

TOWN OF KENT  
PLANNING BOARD

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1. ITEMS FOR SEQRA PUBLIC SCOPING SESSION

- a) Route 52 Development Special Permit,  
Site Plan and Erosion Control Plan.

2. ADJOURNMENT

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Kent Town Hall  
25 Sybil's Crossing  
Kent, New York 10512  
May 23, 2019

B E F O R E:

PHILLIP TOLMACH, CHAIRMAN  
DENNIS LOWES, VICE CHAIRMAN

SIMON CAREY, Board Member  
GIANCARLO GATTUCCI, Board Member  
STEPHEN WILHELM, Board Member  
CHARLES SISTO, Board Member

NISIM SACHAKOV, Board Member (Not Present)

ALSO PRESENT: VERA PATTERSON, Secretary

BARBARA MARCIANTE,  
Official Senior Court Reporter

1 CHAIRMAN TOLMACH: Good evening, ladies and  
 2 gentlemen and welcome to the Town of Kent Planning Board  
 3 SEQRA Determination of Significance for the Route 52  
 4 Project. Will you join me in the Pledge of Allegiance.

5 (Whereupon, everyone stands and recites the  
 6 Pledge of Allegiance.)

7 CHAIRMAN TOLMACH: Thank you. This is not our  
 8 regular Planning Board meeting. This is a SEQRA  
 9 Determination of Significance, a positive declaration and a  
 10 setting of public scoping session.

11 On April 11th, 2019, the Town of Kent Planning  
 12 Board made a Determination of Significance, a positive  
 13 declaration for the project known as the Route 52  
 14 Development in accordance with the New York State  
 15 Environmental Quality Review Act, SEQRA, as set forth in  
 16 6 NYCRR 617.7, the SEQRA regulations.

17 The Determination, also known as a positive  
 18 declaration, or Pos Dec, means that the project may result  
 19 in one or more significant adverse impacts on the  
 20 environment; an Environmental Impact Statement, an EIS,  
 21 must be prepared to further assess the impacts, possible  
 22 mitigation and to explore alternatives to avoid or reduce  
 23 those impacts.

24 A public scoping session will be held in  
 25 accordance with SEQRA session tonight, Thursday, May 23rd,

1 2019 at 7:30 p.m. at the Town of Kent meeting room, Town  
2 Hall at 25 Sybil's Crossing, Kent, New York 10512 to  
3 consider the initial draft scope, and to hear comments from  
4 the public and agencies.

5 The Planning Board will also accept written  
6 comments on the draft scope for two weeks after this  
7 scoping session, and that is until 2:30 p.m. June 6th,  
8 2019, which must be mailed or delivered to the Planning  
9 Board Secretary at the Planning Board office at the Town  
10 Hall address. The scoping outline, after it is revised by  
11 the Planning Board to be detailed, will be used for  
12 preparation and review of a draft EIS or DEIS.

13 The proposed action is based on applications from  
14 Kent Country Square LLC., owner of the subject parcel,  
15 known as the Route 52 Development, for approval of a  
16 special permit; site plan and erosion control permit and  
17 other approvals and permits for development of a  
18 137.435-acre parcel, tax parcel No. 12.-1-52 located on New  
19 York State Route 52, east of its intersection with  
20 Ludingtonville Road, in the IOC,  
21 Industrial-Office-Commercial Zoning District in the Town of  
22 Kent, Putnam County. The Planning Board has identified the  
23 project as a SEQRA Type I Action.

24 The project involves site development to create  
25 an approximately 54-acre excavated, graded area for mixed

## Route 52 Development-TM: 12.-1-52

1 commercial uses, including two hotels, a conference center,  
2 an indoor recreation facility, a truck/rest stop building  
3 with retail and restaurants, and a motor vehicle repair and  
4 service station geared toward trucks, also known as a truck  
5 stop, with fueling, tire shop and possibly other truck  
6 services and repair.

7 A variance will be required for building height.  
8 The project will also require approvals as per Kent's Town  
9 Code for freshwater wetlands and stormwater and erosion  
10 control. Three proposed driveways and one emergency access  
11 would provide access from Route 52 just east of Interstate  
12 84 Exit 17. The site also has frontage on Interstate 84.

13 Do we have to open this as a public meeting?

14 MS. ELIZABETH T. AXELSON: I think what we will  
15 do is do whatever recap we need to do and the applicant can  
16 describe the project in more detail. And then when we're  
17 done with that, it could be opened up so that the public  
18 can come up.

19 CHAIRMAN TOLMACH: So I don't have to open it  
20 now.

21 MS. ELIZABETH T. AXELSON: Right.

22 CHAIRMAN TOLMACH: Everybody will get a chance to  
23 speak. The Board and our helpers have helped us identify  
24 many of the concerns of the residents for the Town of Kent.  
25 So please listen to what we have to say. And if you still

1 haven't heard about it, then you will get a chance to  
2 speak. Take it away, Liz.

3 MS. ELIZABETH T. AXELSON: Okay, first of all, I  
4 just want to remind the Board and the public that Vera has  
5 a sign-in sheet. Folks who would like to speak, it's right  
6 at her desk and Vera had also organized some handouts, if  
7 you folks want to follow along. I just want to touch base  
8 on --

9 CHAIRMAN TOLMACH: And also when you come up,  
10 please speak clearly into the microphone. Thank you.

11 MS. ELIZABETH T. AXELSON: So the purpose of  
12 tonight is to express concerns and ask questions that will  
13 be added to what is already a fairly hefty revised scoping  
14 outline. We're really just looking to hear the input. We  
15 will add it to the outline later.

16 I don't believe that we will have time to give  
17 responses to questions and concerns. The idea is that  
18 those questions and concerns will go into the scoping  
19 outline and when the applicant's folks prepare a draft of  
20 the Environmental Impact Statement, they will address those  
21 concerns and sort of answer those questions in the Draft  
22 Environmental Impact Statement.

23 I just want to touch base, briefly, on the  
24 process that the Board has been through, which is that they  
25 have been reviewing this project for, I think, almost a

1 year, in consultation with Julie Mangarillo, consulting  
2 engineer, Bruce Barber, environmental consultant, and I and  
3 the Board and Vera and we have all been very much involved  
4 in reviewing the project and moving it forward to this --

5 CHAIRMAN TOLMACH: You know, Liz, I don't think  
6 you introduced yourself.

7 MS. ELIZABETH T. AXELSON: Oh, I didn't. My name  
8 is Liz Axelson. I'm the planner with CPL, Clark Paterson  
9 Lake. Thanks.

10 So we have worked diligently to review the  
11 project, identified issues of concern, put together review  
12 memos, move forward in the New York State Environmental  
13 Quality Review Act process to the point that was described  
14 just now when Chairman Phil Tolmach read the notice.

15 And let's see. So tonight what we will do, the  
16 applicant's folks will do a presentation and then Phil, you  
17 can open it up to public comments and people can speak on  
18 whatever topic is of concern.

19 We did provide a handout, a one-page handout.  
20 And at the bottom of the handout is a list of general  
21 issues that are covered in the scoping outline. You can  
22 speak on whatever issue you wish that is of concern to you  
23 or questions you desire to have answered. That's just  
24 provided for a frame of reference.

