a place where  
10 deliveries could be made, that type of thing.

11 MR. KIMMERLING: Yeah. That's fine, just  
12 a thought.

13 MR. MASTROMONACO: The idea, when we  
14 started this, there was a pandemic, and we were  
15 thinking at that time, that people would not want  
16 to go into the stores and this would be a place.  
17 But there was a thought to have any subleases or  
18 Dunkin Donuts. There never was any thought of  
19 that. Secondly, I think it's misleading to show  
20 that picture. I wish Chris could show the entire  
21 site plan and not this. And what you'll notice  
22 is, that's not even the entire site plan. I don't  
23 know if you have the, no, you're still -- there  
24 we go.

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2 What you'll notice is that we tried to  
3 do this in the least amount of pavement as  
4 possible. We have a double wall system behind  
5 that gas station. I can take those two walls and  
6 move them back another 50 feet if need be. We're  
7 just trying to do all of this in the minimum  
8 amount of paving. If I took that back line and  
9 moved it back five feet or if I made that a  
10 single wall instead of a double wall, there's a  
11 sort of an aesthetic to having a double wall, you  
12 could plant between them. If I got rid of one  
13 wall, I'd have another ten feet back there very  
14 easily.

15 So I think, you know, we're leaving the  
16 rest of the property undeveloped. I can develop  
17 it, I can show more at pavement, I can do it. I  
18 think that given all of the runs we did on truck  
19 turns and so on, I've never seen a gas station  
20 where a tractor trailer can do what we're doing  
21 here. I've never seen one. Maybe Mr. Beattie can  
22 tell us where, what gas stations he's ever worked  
23 on where tractor trailers can turn around, around  
24 those pumps. I've never seen it. So we have it --

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2 I think we have the minimum amount of pavement  
3 for the project, I can increase the pavement for  
4 the project. It's not a problem to us. I can make  
5 the walls, move the walls back. We have all that  
6 room in the back. So what we're trying to do is  
7 to show you that we can have that number of  
8 dispensers here, but if you think we should move  
9 that wall back to make more room in the back,  
10 we'll do it.

11 MR. KIMMERLING: Yeah, I think we're  
12 just trying to find out where, at what points  
13 there could be some give and compromise so that  
14 we can -- so it was just a question about moving  
15 it. I'm not saying you should. I just wanted to  
16 know what the options were.

17 MR. MASTROMONACO: Right. The client is  
18 -- the amount of money that this client is paying  
19 for this light on his own, which is going up 20  
20 percent a month at this point, you know, I think  
21 that should be consideration and the fact that  
22 we're leaving 30, 40 percent of that property  
23 undeveloped.

24 MR. KEHOE: I think right now, the

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2 building is 31.5 feet from the property line. And  
3 I think that would be rear yard setback so it has  
4 to be 30 feet, so it can't really go back that  
5 much further without requiring a variance.

6 MR. MASTROMONACO: Okay. Good, thank  
7 you.

8 MR. FOLEY: Well, that's why I'm  
9 wondering, Ralph, what Ralph just said, can you  
10 really move the walls back and how, I don't know  
11 what the --

12 MR. KEHOE: Well, the walls are a  
13 different story.

14 MR. FOLEY: Well, what is the slope back  
15 there? I can't remember from the site visits, but  
16 why didn't you do it in one of your earlier --

17 MR. MASTROMONACO: Well, you're exactly  
18 right. What we tried to do is use the minimum  
19 amount of room necessary to make that gas station  
20 work with that number of dispensers. If somebody  
21 thinks they want us to put more room there, we'll  
22 put more room there. But if you look at the plan,  
23 Bob, you'll see how much room, you'll see how  
24 much land we have.

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2 MR. FOLEY: I see it. But how much of it  
3 is buildable.

4 MR. MASTROMONACO: It's all buildable,  
5 yes it does go up, but we just put a taller wall.

6 MR. FOLEY: Yeah, it sure goes up.

7 MR. MASTROMONACO: We just put a taller  
8 wall. You can go back another ten fee easily.

9 MS. TAYLOR: Will moving this back,  
10 moving the wall back, create a safer turning  
11 radius for the trucks? In the way I'm looking at  
12 it, it doesn't look like it would affect that at  
13 all, you just move further back.

