

THE REGULAR MEETING of the ZONING BOARD OF APPEALS of the Town of Cortlandt was conducted at the Town Hall, 1 Heady St., Cortlandt Manor, NY on *Wednesday, November 16th, 2016*. The meeting was called to order, and began with the Pledge of Allegiance.

David S. Douglas, Chairman presided and other members of the Board were in attendance as follows:

Wai Man Chin, Vice Chairman
Charles P. Heady, Jr.
James Seirmarco
John Mattis
Adrian C. Hunte
Raymond Reber

Also Present

Ken Hoch, Clerk of the Zoning Board
John Klarl, Deputy Town attorney

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Mr. David Douglas stated before we begin, I just want to remind everybody to please speak into the microphone. If you haven't been here before, this gets shown on the internet and also on local T.V. and so for people who aren't here and in order for them to hear what's going on, make sure you speak into the microphone and introduce yourself and say what your name and your address. By the way, that microphone comes out so people can pull it out if that's easier for them.

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ADOPTION OF MEETING MINUTES FOR OCT. 19, 2016

So moved, seconded with all in favor saying "aye."

Mr. David Douglas stated the minutes for October are adopted.

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CLOSED AND RESERVED:

A. **CASE NO. 2016-18** **Charles McCay** for an Area Variance for the

rear yard setback for an existing open wood deck on property located at **2 Arthur St., Cortlandt Manor, NY.**

Mr. David Douglas stated I'm going to turn that over to our attorney Mr. Klarl.

Mr. John Klarl stated thank you Mr. Chairman. I have before me tonight a Draft Decision and Order. Each board member should have for their consideration and it reads as follows:

This is an application by Charles McCay for an area variance for the rear yard setback for an existing open wood deck on his property located at 2 Arthur Street, Cortlandt Manor, New York.

The Applicant's property consists of 19,123 sq. ft. in an R-40 Single-family Residential District.

The Applicant's house was built in 1974, after receiving the ZBA's approval for a reduction in lot area size requirement in Case No. 29-1972 (subject to Planning Board concurrence). The foundation Survey submitted shows that the house was indeed constructed in 1974 with a 20-foot setback. The Applicant bought the property in 1979 and has lived there since then.

The Assessor Card reveals an 11' x 7' rear deck was built with the house in 1974. Last year, in 2015, the Applicant removed the existing 11' x 7' deck and built a new 16' x 12' deck without a Building Permit. Section 307-18(B) of the Town of Cortlandt Zoning Ordinance permits a deck to extend 6' into the rear yard setback. In this case, the Applicant's deck extended 7' into the 20' setback, but there is no record of an area variance applied for or obtained for this property.

This Board researched the 1974 Planning Board Subdivision Map. It appears the Planning Board considered South Hill Street to be the front yard for the proposed house. The required side yard setback would be 20', as shown on the Subdivision Map. A side yard deck would be allowed to extend 3' into the setback and no closer than 5' to the side lot line. Since the Applicant's house was built facing Arthur Street, the proposed side yard could now be considered a rear yard. This argument aids the Applicant's application, but does not necessarily carry the day.

Rather, this Board has also considered the five (5) factors recited in the "balancing test" set forth in Section 267-b (3)(a) of the Town law to weigh the benefit to the Applicant if the area variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. This Board finds as follows:

1. *An undesirable change will not be produced in the character of the neighborhood or be a detriment to nearby properties. Here, the larger deck of 16' x 12' will not produce an undesirable change to the neighborhood or nearby properties.*
2. *The benefit sought by the Applicant can be achieved by some method other than an area variance. In this application, the Applicant can have the deck he has had since 1979 (11' x 7') by constructing the deck to its original long-standing footprint.*
3. *The requested area variance is substantial (11' x 7', to 16' x 12')(or 77 sq. ft., to 192 sq. ft.).*
4. *Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district. Once again, similar size parcel owners may feel entitled to increasing their open wood decks by proposing similar size or larger decks. As a result, a bad precedent could be established by this Board by granting the requested area variance herein.*
5. *Whether the alleged difficulty is self-created. Once again, the area variance was triggered by the Applicant's own actions, i.e., constructing a larger open wood deck (without a Building Permit). The Applicant should not be rewarded for his self-created violation (the larger open wood deck built without a Building Permit).*

For all the foregoing reasons, this Board hereby DENIES the area variance requested by the Applicant herein for the new 16' x 12' deck; and, in the alternative, ALLOWS a 16' x 7' deck to be constructed with an area variance from 24' down to 13'.

This is a Type II Action under SEQRA. No further compliance is required.

Mr. David Douglas stated thank you Mr. Klarl. Mr. Seirmarco, this is your case.

Mr. James Seirmarco stated on case #2016-18 I make a motion to close the public hearing – adopted as read by our attorney.

Seconded with all in favor saying "aye."

Mr. David Douglas stated the Decision and Order is adopted. Mr. Hoch, you will advise the applicant?

Mr. Ken Hoch responded I will, yes.

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ADJOURNED PUBLIC HEARINGS:

- A. **CASE NO. 2016-10** **New York SMSA Limited Partnership /d/b/a Verizon Wireless** for a Special Permit to install a wireless telecommunication facility on property located at **1065 Quaker Bridge Rd. East, Croton-on-Hudson, NY.**

Mr. Michael Sheridan stated good evening Mr. Chairman, members of the board. My name is Michael Sheridan, I'm an attorney with Snyder & Snyder LLP, the attorneys for New York SMSA Limited Partnership /d/b/a Verizon Wireless. As the Chairman indicated, Verizon Wireless is looking to locate a facility at 1065 Quaker Bridge Road East. If the board please be advised that earlier this evening I submitted response to Mr. Hoch in connection with comments made at previous meetings as well as a memo in opposition received from one of the adjacent property owners. The response includes the visual analysis from the balloon test that was conducted on October 1st as well as drive test data from an RF consultant that was retained. The hope is that the board will review that response by its next meeting in December and if satisfactory, close the public hearing at that time and move, hopefully for an approval in January.

Mr. David Douglas asked Ken you received all the items that Mr...--obviously we haven't reviewed those. We haven't even gotten those.

Mr. Michael Sheridan stated I understand.

Mr. David Douglas continued and as discussed at the work session, I'm not sure we'll close the public hearing in December or not. It will depend – you may wish to make some sort of presentation at that point or not. The public will undoubtedly want an opportunity to review what you've just submitted and respond to it. The goal would be to close the public hearing as soon as possible but I don't know any assurance we can do that in December.

Mr. Michael Sheridan stated understood.

Mr. David Douglas stated I think in terms of the so-called shot clock, what is your...

Mr. Michael Sheridan stated the letter does adjourn until January.

Mr. David Douglas stated okay it does. We haven't seen that so...

Mr. John Klarl asked January, date of the meeting?

Mr. David Douglas asked Ken, do you know the date of the January meeting?

Mr. Ken Hoch responded it's Wednesday, January 18th.

Mr. David Douglas stated so the next meeting is Wednesday, December 14th and then January 18th. Anybody from the public wish to be heard? I'm sorry, Mr. Sheridan, are you finished? I didn't mean to cut you off.

Mr. Michael Sheridan responded no that's okay.

Mr. David Douglas asked anybody from the public wish to be heard?

Mr. Frank Franco stated hello members of the board. This is Frank Franco; 1059 Quaker Bridge Road. I did submit some pictures. I just want to contrast the difference the day of the balloon test which was October 1st. I wanted to contrast the difference of what the backyard, my backyard looks like from that day opposed to today and the crest of the hill where it could potentially be seen. If you could switch to the other picture – you can see the top of the hill now very clearly. The whole point of showing you these pictures is just to stress the fact that I think another balloon test illustrating while the leaves are truly down now will give us a better picture of what the tower would look like in its position, so if you guys would consider that, that would be much appreciated. Beyond that, I just wanted to reiterate our position which is: the tower is a fire hazard in a residential area where there's no fire hydrants. As you guys know, the senior fire inspector did submit some suggestions for dealing with or making the site compliant, at least from a fire standpoint, so I hope that's considered. Co-location should still be the first option. We've made some communication ourselves with Con Ed as well as the municipal building in Croton and both of them have made it clear that Verizon just needs to reach out to them and they could potentially co-locate at those locations. And then I guess beyond that, just, you know, this is a residential area and it's really not a place to have a commercial cell tower located. Thank you.

Mr. Tom Secunda stated good evening. My name is Tom Secunda. I live at 62 Teatown Road. I'd just like to echo what was said. You know, balloon test was done when the trees were fully leaved. It really gave you no indication of what it would look like from the road because the road, when the leaves are up, are blocked by those trees. We'd appreciate getting an opportunity to understand what this tower really means to our neighborhood. At this point, we really can't understand. There's also simulations which I think have been done which we haven't seen. That would also be interesting for us to understand the impact of the tower. At this point, we really do not understand what the impact of this tower would be on our neighborhood. We'd appreciate that opportunity to form an educated opinion versus where we are now where we have not had that opportunity. Thank you.

Mr. David Douglas stated I think – I haven't seen what Verizon just submitted either but presumably, some of the information you're seeking will or should be in what they've just submitted. Hopefully that will answer some of your questions. Again, we haven't seen it either so...

Mr. Tom Secunda stated it would be great to understand this which might still put us in our position or might put us in a situation where we're not but at this point, we're kind of ignorant to the impact. Thank you.

