

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, April 19<sup>th</sup>, 2017*. 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 (absent)  
Adrian C. Hunte  
Raymond Reber

Also Present

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

\* \* \*

**ADOPTION OF MEETING MINUTES FOR MARCH 15, 2017**

Mr. David Douglas stated first item on the agenda is the adoption of the minutes for March.

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

Mr. David Douglas stated the March minutes are adopted.

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**ADJOURNED PUBLIC HEARINGS:**

- A. **CASE NO. 2016-29**                      **Alex and Diana Daoud** for an Area Variance for the front yard setback for an addition on property located at **11 Buena Vista Ave., Cortlandt Manor, NY.**

Ms. Diana Daoud stated this is our second submission for approval. We made changes to the entry. We made the ... right now the Variance we're asking for is a way to access the new location of the front door.

Mr. Raymond Reber stated we had various issues with that front entrance and you have since deleted that part, changed the entry into your house.

Ms. Diana Daoud stated correct.

Mr. Raymond Reber stated addressing the issues we had raised, concerns so the Variance that you require now really is only because of the extension of the existing front line of the house where there was a setback. You're now filling that setback in. Your closest corner had been 27.1 feet from the street line. You're now asking to reduce that to 24.25 which is not a major adjustment, and again, it's only because of that one side of the house that's angled towards the road. I think you've responded to our request and I do not have a problem with granting this particular Variance.

Ms. Adrian Hunte stated I concur.

Mr. James Seirmarco stated I concur.

Mr. Wai Man Chin stated I concur also.

Ms. Diana Daoud stated excellent. Thank you so much.

Mr. Wai Man Chin stated not yet.

Mr. David Douglas stated wait, it's not over yet.

Mr. Raymond Reber asked anyone in the audience have any [inaudible 3:24] to speak if not I'll make a motion on case 2016-29 to close the public hearing.

Seconded, with all in favor saying "aye."

Ms. Diana Daoud stated thank you so much.

Mr. David Douglas stated no we're not done yet. Public hearing is closed.

Mr. Raymond Reber stated on case 2016-29, applicant Alex and Diana Daoud of 11 Buena Vista Avenue for a front yard setback for an addition, a setback from the required 50 feet down to 24.25 feet. This is a Variance of 25.75 feet. This is a type II SEQRA but no further compliance is required.

Seconded with all in favor saying "aye."

Mr. David Douglas stated okay, now the Variance is granted.

Ms. Diana Daoud stated thank you so much. Have a great night.

Mr. David Douglas stated thank you, and you should speak with Mr. Hoch about getting whatever the paperwork is.

Ms. Diana Daoud stated thanks so much.

Mr. David Douglas stated thank you.

**B. CASE NO. 2017-01 Luis Otavalo** for Area Variances for side and rear yard setbacks for an existing deck and addition on property located at **58 Sherwood Rd., Cortlandt Manor, NY.**

Mr. David Douglas asked have we heard anything from...

Mr. Ken Hoch responded I have not heard from the applicant.

Mr. David Douglas stated we should probably adjourn it and tell him that if he doesn't ... we'll do our standard approach. If you could send out a letter Mr. Hoch telling him that if he doesn't show up next month, the application will be deemed abandoned.

Mr. James Seirmarco stated I make a motion that we postpone this case until next month and we recommend that Ken send a letter as just stated.

Seconded.

Ms. Adrian Hunte asked and that's May 17<sup>th</sup> this meeting date?

With all in favor saying "aye."

Mr. David Douglas stated the meeting is adjourned and Mr. Hoch will send the letter to the applicant.

**C. CASE NO. 2017-06 Michael Druchunas and Siew Yin Wee** for an Area Variance for accessory structures, and an Area Variance for the height of an accessory structure on property located at **293 Lafayette Ave., Cortlandt Manor.**

Mr. Tony Gioffre stated thank you Mr. Chairman, members of the board. For the record, my name is Tony Gioffre. I'm a member of the law firm Cuddy & Feder, 445 Hamilton Avenue, White Plains, New York. Here this evening on behalf of the application that was just cited to by the Chairman, Mr. Michael Druchunas for properties at 293 Lafayette Avenue. Our office was just retained last week in connection with this application and I understand that the last time that

this matter was before you was at your February 15<sup>th</sup> meeting and since that time Mr. Druchunas had submitted some modifications to the proposal trying to acknowledge some of the concerns raised by the board at that time. Before I get into the specifics with respect to this application, I would just like to correct one matter in the record. I had the opportunity to witness the video of your February meeting. There were some questions with regard to the SEQRA documentation that were submitted as part of the record and some questions on boxes that were checked. I would just like to acknowledge for the record that this is a type II action which is exempt from further environmental review pursuant to section 6 NYCRR 617-5(c)10 where the construction of a barn or a garage would be a type II action for SEQRA purposes. I would also like to submit for the record a petition that my client had had some of the neighbors that live in the immediate vicinity of the proposal sign indicating that they don't have an objection to the proposal that's presently before the board and I would just like to acknowledge that the third one down, which was by a neighbor, should actually be 292 or 294 instead of 293 Lafayette, if I may hand that up for the record.

Mr. David Douglas stated give it to Mr. Hoch would be best.

Mr. Tony Gioffre stated since the last time this application was before you, Mr. Druchunas has been able to modify the proposal specifically as it relates to two of the Variance requests. There was some discussion at your last month's meeting with regard to the building height and accessory building area requirements for the code. We're happy to report that the original building height of 21 feet 4 inches has been reduced to 16 feet which only requires a Variance of 2 feet and the maximum accessory building area where 1,033 square feet are permitted by code. Previously, the proposal included 1,700 square feet has been reduced to 1,300 square feet, so it's a reduction of 400 square feet and accordingly only a 267 square foot Variance will be required from the board. The proposed location of the barn is in the same location but we believe that the modifications do address some of the concerns that were raised by this board and specifically addressing some of the potential impacts to the surrounding community. As you're aware, the balancing analysis you must go through must weigh the benefit to the applicant by the grant of the Variance when weighed against the detrimental to the health, safety and welfare of the surrounding community. We believe that with those modifications as well as the mature existing vegetative buffer which exists along Lafayette, serves to mitigate much of the potential impacts from the neighbors. I have some photos that I can hand out for the board which identify the viewpoints from the street, identifying that effectively there is a stockade fence and a mature existing vegetative buffer. I'll just hand those out.

Mr. David Douglas asked are these the same photos as the last time?

Mr. Tony Gioffre responded I believe it includes some Google photos as well for the board's consideration. Mr. Druchunas was able to accommodate the concerns and address the concerns raised by the board in modifying the height of the structure to decrease it to only 16 feet tall by modifying the pitch of the roof and reducing the connecting tie beam in order to lower the height of the overall garage. This is the minimum height that he needs in order to achieve the benefit that's desired by the Variance and the need for that is generated because of the overhead attached

garage doors that are necessary for this structure. The reduction in the building area is being accomplished by demolishing a garden shed that exists in the northwest corner of the property as well as eliminating the proposed lean-to portion of the structure from the barn; a total reduction of 400 square feet. Much of the discussion that the board did have last month did, beyond the two Variances that I just discussed, went to the setback encroachment for the proposal. The Variance request is not being proposed to be changed with this particular location but I would like to draw the board's attention to what currently exists. If you see the property line on the overhead aerial map that's before you, along Lafayette you'll see that there exists a significant buffer between the property line and the road. That area constitutes 22 feet in width. So it's 22 feet between the road and that property line. That area serves to act as an additional buffer and anybody travelling in the area would think that that effectively, that area would belong to Mr. Druchunas. If you add that 22 feet to the proposed setback it significantly modifies what the perception would be to the community and the neighborhood and if that 22 feet was included, only a Variance of 15 feet 3 inches would be required. This location of the barn, which is at the end of the driveway, as depicted on the aerial, is in a location which is extremely logical for the current orientation and design and flow of the existing home. It provides convenient vehicle access. There's no need to install more impervious surfaces. It retains the maximum amount of open green space on the premises and the location is in a location that would provide a significant buffer and is furthest away from any potential neighbors and believe is the most logical location. We respectfully submit that the granting of the Variances will not have an adverse impact on the surrounding community and neighborhood nor will it have an impact on the environmental or physical conditions of the neighborhood. There are numerous other properties in the neighborhood that have existing accessory structures located within the front yard setback, and indeed, some are significantly closer to the roadway than this proposal. This proposal is not inconsistent with the neighborhood. Over one third of the properties within a thousand foot radius of the property do not meet the 50 foot front yard setback. The average front yard setback on corner properties within a thousand feet of the radius of this property is 19 feet. Only 19 feet compared to this proposal. I would like to, again, hand up some additional photographs of similarly situated structures that are located within the front yard if I can approach. I would also like to draw the board's attention to the configuration of the lot and the layout of the property. When you look at the intersection you'll notice that the intersection is not at a right angle, not at a 90 degree angle. In fact, this is more akin to a 50 degree angle. I respectfully submit that if this were a perfect square lot, if that was a 90 degree angle, the location of this proposed barn would be wholly within the building setback. I would also like to draw the board's attention that 66% of the residences within a thousand foot radius have enclosed vehicle storage; the intent and purpose of this proposed barn as well as in order to accommodate some of Mr. Druchunas' hobbies. The illustration shows that the applicant's request is not out of character with the neighborhood and, in fact, this is the established pattern of land use in this particular area. Further, there is case law in New York that holds that where there are other instances of similarly deficient variances, it was an abuse of discretion to deny the requested relief. As I mentioned a moment ago, there is a unique shape to this lot with the 50 degree angle of the intersection. I respectfully submit that it's this unique corner and this unique angle which creates a burden to the applicant but coupled with the 22 foot buffer which is a water main easement maintained by the Town so it's not something that could ever be

encroached upon unless the Town does something drastically different with its proposed water main plans for the future. There will be no opportunity to impede vehicle safety or sight lines. The barn will not be visible from the road as demonstrated in the pictures that I handed up to you, and will keep the privacy of the neighborhood intact. In February, the ZBA, you all had a discussion with respect to esthetics and you identified you are not to take esthetics into consideration. I respectfully remind you that esthetics do go to the consideration of whether the granting of the Variance will have a negative impact on the neighborhood. The barn is pleasing historic structure that will be in keeping with the character of the neighborhood and of the primary dwelling on the premises and with the architecture as well. This all lends to the balancing analysis that you must conduct and there will be no negative impacts on the neighborhood or the established pattern land use that has effectively become this portion of the neighborhood. It is in this context that the unique property that there is no other way for Mr. Druchunas to practically achieve the goals of the storage of his cars and have room for his hobbies and we submit that this Variance is not substantial. Looking at the numbers in a vacuum or by themselves may lead you to determine that there is a substantial Variance being requested but that number in and of itself as generated by the denial does not take into consideration the additional right-of-way that's situated between the property line and Lafayette as I mentioned earlier. This parcel does have double frontage, does have two front yards but in practicality the lot's frontage along Lafayette is really not a front yard in the traditional sense that one thinks of a front yard. The home is situated away from Lafayette. The vegetative buffer as well as the stockade fence does not orient itself or lend itself to a front yard. It's completely separated from Lafayette by 22 feet and this buffer we believe mitigates any potential impacts. To require the applicant to orient or locate the barn in any other location would mean ripping up an existing driveway or adding new impervious surface to the lot. We don't believe that's in the spirit and intent of many codes and Ordinances which try to preserve as much open space as you can. If this was to be required, there will be an impractical configuration on the lot, it would make daily life very inconvenient for Mr. Druchunas considering the context and placement of the existing driveway and the design and flow of the home as well as the unique shape of the property. To require the location of the barn in any other way would be to eliminate open yard and open space, areas for children to play. Mr. Druchunas would need to walk and traverse virtually the entire lot in order to reach his car and garage each morning in inclement weather this would be, we believe, an undue burden. And it puts a significant burden on the Druchunas' to meet the technical requirement of the code which in practical application has no negative impacts on the surrounding neighborhood in terms of sight lines from the road, neighborhood privacy and again because of the additional buffer that we believe should be considered by the board in the 22 feet between the road and the property line. As the board knows, substantiality is not a sole consideration of whether or not to grant a Variance or not and you must weigh all the factors in considering you have your balancing analysis. The courts have held that without a Variance was deemed to be substantial, the granting of Variances have been upheld where there was no undesirable effect on the character of the neighborhood. The proposal would not adversely impact the physical and environmental conditions or otherwise result in a detriment to the health, safety and welfare of the neighborhood or community. And this was particularly the case when there was evidence of other examples of deficiencies in the neighborhood. If the board has any questions I'd be happy to answer them at this time but I believe I went through the balancing

analysis and the five factors and I hope I addressed the concerns that were raised before you in February.

Mr. James Seirmarco stated you show vegetation on these pictures. The trees are in bloom. If they weren't in bloom during the winter time that would not ... we would be able to see that building quite easily. Fourteen feet, that's still higher than anything else we've approved.

Mr. Tony Gioffre stated 14 feet is what's required by your code. The proposal is for 16 feet.

Mr. James Seirmarco asked you said 16 though right?

Mr. Tony Gioffre responded yes.

Mr. James Seirmarco stated so we approve up to 14. We typically don't do too much higher than that. The specification for the Town is a 14 foot. You're suggesting 16.

Mr. Tony Gioffre responded correct.

Mr. James Seirmarco stated we don't usually approve anything much more than 14. If you came down to 16 why can't you come down to 14?

Mr. Tony Gioffre responded as I mentioned earlier, because of the configuration and the requirement for the overhead doors, that would be the limiting factor and 16 feet, if we could have come down to 14 feet we certainly would have done so. There was a significant reduction, we believe, coming down from 21 feet 4 inches to 16 feet and with the existing mature vegetative buffer, with the stockade fence, people driving along Lafayette, even in the winter time, we respectfully submit that the 2 feet is a diminimus request.

Mr. David Douglas asked anybody else have any questions or comments?

Mr. Raymond Reber responded yes, I'll speak up. You went through the five parameters that are supposed to be evaluated but you played down what I consider the most important one in terms of something like a front yard Variance which is essentially never given except under extreme conditions. The code says nothing in the front yard. You argue that this is, not really the front yard because the house faces Chapel Place. It could have just as easily been arranged to face the other side, so where the front door is doesn't necessarily be definitive in that respect. You talk about the buffer zone being the Town property that's along Lafayette Avenue. Again, it's there but the Town could decide to add another lane, do something and then it's gone. So I can't consider that. To me, the most important factor is if there is some other possible place where you can eliminate or at least minimize the requirement for encroaching on the front yard; that has to be considered. It's only when that is not available, there is no alternative then we look at what you just mentioned and say; well, okay, if we do grant this will it have an impact on the community, detrimental or what have you. But the first question has to be if you can avoid having to require a front yard Variance you have to pursue that. Now you said, well he wants to

put it at the end of the driveway. We don't want extra paving. He doesn't want to walk farther. It'll cost him some money to have to rearrange the yard. I don't think we're supposed to necessarily give into that because those kinds of excuses come to us all the time. We'd like it this way. It's convenient to be that way. To me, as long as I see that there's a possibility of putting this somewhere else on the property, even if it means he's got to walk around his shed or whatever he has, or put a causeway through the shed to get to this garage, that's got to be looked at. We just can't say: oh, fine, put it in the front yard, because ... and your examples of others, first of all, some of them aren't truly in the front yard. They violate the 50 foot setback. Those that do violate it, some of these, if they're prior to zoning changes over the years we face that all the time in the Town. The point is, the Town said "we don't want to propagate that problem further." So, they put in zoning codes and they asked for nothing in the front yard, a certain setback which means, in the future, every effort has to be made to meet those requirements and here the issue is find a place in the property. There is other land in the property where you can place it and not have a front yard Variance. That's my big concern here.

