

Town of Kent Planning Board
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**RESOLUTION 12
APPROVAL OF TRANSCRIPT OF
ROUTE 52 COUNTRY SQUARE LLC
SCOPING SESSION
JULY 11, 2018**

Date: August 8, 2019

From: The Kent Planning Board

Re: Route 52 Kent Country Square LLC Scoping Session Transcript
TM: 12.-1-52

Resolved on August 8, 2019 the Kent Planning Board reviewed a Transcript of the Scoping Session for the above mentioned property which was held on July 11, 2019.

In attendance were the following Planning Board members:

Phil Tolmach, Chairman
Charles Sisto
Dennis Lowes

Dennis Lowes, Vice Chairman
Stephen Wilhelm

Others in Attendance:

Liz Axelson, Planner
Bruce Barber, Environmental Consultant

Julie Mangarillo, Engineer
Bill Walters, Kent Building Inspector

Absent:

Simon Carey
Giancarlo Gattucci
Nisim Sachakov

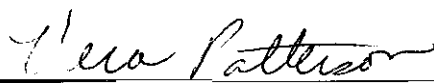
Mr. Tolmach asked for a motion to approve and accept this transcript. The motion was made by Mr. Wilhelm and seconded by Mr. Lowes. Following were the roll call votes:

Phillip Tolmach, Chairman	<u>Aye</u>
Simon Carey	<u>Absent</u>
Giancarlo Gattucci	<u>Absent</u>
Dennis Lowes	<u>Aye</u>
Nisim Sachakov	<u>Absent</u>
Stephen Wilhelm	<u>Aye</u>

The motion carried.

I, Vera Patterson, Planning Board Secretary of the Town of Kent, County of Putnam, State of New York, does certify that the foregoing and attached Transcript is a true excerpt from material discussed at the Planning Board meeting held on August 8, 2019.

Dated: August 8, 2019



Vera Patterson
Planning Board Secretary

TOWN OF KENT
PLANNING BOARD

-----X
1. ITEMS FOR SEQRA PUBLIC SCOPING SESSION

(A) Route 52 Development Special Permit, Site
Plan and Erosion Control Plan.

-----X
Kent Town Hall
25 Sybil's Crossing
Kent, New York 10512

July 11, 2019
7:30 p.m.

BEFORE:

PHILLIP TOLMACH, Chairman
DENNIS LOWES, Vice Chairman
STEPHEN WILHELM, Board Member
GIANCARLO GATTUCCI, Board Member
SIMON CAREY, Board Member
CHARLES SISTO, Board Member (Not present)
NISIM SACHAKOV, Board Member (Not present)

ALSO PRESENT:

VERA PATTERSON, Secretary

CYNTHIA WHITE, R.P.R.,
Official Senior Court Reporter

ROUTE 52 DEVELOPMENT-TM: 12.-1-52

1 CHAIRMAN TOLMACH: Next, Route 52 Development
2 Corp.

3 Liz, do you want to speak first?

4 MS. AXELSON: Yes.

5 CHAIRMAN TOLMACH: I have to open the scoping
6 session first. I should open the scoping session.

7 MS. AXELSON: Hang on. I'll jump up.

8 CHAIRMAN TOLMACH: Can I get a motion to reopen
9 the scoping session?

10 MR. WILHELM: I'll make that motion.

11 CHAIRMAN TOLMACH: A second?

12 MR. GATTUCCI: I'll second that.

13 CHAIRMAN TOLMACH: All in favor? Aye.

14 MR. GATTUCCI: Aye.

15 MR. CAREY: Aye.

16 MR. LOWES: Aye.

17 MR. WILHELM: Aye.

18 MS. AXELSON: So this is going to be the
19 continuation of a public scoping session.

20 What's happened since the last scoping session is
21 that Julie and Bruce and I conferred about the scoping
22 outline.

23 We looked at the transcript, we looked at public
24 comments that came in, and worked closely to try to
25 incorporate all of the public scoping comments that came

1 in. And also I made a number of revisions to the scoping
2 outline to provide for the forthcoming zoning petition. I
3 know that we have gotten a draft of that so at least we
4 have a clue.

5 But before I had prepared the draft revised
6 scoping outline dated July 2, 2019. I had already made
7 provision for the forthcoming zoning petition based on what
8 we knew at the time and based on what we knew from the
9 scoping sessions.

10 What I'm suggesting tonight as a sort of order of
11 how to do things, I'd like to just walk you through a
12 resolution that I prepared for the Board's consideration in
13 consultation with Julie and Bruce.

14 Also, this draft resolution has been examined by
15 the Planning Board's attorney, Jeffrey Battistoni, and we
16 discussed the process and how it's possible tonight most
17 likely if the Board is in agreement, to be able to hold the
18 public scoping session, hear any further comments, and then
19 possibly to close the public scoping session and possibly
20 to consider this resolution.

21 Just for the record, I want to just do a quick
22 walk-through why are we doing a new resolution at this
23 time. This resolution is intended and you'll do this at
24 the end, but I would like to do the walk-through now so
25 that way if you have any questions before you determine

1 whether to take action.

2 So this resolution basically walks back through
3 the process that was done, walks you through to, let's see,
4 all of the meetings that you've discussed this project over
5 the course of I think a year plus.

6 And I'm going on to page two of the draft
7 resolution. And it also recounts the fact that on October
8 11, 2018, you classified this as a type one action,
9 declared your intent to serve as lead agency, directed the
10 secretary to circulate notice, and circulated materials to
11 involved and interested agencies about the project,
12 including statement of use, full EAF and plans.

13 Then on April 11th, you established yourself as
14 lead agency, adopted the contents of Full EAFs parts two
15 and three, Full EAF part three narrative, identifying
16 project impacts and evaluating the magnitude of those
17 impacts. And you adopted a SEQRA positive declaration, at
18 that time a determination of significance, indicating the
19 project may result in significant adverse impacts on the
20 environment and environmental impact statement must be
21 prepared.

