

TOWN OF CORTLANDT
PLANNING AND ZONING BOARDS

ZONING BOARD MEETING

Town Hall
1 Heady Street
Cortlandt Manor, New York
August 29, 2022
[7:00 p.m. - 8:42 p.m.]

August 29, 2022

MEMBERS PRESENT:

David Douglas, Chairman

Wai Man Chin

Benito Martinez

Thomas Walsh

Chris Beloff

Michael Fleming

Chris Kehoe, Deputy Director, Planning

Rosemary Lasher, Assistant Director of Planning

Thomas Wood, Town Attorney

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

August 29, 2022

(The board meeting commenced at 7:00 p.m.)

CHAIRMAN DAVID DOUGLAS: ... Zoning Board of Appeals. If we begin with the Pledge of Allegiance.

MULTIPLE: I pledge allegiance to the flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

CHAIRMAN DOUGLAS: Okay. Mr. Kehoe, if you could call the roll?

MR. CHRIS KEHOE: Mr. Martinez.

MR. BENITO MARTINEZ: Here.

MR. KEHOE: Mr. Chin.

MR. WAI MAN CHIN: Here.

MR. KEHOE: Chairman Douglas.

MR. DOUGLAS: Here.

MR. KEHOE: Mr. Fleming.

MR. MICHAEL FLEMING: Here.

MR. KEHOE: Mr. Walsh.

MR. THOMAS WALSH: Here.

MR. KEHOE: Mr. Beloff.

MR. CHRIS BELOFF: Here.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

August 29, 2022

MR. KEHOE: And, town attorney, Mr. Wood.

MR. THOMAS WOOD: Here.

CHAIRMAN DOUGLAS: So, before we get onto the items of the agenda, I want to introduce the new member of the Zoning Board, Mike Fleming. Welcome, Mike.

MR. FLEMING: Thank you.

CHAIRMAN DOUGLAS: It's an honor to be working with you again. I had the pleasure of working with Mike a few years back on the back on the Massive Plan Committee. And, I'm glad we'll have a chance to be, to be working again.

MR. FLEMING: Thank you.

CHAIRMAN DOUGLAS: So, welcome. Okay. First item after the pledge is the adoption of the minutes from the last minute. Anyone want to make a motion?

MR. BELOFF: So moved.

MR. FLEMING: Second.

CHAIRMAN DOUGLAS: Okay. All in favor?

MULTIPLE: Aye.

CHAIRMAN DOUGLAS: Any opposed? Okay.

1 August 29, 2022

2 The minutes from the June 27th meeting are
3 adopted. We've got one new public hearing this
4 month. It's Case No. 2022-4 Application of
5 Building Permit Services for the property of
6 Robert DeRamieri and Kristin Shaw for an area
7 variance for a rear yard setback for an existing
8 open deck for property located at 6 Kings Lane.

9 MS. NORA HILDINGER: Good evening,
10 Chairman, and members of the Board. My name is
11 Nora Hildinger with Building Permit Services, and
12 I am representing Robert DeRamieri and Kristin
13 Shaw of 6 Kings Lane.

14 CHAIRMAN DOUGLAS: You can, you can pull
15 the mic down a little bit.

16 MS. HILDINGER: A little down?

17 CHAIRMAN DOUGLAS: Yeah.

18 MS. HILDINGER: Okay. The description
19 of the project. It is a rear yard open deck. It
20 is located at 6 Kings Lane in Montrose in a R15
21 zone. The house was constructed in 1964. In
22 approximately 2015, the owners, at that time,
23 Nathan and Bridget Palmer, constructed a rear
24 yard open deck without first filing a permit.

1 August 29, 2022

2 The current owners, Robert DeRamieri and Kristin
3 Shaw purchased the property approximately six
4 months ago. They are currently trying to obtain
5 a building permit and a certificate of occupancy
6 for the rear yard open deck constructed by the
7 previous owners.