Ms. Adrian Hunte stated I'd just like to say, if there is another location on the property that would be more amenable to me and also concerning the barn's construction, you were able to come down from 21 feet down to 14 and I know you mentioned the doors – excuse me 16, but the doors ... is there any way that those doors can be reconfigured so that you can have this down to the 14 feet and the Variance wouldn't be required for that? Also, in following what Mr. Reber just mentioned concerning the non-conforming nature of those properties and you've shown on your photos, they're very close to the road and to me they are a safety issue, hazard and one of the reasons we have these laws and rules and regs is that with these non-conforming types of properties once they're gone, that's it. They shouldn't be replaced with that type of minimum setback.

Mr. Wai Man Chin stated I'd like to say one thing, basically. My biggest concern is that we've given Variances in front yards but not 100% Variance and that's the problem I have, a 100% Variance. That means your whole entire barn or garage is in the setback requirements. I have a big problem with that. I don't care about the height so much but that's the biggest problem.

Mr. David Douglas stated and to build on what Mr. Chin is referring to, the concern ties in with the issue of precedence. We have rarely granted such a Variance. I'm not sure if I've been on the board we've ever granted such a Variance. I don't recall us ever granting one.

Mr. Wai Man Chin stated variances are very, very, very small.

Mr. David Douglas stated you're right but I don't recall us ever granting a Variance for an accessory structure that's entirely in the front yard. Maybe we did in some unique circumstance but I don't recall it. Also, with the height which I think is sort of the secondary thing, but the height also. I don't think we've ever granted a Variance above the – we've granted Variances minimally above the 14 because of structural reasons but I don't know that we've ever granted anything more than say 14 feet 6 inches and the idea of granting something that violates the height restrictions and also be in the front yard, and it will be visible. When the leaves come

down and the fence in the front I assume is no more than 8 feet, or 6 feet, no more than 6 feet in the front so it can't be more than 6 feet so it's going to be visible. I would second the comment before about if he could consider more deeply other possible locations for what he wants to do.

Mr. Tony Gioffre stated there's a number of comments that I can address but Mr. Druchunas has mentioned to me if there was the ability to shift the barn closer to the home, providing more of a setback and I believe on the site plan that was previously submitted to you there was a layout number three demonstrated which identified that the proposal would be 25 feet 8 inches which would require a 24.2 foot Variance ...

Mr. David Douglas stated well that's not exactly accurate because as Mr. Chin pointed out, these structures are not allowed at all in the front yard so ...

Mr. Tony Gioffre stated what I'm driving at is that if we're able to shift the barn closer, if we're able to provide more of a setback, the setback being 25.8 feet which would be half ... if I could just finish. I understand the point you're making but if effectively it's half of the Variance requested. We're modifying the proposal significantly from what's presently before you; that coupled with the 22 feet right-of-way easement area and Mr. Reber I submit that that can't be done, that widening can't happen to the Town because of the way the properties in the area are situated. We have the benefit of ...

Mr. Raymond Reber stated wait a minute, as an engineer, I don't see why they can't restructure as they approach Chapel. It's irrelevant really. The point is, you just can't necessarily take credit for public land.

Mr. Tony Gioffre stated I understand but when you look at the totality of the circumstances and when you look at the uniqueness of this property and Chairman Douglas you mentioned other potential unique applications that this board may have looked at and may have granted Variances. In particular instance, when you take a look at there's the benefit of this right-of-way of 22 feet. There's an additional area that the neighborhood is effectively looking at this property...

Mr. Raymond Reber stated there's two separate subjects here.

Mr. Tony Geoffrey stated I understand but if you ... I believe that that area also serves to mitigate the potential impacts to the community. If you look at the property lines in the area, many of the adjacent properties are much closer to the road so I don't believe that the Town is going to be able to effectuate a road widening there. I don't think they're going to be able to do that.

Mr. Raymond Reber stated assume they can't, I mention that only because it's public land and we normally don't credit public land, but assume we credit it, fine. You still have a problem with the other issue which is, it's not a matter of how far back it is; it's in the front yard. Whether it's 30 feet, 50 feet, 100 feet, it's totally 100% in the front yard. That's not a

dimensional issue.

Mr. Tony Gioffre stated the Variance request that we have before you, I understand, are the front yard setback, the building height and the maximum accessory building area.

Mr. Raymond Reber stated no, that's not what I read. What I read is accessory structure in the front yard, allowed? No, request: yes. There's no dimensional issue there. It can't be in the front yard.

Mr. Tony Gioffre stated and effectively for the practical reasons that I went through earlier with respect to whether or not this is a front yard and technically yes it is. Practically it doesn't serve that function, it doesn't look like that function and is almost at that 50 foot setback if you count, and I know technically you can't allow that...

Mr. Raymond Reber stated I don't like to bring up hypothetical ridiculousness but if years go by, the owner sells to somebody else, the trees die and they don't like the fence there. They decide to reconfigure the house and they decide they want the front entrance facing Lafayette, nothing we can do to stop that and guess what? All of a sudden now Lafayette is the front yard. The Town doesn't make that distinction as to where the door is.

Mr. Tony Gioffre stated the Town has the opportunity to review the application. The Town would have to change either the curb cuts...

Mr. Raymond Reber stated maybe, maybe not. They could still have it coming in if they want off of Chapel. Where the driveway comes in doesn't necessarily determine what the front yard is. [inaudible] many properties there.

Mr. Tony Gioffre stated the practicality of that application – I understand the point you're making but the practicality of the orientation would have to significantly change from what's before you right now.

Mr. Raymond Reber stated there's nothing in our code, when it comes to corner properties, and this is not the first corner property we've had to wrestle with, that allows to say: well, look at which way the house is oriented and that determines a front yard. The code is very simple. It says if the property is on a road, that's a front yard. It doesn't have any quotes that says depending on how the house is oriented.

Mr. Tony Gioffre stated I totally understand that. I don't disagree with that on you at all but again, I'm just raising the point from the practical standpoint of how the property is currently situated, how the property effectually situated, how it's utilized. For all intense of purposes it doesn't appear to be a corner lot from...

Mr. David Douglas asked what would your client like to do at this point? Would he like to take some time to consider other possible alternatives or does he want us to consider this proposal as

it is now?

Mr. Tony Gioffre stated we would respectfully request an adjournment to your next month's meeting so that we can consider your comments a little bit further.

Mr. James Seirmarco stated may I just say one more thing? We wrestle with this height in the past people have gone ahead and built it above 14 feet and we had to go to court to have it removed so we're very serious about the 14 feet.

Mr. Tony Gioffre responded I understand.

Mr. James Seirmarco stated somebody built an archway and there was ... I don't know, maybe 19 feet or something like that and they had to go back and take it down to make it 14 feet.

Mr. Michael Druchunas stated hi this is Mike Druchunas, the property owner. Regarding the height limit, if we did go with that third option where you shift the structure west, again, a portion of the structure, I believe 33% would be beyond the 50 foot setback so it would be out of the front yard, a portion of it. Because there's a terraced property, there's an upper and lower. When you take the average ... I don't know if you recall that you have to go 20 feet in all directions that height would be brought down ... the average would be below 16. If you want to go even further below that, I could potentially consider working the structural engineer to bring it down to 15 feet and together with the averaging of the 20 out that could well be even lower than that ...

Mr. David Douglas asked why don't you take this month to come up with other possible proposals?

Mr. Michael Druchunas responded okay, sounds reasonable.

Mr. James Seirmarco stated I make a motion we adjourn to next meeting ...

Mr. Wai Man Chin asked anybody in the audience?

Mr. James Seirmarco stated anybody in the audience have comments? If not I make a motion to adjourn this meeting to the next Zoning Board meeting which is May.

Mr. David Douglas and Ms. Adrian Hunte stated May 17<sup>th</sup>.

Seconded.

Mr. David Douglas stated and just so you know, please get any, if there are any new proposals that he's going to make. Please get them to Mr. Hoch at least the week beforehand so we can get them the next week.

Mr. Tony Gioffre stated I understand and I apologize for the submissions of my materials. I was just retained.

Mr. David Douglas stated no, I understand. I'm not criticizing you.

Mr. Wai Man Chin stated just to let you know. If you can, get them to Mr. Hoch before the next work session that way we have it at the work session so we can review it before. It's hard for us to review something just handed to us at the regular meeting.

Mr. Tony Gioffre responded I understand.

Mr. Wai Man Chin stated okay, thank you.

Mr. Tony Gioffre stated thank you for your consideration.

Mr. David Douglas stated thank you.

- D. CASE NO. 2017-07 Verplanck Riverside Park Inc.** Interpretation that the replacement of vacant mobile homes with manufactured homes is not an expansion of a non-conforming use on a pre-existing, non-conforming property at **250 Kings Ferry Rd., Verplanck, NY.**

Mr. David Douglas stated we got an email from the applicant's attorney requesting an adjournment until next month. Does anybody want to be heard on that matter who came expecting it to be on?

Mr. Raymond Reber stated on case 2017-07 Verplanck Riverside Park Incorporated, I move that we adjourn to the next meeting in May.

Seconded with all in favor saying "aye."

Mr. David Douglas stated case #2017-07 is adjourned to the May meeting.

- E. CASE NO. 2017-10 Michael Piccirillo, Architect, on behalf of Dennis Sherwood** for an Area Variance for the side yard setback for a proposed garage on property located at **70 Paulding Lane, Crompond, NY.**

Ms. Adrian Hunte stated good evening.

Mr. Michael Piccirillo stated good evening. How are you?

Ms. Adrian Hunte stated I believe at the last meeting this was adjourned so that you could come

back and tell us more about what you're planning to do.

Mr. Michael Piccirillo responded yes.

Ms. Adrian Hunte stated and concerns about the door and the dormers. Please describe the project.

Mr. Michael Piccirillo stated I went back to my architect and we shrunk the building down to the 20 foot 6. We took the door out of the second floor and he installed a pull-down door inside the garage. The only way accessing that space over the garage is through the garage for storage.

Ms. Adrian Hunte asked why do you need the dormers if it's going to be storage space?

Mr. Michael Piccirillo responded just esthetics to go with the way the house is. The house has a dormer on it now, just the way it breaks up the long roofline in the front of the house.

Mr. Wai Man Chin asked and the other window on the side of the...

Mr. Michael Piccirillo asked the far side of the house?

Mr. Wai Man Chin responded yes.

Mr. Michael Piccirillo stated there are two windows in the garage?

Mr. Wai Man Chin responded yes.

Mr. Michael Piccirillo stated just two windows on the side just to dress it up so it looked a little nicer than a big wall with no windows, no light or anything like that.

Ms. Adrian Hunte asked does anybody else on the board have comments?

Mr. Raymond Reber responded yes, I have comments on this one also. If in fact you just want storage and you're concerned about the esthetics and having just some storage space it seems a little incongruent that you would spend all this money to have that taller structure. I understand the primary house is two-story and you've now pushed this so that the roof goes up to line up with the roof on the existing house, essentially two stories. Then you say: well for esthetics now I have to put a dormer in, I want to put windows on the side. Why would it not make sense if you just want storage to drop the roofline down some, not bring it up to the same height? There's many homes that are designed in that way. In fact, if you look at it from the front, it looks kind of strange because you're going to have an awful lot of roof showing as it tries to catch up to the roof on the main part of the house. I'm having a little trouble understanding why you're going through all this trouble. Why if you didn't – well it's not up there but if you look at your plan, you show along here, this line here. Now logic says, why don't you just extend this line over to here? You still have a good size storage area, like most people have in attics and what have you

and then you don't need the dormer, you don't need the extra cost of the extra height to the roof and the extra windows up here. All that can be eliminated and you still get the storage. The reason why we raise these questions is it looks too suspicious when someone spends all this money to put all this structure in there that looks to anybody else that's going to become a living space. You say, okay I'm going to put a trap door in. I'm going to take the door to the main part of the house out. The minute the CO is issued, you turn around, the trap door gets taken out, you put the door back in and next thing you know it's living space but it doesn't show up on the plans. It's not part of the CO. It's not part of the assessment and it can even be a potential violation if it becomes a bedroom, you may not have approval from the Health Department for the extra bedroom. If it's so obvious that that potentially is true, we I think have an obligation to at least try and get an understanding as to why we would consider that when in fact if all you want is storage and esthetics, you could just run that line, like I said, back and have a nice roofline and achieve what you claim you need, which is storage space. Help me out, why...

Mr. Michael Piccirillo responded I got the idea from a house down the road that was built about three years ago. That is identical to what the roofline that I'm presenting right now. The back of the house is not going to have a dormer on it. It's just going to be on the front of the house and it's just matching the dormer on the front of my house to make it look pleasing. I have no reason or any plans on making it anything besides dry storage. No living space. I have a four-bedroom house now. I have two girls.

Mr. Raymond Reber stated I can't tell from these plans because they don't show the full ... but the dormer on the main of the house ... it looks to me like it's two-story?

Mr. Michael Piccirillo responded a little dormer on the front. The roofline jots up...

Mr. Raymond Reber stated that's just a peak coming. It's not a true dormer because it comes right out...

Mr. Michael Piccirillo responded a peak. It's designed to match the front of the house and I got the idea from, like I said, the house right down the road that was built about three years ago. It's just the same layout.

Mr. Raymond Reber stated like I said, I had to ask.

Ms. Adrian Hunte asked anymore comments? Anybody in the audience wish to speak? I'll take that as a no. Are we ready to vote?

Mr. David Douglas responded I think so.

Ms. Adrian Hunte stated on case #2017-10 property address 70 Paulding Lane, Crompond, New York 10517, Area Variance for the side yard setback for a proposed garage/addition, I make a motion that we close the public hearing.

Second with all in favor saying "aye."

Mr. David Douglas stated any opposed? Okay.

Ms. Adrian Hunte stated on case 2017-10 for an Area Variance for side yard setback for a proposed garage/addition from a required 20 feet down to 9 feet for a garage with storage above or is it correction to 12 feet. I make a motion that we approve the Variance. This is a type II SEQRA action, no further compliance required.

Seconded with all in favor saying "aye."

Mr. David Douglas stated your Variance is granted.

Mr. Michael Piccirillo stated thank you very much.