Ms. Karen Wells stated hi, Karen Wells 28 Applebee Farm Road. Again, want to reiterate the desire to have that second balloon test. Also, through a foil request we did get some information from the Village of Croton. October 7th a representative – someone representing Verizon did reach out to the Village. There was no further communication in that foil. When a neighbor reached out to the Village, they were told that the Village would not share information with the

residents but they would respond to the Town if the Town made an inquiry so we'd ask, if possible, that the Town inquire with the Village on the availability and the status of the Verizon inquiry. Thank you.

Mr. David Douglas stated Mr. Sheridan, I don't know where you are in the audience; do you have any knowledge about any communications, discussions with the Village?

Mr. Michael Sheridan responded I do not. I'm not aware of that whether it has anything to do with this or not.

Mr. David Douglas asked anybody else?

Mr. Wai Man Chin stated I'm going to make a motion on case 2016-10 to adjourn to the December meeting.

Seconded with all in favor saying "aye."

Mr. David Douglas stated that case is adjourned until next month's meeting and we'll review the materials we received before then. Thank you.

B. CASE NO. 2016-19 Desire Casado Miller for an Area Variance for the front yard setback to construct a porch on property located at 11 Ogden Ave., Cortlandt Manor, NY.

Ms. Desire Miller stated hello, I'm Desiree Miller and I live at 11 Ogden Avenue.

Mr. Michael Miller stated Michael Miller of same address.

Mr. David Douglas stated Mr. Mattis this is your case.

Mr. John Mattis asked could you describe what you've changed since your initial application?

Mr. Michael Miller responded clearly, we've decided to shorten the length of the deck considerably instead of stretching the full length of the house as well as keeping the staircase in the same direction that it was prior. We may have just elongated by a marginal difference instead of facing out into the yard.

Mr. John Mattis stated it's still coming out 6 feet.

Mr. Michael Miller stated we haven't brought it out further to the road than what is currently there.

Mr. John Mattis stated this much more resembles a front porch than a deck which was our

concern.

Mr. Michael Miller stated right, which is what our aim was.

Mr. John Mattis stated I think that's appropriate.

Mr. Wai Man Chin stated I have no problem with this one.

Mr. James Seirmarco stated I have no problem.

Ms. Adrian Hunte stated I concur.

Mr. John Mattis asked does anyone in the audience like to speak? I move that we close case #2016-19 – close the public hearing.

Seconded with all in favor saying "aye."

Mr. David Douglas stated public hearing is closed.

Mr. John Mattis stated I move that we grant a front yard setback from the required 30 feet to the proposed 23.1 feet; it's a 6.9 foot or 23% Variance and with the allowed 6 foot for the deck. The required is 24 feet and it will still be 23.1 feet; it's a 9/10 of a foot Variance or 3%. It's a type II SEQRA and no further compliance is required.

Seconded with all in favor saying "aye."

Mr. David Douglas stated that Variance is granted.

Mr. Michael Miller stated thank you members of the board. Have a good night.

Ms. Desiree Miller stated thank you.

Mr. David Douglas stated and you should speak with Mr. Hoch about whatever paperwork that you need. Okay? Thank you.

C. **CASE NO. 2016-24** **Hudson Ridge Wellness Center, Inc. and Hudson Education and Wellness Center** for an Area Variance for the requirement that a hospital in a residential district must have frontage on State Road on property located at **2016 Quaker Ridge Road.**

Mr. Bob Davis stated good evening. Hi, I'm Bob Davis. I'm the attorney for the applicants. As you know, we made a full submission and a presentation at the last meeting so mercifully I'll be relatively brief, for me at least tonight and we won't have any further presentation for you

tonight after me. As we discussed at the work session, we're here tonight primarily to hear any additional public comment. For the benefit of the Board and everyone, we'll fully address those comments in one comprehensive submission, hopefully for the next meeting and that way, rather than piecemeal, we'll do that and that will result in avoiding any endless back and forth. To that end, we've been diligent in following up with the Town to see if there have been any submissions. We did get one that we talked about at the work session but, for some reason unknown to us, we did not receive a copy when it came in a week ago of Mr. Parish's report, the planner for the neighbors. We've asked Mr. Hoch to please get us that first thing tomorrow because we could have been working on it by now but we'll get right on that and that will be part of the materials that we'll respond to. At the work session we did discuss in some respects the SEQRA process and, in that regard, we would note to the Board that counsel for the opposition reminded the Board that his firm does represent many developers before the Town with large complex construction projects which do have tend to have significant impacts and which in some instances, at least, have necessarily called for a full blown coordinated SEQRA review. This clearly is not one of those projects. Our clients, I will remind the Board, are not building anything. They are using the existing buildings in a manner similar to the prior approved uses. They're not touching a single sensitive environmental feature of the property. Indeed, for example, they are actually planting more trees, they're replacing an old septic system with a new state-of-the-art one and they'll be shuttling many employees to the site to reduce what would already be a negligible traffic impact on local roads, even under the rather ultra-conservative, worst case scenario analysis we've given you. We'll give you more on traffic in our next submission. One point we do want to make is our clients do have the utmost respect for the Town and their neighbors as well as for the protection of the environment and the conservation of this beautiful property. That's precisely why they're preserving the existing 75% of open space on the 20 plus acre parcel of property as well as the 27.8 acre property adjoining as a natural buffer. That's why they're proposing a use that's consistent with the prior uses but has far less impacts than a number of the other uses permitted as-of-right that don't require any Variance. That's also why they're also deeply committed to working with the Town and the entire community to address the health crisis of addiction. As you know, the application is governed by Federal State and local law and the interest of the entire community, not just the opinions of some. There are over 40,000 citizens in the Town of Croton and many of them will benefit from the services and volunteer efforts offered by our client. I would say that given the Town's recent budget report, which includes a 2% tax increase, they certainly will benefit from the over half a million dollars in taxes that our client will be paying each year. It should also be noted that while you have heard from some nearby and even adjoining neighbors, the houses of the two principal parties represented by counsel are each more than a mile away from the property, so it's unclear how they would personally be affected. With respect to SEQRA, we would submit that your process is a fairly simple one. This is an Unlisted Action. I don't think there's any debate about that. You can perform your own uncoordinated review as counsel has even recognized. Based on the voluminous record, we would submit that there are no significant environmental impacts of your granting the Variance so that ultimately we would ask and submit that when you render your ultimate determination on the Variance that would include a negative declaration. As you know, your Variance does not even permit the proposed use to proceed, the Planning Board, in that event would perform its own SEQRA review and render its own

determination as to how and whether the proposal would in fact proceed. Finally, with respect to the legal issues raised by opposing counsel in a letter which we did receive a copy of, as to what type of Variance there is, as we discussed at the work session, addressed that preemptively in our memorandum of law and we now augmented that presentation significantly in my letters of November 10th and 11th. We thank you.

Mr. David Douglas stated you made a reference at the end to your letters of November 10th and 11th. We received those just yesterday so we've not reviewed those.

Mr. Bob Davis responded we fully understand.

Mr. John Klarl stated we haven't received your opposition papers to those – neighbors have also...

Mr. David Douglas stated we receive today some additional submissions by the members of the public...

Mr. Bob Davis stated and we haven't received those and we'll speak to Mr. Hoch tomorrow to see if we can set up an orderly process of getting those so we can keep the process going. I've already discussed with Mr. Schwartz from Zarin & Steinmetz and we have a very cooperative relationship in exchanging information so we'll try to do that between ourselves from now on too which will keep the process going.

Mr. John Klarl stated there's at least two submissions from that firm.

Mr. Bob Davis stated we got the one last week that we responded to in my letters of November 10th and 11th. We did not get the other submission that had Mr. Parish's report. I don't why but we'll endeavor to get that tomorrow so we can work on responding to that along with all of the other comments that we've heard already and that we'll hear tonight.

Mr. David Douglas stated thank you.

Mr. John Klarl stated Mr. Chairman just while we're on the SEQRA issue, can I add a couple of comments?

Mr. David Douglas responded sure, if you speak into the microphone.

Mr. John Klarl stated sure. We talked about on Monday at our work session, we talked about possibly doing an uncoordinated review. As this board often has said that SEQRA contemplates coordinated review and that's typically what we do. In this case you have the Town Board has no application before us so it can't be lead agency, we have a Planning Board has no application before it, can't be lead agency and the Zoning Board of Appeals is going to be an uncoordinated review therefore. I spent the afternoon, unfortunately, reading the SEQRA regs 617.6: initial review to establish lead agency and if you go to section, subsection (B) establishing agencies it

says: when a single agency is involved that agency will be the lead agency when it proposes to undertake fund or approve a type I unlisted action that does not involve another agency. So, it tells us what happens with a single agency and then subdivision 4 says: -- subdivision 3 is uncoordinated review, subdivision 4 is uncoordinated review for unlisted actions involving more than one agency. It has an agency connecting an uncoordinated review may proceed as the only involved agency pursuant to subdivision A. So the point is the SEQRA regs bare out an application for an uncoordinated review and to looking at the ZBA to serve as the lead agency as the Planning Board cannot and the Town Board cannot. That's a small review of DEL regulations.

Mr. David Douglas asked is that something we need to resolve tonight or that we can...

Mr. John Klarl responded the earlier the better.

[Inaudible 26:13].

Mr. John Klarl asked do you want me to highlight those?

Mr. David Douglas asked my question is we're usually dealing with coordinated review it's because we've got a Planning Board application going on at the same time as us. Only once in a blue moon that Town Board proceeds, but usually the Planning Board. Here there is just us so there's nobody to coordinate with. Am I getting the gist of it?

Mr. John Klarl responded right.

Mr. David Douglas stated so that we would have to be the lead agency because there is no other agency and we would do whatever is required under SEQRA in that capacity.

