

**Meeting Minutes**

THE REGULAR MEETING of the PLANNING BOARD of the Town of Cortlandt was conducted via Zoom webinar on *Tuesday, December 1st, 2020*. The meeting was called to order, and began with the Pledge of Allegiance.

Loretta Taylor, Chairperson presided and other members of the Board were in attendance as follows:

Thomas A. Bianchi, Board Member  
Steven Kessler, Board Member  
Robert Foley, Board Member  
Jeff Rothfeder, Board Member  
George Kimmerling, Board Member  
Valerie Myers, Board Member - Absent

ALSO PRESENT:

Michael Preziosi, P.E., Director, DOTS  
Chris Kehoe, AICP, Deputy Director, DOTS  
Michael Cunningham, Assistant Town Attorney

\* \* \*

**CHANGES TO THE AGENDA**

Ms. Loretta Taylor stated there will be a couple of changes to our agenda tonight. We will be adjourning two of the applications per the request of the applicants: **2020-12**, the cell tower recertification and **2020-10** is the Lexington Avenue Solar project. We will deal with those when we come to them on the agenda but they will not be handled tonight. They are going to be adjourned.

\* \* \*

**ADOPTION OF THE MINUTES OF THE MEETINGS OF NOVEMBER 4, 2020**

Ms. Loretta Taylor asked can I have a motion for the adoption of the minutes of October 4<sup>th</sup>?

Mr. Kessler, so moved, Mr. Bianchi, seconded.

Mr. Robert Foley stated I have a few comments that I'll submit.

With all in favor saying "aye".

\*

\*

\*

## **CORRESPONDENCE**

**PB 2019-16 a. Letter dated November 18, 2020 from Ralph G. Mastromonaco., P.E. requesting the 1<sup>st</sup>, 6-month time extension of Preliminary & Final plat approval for the Nida Associates, Inc./ Scenic Ridge at Amberlands, LLC subdivision.**

Mr. Jeff Rothfeder moved we adopt Resolution 26-20, Mr. Steven Kessler stated, second.

With all in favor saying "aye".

**b. Adopt the 2021 Planning Board meeting schedule.**

Ms. Loretta Taylor, stated the next item on the agenda is the adoption of the 2021 meeting scheduled.

Mr. Kessler state Madame Chair I move we adopt the 2021 meeting schedule, seconded by Mr. Kimmerling.

With all in favor saying "aye".

\*

\*

\*

## **RESOLUTION**

**PB 2020-12 a. Application of New York SMSA Limited Partnership, d/b/a Verizon Wireless, for the property of the Lake Mohegan Fire District, for recertification of the Special Permit for an existing cell tower located at 260 Croton Avenue.**

Mr. Robert Foley stated Madame Chair I make a motion that we adjourn this application to the January 5<sup>th</sup> meeting of 2021 as per the applicant.

Seconded by Mr. Kimmerling, with all in favor saying "aye".

**PB 2020-16 b. Application of Dyami Architects, for the property of Pike Plaza Associates, LLC, for Amended Site Plan approval for a new outdoor cooler/freezer with a fence and gate for the King Buffet restaurant located at 2050 E. Main St. (Cortlandt Boulevard). Drawings dated October 2, 2020. (see prior PB's 14-07, 12-13, 2017-13 & 2018-17)**

Mr. Kimmerling, Madame Chair I move we adopt approving resolution 27-20. Second by Mr. Kessler.

Ms. Taylor stated on the question? With all in favor saying aye.

\*

\*

\*

### **PUBLIC HEARINGS (ADJOURNED FROM OCTOBER MEETING)**

**PB 2020-10 a. Public Hearing: Application of Cortlandt CSG, LLC, for the property of 202 Cortlandt, LLC for Site Development Plan approval and a Special Permit and for Tree Removal and Steep Slope permits for a proposed 2.3 MW community solar power system located on an approximately 33.86-acre parcel of property located on the north side of Route 202, west of Lexington Avenue. Drawings latest revised November 20, 2020. *(To be adjourned to the January 5, 2021 meeting at the applicant's request)***

Mr. Bianchi stated Madame Chair I move we adjourn the public hearing to our January 5, 2021 meeting as per the applicant.

Ms. Taylor stated on the question? With all in favor saying “aye”.