F. **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.**

**NOTE: The Board made a determination that this application will proceed as an Area Variance in a Decision and order adopted at the March 15, 2017 meeting.**

Mr. Bob Davis stated good evening. I'm Bob Davis. I'm the attorney for the applicant. With me tonight is our traffic engineer Rich Pearson, his planning colleague Bob Peak, engineer Ralph Mastromonaco, hydro-geologist Tom Cusack and Ross Calvin from our client's management company. Having resolved the Area Variance issue which we've been on over the last several months, we've given you another comprehensive submission for this meeting to augment our original Expanded Environmental Assessment and to address the public comment to date. As it's been six months since the applicant has had the opportunity to speak to the substance of the application, tonight I'll refocus on the primary points. Mr. Pearson will discuss traffic which is perhaps the only pertinent issue with respect to the Variance. Other issues are in the purview of the Planning Board which will fully review this matter but tonight we'll discuss well and septic matters as well. As you know, we're seeking to use the existing buildings on the property for a hospital to serve people with alcohol and other substance use disorders and we need an Area Variance from the state road frontage requirement which was first imposed on special permits for hospitals in residential zones in 2004. This use is consistent with the historical use of this site which from the 1920s until about the 1950 was used by the Lam Foundation for the very same type of specialty hospital. The buildings were specifically constructed for that use in the '20s and '30s. Later, there were other types of institutional uses. Special permits were issued by this board to IBM in 1957, later to the Hudson Institute in 1967 which used the property into the '80s and then a special permit was issued by this board by court order in 1989 when the neighborhood

was fully developed for another hospital use. All three of those special permits allowed up to 225 people on the property at one time which is far more than we propose. Until our client purchased the property in 2010 it had been in disuse for some years except by trespassers who did a lot of damage to the buildings and the property had become a haven for illegal parties and hunters. Since our clients took over, they not only secured the property and stopped the major neighborhood public nuisance but have spent over 1.5 million dollars in repairing the buildings and bringing them up to code. They have a lot more to do. They've also installed fencing along the perimeter and extensive landscape screening. To address the neighborhood's concerns that we've heard to date, it's again important to re-state what this hospital will be and what it will not be. People are familiar with places like the Betty Ford clinic and Silver Hill on High Watch in Connecticut on which this particular hospital is modeled. There's no such hospital in Westchester but there's certainly a need for one. This will be a high-end establishment for patients referred by medical professionals. Many will be attending through corporate-sponsored programs and there'll be no clients from the penal system or from government assistance programs. This will be private-pay operations with special accommodations for Cortlandt residents. All the patients will have undergone detox elsewhere before admission or won't need it. They'll be pretested to make sure they're not on drugs or alcohol and of course there'll be no such substances on this site. There'll be extensive professional pre-screening and background checks. There'll be no one with a serious psychiatric history or criminal backgrounds, violent backgrounds. There will be 24-hour professional security and a well-recognized firm which you will hear tonight, will manage the hospital. This will be a wellness center providing a private and peaceful setting and there'll be no disturbances expected, let alone danger to the neighborhood. The patients don't want to draw attention to themselves. They're there voluntarily to get well. It's also a very environmentally friendly use of this 20.8 acre site. Only the existing buildings are being used. There's no new construction. There'll be no impact at all on any sensitive environmental features including trees, slopes or wetlands. The substantial open space, which is about 75% of the property will remain as will the 2% building coverage. An affiliated company owns the adjoining 27.8 acre parcel which will not be developed but will serve as a buffer area for the hospital and our clients are willing to place a restriction on that to prohibit development so long as the hospital use exists. Our expert analysis, which you'll hear more of tonight, demonstrates there'll be no significant traffic impact. The patients won't be allowed to drive or have vehicles and visitation will be limited to only one weekend day per month for each patient. So unlike a general hospital, there's that very restrictive visitation. There's no outpatients and there's no emergency room for example. Traffic will generally consist of the staff only at non-peak hours and will employ, even so, various mitigation measures including the shuttling of staff in vans from off-site. There's more than sufficient water and septic capacity, which you'll hear about, so there's no need for public infrastructure and there should be no impact at all on off-site wells. As we've explained at length in our submission, the use is consistent with the Town's 2004 Master Plan and Open Space Plan recommendations, specifically for the site as well as the 2016 Master Plan. Unlike other permitted uses of the property, this property for this use will remain on the tax rolls and the taxes on the property will increase by over half a million dollars per year, we estimate, with no new school children and little use of Town services. We believe in general, this is the best use of this site for both the Town and the neighborhood. It'll have much less impact on the environmental and the

neighborhood than other permitted uses that don't require a Variance such as a residential subdivision for example, of the combined 50 acre site with 20 to 24 homes or to school and religious uses which have expressed interest and which are not subject to road frontage requirements. Our clients are not building anything. They're using the existing buildings in a manner similar to how they've used and approved in the past. They're not touching a single sensitive environmental area. Indeed, for example, they're planting. They've already planted more trees. They're installing a new state-of-the-art septic system and they're shuttling employees to reduce what is already a negligible traffic impact even under the ultra conservative analysis we've submitted. Our clients respect the Town and the neighborhood as well as the environment in this beautiful property and that's why they're preserving the existing open space both on the site and the adjoining site. That's why they're proposing a use that's consistent with the historical use and as far less impact than other permitted uses that could be made without any variance whatsoever and that's why they're deeply committed to working with the community with respect to the addiction crisis that we face. It should also be noted that these patients are protected by the Americans with Disabilities Act and are entitled to reasonable accommodations in the application of local zoning laws such as the issuance of the Variance. Due to the lack of available residentially zoned properties with accessible state road frontage in the town a denial of the Variance would effectively prohibit this hospital any place in Town. Finally, as the board knows, our client's rights are not dependent on neighborhood opinion. The application's governed by law and by the interest of the entire community of which there are over 40,000 citizens in Cortlandt and many of them will benefit from the services and programs our client will provide. Given the Town's recent tax increase and its budget and the perspective closing of Indian Point, they certainly will benefit by the half million dollars a year our client will be adding to the tax revenues. With respect to the Variance itself, as the board knows, it must evaluate the request that someone else pointed out tonight by the balancing test which weighs the benefit to the applicant against the detriment to the health, safety and welfare of the community and the neighborhood. And there are five specific Variance criteria the board must also consider. As discussed in Memorandum of Law way back when at pages 39 to 49 in particular, our client's entitlement to the Variance is premised in large part on the expert analysis in our Expanded Environmental Assessment and the addendum we've just submitted. Let's just take a look at the criteria. The benefit to the applicant is clear. It can't use the property for a hospital without the Variance. It has great economic value and it also has value to our client to fulfill a deep commitment to helping those afflicted by addiction. On the other hand, the substantial record will demonstrate that the use will pose no significant detriment to the neighborhood and community but indeed will provide benefits to both. Among the benefits of the Variance which will offset the minimal impacts are the following: the continued refurbishing of the property and securing it against the impacts of further trespassing, an increase in taxes, as we said, to the Town and the school's district of some 515,000 a year without any school children, little use of services. Seventy five percent of the 20.8 acre property will remain undisturbed open space as will the 27.8 acre property next door in furtherance of the Town's Open Space Plan. Given the absence of construction which would occur with other uses, there'll be no disturbance by substantial demolition and construction activities or to any sensitive environmental features including wetlands, buffers, steep slopes, trees and all of the impacts of more intense permitted uses will be avoided. The hospital will give preference to Cortlandt residents including by

reserving beds, affording scholarships and providing a favorable income-based fee structure augmented by their private insurance. Our client will work closely with the Town, schools and organizations to address the substance abuse epidemic by, for example, providing speakers and programs. With respect to the first Variance criterion whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties. There'll be no such undesirable change or detriment. The use is consistent with the historic hospital and other institutional uses. Only the existing buildings and access will be used. There'll be no additional buildings. There's substantial landscape screening and fencing. As we said, the open space on the property and adjoining property will be preserved. The property will be secured from trespassing. Our client has invested in and will continue to invest substantial sums in upgrading the property. There'll be no significant traffic or other adverse impacts. There will be a neighborhood liaison, an outreach program and there are already other institutional and commercial uses in the near vicinity. With respect to the second criterion; whether the benefits sought by the Variance can be achieved by some method other than a Variance. The short answer is no. We can't use the property as a hospital without the road frontage Variance. The third criterion: whether the requested Variance is substantial. As the board knows, the law requires that that's not purely a mathematical calculation which would not really lend itself to a road frontage requirement in any event because either you're on the road or you're not but substantiality must be reviewed in context. And for all of the reasons we've just stated, in context, the Variance can't be regarded as substantial. In addition, while the Town's legislative history doesn't really indicate, presumably the state road frontage requirement was intended to prevent the impact of a high-traffic use such as a general hospital, on local residential roads and to reflect the fact that the current general hospital is on a state road. In this case however, as the expert analysis shows, there'll be no significant adverse impacts from this particular type of hospital and the state road frontage requirement really wasn't aimed at this type of limited hospital. Further, as we noted, there's other permitted uses that don't even require a variance and don't require any frontage on a state road which would easily generate far more impacts and we've studied those. The substantiality of the variance is also mitigated by the fact that the property generally far exceeds all other bulk requirements for a hospital special permit as I outlined at pages 45 to 46 in my memorandum. For example, only 10 acres is required as a minimum lot size, we have 20. Two thousand square feet of area per bed is required, we have almost five times that, almost 10,000 square feet and this is just on the property not the buffer property. And frontage length of 100; we have 600, six times as much. Much greater front and rear yard setbacks as well. With respect to the fourth criterion: whether the proposed Variance will have an impact on the physical and environmental conditions in the neighborhood. Again, as we pointed out there's no such impacts primarily because there's no new construction so there's no impact on physical conditions. As we've demonstrated, and we'll talk about there's no traffic impact of any consequence. Substantial open space is being preserved. The wells and septs are in the jurisdiction as you know of the county Health Department but given the substantial distance from the nearest off-site wells and many other factors we'll discuss tonight, should be no impact at all. The property is not located in an aquifer protection zone. It's not located in the New York City watershed and all of its septs are outside any critical environmental area and there'll be very minimal, as we discussed, medical waste associated with the property. As to the fifth criterion: whether the alleged difficult was self-created, which as

you know is relevant but doesn't preclude the granting of the Variance. We submit that under the circumstances, there's no such self-created difficulty or at the very least it's substantially mitigated given the long historical use of the property for the same type of hospital and the construction of the buildings for that use. The issuance of the special permit by this board, by court order in 1989 for far more combined patients and staff: 225 versus our ultimate maximum of 178, the access remaining in the same location; the 2010 Yeshiva precedent for the issuance of a similar road frontage Variance which occurred prior to our client's purchase and the status of our client's patients as a federally protected class. Finally, final topic I want to discuss is with respect to precedent. While our application stands on its own, we believe in meeting the Area Variance, the 2010 Yeshiva Variance certainly provides some strong support as well. There are some differences with the Yeshiva but they don't negate its precedential value. Their use was in operation prior to the 1994 frontage requirement for them but on the other hand, our proposed use is for existing buildings that were built and used for over 60 years for institutional uses including the same hospital use and three special permits were issued including one for a hospital use in 1989, all prior to the 2004 amendment for us. And the fact that the Yeshiva use preceded this application was actually a negative for them in some respects because there were substantial complaints from the community as to how that operation was taken place and there was also a lot of debate as to whether it was even a legal as of 1994. Moreover, as we outlined in our Memorandum of Law and our Expanded Environmental Assessment, most of the differences between the two projects along with their similarities, actually support the granting of our Variance. Furnace Woods Road has a couple of other schools on it but the Quaker Ridge neighborhood has a number of non-residential uses as well which we've pointed out in our submission. More importantly, our traffic analysis demonstrates that from a traffic perspective there's little difference between the two roads. Our traffic engineer performed the study of Furnace Woods Road and traffic counts were conducted at the Yeshiva driveway in September of 2016 when schools were open. It's not a heavily traffic road either, as you might expect the state road to be. Both roads generally traverse a single-family residential neighborhood and have a posted speed limit of 30 mph. Like the Yeshiva students, the hospital patients will not have or use vehicles but in addition they will have visitors at most only one day per month and many staff will travel to the site in vans. The Yeshiva neighbors complained of a safety issue on Furnace Woods Road due to student pedestrian use, but there'll be no such pedestrian use by the hospital patients. The Yeshiva is likewise located in a residential zone where it is a likewise a non-residential use permitted by special permit conditioned on state road frontage. However, the Yeshiva use is more intense and the application had far more environmental implications than this one. The Yeshiva permit allowed a combined total of staff and students of up to 300 people on the site at one time. They have 37 acres. Our property along with the adjoining buffer is 48.6. We'll have a maximum at full occupancy by 2022 of 92 patients and 86 staff for a total of 178 but there'll never be that amount of people on the site at one time because the staff is staggered throughout the day: four shifts. We'd only have a maximum, at one period during the day, of about 133 by 2022 and in the first year, a maximum of 42 patients plus about that many staff on site at one point during the day so far less than the Yeshiva has. While the Yeshivas was undertaking substantial construction and making significant physical changes to its property, at least proposed at that time, the hospital involves essentially no construction and is making virtually no change to the exterior of its property. Unlike the Yeshiva project which involved

significant environmental issues including an inadequate septic system which was causing wetland degradation and health concerns and at that point was requiring a new sewage treatment plant, and which also involved direct wetland intrusions; the hospital application poses no such environmental issues. However, just as the Yeshiva was required to be given accommodations under local law by the Federal Religious Land Use and Institutionalized Person's Act known as RLUPA, the perspective patients suffering from substance use disorder are similarly a federally protected class under the Americans with Disabilities Act and we've covered that in my original memorandum section 4 and in our Federal Counsel's letter which you just got recently which was from this March. All that being said, we'd respectfully submit that the overwhelming evidence in the record, together with this board's precedent and state and federal law, all call for the issuance of the Variance. At this point, mercifully, I'd like to turn the floor over to Rich Pearson to talk a little bit about traffic.

Mr. Rich Pearson stated good evening. Richard Pearson with JMC. We're formerly John Myer Consulting. I'm a professional engineer, a professional traffic operations engineer. I appeared before your board on this application approximately six months ago. As Mr. Davis mentioned, since that time we have prepared supplemental analyses which have been submitted to your board to address various comments that we've received on the applications. Our office prepared the traffic study in our original submission of the Expanded Environmental Assessment and then also additional traffic-related information in the supplement that was submitted. As Mr. Davis, and I'll try not to repeat most of what he mentioned, the clients will not drive to the facility. There'll be no visitors except on the weekends where 25% of the client's potential visitors would be permitted on the site at one time. Clients would typically be transported to and from the hospital. Ken if you want to put up that list of the overview of traffic mitigating factors please? I believe your board has hard copies of this as well and all this information is included in the information that we've submitted prior to this evening. The clients will be transported to and from the hospital by shuttle vans and that the staff will have four separate shifts. Shifts beginning at six o'clock in the morning, nine o'clock a.m. to two o'clock in the afternoon and 10 o'clock in the evening. There'll be two shuttle vans to take the employees to and from work as well, and I'll describe that in a little bit more detail in a couple of minutes. We've done an extremely conservative analysis in our study. For example, while the morning has two shifts, one at 6:00 AM and one at 9:00 AM, we combined those two shifts when we did our traffic study and we did not take any credit in that traffic study for any of those employees being taken to and from the site by the vans. Also, the shifts that we have do not correspond with the peak roadway hours of the area intersections yet we superimposed our peak traffic upon the existing peak hour, even though they occur at different times for a very conservative analysis. Even with that conservative analysis, our study show that the intersections that we studied operated at a level of service A. It's like a report card: A through F, A being the shortest delays and F being the longest delays. We're operating at the best possible levels of service with the shortest delays and ample capacity even though we've done a worst case conservative analysis. Regarding deliveries, there'll be approximately one delivery per day for various supplies: food, laundry, ground maintenance, etc. We did do a study at the High Watch Recovery Center in Kent, Connecticut and in a proportional adjustment with that facility and the volumes that we used for our study were higher than what would have been expected if we were to use the High Watch

Facility as a basis for our counts. Again, we were conservative relative to that. Going to the table that we have. We have a table that we submitted a potential and previous development volumes comparison and what we have is, on the upper portion of the screen, if we did not take any credits which is how we did our traffic study, during the peak AM hour ... again it's not the hour of the roadway, we would have 52 total trips combined of entering and exiting vehicles and in the afternoon 75 trips: 34 entering, 41 exiting. With the reduction in staff coming to and from the site by using the vans, we're projecting a more realistic analysis of approximately 19 trips during the peak AM hour and 45 trips during the peak PM hour. As compared to a private school which is permitted without a requirement of being on a state road, based on Institute of Transportation Engineers which is a standard reference for traffic engineer's studies, we would project approximately 137 peak hour trips in the morning and 212 peak hour trips in the afternoon. Going farther down on that table, near the bottom, we also compared to the previous uses of the property. Again, and based on ITE data, based on those types of uses, and when we we're looking at approximately 190 peak hour trips in the morning for the 1989 hospital approval and 198 in the afternoon and we're looking at between 118 and 133 peak hour trips for the former IBM use and Hudson Institute use. If you can go two screens, Ken? Next one down please. On this table S1, we show the adjustments that would have been made for the anticipated use of the employees using the two shuttle vans to be taken to and from the site to an offsite location. As you can see, there's a substantial benefit to the shuttle vans. The next screen I'll touch on very briefly because these are topics that were covered almost entirely in Mr. Davis's presentation. Just quantifying the benefit for the school, an estimate is approximately \$408,000 in school taxes that would be generated without having any children going to the school. Also private carters would be used so that there's no trash collection service from the Town. On the next page – Ken if you could go one more to the benefits? The 2004 Open Space Plan includes this property in its current state as an underutilized parcel of five acres or more that's particularly where the preservation. That summarizes our analysis at this point and I'm going to pass it over to the consultant LBG to discuss water.