14 MR. MASTROMONACO: Well, you --

15 MS. TAYLOR: So --

16 MR. MASTROMONACO: Yes, it would allow  
17 the trucks to go further back to make that turn,  
18 but it doesn't need to. It just doesn't need to.  
19 If you look at the turning radius -- if you look  
20 at the turning movements of -- well, John can  
21 speak, I don't want to talk about turning  
22 movements. But if that looks constrained to you,  
23 if hat settles it for you, I'll move the wall  
24 back. I'll move it back ten feet, you got more

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2 ten feet. Now what would your objections be?

3 MR. KEHOE: Well, if you were to move it  
4 back ten feet, or whatever, you, concurrently  
5 with that, you would have to show the board what  
6 additional steep slope disturbance and additional  
7 trees, so they can weigh that.

8 MR. MASTROMONACO: Well, Chris, what I  
9 said earlier was, I have a dual wall system  
10 there. I'll take the first wall down, same amount  
11 of disturbance.

12 MR. KEHOE: Well you would have --

13 MR. MASTROMONACO: But now you have a  
14 big wall, you have a tall wall.

15 MR. KEHOE: All I am saying is if you go  
16 that route, don't just come back with the wall.  
17 You have to explain whether -- maybe if there are  
18 no implications to it, I'll say there are no  
19 implications.

20 MR. MASTROMONACO: Right. But we would -  
21 - the limit of disturbance would remain the same,  
22 just the wall would be taller in the back.  
23 Instead of the two wall system, it would be a  
24 single wall system.

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2 MR. KESSLER: Are you saying the two  
3 walls are just an aesthetic consideration?

4 MR. MASTROMONACO: Yes.

5 MR. KESSLER: No engineering impacts?

6 MR. MASTROMONACO: No, no.

7 MR. FOLEY: And as an example, the new  
8 Shoprite, Cortlandt Crossing, I don't know if you  
9 were involved in it, but that two tier wall,  
10 which came out okay, up to the bus garage, on  
11 Route 6 there. Is that what you're talking about?

12 MR. MASTROMONACO: I haven't seen it.

13 MR. FOLEY: Alright.

14 MR. MASTROMONACO: But this is a  
15 standard terraced system, where you plant between  
16 the two walls and it was put there after all of  
17 the turning movements were made. That's why it  
18 was put there. Now I felt that if I came in there  
19 and went further back that you'd have a problem  
20 with that. So we kind of balanced it.

21 MR. FOLEY: We may.

22 MR. MASTROMONACO: To see if I can get a  
23 tractor trailer truck in and out of that site,  
24 which is a huge truck, if I can do that, why do I

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2 need to go any further? And there is no safety  
3 implication, Bob. These gas stations, they exist  
4 all over the world. I never heard of somebody --

5 MR. FOLEY: Well, you alluded to it  
6 right.

7 MR. MASTROMONACO: I never heard of  
8 somebody crashing into a truck and it blowing up  
9 or anything like that.

10 MR. FOLEY: I didn't say that, but you  
11 alluded to other gas stations.

12 MR. MASTROMONACO: Yes.

13 MR. FOLEY: Where, have you asked our  
14 consultant, where else do you see where we've  
15 left so much room for a tanker?

16 MR. MASTROMONACO: I'd have to --

17 MR. FOLEY: I mean this is 2022 almost.  
18 You're designing a new setup. Let's be safe.

19 MR. MASTROMONACO: I'd like to see any  
20 gas station on Route 6 where you could take a  
21 tractor trailer and turn it all around and come  
22 back out of there.

23 MR. FOLEY: well how old are those gas  
24 stations?

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2 MR. MASTROMONACO: Without backing up.