\*

\*

\*

### **OLD BUSINESS**

**PB 2020-17 a. Application of Hemlock Hill Farm for Site Plan Approval for a seasonal beer garden, in conjunction with Captain Lawrence Brewery, to be located at the Hemlock Hill Farm, 500 Croton Avenue, as described in a packet received by the Planning Division on October 22, 2020.**

Mr. Preziosi asked if anyone was here to discuss this application. Mr. Kehoe mentioned the applicants had previously e-mailed expressing apologies for not completing the required site plan as of yet. I believe they are not planning on attending the meeting this evening. They will have the site plan ready for the January meeting.

Ms. Taylor stated so we will just refer this back.

Mr. Kehoe stated you might want to put on the record that the Board completed a site inspection.

Mr. Rothfeder moved to refer this case back to staff, seconded.

Ms. Taylor stated on the question? With all in favor saying aye.

**PB 2020-14 a. Application of Teatown Lake Reservation Inc. for renewal of a Special Permit for a Private Nature Preserve to conduct a summer camp program and a weekday public program and for amended site plan approval for tree removal and wall removal at Cliffdale Farm for the purposes of improving wildlife movement for property located on the north side of Teatown Road, approximately 3,000 feet east of Quaker Ridge Road. (see prior PB's 10-10, 5-15).**

Ms. Danielle Begley Miller, Teatown's Director of Stewardship introduced herself to the Board and mentioned she met the Board in person at the site during the site visit a couple weeks ago.

Mr. Kehoe stated the Board was provided with Teatown's Meadow Revegetation Plan with the three options. Mr. Kehoe also asked if Danielle has been in touch with Paul Buckhout from the Town's Conservation Commission, Ms. Begley-Miller responded that he has spoken to Paul but it was independent of this project, it had more to do with the Bluebird Boxes, he was interested in doing some volunteering with that. He was interested in doing some restoration of those, but not specifically about the revegetation plan. Mr. Kehoe stated that one thing that was clear from the work session is the Board really wants to hear from the CAC and get their thoughts on the restoration plan.

Ms. Taylor asked the members of the Board if they had any comments.

Mr. Kessler stated just for the record I think we need to know which option the applicant prefers.

Ms. Begley-Miller responded we prefer Option 1 which only revegetates with aggressive native plants as that is part of the funding requirement of the EQUIP grant which is helping to fund the removals. Plus, it is less maintenance work for as because if we do plant any shrubs or woody plants we have to water them. So, our focus is really on restoring the hedgerow with vegetation that is appropriate for the area, concentrate on those areas first, then we do have plans to revegetate with shrubs on the edges but that is not part of this particular project.

Mr. Foley stated, Danielle...were you, you were both excellent, were you the one that handed out the hand-out with the options. Ms. Begley-Miller responded that was Rebecca. Rebecca Policello is basically the Assistant Director of the Department. We both work jointly on this, she is working on more of the implementation of the meadow management plan and I do a lot of our other priority areas.

Mr. Foley stated so you were the one that met us in the parking lot when some of us got lost. Ms. Begley-Miller stated, correct that was me.

Mr. Foley stated, thank you, you were all very good.

Mr. Preziosi stated I have a question regarding Option 3 that actually proposing the planting of native species, saplings....would Teatown be interested in doing that over an extended period that say could be worked into the resolution say like over the course of 2-3 years, where you could plant somewhere between 15-20 trees?

Ms. Begley-Miller stated we potentially could do that is more realistic for us over a longer time period, definitely in the near term that would be difficult for us. We do have eventual plans to reforest that area, it is currently occupied by photinia, Christmas berry which is a tier 2 invasive which we are trying to eradicate. I don't know if we have successfully removed enough of it so that planting would be effective in the next two years...I would want to wait until we got the site re-established so there was nothing there before we planted those saplings. One of the limitations we do have with planting samplings is the need to but tree tubes and other things to keep the deer at bay as we do have a large deer population, and we can source seedlings and saplings pretty inexpensively from the NYSDEC but there is the additional cost of watering and tree tubes which isn't prohibitive but is something to consider with our budget.

Mr. Preziosi asked would the Board be amenable to a solution of that extent where the planting and reforestation is stretched over the course of a few years in order to assist with the financial constraints of Teatown.

Mr. Kessler said absolutely

Mr. Kimmerling asked how typical is that type of accommodation or condition? How often has that been done for other applicants?