Mr. Tom Cusack stated good evening. I'm Tom Cusack, Senior Vice President of Leggette, Brashears & Graham. I come here tonight with over 30 years of experience in developing water supply in SEQRA process in the state of New York. I have developed and permitted over 30 million gallons a day of public water supply sources in southeastern New York State. I'll be providing a PowerPoint slide today summarizing the report, the LBG report dated March 30<sup>th</sup>, 2017. It was the hydrogeologic assessment of the Hudson Ridge Wellness Center. The first slide discusses the water demand of the project. Based on the potable supply demands that the proposed facility required, average water demand of 12,660 gallons per day or approximately 8.8 gpm. This demand is based on full occupancy which is anticipated to take about five years from opening. The table summarizes the proposed water demand and encompasses the New York State DEC standards for estimating water demands. Because of the long and existing landscaping is established and will not be disturbed. There is no irrigation demand for the existing condition. There will be no irrigation installed for landscaping on this property. I want to focus next on the water budget. As a hydro-geologist a water budget is basically the amount of precipitation that will fall within a property boundaries and will be available from on-site wells. Precipitation and ground water recharged both parcels under normal and drought

conditions are as follows: under average conditions recharge estimates are 30,500 gallons per day equaling 21 gallons per minute. It gives you a breakdown of the Hudson Ridge property and the open space property, followed by drought estimates estimated to be 21,600 gallons per day or approximately 15 gallons a minute, again, summarizing the recharge under drought from the Hudson Ridge property and the open space. Following slide: the data indicates recharge under normal and drought conditions are 2.4 times and 1.7 times the water demand of the proposed project. Taking into account that 85% of the water will be recharged back into the septic system, the net consumptive water demand of the project is estimated to be about 1,900 gallons per day. The recharge is 16 and 17 times the consumptive use of the project under normal and drought conditions. I would say that the 85% estimate or the 15% consumptive use of this project is conservative. The 15% consumptive use is more appropriate for a residential subdivision or a residential home which encompasses water for irrigation and outside water use which is not likely to happen at this facility. I think that's a conservative number. Both average and drought precipitation is substantially more than sufficient to meet the projected water demands of the project and this data supports the proposed ground water withdrawals will not have any significant impact for adjacent homeowner wells. I want to discuss ... there's been some discussion on the alternate development which would consist of approximately 20 to 24 homes on the combined 48.6 acres. If we assume 550 gallons per day per home, which is low because it doesn't incorporate any sophisticated irrigation systems, which could increase the water demand of a home as high as 2,000 gallons a day. I'd say this is conservably a lower estimate. The water demands of 20 to 24 homes would be 11,000 gallons per day or 7.6 gpm to as high as 13,200 gallons per day or 9.2 gpm. Again, if we look here at 85% of it being returned via the septic systems, the consumptive use is approximately 16,500 gallons per day to the range of 1,980 gallons per day. This range is well within the consumptive water demands of the proposed facility. Water supply: historically, the property had been served by three on-site wells. Historically, the property ... when these three wells were utilized, the wells were more than adequate to meet the use and had no reported offsite impacts. Two of the three existing wells did not meet the 200 foot radius of sanitary control required by the regulatory agencies so two new wells were drilled in August of 2015. Well one: 385 feet in depth with an estimated yield of 30 gpm. Well two: depth of 500 feet with the driller's estimate of 10 gpm. A simultaneous pumping test was conducted from September 28<sup>th</sup> to October 1<sup>st</sup> of 2015. Each well was pumped at a constant rate of 9 gpm. The test demonstrated stabilized yield and draw down during the last six hours of the test as required by the regulatory agencies. The combined yield of both wells was 18 gpm which is twice the average water demand of the project. Very important, the wells recovered rapidly following shutdown of the test in approximately two hours. Both wells demonstrated that they can each independently meet the project water demand and combined, can meet twice the water demand of the project. In addition, the data indicates the ground water withdrawals of up to twice the average water demand of the project will not result in storage depletion of the aquifer. That is supported by the special characteristics of demonstrating six hours of stabilization and the rapid recovery within two hours. The regulatory agencies require that a well recovers to 90% within the 24 hours after shutdown and these wells were fully recovered in approximately two hours of shutdown clearly supporting the fact that the ground water withdrawals will not result in storage depletion of the aquifer. The next figure shows the two proposed on site wells which afford the 200 foot radius of sanitary control, getting an

understanding of why two new wells had to be relocated to afford that radius. The wells were sampled in accordance with the New York State Department of Health drinking water standards sub-part 5-1. Both wells meet drinking water standards with the exception of elevated iron and manganese and proposed treatment will address that. Following: review of the pumping test and water quality results of each well, Westchester County Department of Health approved the use of both wells in a letter dated September 22<sup>nd</sup>, 2016. Potential offsite impact: although probably recharge to the project site demonstrate that there is more than sufficient water available to meet the water demands in the proposed project and there will be no storage depletion of the aquifer. This applicant is willing to conduct an off-site well monitoring program to document the expectation that the pumping of the on-site wells will have no impact on off-site wells. Such programs are commonly implemented. We are recommending that wells within a thousand feet of the proposed on-site wells; homeowners will be solicited for permission to monitor their wells. We would expect to monitor approximately six wells. We typically a lot ... I would get permission from, for this type of study and the wells would be monitored for a determined amount of time: usually two to five years. The proposed facility will be replacing the majority of the existing septic systems. The renovated septic systems are designed to meet modern standards and will be placed into operation pending Westchester County Department of Health approvals. In addition, all of the new septic systems, including the existing septic systems that will serve the facilities are located outside of the Indian Brook Reservoir critical environmental area. The proposed facility is not within the Village of Croton-on-Hudson Town of Cortlandt Aquifer Protection area. Therefore, the proposed project will have no impact on these water supplies. The facility is not within the New York City watershed. The property's outside of the watershed, therefore the proposed facility will have no impact on the New York City watershed and the people that it serves. Thank you.

Mr. Bob Davis stated Mr. Chairman, finally we have Mr. Ross Calvin from Brown Consulting which would be the firm that would be managing the hospital.

Mr. Ross Calvin stated thank you Mr. Davis. Good evening. My name is Ross Calvin and I am with the Hero Services Consulting firm called Brown Consulting. We're a consulting firm based in Toledo, Ohio and has been in business for probably 30 plus years or longer. I wanted to thank you for the opportunity to provide you some information in regards to the clinical aspect of the Hudson project. Since 1987, Brown Consulting has provided behavioral services in management, research, planning and consultation services for hundreds of behavioral health organizations throughout the United States and internationally. The organization has extensive experience providing alcohol and drug and mental health treatment consulting services to public and private sector treatment organizations: clinics, hospitals, community planning agencies, investors and funding boards. Brown Consulting ... our senior staff average well over 30 plus years of experience in the behavioral field. I myself have approximately 35 years both as a clinician for about 12 years and then probably 25 or 26 years in senior management. The 30 years of experience within the organization of the individual staff, in leadership, senior management, clinical operation start up and turnaround expertise in alcohol and mental health treatment organizations. Using the combined experience and expertise of our senior staff, all of our consulting services are customized to the special needs of each client assignment. Benefits

of this approach resulted in an extremely high level of satisfaction among our clients. Our senior consulting staff including myself in the behavioral field are all independently licensed so we have a real strong understanding of the clinical aspect of the program. We're licensed to provide both supervision and mental health and alcohol drug treatment services. Our consulting staff has extensive experience provide organization, executive directors, Chief Executive Officers, chief clinical officers and other clinical leadership positions both managing and running in-patient residential treatment programs such as the specific hospital proposed by Hudson. I personally have 13 plus years experience in direct service and 23 years experience in senior leadership. The organization Brown Consulting staff has extensive experience with determining feasibility and successful startup of new behavioral health organizations such as Hudson, including alcohol and drug, medical, sub-acute, detoxification, in-patient, and residential and outpatient treatment levels of care. Brown Consulting also has experience providing strategic planning, state behavioral health certification, national accreditation application and ongoing compliance, clinical best practice models, performance improvement and regulatory compliance, corporate compliance, new behavioral health program development, HIPAA compliance within the behavioral health field, and senior management contracting services. In a few cases we've maintained continuous management contracts with several behavioral health organizations since 2002 for performance improvement and regulatory compliance. We have some clients that we've been working with for 15 plus straight years. We became a member of the Hudson team back in 2012 when we worked with the team with the original feasibility analysis for the Hudson Educational Wellness Center. Since that time, we've developed draft policies, clinical forms, client record, plans for health and safety and security, corporate compliance, performance improvement as well as the treatment program model. I want to reference the treatment program model was in an earlier submission in the detailed environmental report and that's where the detail in regards to the program model and some of the other staff estimates you can find. In regards to the program model and the location preference, we're all aware in the room obviously about the current opiate epidemic. We've all heard all kinds of, on the news about it, occurring across the United States: New York, and the local community, local area are not immune and has also experienced a significant increase of deaths from opiate abuse every year for the last several years. This trend highlights the need for increased high-quality treatment options for individuals addicted to alcohol and drugs, particularly in this area. Hudson Educational Wellness Center is planning to establish a short term 28 to 45 day residential addiction's treatment program. Hudson's addiction program philosophy and program model will utilize the 12 step model, disease model. Some of you may have heard of it, of additions, which is based on the principles of Alcoholics Anonymous and it's abstinence-based, basically meeting a no-use policy. The residential addiction's treatment model includes: diagnostic assessment, person center treatment planning, individual group and some family counseling, 12 step interventions, flexible treatment goals, and frequent Alcoholics Anonymous and Narcotics Anonymous meetings as well as the effective balance of medical care, psychosocial and psychological care and also family involvement. As Mr. Davis had mentioned earlier, there will be no detoxification services on site. The clients being referred to and accepted into the organization will have already completed detox if it was needed. The Hudson treatment model of the proposed model emphasizes privacy and confidentiality as well as the safety and security of the clients and the campus environment. Treatment program such as these are best suited to be located in a quiet, secluded, well buffered

treatment location in order to minimize any outside contacts or temptations that come with being located in a busy business area. Client access to stores, restaurants, hotels and other types of businesses and their related temptations are very difficult for a person beginning their treatment and road to recovery to really effectively cope and to deny themselves access to. Not having these temptations readily available will positively impact the potential for an individual's full recovery and more positive outcomes. As Mr. Davis had noted earlier tonight, clients will not have vehicles on site and vehicle use by clients will be prohibited. Clients will not be permitted to leave the facility grounds during their stay. Hudson will have professional security staff on campus, 24 hours a day, seven days a week to ensure a safe and secure environment. In our experience with Brown Consulting we worked with several hundred behavioral health organizations, as I mentioned earlier, both within the continental U.S. and internationally and in our experience and in our opinion, the proposed treatment facility location in a quiet residential neighborhood would be very positive for the client's potential for more effective treatment experience and the likelihood for better outcomes, i.e. recovery from alcohol and drugs. In our experience, this type of facility, there's no significant impact on the local neighborhood or community and in most instances the neighborhood or community residents aren't aware that there are treatment programs operating in that given location. I just wanted to share a few things. This is the first time I've had the opportunity to speak to the board but I wanted to thank you for your time and attention this evening. Thank you.

Mr. Bob Davis stated thank you Mr. Chairman. That's our presentation for this evening.

Mr. David Douglas stated thank you. In line with the common practice in my day job, we've been going for over an hour and a half so if it's okay with the board, we'll take a 5 minute break and we'll continue after that.

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*Board takes a 5 minute break.*

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Mr. David Steinmetz stated good evening Mr. Chairman, members of the board, David Steinmetz from the law firm of Zarin & Steinmetz. Pleased to be here this evening representing the concerned citizens for responsible Hudson Institute site development. With me this evening my partner Brad Schwartz and our Planning and Environmental Consultant Mr. Chick Voorhis who will also be speaking. I think it comes as no surprise, members of the board, that I'm here tonight in opposition to the requested Area Variance that Hudson Wellness is seeking. I think it's easy to say that this is a laudable use but it is proposed for the wrong place, plain and simple. We are here tonight not to oppose the concept of rehabilitation or specialty hospitals or the types of treatment, care and assistance that a facility like this can provide; we're here tonight in opposition to what's being proposed on this particular property. The legal issue before you is whether the balancing test tips in favor of the applicant. We would suggest to you that the detriment to the community and to the neighborhood vastly outweighs any potential benefit to

the applicant. Let's remember that this property is located in a wonderful section of the Town of Cortlandt. It's zoned R80, two-acre residential. Nobody is questioning this property owner's legal rights to use this real estate in accordance with residential R80, two-acre, single family zoning. Our clients recognize that it can be used in that fashion and in accordance with R80 zoning. The objection however, is to the operation of a 92 bed specialty hospital on this site accessed by these particular roads, on this particular aquifer, in this section of the Town of Cortlandt inconsistent with the Zoning Ordinance and maybe most importantly, inconsistent with the Town's old and recently adopted 2016 Comprehensive Plan. Tonight, Mr. Davis and his team have started to layout their approach to the five factor balancing test. You all know the five factors well. We've all been in front of you many a night on a variety of applications. I'm confident you understand the balancing test and the five prongs. We received an addendum from Mr. Davis and his team three days ago about three and a half inches thick addressing a wide variety of topics and responding to a number of comments. While we've begun our review, I would just simply state for the record, we hope and trust that your board will permit our team, my consultants and obviously the public, a full and fair opportunity to review that. Tonight, Chick Voorhis is going to focus on a few topics. Chick is a partner at Nelson Pope & Voorhis, very highly respected municipal as well as private land use, environmental and planning consulting firm. We're going to focus on community character. We're going to focus on environmental impacts. Next month, I wish he was here tonight but he could not be here tonight, we will have a consulting hydro-geologist who will obviously review what the individual from LBG presented, Mr. Cusack, as well as his report. I can tell you that our clients are extremely concerned not only about the community character, about the road network, about safety, about appropriateness, but they're very concerned about water supply. You've heard it before from other folks who live in this particular section. I think you're going to hear it tonight from residents who are particularly concerned about both quantitative and qualitative impacts associated with water. I want to take a step back and kind of put an umbrella over all of this. We're having, tonight, we've already heard some rather technical, precise and very important environmental testimony, testimony that's appropriate as part of the New York State Environmental Quality Review Act, the SEQRA process. I ask this question and I know Mr. Schwartz asked this question at prior meetings, both of us have raised with you, it's not clear to us, it's not clear to the public how this application is being handled under SEQRA. Who is the lead agency? Is the Planning Board the lead agency? Is your board the lead agency? Are you both serving as lead agencies? I've been practicing before the boards in this town for almost 30 years. I have never seen an uncoordinated review conducted between the Planning Board and the Zoning Board. What Brad and I did is we went back to the beginning of this application. Bob kicked off this application some time I believe in the summer of 2015, page 11 of the original John Meyer Consulting Environmental Assessment form says, "The Agency: Town of Cortlandt Planning Board. Approval: Permit. SEQRA Determination: Zoning Board of Appeals, Variance from Special Permit requirement from state road frontage." It's fairly clear to us that at the outset of the application the original intent was to do what we always do in Cortlandt. You file in front of the Planning Board for a Special Permit, even if you know you might need a Variance, Planning Board takes it, they refer it to staff. That actually happened at the first meeting. There was one meeting conducted in front of the Planning Board. It was kicked over to Chris Kehoe. Our understanding from Mr. Kehoe, your Town Planner, is that he