3 MS. TAYLOR: Well maybe you'll set a  
4 precedent.

5 MR. FOLEY: This is a new application  
6 we're entertaining.

7 MS. TAYLOR: I really want to see this,  
8 when you come with the revised drawing of some  
9 kind, please put that turning radius marked with  
10 the red dashes in, all the way around and out,  
11 okay. This is if you intend to revise this.

12 MR. CHANNING: Yeah, we will. Just so  
13 that I'm clear. It already is on the drawings. It  
14 would change, obviously. But it already is all  
15 the way in, around and out. So I'm not missing  
16 anything in that regard, right? If you, moving  
17 the wall back, see my feeling is I don't think  
18 you're going to make much of a difference in when  
19 you have to bring that tractor trailer back  
20 around over there near the cars that are at the  
21 convenience store. But maybe I'm wrong, okay. I  
22 don't design turning radii. So, look, when you do  
23 the revision, just bring it back with this same -  
24 - I want to see with my eyes how close this truck

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2 would be to the backs of those cars --

3 MR. CANNING: I understand.

4 MS. TAYLOR: -- at the convenience  
5 store. And I don't know where the rest of the  
6 members stand. I personally would be willing to  
7 grant, me, just me, you know, ten positions as  
8 opposed to the 12.

9 MR. CANNING: And I believe I've heard  
10 that from Mr. Kessler as well if I'm not putting  
11 words in his mouth.

12 MS. TAYLOR: Did you say that? See?

13 MR. KESSLER: I'm sorry, what?

14 MS. TAYLOR: Ten, you would give ten  
15 positions?

16 MR. KESSLER: Yes.

17 MS. TAYLOR: Okay.

18 MR. KESSLER: One centered pump in the  
19 back, yes.

20 MR. KIMMERLING: I feel the same way.

21 MR. BIANCHI: Me too.

22 MR. FOLEY: I'm still at eight unless I  
23 see more room back there and the footage that you  
24 have in your own memo about the spacing between

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2 the tanker truck and a person and/or a fuel pump  
3 or car. And again, this is new. This is nothing  
4 to do with past gas stations and what have been  
5 designed and used in the past.

6 MR. KEHOE: Now that you've got all the  
7 traffic straight in your minds, can we hear from  
8 our traffic consultant?

9 MR. ROTHFEDER: Yeah, I want to just  
10 clarify one thing. So I understood what Ralph was  
11 saying, because you were making the point that  
12 there was never intended to bring in some large  
13 concession and so are you basically saying that  
14 you don't need that drive through space now  
15 because, because as you said, you did that  
16 because of the pandemic, but you just said that?

17 MR. MASTROMONACO: No. What we need is  
18 we need the asphalt behind the building. You just  
19 can't have woods there.

20 MR. ROTHFEDER: No, I understand that.

21 MR. MASTROMONACO: You can't have a  
22 lawn, you know.

23 MR. ROTHFEDER: But I'm talking about  
24 the window.

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2 MR. MASTROMONACO: The window is not  
3 necessary.

4 MR. ROTHFEDER: You don't need it?

5 MR. MASTROMONACO: No.

6 MR. ROTHFEDER: Okay. I just want to  
7 clarify that, because John was saying basically  
8 it was necessary.

9 MR. MASTROMONACO: We would like to do  
10 it. If somebody wanted to, in the future, wanted  
11 to buy a quart of milk out of that store --

12 MR. ROTHFEDER: Right.

13 MR. MASTROMONACO: -- that way.

14 MR. ROTHFEDER: But you don't care?

15 MR. MASTROMONACO: It really -- we're  
16 not planning to do it. It was --

17 MR. ROTHFEDER: No, but you're not  
18 [unintelligible] [00:40:09].

19 MR. MASTROMONACO: It was optional for  
20 us.

21 MR. ROTHFEDER: I mean you're not  
22 planning, but with this proposal, it's okay if  
23 it's gone? Well, you just said that.

24 MR. MASTROMONACO: Let me finish.

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2 MR. ROTHFEDER: Yeah.

3 MR. MASTROMONACO: If that makes a  
4 difference to you, we'll take it out.

5 MR. ROTHFEDER: Okay. Thank you. That's  
6 all.

7 MR. KEHOE: Wait, one other thing, sorry  
8 Mike. Mike Preziosi had an idea about just  
9 turning the whole think 90 degrees.

