

**TOWN OF SOUTHEAST  
PLANNING BOARD / ARB MINUTES  
January 25, 2021**

Present: Chairman Thomas LaPerch; Vice Chairman David Rush; Boardmembers Jim King; Mike Hecht; Eric Cyprus; and Lynne Eckardt; Town Planner Ashley Ley; Town Attorney Willis Stephens; Secretary Victoria Desidero; Absent & Excused: Boardmember Dan Armstrong

**Pledge of Allegiance**

**Introduction**

Chairman LaPerch opened the meeting with the Pledge of Allegiance, a roll call vote (results above) and introduced the agenda items.

**PUBLIC HEARINGS:**

**REGULAR SESSION:**

1. **BREWSTER VETERINARY, 3455 Danbury Road, Tax Map ID 68.-2-65** – This was a Review of an Application for Final Approval of a Site Plan Amendment. Chairman LaPerch asked who was representing the application. Secretary Desidero said I spoke to Dr. Wilson this morning and he indicated it would be difficult for him to be on the call due to his schedule. She said I told him I didn't think it was necessary since nothing has changed on the application. Chairman LaPerch said OK, this is pretty simple... just adding a generator. He polled the Board for questions and there were none. The motion to Grant Final Site Plan Approval was introduced by Chairman LaPerch, seconded by Boardmember Rush and passed by a roll call vote of 6 to 0 with 1 absent.
  
2. **WATCHTOWER ENTRANCE GATES, 39 Mt. Ebo Road South, Tax Map ID 46.-2-30.1** – This was an Architectural Review of an application for a structure as referred by the Building Department. Eddie Walker and Richard Eldred of Watchtower Bible and Tract Society of New York appeared before the Board. Chairman LaPerch said this is an architectural review; please share with us what the gates will look like. Mr. Walker explained the gates for the north and south entrance giving the dimensions of each and said the purpose it just to enhance security at the property. Chairman LaPerch asked questions about what the gates look like, the lighting and how employees enter. Mr. Walker answered that the gates are aluminum, there is no additional lighting and the gates will be open during business hours and closed after hours. They discussed how emergency personnel would access the site after hours and Mr. Walker said the Knox box will be moved from the building to the gates. Chairman LaPerch polled the Board for questions. Boardmember Rush asked about the differences in the sizes of the gates and how this will impact how they each look and what the heights will be. Mr. Walker said the heights would be staying the same. Boardmember Rush asked about coating on the aluminum and suggested they do something to protect the gates from corrosion. He asked if they should consider adding reflectors to alert drivers of the gates at night and asked if the boxes they mentioned are shown on the plans. Mr. Walker said I don't think we've shown the boxes on the plans but they would go on the sides of the posts. They talked about whether or not that requires a separate post and Mr. Eldred said we usually put some type of reflect-ant on the gates so they are readily seen at night. They talked about how visible the gates will be from the road and Chairman LaPerch said these are well within the property. Boardmember Eckardt asked some questions about the Knox boxes and police access and suggested they reach out to the State police to make sure they have access. She asked if there is any landscaping and they said no. Boardmember Eckardt said in future photos of the entrance would be very helpful and she reiterated the question about a coating on the gates. Boardmember King said I was up there today and the southern entrance is much bigger than the northern entrance. He said I am familiar with these gates which are very plain but they do the trick for security. Boardmember Hecht talked about how there is a separate post for the Knox box, said he

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agrees the gates definitely need some type of rust proof or clear coat finish and, regarding the State police question, said typically the Fire Department beats everybody to the scene and he explained how the boxes are unlocked over the air. Boardmember Cyprus said he echoes other people's comments and agreed it would have been nice to see pictures, including the additional post and said he is also concerned about the aluminum and how it will hold up. Chairman LaPerch said my options are to approve this with conditions and I believe the condition we should incorporate here is that the gate heights be the same for both, correct David (Rush)? Boardmember Rush said it would be good if it is possible. Mr. Walker said it is possible. Town Planner Ashley Ley said one more condition could be that it have a sealant on it to prevent rust. Chairman LaPerch said a sealant and reflectors. The motion to Grant Architectural Approval with the conditions that the gate heights be the same for both gates and that sealant and reflectors are used on the gates was introduced by Chairman LaPerch, seconded by Boardmember Rush and passed by a roll call vote of 6 to 0 with 1 absent.

3. **COMMERCIAL CAMPUS AT FIELDS CORNER, 51 Pugsley Road** – This was on the agenda for Consideration of Approval of Minor Subdivision for the NYSDOT Road Donation; Consideration of Approval of Preliminary Plat for the Major Subdivision; and Review and Discussion of the DRAFT Resolution of Approval for Site Plan, Wetland Permit & Architecture. Dan Richmond and Kate Roberts of Zarin & Steinmetz; Rich Pearson and Kevin Masciovecchio of JMC Engineering; Chuck Dietz of the Dietz Partnership; Brook Crossan of Makofka Environmental Consulting, LLC, and Peter Gilpatric appeared before the Board. The transcript of this portion of the meeting follows as **ATTACHMENT A**.
  
4. **ROUTE 22 MASTER PLAN AND ZONING UPDATE** – This was a continued discussion of this Planning Board initiative. Chairman LaPerch said we are at the point where we are going to talk about this and there is no vote involved here; it is just a poll to give Ashley (Ley) a sense of how to draft this based on what we believe are some of the Board's recommendations. Ms. Ley gave an overview of how the plan has been posted on the Website and said there was also a memo posted to the site and sent to the Board that summarizes some of the more controversial topics. She said the first of those would be bicycle connections and provided details of the survey results which were very positive, she said, and recent comments from the public and the DEP (Department of Environmental Protection) expressing some concerns and she outlined those concerns. She said for discussion; should we keep that map in there, remove it entirely or revise it so that it doesn't show the diversion on DEP land? Chairman LaPerch said I personally don't see it on the Route 22 corridor so that is my polling opinion. He polled the Board and Boardmember Eckardt said I understand why it might not be feasible at all but I think it is something that the public wanted therefore... and it could be possible in the future... so I am not in favor of pursuing a bike trail but I am not sure it is a good thing to remove it entirely. Ms. Ley said even though it is highly conceptual having it in the plan does grant the ability to pursue funding or other grants in the future. They discussed that there is no cost to leave it in the plan. Boardmember King said I use the bike path all the time and I don't see the need to connect it up on Route 22 but if leaving it in doesn't hurt anything then it doesn't matter to me. Boardmember Hecht said same thing: I think it is a stretch but if there is no impact in terms of cost in keeping it in there, I would be OK with that. Boardmember Cyprus said I am not quite there: I don't think it is feasible and would rather see us include it as more of a vision of something we would like to pursue and remove the specific details that we added to it. Boardmember Rush said I don't have anything to add to what everybody else said. Ms. Ley said based on these comments, I will bring in more about it being hypothetical, aspirational and tone it down a little bit. She said the next item is self-storage which is something that we specifically polled for in the public survey and it was not a popular use.

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However, she said, we have had a few property owners along the corridor express interest in self-storage. She asked if the Board wanted to consider self-storage as a permitted use in the SR-22 Zoning District and said attached to the memo was some draft language that could be added to include that and, specifically, the self-storage use would have Special Permit conditions to ensure that it would be visually appealing. Chairman LaPerch said I am not a big fan of it at all on Route 22; I think there are better things that we can have out there so I don't personally think it is something I would like to recommend to the Town Board. He polled the Board. Boardmember Eckardt said I feel really strongly about this and I did look back at the survey and 67 percent of the residents who replied did not want self-storage, and there were almost 400 of them, and there were only 15 percent that wanted it. I agree and there is one there already, she said, so people are not deprived of the opportunity so I am right in Tom's (LaPerch's) court on this one. Boardmember King said yeah, I am not a fan of self-storage; there has to be something better out there. Boardmember Hecht said I am the same. Boardmember Cyprus said I feel the same; I have never been a fan of self-storage and I think the one property we were discussing had a somewhat (inaudible) argument where it could of worked on that property because of the setback and the size so I guess I would be OK if the Special Permit was strict enough that we couldn't see it but my general (inaudible) is I am not a fan. Boardmember Rush said I think self-storage is a cauliflower vegetable; nobody has really figured out a way to make it... (Laughter.) Chairman LaPerch said well said! Ms. Ley said just to add a nuance here, would you consider self-storage as an accessory use only, so if it was only 20 percent of the gross floor area? Boardmember Rush said I could be wrong but the one gentleman who came and talked about this, I thought there was a plan for a base of the residential as self-storage and then you would build on top... Ms. Ley said I think he wanted two separate pads. The Board discussed what Mr. Mermelstein was proposing. Chairman LaPerch said I don't have a problem if it is accessory and is hidden in the back and only takes up 20 percent... Boardmember Rush said if we've got a marshy site maybe it makes sense to build something useful and get it off the ground. Boardmember Eckardt expressed concern about an accessory use saying as it happened on Fields Lane where warehouse was to be an accessory use and it got flipped around so I am not a big fan. She said I am very leery of self-storage. No one else had a strong feeling about the accessory use. Ms. Ley said the next one is motor vehicle dealerships and, again, this is a use that was specifically polled for and was not popular but there have been a few property owners along the corridor who are specifically interested in adding this as a Special Permit use to the SR-22 Zoning District and I have also recommended the language to amend the existing Special Permit conditions to allow it near Milltown Road, the old Dill's Best site. Chairman LaPerch said the language has pretty strict... first of all that property is so restricted that anything that goes there will have an access issue so I believe the language that is being suggested is that unless you can get out on Milltown Road, it is a non-starter. Ms. Ley said yes, you have to have access to a signalized intersection from Route 22 and that access can either be from your own dedicated or an existing connection or it can be a connection through an adjacent property to an existing light on 22 which could be through that adjacent office park to get out to Milltown Road. Chairman LaPerch said there is also language about minimum lot size? Ms. Ley said the existing Special Permit criteria has a minimum lot size of 15 acres; the property owner on the corridor has recommended that be reduced to four acres. Chairman LaPerch said I think some of the better-looking buildings in our Town are dealerships but I just think that the access... we need strong language about the access. He said I don't have a problem with an automobile dealership in a small fashion. Boardmember Eckardt said 63 percent of the residents who responded to the survey were discouraged by auto dealerships. Tom, I agree with you, she said, the new dealerships around can look great but my concern goes to the outside storage which 72 percent of people did not want and I think there is a lot of cars that have to be outdoor storage. She talked about Route 117 and how it became a mass of dealerships. She said I am concerned