25 And then I believe depending on how the scoping

1 session goes tonight, after you've opened it, folks have  
2 spoken, that we may be able to conclude the scoping  
3 session. But as you mentioned in the notice, members of  
4 the public and agencies can still submit written comments  
5 until Thursday, June 6th at 2:30 p.m. to Vera at her  
6 office.

7 That's pretty much it for now. So I guess next  
8 the applicants will make a presentation.

9 CHAIRMAN TOLMACH: And everybody should realize  
10 the Board will not make decisions, final decisions, on this  
11 project for at least a month and probably a lot longer than  
12 that.

13 MS. ELIZABETH T. AXELSON: Probably many months.  
14 If you want me to just touch on that. What basically may  
15 happen is we will receive comments until June 6th. After  
16 that, the Board will take up the revised scoping outline at  
17 a subsequent meeting and adopt the scoping outline, which  
18 means that the applicant's representatives will get to work  
19 preparing a draft Environmental Impact Statement.

20 That probably will take a couple months, maybe  
21 longer, to put all the reports together. That will be  
22 submitted to the Planning Board to be reviewed for  
23 completeness. So we may go through another month or so of  
24 reviewing for completeness.

25 And at some point, the Planning Board will

1 receive a Draft Environmental Impact Statement that is  
2 sufficiently revised so that they can accept it as a  
3 complete Draft Environmental Impact Statement. And at that  
4 point, they will make an official decision accepting it as  
5 complete and they will set a Public Hearing on the Draft  
6 Environmental Impact Statement.

7 And I won't bore you with the rest of the  
8 process, but that will initiate the more detailed  
9 environmental review. Anything else the Board would like  
10 me to touch on?

11 CHAIRMAN TOLMACH: Anybody?

12 (Whereupon, there was no response from The  
13 Board.)

14 MS. ELIZABETH T. AXELSON: Okay.

15 CHAIRMAN TOLMACH: Thank you, Liz.

16 MS. ELIZABETH T. AXELSON: Now I'll turn it over  
17 to the applicant's folks.

18 MR. PEDER SCOTT: Good evening. My name is Peder  
19 Scott. I'm a licensed architect and engineer.

20 And before you I present the Kent Country Square  
21 Project Route 52. It's 138-acre parcel. It is on Route 52  
22 on the north side -- east side of 52, between Exit 17 and  
23 18, it's in the commercial zone, the  
24 industrial-office-commercial zone. The project before you  
25 has many uses. Within that 138-acre parcel, currently we



1 have an existing approved water system.

2 And this project was under scrutiny ten years ago  
3 for a residential subdivision. That DEIS, again, was filed  
4 with the Town. This is a reuse of that same lot and we're  
5 proposing the following uses:

6 We are proposing two hotels, an indoor water park  
7 or indoor recreational center, a conference center, a food  
8 court, a truck stop, which constitutes diesel fuel  
9 distribution and tire repair. We also have looked at  
10 various alternatives. There is four that we have prepared  
11 to discuss tonight.

12 The project, again, has a water treatment plant,  
13 a sewer treatment plant, two stormwater detention treatment  
14 ponds. We have about retention ponds and ancillary  
15 structural components. We also are going to have dry  
16 hydrant facilities for fire safety.

17 We are doing road improvements, both on 52 and at  
18 the Exit 17 and 18 per our preliminary traffic report, all  
19 of which will be submitted in the DEIS. And that completes  
20 my brief discussion.

21 CHAIRMAN TOLMACH: Thank you, Peder. Questions  
22 anyone?

23 (Whereupon, there was no response from The  
24 Board.)

25 CHAIRMAN TOLMACH: Do either of the other

1 consultants have anything to add here?

2 (Whereupon, there was no response.)

3 CHAIRMAN TOLMACH: Can I get a motion to open the  
4 Public Hearing?

5 BOARD MEMBER WILHELM: I'll make that motion.

6 CHAIRMAN TOLMACH: A second?

7 BOARD MEMBER CAREY: I'll second.

8 CHAIRMAN TOLMACH: All in favor? Aye.

9 BOARD MEMBER CAREY: Aye.

10 BOARD MEMBER GATTUCCI: Aye.

11 VICE CHAIRMAN LOWES: Aye.

12 BOARD MEMBER WILHELM: Aye.

13 BOARD MEMBER SISTO: Aye.

14 CHAIRMAN TOLMACH: Is there anybody in the  
15 audience -- do we want to -- is there anyone in the  
16 audience who would like to come up and speak? Please do.  
17 You have to sign in and you have to speak into the  
18 microphone.

19 MR. HENRY BOYD: Hi, there. I already signed in  
20 earlier. My name is Henry Boyd, from Boyd Artisan Well  
21 Company. I'm also the head of the Chamber from Carmel,  
22 Chamber of Commerce in Town.

23 And we would like to welcome a little bit of new  
24 business coming into Town. We really appreciate the  
25 revenue it's going to take. Maybe it's a little tax break,

1 if we can possibly have it.

2 But there are some things that I wonder about,  
3 personally. I know Peder, Peder came to us. We were  
4 supposed to do on May 15th last year, were supposed to come  
5 and speak in front of the Chamber of Commerce. And this  
6 little tornado came through. And for some reason, he  
7 didn't show up. Well, looking at that --

8 CHAIRMAN TOLMACH: He went to Kansas.

9 MR. HENRY BOYD: So he did finally come when the  
10 weather got better. But one of the problems that I have is  
11 there is a whole bunch of trees down on that property.  
12 When that tornado came through, it came right up that  
13 property to the Dunkin Donuts, took the roof off of Dunkin  
14 Donuts.

15 CHAIRMAN TOLMACH: I know we've seen it.

16 MR. HENRY BOYD: Yes, I know we all have. I  
17 think that right now we have a little leverage. I think  
18 that those trees have been on the ground a year now. If I  
19 want to make firewood, I cut down a tree and let it sit a  
20 year. We have potential firewood out there. And I think  
21 maybe we should ask them to start cleaning up that wood  
22 right away.

23 If it's gets dry this summer, which it typically  
24 does around here, if it ever stops raining, we have a  
25 tremendous fire potential out there. I know the fire

1 department is here, I'm over stepping them a little bit  
2 maybe, but I know if you got rid of some of those old  
3 trees, you can get around in there a lot better and it  
4 would make the Town of Kent a lot safer.

5 We can have us a California style fire right here  
6 in the Town of Kent. So I would like to have them address  
7 that, if they possibly could.

8 I am totally against your truck stop. There is  
9 nobody in the Town of Kent that owns more trucks than I do,  
10 I don't think. Maybe the Town does. But the truck stop  
11 for me would be great for repairs and things next door, but  
12 the trouble is we have the type of people that show up at  
13 truck stops, I think they call them parking lot lizards.

14 And maybe if the truck stop was way down by the  
15 Sunoco Station where the trucks got right off and into  
16 something, it might be all right. But I know it's almost  
17 physically impossible. But I'm totally against a truck  
18 stop and people staying there and sleeping in their trucks.