Mr. Wai Man Chin stated correct.

Mr. David Douglas asked do you agree or disagree?

Mr. Bob Davis responded I agree with Mr. Klarl's analysis. I've made the same analysis.

Mr. David Douglas stated okay. Anybody else want to be heard?

Mr. Brad Schwartz stated good evening Mr. Chairman and members of the Board; Brad Schwartz from the law firm of Zarin & Steinmetz in White Plains. We represent Tom Secunda, Karen Wells, Lois and Charlie Goldsmith, Jill and Joel Greenstein and others in a group of concerned citizens regarding this project. I'm joined here tonight by many of our clients as well as Matt Parish, our client's professional planner and engineer, my partner David Steinmetz is out of town and could not be here this evening. I guess, let's start with where the conversation just ended with respect to coordinated and uncoordinated review. Perhaps I'm confused or missing something but I'm holding here Planning Board minutes from last August, I believe, August of

2015: Application of Hudson Ridge Wellness Center for Site Development Plan Approval and Special Permit to reuse the 7 existing buildings located at the former Hudson Institute property. There was a whole discussion when the applicant presented to the Planning Board – the minutes go on for pages where an application was presented to the Board for a Special Permit for this use. So, the discussion that there's no other Town agency that has jurisdiction on this project; I'm a little puzzled by. I thought the Planning Board has jurisdiction and there is an application pending before the Planning Board.

Mr. David Douglas stated maybe I'm wrong but it was my understanding that it was a new application made to the Planning Board this summer which did not go forward and there's no proceeding now. That was in 2015 there was a – am I right Mr. Davis? There was an application in 2015 and then there was another application after the Moratorium ended and that was not...

Mr. Brad Schwartz asked was that application was withdrawn?

Mr. David Douglas responded I'll have to turn to Mr. Klarl for the details of what happened on the Planning Board.

Mr. John Klarl stated in August of this past summer, our new DOTS Director sent a memo to the Planning Board that the Planning Board could not process the application for a Site Plan Approval and Special Permit because the state road frontage requirements were not met so what happened was the application died on the vine.

Mr. Bob Davis stated that's correct.

Mr. Brad Schwartz stated died on the vine. The application exists but because the application can't go forward right because the Planning Board wanted the Zoning Board to start considering the Zoning Board application for the Variance but when applications require both permits and approvals from a Planning Board as well as Variances from a Zoning Board, applications don't just die or disappear, they're still pending and that's why you have coordinated review. Many applications have several agencies that have jurisdiction over the project. In this case the Planning Board has Site Plan and Special Permit jurisdiction and the Zoning Board has Variance jurisdiction whether Area or Use Variance.

Mr. Bob Davis asked may I just be heard briefly on that?

Mr. David Douglas responded yes – I mean my confusion is an unusual situation where the applicant is saying he doesn't have an application in front of the Planning Board. I've never seen that before.

Mr. Brad Schwartz stated the applicant's own EAF to your Board on page 11...

Mr. Bob Davis stated I haven't said that so I'll clarify.

Mr. David Douglas stated maybe I misunderstood.

Mr. Bob Davis stated I'll clarify what I have said.

Mr. Brad Schwartz stated just one more point I would make that page 11 of the applicant's own EAF submitted to your Board identifies Cortlandt Board as a lead agency having jurisdiction over the project, specifically a SEQRA determination. The Zoning Board is also identified as an agency having jurisdiction over the project. No SEQRA determination is listed under the Zoning Board. My interpretation of that, I think the only reasonable interpretation of that, that the applicant envisioned the Planning Board would serve as the lead agency as part of a coordinated review making a SEQRA determination for the overall project the way this Town ordinarily studies projects of this scale or magnitude.

Mr. Bob Davis stated I think I can shed some light on that. What Mr. Schwartz was just referring to was actually prepared in connection with what Mr. Klarl was alluding to which was our 2015 application. Basically, in the summer of this year, after the Moratorium was over, we re-submitted an application to the Board – to the Planning Board fully recognizing that we needed a Variance from your Board and we received a letter that Mr. Klarl accurately eluded to that told us rather than rendering the normal process with the Planning Board, at least the one we've been exposed to is, they typically entertain an application, we come before the Planning Board and we did that with our 2015 application before there was a Moratorium when that became more abundant at that point. With respect to our submission in July of this year, instead of appearing before the Planning Board, which we did not and instead of getting a staff review, which normally would follow a Planning Board meeting which we did not instead we got a letter from Mr. Preziosi that was copied to everyone involved in the Town and staff and so forth that in essence said: instead of moving forward, Quaker Ridge Road is not a state road and therefore the application cannot be further processed by the Planning Board. In essence, we do have an application before the Planning Board; it's in limbo. The Planning Board has chosen not to proceed with it at the moment, differing in effect without saying so. They don't mention anything about the Variance. They don't mention anything about your Board. They simply said we can't proceed. Even if we accept the fact that an application is technically pending before the Planning Board, nothing changes Mr. Klarl's analysis. The sections he read from 617.2 (B) 2 and 6 I believe it is, because I've discussed this a little bit at the work session, it still provides for this Board to make an uncoordinated review in the first instance. There may be an issue if the Board were – assuming there's an application pending before the Planning Board and assuming this Board undertook the uncoordinated review and later found that this Board found that there was significant impact on the environment then that under the regs could call for a coordinated review. But in this instance, we've essentially been told by the Planning Board, for one of a better phrase, to 'go away' until we resolve the issue with the state road frontage Variance. There's nothing that Mr. Klarl said, in my view, that was inaccurate at all, in terms of the law.

Mr. John Klarl stated it's 617 (B) 2 and 4.

Mr. David Douglas asked do you want to respond on that?

Mr. Brad Schwartz responded “going away?” Again, we’ve been involved in applications that involve Planning Board approvals and yes, we’re sometimes asked to “go away” come to your Board to begin processing a Variance application. It doesn’t mean the Planning Board application is denied, disappears, null and void. The Planning Board application is still pending so – clearly I think some clarification is required from the Town perhaps Planning Board staff, counsel as to the status of the two applications.

Mr. David Douglas stated what I’d suggest, and I don’t know if this makes sense or not, is I’d suggest we move on from this point and that we, as a Board, will consult further with our counsel and find out additional information we need between now and next work session and then we can deal with that next month if that’s okay.

Mr. John Klarl stated this only came up at the Monday work session.

Mr. David Douglas stated right, we discussed it for the first time on Monday night and it’s obviously an unusual situation.

Mr. Brad Schwartz stated and we are looking for guidance as to what type of SEQRA review would be conducted here. That would be very helpful.

Mr. David Douglas stated and I think we’re looking for guidance too.

Mr. Brad Schwartz stated so a couple of other points that I would like to briefly make and I know Mr. Davis alluded to it as well. We have raised a threshold legal issue as to whether or not this application requires an Area Variance or a Use Variance, right? The relief that the applicant seeks is from the zoning requirement that a Hospital Use in a residential district shall be located on a state road. It is our position that this is a Use for locational requirement that tells proposed hospital operators on what properties and where in the town this type of use can be located. Therefore, it’s our position that a Use Variance is required. We know from the work session that your Board will hear full argument on this in December so I’ll stop now and we’ll present our full case in December together with our full alternative argument as to why the applicant cannot even meet the five factor Variance test for the Area Variance that the applicant has in fact applied for. We’ll walk the Board very methodically next meeting to each of the five factors and our position as to why the applicant cannot satisfy each of those factors.

Mr. John Klarl stated the five factors that we talked about earlier tonight in another application.

Mr. Brad Schwartz responded correct. I was listening. I would also ask the Zoning Board to ask and require the applicant to come back to your Board next month with more information about who the applicant is; identify the applicant, explain the applicant’s background. You read the EAF, you can’t make sense of who the applicant is, what experience it has in operating hospitals. As we said in our submission letter; ordinarily I would not stand here tonight asking questions

about the applicant. We're fully familiar with the user doctrine but in this instance, because of state licensing regulatory requirements, as Mr. Parish will describe, the experience of this operator or the applicant to run this kind of facility and to adhere to the kinds of restrictions its imposing so as it claims it will minimize adverse impacts, we have no idea if this applicant is qualified to do so. I think it's within this Board's purview to ask questions, ask who the applicant is, what experience does the applicant have and I would say our concern is heightened here because this is our third or fourth meeting before your Board where the applicant has yet to be identified. We have no idea who the applicant is and that's highly unusual and we would ask that your Board require the applicant to provide that kind of information. In closing, I would ask Mr. Parish to come up and address briefly the character, SEQRA and some other aspects related to this project.

Mr. David Douglas stated before you do so, when you do your presentation next month and also the same thing for Mr. Davis, I would personally benefit from one of the things you covered being a discussion of our previous Decision in the Yeshiva case because that's obviously something that you both talk about and that we, as members of the Board, remember that case well and it would help me to find, to hear what you both have to say as to whether that case can be distinguished, should be distinguished, should not, whatever.

Mr. Bob Davis stated and I think one place to start with that, Mr. Chairman, we discussed it at some length at our Memorandum of law...

Mr. David Douglas stated you did...

Mr. Bob Davis stated I was just saying, we devoted a section of our memorandum of law to that case...

Mr. David Douglas stated and you did. I'm just making a personal request that for next month, as part of your respective presentations that please include that because for my personal benefit I would find that useful. Maybe some of the other people would as well.

Mr. Bob Davis stated thank you very much.

