



**VILLAGE OF SUFFERN
PLANNING BOARD SPECIAL MEETING MINUTES
WEDNESDAY, NOVEMBER 29, 2023**

Present: Richard Gandon, Planning Board Chairman
Richard Byrnes, Member
Andrew Dale, Member
Andrew Halper, Member
Dan McInerney, Member
Hudson Van Sickle, Member
Robert Magrino, Assistant Village Attorney
Melissa B. Reimer, Village Clerk

Absent: Paul Stanbridge, Member

CALL TO ORDER

Chairman Gandon called the meeting to order at 7:00 P.M. and led everyone in the Pledge of Allegiance.

**1. IV2 ROCKLAND LOGISTICS LLC -55.22-1-1 (16B/259B1A, BIB & BIC)
25 OLD MILL ROAD- SEQRA REVIEW**

Mr. Darius Chafizadeh of Harris Beach PLLC appeared on behalf of the applicant for the SEQRA process and the acceptance of the FEIS. He stated that the whole team was present and prepared to answer questions. They believe that they are prepared to go forward.

Ms. Bonnie Franson was speaking from the audience.

Mr. Chafizadeh explained that the Final Environmental Impact Statement (“FEIS”). had been in process for over a year now. He said that they have been working with Bonnie’s team and the Village and believes that the Board received copies of the revised FEIS after comments from the Village staff and the consultants. Mr. Chafizadeh said that he believes that they are ready for the Board to accept the FEIS and take it to the next stage of SEQRA.

Chairman Gandon asked if anyone had questions regarding the FEIS.

Mr. Magrino added that there was an e-mail from the New York State Department of Transportation (“NYS DOT” or “DOT”) and asked Mr. Chefizadef to address it.

Mr. Chefizadef stated that the NYS DOT sent an e-mail today stating that they would like to see certain improvements and they know the SEQRA process is not complete yet. He asked Mr. Magrino if possible and permitted the applicant will comply with DOT

requirements as part of its work permit. If the DOT requires something and it's reasonable and the applicant agrees with it, they will do it. He said that he believes that that could be part of the SEQRA process.

Bonnie Franson asked what Mr. Chefizadef meant by "if it's agreeable" they will comply.

Mr. Chefizadef said that there are certain things that they may require during the work permit process that may not be feasible or just impossible. During the work permit process, they don't anticipate anything that is not feasible. They have had a lot of discussions with DOT.

Bonnie Franson stated that the applicant submitted their proposal for the three warehouses. The Planning Board determined that there may be a potential adverse impact under SEQRA and issued a positive declaration indicating the applicant should provide an environmental impact statement. The applicant prepared a draft environmental impact statement and the consultants recommended changes in terms of fully evaluating what those impacts would be. Ultimately, the Planning Board accepted it as complete for public review. Then the Draft Environment Impact Statement ("DEIS") is made available for a certain period for the public to comment on it. The purpose of the FEIS is to respond to the comments made by the public. It also addressed areas where studies may not have been done fully as anticipated in accordance with adopted scoping document, which is the outline for the Environmental Impact Statement ("EIS") (that is also described in the FEIS.

During this time, Bonnie explained, Nelson Pope requested that permitting agencies, before we close everything out, we want to ensure that those agencies are okay with what was proposed. The two agencies most concerned were the US Army Corps of Engineers and the NYS DOT.

Since the last meeting there has been additional communication and a meeting this past Monday between NYS DOT and the applicant. Ms. Franson recommended going into Executive session to discuss accepting the FEIS before the vote.

**MOTION TO ENTER INTO EXECUTIVE SESSION TO DISCUSS
ACCEPTING THE DEIS**

A motion to enter executive session at 7:11 P.M. was moved by Member McInerney, seconded by Member Halper, with all in favor except for Board Member Stanbridge.

A motion to return from executive session at 7:34 P.M. was moved by Member Dale, seconded by Member Van Sickle, with all in favor except for Board Member Stanbridge.

Ms. Bonnie Franson stepped to the podium to put into the record some of the items that were discussed and where the project is in the process with New York State DOT. She stated that the Board received an e-mail from the NYS DOT, and she did a follow-up call with Jason Brenner and Lance Gurney both

with NYS DOT.