22 And you set the date for the initial public
23 scoping session for May 23rd. And then it recounts that
24 you held the scoping session. And that due to a project
25 change raised at the May 23rd public scoping session the

1 Board continued the scoping session to Thursday, June 13th
2 and to today.

3 And we are anticipating a petition for a zoning
4 amendment regarding building height. So that's documented
5 on page three of the resolution.

6 And basically the next few paragraphs get you
7 ready to do an amended SEQRA positive declaration; in other
8 words, an amended determination of significance to
9 incorporate the fact that a zoning petition to amend zoning
10 texts in the IOC zone will now be part of the proposed
11 action.

12 The resolution also documents all the different
13 letters that you've received and the fact that you've
14 examined a transcript.

15 And basically the last page you're kind of
16 repeating some steps you have done and you are going to
17 adopt the contents of Full EAF parts two and three, Full
18 EAF part three narrative, to include the change in the
19 proposed action. You'll do another positive declaration,
20 declaring the need as before for an environmental impact
21 statement.

22 And then you'll adopt the scoping outline last
23 revised July 2, 2019, as your final scope, including the
24 anticipated zoning amendment.

25 And you're going to direct Vera to circulate a

ROUTE 52 DEVELOPMENT-TM: 12.-1-52

1 copy of the resolution, EAF parts two and three, and part
2 three narrative, and the scoping outline revised July 2 to
3 the project sponsor, the Supervisor of the Town of Kent,
4 the Town Board of the Town of Kent, because they are now
5 becoming an involved agency once the zoning petition is
6 submitted to the Town Board.

7 And you're going to direct us to file the amended
8 positive declaration with the ENB.

9 Then there is a final paragraph I'm going to read
10 out loud, which is:

11 Further resolved that should any further issues
12 that arise specifically related to the change in the
13 proposed action to include the zoning amendment from
14 circulation of the amended positive declaration resolution
15 and all the parts that go with it within 30 days from the
16 date the amended materials are circulated, probably next
17 Thursday, or within 30 days of the date that a copy of the
18 anticipated petition for a zoning amendment is provided to
19 the Planning Board, whichever occurs later, the Planning
20 Board will consider whether another amended positive
21 declaration is required and whether the adopted scoping
22 outline must be revised and re-adopted.

23 So I just wanted to frame that for you. And you
24 can assess whether you feel you are ready to take those
25 actions.

ROUTE 52 DEVELOPMENT-TM: 12.-1-52

1 We'll hear from the applicant's folks. And then
2 we'll hear from the public as part of the public scoping
3 session. And then I believe that you can close the public
4 scoping session depending on what we hear.

5 CHAIRMAN TOLMACH: Does anybody have any
6 questions for Liz? Gentlemen, you're up next.

7 MR. CARUSO: Good evening, everybody. Michael
8 Caruso, the applicant's attorney.

9 Members of the board, good evening. We've
10 circulated a draft petition to the Town Board.

11 As Liz had indicated there is a prospective
12 zoning amendment that we were discussing at the last
13 scoping session. I have a draft of that in front of me.
14 I'm not sure if it's made to every planning board member
15 yet. I believe, Mr. Chairman, one went to you. Forgive me
16 if everybody was not on that E-mail circulation, as that
17 was this afternoon.

18 I'll take you through that briefly. So what
19 we're proposing which is consistent with the project as
20 it's been proposed as the iterations have come before the
21 Board, the prospective operators and some of the back end
22 development for the site and some of the hotel chains that
23 we've already identified, the criterion specific to their
24 development packages that we would have to satisfy which
25 necessitate the amendment I'm going to describe now.

ROUTE 52 DEVELOPMENT-TM: 12.-1-52

1 What we proposed to the Town Board, and this has
2 been circulated to the Supervisor, the Town Board's
3 attorney as well, and discussed with the two of them is an
4 amendment to Section 77-25, subsection H of the zoning code
5 as it relates to Lot and Bulk requirement specifically
6 within the IOC district.

7 What we're asking for is that the maximum height
8 and number of stories be altered. Where they require or
9 limit to 40 feet in three stories maximum, we're requesting
10 five stories and 70 feet. And the reason is not
11 necessarily because we're going to or we believe the
12 operators are intending to stack rooms all the way up to
13 70 feet, it's to accommodate the brand and style of their
14 marquee and the way their hotel designs are now
15 conceptualized.

16 And we believe that as the project is pretty well
17 tucked into the hill and pushed as far as we can towards
18 84, that the impacts of any of the zoning amendment text is
19 really -- there is no impact to the scope of the project if
20 you will. This is the legal mechanism we feel is best to
21 accommodate and achieve that.

22 So since we've started really the scope of the
23 project, the scope of the hotels or their size I don't
24 think has changed. So it's just the way that we need to
25 accommodate it under the current code and height and bulk

1 requirements.

2 So the petition lays out the grounds and the
3 description of the project which the Board is well familiar
4 with.

5 I go through in considerable detail the
6 comprehensive planning goals that are laid out in the
7 comprehensive plan that was revised in 2008.

8 I'll take you through some of the more salient
9 points in the petition. You know, the comprehensive
10 planning goes into great detail about enabling and
11 encouraging mixed uses within the IOC districts,
12 specifically these types of stand-alone mixed uses that are
13 able to self-sustain if you will.

14 You know, establishing a medium to promote medium
15 and large scale commercial establishments capable of
16 thriving independently as in Article 7 of the IOC District
17 goals, purpose and permitted uses.

18 And we describe how this project is really suited
19 to this type of a goal based on the fact that we have a
20 larger undeveloped tract of land. The fact that we can
21 mitigate some of the visual impacts of some of the
22 features, some of the hotels obviously.

23 We have sufficient area, we have sufficient grade
24 we believe. And we've taken a number of steps I think to
25 incorporate all those concerns into what those goals are.