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because that is something residents really didn't want and I also think the access to Milltown Road... the people on Milltown Road are so concerned about traffic anyhow. She continued: and dropping down to the four acres, I know there wouldn't be 15 (acres) on 22 so where I see all your points, I am not sure, given what the almost 400 residents said, it is worth going into that and we could get more (properties) than one on only four acres. She said I don't know how many there are but maybe Ashley could get that information? Ms. Ley said I could get that information. They talked about that being something that would be good to know. Boardmember King said am I mistaken or didn't we have someone come before us about having like a viewing only of cars... like Lia Honda? He said it was just to be seen but not actually visited? Chairman LaPerch said I don't think we had that; I think it was definitely a dealership in a smaller version. Boardmember King said I am not opposed to having a dealership; they are not the ugliest thing around but they can turn into used car dealerships or eyesores pretty quick. Ms. Ley said our current Code, the Special Permit criteria for car dealerships specifically does not allow used car dealerships. Boardmember King said I am not totally opposed to it and something has got to go there eventually. Boardmember Hecht said I am actually in favor of... not like Route 117... but to have some car dealerships. He said especially out where I am at the end of Dingle Ridge, I would like something out there rather than a box store so I favor it if it is done correctly. Boardmember Cyprus said I would like to see us keep pursuing this one; I know people are concerned about car dealerships and what they look like and I don't want a 117 either but I think you could make a good-looking dealership these days and I think... I don't want to cater to that one site, he said, but I think we should keep pursuing Special Permit requirements or whatever that would make us all comfortable with it. He said the only other comment I would make, I think it was Jim (King) who made the comment about used car lots and I know we all picture the trailer and the used cars in front of it but these days you look at Car Max and (inaudible) and we don't really have them, but they are better looking than a used car dealership so I wouldn't want to see us exclude them but just make sure they look the way we want them to look. Chairman LaPerch said great comments, thank you. Boardmember Rush said it's really depends on who goes there and in particular the aesthetics of that building. He asked Ms. Ley: have we imposed or required or even thought of any design guidelines from a sustainability point of view? Are we saying it would be like a LEED type of site, he asked, and they would have to do that or would that kill the project? Chairman LaPerch said that is a good question. Ms. Ley said there is nothing in the Code right now that speaks to LEED guidelines and I think that is something that we could look at on a broader level, not just for car dealerships but... Boardmember Rush said I feel like if we are going to put something there, I don't want something that is not state-of-the-art if we are going to make an advancement toward our future and talked about what types of vehicles might be sold at dealerships in the future. They discussed sustainability standards at length and all agreed this should be addressed on a Town-wide basis, not just for the Route 22 corridor or car dealerships. Chairman LaPerch asked Ms. Ley to go over the area of Old Doansburg Road and how the Zoning recommendation there changed specifically after a conversation with Mr. Bolnick. Ms. Ley said we changed it so the Old Doansburg Road north portion would be Zoned RC-2, the next part would be back to OP-1 and the last part would be HC. And in response to that conversation with Mr. Bolnick, she said, it would have the same allowable uses as RC but it would also allow general business as a permitted use in that Zoning District and also the dimensional requirements would be identical to OP-1. She said the whole purpose of this RC-2, and this would be the only district in Town that would be RC-2, is that it is a transitional neighborhood between the commercial corridor of Route 22 and the more residential area back here. Chairman LaPerch said good stuff: you did a fabulous job with this report, by the way. Ms. Ley said thank you. He asked for next steps and she said I will create a draft report and recommendation to the Town Board and I will take all of the comments and some of the language that was in the memo and integrate that

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into the plan. We will get that up on the Website, she said, and the Board will review it at the next meeting and issue a Report and Recommendation to the Town Board. When it gets to the Town Board, she said, they will schedule a Public Hearing on it and there could be additional changes to it at the Town Board level. Chairman LaPerch said OK, thank you. He asked if there were any other questions and Boardmember Eckardt said so Ashley, can you get us those numbers on four-acre lots? Ms. Ley said yes. Ms. Ley said the Town Board will also do SEQRA on this and it will get referred to County Planning.

The motion to approve the Meeting Minutes of January 11, 2021 as written was introduced by Chairman LaPerch, seconded by Boardmember Hecht and passed all in favor.

Chairman LaPerch asked about the next meeting and Ms. Desidero said at the next meeting we have the Ace Endico Public Hearing and we have a couple of small ARB-type items and I guess we will have Commercial Campus at Fields Corner back and the Route 22 Corridor again.

Chairman LaPerch asked Ms. Ley about what happened with the easement issues with the Commercial Campus at Fields Corner. Ms. Ley said it is a minor subdivision Plat and all it should have shown was the transfer of land... or the moving of the lot line from... they were moving it over so this tiny sliver of land against Rte. 312 could be donated to the DOT and on that Plat they showed all of the future easements for the larger project so it had well head and sewer line easements, which weren't relevant to the DOT land transfer. She said the concern from the applicant side is that because those were shown on the Plat, the resolution referenced them but they didn't think they would be able to write up all those easements in time to get them to DOT so their preference was to remove them but we didn't get that Plat in time to have it referenced in the resolution. She continued: at the next meeting we will have the clean Plat, all of those minor subdivisions will be shown on the major subdivision Plat, which they were... actually on both Plats. Chairman LaPerch said it got a little sloppy at the end here; all right it was a healthy discussion tonight and your consultants will look at what they submit? Ms. Ley said yes. Town Attorney Willis Stephens asked Ms. Ley: is there a concern that the DOT would not accept the dedication of that strip if it was subject to some sort of an easement? Ms. Ley well the bigger concern was they didn't think they would be able to file the Plat quickly enough because there are going to be other conditions on it and they thought it would take too long to write up all those easements. Mr. Stephens said but those easements would not be... that strip would not be subject to any easements? Ms. Ley said no, they wouldn't but they were shown on the same Plat; I don't know why it was done that way. Chairman LaPerch said well they have some work to do in cleaning it up.

The motion to Close the Meeting was introduced by Chairman LaPerch, seconded by Boardmember Rush and passed all in favor.

**February 5, 2021/VAD**

**THE FULL VIDEO RECORDING OF THIS MEETING IS AVAILABLE AT:**  
<https://www.southeast-ny.gov/337/Planning-Board-Audio-Files>

**ATTACHMENT A**

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PLANNING BOARD  
TOWN OF SOUTHEAST, NEW YORK

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VIRTUAL BOARD MEETING:  
COMMERCIAL CAMPUS AT FIELDS CORNER  
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January 25, 2021  
Videoconference Hearing  
7:18 p.m.

BEFORE:  
TOM LaPERCH, Chairman  
DAVID RUSH, Vice Chairman  
DANIEL ARMSTRONG, Member (Not present)  
ERIC CYPRUS, Member  
MICHAEL HECHT, Member  
JAMES KING, Member  
LYNNE ECKARDT, Member

PRESENT:  
ASHLEY LEY, Town Planner

FOR THE APPLICANT:  
PETER GILPATRIC, Advisor to Applicant  
RICH PEARSON, JMC  
CHUCK DIETZ, Dietz Partnership  
KEVIN MASCIOVECCHIO, JMC

DAN RICHMOND, ESQ.  
ZARIN & STEINMETZ  
81 Main Street  
White Plains, New York 10601

1 COMMERCIAL CAMPUS

2 MR. LaPERCH: All right. Number 3,  
3 Commercial Campus at Fields Corner. We're  
4 getting close to the finish line here.

5 So we have a couple of actions here  
6 tonight. Is Mr. Richmond here? Yes, he is.  
7 Unmute yourself, Mr. Richmond.

8 MR. RICHMOND: Unmuted.

9 MR. LaPERCH: Hi. Good evening, Dan. How  
10 are you doing?

11 MR. RICHMOND: Good. How about to  
12 yourself, Mr. Chair?

13 MR. LaPERCH: Good. Doing well. Thank  
14 you. So, Dan, give us this -- what are you  
15 looking to accomplish tonight? There's a  
16 couple moving parts at the end here. What are  
17 you looking to do?

18 MR. RICHMOND: Well, I think first, Mr.  
19 Chair, we'd like to give you a presentation to  
20 show you some of the landscaping and  
21 architectural revisions we made since we were  
22 last before you.

23 MR. LaPERCH: Okay. Great.

24 MR. RICHMOND: So I'd like to hand over  
25 the floor to Rich Pearson from JMC, Chuck Dietz

## 1 COMMERCIAL CAMPUS

2 from the Dietz Architectural Partnership, and  
3 Peter Gilpatric.

4 MR. LaPERCH: And this is -- Lynne --  
5 Lynne was working with you on this Zoom call;  
6 correct?

7 MR. RICHMOND: Correct. Yeah, I think Mr.  
8 Rush too.

9 MR. LaPERCH: Yeah. That's right. I was  
10 on it too, right. Okay. Good. What have you  
11 got? Let's see -- what do you have?