Mr. Parish stated good evening. The last time I was here we wanted it to get through in a hurry because we all wanted to listen to the debates and now it's a whole new world but we still have the same project. You have the letter I sent on November 8th, I believe, to the Board and I'm not going to go into that in detail because I understand there are going to be subsequent meetings which you discuss a lot of these issues in greater detail, but just a couple of things I want to quickly – because I know there are other people who want to talk. I want to quickly touch on which I think are kind of important in terms of the overall look of this project. First of all, listening to the argument about, not the argument, the discussion about the SEQRA review; I've worked on SEQRA projects now since the beginning of the SEQRA law. I was there at the original hearings when they enacted SEQRA. The whole purpose of the SEQRA process is to have a coordinated review not to have separate agencies at separate times considering the

environment and when you think about it, it just doesn't – the whole purpose was, as the state enacted more and more development laws and the different agencies involved in that, it became perfectly obvious that you should have a coordinated review. So, what have we here? We have a Zoning Board. You are now hearing a Variance. We have a Planning Board that's going to hear it if the Variance is accepted, a special exception permit. You'll have SEQRA review. There are county reviews that are required for the various systems and that may or may not involve SEQRA and then you have state agencies in this case for this particular use where permits will have to be obtained so that normally – I can't remember a project in all the years, I probably worked on a hundred development projects over the years for both applicants and as a review consultant for towns and never, can I remember, a project that had multiple agencies in this type of situation that didn't have a coordinated review.

Mr. David Douglas stated I think our game plan is to look more deeply into the SEQRA issue and we'll address it further at the next meeting so maybe you can go on to the next topic.

Mr. Parish stated the other thing that I wanted to bring up is the question about was just briefly discussed by Brad Schwartz is at the last meeting I was here and I listened to Mr. Davis's presentation and the planner and engineers, the other night. It was strange that they didn't discuss who the applicant was because this is a very special use. It's not a simple house where you have all kinds of things. It's a very special use and they have a whole project narrative that was prepared by a company in Toledo that discusses all of the various things that they're going to do. It seemed to me that it's very strange. Who is this organization that's going to carry out this particular, if the permit is approved, they're going to carry out these operations? I looked at the Internet and I found this Mr. Steven Laker was the only name that I could find associated with either HOWC or he owned L&G Capital which was shown in various documents and affiliated organization. So, Mr. Steven Laker, in looking at his bio, all his experience seems to be education as known but his experience seems to be in the energy field. There's nothing in the whole application that indicates that he, or in the application or on the Internet that he has experience in this field of that is proposed for this hospital use. I think that's important in this case. Mostly, when somebody comes before you; a home builder or property owners you had several Variances, they're going to build a property and what's going to happen? They're going to build it, put a porch on or build a house or whatever it is. They get a Variance for. The inspector is going to go out and look and see if it was built according to plans and that's the end of it. You're not going to be concerned about what happens after that, but in this case you're being asked to grant a permit for a use that's going to have a lot of operational characteristics. Now, the project narrative prepared by some people in Toledo who are obviously very good professionals, knowledgeable, suggest a whole bunch of ways in which this is going to operate. Now, question is; if you say: oh we're going to accept that. Then you're accepting with the belief that the organization that's going to carry it out really has the experience, the competence, the wherewithal to do it. Now, somewhere in this expanded EAF there's a kind of half mention that some other professional organization is going to be brought in by the applicant to actually run it, but do you know who that is? In effect, you're dealing with a lot of question marks about how this operation will happen and it's important because the impacts to the residential area around it are related in part on how it's going to operate. It's not like somebody building a home

and you know; well the house is going to be used in a certain way. This is going to be used – it's a very specific use that's proposed with a very specific set of – and you have it all lined up in a project narrative all kinds of things: when the family's going to visit, when deliveries are made and all kinds of other things about how it's going to operate. The question is: how does the Town monitor that? What happens? Now, assuming even the Town in some way finds a monitor and you find out they're not using it exactly as they said, what happens next? You revoke the permit and litigate for the next five years about it? The whole issue – then the other thing is: it's a business. This is a business that's going to happen here. We don't know at all what the assets, anything about the finances of it and I don't know that they're exactly germane except this, that if in fact the applicant leases this to some operator who's going to operate it and you've got a 92-bed hospital they have to fill with patients who are going to be paying, according to the thing, somewhere between \$25,000 and \$50,000 a month and lo and behold they find they can't fill those beds, they're losing money and they can't operate anymore. What's going to happen? What's going to happen is they're going to come back to you and say: hey we have to change this permit to have some different uses because we can't economically operate the use we have, we've got a hardship. It's inevitable. That's a possibility. It's not inevitable it's going to happen but it's a strong possibility particularly – if this were done by an organization, let's say the Betty Ford Clinic people came in and said we've got years and years of operation we're coming in to do this, you'd know: Hey, that's a solid outfit. We know how they're going to operate. I think in this particular case, even though my normal thing working for many applicants is who the applicant is, does it really matter? In this case it does because of the specific thing. If this were a permit to– Variance to build some houses on that site and you had to change the lot dimensions slightly I wouldn't bring the issue up. It wouldn't be germane but this is germane for this particular application. Just briefly, and we're going to talk about it a lot in future things, but the application itself is for use that's clearly not compatible. It's not at all compatible to the residential character of the neighborhood. I should know, we talk about this use but my concern and those other applicants would be for any use that would come in and ask for a Variance from the R80 application. It could even be the Hudson Institute type of use that comes back. In this particular case, the zoning law now has been enacted in relation to the concept that the area as a whole is now a residential area. Many years ago it wasn't. It was all open space and we're going to bring the future maps and show you what happened over the years in terms of the growth of the area around it and why the zoning Ordinance is and to protect that residential use. That's really an issue and I want to say that, again, the expanded EAF goes into all the history and so on, that's not relevant. What's relevant is what is there today and what the zoning is today and what the impacts will be from the change in use. My last comment as I listen to – I did mention to you about the coordinated thing. I just want to suggest that your Board and the Planning Board should coordinate and decide who's lead agency and that has to be done before so that you have a real report before you, a process, a DEIS, public hearings on the DEIS, a whole document so you know and have documented and Planning Board and everybody else have documented all the impacts. Mr. Davis can stand here and say how they are mitigating them but I think that has to be all documented. The law says if there are potential impacts, you've got to study them. With that, Mr. Chairman, I will rest my case and be back in future meetings. Thank you.

Mr. Mike Shannon stated good evening, my name is Mike Shannon. I live right next to the property in question with my wife Carolyn. The comment was made by Mr. Davis that the attorney speaking for some of the citizens or the citizens live more than a mile away. I read their submission. I agree with every statement in there; a rather thorough submission, and I live right next door, so let's bring it a little bit closer. The comment was made by the applicant that they want to be good citizens. Well, they started off on the wrong foot. I know I addressed this a bit last time but it goes right to the point being made by others tonight as to who are these people. What we know about them is that they basically bought the property and [Shell 50:51] Corporation and transferred it and proceeded to spend money without filing any papers. They're asking you and us to take their word on a lot of assurances: assurances about the adjoining property, assurances about their operations. I really don't think that the question should be: how can we effectively monitor them in the future but whether they have demonstrated that they are sufficiently good citizens to be given that chance and thus far they haven't. Rather than be secretive in their submissions, I would think that they would make full disclosures to you about their history, if any, in operating facilities like this, about their financial histories, if any. Who are they? How was this put together? Who is really running the show? Now I'm not just talking about a list of names. I would expect that there's private investors. I would expect that there are offering documents out there describing what they really plan to do, what they told their investors they were going to do and yet, we've come this far along and we don't even know who they are but we're being asked to trust them on everything. You asked a question, and I think very pointedly, about the Yeshiva case. I agree that the applicant seems to think that that is a very important and perhaps controlling case in his application and I think it is extremely distinguishable because it involved a situation where the use was going on for approximately 10 years before the road was put in place and the question was terminating the use by a non-profit religious institution. There's no issue of termination here. This is an applicant that goes in with eyes wide open just out to make a dollar. The prior use question I addressed last time, rather generally, and said: here's a picture from Doctor Lamb's property and said go take a look at it now. In the writing in which I submitted today, I do have a more current Google map and I also pulled a document from other counsel's submission which shows you the homes that are there, that are not depicted in the 1948 picture of Doctor Lamb's property. I don't know if every home was built since 1984 but every home that we looked up on your Town map was built after 1984 so the notion that we're just doing what existed in 1948 is really misleading. The comment is made in part of being a good citizen that they're going to contribute a lot of money to taxes. Now, this is nothing against the use of the property or the rights of the people who may use the property but the fact of the matter is that the study show that a facility like this drives down the values of adjoining properties for some distances, so there's an offset there when you consider just the dollars and cents. I would be remiss if I did not mention water. There were some, I thought very persuasive presentations made last time. We can't take a couple of showers in a row now. We can't run three tubs of laundry in a row now. They are talking about 92 residents, 92 workers. You're going to have laundry. You're going to have cooking. You're going to have all of the other uses of water. We've heard people talk about the effect downstream. We looked at the applicant's own statements as to the volume of the water usage. That's not something we should be taking a chance on. This should not be, for a whole variety of reasons, a close call. I do not think that under the circumstances here there's any reason to grant the rather

substantial Variance that's requested. Thank you.