Mr. Preziosi said, not that I recall, but typically where tree removal is proposed, it is usually for more extensive projects, residential/commercial developments, site plan approvals, etc. with a limited ecological benefit. As I said at the work session the ordinance does allow for consideration to be provided for good horticultural practices ...as it is the intent of Teatown to replace with native vegetation....it is something that could be worked in and discussed and placed within the resolution that over a 3-5-year period that saplings are placed at a variety of locations that make sense on the site, we are talking hundreds of acres. That is an option that the Board could consider.

Mr. Foley state I am amenable to it Mike. Teatown is a good neighbor and a good steward of the land.

Mr. Kehoe said one thing to keep in mind, is the reason they are back in front of the Board now is the renewal of their 3-year special permit for programming. So, they do have to come back every three years which does give you the ability to do this. Similar to what you do with Brookfield or the Yeshiva, maybe you could have them come back next year. They could write a brief memo to update you on what they are doing and at the end of three years they could give you a full presentation during their next renewal.

Mr. Preziosi stated and another thing I think, we would need to work out the specifics with Legal and the Town Board, is that we do get donations for off-site plantings, when an applicant can't plant on their own site, perhaps there is an option or the ability for the Town to steer developments to plant on the Teatown site. Then they might not be saplings, maybe they could be 2-3-inch trees. Maybe that can be refined and worked out with Teatown. Have planting areas where we can direct contractors to plant.

Dr. Begley-Miller state that would be preferable for us as those small saplings would take so long to become competitively dominant in areas with lots of invasives which is what we are dealing with here...with the photinia, it becomes really difficult maintenance wise to keep them going long enough to basically shade out everything else. If we could get some larger trees and fewer of them that would be preferable, as it is obviously not in our original budget... we could absorb 25-30 trees in our operational budget, that is not really too big a deal...but when you are talking about planting large trees that need to be moved with equipment and you have to do more site prep, that becomes prohibitively expensive.

Mr. Foley said, being you're a non-profit and with what Mike just said there are quite a few local landscapers that have deep roots in Cortlandt that maybe approachable.

Mr. Preziosi said we do have a couple of solar projects that will be removing hundreds of trees so potentially maybe we can re-plant a handful.

Dr. Begley-Miller said yes, maybe like planting 12 or so in this area. We do have plans for massive restoration efforts at Cliffdale, you know some that don't require a permit, like we just starting mowing regularly, each year. But we do have plans to expand the habitat at Cliffdale, in the long term, like over the next 10-15 years so we have plenty of places where a project like that could be impactful.

Mr. Kimmerling said, sorry I do know this is very feel good, and Teatown is a great organization, but I do feel it is important for the Town to be cognizant of the fact that Teatown is a private organization, and I am not sure, so I defer to Michael Cunningham, on this that we should be suggesting that money put aside for the Town for re-planting be given to the benefit of a private organization rather than to have those trees planted on Town property or for the enjoyment of Town residents. There are certainly probably a lot of other places in the Town that could need trees. So, no offense meant to Teatown and the good work that they do but I do want to make sure that we are not sort of suggesting that we benefit a private organization with resources that should benefit the overall Town.

Mr. Cunningham stated in order for the donation to be competed in compliance with our code there would have to be some sort of public benefit whether it be an area that is opened to Town of Cortlandt residents where they can experience the trees. Something along those lines.

Mr. Foley stated and they do, I mean the public does enjoy the benefits of Teatown, no matter which of their locations.

Mr. Kimmerling said we can discuss that further. We do want to hear from the CAC regarding the options, a potential hybrid option as we discussed at the work session.

Mr. Rothfeder stated one of the constraints for the Town when they get this money to plant is that the Town then has to do the work, the planting, the maintenance and I know Mike and Chris have talked to me about that being a little bit of a constraint so if we have an opportunity to actually do something on land that someone is really going to take care of and people can go to, I think that is something we should look into.

Mr. Preziosi stated I hear George's concern and of course I agree with him and I prefaced my comment with having to make sure that it is allowable with our Town Board and of course our Legal Department. In looking at the three proposals I would lean towards tweaking the resolution to require some sort of actual planting on site as part of this approval because loss of trees is an impact and I think Teatown has the best intent to do a combination of meadow mixes and other best practices to encourage native species and pollinators, etc. But losing 80-some odd trees is a big impact as well, so I would recommend or just sort of caution that we recommend over a 3-5-year period to plant trees somewhere on site to offset the loss of these trees.