12 MR. PEARSON: Okay. Good evening. Rich  
13 Pearson from JMC. Kevin, if you could go to  
14 the next slide, please.

15 Just for your orientation, the planning  
16 board is familiar with the project, but in case  
17 others on the Zoom call tonight are not, the  
18 site is located with the north to the right on  
19 this drawing. Interstate 84 is to the east  
20 along the bottom of the drawing, and Route 312  
21 is on the left side of the drawing which is the  
22 south side of the property. We are just north  
23 of the Tilly Foster Farm property, and then to  
24 our west is the Hunters Glen development and  
25 north of there, just off the screen is Twin



## 1 COMMERCIAL CAMPUS

2 Brook Manor development. Next screen, please.  
3 We had shown you last time we were before your  
4 board a prospective from Driveway A which  
5 approaches Building A. And at that point,  
6 there was some architectural changes that you  
7 wanted made. So I'm going to hand this over  
8 now to Chuck Dietz of the Dietz Partnership and  
9 he'll go over some of the architectural  
10 revisions we made based on that Zoom call that  
11 you had.

12 MR. DIETZ: Good evening, everybody.

13 Chuck Dietz from the Dietz Partnership.

14 What you have before you is an updated  
15 material sample board based on our previous  
16 meeting and the subsequent Zoom call that Mr.  
17 LaPerch, and Mr. Rush, and Lynne were on with a  
18 few members of our design team. We decided to  
19 change up the color pallet on the building and  
20 add a third color. And we've also decided to  
21 change the color of our aluminum storefront and  
22 metal canopy. And we've gotten more, I think,  
23 neutral. If you remember previously we had a  
24 very rich, dark evergreen color that was the  
25 main body of the building. And then our

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2 accents were very large, geometric squares and  
3 a medium gray. So I think it was Mr. Rush who  
4 really got us going on this new track. And we  
5 softened those colors and made them more earth  
6 tone, in my opinion. And I did go out and look  
7 at Google and all the surrounding natural woods  
8 and forestry that's in the neighborhood and on  
9 this site and that helped me I think select  
10 some much more neutral and pleasing colors.

11 Next slide.

12 As Rich just mentioned, this is from  
13 Driveway A from Building A looking at the north  
14 elevation. And what we're proposing is a  
15 darker rich green gray, more earthy color up to  
16 the height of 14 feet, which is the top of our  
17 storefront and our canopy. That gives you that  
18 little more brown feel with the natural woods  
19 and tree trunks. Then we move above 14 feet  
20 all the way to the top of the building at 44.  
21 And that would be medium gray green which I  
22 think is a little more neutral than the  
23 previous evergreen color. And then to offset  
24 the facade instead of the large geometric  
25 squares, we've broken down a pattern along the

## 1 COMMERCIAL CAMPUS

2 different facades with a third color, and I  
3 like to think of those as a lighter green that  
4 would react to or, basically, reflect the  
5 foliage in the fall when the leaves start to  
6 turn -- turn that yellow and white color during  
7 nature. So these are the three colors that we  
8 now added to the building. And then we've  
9 actually used that accent color to accentuate  
10 each of our entrances.

11 Next slide.

12 We also thought because everybody seemed  
13 to be concerned of what this might look like in  
14 the evening hours when it got dark. So this is  
15 the same view coming up Driveway A looking at  
16 Building A and you can see the site lighting  
17 that is in the foreground along the driveway  
18 areas. Again, any of the facades, the north  
19 and the west that face any of the residential  
20 will not have the windows, but you can see the  
21 small squares across the top and our  
22 storefront, with the very dark tinted glass  
23 that we're proposing, that will hopefully mute  
24 any light spill from any lights that will be on  
25 in the evenings. So I think this gives

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2 everybody a nice softer feel that this will  
3 blend in in the evening and nighttime hours and  
4 also in the daytime hours.

5 Next slide.

6 MR. PEARSON: So this perspective that I'm  
7 going to describe next is also taken from the  
8 same view that we've showed you last time we  
9 were before your board. This is the northwest  
10 corner of Building B. The view is from  
11 slightly off of the property. That's an area  
12 that is currently wooded and would remain  
13 wooded. In Chuck's perspective, that area is  
14 shown as a lawn area. Just so that you can see  
15 the buildings -- go ahead, Chuck.

16 MR. DIETZ: Okay. And, again, this is an  
17 updated view of Building B. We see the north  
18 elevation and the west elevation. Again, you  
19 can see there are no upper clear story windows  
20 along the facade and across the base. Again,  
21 you have that earthy brown, gray-green color to  
22 14 feet. The accentuated accent color at the  
23 entrances, different pattern across the facade  
24 I think which are smaller areas, and not so  
25 intimidating as what we had previously

## 1 COMMERCIAL CAMPUS

2 designed. And I think they accentuate the body  
3 color green that you see throughout. I think  
4 it's a much more neutral and pleasing color  
5 that if the building were to be seen through  
6 any leaves and the foliage, I think this will  
7 blend in a lot more nicely with nature.

8 The second thing that the board made  
9 comments to last time, it's hard to tell on  
10 this one, but you can see the cable-supported  
11 canopy. We actually centered the cables and  
12 all the precast panels and we did the same with  
13 the security lighting which is not in this  
14 elevation, but we made sure we centered all the  
15 security lighting within the tile scoring as  
16 well. We are overall very pleased with this --  
17 with this change. This is a partial elevation  
18 of the black and white submittal that we  
19 prepared previously. It just gives you the  
20 name of the colors. We went to our Sherwin  
21 Williams catalog and we're proposing the solid  
22 color up to 14 feet is called Homburg Gray,  
23 earthy brown, gray-green color up to 14 feet  
24 from the main body of the building which has  
25 (inaudible) on it. It's called Attitude Gray.

## 1 COMMERCIAL CAMPUS

2 And then the accent color is magnetic gray. I  
3 think the three colors are very close in the  
4 charts. So you know they work well together.  
5 And, again, in this picture, you can see there  
6 is two security light fixtures shown. And they  
7 have now have been centered within the precast  
8 panel joints. Again, this is an elevation that  
9 does not face residential. That's why we have  
10 the windows. And then the storefront, like I  
11 said, those canopies, the doors all of those  
12 would be painted a dark bronze which is more of  
13 a warm brown family than what we had previously  
14 that was black. Next slide.

15 Again, the same thing on building --  
16 Building B. So I think the pattern in smaller  
17 patches works better than the large geometric  
18 squares that I had previously, and I think it  
19 kind of goes with the dotting that you see on  
20 leafs in the fall when the foliage turns, you  
21 know. So I'm very pleased with the -- and  
22 thankful for Mr. Rush's comments that got us  
23 going in this direction. Next slide.

24 Again, we were proposing at each entrance,  
25 they would be highlighted in the accent color

## 1 COMMERCIAL CAMPUS

2 magnetic gray. You can see the canopies, the  
3 supports are centered within the precast score  
4 lines, and we are proposing non-illuminated  
5 signage at each of these entrances, and the  
6 storefront and the canopy would be dark bronze.  
7 Next slide.

8 One of the other comments we heard from  
9 the board at the previous hearing was because  
10 it could possibly be a large number of  
11 employees working at both of these buildings --  
12 were we providing any outdoor seating areas  
13 where they could sit and have lunch or relax so  
14 on and so forth, and the answer is yes. We are  
15 proposing two seating areas like this for each  
16 building. This is Building A. And we would  
17 delineate the area with either a stamp concrete  
18 or color concrete. And along with the tables  
19 and chairs and possibly benches, we would be  
20 proposing a wood trellis to give them some sun  
21 shade as well as if they chose to sit out  
22 there. So we think that's a nice feature and  
23 it will be the same at all four of these  
24 seating areas. Like I said, one on each end of  
25 both buildings. We are also proposing a 6-foot

## 1 COMMERCIAL CAMPUS

2 high PVC privacy fence that will sit on top of  
3 the retaining wall. And would give the people  
4 sitting in this area a little more discreetness  
5 and a little privacy from both the parking and  
6 trucks that might be pulling up to the  
7 building.

8 Next slide.

9 MR. PEARSON: So in addition to the  
10 discussion regarding the architecture of the  
11 building, we had a Zoom call with Lynne, and we  
12 went over the proposed plant materials. The  
13 first change we made is that the white pine  
14 trees located in the outskirts of the landscape  
15 planting areas, we've replaced with white  
16 spruce. There was a concern with deer possibly  
17 nibbling on the buds of the white pines. So  
18 we've replaced those in the more outskirt area.  
19 In the areas that are more high traffic areas,  
20 we left the white pine trees as proposed.  
21 Because we don't believe there will be as many  
22 deer in those areas of the property.

23 The next change we made was we replaced  
24 the mountain junipers with a different type of  
25 juniper, that's a columnar juniper. The third



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2 change we made was we replaced the daylilies  
3 that we had proposed with a different variety  
4 known as Happy Returns Daylily. The fourth  
5 change we made related to the area by the water  
6 storage tanks on Pugsley Road which we will  
7 show you on the next slide.

8 We added six witch-hazel and nine Viburnum  
9 shrub plantings in front of the evergreen trees  
10 in that area. And then the fifth change we  
11 made was at the intersection of Route 312 and  
12 Pugsley Road. We added five (indiscernible),  
13 and we have a slide to show you those as well.

14 Next slide, please.

15 As I mentioned this is the area on the  
16 water storage tank just on the west side of  
17 Pugsley Road. It's the driveway for Building B  
18 to the right. And we had proposed what's shown  
19 in green are the new plantings there. So that  
20 is the witch-hazel and Viburnums in that area  
21 which are interspersed essentially filling the  
22 gaps between the -- the evergreen trees that we  
23 proposed there.

24 Next slide, please.

25 And then this is the five trees along

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2 Route 312 and Pugsley Road. We have two Acer  
3 Rubrums, the red maples and then three of the  
4 -- of the red oaks, the Quercus Rubra along  
5 Pugsley Road. And those were the best  
6 locations relative to the -- the existing  
7 proposed grades throughout that area as well as  
8 considerations of site distance at the  
9 intersection.