19 My next concern is salt in the parking lots. As  
20 a well driller, salt is a really, really big issue in this  
21 Town. At this building we can't drink the water because of  
22 the salt. At my house at the top of the hill, I can't  
23 drink the water because of the salt. The schools have  
24 really high salt content in their wells.

25 Town of Kent, that's because of the State Highway

1 Department going up through here with the salt trucks.  
2 Town of Kent has sworn to me that they do 50/50 salt on our  
3 back roads, which helps. But we really got to worry about  
4 the salt polluting the rest of the mountain up here.

5 So we have to figure out how they are going to  
6 deal with the salt and how they are going to get rid of  
7 that. If we have a car wash or a truck wash, why do you  
8 have your car washed, to get the salt off of it.

9 I believe that the salt should be maintained in  
10 these car washes. You can't kill salt in a sewage  
11 treatment plant. No matter what, it's salt water.

12 And we have to have that salt water, especially  
13 in the wintertime, hauled off site. They recycle it to a  
14 certain point, but after a while the word gets out they are  
15 recycling with salt water. And it doesn't do the frame of  
16 your car much good. And if they don't do it, then that's  
17 something we should do.

18 Traffic safety, we started to address that a  
19 minute ago. I can't see all these cars coming up Route 52  
20 without putting two more lanes in, a turning lane and the  
21 entrancing lane.

22 CHAIRMAN TOLMACH: We had planned that.

23 MR. HENRY BOYD: And so good luck with the State  
24 with that. And I mean I drilled the wells in there 30  
25 years ago. I don't know about ten years ago you just said.

1 But 30 years ago they tried to put a condo project in  
2 there. They went for broke.

3 We had some pretty good wells in there. I don't  
4 see enough wells to do it now. But I'm concerned over --  
5 these wells were tested back then. They tested some of the  
6 wells on the top of the hill.

7 But as you keep pumping the water out of the  
8 lower area of the hill, there is, I think, like the school  
9 uses a lot of water up at the top. We really have to put  
10 some good scientific testing for these wells to see which  
11 way, where the water is coming from these wells. And  
12 that's all I wanted to say.

13 CHAIRMAN TOLMACH: Very good. Thank you very  
14 much. Anybody else? Please.

15 MR. BARRY SANEL: Hi, my name is Barry Sanel.

16 CHAIRMAN TOLMACH: Okay, sign in.

17 MR. BARRY SANEL: Yeah, I already did. I'm Barry  
18 Sanel. I live on Peekskill Hollow Road. So I don't live  
19 close by where this development is, but I would really be  
20 in for this development because I would like to see some  
21 more revenue and jobs. And I would like to, when my family  
22 comes down from New Hampshire, I would like to have a place  
23 for them to stay.

24 So the truck stop, as long as it's properly  
25 managed and, you know, it doesn't become a dump, I think

1 that it would be really good for this area to have a place  
2 where there could be some -- something going on.

3 I love this Town. I lived here 20 years. I love  
4 Kent, but I really think we need some more economic  
5 development in this Town. So I think it would be a really  
6 good idea. So that's my opinion. Thank you.

7 CHAIRMAN TOLMACH: Thank you. Anyone else?  
8 Please.

9 MR. T.J. DONOHUE: How are you doing. My name is  
10 T.J. Donohue. I'm the Chief of the Lake Carmel Fire  
11 Department. I have numerous concerns. I'll sign in here.

12 First of all, being the height of the buildings  
13 proposed, as of now we don't have apparatus that can reach  
14 the roofs of these buildings.

15 CHAIRMAN TOLMACH: No, we've discussed that with  
16 the architect.

17 MR. T.J. DONOHUE: Water source, there is no  
18 hydrants, buildings this size need a lot of water. That's  
19 really all I have right now.

20 Access. There's got to be room to put apparatus  
21 and everything. Emergency services are going to be  
22 expanded. As you know, we're hurting as it is now. So if  
23 these buildings are put in, it's going to increase our call  
24 volume dramastically(ph). So keep that in mind. Thank  
25 you.

1 CHAIRMAN TOLMACH: We will. Thank you. Anyone  
2 else? Please come forward.

3 MS. KATHERINE CURTIS: Good evening. My name is  
4 Katherine Curtis. I live at 2 Mooney Hill Road in the Town  
5 of Kent, Town of Kent resident for over 30 years.

6 It's no secret I've been to some of the early  
7 meetings. I really am opposed to this project for a  
8 variety of reasons.

9 Esthetically, I think it's over the top for the  
10 Town of Kent. One nice hotel I think is something that  
11 this Town could use, I agree. I'm not against business.  
12 But I think this is a bit much.

13 More specifically, I think, and some of these  
14 topics have already been alluded to, the water, the quality  
15 of water. What is the water table for this area? And how  
16 will it affect other people, whether it be business or  
17 homeowners? How are they going to be affected by this huge  
18 draw of water to supply all of the buildings that are  
19 proposed for this particular site? So I think water is a  
20 big issue.

21 I think coupled with that, you have this truck  
22 stop, which brings, potentially, quite a few issues, some  
23 of which could really be serious for the water table. And  
24 you're going to have diesel fuel. You'll have regular  
25 gasoline. There is always the potential for fuel spills.



1           And I will admit, I have not read that document  
2           so maybe this issue has been addressed. But how are you  
3           going to manage, contain some kind of catastrophic fuel  
4           spill. Will you have 100 percent retention on site for any  
5           catastrophic spill.

6           It's also been talked about the element that this  
7           may bring, and that was one of my very first concerns. The  
8           fact that this is located in the vicinity of a school  
9           district, school buildings, we don't know what kind of  
10          transient population you're going to have coming through.  
11          I know that's redundant for transient, but you know what I  
12          mean.

13                   CHAIRMAN TOLMACH: You mean like these guys?

14           MS. KATHERINE CURTIS: I think that's another  
15          factor. And then, of course, the traffic. You now have  
16          the potential of having a bus garage built right next to  
17          this. So right, if nothing changed right now, that would  
18          be a huge problem for congestion along Route 52.

19           You're going to have, if you have this truck  
20          stop, you're going to have a lot of trucks. So the  
21          reconfiguration of Route 52 and the intersection has to  
22          provide for not just one truck at a time, but maybe several  
23          trucks at one time trying to make a left-hand turn once  
24          they come off 84 to come up to this project.

25           How many -- Henry mentioned at least an extra

1 lane. I think you need two or three extra lanes. You're  
2 going to need left-hand turn lanes. And you're going to  
3 need extensive longer left-hand turn lanes to accommodate  
4 with possible stacking of trucks trying to get into the  
5 facility.

6 And I, of course, where I live, deal with the  
7 intersection down at Ludingtonville Road and 52 all the  
8 time. It's bad now and there is no light over there. So  
9 what kind of traffic controlled devices are you going to  
10 have? Are you going to have traffic controlled devices at  
11 that intersection at the entrance to this project? I just  
12 think that there's safety, serious safety concerns about  
13 that could potentially create some serious safety issues,  
14 if this goes through as planned.