10 MR. PREZIOSI: We may have asked or I  
11 may have asked this in a memo or previous  
12 conversation, but if you were to rotate the pumps  
13 and the building 90 degrees, push the building to  
14 the back where the retaining walls are, use the  
15 building as the retaining wall, could you not  
16 have more land in order to accommodate your 12  
17 pumps? If they run parallel to Route 6 as opposed  
18 to perpendicular?

19 MR. CANNING: You'd like an answer now,  
20 Mike?

21 MR. PREZIOSI: Well, I'm just asking. If  
22 that could get your 12 pumps and provide you  
23 better turning radii.

24 MR. CANNING: I honestly, I can't answer

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2 that now. Possibly.

3 MR. MASTROMONACO: But I think maybe  
4 that's something to look at.

5 MR. PREZIOSI: If I haven't asked that  
6 question, I'm sorry I haven't.

7 MR. CANNING: Okay. Okay. Okay.

8 MR. PREZIOSI: Or suggestion, but just  
9 as food for thought.

10 MR. CANNING: Okay. Let me make a note  
11 of that.

12 MR. PREZIOSI: You know, also push the  
13 heavier uses further away from the residential  
14 communities, the pumping and the gas service, it  
15 would keep them away.

16 MR. CANNING: I'm not sure I understand  
17 how that -- you're going to put the building  
18 behind the pumps?

19 MR. PREZIOSI: Yes.

20 MR. CANNING: So then the pumps will be  
21 in the front.

22 MR. PREZIOSI: Correct.

23 MR. CANNING: That's not further away  
24 from the street.

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2 MR. PREZIOSI: No, but further away from  
3 the residential community.

4 MR. CANNING: Oh, I'm sorry, I  
5 misunderstood.

6 MR. PREZIOSI: I may have misspoke.

7 MR. KEHOE: Mike actually has a little  
8 sketch over here that maybe he can show you at  
9 some point.

10 MR. FOLEY: Do you mean move the deli  
11 building, the proposed deli building back and  
12 have no drive around?

13 MR. PREZIOSI: Correct.

14 MR. FOLEY: Oh, okay. That's good food  
15 for thought. But, that is --

16 MR. PREZIOSI: That may have been  
17 considered --

18 MR. FOLEY: -- thinking a little out of  
19 the box.

20 MR. PREZIOSI: Well, that may have been  
21 considered at the beginning of the process  
22 between the applicant and the design  
23 professionals and maybe not worked out, but just  
24 this idea that may accommodate the 12 pumps. I'm

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2 sorry I didn't suggest it sooner. I may have said  
3 it, I don't know.

4 MR. FOLEY: Thinking out of the box for  
5 a boxed in plan here that we're wrestling with.  
6 Before we go, so I can clear this, what I brought  
7 up earlier that from Route 6 by that island, the  
8 red arrows coming in and around, similar to like  
9 down at Burger King down the road. Is that  
10 meaning that if the car doesn't pull in the right  
11 lane, into the facility at first, they can then  
12 come around, and come in the next entrance? It  
13 doesn't mean you're coming across the traffic or  
14 does it? Across Route 6 traffic?

15 MR. MIKE BEATTIE: Just to clarify,  
16 that's not Kimley Horn's, that's AKRF's quick  
17 mark up so I could go through it, but that's not  
18 what's proposed. So there's no confusion, they're  
19 not proposing that.

20 MR. FOLEY: Okay. That's what I'd like  
21 explained.

22 MR. PREZIOSI: But I can explain that  
23 whenever.

24 MR. KEHOE: Please for the record, state

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2 your name.