10 Next slide, please.

11 We are also here tonight for the minor  
12 subdivision. It's essentially a lot line  
13 adjustment to facilitate the proposed property  
14 dedication to the New York State Department of  
15 Transportation. The red line is the existing  
16 lot line and the yellow line is where we are  
17 relocating those lot lines to. And these are  
18 going to be along Route 312 and on the west  
19 side and east side of Pugsley Road. And this  
20 is based on our proposed roadway improvements  
21 so that there's ample right of way controlled  
22 by the state, owned by the state in the future  
23 to facilitate improvements as well as having  
24 some additional property adjacent to the  
25 roadway. The next slide will have a blow up of

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2 these two areas a little bit easier to see. So  
3 as you can see these areas are relatively  
4 narrow, the one on the left west of Pugsley  
5 Road. It's about a ten-foot wide area at its  
6 widest. And -- and on the east side, it's an  
7 area that's slightly wider. And this is east  
8 of Pugsley Road, and it's about 15-feet wide at  
9 its widest. We have had a meeting with New  
10 York State Department of Transportation to  
11 review the property dedication process. We  
12 have had other projects with property  
13 dedications, and it's a lengthy process and we  
14 are hoping to move forward so that we can  
15 continue the process with the state Department  
16 of Transportation.

17 Next slide, please.

18 Dan, do you want to touch on --

19 MR. RICHMOND: Sure. Right.

20 Mr. Chair, we did receive this afternoon a  
21 letter from Hunters Glen or from their counsel.  
22 I would say first, we were sort of surprised  
23 because we've always been sensitive to their  
24 concerns including with respect to acoustics.  
25 And we've always had an open-door policy with

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2 them. And we hope they will start reaching out  
3 to us and express their concerns because we are  
4 looking forward to working with them.

5 But we did take their concerns, again,  
6 seriously. And as Rich will explain, we took  
7 additional -- we added an additional peak --  
8 tweak to the project. And if it's acceptable  
9 to the board, we think would even further  
10 reduce the acoustical footprint of this project  
11 beyond what is already envisioned by the --  
12 your board's findings. I would ask for this  
13 portion, Ashley, if you could also unmute Brook  
14 Crossan who is our acoustical consultant. Who  
15 we submitted a letter to your board which you  
16 -- that we sent to Victoria which you should  
17 have received by now to address if there are  
18 any concerns or any questions from the board,  
19 we are happy to address them.

20 MR. LaPERCH: Yeah. We received, it came  
21 in at 5:20.

22 MR. PEARSON: So in this area, this is the  
23 northwest corner of Building B, during the  
24 SEQRA process with the DEIS and FEIS, we had  
25 not proposed any -- any structures or anything

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2 other than the proposed landscaping and grading  
3 in the area. But we had on a previous  
4 submission shown a six-foot-high solid PVC  
5 privacy fence that you see in the salmon color  
6 there. And to the left of that, between that  
7 area and Building B, essentially next to the  
8 outside picnic area for the employees, we had  
9 shown previously a four-foot-high retaining  
10 wall along the loading dock area and then a  
11 six-foot privacy fence above that. In response  
12 to the letter we received today, we are  
13 currently proposing to have that be a  
14 ten-foot-high building accent wall which would  
15 connect from the building out and then connect  
16 to the six-foot-high previously proposed PVC  
17 fence.

18 Next slide, please.

19 Similarly, on the southwest corner of the  
20 Building B, we had not shown anything during  
21 the SEQRA process in that area, but we had one  
22 of our recent submissions in mid December I  
23 believe, shown that six-foot-high solid PVC  
24 privacy fence. And then down closer to the  
25 loading docks, we are now proposing, in

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2 response to the letter, to have a ten-foot-high  
3 wall in that area as well consisting with what  
4 I just described up on the northwest corner of  
5 the building. So these are changes that we've  
6 made in response in part to the letter from  
7 Hunters Glen.

8 MR. LaPERCH: Okay. Finished, Rich?

9 MR. PEARSON: I am.

10 MR. LaPERCH: Okay. Let's kind of --  
11 there's a lot going on. I'm going to start  
12 with David to kind of give us his take on the  
13 changes that you put in. David, your comments.  
14 Unmute yourself. Thank you.

15 MR. KENNY: Thank you. You are asking for  
16 David Kenny; correct?

17 MR. LaPERCH: No, Dave --

18 MR. KENNY: I'm sorry.

19 MR. LaPERCH: Dave Rush. Thank you, Dave.  
20 I'm sorry.

21 MR. RUSH: So Chuck, thanks. I think if  
22 you just want to go to one of your different  
23 schemes. I think, in general, I -- I -- I like  
24 the color pallet a lot better personally. I --  
25 I hope that you and your team also agree that

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2 it just feels a little more part of the  
3 landscape. I'm -- I'm not going to comment on  
4 -- I certainly love the fact that you lined  
5 things up. So thank you. That's a -- that's a  
6 -- that's a win for everybody, a no-brainer. I  
7 -- you know, I think that the colors are -- are  
8 better. I -- I still feel like somehow the --  
9 the strength of the geometry that you are  
10 creating is a little maybe rigid if that's the  
11 word. I don't know, like, if you go to that  
12 long elevation, Chuck, this one doesn't bother  
13 me. I don't mind this elevation. This could  
14 be whatever you guys want. I just thought  
15 looking at this, does it -- does it need --  
16 like, if you took the -- the tree at the tops  
17 of all of those -- if -- if one was another  
18 gray, I don't know in the middle or something.  
19 I don't know. I don't want --

20 MR. DIETZ: One of the things I thought  
21 of, David, after the fact when I use the  
22 analogy of the leaves on the tree --

23 MR. RUSH: Yeah.

24 MR. DIETZ: -- I grouped a few of them so  
25 they were not so geometric and I clustered them

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2 to be like a patch of leaves that are turning  
3 colors. Then you would that rigidity of the  
4 repetitiveness going down the line of this  
5 building.

6 MR. RUSH: Yeah, I think -- I think in  
7 context you are definitely on the right track,  
8 Chuck. And if you looked through the tree and  
9 you saw a little lightness and stuff, I think  
10 it would -- it would lighten that facade. And  
11 clearly and, you know, I'll hear from the other  
12 -- my other board members, but it doesn't have  
13 -- if we have this next to what we had before,  
14 before and after, I think that, you know, our  
15 -- our fellow Southeastians [ph.] Or whatever  
16 we are, would feel that this is heading in a  
17 direction that is probably a little softer in  
18 landscape and better fitting. I really like --  
19 I like your color pallet. I think that's a  
20 much more in the earth kind of color pallet.  
21 And to me I like that a lot. So I think, you  
22 know, barring anything else, and I don't really  
23 have any comments on the other things, this  
24 seems like -- and it's your building so I can't  
25 -- so I'm not going to -- but I think that it's



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2 better. I hope that, you know, Peter, you,  
3 Rich, all you guys feel like it's a little -- a  
4 little better.

5 MR. DIETZ: Okay.

6 MR. RUSH: Thanks for -- thanks for  
7 working with us, Chuck.

8 MR. DIETZ: Yes. And our team does agree  
9 with you, and gave me all thumbs up with the  
10 color pallet change. So I think we are  
11 definitely getting in a better direction.

12 MR. RUSH: Okay. Good. And I know --

13 MR. LaPERCH: I'm going to go across the  
14 board here with my board just architectural  
15 questions. We'll come back to landscaping, and  
16 Lynne's comments and we'll go back that way.  
17 That's the way I'd like to run this right now.

18 So Lynne, any -- any architectural  
19 comments at this point?

20 MS. ECKARDT: Yeah. I just I -- I think  
21 it's been asked and answered before but I'd  
22 like to reconfirm so we don't have a surprise.  
23 Is there -- is this accurate or are there going  
24 to be any mechanicals or anything on the roof  
25 or is this just what we will see?

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2 MR. DIETZ: The roof is -- is lower. So  
3 it was our goal to have the mechanical screen  
4 by the parapet.

5 MS. ECKARDT: Right.

6 MR. DIETZ: The roof is going to be down  
7 about five or six feet below the top of this  
8 parapet. So our goal is if we could center the  
9 units in the middle of the building, from this  
10 perspective, you would never see these units  
11 through the trees and from the neighbors.

12 MS. ECKARDT: It's a good goal, but I  
13 really want more assurances. Because I think  
14 that is -- that's always been the problem with  
15 some really nice designs that I think the ARB  
16 has approved in the past. Is that all of a  
17 sudden, there's the chimney and, you know,  
18 whether it's for grease or not here. This  
19 would be obviously air conditioning equipment.  
20 So I think it's really important not to have  
21 anything show. That's all.

22 MR. DIETZ: We have small air conditioning  
23 units for the office area. And then the  
24 warehouse area would be the heating ventilation  
25 units. We could propose or state on the record

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2 that if any units were to be seen were larger  
3 than we anticipated, there's an architectural  
4 screen system that we use so we could to get to  
5 match the color of the building. We would  
6 provide that system around any of the exposed  
7 rooftop units. That's my normal testimony.

8 MS. ECKARDT: So there's -- so there's no  
9 way of -- what you're saying is there's no way  
10 for us to know right now what you are going to  
11 have to use on the roof? Am I getting that  
12 right?

13 MR. DIETZ: That would be correct.

14 MS. ECKARDT: Okay. And even with a  
15 building this size, there aren't guidelines  
16 that would tell us more now?

17 MR. DIETZ: It would be more, again,  
18 depending on how much office space is built,  
19 that would be the only place that would have a  
20 package unit cooling --

21 MR. LaPERCH: Chuck, it's definitely,  
22 tenant driven; right?

23 MR. DIETZ: Pardon me.

24 MR. LaPERCH: It's tenant driven?

25 MR. DIETZ: Correct.

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2 MS. ECKARDT: Okay. I -- I really love  
3 the new colors. I think that's a huge  
4 improvement so thank you. I'm with David, it's  
5 not quite there for me. Maybe it's the banding  
6 and the -- the lower band around the building,  
7 I'm not -- I wish I could be more articulate on  
8 this, I apologize. But I really -- I know, I  
9 think I understand what David is saying on  
10 that. I wish I could offer something more  
11 concrete. And also Tom, do you want us to save  
12 the comments on the PVC fencing and the Hunters  
13 Glen, do you want us to save those for  
14 landscaping and later on?