15 That's, as I said, those are some specific  
16 concerns, but generally I think it's over the top for this  
17 area. Nice hotel, I agree, we do need it. And I don't  
18 think people would have a major, major objection to that.  
19 Even a conference center I think it's a good idea for this  
20 area, but the rest of it I think is too much. Thank you.

21 CHAIRMAN TOLMACH: Thank you. Anyone else?  
22 Would anybody else like to speak? Would the esteemed  
23 supervisor like to come and say something?

24 SUPERVISOR FLEMING: Sure. I actually just came  
25 to observe but --

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1 CHAIRMAN TOLMACH: Sorry to put you on the spot.

2 SUPERVISOR FLEMING: No, no, that's okay, that's  
3 okay. We have had multiple presentations by Peder Scott  
4 and his group at Town Board meetings. And I know that they  
5 have been working very closely with the Planning Board on  
6 this project.

7 One of the things certainly that has always been  
8 talked about in this Town is that we have no business. We  
9 have no industry. We have no commercial development.

10 And here we are about to bring this amazing  
11 project in, which will be, will lift a tax burden off the  
12 residents of this Town. So I am surprised to hear  
13 opposition to it.

14 I think the location for this property is, you  
15 know, is optimum because it really doesn't impact a lot of  
16 residential and I think that --

17 CHAIRMAN TOLMACH: It's right near my house.

18 SUPERVISOR FLEMING: You can always stay in the  
19 hotels. And I do believe that certainly, you know, they  
20 have listened to us just in the beginning of the design  
21 with, you know, putting in screening and talking about  
22 making the truck stop not intrusive and blending into the  
23 character of the Town of Kent, which I think is wonderful  
24 for people not to just come in and be, you know,  
25 blockbuster and this is how we're doing it.

1           So I'm hoping that, you know, this project moves  
2 forward because, like I said, especially since we just  
3 recently had another commercial property taken off the tax  
4 rolls in the Town of Kent on Tuesday, I think that we need,  
5 we need to advance all of the development that we can,  
6 which doesn't negatively impact the rural character of our  
7 Town, but still is a benefit to all residents. Thank you.

8           CHAIRMAN TOLMACH: Thank you, Maureen. Is there  
9 anybody else who would like to speak?

10           MS. SUSAN KOTZUR: Susan Kotzur, Kent resident.  
11 I really just have a question. I'll sign in in a second.  
12 It says 54-acre mine excavated, graded area at  
13 approximately 140 feet below the existing grade for a mixed  
14 use commercial development. Will people be driving down  
15 into it like --

16           CHAIRMAN TOLMACH: And never coming back.

17           MS. SUSAN KOTZUR: Pardon?

18           CHAIRMAN TOLMACH: No. That's for excavation  
19 where to put the hotels.

20           MS. SUSAN KOTZUR: Okay. Thank you.

21           CHAIRMAN TOLMACH: Thank you, Sue. Last chance,  
22 anybody else?

23           (Whereupon, there was no response from the  
24 public.)

25           CHAIRMAN TOLMACH: Can I get a motion to close

1 the Public meeting?

2 MS. ELIZABETH T. AXELSON: Just make your motion  
3 to close the public scoping session.

4 CHAIRMAN TOLMACH: Right. Can I get a motion to  
5 close the public scoping session?

6 BOARD MEMBER GATTUCCI: I'll make the motion.

7 CHAIRMAN TOLMACH: Second?

8 BOARD MEMBER WILHELM: I'll second.

9 CHAIRMAN TOLMACH: All in favor? Aye.

10 BOARD MEMBER CAREY: Aye.

11 BOARD MEMBER GATTUCCI: Aye.

12 VICE CHAIRMAN LOWES: Aye.

13 BOARD MEMBER WILHELM: Aye.

14 BOARD MEMBER SISTO: Aye.

15 CHAIRMAN TOLMACH: The session is closed. Where  
16 are we now, Liz?

17 MS. ELIZABETH T. AXELSON: Really, that's it for  
18 now. We will see what kind of written comments come in by  
19 June 6th and then work on revising the scoping outline and  
20 bring it to a Planning Board meeting as soon as possible  
21 and hopefully the Planning Board will have reviewed the  
22 hefty scoping outline that's been produced and be ready to  
23 adopt it at some point.

24 CHAIRMAN TOLMACH: We have to close this meeting,  
25 Liz?

1 MS. ELIZABETH T. AXELSON: You can adjourn the  
2 meeting. If there's no other business, you can close the  
3 public scoping session.

4 CHAIRMAN TOLMACH: Can I get a motion to adjourn  
5 the --

6 MS. ELIZABETH T. AXELSON: Wait, wait, wait.

7 MR. MICHAEL CARUSO: We thought it might be  
8 worth --

9 CHAIRMAN TOLMACH: Please.

10 MR. MICHAEL CARUSO: I've been waiting so long.  
11 Michael Caruso, 3871 Danbury Road, the attorney for the  
12 applicant. Good evening, everybody.

13 Before the Board moves forward, I just want to  
14 outline one legal issue that we are going to be  
15 undertaking. As one of the members of the public  
16 indicated, there were concerns about height, visual impact,  
17 character of the community.

18 One thing that we need to initiate on the  
19 applicant side is an application to the Town Board for a  
20 zoning amendment as it relates to the height of the  
21 buildings that the two hotels proposed. And the reason why  
22 is relating to the design criteria that the operators and  
23 the franchisors, in part on us as the operators. Forgive  
24 me for the grammar there.

25 So I think, and Peder can talk about, you know,

1 the progression of his renderings. I think he wanted to go  
2 through site alternates as well just right on my heels.  
3 But we just wanted to convey to the Board that critical to  
4 this site is building the features in, you know, out of the  
5 immediate viewshed of 52, down towards 84 with the hotels.

6 And we hope, I think that the Town Board, I  
7 trust, will understand that the number of height, you know,  
8 the height of the buildings may increase, but we're trying  
9 to offset that as much as possible by locating at a lower  
10 elevation.

11 CHAIRMAN TOLMACH: What do you mean the height of  
12 the buildings may increase. You told us one hotel would be  
13 two stories and the other four stories.

14 MR. MICHAEL CARUSO: We think that the maximum we  
15 would need, correct me if I'm wrong, Peder, is four stories  
16 where the Marquis constituting the fifth, and that would  
17 only be one of the hotels, potentially. So we just don't  
18 want to trip over our own feet and underestimate it.

19 We're not certain that that particular hotel  
20 chain will be the suitor. But in any event, we think that  
21 the viewshed distance and the drop in elevation will more  
22 than mitigate any change or any amendment we're seeking of  
23 the height. That's our goal, hopefully, to keep the impact  
24 off 52 to a minimum.

25 CHAIRMAN TOLMACH: And you realize the fire

1 trucks you'll need for those higher buildings --

2 MR. MICHAEL CARUSO: Correct.

3 CHAIRMAN TOLMACH: -- will be more expensive.

4 MR. MICHAEL CARUSO: So I hear. No. There's  
5 certainly that understanding, the fire apparatus and  
6 emergency service and personnel will have to safely get  
7 there and respond. So we have to undertake a real serious  
8 study of that, of course.