Mr. Kessler stated but we don't know how many of those 80 trees are alive.

Mr. Preziosi stated correct, we will work with them on getting a realistic number but I am looking at Option 3, setting it at that 25-tree proposal over the next 3 years would probably be a good jumping point.

Mr. Foley stated I know it is up to Legal but maybe some sort of quasi-public/private partnership could be established to bring this about.

Dr. Begley-Miller stated I just want to clarify, our original proposal was Option 1 which was only to revegetate with aggressive native plants, herbaceous, not woody, no trees. The 2<sup>nd</sup> option was to do the native shrubs along the edges. Option 3 was both of those options combined with the tree planting. So are you suggesting just the trees or the shrubs as well because that becomes an additional cost so I just want to make sure I am clear on what you are recommending.

Mr. Preziosi stated I am recommending we go with Option 3, when we stretch out the requirements for when the plantings of the tree actually have to go in. So, the native landscaping first, the meadow mixes, the shrubs and then the trees factored in a specified time period that would be beneficial as you indicated before you have to remove some invasives, etc. so we would work with you on a schedule to plant those 25-native species.

Dr. Begley-Miller stated ok.

Ms. Taylor stated so I think you just answered one of my questions I brought this up with Chris because I couldn't figure out if Option 3 required both the shrubs and the trees or just the trees. So, I am clear on that now. So, 3 would have the meadow mix, the shrubs and the trees.

Mr. Kehoe stated with the trees spread out over a time period and this is all dependent on Paul Buckhout and the CAC not coming back with saying we only want option 1. Then you have to decide as obviously the CAC is only advisory. But we do need to get the CAC comments. The other thing is they are before you for the extension of the timing of their programming, but as I said that special permit stays in effect while you are contemplating it so I still thin there is plenty of time, we don't need to separate it, when you approve the planting program you can renew the special permit.

Mr. Foley stated I am not on board yet with Option 3 based on what the Teatown people have said and the time span to bring it about if we do go with Option 3. So, let's see what the CAC says.

Dr. Begley-Miller said I know it is not the same Town but we did just plant 100 Oak saplings in the Town of Yorktown off of Spring Valley Rd. so we are working on tree restoration efforts in other parts of Teatown, they are just not in the Town of Cortlandt.

Mr. Kehoe stated we would like some in our Town.

Ms. Taylor stated absolutely.

Dr. Begley-Miller stated I know you do, I was just stating that we did do that and we have plans to re-plant with native trees in areas where we have heavy invasion but it takes a lot of effort and planning and we need to get grant money for projects of that scale.

Mr. Foley stated Danielle, whereabouts, did you say Spring Valley Rd?

Dr. Begley-Miller stated, yes, right on the corner of Blinn Rd. Spring Valley. You will see it if you drive by, near the red house. The tree tubes are very visible.

Mr. Kessler stated ready? I move we refer this back to staff and wait, of course, for the input of the CAC on this application. Seconded by Mr. Foley.

On the question Mr. Rothfeder asked since we did bring up this idea of a public/private partnership can we get some idea by the next meeting as whether that is possible and get some idea of how to do that.

Mr. Cunningham, stated yes, we will look into and see what we can do.

With all in favor saying aye.

## NEW BUSINESS

**PB 2020-18 a. Application of Rafael Triana of High Q Electric for Amended Site Development Plan approval and a Special Permit for a Specialty Trade Electrical Contractor for an approximately 34,000 sq. ft. parcel of property located at 1 Dogwood Rd. Drawings dated November 14, 2020. (see prior PB 8-99)**

Good evening, JB Hernandez, architect for the project. We are proposing here is to relocate High Q Electric, an electrical contractor to this property, the old Veterinarian Hospital, 1 Dogwood Rd., near the bus garage. The property was approved in 2000 to be used as the veterinary hospital. What we are proposing now are very slight changes, we will use the same parking area, we are actually proposing to re-stripe the parking area. Originally it was proposed for 13 parking spaces, we only show 11. He is going to use the existing building for his offices and for some storage. The parking area will be for, he has 5 vans, also for two visitor spaces and 4 for workers. Again, at this time we are not proposing any changes to the site besides the striping of the parking lot and the proposed use of the building. It is highway-commercial zoning, it is an allowed use by zoning via a special permit for a specialty trade contractor. We are trying to move this forward as he bought the property and we are trying to use the property as is.