3 MR. BEATTIE: Oh, Mike Beattie with  
4 AKRF. We've been reviewing the site plan. So you  
5 want me to go ahead?

6 MR. KEHOE: Yes.

7 MR. BEATTIE: Okay. So while it's up  
8 here, I'll talk about the site plan real quick  
9 and it sounds like overall, there's at least an  
10 agreement that this is something acceptable. But  
11 the site itself kind of caters towards a  
12 counterclockwise movement, just look how the  
13 driveways are set up to help at least facilitate  
14 people not kind of crossing different directions  
15 at the pumps. As you come into the site, we would  
16 force everyone to the right to then get into a  
17 fuel position.

18 MR. FOLEY: AS you come in from Route 6,  
19 going west?

20 MR. BEATTIE: Yes.

21 MR. FOLEY: The first entrance then?

22 MR. BEATTIE: The first entrance, and  
23 then even for that second entrance, that's a  
24 right in only, see how it's curved in. They would

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2 have to go straight, what I call north, towards  
3 the pumps and they couldn't take a left towards  
4 the convenience store.

5 What we're trying to do is try to  
6 prevent this kind of cross traffic conflicts, but  
7 you will notice that I did originally, we had a  
8 full counterclockwise movement and at the end, we  
9 changed it to at least show two ways between the  
10 store and gas pumps. And the reason being, if you  
11 were somewhere in the middle of those gas pumps  
12 and you didn't want to use the drive through, or  
13 you didn't want to go to the parking spot that's  
14 further to the north, instead of having to  
15 circulate the whole entire site again, at least  
16 you have the option to at least go right to the  
17 drive through from the gas pump or at least to a  
18 parking space.

19 So that's why we kept it two-way between  
20 the gas pumps and the convenience store. But the  
21 rest of it really kind of catered towards a one-  
22 way circulation.

23 And then the red triangle was more  
24 trying to think more how to at least force that

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2 movement. Sometimes you do it with striping,  
3 sometimes it's hardscape, but at least it was to  
4 indicate vehicles would have to come in and  
5 immediately go to the right and then they would  
6 pick a fueling position, as they move up the  
7 site. So that's the recommendations for at least  
8 not having two ways in all directions for each  
9 aisle on the site. So that was one of the  
10 comments that we've talked about.

11 And the other goes back to the fuel  
12 pumps. I don't know if you can bring up the truck  
13 turning diagram, and it's kind of been said, this  
14 is not about reducing traffic by any means. This  
15 is more about site circulation. We've talked  
16 about 2.5 feet. And the concern was not so much  
17 the 2.5 feet, but it looked like, if you take  
18 that, what I call the most northern western  
19 vehicle, that car is not pulled up all the way  
20 let's say into the pump. I've seen places where  
21 your gas tank, a car would pull further up,  
22 further to the west. So where their hood is right  
23 now in that picture under the canopy could  
24 actually be further protruding into the drive

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2 aisle. You can see where it's lined up right now.  
3 Sometimes they can line up that way, but I've  
4 seen it lined up further where you kind of line  
5 up your back of the gas tank to the gas pump. In  
6 that case, that 2.5 feet is gone. So it was  
7 tight, it almost clipped the curb, as was brought  
8 up by parking space seven. Do both pumps need to  
9 be removed, maybe not. This was brought up. Maybe  
10 at least that one pump could be centered or you  
11 keep the one pump furthest to the east, but the  
12 way this is set up right now, those vehicles on  
13 the left side aren't pulled up fully to where a  
14 gas pump might be. So it gets even tighter. That  
15 was the driver behind removing that pump.

16 And unfortunately, they don't make pumps  
17 that are one sided, in which case you probably  
18 could have kept that one side of the pump, so  
19 that was where the recommendation came in to  
20 remove the pump and the site circulation.

21 MR. ROTHFEDER: Wouldn't it be better to  
22 place it in the middle rather than either east or  
23 west?

24 MR. BEATTIE: Yeah, it was more just to

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2 keep consistent with their site. The middle or  
3 further to the right seemed to be fine. Perhaps  
4 if it's in the middle, maybe there's a way you  
5 retain where the dumpster is. I think that's a  
6 low hanging fruit where the dumpster is located.  
7 Just where it is right now, if a dumpster was  
8 loading, you could see some conflict. I think in  
9 the middle is fine, or keeping it towards that  
10 eastern edge is fine. I don't think there's one  
11 preference or the other.