ROUTE 52 DEVELOPMENT-TM: 12.-1-52

1 With respect to Chapter 4 in the comprehensive
2 plan as it relates to population, you know, we think that
3 the site will easily offer diverse employment
4 opportunities, bring people to the area, kind of enhance
5 that population base if you will.

6 Chapter 6 in the comp plan identifies studies for
7 new zoning, increased economic development. We certainly
8 feel that this will enhance the tax base, bring, you know,
9 a number of drivers economically and it fits within the
10 goals economically of the comprehensive plan.

11 In terms of recreational opportunities, you know,
12 again this amendment and the purpose for which we're
13 advancing it are to help satisfy these comprehensive
14 planning goals so under recreation there is an identified
15 need to increase facilities accommodating activities like
16 basketball, tennis and year-round activities inside,
17 specifically citing indoor facilities. And obviously we're
18 proposing an indoor water feature or park. We're working
19 with some of those details but obviously I think that's a
20 concern to be alleviated and hopefully a goal to be
21 fulfilled.

22 And some of the other comp planning goals in
23 Chapter 8, vision implementation as it relates to green
24 building design standards, to the extent that the relief we
25 are asking for under the amendment would prop up the

1 height, we believe that we have a number of mitigating
2 factors in green building standards to help offset that,
3 the availability for solar or any other green technologies
4 or LEED standards that have been discussed that may be able
5 to be incorporated I think certainly are within the profile
6 of what the comprehensive plan is asking for.

7 So the end result we think is that this project
8 and the proposed amendment really do check off a lot of
9 boxes if you will in the comprehensive plan and what it's
10 trying to achieve for IOC.

11 We're trying to tailor this amendment in a way
12 that it's not generic, that it doesn't have a widespread
13 impact, and it doesn't fundamentally change the nature of
14 our application which we certainly don't think it does.

15 And one of the ways to temper that even further
16 in our petition in subsection E, we identify some ways that
17 the Town Board and even the Planning Board in discussing
18 this together, we could possibly attach special use
19 conditions to this type of relief.

20 For example, conditions like lots must need to
21 exceed 50 acres in size; certain building setbacks from
22 property lines that might be more enhanced in this
23 situation based on the size of the buildings or the size of
24 the lot; minimum occupancy, perhaps, you know, a standard
25 to be applied; no less than 150 rooms per buildings that

ROUTE 52 DEVELOPMENT-TM: 12.-1-52

1 are going to be suitable for these kinds of increases, or
2 tailoring relief only to hotel uses.

3 So these are some of the things we can think
4 about with the Planning Board, with the Town Board in how
5 best to condition the amendment and, if you will, make it
6 more tailored to the use that we're proposing, instead of
7 just making it a blanket district-wide enabling type of
8 legislation which is what we're not trying to advance here.

9 We want something that is unique and that there's
10 another applicant that comes along in a couple of years, a
11 couple of months, whatever it is, they have the opportunity
12 and the Board can also look at it holistically and decide
13 whether the use fits the intended purpose of the
14 legislation.

15 So hopefully they'll be more behind us that they
16 could benefit from this as well, obviously the IOC
17 district.

18 So that's a run through of the petition. I hope
19 we will have some good discussion, I trust we will in front
20 of this Board, in front of the Town Board with input from
21 everybody involved.

22 But I think it certainly doesn't change the scope
23 or any of the scoping elements that we have outlined that,
24 you know, Liz and the consultants in our project team have
25 taken a lot of pains to get right.

ROUTE 52 DEVELOPMENT-TM: 12.-1-52

1 Like I said at the last scoping session, it's
2 just a different means to get to that result, the result
3 being how we want to develop the site, which I think has
4 been very consistent hopefully for the Board.

5 So any questions about the proposed amendment?
6 Any of the language?

7 CHAIRMAN TOLMACH: Peder, do you have anything to
8 add?

9 MR. SCOTT: Yes. I did take a look at the
10 amended draft of the resolution.

11 The only thing is I'd like to have Liz look at
12 page three of four of the Part three EAF, just because we
13 think there might be some issues with the inclusion of a
14 paragraph in regards to the building heighth under impact
15 on transportation, impact on energy.

16 I just want to make clear that the new underlined
17 entries are to be included in these subsections before we
18 finalize the document.

19 MS. AXELSON: Okay.

20 MR. SCOTT: That's my only comment. Thank you.

21 CHAIRMAN TOLMACH: Great. Thank you, Peder.

22 Any questions for Peder?

23 MR. WILHELM: Liz, is this impacting the
24 resolution?

25 MS. AXELSON: I don't think so.

ROUTE 52 DEVELOPMENT-TM: 12.-1-52

1 MR. WILHELM: Okay.

2 CHAIRMAN TOLMACH: Can I get a motion to -- oh,
3 no.

4 Is there anyone here who would like to speak?
5 Please.

6 MS. AXELSON: Why don't you do a resolution to
7 officially open the scoping session.

8 MR. WILHELM: We did.

9 MS. AXELSON: Okay.

10 MR. WILHELM: Yes.

11 MS. AXELSON: You're sure?

12 MR. BRADLEY: This has become a big night for me.
13 I haven't been on TV this much since I was over there.

14 I just have a comment, being the former Chairman
15 of the Zoning Board in the town.

16 We seem to be as a town all of a sudden doing a
17 whole lot of spot zoning and we're doing it for specific
18 projects.

19 The zoning on this thing was done -- it was done
20 through a master plan of which we worked on for quite a
21 long period of time. The height of these buildings was set
22 and it was done for a reason. It was done for the entire
23 town.

24 We seem to be bypassing the zoning board where
25 you can get a variance for this height and going directly

ROUTE 52 DEVELOPMENT-TM: 12.-1-52

1 to spot zoning and changing the code, whereas I believe we
2 did this at length to build a road for the nursing home
3 either. We spot zoned for the nursing home and created
4 that in an R-80 district where it could have been just --
5 that could have been recognized as a preexisting condition
6 and it could have gotten what it got now.

7 And I just find that it's a little bit unsettling
8 for me being on the Zoning Board for so many years that all
9 of sudden we seem to be skipping the boards in town and
10 we're going directly to spot zoning for certain projects.