never actually ended up writing that report. That report would have been to your Madame Chair, you need to make a SEQRA determination and begin the SEQRA process. My first procedural comment, I think it's not just procedural it's critical, you all need to decide how this is being done. Why is it critical? It's critical because if we're going to have a host of experts on behalf of the applicant appear in front of you, it's only appropriate that the Town ... we have JMC, LBG, Mr. Davis, I don't know who else might potentially testify. We now have a healthcare consultant. I think it warrants careful review by the Town's Engineer, should be present for this testimony. The Town's wetland consultant should be present with regard to wetland and watershed issues. The Town's traffic engineer—we all know that the Town spends a tremendous amount of time with its outside consulting traffic engineer and that individual should be present. Quite frankly, I think all of the testimony we heard tonight probably needs to be presented to the Planning Board. Maybe it needs to be presented to both but from a purely procedural standpoint, this part I think is clear and I don't think Mr. Davis will disagree with me. Before your board can vote on any Area Variance application, because this is a commercial institutional facility, this isn't a residential dec. Variance, you must go through the SEQRA process. For us to kick off tonight and start doing this heavy duty substantive discussion without a SEQRA context is disturbing and I would suggest that we try to get a handle on that. By no means I'm suggesting your board has done anything inappropriate, to the contrary. You got an application, it's in front of you and you started to process it. I think we need to take a step back and figure that out and my suggestion is this be referred to the Planning Board where it left off right before the Moratorium was enacted about almost two years ago. I want to talk a little bit about the Yeshiva. I did this when I was in front of you a few months ago. I didn't think I was going to have to do it again but Mr. Davis has now put that testimony on the record in the Area Variance application. The Yeshiva, which you all know, I handled the Yeshiva application on behalf of Yeshiva Ohr Hameir, you all, everyone of you was on the Zoning Board of Appeals six and a half years ago. It was a completely different matter involving a completely different set of facts and circumstances and therefore a very different legal issue. It was a pre-existing, non-conforming use that had operated for 30 years before I walked in the door that night. It's as if Mr. Davis is saying "well, let's just pretend that the hospital has been in operation for the last 30 years and let's analyze it the way we did the Yeshiva." Well the significant difference is that facility has not been in operation for three decades. It also, the Yeshiva, became a Special Permit under ZORP, more about ZORP in a moment. My client was asked to obtain a Special Permit in connection with the renovation of an existing dormitory. It was not introducing new land use. The use was in existence at that point in time since 1985. Your specific resolution found that the place of worship and instruction associated with the Yeshiva was a permitted use. It wasn't a Special Permit use. You actually found that it was a permitted use, that's finding number one of your resolution. You found that the operation of the Yeshiva was "lawful and permit" and it was acknowledged by the Town Planner, that's finding number three. ZORP: in 1994 the Town of Cortlandt enacted a series of new zoning amendments. They were called the ZORP amendments. At that time, under ZORP, 307-50 of the Town Code was adopted. That suddenly required special permits for seminaries and colleges and universities. The Town's Planner and Town staff determined that my client, which was educating young Jewish men ages 18 to 24, had college-age individuals there. Therefore, it was likened to a seminary or university. I was directed by the Town staff in connection with my renovation of a pre-existing, non-conforming

use to secure a Special Permit for then existing facility. ZORP inserted a state highway requirement so we came before your board to obtain whatever permission we needed in order to continue the pre-existing, non-conforming use and fix that building. I didn't know I was going to need this but thankfully somebody in my office was able to very quickly email me the relevant section from your Resolution. Your Resolution at page 3 states: "therefore, before 1994, the Special Permit requirement let alone the two above described Variances fronts on and setback were not part of the Town Zoning Ordinance and not required." You acknowledged in your Resolution that we were pursuing things that we did not need to pursue but for a subsequent enactment by the Town of Cortlandt in the ZORP amendments. For us to be arguing about the Yeshiva decision from six and a half years ago is a red herring issue, it's not relevant to this particular matter. Let's focus on what is relevant. The best use for this site is what it's zoned for which is R80, single-family residential. They are effectively asking your board to rezone and drop onto this property a use which is completely inconsistent today with zoning, with the Comprehensive Plan and the surrounding area. If these providers, and I'm still not clear on the provider and I'll come back to that in a moment, if these providers really wanted to bring this laudable use to the Town of Cortlandt: opioid epidemic or some other motivating factor, nobody's going question the fact that there is a need for this in society. The question is: what did they do in investigating other locations within the Town of Cortlandt that specifically would have permitted this? Many of you know that I've been involved in the MOD rezoning process that's been going on in the Town for the better part of two years now. I reached out to Mr. Davis on behalf of a client that has a rather large piece of property and suggested that maybe if this use is burning to get into the Town of Cortlandt they would be a wonderful location directly opposite the New York Presbyterian Hospital which is zoned for and will be within the MOD zoning district that would allow for specialty hospitals, no if and or but. It would be plain and simple. My request was at least reviewed but it was rejected. Now Mr. Calvin shows up tonight ... I'm not really prepared to respond in any great detail but I can tell you we certainly will try to better understand. I hope your board and your consultants will inquire deeply about whether this is a management company or consulting services. I very quickly Googled Brown Consulting while I was sitting there and they have a lovely website that boasts about their seminars, their webinars and their training. Admittedly, I did it on the fly while the gentleman was speaking and I'm not going to call his credibility into question but I am going to ask you to make sure you understand because for an awful long time my clients have been asking this applicant to come clean and explain: what are you proposing? How are you proposing to do it? Who's going to do it? Precisely how many staff members are going to be there? With all due respect to Mr. Calvin, he talked about the "staff estimates." We don't want staff estimates. We don't want traffic estimates. We don't want water estimates. If somebody's going to propose to introduce a 92-bed specialty hospital in the bucolic section of the Town of Cortlandt that's not zoned for it then somebody better come in with hard and fast real life data, real meaningful information, something that not only the community, but this board knows can actually be relied upon. We're questioning all of that. We're at the very beginning and it's wonderful that the management company has finally appeared and surfaced so that you can begin to ask the kinds of questions that I think you need. I will tell you, we are not comfortable at this point in time. My clients are not comfortable that this board has anything close to a clear understanding of the operation of this facility. I'm going to hold the balance of my comments and my arguments. I have a feeling

that they will be permitted to be presented at future dates. I want to allow Mr. Voorhis an opportunity to speak to the most germane issue because none of this goes anywhere if your board doesn't grant an Area Variance. This Area Variance before you, you all know I think it's a highly unusual request but we're here treating it as you have asked it to be treated, as an Area Variance. That Area Variance necessitates your board making a very clear and careful finding on consistency with community and neighborhood character. There's an awful lot of people sitting in the room tonight because they live in the community, they live in the neighborhood and I can tell you, they don't think this proposed specialty hospital is at all consistent with the fabric, nature and character of their community. In addition, another factor before your board is whether or not there's an adverse community, environmental impact. That we believe has to be analyzed under SEQRA. That we believe you need additional consulting and professional advice. With that, I'm going to ask Chick Voorhis to present his initial presentation on community character and I say initial because three days ago he wasn't happy when I forward him a PDF that the applicant's team was kind enough to send to me and I said to him: "Chick, you may have been reading the EAAF that Mr. Davis and his team submitted but they've now submitted a new addendum and you need to get up to speed." He did Gilman's work over the last couple of days and I know he's got an awful lot that he wants to share. So I'm going to introduce Chick.

Mr. Bob Davis asked Mr. Chairman, can I just respond just very briefly?

Mr. David Douglas responded we'll let him finish his presentation. At the end, you can respond, okay?

Mr. Bob Davis responded sure.

Mr. Chick Voorhis stated good evening members of the board. Pleased to be here tonight. My name is Chick Voorhis, Chick is short for Charles and I provided my card to the Clerk. My firm is Nelson Pope & Voorhis. We are Environmental Planning Consultants. I am a Certified Environmental Professional as well as a member of the American Institute of Certified Planners. I also have 39 years of experience in environmental planning throughout the tri-state area. Our firm does represent many municipalities throughout the Hudson Valley and Long Island, through the east end of Long Island and I have had background in government for a number of years: 10 years in government and approximately 29 years of managing my own consulting firms providing environmental planning consulting services to boards like yours as well as private industry. I've been retained by concerned citizens for responsible Hudson Institute Site Development to review the planning and environmental aspects of the project as well as the SEQRA aspects of the project. I am familiar with the site and area. I've reviewed the application materials as David said, filed by the applicant and we're getting up to speed on the addendum. Just in terms of planning considerations, I do have a number of concerns with respect to the proposed project mostly having to do with land use, zoning, comprehensive planning and community character. You've heard and we know that the subject site was the location of a medical care sanitarium built in the 1920s and operated until about 1948. Mr. Davis represented a couple of other uses that were authorized between 1948 and 1961. Afterwards the Hudson

Institute used the site from 1962 to the early 1980s. Hudson Institute was a private, non-profit researching institute. Many different uses have occurred and really one of the shortest time periods was the medical care facility from 1920s to 1948. The area surrounding this site has changed dramatically in the nearly hundred years since the sanitarium was built. There were few uses of any kind around the site in the mid 20<sup>th</sup> century. You don't see this clearly I can provide digital information as well as a report that I plan to submit but this is an aerial photograph from 1954. The site is shown in red, the 20 acre subject site and the area was mostly farms, very rural, very few homes or buildings. Since that time, and you know this portion of the town very well, the area it's changed some but it hasn't changed all that much. Where there were few uses of any kind around the site in the middle of the 20<sup>th</sup> century, the area's developed with single-family residential homes on two acre lots in accordance with the R80 zoning that exists. This part of Cortlandt, I've looked at the zoning map and you all know the Town well, is the lowest density portion of the Town. It's R80 throughout that area in the southwest sector of Cortlandt and it really is characterized by low-density residential use. I find the character in that area of the Town to be quite unique not only for its large lot residential zoning but also the areas that are designated for park, recreation and open space, a number of specific areas as well as conservation, recreation and open space and that's reflected on the zoning map and the land use pattern of the area. There are sensitive resources in terms of lakes, ponds, wetlands and steep terrain as you travel through that area and look at resource maps. The roads in the area are small, two-lane country roads that traverse hills and curves. They're winding. They're less travelled roads in the Town. They're very much local roads. The density of development, as I said is low, while the homes are set on large lots and the area really has a very rural and bucolic feel. Overall, this may have been an okay site for a hospital use 80 to 100 years ago but we believe that it is not acceptable for this use presently. Based on how the community has evolved, the occupancy of the site by a 92 bed hospital with 86 employees, would be an activity area for visitors, employees, patients, traffic, cars parking on the site which is not in character with the community as is not appropriate for this rural, residential setting. We find that the unique sense of place of the community in this area will be impacted by placing a hospital use in the neighborhood. Overall, as I said, the low density residential use and open space is inconsistent with the character of a hospital site. We did look at the Comprehensive Plan beginning by focusing mostly on the most recent one, the 2016 Envision Cortlandt Plan and one of four strategies, key strategies in the plan is to place medical uses on Route 202 area in the vicinity of state roads and the existing New York Presbyterian Hudson Valley Hospital. That is what Mr. Steinmetz had mentioned the creation of the Medical-Oriented District, MOD was recommended, specifically so that medical facilities could relate to each other, other forms of help could be available and those uses would be appropriately sited. We believe that the proposed project is not in conformance with this key recommendation of a plan that was completed within the past year. Just in terms of zoning, hospitals are permitted by Special Permit in the residential districts but must be located on a state road, as you know, that's why we're here. Since there is no state road in the vicinity of 2016 Quaker Ridge Road or for the most part in the residential districts in the Town, it's evident that the Town Board sought to not have such uses locate on local roads in residential areas of the community. In other words, a hospital does not belong on a residential road in this area. In summary, just in terms of those components, the proposed use, in my mind, is not compatible with the R80 zone where it's

proposed to be located based on the most basic land use principles. The use is not consistent with the Comprehensive Plan of the Town which is less than one year old. Finally, the proposed use is not consistent with the zoning of the Town which seeks to locate hospital uses on state roads and not local residential roads. I mentioned before that we have reviewed in large part the October Expanded Environmental Assessment and only within the past day or two received the electronic copy of the voluminous addendum that was filed with the Town. My understanding is that was filed last week. We're in the process, and we're in the process of preparing a critical assessment of the Environmental Assessment from October and have a number of detailed questions that we were completing just as we received the addendum. The quick read is that the addendum doesn't really change anything that was in the October Environmental Assessment but addresses comments that the applicant has become aware of from the public and various meetings and hearings since October. So it's really in addition to. At least with respect to the October EEA, as the document stands now, I do not believe it provides sufficient information for this board or the Planning Board to reach an informed decision and I plan to submit that to you in a detailed report rather than bore you with the analysis that we have now that's a detailed point-by-point accounting of our review. I would make that available before the next meeting of this board. I believe that you've also been informed that I have a prior commitment so I am not available on May 17<sup>th</sup>. It's actually a 20 year celebration anniversary of the creation of my company, the company I'm in now so I think I should be there. Nevertheless, as I said, I will provide that report to you. I can attend the June hearing. It's on my calendar and I would certainly hope that you would discuss and review the report that you'll have before the next meeting and you've get an opportunity for any questions, answers, responses. In closing, thank you for allowing me to speak tonight. I do not believe this project can be considered for either a SEQRA determination or a decision by this board or the Planning Board and I feel that the requested Variances are not justified as the proposed project is not compatible with the community, is inconsistent with the Comprehensive Plan and is not in conformance with zoning. So I thank you for the opportunity to present to you tonight.

Mr. David Steinmetz stated as Mr. Voorhis indicated, we will be submitting a written report from him fairly quickly. We will have our hydro-geologist attend the May meeting and we are prepared to and certainly intend to bring Mr. Voorhis back at any subsequent meeting, both of your board as well as the Planning Board and to have him involved throughout the process. That's all that we have for a verbal presentation. I know that there are many folks who would like to address your board so I will keep my comments to a short conclusion at this point.

Mr. David Douglas stated Mr. Davis why don't we give some other people a chance to be heard? You could speak at the end okay?

Ms. Jill Greenstein stated good evening. My name is Jill Greenstein and I with my husband reside at 83 Quaker Hill Drive which is adjacent to the rear of the Hudson Institute property. I and my family have lived in the Croton area for almost 40 years and have been at this present address for 17. Croton was where we brought up our children. They attended the local schools and they, along with our grandchildren, still return for visits where they enjoy our beautiful Teatown environment. We have always considered ourselves fortunate to be able to live in such

an area. What has prompted me to appear before you now is my reaction to your recent decision which quite frankly stunned me. When my husband and I moved to our location, our present location, we were under the impression that we were moving to an area that was legally zoned for two-acre, residential properties. We chose this area because we wanted such a quiet and peaceful place. An environment where we could see wild life, hear the birds in the morning, but come angry at the deer for eating my plantings, hear the frogs croaking in the nearby pond, etc. I've attended all the meetings and I've listened carefully to what everyone has said. There have been statements that I believe are erroneous. Let me give you one example. I believe it was at the November Zoning Board that Mr. Robert Davis, the attorney for the Hudson Wellness Center said I believe that the "main opposition" to this specialty commercial hospital comes from people who live one mile away. That couldn't be further from the truth. I, and my neighbors, oppose this commercial project. Just tonight it was stated they made a comment that more than 20 homes could be developed. Perhaps a lesson is needed in topography and land development. We can only talk about the 20 acres that are in Cortlandt and they could possibly be 7 homes put there at most. Let me also reiterate some of the other concerns that have been brought up in previous comments. There are environmental concerns including and emphasizing water usage, possibly shortages affecting our wells. Currently, there are a number of homes in our area that have already had water shortage issues and it had to dig deeper wells. In my home, for example, we can't take a shower and say run the dishwasher at the same time. Water pressure is always low and we make every attempt to conserve water and carefully use it. If commercial developments are brought into our area, water shortages would become the norm. Then there are safety issues: that includes the increased traffic with the resulting dangerous situations on non-state windy roads. People often run, ride their bikes, walk their dogs, etc on these roads. My husband and I like to "walk around the block." That entails approximately five miles as we walk down Quaker Hill Drive, turn left on Quaker Ridge Road, turn left on Glendale, left on Spring Valley Road, left on Teatown, up the windy Teatown Road, left onto Quaker Ridge Road heading back to Quaker Hill Drive. We also sometimes make the right onto Quaker Ridge Road heading towards the dam and walking on the aqueduct there. As we walk, we often spot eagles, coy dogs, turkeys, fox and of course deer, and many other animals. We bump into neighbors and chat with them, etc. I share this with you in order to help you understand the nature of our area and how, we who live there are using this environment. Bringing in commercial developments will make a significant, negative change to the character of our beautiful residential area. Of course I support the idea and need for such commercial specialty hospitals and how fortunate we are to have had a Town Board with the foresight and thoughtfulness to have developed an award-winning Master Plan that clearly provides for such facilities in a Medical-Oriented District on a state road. Finally, I would invite you to come to my house and stand on property line separating me from the Hudson Institute for two reasons: with an outstretched arm you can almost touch one of the Hudson Wellness buildings. I believe it's listed as building number six. It is approximately five feet from the property line. I don't believe that today you would permit the construction of any building so close to a neighbor's property for any reason nor do I believe that you should repurpose the use of that building or any of the buildings to be a part of a large commercial specialty hospital within a residential neighborhood. Secondly, the applicant is asserting that topography and vegetation will shield immediate neighbors, that's me, from any

impact. That's ludicrous. Again, come to my house and see. Thank you for your consideration and time.