12 MR. ROTHFEDER: I mean because part of  
13 my concern with the eastern edge has been again,  
14 not so much the technical distance between the  
15 fuel truck and the pumps, because again, you guys  
16 know from, you know what the standards are and  
17 what's okay and all that. But again, since the  
18 flow of traffic in this place is all coming that  
19 way and on that edge, just my concern has been  
20 there's just too much chance for problems back  
21 there with any kinds of cars coming in and  
22 leaving. So that's why the middle feels a little  
23 better to me.

24 MR. BEATTIE: I think if there was a

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2 middle, then you kind of keep that  
3 counterclockwise, at least a majority of the  
4 site. I think the site operates cleaner. Again, I  
5 always worry about with these larger sites,  
6 traffic traveling in both directions, people  
7 pulling in quickly, people pulling out,  
8 especially when you have a driver that's in only  
9 on that eastern side. It just seemed to like the  
10 site kind of like dictated that itself, but then  
11 the pump was the -- this turning radius was the  
12 issue. Again, especially with the car not  
13 actually fully pulled up to the pump.

14 And then I think the convenience store,  
15 we've already talked about it. There's a drive  
16 through there at the window, we thought at some  
17 point it could be something else that generates a  
18 lot more traffic than a convenience store. I'll  
19 defer it to Hal, but that should be worked out in  
20 terms of the language. But that was brought up as  
21 well.

22 MR. KESSLER: But if there was no drive  
23 through, going back to the other picture up  
24 there, then that would be one way in front of the

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2 -- you have the arrow going up because you were  
3 concerned about the drive through window.

4 MR. BEATTIE: Potentially. It goes back  
5 to let's say you're in the southernmost position  
6 and then want to park at the convenience store,  
7 and you want to park on let's say the spot that's  
8 opened is spot seven.

9 MR. KESSLER: I see.

10 MR. BEATTIE: If you circulate, so I was  
11 trying to avoid circulating around the site  
12 again. Again, originally I thought the whole  
13 thing should be counterclockwise. But then  
14 something like that, if you're leaving the gas  
15 station, you don't want to have to circle around  
16 to get to a spot, and then miss the spot.

17 MR. KESSLER: Yeah, but then you're in  
18 contention with people who are perhaps pulling  
19 out from the pump.

20 MR. BEATTIE: Yeah. I mean it's still  
21 wide enough aisles. Like that movement can work,  
22 it's just there's a spot where it may be even  
23 worse that people are constantly circling the  
24 site over and over. So, we ended up changing it

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2 to at least say, at least allowing that two-way  
3 movement.

4 MR. KESSLER: Okay.

5 MS. TAYLOR: Are there any other  
6 concerns?

7 MR. BIANCHI: Public hearing?

8 MR. KESSLER: Yes.

9 MS. TAYLOR: Jeff, you want to go on?

10 MR. ROTHFEDER: Since there's nobody  
11 from the public I guess who wants to speak,  
12 right?

13 MS. TAYLOR: I don't see anybody here  
14 from the public.

15 MR. ROTHFEDER: Okay.

16 MS. TAYLOR: Excuse me?

17 MR. ROTHFEDER: Yeah, no, it doesn't  
18 look like it.

19 MS. TAYLOR: It doesn't look like it.

20 MR. ROTHFEDER: Do we want to close the  
21 public hearing?

22 MR. KEHOE: You guys are going against  
23 what I always say, but you have the chance for  
24 some maybe significant modifications, so maybe

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2 just keep it open.