15 MR. LaPERCH: Yes, please.

16 MS. ECKARDT: Okay. Then I'm done.

17 MR. LaPERCH: Okay. Mr. King.

18 MR. KING: Am I mistaken or did you guys  
19 remove a bunch of windows from the top area?

20 MR. DIETZ: No. They were not shown  
21 previously. We previously stated that along  
22 the west elevations, the north elevations that  
23 face either of the residential, we are -- we  
24 were not proposing any windows.

25 MR. KING: Okay. Great. I think it looks

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2 great. I -- I like the color scheme. Anyway,  
3 I'm good.

4 MR. LaPERCH: Thank you, Mr. King. Mr.  
5 Cyprus. Mr. Hecht, I'm sorry, Mike.

6 MR. HECHT: Yeah. So I think I'm fine  
7 with the improvements. I think, to Lynne's  
8 point, the more we can do to try and match the  
9 vision with the reality in advance would be  
10 fantastic. If we could try to get as close as  
11 possible. I know that there are some  
12 contingencies to do it after the fact if  
13 something misses. And I'm glad that at least  
14 there's some attempts to address some of the  
15 condo or comments that came in today, that's  
16 good too. That's all I had.

17 MR. LaPERCH: Okay. Thank you. Mr.  
18 Cyprus.

19 MR. CYPRUS: Thanks, Tom. I love the new  
20 colors so thanks, David. And I think what  
21 David was saying about the lighter color and I  
22 don't want to put words in his mouth, but I  
23 just feel like maybe they're too -- I'm  
24 struggling like Lynne did, I don't know, too  
25 structured in how they are. There's too much

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2 of a pattern. That's really the only comment I  
3 have. You know, the colors themselves are  
4 great; that just feels a little too repetitive  
5 and -- and I do share my concerns about  
6 anything on the roof.

7 MR. LaPERCH: All right. Thank you.

8 Okay. I thought David had good comments, and I  
9 personally liked the design look here too. So  
10 I really am not an expert in this, but I think  
11 you've done as much as David has asked you to  
12 do so I'm pretty pleased with it that way.

13 So I just want to get a jump now back to  
14 the landscaping that you tweaked. And the only  
15 comment I have is I think you already answered  
16 it, but will these -- all these beds,  
17 landscaping beds, be sprinkled, have sprinkler  
18 systems in them?

19 MR. PEARSON: Not entirely, but there are  
20 acres of the landscaping that will be. This  
21 (indiscernible) areas especially around the --  
22 the office entries along the northern portions  
23 of both of the buildings, especially -- and  
24 this is something that has an extensive  
25 planting plan and the irrigation system is

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2 associated with the proposed cisterns for the  
3 property. And this was reviewed very  
4 thoroughly with the New York City DEP as part  
5 of their review of the project.

6 MR. LaPERCH: Yeah. I know you have a ton  
7 of water you can use, Rich. I was wondering  
8 because you did a great job with the  
9 landscaping plan here, and I just wanted to  
10 know if you have some irrigation to keep them  
11 alive.

12 MR. PEARSON: Yeah. I don't remember the  
13 exact number but it's in the neighborhood of  
14 about three to three and a half or four acres.  
15 Each building will be irrigated.

16 MR. LaPERCH: Okay. That was my question.  
17 All right.

18 So Lynne, why don't you start us off since  
19 you kind of led the discussions with them.  
20 What do you think?

21 MS. ECKARDT: Well, I -- I really want to  
22 thank all the gentlemen who put up with me, and  
23 really listened, and I think it's really great.  
24 I like the improvement very much. We want to  
25 put off the PVC fencing I think for now,

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2 correct, Tom? You are muted. Sorry.

3 MR. LaPERCH: Yeah. I'm going to wait  
4 until the attorney for the association speaks.

5 MS. ECKARDT: Fine.

6 MR. LaPERCH: So maybe we can address it  
7 after that.

8 MS. ECKARDT: Okay. One quick question,  
9 and I'm not trying to be picky. I'm really,  
10 really happy about the trees at the  
11 intersection of 312. I think it's -- and  
12 Pugsley, I think it's going to look great.  
13 Does anyone know off hand what the caliper of  
14 those will be?

15 MR. PEARSON: It should have been on your  
16 plan, Kevin. Could you try to get that answer.  
17 When we have a moment either if you can look it  
18 up on the landscaping plan right now. That --  
19 that would be on our table. So if you could  
20 bring that up, Kevin. It'll just take him a  
21 minute to --

22 MS. ECKARDT: That would be great. I  
23 appreciate it.

24 MR. PEARSON: -- search through our files.  
25 We've got a pretty big file on this project.



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2           But Kevin knows where everything is.

3                   MS. ECKARDT:   I do too.

4                   MR. PEARSON:   So ask Kevin.   The magic of  
5           Kevin.

6                   MS. ECKARDT:   Okay.   All right.

7                   MR. MASCIOVECCHIO:   So red maple is three,  
8           three inch to three and a half.

9                   MS. ECKARDT:   Okay.   That's great.   That's  
10          the maple; the Oak would be the same?   Should  
11          we assume --

12                   MR. PEARSON:   Yeah.   The quickest  
13          (indiscernible) for the red oak is three to  
14          three and a half also.   So these are -- these  
15          are very sizeable trees.   Lynne, you know.

16                   MS. ECKARDT:   No.   No.   No.   That's why I  
17          wanted to ask.   I wanted to make sure.   That's  
18          terrific.

19                   MR. PEARSON:   Right.

20                   MS. ECKARDT:   So thank you all very much  
21          for working with me on this.   And for --  
22          especially for happy returns.   You really will  
23          like the color so thanks very much.

24                   MR. PEARSON:   It's great comments you had.

25                   MR. LaPERCH:   Good stuff.   Mr. King.

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2 MR. KING: I have no questions. Lynne  
3 covered everything.

4 MR. LaPERCH: Yeah. Good job. Mr. Hecht.

5 MR. HECHT: Yeah, I defer to Lynne's  
6 comments.

7 MR. LaPERCH: Really. Good. Mr. Cyprus.

8 MR. CYPRUS: Yeah, I'm the same. I think  
9 it looks good.

10 MR. LaPERCH: All right. Mr. Rush, any  
11 comments, sir.

12 MR. RUSH: I don't. But Ashley, I can't  
13 chat with you. And I sent you a picture  
14 because I don't know how to share. I mean, I  
15 do, but you know, I don't want to mess anything  
16 up. I didn't know if that could explain what  
17 we were describing.

18 MR. LaPERCH: Ashley?

19 MS. LEY: I'm pulling up my email. I'm  
20 just making sure --

21 MR. RUSH: I'm fine with the landscaping,  
22 I am.

23 MR. LaPERCH: All right. Good.

24 MR. RUSH: That's the architectural stuff  
25 that I couldn't explain.

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2                   MS. LEY: I can share my screen --

3                   MR. LaPERCH: All right. Let's go for it.

4                   MR. RUSH: Chuck, I think this is what you  
5 were talking about. Something --

6                   MS. LEY: Can you see it?

7                   MR. LaPERCH: Yes.

8                   MR. RUSH: You can match the upper green  
9 but you would just sort of knock out random  
10 spots and you're, you know, painting more dark  
11 green. I -- I think that would give it a  
12 little more of a dance on the facade without  
13 feeling so geometric, that's all.

14                  MR. DIETZ: Maybe some of the clusters  
15 touching each other.

16                  MR. RUSH: Yeah. I mean, moving it  
17 around. It's a random more like nature.  
18 Instead of, you know, forcing it, that's all.

19                  MR. CYPRUS: David, is that the bottom  
20 color or is that a fourth color? I know you  
21 just whipped this up quick.

22                  MR. RUSH: No. I just can't match his  
23 color. I don't have that little paint brush  
24 tool so I just --

25                  MR. CYPRUS: But your -- your intention

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2 would be to match the lower color?

3 MR. RUSH: No. He could match the upper  
4 color.

5 MR. CYPRUS: Okay.

6 MR. RUSH: It could look interesting  
7 either way but I'm just trying to, you know,  
8 how when we were looking at the trees that  
9 Lynne had behind her, like the little dark  
10 spots, they don't just happen only at the  
11 bottom. You know it could be -- could be  
12 interesting. That's my piece. It's your  
13 building. I just -- you know, that's all.  
14 Sorry. Bye.

15 MR. LaPERCH: Well done, David. You know,  
16 we are very visual and that kind of made it for  
17 us.

18 MR. RUSH: Thank you.

19 MR. LaPERCH: All right. At this time,  
20 I'm going to ask -- I know there's a lot of  
21 people on this meeting, Zoom meeting.

22 Mr. Kenny, you are representing Hunters  
23 Glen; is that correct?

24 MR. KENNY: Correct.

25 MR. LaPERCH: Okay. And you sent our

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2 board a letter. And would you like to tell us  
3 about the letter, and any other comments you  
4 might have for tonight. Remember, this is not  
5 a public hearing, but this is a big project.  
6 And I thought it would be in best interest to  
7 have you come on and speak.

8 MR. KENNY: I appreciate the opportunity  
9 to speak, and understanding it's not a public  
10 hearing. I will be very short.