11 And I think that this is an example of spot
12 zoning, of changing the code and doing it by amendment
13 just, you know, to be able to handle this one project.

14 I just found it very disconcerting and I would
15 just like to make that comment.

16 This could be handled by variance extremely
17 simply and to just get a variance for the height of the
18 building. I don't know why we have to change the codes all
19 the time. Thank you.

20 CHAIRMAN TOLMACH: Anybody else like to speak?
21 Please.

22 MR. SAMPSON: My name is William Sampson. I've
23 been up here 47 years. If I jump around a little bit I
24 want to apologize it's the first time I'm doing this.

25 I'm a trailer driver. I've been a trailer driver

ROUTE 52 DEVELOPMENT-TM: 12.-1-52

1 for 30 years. And what I wanted to express was the impact
2 that I think that the development is going to have as far
3 as a truck stop is going to be very devastating to this
4 town.

5 Number one, the weight of these trailers are
6 90,000 pounds maximum. The lengths are anywhere from when
7 I started driving the legal limit was 40-foot trailers.
8 Now they're 55. Tractors extend to 50 feet long. You got
9 70 feet of truck, 65 feet of truck. When they get off 84,
10 they get on 52, you are going to have a line. How are
11 people going to get off 84? Number one.

12 Number two, when they make the turn to go up 52,
13 one lane up, one lane back. You're going to have to widen
14 up the road. Left turn in, there's going to be a backup.
15 Because people coming down, they got the right of way.

16 The impact on the ground with the oil, the fuel,
17 the truck washing, the chemicals they use. That goes into
18 the ground. Water comes from the ground. Our wells are in
19 the ground, you know. Wintertime, we get salt in our water
20 because of -- they got to salt the roads. But, you know,
21 nothing we can really do about that. But this is something
22 that would really be I think harmful for the people of
23 Kent.

24 It's a great idea they're going to want to put
25 hotels in there. They don't want to put a luxury hotel

1 next to a truck stop. You're not going to go into a room
2 hearing a truck running all night. And they tell you can't
3 run it all night. As soon as that guy walks away in the
4 wintertime you're going to fire that baby up because you're
5 cold.

6 I'm trying to think of the other things I was
7 going to say here.

8 The weight is going to run out the roads. You're
9 going to -- now, when I first started driving there was no
10 weight. There was 46. The ruts in 46 on the right lane,
11 cars could not go into that lane. It would really run them
12 out. It's just a lot of weight.

13 And the roads up here, I don't think they can
14 sustain that kind of weight. Your driveways can't get that
15 kind of weight. So, you know, you get an oil truck going
16 down your driveway, you worry about them cracking up the
17 road. You can imagine 90,000 pounds, four or five, six.
18 How many trucks are going to go into this truck stop a
19 night? 80, 90. A lot of trucks, a lot of weight, a lot of
20 noise, a lot of impact on the environment. I think that
21 speaks for itself.

22 But I thank you for your time. And I thank you
23 for hearing me.

24 CHAIRMAN TOLMACH: Thank you. And these are all
25 things we're considering.

ROUTE 52 DEVELOPMENT-TM: 12.-1-52

1 Please.

2 MS. DOHERTY: Kathy Doherty, taxpayer. I also am
3 concerned about trucks, if they're coming off of Exit 17, I
4 believe Peder said at our chamber meeting that they were
5 going to add another lane there, but that's also going to
6 be in front of the new school bus truck stop. So I think
7 that's going to interfere with the buses.

8 And my concern is that if they're coming off of
9 Exit 18, the causeway is very old. We have a lot of trucks
10 going over there now, that if you add more tractor
11 trailers, I have a shop just off of 52. I watch tractor
12 trailers go up and down 52 all day long. And now you are
13 going to add more.

14 I don't think this is the type of business we
15 want. I don't know if the water park is phase one or phase
16 two. Is the water park -- I've heard rumors that the water
17 park might not happen. Then we're just stuck with a truck
18 stop. I don't understand a truck stop with a water park
19 and kids and trucks. I don't get that.

20 And the hotel, you know, for the truck stop, and
21 now again I heard that it was going to be a service station
22 for the trucks, a gas station for the trucks.

23 And, I mean I believe -- is there a new owner now
24 after a year? I mean, I've watched what they did for the
25 property that the school bus stop is on, where that was

ROUTE 52 DEVELOPMENT-TM: 12.-1-52

1 supposed to be three pads. How it ended up one level piece
2 I don't know. You know, and my concern is you're going to
3 be blasting over there and here we go again.

4 And are the dead trees from the storm going to
5 come down? I don't know. And, um, in 2008, when I was
6 town supervisor, we worked on the master plan and we worked
7 hard on the master plan. And we did an IOC, you know, that
8 we wanted good business here.

9 If you are going to start changing it, why don't
10 you have a moratorium and relook at the master plan because
11 Bob's right. There's so much spot zoning and the town
12 board, I've never seen where they have to be involved in
13 all this stuff.

14 And you have two town board members that have
15 publicly said they're for this project. You know, you have
16 the Town Supervisor that was here at your last meeting and
17 you have the deputy supervisor who has said at public
18 meetings, when I've been sitting there, that some people
19 are against this and he doesn't understand.

20 So Charlie Sisto had to recuse himself from
21 anything with Patterson Crossing because he verbalized his
22 opinion before he was a Planning Board member.

23 So now you have two town board members that are
24 speaking out and maybe they're going to have to recuse
25 themselves for them to change.

ROUTE 52 DEVELOPMENT-TM: 12.-1-52

1 CHAIRMAN TOLMACH: Thank you.

2 Anyone else would like to speak? Please, come
3 up. One at a time.

4 MR. CUTILLO: Hi. Pat Cutillo, representing
5 Cutillo's Restaurant and also some of the neighbors on
6 Horse Pound Road. Can you guys hear me all right?