9 BOARD MEMBER GATTUCCI: Are we still planning on  
10 seeing the elevations?

11 MR. MICHAEL CARUSO: Yes, yes. Peder speak to  
12 that in terms of the amount of cut, you know, that's done  
13 on the site as we discussed previously with the Board. I  
14 think that will still be more than adequate for what we  
15 have in mind.

16 MS. ELIZABETH T. AXELSON: If I may, Peder.

17 MR. PEDER SCOTT: Please.

18 MS. ELIZABETH T. AXELSON: I need to speak to the  
19 Board about the SEQRA process. I guess, I know that in the  
20 workshop session we had a discussion about the height issue  
21 and kind of weighed the options of doing a zoning change  
22 which would effect all of the IOC zoning districts in the  
23 Town versus height variance to the ZBA.

24 And I had understood, and I think the rest of the  
25 review team has understood, and the Board, that the



1 applicant was to proceed -- that the proposed action would  
2 be a variance before the Zoning Board of Appeals.

3 And the whole idea was that the difference in the  
4 review process, and particularly the SEQRA process, of  
5 going to the Zoning Board of Appeals for a height variance  
6 is a simpler process.

7 But to actually change the  
8 industrial-office-complex zoning district to allow an  
9 increased height would mean that any property in the  
10 industrial-office-complex commercial zoning district would  
11 have to be examined for that change in height. And I  
12 didn't understand that that was the way you wanted to  
13 proceed. That changes the scoping outline immediately.

14 So I'm very surprised to have this come up at  
15 this juncture. And I would rewrite a portion of the scope  
16 to do some kind of a generic analysis if it's going to be a  
17 zoning amendment versus the zone -- versus a variance  
18 before the Zoning Board of Appeals. So this is -- and I  
19 think that the Board should -- I think what we're going to  
20 have to do is revise the scope --

21 CHAIRMAN TOLMACH: Absolutely.

22 MS. ELIZABETH T. AXELSON: -- and I think we have  
23 to hold another scoping session. This is a project change.  
24 Because it effects IOC Zoning Districts throughout the  
25 Town.

1           So I'm hoping that this is just an oversight and  
2           that we're sticking to the variances, the zoning variances  
3           before the Zoning Board of Appeals. Because I don't know  
4           that the applicant representatives want to undertake a  
5           generic Environmental Impact Statement analysis.

6           BOARD MEMBER WILHELM: Mr. Caruso, can you just  
7           speak to that?

8           MS. ELIZABETH T. AXELSON: So let's just get  
9           clear on that.

10          MR. MICHAEL CARUSO: I just want to be clear, as  
11          I was talking with Mr. Scott, some of the operators and  
12          some of the brands, if you will, that require certain site  
13          elements to be incorporated into their plans that we have  
14          to adhere to to build this site, the way they have in their  
15          models, their economic models, don't call for variances.

16          And they warn us a little bit, if you will,  
17          against them only due to the fact that there is a little  
18          less permanence to that form of approval.

19          So number one is that. Number two is, we're not  
20          looking for a whole scale amendment to the IOC District.  
21          In this instance, it would be to rewrite one of the  
22          exception use criteria to make it a special use permit  
23          component, not to the entire district.

24          So it would be permissive. I don't think it  
25          would at all change the scope or the scoping outline. It

1 will still be tailored to this specific use and others  
2 similarly. We're not asking that the Town Board rewrite  
3 the IOC regs completely across the board. That would be a  
4 much different scope. So --

5 MR. PEDER SCOTT: Right.

6 MR. MICHAEL CARUSO: -- if that helps.

7 CHAIRMAN TOLMACH: So, go ahead.

8 BOARD MEMBER GATTUCCI: Go ahead.

9 MS. ELIZABETH T. AXELSON: Well, I might as well  
10 stay up here. I'm not sure -- I have two questions. One,  
11 first of all, an area variance typically runs with the  
12 land.

13 MR. MICHAEL CARUSO: It does, of course.

14 MS. ELIZABETH T. AXELSON: So it's not a  
15 temporary or impermanent thing. It runs with the land.  
16 And I can't possibly recommend to only look at this  
17 property if it's a zoning amendment because that zoning  
18 amendment could apply to anybody.

19 There is no reason to limit. If there is going  
20 to be a zoning amendment, the next person that comes for an  
21 IOC, a special permit or site plan, would have the  
22 availability of that height variance. And that effects a  
23 number of things, you know, beyond visual and esthetic.

24 I guess I had felt that the advantage of  
25 considering a height increase was that that would assist in

1 keeping building footprints smaller as opposed to spreading  
2 out to try to stick to the height that's permitted. And  
3 that I understood. And that's why we had discussed a use  
4 -- sorry, an area variance for height.

5 But if this would be a height that could be  
6 allowed, it could effect visual and community character in  
7 any parcel in the industrial-office-commercial district as  
8 well.

9 There's the issue with the fire department that  
10 was just raised tonight. So I would like, I would like you  
11 to reconsider whether -- I'm not sure I understand the  
12 issue with having an individual area variance.

13 So if you guys can address what the issue is that  
14 has changed your mind -- this is a pretty major project  
15 change. So I'm trying to put on the record what the issues  
16 might be. If you can just help us understand what is the  
17 problem with the area variance.

18 CHAIRMAN TOLMACH: Would it be better to make the  
19 buildings fatter and not as tall?

20 MR. MICHAEL CARUSO: Well, again, you have to  
21 look at -- semantics are important here. It's not just  
22 pure semantics. Asking the Town Board versus the Zoning  
23 Board. Let's treat the Town Board first. What we're  
24 asking, presumably, to the Town Board is in the process of  
25 amending a portion of its special use regulations as

1 applied to IOC, we're not asking to change in the entire  
2 code. We're not asking to create necessarily a precedent.

3 What we are asking them at the Town Board level  
4 is to use their comprehensive plan, look at the way their  
5 laws are written and the development patterns of the Town  
6 and exam each application at the Town Board special permit  
7 level. That to us makes more sense because you are not  
8 instituting a whole scale change.

9 Secondly, as indicated, if the economic drivers  
10 and the business contacts that have spoken to us prefer  
11 that route -- and again, from our vantage point going to a  
12 Zoning Board and arguing that, for example, for an area  
13 variance, arguing that we don't have a self-created  
14 hardship is a lot tougher than going to the Town Board and  
15 saying here's the reasons why your IOC District on a  
16 special permit amendment would benefit and other people  
17 maybe able to present the same, you know, intended plans  
18 versus coming forward and asking Zoning Board's for relief  
19 constantly and just engage in precedent setting.