11 MR. LaPERCH: Thank you.

12 MR. KENNY: I did submit a letter earlier  
13 today detailing more -- in more detail our  
14 comments regarding the noise we believe and the  
15 change to the plans. Our initial comment is  
16 that we feel that we previously were under the  
17 understanding that there were going to be no  
18 truck loading bays on either side of Building  
19 B. And that there were representations made  
20 that the only activity, truck activity on other  
21 side of Building B may be some trucks turning  
22 around in the pinwheel. And now we've seen in  
23 the January 4th, 2021, plans they are, in fact,  
24 truck loading bays on either side. And then  
25 the visual representations that we saw tonight

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2 are absolutely truck loading bays on either  
3 side of Building B.

4 So our initial question is when did this  
5 change occur? Because it appears it changed  
6 occurred after the FEIS was adopted. And  
7 Hunters Glen is concerned with this change and  
8 what impact it may have on Hunters Glen. We  
9 would like the noise to be studied. Because if  
10 this is a change that could result in a large  
11 impact of noise to Hunters Glen, we want to  
12 know, and we want to have that mitigated. We  
13 would also like the developer to detail all  
14 changes that have occurred since the FEIS was  
15 adopted to make sure that if there are any  
16 other changes that have occurred since FEIS was  
17 adopted that Hunters Glen should be made aware  
18 of. And that's essentially our comments  
19 tonight.

20 MR. LaPERCH: Okay. Thank you, Mr. Kenny.  
21 All right. I'm going to pass it over to Mr.  
22 Richmond. And Mr. Richmond, would you like to  
23 address it with your team?

24 MR. RICHMOND: Sure. And if you could  
25 unmute Brook Crossan, if you have, Ashley.

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2 MS. LEY: I'm allowing her to unmute.

3 MR. RICHMOND: Okay. Well, again, I mean  
4 I think this was a change. It was after the  
5 FEIS. It was after we've, you know, further  
6 evaluated it seemed -- made sense to have  
7 loading bays on either end. And again, we've  
8 been very sensitive to the impacts to the  
9 neighbors throughout this whole process and  
10 continue to be and so, I -- we also note as was  
11 remarked earlier by Rich that we have added  
12 even before tonight a PVC fence around the  
13 pinwheels to attenuate the noise. Again, we  
14 think because of distance, topography, et  
15 cetera, the project already has minimal impacts  
16 to Hunters Glen or any surrounding people. So,  
17 again, we think this has been addressed. But  
18 again, we did see the letter today. I would  
19 just be clear: The only changes that have been  
20 made in addition were the additional PV -- PVC  
21 fence, and I believe the only other thing was a  
22 trellis and the picnic table which the board  
23 requested the last time.

24 We have, again, then proposed an  
25 additional tweak today which further attenuates

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2 the potential noise impacts of the project as  
3 Rich detailed including a -- a minimum, like, a  
4 ten-foot accent wall. That would serve to  
5 block noise and as Brook detailed in his letter  
6 that we provided to your board this afternoon,  
7 after getting a letter from Hunters Glen, would  
8 ultimately result in a reduced acoustical  
9 impact on the project. But Brook is here if  
10 your board has any questions regarding that.

11 MR. PEARSON: If I could just add one more  
12 thing before Brook begins is that we had always  
13 shown that as an trailer parking area on both  
14 sides of the building. So there would have  
15 been truck activity associated with the trailer  
16 parking regardless.

17 MR. LaPERCH: Fair enough.

18 MR. KENNY: I got to respond to that. So  
19 there is a substantial difference between  
20 parking a truck on the side of the building and  
21 having unloading and loading on there. That is  
22 a different activity. But this is an activity  
23 that's happened now a change after the FEIS.  
24 And our concern is that maybe the acoustical  
25 walls will help address it and create a



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2 negative impact, but this is all information  
3 that we are learning on the fly now after the  
4 FEIS was accepted by the board. And so we are  
5 concerned about that.

6 MR. LaPERCH: Fair enough. That's why,  
7 Brook, can you answer -- address this issue,  
8 please.

9 MR. CROSSAN: Sure.

10 MR. LaPERCH: Brook, first of all, your  
11 firm is -- just for the board's purposes, tell  
12 us about your firm first. What you do?

13 MR. CROSSAN: My firm is MAKOFKA  
14 Environmental Engineering and Environmental  
15 consultants, and I've been doing noise  
16 consulting for over 40 years. And I have  
17 testified before over a hundred boards in New  
18 York and New Jersey.

19 MR. LaPERCH: Okay. So you have a copy of  
20 the letter. You want to address Mr. Kenny's  
21 concerns or his client's?

22 MR. CROSSAN: Well, yes. There was --  
23 there was more in this letter than what -- what  
24 he mentioned. And my letter addressed some of  
25 -- some of the other points in it. But the

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2 bottom line is their major concern is the fact  
3 that or my interpretation of their major  
4 concern is the fact that truck loading docks  
5 have now been added to the north and south  
6 sides of the building. Whereas, in the past,  
7 it was just trailer parking. So in that  
8 regard, the truck activity as -- as documented  
9 in the various truck counts that have been made  
10 is primarily a daytime activity, a little bit  
11 bleeds into the early evening and then it's  
12 very, very scattered thereafter. And that  
13 certainly hasn't changed. So that as a 24/7  
14 operation, there could be periods of time where  
15 there are so called yard jockeys which are  
16 small trucks that are quieter and less powerful  
17 than the ones that pull the trailers at 80  
18 miles an hour on the highway that move trailers  
19 around. That under the old plan and what was  
20 covered in the FEIS, that could have occurred  
21 in those trailer parking areas where trailers  
22 were being moved around at night and parked  
23 there. So since there will be no nighttime  
24 deliveries, the same thing could occur with the  
25 loading docks there that yard jockeys move a

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2 trailer around instead of packing it into a  
3 trailer parking space, pack it into a loading  
4 dock. So I understand the concerns about that  
5 but these loading docks although they are not  
6 on the far side of the building, these are  
7 oriented perpendicular from Hunters Glen. And  
8 the noise that leaks out of the open loading  
9 docks, if folks are moving items in and out of  
10 the trucks will be primarily oriented parallel  
11 with the interstate and not toward Hunters  
12 Glen, but in the event that some of that noise  
13 does leak toward Hunters Glen, we have proposed  
14 an architectural wall that extends the full  
15 length of the -- of the parked truck area in  
16 those loading docks that is attached to the  
17 building and is masonry and actually, Mr.  
18 Pearson described it as a ten-foot wall, but I  
19 believe that what we have discussed in the  
20 conference call today is that it would come up  
21 to the height of the -- the darker gray. So  
22 that I think that's more like 13 or 14 feet  
23 than -- than ten feet. So that wall that would  
24 extend 50-some feet out from the building at a  
25 height of about 14 feet would block any

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2 potential residual noise that is coming out on  
3 an angle toward Hunters Glen. It would back --  
4 block all of the lighting that's associated  
5 with whatever's happening in the loading dock  
6 area. So that we feel certainly mitigates the  
7 -- any potential loading dock noise and  
8 previously described six-foot-high vinyl fence  
9 that's around the truck turning areas, would  
10 block any lights from any trucks that are  
11 moving and would also further mitigate the  
12 noise. So that it's our belief that actually  
13 this plan is more protective of Hunters Glen  
14 than the -- the original plan.

15 MR. LaPERCH: All right. Mr. Kenny.

16 MR. KENNY: I haven't had the opportunity  
17 to review the letter. I understand it just came  
18 into the board at 5:00 this evening. I would  
19 just ask that any further actions on this  
20 application be adjourned and stalled until  
21 Hunters Glen had the opportunity to review the  
22 letter and comment on it.

23 I do appreciate that they've taken a look  
24 into this and done their own study. But I'm  
25 not -- having not reviewed the study, I don't

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2 know if there's anything missing from that  
3 study. I heard, you know, movement of trucks  
4 regarding the backing up of trucks and using  
5 truck trailers, but there also could be pallets  
6 of materials that are loaded into a hollow  
7 truck and the banging of that. There could be  
8 noise of communications between people, you  
9 know, moving pallets of materials onto and off  
10 the trucks. And as they stated, this is a 24/7  
11 operation, you know. Some visual impacts may  
12 be able to be mitigated by looking in a  
13 different direction. We really can't do  
14 anything if you can hear this in your backyard.  
15 So I would like the opportunity to have Hunters  
16 Glen review the noise report that was submitted  
17 by the applicant and have the opportunity to  
18 comment on the same.

19 MR. LaPERCH: I think that's fair. So  
20 it's getting -- we have a couple actions  
21 tonight that have no impact on this issue that  
22 we are probably going to move forward with.  
23 Just -- but your issue is not impacted by these  
24 actions tonight. Okay. I just want to make  
25 you aware of that --

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2 MR. KENNY: I appreciate that.

3 MR. LaPERCH: -- for that agenda. But I  
4 would ask you to get back to us as soon as  
5 possible with your comments to the applicant.  
6 And if we can, you know, work with you, that  
7 would be great. But if you can get back to us  
8 as soon as possible is all I can ask you to do.  
9 Okay.

10 MR. KENNY: Absolutely. I will do my  
11 best.

12 MR. LaPERCH: We thank you for coming on  
13 tonight. All right.

14 So let me get back now to my board here  
15 and the new additions that we sort of earlier  
16 let's kind of wrap that issue up. And Lynne,  
17 do you want to start with the -- with the new  
18 fencing and things that we just saw, any  
19 comments?

20 MS. ECKARDT: Well, I do want to comment  
21 only that I am concerned that something was  
22 changed after the FEIS. Because I know there  
23 was places to park there, but I think this is a  
24 different use. So I really do have concerns.  
25 It's really important not to vote on this now

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2 as you -- we're not going to, but I don't think  
3 Mr. Kenny was at all unreasonable when he asked  
4 if there are any other changes.