7 You gentlemen look way better in person than on
8 camera. You have your rocket charts with you? You have
9 your description charts with you?

10 MR. SCOTT: I do not.

11 MR. CUTILLO: No, okay.

12 I just want to be real quick because I got to get
13 back to the restaurant.

14 I want to make sure you guys got my letter. I
15 will read it to you.

16 As a property and business owner directly across
17 the street from the Route 52 Development Project being
18 proposed by Kent's Country Square, we have concerns about
19 the 54-acre mining operation, the vibration concussion, and
20 blasting from the rock that can cause damage to our
21 property, the possible cracking in foundation, interior
22 walls of the hundred-plus year old building, water supply,
23 underground pipes, the rock retaining walls that sit along
24 Route 52 that are on our property, as well as any excess
25 water runoff that might do damage to any structure on our

1 ground and our water quality.

2 I never heard back from anyone on the Board or if
3 an engineer wanted to come and see the retaining walls that
4 I'm talking about which sit directly across from the
5 entranceway.

6 So I just had to come and say that and if you
7 guys have anything to say on that. Was the letter
8 received?

9 MR. WILHELM: Yes.

10 MR. CUTILLO: Okay.

11 MS. AXELSON: Did it come? Okay. If I just --

12 CHAIRMAN TOLMACH: Please.

13 MS. AXELSON: I'm just replying to the concern
14 about whether the letter was received. I was just speaking
15 with Vera and the other consultants, and, yes, we did get
16 the letter. And I remember very distinctly in the scoping
17 outline incorporating elements that had to do with the
18 concerns expressed in your letter.

19 The reason that there was no reply is that this
20 process is about creating an outline, kind of like a giant
21 list of things that the applicants will have to address in
22 an environmental impact statement. I'll go grab you a copy
23 of the scoping outline.

24 MR. CUTILLO: Okay. Thank you.

25 Our second concern is the depth of excavation on

ROUTE 52 DEVELOPMENT-TM: 12.-1-52

1 our water table. The water -- I'm familiar with this
2 property because I grew up across the street from it.

3 In 1988 it was proposed to be Watch Hill Condo
4 Complex. Their very highest outcropping is 950 feet.
5 Route 52 is 800. They're going to go down below grade,
6 bringing it almost to the same depth as North Horse Pound
7 Road. Most wells on North Horse Pound Road are at 150,
8 120 feet, so we're concerned about the water table.

9 I just wanted to put that all on record.

10 As far as scoping for the information provided
11 for the truck stop, very quickly going through the
12 documentation, because not that I am a lead agency but I am
13 right across the street. It would have been nice to know a
14 little bit sooner. A lot of the detail of this project was
15 called Exit 17, Ludingtonville, Bowen Road, which made a
16 lot of people believe that well, that's 84. We're going to
17 have an entrance off of 84. It's a truck stop, and that
18 makes sense. There's a lot of the confusion about that in
19 the community.

20 Another thing that we have is the truck stop, I
21 only have some of the information. Maybe it's in there and
22 I missed it. There was no mention of the amount of volume
23 of diesel, or bio diesel that will be stored. Is it going
24 to be above ground or below ground? This is an
25 environmental issue but being that it's a truck stop it

ROUTE 52 DEVELOPMENT-TM: 12.-1-52

1 seems like an issue that would be on the general scoping
2 which isn't really provided.

3 Some other things that aren't provided is hotels
4 in general like to run off of some kind of town provided
5 assistance of natural gas or sewer, what have you.

6 The only area for sewage treatment is directly
7 behind the La Quinta Inn and it's a very small footprint.
8 I know that there is a side note on the chart about how in
9 the future after we get through the scoping session, I'm
10 not sure of the wordage, that septic lines, power lines,
11 things like that would be addressed. But it seems that
12 this should be mentioned in a little bit more broad term
13 for a scoping session.

14 Also, if being that there is no natural gas in
15 the area, many of these hotels would need propane, the rest
16 stop, the kitchen area. There is no notification pad,
17 future development site, which might include a garage.

18 This is off the highway. It's a truck stop.
19 Truck stops normally will allow someone like a wrecking
20 company to come through. So if we have a wreck on 84,
21 they're going to pick it up. They're going to bring it
22 through our town. They're going to park it there. That's
23 their business. That's fine. But there is no mention of
24 possibly the area that it would be held in. There's no
25 chained-off area.

ROUTE 52 DEVELOPMENT-TM: 12.-1-52

1 These things can be carrying hazardous waste
2 material. There's no mention of the macadam or anything
3 that would be used to absorb such a thing if you are going
4 go into the wrecking business.

5 And also my last concern as far as the zoning
6 goes for the hotel is I understand this is a safe thing
7 issue is why it's in zoning. Is -- this is going to be for
8 the Radisson. I'm not a big supporter of Radisson. And
9 the reason for that is because it's owned by the Jin Jiang
10 Company of China. And I don't feel that we need to bend
11 over backwards for a Chinese government owned company to
12 come in here and say hey, I really need you to change your
13 zoning so I can go a little bit higher. That's all I
14 really have to say on that.

15 I got to get back to work. Thank you, gentlemen.
16 And please be in touch with me.

17 Oh, and also the truck stop, there is -- the
18 excavation for the rock area is extensive for the hotel
19 area but there is no rock excavation chart that was shown
20 for the truck stop area.

21 I know that piece of parcel is not level. It's
22 not as high as 950 feet but I think that it should be
23 included in the scoping. Thank you.

24 CHAIRMAN TOLMACH: Thank you.

25 MR. CAREY: Thank you.

ROUTE 52 DEVELOPMENT-TM: 12.-1-52

1 CHAIRMAN TOLMACH: Anybody else, please.

2 MS. GODITILD: Hi. My name is Cassandra
3 Gotitild. I'm coming as a mom of the community. My three
4 kids go to KPS.

5 So I'm just a little concerned about what we
6 would have issues with as far as dust and blasting and
7 stuff. Will the kids possibly feel any of these vibrations
8 or hear any of it? I know it's further down. I know we
9 did a lot of stuff for where the bus depot is but this is
10 closer to the school district. I also drop my kids off at
11 school every morning and pick them up. We already have the
12 Kent Police Department showing up to stop the traffic so
13 the buses can come in and out of KPS in particular because
14 you can't get out making left-hand turns where the bus
15 depot currently is. So that's a hard problem.