Mr. Foley asked, there are no sales or retail activities taking place?

Mr. Fernandez replied no.

Mr. Bianchi stated and no outdoor storage of anything?

Mr. Fernandez replied there will be no outdoor storage.

Mr. Bianchi asked is this business mostly commercial/residential electrical work.

Mr. Fernandez replied, he does both commercial and residential. I know the plan shows 5 vans there but some of the employees take the vans home for emergency calls.

Mr. Bianchi asked , you are not going to be working with any high voltage transformers or storing anything like that?

Mr. Hernandez replied, no.

Mr. Foley asked, you have 13 spaces with the handicapped space or without?

Mr. Fernandez replied no, the 2<sup>nd</sup> page shows we proposed 11 parking spaces because there is a utility pole there.

Mr. Kehoe asked is the garbage enclosure there now or is it proposed?

Mr. Hernandez replied it is there now.

Mr. Foley asked is there room in the asphalt parking area for them to back out and turn front ways onto Dogwood?

Mr. Hernandez replied yes, but we can provide a parking maneuvering plan but there is space.

Ms. Taylor said it is very tight there, extremely.

Mr. Hernandez replied we show 20 feet to back out of the parking spot.

Mr. Preziosi stated we have had the opportunity to look at the site plan a little bit and the main items I noted are the dumpster enclosure was installed not consistent with the Town's local ordinance so it would be a good idea to put some screening, landscaping in front of it by Dogwood. Also, some of the interior landscaping that was supposed to be installed as part of the previous approval, wasn't. So, we would recommend meeting the Town's landscaping requirements in and around the parking area.

Mr. Foley stated with the close proximity to the Hollowbrook behind you, all of your equipment is hardscape, so to speak, there is nothing liquid or toxic?

Mr. Hernandez replied no.

Mr. Kimmerling asked I am sorry but I am a little confused, so what is exactly proposed here, in terms of changes other than the parking spaces. Is there any change proposed along the boundary parallel to the water? I think on one part of the drawing there was something about a retaining wall. IS that an existing wall or is that a new wall? I am looking at the plans and it says proposed ballast block retaining wall. It looks like it goes out into the water behind the structure.

Mr. Preziosi stated I was highlighting the plans. I think the only proposed changes are to the pavement markings and the striping of the handicapped spaces, everything else is existing.

Mr. Kimmerling said so the existing site plan includes that wall that curves around the structure.

Mr. Hernandez replied yes.

Mr. Bianchi stated there will be interior renovations of course.

Mr. Hernandez replied yes but they will not be extensive.

Ms. Taylor asked what are you thinking of doing?

Mr. Hernandez replied interior wise, it will just be painting and two offices for paperwork

Mr. Kessler stated that will be a building permit, right?

Mr. Hernandez replied, right.

Mr. Cunningham said Code Enforcement will review all that.

Mr. Preziosi said right, Code Enforcement will take care of all the internal renovations and the signage for the site.

Mr. Bianchi asked you will be having storage for electrical components somewhere on the inside I presume?

Mr. Hernandez replied yes.

Mr. Bianchi asked and how will you be getting delivery of all those, will it be by small truck? How do you receive that material?

Mr. Hernandez stated I will get you that information. I suspect there will be parking along the asphalt where they will park vehicles.

Mr. Kehoe stated the Planning Board is actually putting together several of the comments that will work their way into the review memo. So JB, we will do a review memo and raise these comments. So wait to get the review memo and provide answers to those questions and if they necessitate any plan changes modify the plan.

Mr. Hernandez replied ok.

Mr. Kehoe state later down the road it will be up to the Board to decide if they want a public hearing or not.

Mr. Foley made a motion to refer the case back to staff for a review memo. All in favor voting aye.

### **ADJOURNMENT**

Mr. George Kimmerling stated Madame Chair it's **7:32 pm**. I believe we stand adjourned.

Ms. Loretta Taylor stated thank you.

**Next Meeting: TUESDAY, JANUARY 5, 2021**