5 MR. LaPERCH: No. Fair comment.

6 MS. ECKARDT: I would, you know, be  
7 curious on that.

8 On the PVC fence, my question would be,  
9 I'm not a fan if there does wear well, but it  
10 does eventually crack and come apart in direct  
11 sun light. Do you know do they -- do you have  
12 a finish on that fence? Is it matte? Is it,  
13 you know, I assume it's white I believe; is  
14 that correct --

15 MR. PEARSON: We had proposed it to be a  
16 forest green color.

17 MS. ECKARDT: Okay. Good.

18 MR. PEARSON: We could work with you on  
19 the color of that fence.

20 MS. ECKARDT: Okay. I think -- I would  
21 defer to David on this. Sorry, David, as for  
22 color because we would want it to fit in the  
23 building. And I just think in those -- it's  
24 the PVC could be great, but when it's really  
25 shiny, it will be -- it will show, and it won't

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2 be -- I don't think it will be a plus in any,  
3 way, shape, or form. So that would be my  
4 comment on that.

5 MR. PEARSON: Thank you.

6 MS. ECKARDT: Do you think any of that --  
7 one more quick one. Will it change any of the  
8 landscaping there?

9 MR. PEARSON: No.

10 MS. ECKARDT: Okay. Okay.

11 MR. LaPERCH: Good comment, Lynne. Thank  
12 you.

13 MS. ECKARDT: Thank you.

14 MR. LaPERCH: Mr. King.

15 MR. KING: I have no comments in regards  
16 to the -- to the PVC fence.

17 MR. LaPERCH: All right. Well, thank you.  
18 Mr. Hecht.

19 MR. HECHT: The wearing of the plastic  
20 like Lynne mentioned tends to fade and crack.  
21 It kind of concerns me a little bit. I don't  
22 know if PVC is the final option, but maybe  
23 would like to see something different. That's  
24 all I have on the architectural stuff.

25 On the change that's after the fact, I



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2 definitely think that it makes sense to hold  
3 off until we get a response from them. And,  
4 you know, I think if something changed then  
5 they want some type of additional study or  
6 something. We need to consider the change and  
7 the impact and what they are coming back with.  
8 So that's all I have.

9 MR. LaPERCH: Fair enough. Thanks. Thank  
10 you.

11 Mr. Cyprus.

12 MR. CYPRUS: Sorry. I'm muted. I have  
13 nothing to add. I agree with the two --

14 MR. LaPERCH: Okay. Mr. Rush.

15 MR. RUSH: Since Lynne is throwing me a  
16 curveball here for the fence, and, Chuck, I  
17 can't see you, but I would trust that Chuck and  
18 the new color pallet could probably take a look  
19 at our old friend Mr. Forest Green is the right  
20 color. I'm not so sure that it is. And I do  
21 know there are products out that -- and Chuck,  
22 you've seen some of these new aluminum ones  
23 that are a little more durable, and even have  
24 some remarkably good looking wood grains that  
25 are a pretty good fake. I don't know maybe

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2 that might look nicer, Lynne. It's usually a  
3 snap in place almost like a level thing, right,  
4 Chuck. Are you showing me, Chuck?

5 MR. MASCIOVECCHIO: This is what we  
6 actually have. (Indiscernible) we are using the  
7 weathered blend color. This is what we have  
8 specked for the plan, and this is what the  
9 fence looks like.

10 MR. RUSH: Yeah. And I think that's  
11 better than a dark green probably. But I would  
12 trust you that weather blend looks like it  
13 probably works well with the new color pallet  
14 you picked out. I mean, I know you would --  
15 you would get that. And then is that -- is  
16 this one a PVC one or is this --

17 MR. MASCIOVECCHIO: This is PVC and then  
18 we have a detail of it in the site plan set.  
19 This is on the manufacturer's website, what it  
20 would look like. However, in this color.

21 MR. RUSH: What is there -- what is there  
22 -- not that I care, it's not my building. I'm  
23 not spending money. What is their warranty on  
24 their product? Just in case the owner gets it  
25 and does have a problem performing.

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2 MR. MASCIOVECCHIO: I'm not sure on that.

3 MR. RUSH: I don't even know if that's a  
4 valid question to ask as an ARB. But I mean,  
5 I'm just curious. I know that sometimes if  
6 like a rock hits these things in the right way  
7 in the cold weather, it shatters. But I do  
8 know they make some other new materials like  
9 this, but I would be okay with that color.

10 MR. PEARSON: I apologize. I thought we  
11 were going to do forest green, and I didn't  
12 realize that we ended up coming up with a  
13 different color.

14 MR. RUSH: You got to get off the forest  
15 green team, Rich. I mean, he told me it was  
16 all because of you he made his building green.

17 MR. PEARSON: I went to Pleasantville High  
18 School and the Pleasantville Panthers were  
19 green. So I'm still living it, I guess.

20 MR. RUSH: Okay. I think that, you know,  
21 certainty -- it's not like -- this is a little  
22 better quality, right, Chuck than the Home  
23 Depot PVC. I don't think that's what --

24 MR. DIETZ: I think that's what everybody  
25 on the board is thinking about what you see in

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2           a residential house where it's very smooth and  
3           you start to see the rippling of it and if a  
4           stone kicks up, it can crack it.

5                   MR. RUSH: This is thicker. This is  
6           thicker stuff. And it's a lot heavier gauge.  
7           I know what you are talking about. But --

8                   MR. DIETZ: It's a commercial grade  
9           product.

10                  MR. LaPERCH: All right. So it's an  
11           upgrade.

12                  MR. DIETZ: Yes, sir.

13                  MR. LaPERCH: Okay. Dave, are you  
14           finished, sir?

15                  MR. RUSH: I hope so.

16                  MR. LaPERCH: Okay. Buddy. Thank you.  
17           Okay. Back to the main screen, please. So  
18           Dan.

19                  MR. RICHMOND: Yes.

20                  MR. LaPERCH: So listen, I kind of agree  
21           with the whole sentiment of the board here that  
22           change wasn't picked up on. I'm not sure why  
23           or when. But it's a change that needs to be  
24           addressed. And I know you address it with the  
25           letter today but Mr. Kenny's group has not had

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2 a chance to review it. I'd like to get their  
3 comments from them before we move forward on  
4 bigger approval.

5 But I believe, Ashley, we -- based on the  
6 revised agenda we got this tonight, the action  
7 item does not include anything that would  
8 prevent them from having a continued  
9 conversation about this issue; correct?

10 MS. LEY: Correct. So the two action  
11 items that are on the agenda tonight were the  
12 -- a final plat approval for the minor  
13 subdivision which would allow them to donate  
14 land to DOT. And also preliminary subdivision  
15 plot approval for the a larger project. There  
16 is a draft resolution available on the larger  
17 site plan wetlands permit architecture. But  
18 that is just for discussion purposes. That was  
19 not going to be a vote on that tonight.

20 MR. LaPERCH: Okay. So we are really  
21 doing the DOT subdivision approvals?

22 MS. LEY: The board can vote on that  
23 tonight. I will point out that the draft --  
24 the plat that was submitted did show some  
25 easements on it.

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2 MR. LaPERCH: Right.

3 MS. LEY: Which are being removed from  
4 that plat and they will be shown on the other  
5 plat, the major subdivision plat. So we don't  
6 have a copy of that just yet. But we can I've  
7 modified the conditions of approval from the  
8 draft that was circulated to say that for  
9 Number 7, the applicant shall provide any and  
10 all deed easement and row dedication if  
11 applicable to the satisfaction and approval of  
12 the town attorney prior to the filing of the  
13 plat. So the revised version would not  
14 actually show any easements or deed  
15 restrictions.

16 MR. LaPERCH: Okay. So once again, the  
17 action items on this trying to see what version  
18 I have here. Victoria, the one you sent later  
19 in the day at 4:07?

20 MS. DESIDERO: Yeah, the one -- I didn't  
21 do any of them. Actually, Ashley sent them.

22 MR. LaPERCH: No. The revised -- the  
23 revised list here on the agenda.

24 MS. DESIDERO: Oh, no. I don't have an  
25 action on there for the second vote. Just the

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2 first one I believe.

3 MS. LEY: So this would be final plat  
4 approval for the minor subdivision.

5 MR. LaPERCH: Okay. And I -- once again,  
6 I think I -- I'd like to move forward on that  
7 one. Because it does not stop the discussions  
8 on the other site plan issues that are ongoing;  
9 at this point. Am I correct in that  
10 assumption?

11 MS. LEY: That's correct. This has no  
12 bearing on the --

13 MR. LaPERCH: Okay. Right there -- I  
14 would like to make a motion, correct, make a  
15 motion for approval for a minor subdivision for  
16 the New York State DOT road designation. Is  
17 that the motion?

18 MS. LEY: Yes.

19 MR. LaPERCH: Okay. I will make that  
20 motion. Do I have a second, please?

21 MR. KING: Second.

22 MR. LaPERCH: Second by Mr. King. This is  
23 a roll call vote.

24 Ms. Eckardt, how do you vote?

25 MS. ECKARDT: No.

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2 MR. LaPERCH: Okay. Mr. King.

3 MR. KING: Yes.

4 MR. LaPERCH: Mr. Hecht.

5 MR. HECHT: No.

6 MR. LaPERCH: Mr. Cyprus.

7 MR. CYPRUS: Yes.

8 MR. LaPERCH: Mr. Rush.

9 MR. RUSH: I -- I am going to say no as  
10 well.

11 MR. LaPERCH: So I am saying -- saying  
12 yes. So we have a tie here.

13 MR. RUSH: Quick, get Kamala. Tie goes to  
14 the -- to the -- to the person; right?

15 MR. RICHMOND: Mr. Chair, I mean, maybe if  
16 we could adjourn this to the February 8th  
17 meeting and have Mr. Armstrong attend. I  
18 mean --

19 MR. LaPERCH: We could adjourn it if you  
20 would like. I'm not sure if I could guarantee  
21 his attendance.

22 MR. RICHMOND: Okay. I guess that I'm  
23 sort of confused by some of the nos. Again,  
24 this is just to donate land to DOT in  
25 connection with improvements that the board has



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2 already okayed pursuant to the SEQRA findings  
3 that were adopted by the board.