16 My backyard is also butting up to 52. I'm on a
17 turn. I constantly hear trucks Jake braking around the
18 turn. Our noise level is already higher. Now, this is in
19 Lake Carmel but I know you're proposing it's off of the
20 Ludingtonville/52 area, but we know people don't always
21 follow directions up to where coming and going of trucks
22 coming on and off a highway and the extra traffic will be
23 coming from.

24 So and, um, I know we're having a little issue,
25 especially in Lake Carmel with extra wild life,

ROUTE 52 DEVELOPMENT-TM: 12.-1-52

1 particularly bears and the wolves and stuff like that that
2 are coming more and more into the populated area.

3 If we're going to keep de-zoning and deforesting,
4 sorry, taking away all of our forest area, are we going to
5 have more issues with more animals coming into more
6 populated areas which doesn't make it safe for our children
7 to play in?

8 That was all I had to say.

9 CHAIRMAN TOLMACH: Very good. Thank you.

10 MS. GODITILD: Thank you.

11 MR. GATTUCCI: Thank you.

12 CHAIRMAN TOLMACH: Anybody else? Please.

13 Please.

14 MS. CURTISS: Katherine Curtiss; 2 Mooney Hill
15 Road, Town of Kent.

16 I can't let this opportunity go by without once
17 more expressing my opposition to this project. And I think
18 one of the things that has come out tonight, one particular
19 topic, is the traffic issue. And that traffic issue has
20 not been addressed.

21 And it's nice to see that other people realize
22 what the impact of this -- if this goes in, what the
23 traffic impact will be.

24 I don't know where the DOT comes down on this. I
25 haven't seen anything from the DOT. I don't know if

ROUTE 52 DEVELOPMENT-TM: 12.-1-52

1 they've been contacted. I don't know if their opinion has
2 been asked, any kind of input from them. But it's one part
3 of this that seems to have been ignored. And yet I think
4 it is absolutely critical.

5 Bill Sampson knows what it's like having been a
6 truck driver for many, many years. He's given you some
7 very practical considerations and problems.

8 Anybody actually who has spoken tonight has
9 pointed out practical impacts on traffic in this area. I
10 live in the general vicinity. I know what Exit 17 is like.
11 And it's tough enough now. There is not even a light
12 there. I don't go that way to go down into town in the
13 morning. I go down Ludingtonville Road to 311 because you
14 can't get out from Ludingtonville Road with the traffic on
15 52.

16 So you can imagine what it's going to be like if
17 you put something else in that's going to generate all this
18 traffic. So as I say, I think that's one thing that really
19 needs to be looked at because I don't think it's been
20 adequately addressed up to this point. Thank you.

21 CHAIRMAN TOLMACH: Thank you.

22 Anybody else? Please.

23 MR. SAMPSON: May I add something?

24 CHAIRMAN TOLMACH: You have to pay a second time,
25 too.

ROUTE 52 DEVELOPMENT-TM: 12.-1-52

1 MR. SAMPSON: I'm sorry?

2 CHAIRMAN TOLMACH: I'm joking.

3 MR. SAMPSON: The only thing I wanted to add on,
4 I live across the street from the Kent Primary and
5 elementary schools. If that water gets bad, a lot of
6 people tell you, hey, you got nothing to worry about. They
7 said that about Ground Zero. 18 years before they gave the
8 right to fight it, to get medical assistance. So you can
9 hear that stuff all the time.

10 And then another thing like I say is the motels,
11 trucks today are built like your house. They got
12 refrigerators. They got stoves. They got televisions.
13 They got WiFi, computers.

14 A guy don't have to go into a hotel. He can't
15 afford to go into a hotel. They pay about \$200,000 for the
16 tractor. So they make their money in there. What they're
17 going to use the hotel for, hot sheets. You're going to
18 have a lot of undesirables up here. You're going to have
19 to expand the police force to police that area.

20 It's just common knowledge. Go over to 17K over
21 by Newburgh. There's a truck stop there. Maywood, there's
22 a truck stop there. Check them out. Go in there in the
23 wintertime. Listen to all the trucks running in the back.
24 Smell it. Look at the ground with the oil. Those trucks
25 leak. The older ones leak. Everything, your cars when

ROUTE 52 DEVELOPMENT-TM: 12.-1-52

1 they get old, they leak. Trucks is bigger. Bigger motor,
2 bigger oil, bigger reservoirs. They leak.

3 I just wanted to bring that up, you know. I
4 worry about my great grandkids. You guys got to worry
5 about your grandkids, some of yours.

6 All right. I just thank you for your time.

7 CHAIRMAN TOLMACH: Thank you. Sue.

8 MS. KOTZUR: Susan Kotzur, Kent.

9 Three issues that I have. One is the spot
10 zoning. I think it's a bad idea. You start with one.

11 CHAIRMAN TOLMACH: We don't decide zoning here.

12 MS. KOTZUR: Pardon?

13 CHAIRMAN TOLMACH: We don't decide zoning here.

14 MS. KOTZUR: All right. Well, if you let one in,
15 then another one will come in.

16 The four driveways proposed to come out onto
17 Route 52, there are four; correct? If you look at the
18 maps. There's four driveways coming out.

19 MR. SCOTT: Very quickly, Peder Scott. There is
20 a main entrance which is --

21 VIDEOGRAPHER: Peder, can you pull up a little
22 bit.

23 MR. SCOTT: There is a main boulevard which
24 services the main components of the project. Halfway up
25 the roadway there is an emergency exit, entrance. And

ROUTE 52 DEVELOPMENT-TM: 12.-1-52

1 beyond that there is two entrances currently serving the
2 truck stop. But that may become one. So that's four.