Ms. Kate Fahey stated good evening. Thank you for your time. My name is Kate Fahey. I live with my family on 74 Quaker Hill Drive. I have been a resident and part of the Croton community for nearly 12 years now. It was 6 years ago that we moved from the Village to our home on Quaker Hill Drive. The decision was a no-brainer. Family-oriented neighborhood, quiet neighborhood, less traffic, a cul-de-sac, picturesque country roads, we couldn't ask for anything more. With five children and of course ourselves, this was a dream to be part of this residential community. Now, on a separate subject but more on the same lines, there are now, currently 110 homes built between Glendale, Quaker Hill Drive, Quaker Ridge Road and Little Lake Road. It's simple. This is a residential community and in fact, you could say that it's semi Sesame Street simple, meaning, one of these things is not like the other. Anyway, that's all I would like to say and I enjoy our neighborhood and thank you for listening.

Mr. Steven Hampton stated good evening. My name is Steven Hampton. I reside at 2013 Quaker Ridge Road in the Town of Cortlandt. I spoke to you at the October meeting about my concerns of excessive water use that a specialty hospital would incur on our community in the Teatown area. First, just a little rehash of that info. This past July, after 24 years of residence at my home I had an issue with my well. My well service company of the past 24 years recommended I lower my pump 100 feet largely due to a two and a half year ongoing drought. According to [58:06 inaudible], we have been a moderate to severe drought for the past two and a half years and with global warming, no one can predict what the future holds. Since that time, I have had several neighbors express to me their own well issues. The issue of our drought is an ongoing concern not only of our community but of the entire nation. Water is a shared resource that is vital to long term concerns of our community which we take very seriously. That being said, I'd like to put the excessive water use of this specialty hospital in layman's terms. I am not a scientist and this is not a scientific study but something I think everyone can understand. If you take a look at the map I have given you, the dark line area represents over a square mile of our community of which falls into the same aquifer that would be supplying water to the specialty hospital from Teatown and Quaker Ridge Road to Glendale Road, one mile down Glendale to Spring Valley Road about one mile. Spring Valley Road to Teatown, one mile, Teatown Road back to Quaker Ridge, 1.8 miles. Teatown Road is very curvy so for argument's sake we'll call it a mile. I said it wasn't scientific but I think we can safely assume it's a solid square mile. This includes the homes in Quaker Hill area, Little Lake Drive and [59:33 inaudible] Road. There are 111 homes within this area. The map is from 1990 and shows fewer. So, let's look at the standards of our water consumption figures. I know the specialty hospital has claimed they will use less than the standard but to date have not shown us how they will accomplish this. The average person per household in this area is 2.5, but in fairness, we'll call it 3. The standard water use per person is 60 to 70 gallons per day. Once again, for fairness we'll calculate using 70. So 333 people using 70 gallons per day uses 8,508,000 gallons per year. The specialty hospital's 92 patients using the standard of 175 gallons per day uses 5,876,000 gallons per year. Add in the 92 staff worker's use at only 15 gallons a day, adds another 5,300 bringing their total to 6,380,000 gallons per year. This doesn't account for landscaping use, guests or maintenance of those facilities which would be hundreds of thousands of gallons annually. So,

they are looking at a minimum use that would be three quarters of the entire use of the 111 homes in over a square mile. Their consumption is three quarters of everybody in that area use for one year; water drought. The property lies within the zoning of R80 and is approximately 20 acres which means that if subdivided into R80 lots, the maximum would be 10. Taking into the account the steep slope, wetlands and the pond on the property, realistically you're looking at five or six lots. But once again in fairness, let's give them eight. So eight homes with three per household, a total of 24 residents using 70 gallons per day would use 613,000 gallons per year. Instead of the 613,000 gallons for annual usage they would use an unprecedented six million plus gallons; six million plus gallons per year after year, after year. Looking back to our designated one square mile area with 111 homes and 333 residents, there are 640 acres in a square mile and the 20 acre parcel of the specialty hospital represents 3% of that total acreage. So based on these numbers, they want to use 75% of the water of the entire square mile area usage when they represent only 3% of that area. Once again, the water usage is ridiculous: 613,000 compared to the minimum six and a half million, ten times more than the proper zoning would allow – ten times more than proper zoning would allow. That, my friends, is crazy. For those of you who might now be aware, the proposed specialty hospital sits on the highest point in the entire area. As we all learn in grade school water flows downhill. Unfortunately, now we go from crazy to scary. Now that they have pumped over six million gallons of water out of the ground which will happen year after year, after year, they have to process this water to a septic system because they have no sewer in our area. Please look at the map once again. The yellow shaded area is the Indian Brook Reservoir protected area. As you can see, the septic fields required to process this vast amount of water will be not much more than 500 feet from this protected area and not more than a thousand feet from Little Lake which flows directly into the Indian Brook Reservoir. That reservoir provides the water to more than 32,000 residents in the Village and Town of Ossining. I would think the Board should inform the Mayor of Ossining: Victoria Gearity of the risk that will come to her residents from this proposed specialty hospital. Anyone who lives in Westchester County that uses a septic field knows that the county mandates that you have in reserve an equal amount of land as your existing septic field, why? Because septic systems fail. I'm not saying that their septic is going to fail but is it worth that risk? My guess is that if you asked the 32,000 people in Ossining they would say "hell no." There is one thing that will happen for sure: septic systems create nitrogen which will flow down the hill into the protected watershed area and into Little Lake and ultimately into the reservoir. Another huge problem for our watershed area is the storm water runoff, increased pollutants from the dramatic increase of traffic will make its way into our watershed. This will need careful analysis through an environmental study. Just on the water use alone, it is apparent that the Board when considering its Variance must consider this a Use Variance. I keep asking myself; why should they be allowed to come in and take the lion's share of the water? What gives them the right to take a shared resources that we are all dependent on? What happens if the water table drops to the point where my well gets sucked down into their deeper well which is exactly what my well service provider told me will happen if that occurs. What happens to the 32,000 residents of Ossining if their reservoir gets polluted? Don't think that can happen? Think again. In 2014 pollutants travelled underground almost two miles to pollute a reservoir in nearby Poughkeepsie. That resulted in the closure of that reservoir. It is still not providing water to its former users to this day. What will you say to me and my neighbors if my well goes dry? Sorry? What will you

say to the 32,000 residents of Ossining? Sorry? Don't say sorry just say no. The law requires that a specialty hospital be on a state road and for a good reason. They will have access to public water and sewer. Turns out, the Town of Cortlandt has a perfect spot for them and it's called the MOD. This is what the residents of our Town want and it's the future we have laid out in our Master Plan. By the way, there's an excellent hospital nearby which is almost all of the specialty hospitals seem to locate by. Even their own proclaimed model, the Betty Ford Center is located next to one. Thank you.

Ms. Trishia Steinman stated hi, my name is Trishia Steinman. I'm a resident of 120 Quaker Ridge Road in Croton-on-Hudson. Mr. Klarl, you might remember you were the attorney for the seller. I've lived in that house for five years with my husband and three children and I actually found it during a long run because I'd been running those roads for seven years. It's a place for most runners that I know, and bikers because it's safe. We don't have to worry about cars and when we're bored or in pain we can get distracted by the views. So, with that serenity and peace that I felt when I was running those roads I decided that's where I wanted to raise my kids and we moved from the Village and we moved into the "woods" as I call it. Once we were there, we went on many hikes with the kids. We went out every single day. We still are and we added two dogs to our family because that's what we saw everywhere: people in the streets walking their dogs. Anytime you come to our area, you will see people either walking, they will be running, they will be biking, kids, adults, you name it. My husband takes the kids on bike rides all the time and in order to get to the trails, he takes them on the roads. I'm comfortable with that because I know they're safe. Being somebody that grew up in the City I appreciate the nature – it took me a little while to get used to but I appreciate it. My kids have been able to identify different owls because of the sounds they hear at night. They're able to identify even different species of fox, coyotes, not so crazy about those but we have them, bald eagles. My concern with the addition of the Hudson Ridge Wellness Center is that all of the reasons why we moved to this area are going to be affected. I'm concerned about the roads, extremely concerned, being that we're on them all the time. They're very narrow. There are not many that have access to that area so we all share them. The Taconic Roadrunners use that for their group runs, the animals, wildlife. So, I don't understand how they wouldn't be affected if you're going to have major lights in this big facility. That's it really. I just – I'm concerned that the reasons why we moved to this area are going to be taken away and then they'll be the reasons why we move out because they were taken away. I'd appreciate you considering it.

Ms. Cincy Secunda stated I'm Cindy Secunda; 62 Teatown Road. I wasn't going to speak tonight but then when Mr. Davis talked about how some people are a mile away and they're so concerned. It occurred to me how he has no idea of what this neighborhood's like. Being a mile away is actually close in our neighborhood and as was just said, there's very few roads in our neighborhood and most of them are narrow and windy. One of the things that happens very frequently in our neighborhood is, in the winter, in the summer, or just anytime, a tree will go down and if a tree goes down across the road, which I used to call the bus depot for the school, I would say "Rochelle, you can't send the bus on our road, the tree is down, you can't get through." So, it winds up that you now have a dead end street where it was bad enough when it was a through street. So, you can then wind up, and I fight with the Town all the time because

they don't tell us when they're doing construction, and so you go and then all of a sudden you have to turn around and it can be like – well you have to go Teatown Road, Spring Valley Road, Applebee/Blinn and back around to Quaker Ridge just because a tree is down or there's construction on the road. So, if you don't understand that a mile is not very far in our neighborhood and you don't understand that the roads are very narrow; Quaker Bridge is also very narrow and downhill. Trees go down all the time. Teatown Road trees go down. Across Quaker Ridge, trees go down. It's a mess but we like it like that and one of the reasons we like it like that is for all the reasons that were just said. If you really think that a mile is too far for us to care about each other, you just don't know what you're getting yourself into. That's all.