4 MR. LaPERCH: I -- I -- I would agree.  
5 But the board has voted. So.

6 MR. RUSH: Could I ask, Ashley, could you  
7 please read what you said one more time so we  
8 could make it crystal clear.

9 MS. LEY: Sure.

10 So this is the minor subdivision approval  
11 for just the small parcels of land that are  
12 going to be donated to DOT which were disclosed  
13 fully within the final environmental impact  
14 statement and the statement of findings. The  
15 comment that I made earlier about the plat, the  
16 minor subdivision plat, was that the version  
17 that they sent over showed the easements that  
18 are going to be included as part of the major  
19 subdivision plat. The version, the minor  
20 subdivision plat should not have had any  
21 easements on it. So I modified the conditions  
22 in the draft resolution, to say "if  
23 applicable," instead of that they all show the  
24 easements shown on the plat. We haven't  
25 received that revised version that doesn't show

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2 the easements yet.

3 MR. LaPERCH: So we are voting on, David,  
4 the DOT which typically has a very long lead  
5 time. That we've already worked through on the  
6 issues here. So I didn't think it had really  
7 any negative impact on the application. They  
8 still have some work to do. So this was just  
9 kind of getting them along. That's something  
10 that's been discussed ad nauseam about what  
11 they were doing. And they needed the lead  
12 time. And that's the reason why I thought it  
13 would be proper to vote on that particular  
14 item.

15 MR. RUSH: Well, not to -- not to delay  
16 them, but my question, Ashley, is, you know, we  
17 need the paperwork to be, you know, precise and  
18 accurate. So if -- if that's something that's  
19 going to be forthcoming with this approval, and  
20 we are going to have everything properly  
21 documented and reviewed by every one the right  
22 way, we are not missing something which is, you  
23 know, nobody wants to do then I guess I would  
24 have -- I would be in favor of that if we had  
25 some kind of guarantee that we were going to

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2 get everything that you needed as our -- our  
3 adviser that is appropriate with all the other  
4 approvals that are, you know, currently, you  
5 know.

6 MR. LaPERCH: Once again, David, I believe  
7 the DOT subdivision, correct me if I'm wrong  
8 here, there's no easement issues that have to  
9 be rectified.

10 MS. LEY: That's correct. There's no  
11 easement.

12 MR. LaPERCH: There's two things. There's  
13 two pieces here.

14 MR. RUSH: It's still the documentation,  
15 right --

16 MR. LaPERCH: No. The documentation is in  
17 place, I believe for the DOT portion of it.

18 MS. LEY: The version of the plat that was  
19 submitted to the planning board showed  
20 easements on other parcels that aren't going to  
21 DOT, but they are still shown on the plat.  
22 That's the issue. They should have been taken  
23 off that version and only included on the other  
24 plat.

25 MR. RUSH: Can you pull that up just so I

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2 can see what I'm looking at. I'm sorry, Dan.  
3 We are trying to work this out, but I know  
4 also, you know, you never want to rush into  
5 something that might not be fully understood.

6 MR. RICHMOND: I appreciate that. But  
7 again this is something we've talked about  
8 for --

9 MR. RUSH: And nobody is trying to be  
10 difficult but it sounds -- it sounds a little  
11 weird. So we are all feeling a little weird  
12 about it. So let's see, Ashley, your job is to  
13 not make us feel weird about it I guess.

14 MS. LEY: Sorry. I just have to find the  
15 right version.

16 MS. ECKARDT: I would just like to say I  
17 understand what this is about, but my concern  
18 is, you know, just finding out about the --  
19 we've known about the easement. I think it  
20 should be -- it should be done.

21 MS. LEY: Kevin, do you have it available?

22 MR. MASCIOVECCHIO: Yeah. As Ashley was  
23 saying, there are some easements that run  
24 through to other parcels which will be detailed  
25 in the final subdivision. But the DOT parcels

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2 which are found along the right of way, there's  
3 no -- there's no easements shown. That are --  
4 that are in those parcels that are to be  
5 donated.

6 MR. RUSH: And the primary purpose to  
7 donate that to them is for them to make  
8 improvements; is that right?

9 MR. PEARSON: We would actually be making  
10 the improvements, but it would be under the  
11 highway work permit and you have to have the  
12 right of way dedicated to them as part of that  
13 permit process.

14 MR. RICHMOND: So for the improvements all  
15 on 312 that are again contemplated by the SEQRA  
16 findings.

17 MR. RUSH: So is that -- Ashley, is that  
18 -- they -- they are paying for the improvements  
19 but they are (inaudible) DOT and then they are  
20 responsible for it, or is the development still  
21 responsible for it?

22 MS. LEY: They are building out the  
23 improvements. And then once they are built out  
24 that land will be donated to the DOT, and it  
25 will become part of the DOT roadway system.

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2 MR. RUSH: Okay. And we have confirmation  
3 DOT is willing to accept that; right?

4 MS. LEY: Yes. We've had meetings. I've  
5 been a part of meetings with DOT all throughout  
6 the process on this dedication and the other  
7 improvements that are involved.

8 MR. PEARSON: And we've met with the  
9 right-of-way department at DOT as well; so they  
10 are aware of our dedication.

11 MR. RUSH: All right. Well, if there is  
12 -- the only caveat I would have is if we could  
13 get the accurate submission so that your  
14 paperwork is inline and I would -- I would  
15 change my vote if I were allowed to approve it  
16 under the circumstances that these guys have to  
17 come back and get this thing straightened out.

18 MR. HECHT: David, can I just make a quick  
19 comment. So I understand what you are  
20 thinking. Just my concern and echoing Lynne's  
21 concern is the size and scope of this project.  
22 I think that, you know, it's really important  
23 that things be accurate especially coming  
24 off --

25 MR. RUSH: I agree.

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2 MR. HECHT: -- changes I just kind of  
3 worry, you know, if we do that setting a  
4 precedent going forward that, you know, we  
5 could take documents with a promise for a new  
6 one in the next couple days or something, that  
7 kind of worries me a little bit.

8 MR. RUSH: Well, I would agree and I guess  
9 my feeling would be that the location and where  
10 it is and at highway improvement versus  
11 something that is -- in their site involved in  
12 it, I understand. But I'm not quite sure of --  
13 I agree that we want this thing to be accurate  
14 and documented properly. And you know, for  
15 what it's worth, maybe everybody made an honest  
16 mistake. But I'm assuming that they did, and  
17 if we are going to get this thing updated  
18 properly, and it's not effecting -- and,  
19 Ashley, in your opinion it doesn't effect  
20 anything, I would -- I would support that based  
21 on Ashley's interpretation of what this -- this  
22 is.

23 MS. LEY: I would say that the road  
24 dedication aspect of this has no bearing on the  
25 noise discussion that we had earlier.

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2 MR. RUSH: Right.

3 MS. LEY: In terms of what would happen  
4 with the signing of the plat, you know, before  
5 any plat is signed, it gets reviewed by the  
6 town engineer and myself to make sure that it  
7 has all of the conditions of the final  
8 subdivision approval on it. And once that's  
9 submitted, that's what would be signed by the  
10 chairman and filed.

11 MR. RUSH: I rather -- I rather keep  
12 fighting for the people in Hunters Glen than --  
13 than this issue from my point of view. But, I  
14 mean Mike, what --

15 MR. HECHT: What it means downstream like  
16 we have other applicants, you know, it kind of  
17 opens a little can of worms where we're making  
18 parsing decisions based on, you know, what we  
19 feel the impact is rather than just being cut  
20 and dry so you know.

21 MR. RUSH: I understand.

22 MS. LEY: I mean, the next meeting is in  
23 two weeks. It's on February 8th. If you  
24 prefer to wait until that meeting, we should  
25 definitely have the corrected plat by then.



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2 And then this issue would be no longer an  
3 issue.

4 MR. LaPERCH: A 3-3 vote and I think what  
5 I'm seeing here is that they need to go back  
6 and clean up the language issues, resubmit the  
7 right version, and then we can have a more  
8 accurate vote.

9 MS. LEY: In the interim, our noise  
10 consultants can review independently the letter  
11 that was submitted by the Hunters Glen attorney  
12 as well as the report that was just submitted  
13 today.

14 MR. LaPERCH: Yeah. (Indiscernible) if  
15 they could get -- Dan, you got some homework to  
16 do here. All right. We need to have this done  
17 right. It's a very big project. I don't want  
18 to get tripped up at the end here for not doing  
19 it right. And I think the board's 3-3 vote  
20 kind of gives you a sense that we want this  
21 thing done correctly.

22 MR. RUSH: Dan and your team, you guys  
23 have done everything, you know, exactly. You  
24 know, you've done it right. You've been  
25 thorough, you've been responsive. So I guess

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2 it would be helpful if you don't mind just make  
3 us all happy and just finish this paperwork for  
4 the rest of the team, I think that we would be  
5 happy. All right.

6 MR. RICHMOND: Okay.

7 MR. LaPERCH: Okay. Everybody else?  
8 Anybody else? So there's no vote. There's no  
9 action votes tonight here then, Ashley;  
10 correct.

11 MS. LEY: No. We will table everything  
12 for the 8th.

13 MR. LaPERCH: All right. Hope to see you  
14 on the 8th. Thank you.

15  
16 (Time noted: 8:23 p.m.)

## 17 C E R T I F I C A T E

18 I, Douglas F. Colavito, a Certified Court  
19 Reporter and Notary Public of the State of New York,  
20 do hereby certify that the transcript of the  
21 foregoing proceedings, taken at the time and place  
22 aforesaid, is a true and correct transcription of my  
23 shorthand notes.

24 -----