*Audience applauds.*

Mr. Steven Hampton stated my name is Steven Hampton. I live at 2013 Quaker Ridge Road. First of all I'd like to thank all my neighbors and friends for coming out tonight. Mr. Davis's flippant remark about "there will be no impact on our neighborhood." I think this tells you this needs to be questioned. All these people are not here because there will be no impact on our neighborhood. I had prepared all these remarks but I think a lot of it has been said so to get this to move forward quickly, I would just like to say one thing. They've brought in several experts with 30 years experience or so. Well, we're the experts. I'd like you to listen to us. This is our neighborhood. I've lived there for 25 years. I've gone up and down those roads for 25 years. I've lived in that neighborhood for 25 years. I don't know how many times these experts have gone up and down the roads or experienced our neighborhood so I think we're the real experts and we're here because this is our community and this our life. It's not a paycheck. Thank you.

*Audience applauds.*

Ms. Jamie Black stated hi, Jamie Black 35 Quaker Bridge Road, Town of Ossining. If you were to draw the letter 'Y' Hudson Wellness Center would be on the left, New Castle would be the other arm of the Y and then this sort of, the vertical would put you in the Town of Ossining. What you have before you is a proposal that not only would affect people in Cortlandt and it's nice to know there would be a priority available for the people in Cortlandt to attend this center but you have everybody in the Town of Ossining affected and you have everybody in the Town of New Castle also affected. Now when I say affected, the vehicles to service this facility, they're going to travel on our roads, so when our roads end up damaged I pay for that. The Town of Cortlandt does it same thing with New Castle. One of the main things that I think we're losing sight of, in terms of why a state road. A state road is identified for safety reasons. As I may have shared, when they did a test to see how the Croton tanker truck could do to service a fire in the Town of Cortlandt, the tanker truck flipped over in our S turn and was out of service for a number of months. That's how the test went. Not very well. Additionally, a tanker truck has a capacity of 5,000 gallons of water. At a pump rate to put out a residential fire, that tanker truck gets out of water in two and a half minutes. So when they speak to the well and the capacity of these wells and being able to reestablish themselves; we're not talking about a well for drinking water. We're not talking for a well for laundry. We're talking for a well in the event that there is a significant fire in this facility and also too, in terms of fire suppression, same thing. What kind of capacity exists on site? What kind of capacity can be brought to site in allowing for the people in that facility to be safe in the event that there is a structural fire? Additionally, snow removal. Town of Ossining is very aggressive in ensuring that we're sort of one of the areas that gets removed quickly. We have GE Crotonville at one end of our road so basically we're cleared in a fairly short period of time. New Castle, it's last in line, last in line. They start in Chappaqua and then they move toward our neighborhood. So you're basically talking one whole access road not even available in the event of a heavy snowstorm.

Additionally, Cortlandt, same thing. How long does it take for the snow removal equipment to actually service that area? Again, that's the reason why they say state road. Now, Mr. Reber made a very important point when the gentleman was looking to establish his 16 foot high hobby barn. He said: we don't want to promagate a problem. It was a problem in the past. We don't want to promagate the same problem that's why we've amended the zoning so that we don't continue to support a situation that created a negative effect on the neighborhood. Isn't that exactly why you created the new district for medical facilities? To allow an area that services specific needs of a medical nature. The Hudson Wellness Center is not in this district. It's now in a community that's grown up around it but also a community that's been there, in many instances, for over a hundred years. I bring up that point because it's a very important one and that is ... when you speak to this traffic study, fine, the traffic study doesn't talk to something that's significant and a very important change that's happened in the character of our lives affecting the character of our community, and that is, with the advent of the internet many of us have the opportunity to work at home. Instead of getting in the car and leaving the house at 7:00 AM and then getting back to the car and getting back to the house at 7:00 PM, many people now have the opportunity to really enjoy the excitement and the opportunity of being full time in their home. This is very important because when you look at this site, this site is fed by a carriage road. Old Albany Post Road was a carriage road. Spring Valley Road, a carriage road. The houses, in many instances, are literally feet from the road. when you talk to basically exploring the opportunity for use of this site, how are the vehicles that are going to provide the waste removal, that are going to provide the food, that are going to provide the linens and this and that and the other, how are they going to actually arrive at the site? Our carriage road has a weight limit on it, just for that reason. We have no side lots. We have houses right on the road. We have cars parked right on the road and we established the weight limit to prevent the use of our road to service facilities such as this. What I think is so important here is when they try to go back in time it's important that we take the bigger view of back in time. Back in time is the primary road to feed this area, the carriage roads. There are houses that are located right on these roads and in terms of the future and the opportunity, they speak to the Yeshiva and they speak to 300 people being there potentially for an event. This 92 bed facility is a place where people live so their use in terms of food consumption, in terms of waste production, in terms of water usage is very different than the situation at the Yeshiva where perhaps on special occasion or Fridays you have 300 people arriving to participate. I find it very sort of personally offensive and professionally laughable that the experts can create these analogies talking about: oh well, the Yeshiva, 300 people. In terms of the traffic study: oh these people will be shuttle to and fro. In terms of water usage: maybe this, maybe that. The Jack Welsh Training Center I understand uses 22,000 gallons of water a day. Maybe they need to look to that facility when you have people conceptually in residence to try to get more accurate figures. I'll close this by echoing something that Steve Hampton said and that is: you have a gentleman coming from Toledo, Ohio. He puts his head down on his bed in Toledo, Ohio. I put my head down on my bed at 35 Quaker Bridge Road, same as my neighbors. This is where we live. This is where we love and this is where we want to continue to enjoy this quiet, secluded environment that this wellness facility seeks to exploit in order to provide some type of emotional healing and physical healing for people in need. I find it very ironic, in closing that, these people are looking for an opportunity to be healed and to improve how they're feeling about the lives they're living and it

comes at a cost to the quality of our lives. Is that not ironic? We're living on this road. We walk on the road. We have dogs walk on the road. We have strollers on the road, this, that and the other. I find it ironic that people come from out of the area in an effort to create wellness for people who will be paying for an opportunity to be healed there and it comes at the cost of all of us who are paying taxes to live here. If you would, please put yourself in the exact same spot that we are. Pretend that you're in the house that was built in 1820 that is no more than three feet from the road. Put your ... we have Cortlandt waste removals using the road already. Put yourselves in the position that we're in, in terms of quality of life, what this road is designed to handle and what our future needs to look like based on your decisions. Thank you.

*Audience applauds.*

Mr. Tim Flynn stated good evening. My name is Tim Flynn. I live in the neighborhood also. I just want to make a couple of points ...

Mr. David Douglas asked what's the address?

Mr. Tim Flynn responded 470 Blynn Road. It's actually in the Yorktown area, Teatown. I'm also going to reference something that Mr. Reber said. I think he's been inspirational to us I think. He mentioned: is this like using a hypothetical situations. The next owner might take the fence down or let the trees die. We sat and listened to a lot of commitments from this podium about shift changes against not on traffic patterns and about visitation rights not being allowed and detox of patients and water use and a lot of others. I'm not up here to question the sincerity of those commitments, I'm really not but things change. This is a business being run and a business that's a very worthy cause that I support but it's a business. In a year or two, if this business is not making money running itself in the way that all these commitments have been made, they're going to be adapting those. As far as I understand, I don't think any of the commitments are written down and put in a declaration on a deed that they have to be met. I don't think it's any of the Zoning Board's responsibility or any of the Town's responsibility to be constantly policing. Are they keeping to those commitments and promises? Just as if maybe they're going to adapt some, I'm not saying they are but that's ... we're business people. We need to make money. We need to move forward. If this Betty Ford type clinic, which again I think is a worthy cause, does not prove successful there will be another use for this facility that might be profitable and I would suggest would not be in line with a lot of the commitments made at this podium. So, I think that really should be considered that a lot of promises made might not be kept in the future, not for any intention that's been portrayed here. Another point I want to make, all of the analysis that I've seen presented such as road usage, and water usage, and all the other analysis, it's really comparing the use of this one proposed facility to potential impact of the neighboring properties. I understand that but if you look at this picture right here, there's a property right across the street which I believe to be 30 plus acres. It's currently being used as a horse farm and it's beautiful but that's a 30 acre property right across the street and if I were the owner of that property, would I not look across the street and say: why am I not entitled to develop my property and the use that's already been established in this neighborhood?

Ms. Jamie Black stated its 103 acres.

Mr. Tim Flynn stated it's a 103 acres. I live on a large property in the neighborhood. I'm fortunate enough to say that. I'm a real estate developer. That's what I do for a living. Why would I not be sitting and saying: wait a minute? Why can't I use my property in this use also? It's a very slippery slope as I think all of you take very seriously. When we start allowing different uses in what's been established in this neighborhood that clearly everyone here loves. We're moving in the wrong direction and it's a direction I think you can never pull back from. That's all I have to say. Thanks.

*Audience applauds.*

Ms. Cindy Secunda stated hi, Cindy Secunda, 62 Teatown Road. I just have a couple of things. I hadn't planned on talking tonight but as they were discussing what a wonderful, fantastic, amazing, better than any other facility in the entire world that we won't even notice even exists, I noticed that there were some issues. One of my favorite ones is that you're not going to do irrigation. Does that mean that you're not going to water the lawn? Have you not taken that into account? You're saying: we're not going to have any irrigation because we don't need it. I don't understand that part so perhaps that could be clarified and adjusted into how much water they're actually going to use. Again, a lot of people have large pieces of property. I have, I'm sorry to say, not as large as some of the people that are talking here but we have 20 acres and it's a pain in the neck to keep it watered. We actually took it from the lake for a little while. We built a well, which doesn't produce enough water. That's a big question. How are you going to keep this property watered or are you just going to let it get a dust bowl? I don't know but that was a curious question. You're going to use private pick-up for your garbage. We have garbage pickup three times a week at a personal home in Cortlandt; one is recycling, one is paper and one is regular garbage. How are they going to do that? Are they going to do that? So that's now three times a week, not once a week. They had eight things they were going to come only once a day throughout the course of the week. It just doesn't make sense. There's a lot of things in their wonderful facility that just doesn't make sense. Vans: they're going to have people voluntarily take vans from the train station so if somebody lives in Ossining or Peekskill or Tuckahoe or wherever and works at their facility, they're going to take two trains, like a train down to Grand Central to catch the right line to come back up to Croton and then take a van? No people in Westchester drive. They don't take vans and Metro North. The chances of you having vans that are actually going to be inhabited is slim to none, especially on a voluntary basis. Let's see, what else? People have gone over the fact that there's many new houses there since, they said in '89 all the new houses were built. Little Lake Estates came while I was living there so many in '94, '96, something like that. Lots at Quaker Hill Court were also built after '89, so no, the neighborhood has definitely added many new houses since '89. They keep including the New Castle property which somebody else had mentioned, that's not their property. We're talking about maybe seven houses if it was just ... and it's okay, you actually did all the reconstruction, like you say "we're not building. We're not building." The property was a mess. You did reconstruction. We're not really sure you got any permits or any approval for anything that you did as was discussed a couple of months ago at meetings, but you did do it. So there

was that noise factor which, again, not a problem. It's a short term problem. You're talking about once a month visitors, 25% coming once a month. I'm assuming that, that's every weekend there'll be 25% which would equal every weekend, right? Four weekends in a month if it's 25%, and then you're talking about family counseling, their consultant guy talked about family counseling. Is that family counseling going to be done on your once a month visit? That's going to be an awfully busy counselor or are they going to have to come ... people have experience with these facilities, you could be there three times a week. There's like family counseling, there's spousal counseling, there's individual ... I'm a survivor, part of someone who's ... what did I do wrong, kind of counseling? There's going to be a whole lot more. And again, they're going to take three trains in order to come up here and take your van so they don't have to drive on a roads. I'm not really sure that works either. Just curiosity, we're talking about large security staff. Is that security staff part of your numbers? Your 92 and ... I forgot the other number but a hundred something. Is that part of your numbers to have a large security staff? Let me see. I'm going to finish up in a second. I would like references. You said that there were so many places where they have these facilities where the neighbors don't even know it exists. I would like references of those areas and make some phone calls myself just to confirm that they don't know it exists. [audience applauds] Then, I guess, since everybody is referencing Mr. Reber. You said at one point that the guy who's trying to get his garage, his hobby shop, whatever, built up. You said: if there's any place else on your property that would not need a variance, if you built it there, that's what we should be looking at. Perhaps you should look someplace else instead of your front lawn. Well, this institution is our front lawn and, as somebody else said, the wisdom of the Planning Board or whoever does that, decided that there should be an area set aside where all of these facilities can be set up abiding by all the laws. That would be up on wherever it is, up on Cortlandt, I don't know, up there. I'm sorry, I don't really know where it is but it's the same concept. There's a place for it that doesn't need any variances and that place is where it should be otherwise, you're making the whole thing a joke as to having that MOD area. I think I have one more thing. I'm sorry. I guess not. Okay, never mind.