8 6 Kings Lane is in an R15 zone. Under
9 current zoning regulations, a rear yard open deck
10 is allowed to encroach six feet into the rear
11 yard setback. In an R15 zone, the rear yard
12 setback is 25 feet. And, a rear yard, the rear
13 yard deck is allowed to encroach six feet into
14 that 25 foot set back. The rear yard open deck
15 at 6 Kings Lane has a rear yard setback of 15
16 feet. The new owners are seeking a variance for
17 four feet. I don't know if you want to see --
18 I've also submitted some pictures of the deck and
19 the view from the back of the deck. I don't know
20 if you want to show those? If I -- you've
21 probably already seen them, but --

22 CHAIRMAN DOUGLAS: Yeah, I think that,
23 that'd be helpful.

24 MS. HILDINGER: So, that's the full side

1 August 29, 2022

2 view of the deck. You can see how it goes over a
3 cropping of rocks. Go ahead and show the next
4 picture. You can see the rocks. And then, the
5 last picture shows the view from the back of
6 deck, the view of the rear yard. So, that's what
7 we're dealing with. And, now, I'm going to
8 discuss the five factors.

9 The first factor, whether an undesirable
10 change will be produced in the character of the
11 neighborhood or a detriment to the nearby
12 properties. The rear yard open deck has existed
13 as-is for the last years and has not changed the
14 character of the neighborhood or caused any
15 detriment to nearby properties. The rear yard
16 open deck is approximately only 18 inches from
17 grade and it's really unobtrusive. It really
18 can't be seen from -- it can -- there's one house
19 on the side yard that can see the deck. But, it
20 can't be seen from the road. It can't be seen
21 from the other house. And, there's not --
22 there's property behind the rear yard open deck,
23 but there's not a home there looking at the deck
24 where we're trying to get this variance. So, I

1 August 29, 2022

2 really, there's, I don't see any undesirable
3 change.

4 No. 2, whether the benefits by the
5 applicant can be achieved by some method feasible
6 for the applicant to pursue other than a
7 variance. There really is no other method for
8 the new owners to pursue to legalize the existing
9 rear yard open deck besides seeking this four-
10 foot variance. The deck is built over a rock
11 outcropping. It creates a nice level safe yard
12 for them. And, it would be a hardship, as well
13 as a financial hardship to remove the deck.

14 No. 3, is the requested variance
15 substantial? A four-foot variance is not
16 substantial. The existing setback of the rear
17 yard is 15 feet and it should be 19. Four feet
18 is not a substantial encroachment and, as I
19 showed in that photo, there's no house behind the
20 rear yard. I mean, there's property that abuts,
21 like, it's a flag, it's kind of a flag lot.
22 Like, we could also see -- I had submitted to --
23 would it be helpful to see -- I had submitted
24 abutters location map, and we could kind of s-,

1 August 29, 2022

2 if we look at that, we can kind of see that
3 there's nothing behind the deck.

4 UNIDENTIFIED MALE: I don't, I don't
5 think I have that.

6 MS. HILDINGER: Oh, okay.

7 UNIDENTIFIED MALE: I mean,
8 electronically.

9 MS. HILDINGER: Okay. But I, it
10 probably -- I submitted nine copies, so you
11 probably saw it in your packet where I
12 highlighted the yellow deck and you could see
13 that behind it --

14 CHAIRMAN DOUGLAS: We have that.

15 MS. HILDINGER: Yes. The yard, it's
16 kind of small, but yard, you can see that the
17 yard, the house on -- if you're facing the house
18 and your back is to the house and you're on the
19 deck, the property to the left, there's a house
20 there. There's no house -- and their property
21 kind of flags to behind. And then, behind that
22 property is the road because it's circular there.
23 So, anyway, I don't -- it's not a substantial
24 variance.

1 August 29, 2022

2 And then, I'm going to move on to No. 4,
3 that the variance, if authorized will not alter
4 the essential character of the neighborhood or
5 district in which the property is located nor
6 substantially or permanently impair the
7 appropriate use or development of adjacent
8 property nor be detrimental to the public
9 welfare. It's definitely not detrimental to the
10 public welfare. Granting of the variance will
11 not change of the adjoining properties or cause a
12 detriment. As shown in the butter-, the photos
13 and on the abutters location map, the deck is --
14 I'm going to reiterate -- the deck is not visible
15 from the road nor does it impede on an adjacent
16 properties. The deck is only 18 -- it's over
17 rock croppings. It's 18 inches above grade and
18 it has existed for many years and gone unnoticed.

19 Whether the alle-, and I'm going to move
20 on to No. 5, whether the alleged difficulty was
21 self-created. The rear yard open deck at 6 Kings
22 Lane was constructed by the previous owners. The
23 difficulty was not self-created. The new owners
24 are trying to rectify the situation.