Mr. Andrew Suss stated good evening. My name is Andrew Suss. I reside at 2210 Quaker Ridge Road. Two miles away from the Hudson Institute, two. Ladies and gentlemen, I'd like to bring another point that refers directly to the issue of "secrecy" and the second point that I'd like to address is the roads. I'll start with the roads because that was a very recent incident. My wife needed an ambulance. We waited 17 minutes, 17. I thought she was having a heart attack, fortunately I was wrong, everything was fine and I ask two ambulances came. What happened? Well there was a fender bender on Quaker Bridge Road which is on Alpine Road and nobody could get through. We have very limited access to major roads, highly limited since the Croton Dam bridge has been closed since 9/11. This is a major concern. This is not a state road. This is a road that connects hundred some houses to vital arteries and trees and accidents do happen. Bringing in other commercial enterprise will only exacerbate this traffic. Now, we do not live in a vacuum. There is another medical facility being expanded by, I understand, 700% on [Cedarlay] Road and that will do great deal of havoc to our transportation issue. If any of you travels on 9A during rush hour, it is Manhattan and I lived in Manhattan for many, many years and moved out of there and what do you see in the morning when you're travelling down south on 9A; it's a parking lot. So, there is a question of emergency. There is a question of big magnitude of our safety. Indian Point is our neighbor, unfortunately, as well. Please consider that. The second issue is the character of the neighborhood. My wife and I, we were looking for two and a half years for a property in Westchester County. We took a deep, close look at Pound Ridge, Bedford, North Salem. Greater Teatown is a jewel and I will give you an illustration. When we finally purchased our home, I sent to my friends and family, change of address, some photos, this is pre-Internet days and everybody was asking me: wait a minute, it doesn't make sense. You are telling us that you are 50 minutes from Grand Central and we see deer on your property? That makes no sense. This doesn't add up. Yes, if you live in [Isadore 1:15], Warsaw or London it doesn't make sense, but Croton, yes it does make sense, it happens every day. This is a wonderful residential neighborhood, let's keep it that way. Thank you.

Mr. David Douglas asked anybody else?

Ms. Karen Wells stated hello again. Looks like it's not a Wednesday evening if I don't come up and speak. I want to tackle a couple of different things: first on the SEQRA, the applicant's attorney mentioned they're not going to be doing any new building. I'm sure, you know this better than I do but I believe SEQRA doesn't require new building, although they will be putting in new septic fields, new parking lots, etc. You've heard the residents talk about at least three

threshold issues: character of the neighborhood, water impacts and traffic. These are in addition to other issues that we will be talking about in the future. The other topic I wanted to cover, because I get this question a lot: why should people care who don't live right next door? Cindy Secunda did a great job explaining why we who live in the immediate neighborhood, because we really do view this as a neighborhood, why we care. But, there's also a reason why everyone in the Cortlandt community and surrounding communities including Ossining and New Castle do care and should care. Part of it is related to the Master Plan. This is your first test in the Master Plan. Are we going to follow the Master Plan and advocate for this type of hospital in the medical granted district? I think that's the right place for a hospital. In addition, when it comes to topics within our community, whether it is the barges, the electric conversion, stop the buzz campaign or the pipeline, this is a community that comes together and said; just because it is not directly beside me does not mean I shouldn't care about it. We care about each other in this community. As important, when I looked at the parcels for sale in the community, there are at least a dozen that could potentially in residential neighborhoods come before you with this exact same type of application and these ten properties are spread out all over Cortlandt. The issue is not just about the Teatown area and this one property. This is about how we want our community to evolve over the next decade, where we want hospitals, where we want economic development, where we want that sense of place with neighborhoods that we talk about in our Master Plan. The other component I'd like to talk about is the buffer property that the applicant mentions. They talk about the fact that as long as this remains their facility, they will not develop that property. That property is in New Castle. They would not need to come before this group to develop it which comes back to the issue several people have talked about this evening. We're being asked to take a lot of things on faith that they won't develop that property, that they will use fans, that they're not planning any more building even though when we look at their facility compared to the comparatives, they're missing a lot of lovely amenities. We'll talk about those in December when we come back. Because we are being asked to take things on faith, I think it's only fair we actually know who's behind this application. In fact, I heard that when one of the members came to a work session that person wasn't even identified as part of this application. I have no idea what their experience is in running this type of facility. I have no idea who the people are and I must admit, seeing how litigious this group has been from the get go, I, for my community and personally, am a bit worried about who these people are. I ask you, as our representatives, to please, in your role, look into that as well as considering the issues around SEQRA. And then I do want to speak, just finally, on the water topic. Water is something, as you have heard many people talk about and I'm sure we'll talk about it some more, is very important in this part of our community because of our dependence on wells. I often get the question: why not just bring in municipal water? Very simple reason, and again why this project has concerns beyond our immediate community, the area we live in has limited development in large part to protect the New York City watershed. My property, in fact, has a conservation easement on it to protect the New York City watershed. That watershed services over eight and a half million people. In addition, the Town of Ossining's water supply, that would also be impacted by what happens in this community. If municipal water comes into a community, the reason for that R80 zoning goes away, density increases, and then we have increased problems with water quality. These properties aren't large because we just like them that way. These properties, the R80 zoning is there as an environmental protection. That is why

we have R80 zoning. And when we talk about our wells running dry, the other thing that will come before you, I'm sure, is a remediation plan should that happen and you remediate wells running dry by making them deeper. The problem with doing that, we happen to live in a bedrock aquifer. Bedrock aquifers are notorious for containing radium. The deeper you drop a well in a bedrock aquifer the more likely you are to have your well contaminated with radioactive material. In fact, that happened to the hospital that is looking to expand. They dropped their well down to a thousand feet and the acid became contaminated with radium above the EPA limits and they had to stop using that well for drinking water. These are clearly threshold level concerns when it comes to SEQRA. These are clearly concerns that are not limited to the people you see in this room and these are concerns that really beg the need to know who is behind this application. Thank you very much.

Mr. David Douglas asked anybody else wish to be heard tonight? Our game plan obviously, is we're going to continue this hearing next month. The date is December 14th.

Mr. James Seirmarco stated I make a motion to adjourn.

Seconded with all in favor saying "aye."

Mr. David Douglas stated it's adjourned to next month. Can I make a request? There are more applications on so if you're going to be the room, please don't talk because people are waiting.

Mr. Wai Man Chin stated hello? There's other applications that still have to be heard. If you're going to talk, please go outside. Thank you.

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NEW PUBLIC HEARINGS:

- A. **CASE NO. 2016-25** **Adam Anfiteatro** for an Interpretation that no Variance is required to rebuild an existing garage in the front yard, with a 64 square foot increase in the size of the garage, in the front yard, with a 10 foot setback from the front property line, on property located at **12 Hollis Lane, Croton-on-Hudson, NY.**

Mr. David Douglas stated we got an email from his attorney today seeking to adjourn this until January.

Mr. Wai Man Chin stated I'm going to make a motion on case 2016-25 to adjourn to the January meeting.

Seconded with all in favor saying "aye."

Mr. David Douglas stated that case is adjourned to January.

Mr. Raymond Reber asked was anybody here to speak on that case?

Mr. David Douglas stated oh good question. Before we adjourn it, does anybody want to be heard on that case? Thank you Ray. Does anybody want to be heard on that case? Thank you.

B. CASE NO. 2016-26 Robert Vaughn for an Area Variance for the front yard setback to replace an existing deck on property located at 31 William Puckey Dr., Cortlandt Manor, NY.

Mr. David Douglas stated again, can I request the people if they are still in the room just keep quiet. We're moving on with another case. Okay, thank you. I'm sorry you have to be behind that one, we just do this in order they come in.

Mr. Robert Vaughn stated it's okay. My name is Robert Vaughn and my wife [Karina 1:26] and I we live at 31 William Puckey Drive for 25 years. We are asking to extend a front deck because it's deteriorating. The deck actually when they built the deck, they make a cantilever. It's only 33 inches wide so what I need is 1.85 feet in order that – because it is a step up.

Mr. David Douglas stated Mr. Schwartz, in the back, could you make sure the door's closed behind you? Thank you. Sorry about that. We're having trouble hearing you – I was asking you a favor to just make sure the door closes when you leave. We can't hear him. Okay, thanks. Sorry about that.

Mr. Robert Vaughn stated we are asking for to increase from the property line that actually the property line is 9 and $\frac{3}{4}$ feet from the curb and is supposed to be 50 right, so it's 59. Actually, from the curb so it's a big distance. If we estimate that a deck – as I was explaining before, when they built, they built as a cantilever is because it's very narrow doesn't need to have a column to support from the other end so now it's impractical because it's deteriorated it's impractical to build a cantilever without columns because the electrical wires, the pipe for the heating is impractical. So it has to be a repair making a deck. Now, what happened is there is a step up. Most of the property is – from the property, the 50 feet plus the 9 feet from the curb, there is a step up so if the homes – because in order to repair we have to put a column they are going to put in the position where it actually is, is very unsafe because we have to think in the winter where there is snow to walk. Because, as I said, very small space as I mentioned and is a step up so once there is going to be repair, the best thing is to extend just 1.85 feet in order to have the columns is just a few columns to support the deck. That's why I'm asking the Board just 1.85.

Mr. Raymond Reber stated this is my case. It's interesting you're going through a lot of discussion about the structural arrangement and the need for the columns and the spacing but there was nothing provided, that I saw, other than site plan, basically a survey. You have, as you

said, a cantilever three foot extension across the front of the house.