*Audience applauds.*

Mr. Michael Shannon stated good evening. I'm Michael Shannon. I live at 2022 Quaker Ridge Road. Just so we're clear, I live right next to the property until they put up a fence without talking to us, there was no fence. When they talk about a buffer going into New Castle or Ossining or whatever of another 20 some odd acres, that doesn't apply to me. My seven grandchildren, when they come over to visit, go up to the fence now. That's what we're talking about in terms of proximity. Also, we didn't know that this was coming until a neighbor told me about it in 2015. I find that troubling and I think it bears upon one of the criteria that you are to consider and that is whether their difficulty is self-created. The chronology again: 2010 Kevin Cassidy and Ellen G. Company bought the property for a million one. They started doing some work in 2010. My wife and I asked what was going on. They told us they couldn't tell us or they didn't know. You were told that they then got a consultant to come up with the plans and it was not until September of 2014 that they first approached the Town about what they were going to do. At that point they had full knowledge of the restrictions and every penny that they spent

fixing up the property was voluntary. They can't claim any hardship for that expenditure and it was also accomplished with SEQRA transfers. There had been questions raised about how do we know that the assurances that they give us in terms of what they're going to do in terms of staff, in terms of the frequency of deliveries of goods and services, in terms of traffic that these promises ... How do we know that they're going to live up to them? One of the things that troubled me was that we heard from a consultant tonight. Since these proceedings started, we have been saying: where's the owner? Where's the applicant? If you go to the internet, Kevin Cassidy who made that first purchase is the president. Why has he not come here and said what he intends to do? I am troubled about whether the consultant's advice, good as it may be, will be followed by someone who is actually running the show should it come to be. The fact is they didn't come to the community to talk to us. We talk about a very serious problem with the wells and I found it quite fascinating that the well study, exhibit H to this new book that we just got, states in it at page 7: maybe we should go and do a study of the people within the circle. He put that up there for you. When he put up the circle, he had my entire property there. They did a test, they say, to find out about the replenishment of the wells. Why didn't they come and talk to us and tell us they were running that test? Maybe that was one of the days, one of the many days that we had no water. They say that they will now, or they're willing to undertake a test for six months or five years to find out what the problem is on the adjoining property. I don't need an expert opinion. I can give you a fact. We run out of water now. It didn't happen in the past and they're not running their facility yet. All they've done so far is drill two or three wells, depending on who you believe. We are, as a matter of fact, having a problem without the nearly 200 people using the toilet, using the showers, using the washers over there. That is a fact. Their expert thinks it may be five years of studying before he can opine correctly as to what the impact will be on me. If they had come in 2010 that five years would be over now and they wouldn't be at risk of being denied for not doing what they should have done. They talk about property values. Now, this is a sensitive issue because we don't want to talk about money when we're dealing with people's health but the fact is that this is a for-profit venture, for profit. They're not [Ali Mazaheri] here. They are saying that they will generate so much more in tax revenues and they cite for the proposition that we will not suffer, they attach a one-page letter from Cushman that says, in my opinion, it might even go up because you fixed it up. Go on the internet. The leading article on the subject says: "homes within a half mile radius declined 17% in value." Apply that math, it washes out the profit that they are trying to bribe the Town with. They also spin the history here. They talk about a permit was granted in 1989 for a Special Hospital Use. That permit was not used. That's the fact. The fact is that since 1948 there was no special hospital operated at the facility and as the map show and as your record show the homes that we're talking about did not exist. The largest growth area of the residential homes is in the '84 to '89 period with more coming on board in the early '90s. The scene that took place in 1948 was forest. Also, when you look at their traffic study, some of the comparisons that they made to the prior operation go back to the 1960s. Again, before the homes were there. It comes down to really the serious question of the change in the character of our community. This is a serious change in going from a very bucolic residential community to a specialty hospital and it's being pushed by people who chose to be secretive, people who have gotten the facts wrong on a basic impact such as water and who are out to make a profit while skewing the economics to show that there really is even an economic cost to the Town. Thank you.

*Audience applauds.*

Ms. Cinthia Manachurian stated good evening. My name is Cinthia Manachurian and I live at 100 Glendale and I am the neighbor of the Sunshine Home which is another, I would call, specialty hospital for fragile children in New Castle. I have been working to protect the environment and understand why that specialty hospital is being granted the right to move forward. I believe that this community is exhausted ... this community is really the greater Teatown community. I might be from New Castle, another resident from Ossining, another resident from Cortlandt but we really care about the Greater Teatown and we're exhausted trying to protect this area which is a natural resource not only for our area but for all of Westchester and southern New York. People come, they enjoy the trails, they enjoy nature and Greater New York depends on the reservoir system from this area. The one thing that Mr. Cusack didn't mention in his report is that he also represents the Sunshine Home. You have the Indian Brook Reservoir which is right behind the Sunshine Home and depends on water from wetlands that come from behind the Hudson Institute property, past my property, past the Sunshine Home to the Indian Brook Reservoir and granted, that's not New York City water but that's Village of Ossining water; 30,000 people depend on that water. I ask you to pay attention to that body of water as well as you review this project. Thank you.

*Audience applauds.*

Ms. Laurie Lechthaler stated good evening, my name is Laurie Lechthaler. I live 25 Applebee Farm Road. A lot of what I have to say is repetitive but I feel I want to be heard as well. As a lifelong resident of the Teatown area I oppose the use of residentially zoned property on Quaker Ridge Road for commercial use. The main reason my family and neighbors live in the Teatown area is for its natural beauty and quiet, secluded surroundings. To my knowledge, the reason certain areas in the Town are zoned residential is to prevent commercial development, commercial traffic and inappropriate land use in an area slated specifically for private homes. Likewise, my understanding of the area of our Town zoned specifically for medical use would be for just that: medical facilities. Why would we place a hospital in a residentially-zoned area when we have an area designed and created in a Master Plan that could and should accommodate it? What is the point of developing such an area if we don't use it for medical facilities such as the proposed rehab facility? As for the traffic, a medical facility such as this cannot operate without many deliveries of supplies. As an experienced nurse, I am aware of the enormous amount of supplies needed by any type of hospital. These deliveries will most certainly involve trucks of many sizes. As for staff, how would we know for sure that 86 staff will be taking a van to the facility? Who would be monitoring this? It sounds unlikely, to me, that staff would not be driving in as the people have mentioned. Our narrow country lanes cannot safely accommodate this type of traffic, nor should they have to. That is another reason that area such as the Teatown area are zoned residential. As a nurse with 30 years of experience, since everybody's talking about how much experience they have, I have had much exposure to the overwhelming issues of drug abuse and alcohol abuse and recovery. I don't deny the need for these facilities and for helping these people these problems. I just believe these facilities should not be situated in a

residential area. I implore the board to deny the use of this residential property for anything other than residential use as it is zoned for. Thank you.

*Audience applauds.*

Ms. Karen Wells stated good evening, Karen Wells, 28 Applebee Farm Road. The proposal to develop the 2016 Quaker Ridge Road into commercial hospital would irreparably damage our community. To better understand this, the board needs to, and the community needs to understand a series of things: information that the applicant has not provided, including: in which buildings would patients reside and how many patients would be in each building? What recreational opportunities would be available to the patients and where would these take place? What non-medical services would be offered and where would they take place? What medical services would be offered and where, specifically building by building where would they take place? Where will the patients and staff eat? How many will be in the building at any one time? Where will visitors, while on site, where will they park and where will visits take place? Ralph Mastro Monaco stated that a generator will be installed in case the septic system electric supply is interrupted. Where will that generator be placed? He also states in his comments that if the electricity is out, which everyone in this room who lives in the neighborhood knows happens often, then the generator, if the generator goes out and many of us know that generators do die unfortunately, right at that moment. If that happens, the septic system that they have designed has the capacity of half a day. If that septic system fails, depending on where their septic fields area it could unfortunately damage the Ossining water supply. We need to better understand how many generators, where they're going to be and then we'll get to the septic fields. The applicant refers to pharmacy deliveries. What is the nature of the pharmacy deliveries? What type of pharmaceuticals will be on site at this facility? In which buildings will the pharmaceuticals be stored? What type of precautions will be needed around those pharmaceuticals? Given the 24-hour nature of operating a commercial hospital where lighting will be needed, during which hours and in which places will the lighting be on? The applicant mentioned security staff, how many will be on the property at any one time and where will they be stationed and with what weapons will they be carrying? In fact, I would like to go back to the comparisons the applicant and their attorney have made. The comparisons involve institutions that, to my knowledge, do not require security staff. Where and when will the commercial kitchen located and operated? Where will the septic fields be located? Again, an important component in us all understanding the environmental impact on the character of the neighborhood of this type of facility. They also talk about not building new buildings but they do talk about renovating buildings. What type of renovations are we talking about? Are we talking about simply internal renovations? Are we talking about external renovations as well? The first set of questions really focused on what activities will take place in what locations to help this board and the community better understand the further potential impacts. We also need an electronically accessible site plan that shows us these things. I've been asked by several neighbors: is there a site plan where I can understand will all of these activities take place? Because depending on where they take place, what times they take place and what density, we will need that information to truly understand the impact on the neighborhood. There's also another issue, the putting a commercial hospital in this type of setting essentially creates a

transient commercial area. We need to understand the transient commercial nature that they will bring into the neighborhood. They're not bringing ... did I just get cut off. Someone told me my time limit was up. But going back to the transient nature, the patients were cited to be staying here 28 to 45 days. We would like to get a better handle on that number, and even at 45 days, we're talking about an incredible amount of turnover for a community where you've heard people have lived here for decades and now we're talking about people who instead of living there for 45 years, will be with us for 45 days. During that time, what are the plans for medical emergencies? Anytime you have a group of people who have, because of their medical issues, damaged their bodies, you're going to have medical emergencies even if you have a group of 92 people who come in perfectly healthy. The issue is you're going to have medical emergencies. What is the plan to handle this? We're creating an environment where we're essentially putting something into the community that will increase the need for medical response. Moving onto the staff. Where will the staff be shuttled from? They mentioned the Croton train station. They also mentioned these areas controlled by the applicant. Does that mean that perhaps staff will be shuttled from the neighboring property that the applicant controls or does it mean they're going to be shuttled from another community site that we should know about so we can understand the impact? There's also an issue of who will be on call. What staff will be on call when they do come responding to a call; where will they be parking and where will their shuttle bus, if they are parking elsewhere, when will those shuttle buses be coming in? The arrangements for snow and ice removal, not only on the streets is of concern, but this is obviously because of the 24-hour nature of this facility, snow and ice removal will be a 24-hour process. There is one neighbor who lives directly across the street and I can only imagine what his life will be as the snowplow plows that place out and the lights shine directly into his home. What is the full extent of the commercial traffic? We are getting examples from this group. We're getting examples of one food delivery a week for approximately 2,000 meals. I can only imagine how large that trucks needs to be. What are the plans for evacuation in case something happens at Indian Point? Are they going to be waiting at our conveniently-located bus stops? What arrangements are going to be made for preventing traffic? Visitors: unannounced visitors, staff who are supposed to be shuttling, press who may be interested in these high-profile folks who are staying at this location. What strategies are going to be used to prevent their accessing this property? The applicant also states the location of patients will be controlled and monitored at all times. How is this going to be achieved? We're talking again about a residential community where we are out walking the roads, enjoying living in a neighborhood. If we are having a population who is going to be monitored for location, we should know the process by which this is going to happen. When we come back to the security staff, it's also very, very important for us to understand what methods of enforcement are going to be used. There is not anything in our community at the moment that has a large security staff that uses any form of force to prevent people from either coming or going outside of authorized police personnel. Even the ranger for Teatown, all that ranger can do is call the police. We come back finally to the issue of who owns and who operates this facility. I know we have talked about this very many times but it is important because we are the people who will be ending up monitoring these issues and if there are problems, as our attorney has pointed out, imagine the litigation that the Town of Cortlandt will face trying to get this particular applicant who we can't even identify, to comply with the things stated here. Now all of these issues are not just neighborhood issues. These are community issues. Teatown is used

by more than just the neighbors. I suspect every one of you has been to Teatown Lake Reservation. I suspect some of you may even have had children attend summer camp there. You've probably gone to visit the dam, possibly walked on the aqueduct and you would be no different than the great percentage of not only Cortlandt residents but Westchester county residents that utilize this community resource, this Westchester community resource. This is not about just the neighbors. This is about preserving a community resource. Imagine the difference in feel as you drop off a child to summer camp at Teatown Lake Reservation. Instead of going by a wooded lot, you go by a commercial hospital with a security staff. Thank you very much.

*Audience applauds.*

Mr. Ron Posmentier stated good evening. I'm Ron Posmentier from Croton-on-Hudson. I just want to start off...

Mr. David Douglas asked what address?

Mr. Ron Posmentier 96 Mount Airy Road in Croton-on-Hudson. I have a question. I think there needs to be some clarification first of all about the increased taxes that will be paid to Cortlandt which will benefit probably the Croton Harmon school district and then the mention that it'll offset the problem we're having in case Indian Point closes. I think those two have to be clarified because if the money goes to Cortlandt to benefit Croton, it's a Buchanan school that really needs the budget support. I don't know how it filters out but that needs some clarification. The new staff that will be hired most probably will be coming, as we said, from distance away and they might be moving up to the area and they will have children and those children will have to go to school system. Although the statement was that the school system of Croton won't be impacted by any new students, the staff might be married, to some degree, and not be able to afford to live in the immediate area of the Teatown area and we come from other residential areas where they would be moving to with children. That very school in Buchanan might have an increase in their student population. Now I just want to get to question about the work that already has been done on the property. I don't know if it required any permits if there was any permits requested, any granted, etc. but that's something I would like to hear about if they've ignored anything that was required, especially for instance the fence that I heard went up and also the chopping down of trees which I said they wouldn't be doing later on, but trees are on an adjacent property to that property irresponsibly. That wasn't their property to be cutting trees down on according to what I understand from one of the gentleman here. They've already violated something that wasn't even on their property. Excuse me I just got to check off these notes that have been covered already. With that, when I said that they may have done some work which needed permits, etc, and we go down the line and this board has already questioned a gentleman earlier this evening who quite innocently just wanted to make his story, the dry storage area look better by putting a dormer up and I've had the third degree when I've asked questions of my Engineering Department in Croton and very appropriately so he was questioned: well what about down the road you know we can very easily see that the door would go back in or if you sell the house somebody can see an opportunity for a living quarters or perhaps even an income-producing piece of property? That's the kind of questioning that needs to come when

it's your turn to make sure that this is appropriate. I respect the fact that you did that. I know it was just an innocent thing on his part for the most part but you still have to say: what about down the road? I think the problem here has been expressed, of all the meetings I've been to, there's a big question of trust and if this individual has gone about from doing work without any exposures to what's on his mind going back as far as 2011 I guess and who they are etc, if we can't trust them at this point, what are we to expect will transpire down the road, as many people are concerned about? We don't even know. Let's do that same kind of scrutiny with the gentleman with his dormer issue and put it to the test with this 40 some odd acre area. Thank you.

*Audience applauds.*

Mr. David Douglas asked anybody else from the community before Mr. Davis?

Mr. Bob Davis stated many of these questions that have arisen tonight are answered in great detail, great detail in our written submissions. To some extent, they go so far into the every aspect of the operation of the applicant's business, as the board knows there's a certain amount of that that's well beyond their purview. I won't try to rebut everything that's been said. Mr. Pearson will have a couple of things to say and Mr. Cusack just to summarize. Just a couple of things on my part and we will respond to the comments again. Most of them have been responded to and are provided in the materials. The last gentleman in particular, we've gone through all the permits that were obtained for the work. Everything was properly done. We talked about, there was an allegation of tree cutting that the Town investigated, proved to be false. With respect to SEQRA, as Mr. Steinmetz pointed out, I would just refer that as you know was discussed in great detail, particularly at the November meeting and I would just refer the board to the minutes of that meeting. I think it's pages 9 to 13 where Mr. Klarl advised the board what the process would be. There were a lot of facts left out of Dave's statements on that issue including the fact that the Planning Board basically already punted this matter, so-to-speak, in a letter they sent us in 2016 when we resubmitted an application and that was in the 2015 application. I would just ask the board can review the advice received and counsel discussed it as well at that November meeting. An overall theme of the R80 district being residential, I would just point out the fact as we've gone through in depth in our materials that there's dozens of uses permitted other than single-family homes in the residential area. The board is well familiar with that. Mr. Steinmetz also made a reference to magnificently offering us a piece of property, actually as I share a piece of property or portion of property in the MOD district which by the way has yet to be created. But, we deal with that magnanimous offer in depth in our addendum that we just gave you. We gave you the details of that. Many of these questions we've answered from the very outset and that's why our original submission in October was so voluminous. It really gave the full – it was prepared by Mr. Calvin at the time. It really gave you the full, very detailed descriptions of what was being done, what the operations would be, what the people would be doing, how many staff there would be. It wasn't just merely pie in the sky. We will secure ... we have a few options with respect to offsite busing of staff, when I say "busing" I mean in small passenger vans. They're not coming from the train station. They're going to bring their own cars to a site. They're going to drive their cars to a site. It's going to be

required of their employment ... the site hasn't been determined yet, conclusively but it will be as a condition of approval. Many of these things are, as the board knows, are beyond the normal purview of the board but the company that we have is a management company. Mr. Calvin made that point that they manage these types of facilities all the time. We don't need to know every investor of this business anymore than we need to know of any other business. Mr. Cassidy's been mentioned. Mr. Laker's been at every meeting here and his name is in the materials. There'll be a professional Board of Directors of this hospital. There'll be people on call to the Town as well as the residents 24 hours a day. A couple of other things. In terms of fire, we've dealt with that in great detail. We have a 15,000 gallon storage tank on site. There will be no irrigation just as there's no irrigation now and hasn't been for the entire existence of the property. There's been no irrigation system and there will not be but the main building and the hospital will be sprinklered. There's a 15,000 gallon storage tank for fire fighting. There's also a residual pond on site. There'll be a fire hydrant on site. Our site plan show the existence of all of these things, all of the septic systems.