3 MS. KOTZUR: But it is four on the plan?

4 MR. SCOTT: There is -- the emergency one could
5 be considered a access, yes.

6 MS. KOTZUR: There is four. I think it's four.

7 Also the police department, that's going to be
8 affected immensely. And the fire department. So those are
9 issues that really, really, really need to be addressed.

10 So thank you for your time.

11 CHAIRMAN TOLMACH: Thank you.

12 MS. KOTZUR: You're welcome.

13 CHAIRMAN TOLMACH: Anyone else? Please.

14 MS. COLAS: My name is Ellen Colas. I live on
15 Fairview Court.

16 It's no secret that we live between the two worst
17 exits off 84 that exist. The infrastructure on 52 is
18 deplorable. You're inviting a condition here that just
19 seems mind boggling at this point.

20 It's an overwhelming project I think that we're
21 taking on. And I just want to reiterate my opposition and
22 glad to have the opportunity to be part of this scoping
23 session tonight. Thank you.

24 CHAIRMAN TOLMACH: Thank you. Anyone else?
25 Please.

ROUTE 52 DEVELOPMENT-TM: 12.-1-52

1 MS. AXELSON: Please sign in if you haven't.

2 CHAIRMAN TOLMACH: Ma'am, can you come back in
3 and sign in, please.

4 Liz, did you want to add anything before I close
5 the scoping session?

6 MS. AXELSON: Anybody else want to comment?

7 CHAIRMAN TOLMACH: Is there anyone else who wants
8 to comment?

9 Can I get a motion to close the scoping? No, not
10 yet.

11 MS. AXELSON: Is anybody else commenting?

12 CHAIRMAN TOLMACH: No. Just you, Liz.

13 MS. AXELSON: Just me again.

14 A couple of points. Um, so Bruce and Julie and I
15 were looking through the scope as commentary came up to
16 make sure because we had taken a good deal of commentary
17 and added a lot of detail.

18 So I'm just letting the Board know, for example,
19 on page 34 there's a section that deals with fuel, fuel
20 storage, impacts and mitigation related to that.

21 Rock excavation is dealt with throughout because
22 there is discussion of mining being done in phases as part
23 of the proposed action. And then in numerous sections
24 there are discussions of mining impacts as well as blasting
25 and procedures for that.

ROUTE 52 DEVELOPMENT-TM: 12.-1-52

1 Let's see. There is a section about noise on
2 page 32 that's also quite detailed. And then the traffic
3 aspect of the scoping outline runs from page 23 to 24. We
4 have added to that. And also the Town's consulting traffic
5 engineer has spoken.

6 Just to go back a step, for people who are
7 attending the scoping session for the first time, I want to
8 remind the Board that initially the proposed action was all
9 of these aspects of development and it was to include an
10 area variance to address the Applicant's concern about
11 being able to build a higher building than was allowed in
12 the IOC zoning district of, you know, in other words,
13 bigger than three stories, bigger than 40 feet.

14 And so initially the scoping outline looked at
15 things that way. When we were informed that there would be
16 a zoning amendment instead and folks can look at the
17 transcript from the May 23rd scoping session, there was
18 immediate discussion that a zoning amendment would have to
19 address generic impacts because the industrial office,
20 commercial, IOC zoning district is fairly extensive in the
21 town.

22 So basically the materials that I have given you
23 to amend the Pos Dec, the whole reason to amend the Pos Dec
24 has to do with dealing with the fact that this
25 environmental impact statement will be in part a generic

ROUTE 52 DEVELOPMENT-TM: 12.-1-52

1 environmental impact statement to address the potential for
2 any of these zoning changes to be utilized by other
3 properties within the IOC zoning district. So we have to
4 look at the change overall or generally or generically.

5 And also changes have been made throughout the
6 scoping outline to address the zoning amendment. In the
7 description of the action in the first several pages under
8 land use, under traffic, under energy, under emergency
9 police, fire services, and in other places because the
10 building height and also under community character and
11 visual, the added building height will have an effect in
12 terms of what we see, in terms of how the site is overall
13 developed, in terms of it may result in increased floor
14 area than we looked at before. And also in terms of fire
15 fighting, energy, et cetera. So I just wanted to clarify
16 those few points.

17 And if there is no other scoping commentary, then
18 what you have in front of you -- well, I can walk you
19 through in a moment.

20 Do you have any questions at all about the draft
21 resolution, part two, part three of the Full EAF or the
22 part three narrative?

23 CHAIRMAN TOLMACH: Anybody?

24 MR. CAREY: No.

25 MS. AXELSON: And then the scoping document

ROUTE 52 DEVELOPMENT-TM: 12.-1-52

1 revised July 2. By the way, there is one more copy of the
2 scoping document. And I believe that the scoping document
3 is also on the website, Vera?

4 MS. PATTERSON: Yes.

5 MS. AXELSON: So the public can find that there.

6 In any case, it is very detailed. At Steve
7 Wilhelm's suggestion we put in bubbles to indicate where
8 changes were made and why and what letter it corresponds
9 to.

10 Let's see. So we look through -- while we were
11 listening to commentary tonight to see if we needed to make
12 any other changes to the scoping outline and the issues
13 that were raised have been addressed in here, including
14 police security for the public and for, you know, the truck
15 drivers using the site.

16 So I believe we've covered the bases and I
17 believe that the change in the project to deal with the
18 zoning amendment is adequately addressed in here.

19 Peder Scott had a question he pointed out to me
20 before. And I'm turning to Full EAF part two -- sorry,
21 Full EAF part three narrative. And in there I underlined
22 things that have to do with the zoning amendments -- sorry
23 to be repetitive -- having to do with generic impacts of
24 increased building heights in the IOC zone.

25 Under transportation I also included it, the

ROUTE 52 DEVELOPMENT-TM: 12.-1-52

1 proposed action, including the zoning amendment may result
2 in generic impacts of increased building heights/floor area
3 because if there's an added floor there could be more floor
4 area.