Mr. Robert Vaughn responded actually less than three feet. It's 33 inches; it's 2 feet and 9.

Mr. Raymond Reber stated in other words, it's primarily a decorative feature on the front of the house. Obviously it's not enough to – you can't have a party out there or what have you. Those type of cantilever extensions do exist. It's an architectural feature. It's not intended to be a living space. They're convenient. You can open the door to get the fresh air. You can step out and look around and what have you. We do not normally like to think of extending anything into a front yard and giving Variances. We certainly are opposed to decks or any kind of structure whereby you now have enough room where yeah you can put tables and chairs. It's a fundamental change in the purpose of what is there. My personal opinion is I cannot, aside from your structural issues and there's ways of getting around it, I believe that what you've lived with for years was the 2 foot 8 or whatever, to replace that fine, rebuild it, whatever but in my opinion I would not concede to allow you to expand further to a 6 foot or 5 foot or whatever larger structure. Particularly if you're going to end up with posts in the front because again, that changes the whole character of the structure. That's my personal opinion. I would not agree to expanding beyond what you have. Fix what you have, fine, but no expansion. My colleagues can have their opinions.

Mr. Robert Vaughn stated this is a hardship. In other words, there is very narrow in order to keep a how the house was built. The house was built with a cantilever, right? Now, is a hardship because say for example that we have going to Variance I decide to have the deck and I have to put the columns and I still have 1.05 more than the property line. So the property line like actual is so I have the right to have that deck because that was built that way since 1982 it's like that and cannot be make a cantilever so...

Mr. Raymond Reber stated wait, time out. What you're saying is you can't replace what's been there for years. The trouble is, there's got to be a way. If it was there for years and it deteriorated, rotted, whatever, there's got to be a way of replacing it. I don't accept the argument. There wasn't an earth quake to shift the house or anything.

Mr. Robert Vaughn stated excuse me. I have engineers, architects – it's impractical. They built – a cantilever is a type of deck that had sufficient space all the way to the back. When they built the house, they bring the thing..

Mr. Raymond Reber stated I understand. I'm a licensed engineer and I understand. I'm not saying it's easy, okay? What I'm saying is you've got to find a way. I can't allow somebody to say to me because now that the deterioration it's going to be complicated for me to fix it. I'm sorry but you know.

Mr. Robert Vaughn stated is something that is a hardship – in other words, I have the right with how come to appeal to have the same 33 inches and in property put just a few columns but it's something very tacky and it's something that when there is snow the columns will have to be in

the walking path. That is the reason why I am asking. For example, the property line, I don't know why the property line they don't make like the edge of the road. The property line actually, I measured everything, is 25 feet from the center of the road...

Mr. Raymond Reber stated my neighborhood's the same. The Town has the right to take several feet of my front lawn because it is part of the road right-of-way. That's common throughout the Town. I can't use that...

Mr. Robert Vaughn stated I don't know why they make so complicated. Why the property line cannot be the...

Mr. John Mattis stated it's not an issue with us. It is what it is.

Mr. Robert Vaughn stated now, I have my right to fix that cantilever that I just want to be a deck. It's going to be just a few feet – it's going to be just a few – even if I can't extend 1.05. That's what I'll do then. I will then take any space from the property line. I will not take any space from the property line and then we'll leave it like that. I thought that just 1.75 to have the column at the edge before the step down so I will have to build just with 1.05 and I still in what the Town requires.

Mr. Raymond Reber stated it all comes down to economics, basically. Almost anything can be done for the right price. What you're saying is, it's prohibitive for you to do anything else. On one hand, this overhang or whatever, that you used to have was mostly decorative. It wasn't much that you did with it correct?

Mr. Robert Vaughn responded no, I and my children and the people who – the guests, they used that, they liked that. It's very narrow but it's 48 feet – it's alongside and when they built that it was okay by the Town. What I just want is to have a deck and because it's very impractical to have that, they will have to do just getting 1.5 then I don't get into the property line and that's – but it's very impractical, it's very impractical in the same way that during construction they prove that it's very impractical so the people pay money, taxes for that. What I will do is just will take the 1.05, I will put just a few beam and I will have a deck. I was just asking for 1.75. What percent is 1.75 into 59 and $\frac{3}{4}$. It's very low.

Mr. Raymond Reber stated you're focusing on the dimension number itself and not on the fundamental change of what's going to be there. Again, you didn't submit plans so it's hard to discuss specifics with what you're trying to present but I hear something to the effect that you need to put the columns so far out because you have a walkway – maybe the walk has to be realigned so that you don't have to have the interference with the column. What I'm saying is I don't believe that it's mandatory that you go to 6 feet with this so-called cantilever deck.

Mr. Robert Vaughn stated excuse me, I'm not going 6 feet. I going just 33 inches plus 24 and 33 is 55, 57 plus 0.85. You multiply 0.85 times 12 and – I'm not going 6 feet.

Mr. Raymond Reber stated the net Variance that you're asking for is a little under two feet, I agree but it's changing the character in front of the house.

Mr. Robert Vaughn stated I think that I hear that you say there is no plan. I have a professional engineer. I have over here the plan. In other words, he submit the plan – it's not a construction plan because for this reason if I'm going to be turned down I'm not going to pay for a construction plan. I get something here what is going to be.

Mr. John Mattis asked I have a question for you.

Mr. Robert Vaughn stated yes sir.

Mr. John Mattis stated the columns, you're allowed 50 feet from the property line. Will they come out? They'd be less than 50 feet?

Mr. Robert Vaughn responded it will be just 47.15 plus the property line, plus 9 and $\frac{3}{4}$ because what we are doing is, people don't know – what the people are doing is they pass by, by walking and say that house is beautiful. That house is big distance because we have – it's the reality. That's why I say: I don't know why they get so complicated. I don't know why they cannot have the property line in the edge. In my opinion, it's to make very complicated but it happens to be it's 25 feet. I make sure that it's 25 feet.

Mr. John Mattis stated that's irrelevant because the property line is the property line and what the Town says is theirs is there's. We can't change that. It's that way, as Mr. Reber said, in many neighborhoods. You now are 51.05 feet from – you're allowed without a Variance to go down 1.05 feet, roughly one foot to the 50 feet. You're going down to 48.15 so you're increasing almost 3 feet. Even though the Variance is only 1.85 the appearance makes it look closer. You're fundamentally changing the look of that house. You're going to have columns that are going to be within 50 feet, they're going to be 48.15 or whatever they are. You're going to have the deck come out almost 3 feet where it will be a 6 foot deck instead of a 3 foot deck and you have – we are here, our primary purpose is to find alternatives that minimize or eliminate Variances and your alternative, which you choose not to do, is replace it the way it is with a cantilevered deck of the same size. In fact, you could come out one foot and you're still within the 50 feet, you're still past the 50 feet, you're okay. You have an alternative. The fact that you have an alternative makes it apparent and almost impossible for us to say yes because then we're going against what we're here to do. We're here to grant Variances where necessary but eliminate or minimize them and you do have an alternative. That's one of the first points we look at: is there an alternative? And there is absolutely an alternative. For that reason, I could never vote for this.

Mr. Robert Vaughn stated let me mention something; I'm read here in the environmental assessment form in the part 1, where they ask is how much is the area that is going to be taken from the land. Do you know, four columns because this is four columns, four columns is what is needed. Do you know how – because here I see and made the calculations: the total acreage to

be physically disturbed, in other words can be the area that – I mean the deck that is hanging, is the column. Do you know how much in acres is that? It's 0.0002. It's something like that. They don't ask how much...

Mr. John Mattis stated effectively, number one you have an alternative, number two you are doubling the size of that deck. Even though you don't need a Variance for all of it, you are coming out from 51.05 to 48.15; 2.9 feet from what you have existing to what you have proposed and it's about...

Mr. Robert Vaughn 47.85.

Mr. John Mattis stated that's even worse then. That's even a foot further. You are changing the appearance with the columns with a much bigger deck. Again, we are here to minimize and make sure there are no changes to the – that changes the character of that house completely but putting that aside: number one, you have an alternative. As long as you have an alternative, we cannot grant a Variance. You're going in circles now arguing and arguing numbers but the point is we are here to grant Variances, minimize them and eliminate them if necessary. You can eliminate the Variance by rebuilding what you have but you steadfastly refuse to do that. I'm going to steadfastly vote against this.

Mr. Robert Vaughn stated it's a hardship.

Mr. John Mattis stated there's no hardship. Financial?

Mr. Robert Vaughn stated excuse me, when there is snow and even the snow is clean that is very nice. I will ask to have an inspector to explain physical so they see – what happens is when they built the house, the front is flat but where the house is it's very narrow the walking space. It has to be walked from the driveway is very narrow. If I will ask to adjourn this meeting here and ask an inspector to prove the hardship and the hardship is not just to get into the house, it's to go from the house to the back.

Mr. David Douglas stated Mr. Vaughn what I suggest is partly what you said that you said why don't we adjourn this and you find whatever additional information you want and also look into other alternatives. You hear what people are saying.

Mr. Robert Vaughn stated I understand. There is no possible to have an inspector to see if physical when you see...

Ms. Adrian Hunte stated Mr. Vaughn there are a couple of things here: one is clearly you do have alternatives.

Mr. Robert Vaughn stated there is no alternative in order to eliminate the hardship.

Ms. Adrian Hunte stated first of all you haven't presented any plans so we suggest...

Mr. Robert Vaughn stated yes, I have the plans here.

Ms. Adrian Hunte stated yes but you said you didn't want to present anything because you didn't want to pay unless you...

Mr. Robert Vaughn stated no, what is showing there is be necessarily...