3 MS. TAYLOR: I'd say just keep it open,  
4 yeah.

5 MR. ROTHFEDER: Yeah.

6 MR. KESSLER: One more time, yeah.

7 MR. CANNING: So Madam Chair, again I do  
8 appreciate the input. We hear you. We would be  
9 willing, obviously, as I mentioned, to  
10 incorporate the suggestions of Mr. Beattie. I  
11 will take your message back to my client again. I  
12 will tell you that this is a well designed site.  
13 It's a big site. We can make it better, but we do  
14 -- it's my opinion that we have room to  
15 accommodate all of the activity in a safe manner  
16 and it just seems like we're over designing for  
17 the dumpster is going to be there, the truck  
18 driver is going to be there. Every fuel pump is  
19 going to be full, every parking space is going to  
20 be full. And frankly, even if that happens, what  
21 happens is one person goes and then another  
22 person goes, and the delivery vehicle doesn't go  
23 until he can go. But I'm going to take it away --

24 MR. ROTHFEDER: You have to design for

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2 that. I mean because you're, you know, we have to  
3 design for that because that's your argument too  
4 about not taking away pumps is that you want all  
5 of those pumps filled, so we're all --

6 MR. CANNING: We do, but it's unlikely,  
7 just the law of averages says it's unlikely that  
8 they're going to be all filled at the same time,  
9 that the delivery vehicle is there.

10 MR. ROTHFEDER: Right. We know that, but  
11 we have to design for that. But anyway.

12 MR. CANNING: So let's see what we can  
13 do and we'll be back to you next month, I guess.

14 MR. KEHOE: But John, if you're  
15 agreeable to Michael's pork chop island or strip,  
16 show that on your revised plan.

17 MR. CANNING: Of course, thank you.

18 MR. ROTHFEDER: Okay, Madam Chair, I  
19 move that we adjourn the public hearing to the  
20 next meeting.

21 MR. BIANCHI: Second.

22 MR. FOLEY: Second.

23 MS. TAYLOR: Okay. Alright.

24 MR. CANNING: Thank you everybody.

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2 Goodnight.

3 MR. ROTHFEDER: Happy Holidays.

4 MR. CANNING: Thank you. You too.

5 MS. TAYLOR: On the question? All in  
6 favor?

7 MULTIPLE: Aye.

8 MS. TAYLOR: Opposed? Okay. Alright.

9 We're reaching I think at this point the final  
10 item for tonight, a new public hearing, PB 2021-  
11 6, it's the application of Yeshiva Ohr Hameir for  
12 a renewal of a special permit for a university,  
13 college or seminary for property located at 141  
14 Furnace Woods Road, as described in a letter  
15 dated October 13, 2021 from David Steinmetz,  
16 Esquire and as shown on a 3-page set of drawings  
17 entitled Site Plan prepared by Ciarcia  
18 Engineering, P.C. latest revision June 19, 2014.  
19 Yes.

20 MR. DAN RICHMOND: Thank you, Madam  
21 Chair. Good evening. For the record, my name is  
22 Dan Richmond. I'm a partner with the law firm  
23 Zarin & Steinmetz, here on behalf of Yeshiva Ohr  
24 Hemeir. With me this evening is Dan Ciarcia, the

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2 project engineer and planning consultant, Yaakov  
3 Rothberg, with the Yeshiva, David Wald, also with  
4 the Yeshiva.

5 As you recall, the board originally  
6 granted the Yeshiva a special permit, pursuant to  
7 resolution number 1-10, and renewed it most  
8 recently by 4-19, which was adopted in February  
9 '19. As your board knows, a special permit  
10 renewal such as we're requesting is a Type II  
11 action under SQRA, meaning it is not subject to  
12 the environmental review regulations and is of  
13 course held in the absence of material change of  
14 conditions or evidence of a violation, a renewal  
15 should be granted without unduly burdening the  
16 applicant.

17 Here the use of the Yeshiva proper and  
18 the onsite improvements remain the same. As such,  
19 we respectfully submit this special permit  
20 renewal is lawful and appropriate. The Yeshiva  
21 continues to work with and is in regular contact  
22 with the town's Department of Technical Services  
23 and Westchester County Department of Health on  
24 the construction of a sewer. I actually spoke

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2 with the Department of Health this week and they  
3 indicated that the final plans, he intends have  
4 his final comments hopefully this week.

5 We understand that once that is done,  
6 that the town will be able to complete the bid  
7 documents and place a sewer project out for bid  
8 and that following an award of the bid, and that  
9 following an award of the bid, construction on  
10 the sewer project can commence in the spring of  
11 next year, 2022. And the Yeshiva stands ready to  
12 connect to that sewer main as soon as possible.