[Inaudible 3:00].

Mr. Bob Davis stated the fire hydrant will be served for those people speaking out in the audience. The fire hydrant will be served by the water storage tank with the proper connections. There'll be a pump that will up the pressure to provide that. That will also supply the sprinkler system in the main building.

Ms. Jamie Black asked what's your pump rate of pulling it out of the tank?

Mr. Bob Davis responded I'll leave that to...

Mr. David Douglas stated let me just make a procedure point. This gets recorded and it's on the internet. It's on T.V. and it doesn't work when people yell out things. In the room we can all hear but it doesn't work for the rest of the community. I'd ask that you not do that.

Mr. Bob Davis stated these questions will all be answered as we go forward. It'll be the proper technical specifications by our engineers that will set this up. It's not a difficult thing to do. The only other point that I want to make in terms of ... there's a lot of undercurrent of concern about these residents who are basically going to be just like you and me except that they've encountered a substance abuse problem. We probably all have had that in our family or extended family. All the reference to the security, it bears noting and the final thing I want to say is that the security is mainly there to protect the residents, to protect the people in the facility not to protect the neighborhood from those in the facility. I think Mr. Pearson just has a couple of remarks to make and Mr. Cusack.

Mr. Rich Pearson stated just very quickly to clarify possibly a couple of points. We did do our detailed traffic study without any adjustments for the anticipated use of the shuttle vans and we had the best levels of service possible without any credits. Not all of the staff is expected to use the shuttle vans. We have a table that shows which staff are expected and are not during the

various hours. During the peak morning hour, we are projecting a realistic analysis of 19 vehicle trips total per that hour and in the afternoon the peak is 45 trips total of entering and exiting. Comparing that to the 1989 approved hospital use for the property with 225 patients, our projections are 10% of the previously approved use during the morning, 19 vehicles as compared to 190 vehicles and in the afternoon it's 23%: 45 vehicles compared to 198 vehicles.

Mr. Tom Secunda stated hi my name Tom Secunda 62 Teatown. I just wanted to respond to that. So much of the presentation we saw today had words like "voluntary" or "proposed" in them. That, again, doesn't give us a lot of confidence. For instance, one example was they stated that the buildings that are on their property are all that they were going to use. Is there anything in how this is going to be that'll mandate that or can two years from now they come and ask for a 60,000 square foot recreation building? There is a difference between these studies and what have proposed and what they're allowed to do. It would be great if what they are proposing is what they're allowed but we're only hearing "proposing" and we're only hearing about voluntary actions. To be fair, we haven't read your 300 page document yet but we will and we'll ask questions after being better informed. Thank you.

*Audience applauds.*

Mr. Bob Davis stated Mr. Secunda, as we stated in our materials with respect to our operations and otherwise and as the board well knows, approvals come with conditions. With anything that we've represented, anything that we've proposed we're willing to accept as conditions of our approval.

Mr. David Steinmetz stated I'll try to be exceedingly brief. On the SEQRA issue, Mr. Chairman, members of the board I was not at the November meeting, Mr. Schwartz was here. His recollection is that he raised the SEQRA topic, that there was a discussion, that there was a request, Mr. Chairman, by you to Mr. Klarl that he go back and review the matter and determine what the status was that there was no actual determination or finding. I don't have the minutes that Mr. Davis referred to. John, If you know the answer I'd be delighted to ... Mr. Davis referred to the Planning Board punted the matter. I think that's a little disrespectful toward the Planning Board. The Planning Board received an application, they referred it to staff. The Moratorium was enacted. The matter was processed. It was then referred to this board to be treated as a Variance. We spent the better part of six or seven months discussing whether or not this was a Use or Area Variance and now you are proceeding as this is an Area Variance. I don't think the Planning Board has yielded jurisdiction over its site plan. In fact, I don't believe it can punt. I don't think it's fourth down and I don't think they can punt on first down. The fact of the matter is it would be grossly inappropriate to take the Planning Board out of this. Mr. Davis twice in his rebuttal here referred to both the board and the community going beyond the normal purview, issues going beyond the normal purview. Let's be clear. This is anything but a normal application. First of all, this is a Special Permit application and when there's a Special Permit application, as Mr. Davis knows and his client hopefully knows, they absolutely have to deal with answering questions that have to be codified as conditions but I was hoping to not have to cover this topic but I feel duty-bound to my clients to do so because Mr. Davis has brought Mr.

Cassidy and most importantly Mr. Laker. I did this a couple of meetings ago. I didn't like doing it. I'll do it again. I've been doing this a long time. I've never attended a meeting, a municipal meeting where somebody walks into the meeting, enters, the Chairman of the Board asks who they are. The individual says "I'm an interested member of the public" and sits down and waits until the opposition attorney quickly Googles checks and confirms that Steven Laker is part of the applicant team. Steven Laker tonight is not sitting with Mr. Davis in the front row like I have my clients sit with me as a private applicant at every meeting. He's sitting in 7<sup>th</sup> row here this evening. All I can tell you, Mr. Seirmarco and members of the board who may shake your head at my comment, all I can tell you is this: you have community members. You have your fellow citizens sitting in front of you. They're concerned. Why are they concerned? They're concerned because we're talking about putting a square peg into a round hole. We try to do that as lawyers. There's nothing wrong with trying but you can't do that without a level of trust between private property rights, local government and how it's all going to function. It doesn't function well when the applicant doesn't stand before government and supplicate like they do on every application. I unfortunately Ray didn't get a chance to see the guy who got questioned and that made you the star of the evening but I gather that guy was at the microphone. Every other applicant here tonight ...

Mr. David Douglas stated actually he wasn't. His lawyer was.

Mr. David Steinmetz stated that was his first mistake. The fact of the matter is, an application of this nature ... I'm delighted that the gentleman from Ohio made the trip today and is, again, seemingly disparate from the rest of the development team. I got a lot of people here who are trying to figure out what's going on. There's nothing wrong with asking questions and to be told, circling back, that it's beyond the normal purview. It's not beyond the normal purview. None of us are going away. We need answers to these questions. We're going to do them openly, calmly and I would ask that all of the client group, let's not yell out because I know that's not going to help any of us. We're going to do it openly, calmly, thoroughly in an organized fashion but we need some basic answers. We're not going to stand for being told it's beyond our purview when there are questions about vans and that affects traffic. We're going to ask questions about the vans. When we're on an aquifer and we have concerns about water, we're going to ask about the testing and why an expert came in and said "let's start the operation and then we'll take a look at this over the next five years" when I've got folks that can't shower and run their dishwasher. Mr. Chairman I'll conclude because I know there's going to be a lot more to happen but I just don't want to conclude on having the applicant tell you "you can't ask questions it's beyond your purview." I also would really like this board to answer a fundamental question at the next meeting, procedurally, how we're going to go about this. There are five elements of an Area Variance. They dovetailed directly into the SEQRA process. The Planning Board in the Town of Cortlandt has jurisdiction over this matter. Nobody is going to allow this applicant to allow that board to punt on first or fourth down.

*Audience applauds.*

Mr. Bob Davis stated I'm sorry, I just have to correct Mr. Steinmetz who admittedly wasn't here at the November meeting. He could get the answer to his question if he read the minutes. We never said, in fact one of the first sentences out of my mouth today is that the Planning Board is going to fully review this matter. When I spoke to the Planning Board as punting perhaps that was an unfortunate choice of words but what Mr. Steinmetz again is disregarding is what Mr. Klarl pointed out as well as myself at the November meeting is that when we resubmitted our application after the Moratorium in 2016, the Director of Technical Services wrote a letter to me on behalf of the Planning Board and in essence said that, the board has a copy it's public record, the Planning Board is not going to process this matter because you do not have state road frontage. The Planning Board did not even reference a Variance, did not refer this matter to the Zoning Board as might be its regular procedure. While I used a colloquial expression, my expression was accurate. When I said certain things were not in this board's purview, I think the board knew what I meant. I didn't mean the board can't ask questions with respect to land use matters, what I suggested was that the board, and the courts have held this on numerous occasions as Mr. Steinmetz knows, the board does not get into the internal operations of the business establishment. With respect to the owner; Mr. Laker has signed every application before the Town. He's been with me at every work session of this board, sitting next to me for whatever that is worth and the board is well aware of who he is. That's all we'll say. We'll respond to the other issues.

Mr. David Douglas asked anybody else want to be heard tonight?

Ms. Jamie Black stated before we say good night I'd really like this board to circle back to the critical issue of fire suppression. I think it's absolutely imperative that somebody understands what would be required to actually suppress a fire in a structure that is old, that's primarily constructed out of wood and it's in a situation where it would be probably dependent on a 15,000 gallon storage sort of tank to provide the water. Because when you just look at the internet, they talk about needing a 6,000 gallon per minute capacity to put out a residential fire in a residential house. So, if you can extrapolate that to a facility where you have 92 beds, everything that comes with that, all the linens, all the curtains, all of the rugs, all of the everything and you've got 92 souls in that facility and you're looking to save their lives with basically 15,000 gallons of water.

*Audience applauds.*

Mr. Bob Davis responded it's primarily a building code issue. We've dealt with it in depth. The building will be sprinklered as required by code for the type of building that it is. The storage system will have adequate capacity and pumping to do that and that's not to say that fire personnel will not come to the site but it will be sprinklered in accordance with code.

Mr. David Douglas stated I guess this question is addressed to Mr. Davis, Mr. Steinmetz or anybody else but just, in general, without it holding anybody to any ... you're not bound by this. I'm trying to get a sense of a timeline of how we can move forward with this application, expeditiously going forward and get a resolution one way or the other. I understand that at the

... obviously we're not closing the public hearing at all, I mean now. Nobody has to worry about that. We're not near the end of the public hearing so the public is clear on that. I'm just trying to get a sense of where we're going. I understand that next month Mr. Steinmetz's side, that's not the right term, clients is ... you're going to be presenting your hydro-geologist and then you anticipate responding to the supplemental EAF that you just got.

Mr. David Steinmetz responded correct.

Mr. David Douglas asked okay so that's what you envision from your team in May?

Mr. David Steinmetz responded yes. It will be in writing as well.

Mr. David Douglas stated of course, as we say all the time, please try and get it to us at least a week in advance, otherwise we're not going to be able to consider it. Then you anticipate in June, you're going to be coming back ... I remember your first name but I'm blanking your last name.

Mr. Chick Voorhis responded Voorhis.

Mr. David Douglas stated thank you. So you'll be back in June and Mr. Steinmetz you'll have any additional things in June as well.

Mr. David Steinmetz responded correct.

Mr. David Douglas asked what do you anticipate?

Mr. Bob Davis responded it's my understanding that the planner is going to have a written report soon and then we're going to have a hydrologist report, I assume, for the next meeting and naturally we'll want to have the opportunity to respond to those things and we'll also respond to some of the public comment tonight to the extent that we haven't and already covered it in our materials. I would imagine that it's going to go at least until June. We'll be as expeditious as we can in responding to things. I'm sure people are going to have vacations along the way or what have you as we go into the summer months. Hopefully I'll even get to have one but I know I don't deserve it but maybe some time in August. Obviously we've not seen any expert submissions by them. We did respond to Mr. Parish's original letter, you'll recall he submitted one in November and we responded to that in detail in our latest submission. We'd like to respond, of course, to both their planner and their hydro-geologist.

Mr. David Douglas stated rest assured, we're going to give everybody an opportunity to respond. I'm trying to just get a broad sense of things.

Mr. Bob Davis stated I think a lot of the comments we heard today, we heard before and we did respond to some degree. We tried to respond to them pretty fully in our submission that you got

last Monday and Mr. Steinmetz's got a week ago. We gave him an electric copy as soon as he requested it.

Mr. David Douglas stated on our end I think we'd talked at one of the meetings, we'd probably like to have a site visit at some point.

Mr. Bob Davis asked I'm sorry?

Mr. David Douglas stated I think we talked about this earlier. At some point we're going to want to have a site visit.

Mr. Bob Davis stated yes, and that can be done at any time, at your convenience.

Mr. David Douglas stated we can do that in either May or June.

Mr. David Steinmetz stated in terms of timing and procedure, Mr. Chairman, if Mr. Schwartz could just speak for a moment of his understanding of the discussion he had with the board in November and then I want to discuss SEQRA.

Mr. David Douglas stated with the SEQRA thing, we will confer with our ... there was no determination. I think Mr. Davis is ...

Mr. Bob Davis stated I don't think there was determination. It was conversation.

Mr. David Douglas stated that's right. What we will do is we'll confer with our counsel and I envision that we will have a definitive answer for that.

Mr. David Steinmetz if that's the case, and that's the salient issue here is you're discussing scheduling, you're discussing expert testimony but what I tried to say earlier and I mean this with all due respect, you need to decide who the lead agency is ...

Mr. David Douglas stated no, I understand that and that can get clarified in the very near future. That's all I'm saying.

Mr. David Steinmetz stated got it.

Mr. David Douglas stated it has to get clarified. I understand that.

Mr. Bob Davis stated coordinated review, both of the boards would perform their own SEQRA.

Mr. David Douglas stated whatever place ... we will clarify that and get that pinned down soon. Everybody needs clarity on that. I understand.

Mr. David Steinmetz stated just to be clear on one thing. That's why I pulled it out, I pulled out his original EA when Mr. Davis filed this application originally he certainly didn't indicate to this board or to the public that this was going to be an uncoordinated review, that's number one. Number two, in my history with the Town of Cortlandt I have never seen your two boards disconnect ...

Mr. David Douglas stated right, you've said this. We're going around in circle...

Mr. David Steinmetz stated but I just heard it again. Now all of a sudden Mr. Chairman, with all due respect, it now sounds like the applicant is suggesting an uncoordinated review.

Mr. David Douglas stated we understand. We don't need to go around, and around, around. We understand.

Mr. David Steinmetz stated got it. It's critical Mr. Chairman that's why I have to make sure my point is made.

Mr. David Douglas stated we understand.

Mr. Bob Davis stated the reason I said what I said was because things changed since the 2015 application ...

Mr. David Douglas stated Mr. Davis, I'll say the same thing to you. We understand. We'll get this pinned down. Anything else from anybody tonight? Wait, I see somebody walking up to the microphone.

Mr. Michael Arkin stated my name is Michael Arkin, I live at 2007 Quaker Ridge Road, directly across the street neighbors with Steve Hampton, who might have already left. When you do your on site visit, as well as visiting my friend who's sitting next to me. Please come to my home. You'll see out my window a big building that's gorgeous but it's sitting right across the street from my house. There is no fence. I can walk directly onto their property. They come up directly onto my property and you'll get a little bit of a feel for what I think everybody's talking about here tonight. Thank you.

Mr. David Douglas stated okay, thank you.

*Audience applauds.*

Mr. David Douglas asked can somebody make a motion to adjourn this?

Mr. James Seirmarco stated there's no further comments so I make a motion to adjourn to the next month's meeting.

Seconded with all in favor saying "aye."

Mr. David Douglas stated this case is adjourned until the next meeting that's May 17<sup>th</sup>.

Mr. James Seirmarco stated we'll make Mr. Laker sit in front.

Mr. David Douglas stated wait. Hold on a second. The meeting is still on hold.

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**ADJOURNED PUBLIC HEARINGS:**

Ms. Adrian Hunte stated I make a motion to adjourn the meeting.

Seconded with all in favor saying "aye."

Mr. David Douglas stated our meeting is adjourned.

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**NEXT MEETING DATE:  
WEDNESDAY, MAY 17, 2017**