20 MR. PEDER SCOTT: If I might add?

21 CHAIRMAN TOLMACH: Come to the microphone, Peder.

22 MR. PEDER SCOTT: So in conversations we have to  
23 create an as-of-right zoning district to attract the  
24 tenants that we need for the hotels. They directly require  
25 us to have an as-of-right height requirement to allow the

1 structures. At this point in time, I guess because we're  
2 in scoping discussion, I guess the alternatives could be  
3 discussed in the scoping document --

4 CHAIRMAN TOLMACH: I don't understand why you  
5 didn't know this two weeks ago or a month ago.

6 MR. PEDER SCOTT: Well, we tried to pursue the  
7 variance alternative and it was not being well received.  
8 And so the option we pursued with, is we get an option for  
9 a variance could be discussed in this document or amendment  
10 on the special permit to allow the certain heights of  
11 buildings.

12 And in a special permit avenue, we can add  
13 special conditions; size of lots could be applied to that;  
14 locations of the lot; many items which could pretty much  
15 focus the global impacts of such a modification to the  
16 zoning. Again, we're in -- this is a scoping discussion  
17 and we wanted to bring it up at this point in time.

18 CHAIRMAN TOLMACH: Right, Peder. Liz, is there  
19 any reason why they shouldn't do that or we shouldn't allow  
20 them to do that?

21 MS. ELIZABETH T. AXELSON: I guess here's my  
22 concern. The entire scoping outline that we've been  
23 discussing and reviewing all along has very specifically  
24 described an action --

25 CHAIRMAN TOLMACH: So we would have to start all

1 over again?

2 MS. ELIZABETH T. AXELSON: Well, I think -- I  
3 don't know if we would have to start all over again. But  
4 the thing is, we don't even have a local law proposed at  
5 this time. So we don't -- part of the proposed action now  
6 is a petition for a zoning amendment. So we don't even  
7 have that piece right now. So we don't even know what the  
8 zoning instrument is going to be at this point.

9 I don't know if, you know, I've heard a couple  
10 things and they sound interesting. But I don't know how we  
11 can move forward on this without having the zoning  
12 amendment in the description of action.

13 I mean doing this as an alternative, that still  
14 compels the Board, in my opinion, to have to do some kind  
15 of a generic look at how, whatever zoning petition might be  
16 brought, would affect other land in the IOC.

17 And then the other concern, of course, which I  
18 would like to discuss with the Planning Board's attorney is  
19 if a petition for a zoning amendment is constructed so  
20 specifically as to apply only to one lot, the concern would  
21 be does that look like spot zoning.

22 So I would want to be able to at least look at a  
23 proposed zoning amendment and be able to have the Planning  
24 Board have some dialogue with the applicant about the  
25 implications.

1 CHAIRMAN TOLMACH: So if the applicant wants to  
2 continue the way they say, we need to adjourn what we're  
3 doing because --

4 MS. ELIZABETH T. AXELSON: Yeah. I feel like --

5 CHAIRMAN TOLMACH: -- we're wasting our time.

6 MS. ELIZABETH T. AXELSON: I feel like we  
7 shouldn't close the scoping session yet because this is --  
8 I mean could it be added to the scope in some way, yes.  
9 I'm not saying we have to start all over again, but I would  
10 at least like to know what we're talking about.

11 CHAIRMAN TOLMACH: Right, absolutely.

12 MS. ELIZABETH T. AXELSON: And I understand that  
13 whatever process the applicant's folks have gone through,  
14 whatever change you're dealing with, have some concern --  
15 I've never heard of this before, but they have some concern  
16 about a variance versus --

17 MR. PEDER SCOTT: Yes.

18 MS. ELIZABETH T. AXELSON: -- you know. So, so I  
19 would like to have some kind of a draft petition so we can  
20 at least discuss that with the Board.

21 BOARD MEMBER WILHELM: We can still keep moving  
22 forward on some of it. We can't finalize it until they  
23 actually have a determination of the height that they are  
24 trying to do with the building.

25 MS. ELIZABETH T. AXELSON: Right.



1 BOARD MEMBER WILHELM: The EIS can't be  
2 completed.

3 CHAIRMAN TOLMACH: Right.

4 MS. ELIZABETH T. AXELSON: Well, we cant' really  
5 adopt the scoping outline until we know --

6 BOARD MEMBER WILHELM: Well, the public can still  
7 comment, if we're looking at the four-story building and  
8 they still have two weeks to comment on that. So as long  
9 as that's addressed, that should suffice for the public  
10 side.

11 MS. ELIZABETH T. AXELSON: Yes. And then I  
12 guess --

13 BOARD MEMBER WILHELM: And then it's up to going  
14 to the Town Board to petition whatever you're trying to  
15 request and really, it's not really on us. So it just  
16 stops until they come forward with whatever they are  
17 proposing.

18 CHAIRMAN TOLMACH: Right.

19 MS. ELIZABETH T. AXELSON: I agree that it is  
20 partly in the Town Board's seat, but you're the Planning  
21 Board. And a zoning referral is going to come to you and  
22 you're going to have to make a recommendation on it.

23 But the other thing is that the Planning Board  
24 has decided to be lead agency. That 30-day time period has  
25 more than passed. That puts you in the seat of considering

1 all of the environmental impacts of the proposed action and  
2 the proposed action is changing. It's not unheard of, of  
3 course.

4 I guess what I would suggest to the Board is  
5 maybe what should happen is have you redo your close the  
6 scoping session based on the proposed action described in  
7 the scoping outline with the possibility of reopening the  
8 public scoping session as needed. That would be my  
9 suggestion for now.

10 Again, I'm kind of doing this on the fly. We  
11 don't have an attorney here. But those are my thoughts on  
12 that. I understand that you may need some flexibility, but  
13 again, we haven't seen the instrument so it's a little bit  
14 of a surprise.

15 CHAIRMAN TOLMACH: We need to make a motion about  
16 that?

17 MS. ELIZABETH T. AXELSON: I would suggest that  
18 you make -- amend your motion --

19 CHAIRMAN TOLMACH: Right.

20 MS. ELIZABETH T. AXELSON: -- to close the public  
21 scoping session based on the project described in the  
22 scoping document revised May 16, 2019 with the option of  
23 holding another public scoping session as the Board sees  
24 fit, depending on how the proposed action may change.

25 CHAIRMAN TOLMACH: Okay. You have a question?

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BOARD MEMBER GATTUCCI: I have a question for Liz.

CHAIRMAN TOLMACH: Please.

BOARD MEMBER GATTUCCI: At this point in time, when you're accepting the scoping document for the truck stop, does that mean that that's how the project is going to go through as a truck stop, and things that go with it or could that be changed?

Because I know you said there's going to be an alternative to the truck stop. From the beginning we thought you said there was going to be an alternative to this truck stop.

I can't believe there's only four people in this Town that object to this truck stop. The rest of the project looks nice. But the truck stop, a lot of people -- I know there is more than four people.

And we expected people, you know, at the doors with sandwich boards, and rah rah shish kum ba, like stuff pledged out there, and we don't have any of that. So I feel that the wool has been pulled over the public's eyes. And we need more time for the public to know that there's going to be a truck stop going in the Town.

CHAIRMAN TOLMACH: We can leave the public hearing open?

MS. ELIZABETH T. AXELSON: We could leave the

1 public scoping session open for now. I guess what would  
2 happen if we do it that way would be to reset a public  
3 scoping session at your next regular meeting to consider  
4 setting a new public scoping session date. And I'm doing  
5 all of this verbally so.