13 We are aware that there was one  
14 complaint. That was a letter submitted by a  
15 neighbor complaining about the onsite septic  
16 system. First of all, I would say again, the  
17 special permit, and as I just described the  
18 connection to the sewer would eliminate any  
19 concerns about this septic system, but as I  
20 previously noted and as we documented in a letter  
21 provided to the town this week, there's no  
22 effluent on the ground at the time of inspection  
23 that would indicate a septic failure.  
24 Nevertheless at the town's request, we did

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2 conduct a dye test, no dye was subsequently  
3 visible on the ground, as would suggest a  
4 problem.

5 In any event, at the town's suggestion  
6 the observation ports on the septic fields has  
7 been capped and the pump chamber has been sealed  
8 with silicon to prevent water odor from emanating  
9 from it.

10 Otherwise, out of respect to condition  
11 number two of the board's resolution 5-16, we are  
12 unaware of any other issues or outstanding code  
13 violations, substantially or otherwise, and we  
14 respectfully request that the Yeshiva's special  
15 permit be renewed. We're happy to answer any  
16 questions that the board may have.

17 MS. TAYLOR: Are there any concerns from  
18 board members? No. Okay.

19 MR. KESSLER: Should we put it in the  
20 record we've got letters from the town?

21 MR. KEHOE: Yeah, there would be the  
22 normal letter from the inspection of the fire  
23 inspector, Holly Haight. There's also a memo from  
24 the code enforcement department. There was a

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2 letter reference by Mr. Richmond from a neighbor,  
3 Ms. Jersey and then the response to that memo was  
4 from Dan Ciarcia, the project engineer. I believe  
5 those are the pieces of correspondence associated  
6 with this project.

7 MS. TAYLOR: Okay. Alright. Steve?

8 MR. KIMMERLING: I'll just jump into the  
9 breach, Madam Chair, I --

10 MR. KEHOE: It is a public hearing.

11 MR. KESSLER: It's a public hearing,  
12 you've got to see --

13 MR. KIMMERLING: Oh, sorry.

14 MR. KEHOE: Would anyone like to speak  
15 on this case?

16 MS. TAYLOR: Okay. We don't have anyone  
17 in the audience who wishes to speak to this. So,  
18 may I have the motion please for this particular  
19 application?

20 MR. KIMMERLING: Madam Chair, I move we  
21 close the public hearing and direct staff to  
22 draft a resolution for consideration at the  
23 January 4th meeting.

24 MR. BIANCHI: Second.

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2 MS. TAYLOR: All in favor?

3 MULTIPLE: Aye.

4 MS. TAYLOR: Opposed? Okay. So.

5 MR. RICHMOND: Thank you very much Madam  
6 Chair. Happy Holidays to everyone.

7 MS. TAYLOR: Thank you. And before I  
8 call for a motion to adjourn, I would like to  
9 take a quick moment to, on behalf of the board,  
10 wish the Cortlandt residents Happy Holidays and  
11 to say a fond farewell to our supervisor Linda  
12 Puglisi who will be retiring at the end of the  
13 year, and we hope that she will spend a long,  
14 happy retirement. Okay. So may I have a motion to  
15 adjourn, please.

16 MR. KIMMERLING: 8:20.

17 [CROSSTALK]

18 MS. TAYLOR: You were really making the  
19 motion at this point?

20 MR. KIMMERLING: I was. I was announcing  
21 the time.

22 MS. TAYLOR: Okay. Thank you.

23 MR. KIMMERLING: Okay. Thank you so  
24 much. We are adjourned.

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(The board meeting concluded at 8:20 p.m.)

CERTIFICATE OF ACCURACY

I, Claudia Marques, certify that the foregoing transcript of the board meeting of the Town of Cortlandt on December 7, 2021 was prepared using the required transcription equipment and is a true and accurate record of the proceedings.

Certified By



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Date: December 21, 2021

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