1 August 29, 2022

2 So, that's, that's it from me.

3 CHAIRMAN DOUGLAS: Mr. Martinez, this is
4 your case.

5 MR. MARTINEZ: Yes. I, I reviewed the,
6 the section of the area and look at the whole
7 neighborhood. I was able to recheck all of that
8 and, in fact, the request is not huge that's been
9 asked, and I checked a few detail, the five-
10 factor and I don't see that any problem in the
11 neighborhood that can be affecting any of the
12 factors. So, I really don't have any problem
13 with that. [Unintelligible] [00:09:25].

14 MR. CHIN: I would like to say that,
15 yes, based on all the plans, the pictures and
16 everything I seen on here. And, actually looking
17 at tall the factors that you've crea-, you know,
18 you talked about, I didn't see any factors that
19 really was any detriment to the property or
20 whatever. I mean, all the fifth factors, always
21 self-create. It doesn't matter who owns the
22 property. It's always self-created somehow.
23 But, otherwise, I have no problem with it at all.

24 MS. HILDINGER: Yeah, true.

1 August 29, 2022

2 CHAIRMAN DOUGLAS: Anyone else have any
3 comments?

4 MR. WALSH: I don't. Just the, no
5 modifications to be made to the deck to be
6 brought into compliance, the existing piers and
7 columns are satisfactory to the Building
8 Department?

9 MS. HILDINGER: There will hav-, there's
10 going to have to be -- I, I don't know what was
11 on the building permit. Could you repeat your
12 question? Like, are they going to have to --

13 MR. WALSH: Are they going to have to
14 modify the deck at all? I know they're all
15 existing piers in there from the deck --

16 MS. HILDINGER: No.

17 MR. WALSH: They're all compliant?

18 MR. KEHOE: If the variance is granted,
19 then you would continue to pursue with whatever
20 you're pursuing with Martin Rogers in the Code
21 Office. He may require - maybe he's already had
22 discussions, I don't know. But, obviously, the
23 granting of the variance would be subject to you
24 ultimately getting building permit.

1 August 29, 2022

2 MS. HILDINGER: Correct Correct. And
3 they, they have no plans to change or alter the
4 deck. The only, if there's going to be any work
5 done, it would be for code compliance.

6 MR. WALSH: I have no other issues.

7 MR. BELOFF: Yeah, I don't have any
8 issues. I, I agree with Benito.

9 MR. FLEMING: I don't have any issues
10 either.

11 CHAIRMAN DOUGLAS: Any members of the
12 public wish to be heard? Okay. Want to make a
13 motion, Mr. Martinez?

14 MR. MARTINEZ: I make a motion to close
15 the case.

16 CHAIRMAN DOUGLAS: Cause of public
17 hearing? Yes. Okay. Anyone second.

18 MR. FLEMING: Second.

19 CHAIRMAN DOUGLAS: Okay. All in favor
20 of closing the public hearing?

21 MULTIPLE: Aye.

22 CHAIRMAN DOUGLAS: Any opposed? Okay.
23 The public hearing is closed.

24 MR. MARTINEZ: Okay. I'd like to close

1 August 29, 2022

2 the case for 2022-4. And then we going to
3 grant -- yeah, we going to grant the variance --
4 We're going to grant the variance of Case 2022-4
5 from 19 to 15 feet, section Type II. No further
6 compliance request.

7 CHAIRMAN DOUGLAS: Okay. Anyone want to
8 second that motion?

9 MR. CHIN: Second.

10 CHAIRMAN DOUGLAS: Okay. All in favor?

11 MULTIPLE: Aye.

12 CHAIRMAN DOUGLAS: Any opposed? Okay.
13 I didn't hear anybody say aye.

14 MULTIPLE: Aye.

15 CHAIRMAN DOUGLAS: Okay. Any opposed?
16 Okay. The variance is granted.

17 MS. HILDINGER: Thank you.

18 CHAIRMAN DOUGLAS: And, you know, speak
19 to Mr. Kehoe and Mr. Rogers about whatever the
20 next steps are. Okay. Thank you very much.

21 Okay. Next case is a continued public
22 hearing from Case No. 2016-24, Application of
23 Hudson Ridge Wellness Center Inc. for an area
24 variance from the requirement that a hospital in

1 August 29, 2022

2 a residential district must have frontage on a
3 state road for property located at 2016 Quaker
4 Ridge Road. Okay. Mr. Davis?

5 Oh, I'm sorry. Mr. Davis, don't say
6 anything. We've got two members of the Board
7 that recuse themselves and I spoke too quickly,
8 and I didn't give them a chance to leave. The
9 other thing I want to note before you start is
10 Mr. Fleming, am I correct that you, you're
11 reading the file; you've read the materials.