6 CHAIRMAN TOLMACH: Yes, I think that's a good  
7 idea.

8 MS. ELIZABETH T. AXELSON: So I'm glad we have a  
9 Court Stenographer here.

10 CHAIRMAN TOLMACH: There was enough talk before  
11 about people in the Town not hearing about this.

12 MS. ELIZABETH T. AXELSON: Well, I know that we  
13 did all of the normal publication. We weren't able to put  
14 this on the Town's website because there is some  
15 transition. So in the future, I may have a notice with a  
16 link to the CPL website.

17 CHAIRMAN TOLMACH: One second, Liz. Maureen, did  
18 you want to say something?

19 SUPERVISOR FLEMING: Yeah. I really don't  
20 appreciate the comment that the truck stop was pulled over  
21 the public's eye. Because this project, like I said, has  
22 been presented at multiple Town Board meetings. And the  
23 truck stop was always a part of the project. The truck  
24 stop is not an addition to the project that's just come up  
25 this evening.

1           So you may not be in favor of a truck stop, but  
2           to say that there has been wool pulled over the public's  
3           eyes when -- let me finish -- when at Town Board meetings,  
4           which are televised live and which we have people, and  
5           which we advertise in the newspaper and which we send out  
6           agendas and which we publish backup documents.

7           So the public is aware. The fact that maybe  
8           there are four people here who are speaking on this matter  
9           is not inconsistent with public hearings in general. And  
10          so I think it's just a mischaracterization of what this  
11          project might be.

12          Now, you may want to work with the developer on  
13          the idea of a truck stop. You might want to make other  
14          requirements. But to say that this has suddenly popped up  
15          and the public was not aware of it, I mean, I'm aware of  
16          people talking about this. I've spoken to a number of  
17          people that have called my office --

18                 BOARD MEMBER WILHELM: Maureen, this has been a  
19          topic of ours for the entire year. So this --

20                 SUPERVISOR FLEMING: Excuse me?

21                 BOARD MEMBER WILHELM: It's been a topic of ours  
22          for an entire year.

23                 SUPERVISOR FLEMING: Yeah, it's not new. I mean  
24          people watch our meetings on TV. People understand that a  
25          truck stop is part of it. So I just really didn't care for

1 the mischaracterization.

2 CHAIRMAN TOLMACH: I think we were just concerned  
3 that more people in the Town of Kent should be concerned  
4 about this. That's all.

5 SUPERVISOR FLEMING: Well, I mean I think that  
6 not everybody shares the opinion that, you know --

7 CHAIRMAN TOLMACH: It's not necessarily that they  
8 want or don't want the truck stop. But they should be  
9 aware of what is going on in the Town.

10 SUPERVISOR FLEMING: And we have always been  
11 transparent.

12 CHAIRMAN TOLMACH: Right, and we try to do that.

13 BOARD MEMBER WILHELM: Can you comment on the  
14 zoning amendment that they are talking about?

15 SUPERVISOR FLEMING: I would not until I've  
16 spoken to our attorney --

17 BOARD MEMBER WILHELM: Okay.

18 SUPERVISOR FLEMING: -- about the procedural with  
19 this. Because, as I said, I'm an attorney, but I'm --

20 CHAIRMAN TOLMACH: Well, you're the next step.

21 BOARD MEMBER WILHELM: Yes.

22 SUPERVISOR FLEMING: Thank you.

23 CHAIRMAN TOLMACH: Thank you, Maureen.

24 MS. ELIZABETH T. AXELSON: All right. So I was  
25 just conferring with Bruce. I think we should reopen the

1 scoping session, request that the applicant provide --

2 CHAIRMAN TOLMACH: We haven't closed it yet, have  
3 we? We did close it.

4 BOARD MEMBER CAREY: Yeah, the public one you did  
5 close.

6 MS. ELIZABETH T. AXELSON: I think you did close  
7 the public scoping session.

8 BOARD MEMBER CAREY: We did close the public one.

9 BOARD MEMBER SISTO: We closed the scoping  
10 session. We should be talking to the lawyer before we go  
11 ahead --

12 MS. ELIZABETH T. AXELSON: So reopen it.

13 BOARD MEMBER WILHELM: I don't think --

14 MS. ELIZABETH T. AXELSON: Let's request --

15 BOARD MEMBER SISTO: -- hotel came and asked a  
16 question about this stuff and then they didn't say anything  
17 about this --

18 MS. ELIZABETH T. AXELSON: -- an addendum to the  
19 draft scope being provided.

20 CHAIRMAN TOLMACH: Just a second. Charlie,  
21 Charlie, you don't think we should do this?

22 BOARD MEMBER SISTO: I think we should --

23 CHAIRMAN TOLMACH: Speak into the microphone.

24 BOARD MEMBER SISTO: I think we should take  
25 advice under Counsel. We should bring this in front of

1 Counsel before we go ahead with anything. That's my  
2 opinion.

3 BOARD MEMBER WILHELM: I think we should leave  
4 the public session closed. That's my personal opinion on  
5 it. And it's just the zoning amendment that's going to be  
6 presented. The Town Board just doesn't stop us in any way.

7 MS. ELIZABETH T. AXELSON: I'm concerned about a  
8 procedural defect in the process. And the Board has  
9 certainly put a lot of time into, you know, reviewing  
10 concepts with the applicant's folks, making  
11 recommendations, going over the scoping outline, preparing  
12 for this, trying to move it along as fast as they could.

13 And I feel that at this point we need more  
14 information from them about the zoning proposal. And I  
15 think there is nothing wrong with reopening the scoping  
16 session until such time as we have an addendum to the draft  
17 scope so that the Board can discuss, okay, how do we fold  
18 this concept into the scoping outline. And then adding --

19 CHAIRMAN TOLMACH: Keeping it open won't prevent  
20 us from, you know, from dealing with whatever the lawyer  
21 tells us in the future?

22 MS. ELIZABETH T. AXELSON: Right. I mean I would  
23 definitely like to seek Jeff Battistoni about this concern.  
24 Again, not that the Planning Board and the Town can't be  
25 flexible in regards to what kind of zoning, how the zoning



1 is handled in regards to this project. That's not the  
2 concern.

3 I just want to make sure that the Planning Board  
4 as lead agency, is doing their procedure properly, not  
5 leaving themselves open to any challenges that could slow  
6 the project down in the long run. I don't think anybody  
7 wants that.

8 CHAIRMAN TOLMACH: Couldn't we reopen the scoping  
9 session at our next meeting anyway?

10 MS. ELIZABETH T. AXELSON: I would suggest that  
11 you make a motion to reopen it now, to be continued at a  
12 later date. And the Board can set that date once we have  
13 an addendum to the draft scope.

14 And we will look at it as quickly as we receive  
15 it. And make revisions as quickly as we can and at a  
16 regular meeting set another scoping session date.