Ms. Adrian Hunte stated this is an opportunity to speak with your engineer or an architect to see whether there's another way that you can achieve what you want to do and not go over that setback so much.

Mr. Wai Man Chin stated I would like to say something. First of all, this what you're proposing is a deck up on a second story. It's not a porch. What they designed it before when this house was built was like, almost like in Europe where they come out on a little, just to stand out and look out onto a street. That's how this was presented and how it was built not to have a porch. I mean a deck up on the second story. If you were putting a porch, like on the last case that we had, going into the front entrance and so forth, that's a little bit different. This is actually a deck and we don't permit decks on the front part of the house.

Mr. Robert Vaughn stated it's been like that since 1982.

Mr. Wai Man Chin stated this is on a second story. It's not on the first story or anything like that so what Mr. Mattis is saying or Mr. Reber is saying you want to expand that deck or that three foot deck or 33 inch deck that you had that was designed that way to make it 6 foot wide.

Mr. Robert Vaughn stated because I cannot make it cantilever it's impractical because the wire. The same thing that the government they talk and talk in order to...

Mr. David Douglas stated what I'd suggest is that we adjourn it to next month. You look into what other alternatives, which you suggested yourself, let's adjourn it until next month and you look into other alternatives because what you're proposing now you can see from the sense of the Board here we're not going to approve it. You can continue to go around in circles but we're not going to approve it so why don't we adjourn, think through what other alternatives you may have and see whether you can come up with something that doesn't require a Variance at all or it's a different alternative that might require a Variance. We're not going to approve this.

Mr. Robert Vaughn stated why can't it be seen physically because in my opinion when it's being seen physically...

Mr. David Douglas stated Mr. Vaughn let me finish. We are going around in circles. You are trying to convince us. We're not convinced. I'm sorry but we're not convinced so if you don't want to adjourn it. You can either adjourn it or....

Mr. Robert Vaughn stated I was trying to convince with something else by somebody looking.

Mr. David Douglas stated Mr. Vaughn listen to me, here are the choices: you can either have us vote or you can adjourn and come back with an alternative next month. A or B, which one?

Mr. Robert Vaughn stated I adjourn this and [inaudible 1:49] in my mind I call the Town and I cancel the adjournment, but I don't know why somebody can't go physically and see in the same way when we do construction...

Mr. David Douglas stated Mr. Vaughn one or the other. It's 9 o'clock at night. Mr. Vaughn stop, okay. You're not achieving anything.

Mr. Wai Man Chin stated you actually don't listen. Some of the Board members have seen the site. I've seen the site. I know what it looks like. It's up on the second story.

Mr. David Douglas asked Mr. Vaughn do you want to adjourn or do you want us to vote?

Mr. Robert Vaughn responded no I want to adjourn.

Mr. David Douglas stated okay fine, let's have a motion to adjourn. Anybody in the audience want to be heard on this?

Mr. Raymond Reber stated on case 2016-26 I move to adjourn to the December meeting.

Seconded with all in favor saying "aye."

Mr. David Douglas stated it's adjourned to December and if you decide to withdraw it before then that's fine. If you have an alternative we'd be happy to hear it. Okay?

C. CASE NO. 2016-27 Building Permit Services on behalf of Robert Vitetta for an Area Variance for the height to the underside of an accessory structure on property located at 31 Hollow Brook Ct., Cortlandt Manor, NY.

Mr. John Matthews stated good evening all. Mr. Chairperson, members of the Board, my name is John Matthews. I'm here on behalf of Robert Vitetta who resides at 31 Hollow Brook Court. I know it's late and I know everybody's tired. I'll try to do this as painless as possible. We're requesting a Variance for an accessory structure which is detailed as a garage. Our garage will be located in the rear, left hand corner of the property. The garage will be seven feet off the property line which I believe five feet is required. We will be seven. The concrete slab will be 500 square feet. The house is 1,040 so we meet the 50% rule. The finished height to the apex is going to be 13 foot 6 inches; 14 feet would be allowed, we're 6 inches shy of the allowable 14. However, the underside of the bar joist if you would, from the finished floor will be 11 feet.

Under your current zoning 10 feet is the maximum. So, we will be 11 feet. At that 11 feet it would be unseen, visible from any of the exterior of the property. Our overhead door would be 9 so the only way that you would know there was 11 feet you'd have to go inside this garage and you would realize they have 11 foot headroom.

Ms. Adrian Hunte asked Mr. Matthews can you explain to us why it has to be 11 feet?

Mr. John Matthews responded the reason this is, is because buyer beware, prematurely, Mr. Vitetta purchased this versatube if you would prefab structure and it was delivered, not erected, it was delivered to the house and during the course of the plan review it was discovered that this 11 feet is not going to fly. So, we looked at options. We thought possibly we'd cut the tubes but prefab structure I don't want to take the structural integrity out to drop it down to raise to the 10 foot requirement. The other option would be to put a foot thick concrete and if you think about that, the amount of tonnage that will be on the floor of the canopy of the ground is phenomenal. It could impact the neighbors or whatever. There's a lot of force. You're talking 3,000 pounds mix of concrete. There's 27 cubic foot to a cubic yard and when you do the calculations at a 3,000 pound mix, you have about 32 ton and the whole objective here is this versatube is airplane tubing, structural integrity is 100% so we're trying to do this as light and as economic as possible. So here we are. We're here to request the Variance to allow us to have 11 foot headroom in the garage.

Ms. Adrian Hunte stated I personally do not see any undesirable change to be produced in the character of the neighborhood by this. This is self-created. The requested Variance is not substantial. In terms of alternatives: he's already purchased this apparently, that's unfortunate but it is what it is so it's up to us now to decide whether we want to give you that one foot. As you said we have a maximum height of 14 feet is that right Mr. Hoch?

Mr. Ken Hoch responded yes.

Ms. Adrian Hunte stated and the structure would be at 13.6 so overall on the exterior it would not exceed our limits under the code.

Mr. Wai Man Chin stated I'm fine with this.

Mr. Raymond Reber stated I concur. I think that 10 versus 11 is almost an arbitrary number since it's an interior number. It's not the entranceway coming in and like you say, theoretically you can go in and just attach some tubes at the 10 foot height and you're in compliance. It gets kind of petty so yes I have no trouble with this at all.

Mr. James Seirmarco stated I don't either.

Ms. Adrian Hunte asked anyone in the audience wish to be heard? Hearing none, I make a motion on case...

Mr. Ken Hoch stated just two points of clarification for the applicant; the design plans submitted which I know are probably generic for this first tube system show a 12' x 25' lean tube. That is not part of this application.

Mr. John Matthews responded correct.

Mr. Ken Hoch stated and the other thing is there are three sheds shown on the survey...

Mr. John Matthews stated and if you look at my application it says "to demolish".

Mr. Ken Hoch stated to be demolished. I just want to be sure because otherwise then we have a problem with the accessory structure size. And the other thing is, if the Board approves it, in the review for the Building Permit this will be referred to Engineering because of the new driveway and its possible impacts and I understand there's also a retaining wall at the back of the property so we have to make sure that's not impacted by the structure.

Mr. John Matthews responded that's fine.

Ms. Adrian Hunte stated anyone else in the audience wish to be heard? Hearing none, on case #2016-27 for an Area Variance for the height to the underside of the ceiling joist for an accessory structure or garage in the rear yard I make a motion that we close the public hearing.

Seconded with all in favor saying "aye."

Mr. David Douglas stated public hearing is closed.

Ms. Adrian Hunte stated on case #2016-27...

Mr. John Matthews stated thank you.

Ms. Adrian Hunte stated hold on just one second sir.

Mr. David Douglas stated we didn't grant it yet.

Mr. John Mattis stated we just closed the hearing. We haven't voted on it yet.

Mr. David Douglas stated and since you walked away we're going to deny it.

Mr. John Matthews stated I want to go home too.

Mr. David Douglas stated it's getting tough in here.

Mr. John Mattis stated you're going to miss the best part.

Ms. Adrian Hunte stated I make a motion that we approve or grant the Variance to the proposed 11 feet from a required 10 feet; a Variance of one foot of 10% and this would be subject to a referral to Engineering because of the driveway and also the issue with the retaining wall. Correct? This is a SEQRA type II action. No further compliance required.

Seconded with all in favor saying "aye."

Mr. David Douglas stated now it's granted.

Mr. John Matthews stated once again, thank you.

Mr. David Douglas stated now you can run out of the room.

Mr. John Matthews stated thank you. I appreciate everything.

Mr. David Douglas stated okay, thanks a lot.

D. CASE NO. 2016-28 Seventh Day Adventist Church for a Use Variance to allow a parking lot on property located at 0 Crompond Rd., Cortlandt Manor, NY.

Mr. David Douglas stated the applicant had requested an adjournment.

Mr. Ken Hoch stated correct, yes.

Mr. David Douglas asked they want it until December or they want it to January?

Mr. Ken Hoch responded December.

Mr. David Douglas stated December for now.

Mr. Wai Man Chin stated I make a motion on case 2016-28 to adjourn to the December meeting.

Seconded with all in favor saying "aye."

Mr. David Douglas stated that's adjourned to December.

Mr. John Mattis stated we have the calendar for next year to discuss.

Mr. Ken Hoch stated no, that will be on the December agenda.

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ADJOURNMENT

Mr. John Mattis stated I move that we adjourn the meeting.

Seconded with all in favor saying "aye."

Mr. David Douglas stated the meeting is adjourned.

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**NEXT MEETING DATE:
WEDNESDAY, DEC. 14, 2016**