Mr. Brenner and Mr. Gurney gave Ms. Franson their summary of how the project has transpired. They said that they had heard from the applicant in April 2023 when they received the DEIS. They reviewed it and made comments to the applicant's traffic engineer via e-mail on May 12, 2023. The gentlemen said that they did not hear anything back until October 2023. They said that they met with the applicant this past Monday (November 27, 2023). They feel that it is very recent to review the mitigation plans and that they have not had sufficient time to look at it. They believe that there are mitigations that are just not feasible given the reality of the road geometrics.

Ms. Franson said that the intersections that are in question are Hemion Road and Airmont Road intersections. She said that they discussed the improvements including two left turn lanes going from Route 59 eastbound onto Hemion Road northbound. Also having two left turn lanes onto Airmont Road going northbound toward the Thruway. These are the two mitigations that were proposed (and there are other mitigations proposed) that are the most concerning to them about capacity at the intersections.

Because of this, they asked in the e-mail to Ms. Franson that the Village do not close the SEQRA process. Ms. Franson stated that she assured them that if language was put into the resolution or the FEIS that they would have the opportunity to continue to work with the applicant and review it prior to site plan approval.

The applicant, Ms. Franson stated, will need a variance and they will need to go through the site plan review and approval process. Therefore, there is a bit of time between the FEIS and the site approval so that the applicant can diligently work with DOT and come up with a solution.

Ms. Franson mentioned to the Board that the DOT said that some right-of-way may have to be acquired. She had told them that the right-of-way is another community's and that the Village of Suffern does not control that. The NYS DOT would have to have a conversation with the applicant and those other municipalities.

Ms. Franson stated that if the Board wanted to deem the FEIS complete then consider stating in the resolution that the applicant works with NYS DOT actively and diligently to define the final conceptual mitigations. This would be done prior to site plan approval.

The applicant's attorney agreed, and Chairman Gandon stated that the applicant has been very accommodating throughout the entire process. Mr. Magrino added that the applicant should coordinate with the NYS DOT. Ms. Franson added that the applicant must also work with Rockland County Highway Department as well because Hemion Road is a county road.

Mr. Chefizadeh said that his client will work with them diligently over the next 30 to 45 days to get everything finalized.

Mr. Ryan McDermit/Dynamic Engineering, civil engineering consultant on behalf of the applicant, approached the podium. He spoke about clarifying the timing implications of everything. He said that they are happy to work with the NYS DOT and that they must work with the DOT over the next several months to address all of their comments. They are going to need a permit from the NYS DOT. He stated that the applicant cannot put a shovel in the ground until they have all outstanding permits, which includes the Commercial Highway Work Permit. He stated that to have NYS DOT approve everything

would be when they receive the Commercial Highway Work Permit which is months from now.

Ms. Franson told the applicant's team that the Village was looking for language like "conceptual sign off." It's just to understand what the mitigations/obligations are going to be. Mr. Magrino stated that it is sooner than later. It is conceptual. Chairman Gandon added that Ms. Franson was stating "conceptual", and the Village is saying, "Good faith effort." Ms. Franson said that yes, it is the same thing. Ms. Franson gave suggested language for the Board resolution.

Mr. Magrino added that he and Bonnie Franson prepared the Board resolution for the Board to vote on.

Trustee Dale asked if there was anything that the applicant's team wanted to add. Mr. Chefizadeh answered that no there was not.

MOTION to accept the FEIS in the format that the Board just discussed, moved by Board Member Dale, seconded by Board Member McInerney, with all in favor except for Board Member Stanbridge.

**2. ALLSTATE INSURANCE - 54.51-2-11 (16B/571) 95 Washington Avenue
SIGN APPLICATION**

The applicant was not in the audience.

MOTION to accept the sign application was moved by Board Member Dale, seconded by Board Member Halper, with all in favor except for Board Member Stanbridge.

3. OLD BUSINESS/NEW BUSINESS - none

4. MISCELLANEOUS - none

5. MOTION TO SET DATE FOR DECEMBER 13, 2023, MEETING

A motion to set the next Planning Board meeting for December 13, 2023, was moved by Board Member Dale and seconded by Board Member McInerney, with all in favor, except for Board Member Stanbridge.

6. ADJOURNMENT

A motion to adjourn the meeting at 7:41 P.M. was moved by Board Member Halper, seconded by Board Member Van Sickle, with all in favor, except for Board Member Stanbridge.

Respectfully,
Melissa B. Reimer, CPA
Village Clerk