5 Impact on energy, same thing, more floor area.

6 And consistency with community plans having to do
7 with the zoning amendment for increased building height and
8 related generic impacts. And consistency with community
9 character.

10 So I think you have a pretty detailed packet.
11 And if the Board is so inclined, I'm recommending and I
12 believe I have Julie and Bruce's support that you may close
13 the public scoping session by simple motion and then take
14 action on the draft resolution.

15 CHAIRMAN TOLMACH: Thank you.

16 Gentlemen, can I get a motion to close the
17 scoping session?

18 MR. LOWES: Going to motion.

19 CHAIRMAN TOLMACH: A second?

20 MR. GATTUCCI: I'll second.

21 CHAIRMAN TOLMACH: All in favor? Aye.

22 MR. CAREY: Aye.

23 MR. GATTUCCI: Aye.

24 MR. LOWES: Aye.

25 MR. WILHELM: Aye.

ROUTE 52 DEVELOPMENT-TM: 12.-1-52

1 MS. AXELSON: So I don't know if you want me
2 to -- I don't want to repeat the walk-through.

3 CHAIRMAN TOLMACH: Yeah, is there a way we can --

4 MS. AXELSON: But basically the whereases, as I
5 said, pages one through bottom of page three, those are all
6 whereases setting forth what you've done, the context of
7 your decision-making. And then if you look at page four of
8 five, those resolveds are all of the items that you are
9 addressing tonight.

10 MR. WILHELM: Do you want to make a motion to
11 adopt the resolution?

12 CHAIRMAN TOLMACH: Okay. Can I get a second to
13 adopt the resolution?

14 MR. GATTUCCI: I'll second.

15 CHAIRMAN TOLMACH: We need a roll call vote.

16 Mr. Lowes, Vice Chairman, how do you vote?

17 MR. LOWES: Aye.

18 CHAIRMAN TOLMACH: Mr. Gattucci?

19 MR. GATTUCCI: Aye.

20 CHAIRMAN TOLMACH: Mr. Carey?

21 MR. CAREY: Aye.

22 CHAIRMAN TOLMACH: Mr. Wilhelm?

23 MR. WILHELM: Aye.

24 CHAIRMAN TOLMACH: I vote aye. It passes.

25 Peder, anything else?

ROUTE 52 DEVELOPMENT-TM: 12.-1-52

1 MR. SCOTT: I'm all set. Thanks.

2 MR. CARUSO: Thank you very much, everybody.

3 MR. LOWES: Question. Question. Peder, have you
4 taken a look at any of the record plans for Route 52 as
5 to --

6 THE SECRETARY: Repeat that.

7 MR. SCOTT: Well, our traffic consultant has
8 looked at all of the traffic incurred. We have completed a
9 traffic study. We've looked at accident reports for every
10 intersection along that -- our access strip. And it's
11 incorporated in his traffic report which we've already
12 submitted.

13 The only thing we are going to do with that
14 traffic report now is incorporate with potential of the bus
15 yard operating in the currently I guess it's under
16 submission for a review on the gravel yard or pit down the
17 street from us.

18 But beyond that, nothing's really changed of
19 significance with the traffic report at this time.

20 MR. LOWES: I was more concerned about how that
21 road is constructed as far as what's underneath the
22 blacktop that's on there right now, and how that's going to
23 affect any of your design work to add off a pass-around or
24 a turning lane.

25 Is the proposal ultimately going to be to tear

ROUTE 52 DEVELOPMENT-TM: 12.-1-52

1 the whole thing up and redo the road or --

2 MR. SCOTT: I can explain really quickly. DOT
3 has recommended a complete resurfacing when we add on our
4 lane. And at that point in time we'll be increasing the
5 capacity of the road surface to our anticipated truck
6 traffic. And that's already been discussed with DOT.

7 MR. LOWES: Yeah. My inclination is to think
8 that Route 52 through there was part of the old farm to
9 market reconstruction back in like the 1930's so there is
10 probably a pretty good concrete road underneath all that
11 stuff.

12 MR. SCOTT: Yeah. Subgrade is our biggest
13 concern when we look at any roadways. You can build
14 whatever you want as a surface but if the subgrade isn't
15 strong enough, that's why you have failed roads everywhere.

16 Looking at the site and the topography we have
17 excellent soils in that area which serve as a foundation
18 for a road surface.

19 So we anticipate pretty much just increasing the
20 pavement thicknesses, fixing the shoulders and we're
21 widening the road as well by another lane.

22 So when we complete all those operations it will
23 be a new road and we will be ensuring the capacity as we
24 do. We'll be providing documentation of our certification
25 of adequate capacity.

ROUTE 52 DEVELOPMENT-TM: 12.-1-52

1 MR. LOWES: And you're working with DOT as you go
2 along with all this?

3 MR. SCOTT: We filed a permit with DOT. We met
4 with DOT already. Our traffic consultants have also met
5 with them. So we're in the midst of that at this point in
6 time.

7 Please remember that everyone's waiting for us to
8 finish the DEIS, FEIS process before we really get into
9 final permitting. But we have met with all the agencies in
10 regards to the project.

11 MR. LOWES: Yeah, so some of the concerns that
12 have been voiced this evening you have already --

13 MR. SCOTT: We've already been there, yes.

14 MR. LOWES: Done your homework on it?

15 MR. SCOTT: Correct.

16 MR. LOWES: Just for the record.

17 MR. SCOTT: We have, yes. And we filed a report
18 with you already from the traffic consultant. And, again,
19 as I said, we have to add in the impacts of the buses to
20 our traffic.

21 MR. LOWES: Okay. Great. Thanks.

22 MR. SCOTT: Okay. Thank you.

23 (Whereupon, the Route 52 Development portion of the
24 public scoping session was concluded.)

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

Certified to be a true and correct transcript.

Cynthia White

Cynthia White, R.P.R.,
Senior Court Reporter

*** ** ***