17 BOARD MEMBER CAREY: So what you're saying is we  
18 open to the public --

19 MS. ELIZABETH T. AXELSON: Reopen it.

20 BOARD MEMBER CAREY: Reopen it.

21 MS. ELIZABETH T. AXELSON: The public scoping  
22 session.

23 BOARD MEMBER CAREY: And then address it again at  
24 our next meeting.

25 MS. ELIZABETH T. AXELSON: Right. And then set a

1 date for the continuation of the public scoping session at  
2 your next regular meeting. And also ask that the applicant  
3 provide an addendum to the draft scope.

4 CHAIRMAN TOLMACH: Can I get a motion to --

5 BOARD MEMBER WILHELM: Wait, before we do that,  
6 we should ask the applicant if they are okay with this  
7 because --

8 MR. MICHAEL CARUSO: I got to give credit to  
9 Mr. Scott and Mr. Cleary on this one. I just want to be  
10 very clear about this.

11 In the process of scoping the mechanism legally  
12 by which the applicant asks either the Town Board or Zoning  
13 Board for an increase in height or stories and the way to  
14 do that, as in 70 feet maximum height and/or five stories.  
15 The language is very simple. The amendment will be very  
16 simple.

17 The mechanism that we use to do that, zoning  
18 versus Town Board has no impact on SEQRA and scope.  
19 Environmental scope doesn't change. We already brought  
20 that issue out. It's in the outline.

21 We're certainly amenable to the Board reopening.  
22 We're also amenable to the Board discussing as an  
23 alternative the fact that we, perhaps the principle way to  
24 achieve this might be by Zoning Board application and the  
25 alternative might be to the Town Board. I think that kind

1 of satisfies the concerns.

2 BOARD MEMBER WILHELM: I would accept that  
3 because we want to keep this project moving forward.

4 BOARD MEMBER CAREY: So we still need to seek  
5 legal Counsel to see what we're going to do with this.

6 CHAIRMAN TOLMACH: Right.

7 BOARD MEMBER WILHELM: But that shouldn't change  
8 our scoping outline more than adding the alternative --

9 BOARD MEMBER CAREY: But I don't see why leaving  
10 the public one open and then addressing it at the next  
11 meeting would make or break. I think we should --

12 BOARD MEMBER WILHELM: I think what they are  
13 asking for is to open it back up, then have another special  
14 meeting.

15 BOARD MEMBER CAREY: Yeah, reopen the public one  
16 and we will address it at the next meeting.

17 BOARD MEMBER WILHELM: No. They would want to  
18 open up another meeting after that. Next meeting would be  
19 for adding another, a special meeting.

20 BOARD MEMBER CAREY: As of right now, we are  
21 doing the scoping reference, that document that's there,  
22 they are amending this, right?

23 BOARD MEMBER WILHELM: Right.

24 BOARD MEMBER SISTO: I'll make that motion.

25 CHAIRMAN TOLMACH: Can I get a second?

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1 BOARD MEMBER CAREY: Which motion are we making?

2 BOARD MEMBER SISTO: The scoping session --

3 MS. ELIZABETH T. AXELSON: What are you, I just  
4 want to be clear, what are you guys voting on right now?

5 CHAIRMAN TOLMACH: What are we voting on?

6 (Whereupon, some Board Members confer.)

7 MS. ELIZABETH T. AXELSON: Okay, just let me  
8 review a little bit, get this on the record, okay. So our  
9 understanding is that the proposed action involves a  
10 variance, an area variance, from the Zoning Board of  
11 Appeals for height. That is how we've been proceeding.

12 I believe what I'm hearing, and maybe I'm wrong  
13 here, are two possibilities. One is that there is a desire  
14 that the area variance for height isn't sufficient for  
15 whoever is going to be constructing and managing hotels or  
16 whatever. And so the desire is to have a zoning amendment,  
17 that that is the preferred option, that the variance is no  
18 longer preferred.

19 So there is kind of two options on the table.  
20 And the third one is we proceed as if it's an area variance  
21 for height with an alternative for a zoning amendment.

22 I just feel very uncomfortable that we don't  
23 really know right now what the proposed action is. We know  
24 what may ultimately be developed here. I think we have a  
25 good sense of that. But how we get there and what needs to

1 be examined under SEQRA is kind of in flux right now.

2 I don't see the problem with the Board holding  
3 the public scoping session open. We get comments for two  
4 weeks. Maybe we have an addenda, maybe we have a chance to  
5 discuss it at the next regular meeting, if we have such  
6 materials in time.

7 And then get to the point where the Board can  
8 decide what do we need to do with this as a proposed  
9 action. And then determine whether we need to set another  
10 public scoping session or not.

11 So I would still like you to reopen the public  
12 scoping session, request that the applicant provide an  
13 addendum to the draft scope to address how they would like  
14 to handle this petition for a zoning amendment.

15 The Planning Board will discuss it as soon as  
16 they have it in their hands and take it up at the next  
17 available regular Planning Board meeting to determine what  
18 we need to do with the scope next, which may or may not  
19 involve a public scoping session.

20 CHAIRMAN TOLMACH: So what exactly should we vote  
21 on?

22 BOARD MEMBER WILHELM: Keep the public scoping  
23 session open.

24 MS. ELIZABETH T. AXELSON: So vote to reopen the  
25 public scoping session.

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1 CHAIRMAN TOLMACH: That's it?

2 MS. ELIZABETH T. AXELSON: Yeah, do that.

3 CHAIRMAN TOLMACH: Can I have a motion?

4 BOARD MEMBER SISTO: I'll make that motion.

5 CHAIRMAN TOLMACH: Do I have a second?

6 BOARD MEMBER CAREY: I'll second that.

7 CHAIRMAN TOLMACH: All in favor? Aye.

8 BOARD MEMBER CAREY: Aye.

9 BOARD MEMBER GATTUCCI: Aye.

10 VICE CHAIRMAN LOWES: Aye.

11 BOARD MEMBER WILHELM: Aye.

12 BOARD MEMBER SISTO: Aye.

13 MS. ELIZABETH T. AXELSON: Okay. I think  
14 that's -- I don't know --

15 CHAIRMAN TOLMACH: Do you have anything else to  
16 add?

17 MS. ELIZABETH T. AXELSON: Do you guys want to  
18 discuss?

19 MR. PEDER SCOTT: I appreciate -- we would  
20 appreciate that consideration from the Planning Board  
21 because we want to look into the alternatives as well.

22 We just got an amended alternative list, and we  
23 would like to respond to that in writing, if we could.  
24 That's the only items we're looking at. And again, this  
25 could be addressed as an alternative. We would appreciate

1 that time.

2 CHAIRMAN TOLMACH: Thank you, Peder. So could I  
3 get a motion to close the meeting?

4 BOARD MEMBER WILHELM: I make a motion to close  
5 the meeting.

6 CHAIRMAN TOLMACH: Can I get a second?

7 BOARD MEMBER CAREY: I second.

8 CHAIRMAN TOLMACH: Thank you.

9 (Whereupon, the public scoping session was  
10 concluded.)

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#### C E R T I F I C A T I O N

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Certified to be a true and accurate transcript  
of the stenographic minutes of proceedings taken by the  
undersigned, to the best of her ability.

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*Barbara Marciante*

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Barbara Marciante,  
Official Court Reporter

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