12 MR. FLEMING: I'm up to date with all
13 the materials in the file.

14 CHAIRMAN DOUGLAS: Okay.

15 MR. BOB DAVIS: Good evening, Mr.
16 Chairman. I'm Bob Davis, attorney for the
17 applicant. I'll be somewhat brief tonight
18 because we've made our presentation, as, as you
19 know, before. The Board has before, at this
20 point, the entire record --

21 MR. KEHOE: Could you talk into the mic,
22 please? I'm having from Alan in the back.

23 MR. DAVIS: Sure. Okay. Is that
24 better?

1 August 29, 2022

2 CHAIRMAN DOUGLAS: Yeah.

3 MR. DAVIS: The Board has before it, at
4 this point, the entire seven-year record of this
5 proceeding before both your Board and the
6 Planning Board. And, in particular, since April,
7 we've provided you with another copy of our 2016
8 memorandum of law, which addressed all of the
9 variance criteria and showed that we meet those
10 statutory criteria. The substantial recent 43
11 percent reduction in the scope of the project and
12 the substantial, as well, additional recent
13 mitigation measures strongly buttress that
14 earlier memorandum and, indeed, think make it
15 more dispositive today, even than it was six
16 years ago. The Board also has our February and
17 March volumes submitted to the Planning Board,
18 which address all of those substantial
19 modifications and mitigation measures and which
20 led to the Planning Board's April 5th negative
21 declaration under SEQR with its 34 agreed
22 mitigative conditions of any approval the Boards
23 may render. You have, as well, my outline of my
24 substantial presentation on April 25th, which

1 August 29, 2022

2 addressed all of the variance criteria and showed
3 that we met then even more so in light of the
4 recent developments that we've mentioned. The
5 Board also has my June 14th letter setting forth
6 the important legal effect of the Planning
7 Board's negative declaration on your Board's
8 deliberations, and also my 23rd letter addressing
9 the principal comments and general themes of the
10 council and the public as the June 27th public
11 hearing session.

12 At that June 27th hearing session,
13 everyone who wanted to be heard was heard, as you
14 know, and the public had no further comment at
15 that time. So, on July 17th, your Board
16 conducted a site visit and, as you know, the July
17 25th meeting was canceled due to a lack, lack of
18 a quorum. Of course, yet, you have a quorum with
19 us tonight, so we do respectfully request that
20 you close the public hearing and render your
21 decision and order on the application granting
22 the subject area variance from the state load
23 front as requirement as we respectfully submit
24 the facts and law require you to do. Thank you.

1 August 29, 2022

2 That's all I have for now.

3 CHAIRMAN DOUGLAS: Okay. Thank you, Mr.
4 Davis.

5 MR. LEE LEFKOWITZ: Good evening, Mr.
6 Chairman, members of the Board. Lee Lefkowitz
7 from Zarin & Steinmetz on behalf of CRHISD and a
8 partner of the firm. Brad Schwartz is going to
9 be giving some comments tonight, as well as some
10 members from the group. And, he's available on
11 Zoom.

12 MR. KEHOE: Yes, I think Brad had asked
13 that we promote him first. So, Emma will take
14 care of that.

15 CHAIRMAN DOUGLAS: Okay.

16 MR. BRAD SCHWARTZ: Hello. Hello, can
17 you hear me?

18 MR. KEHOE: Yes, Brad.

19 CHAIRMAN DOUGLAS: Yes, yes.

20 MR. SCHWARTZ: Hi, great. Good evening,
21 everyone. And, just for the record, I'm Brad
22 Schwartz from Zarin & Steinmetz on behalf of
23 CRHISD. I apologize I could not be there in
24 person. I had a work conflict late this

1 August 29, 2022

2 afternoon so Lee is present in my absence.

3 I'm going to be brief. You will hear
4 from a number of folks from CRHISD this evening
5 again describing to your Board the community
6 character and other impacts that these folks will
7 experience firsthand from this project, which we
8 submit weigh strongly in favor against the
9 granting of the requested variance. Again, I
10 think it's best you hear from the residents
11 themselves on those issues.

12 I want to touch upon a couple of points
13 very quickly. First, on the neg dec, I don't
14 want to belabor it again tonight. Frankly, we
15 were surprised it came up again the other day by
16 the applicant. I would just encourage the Board,
17 please discuss this with Mr. Wood. We thought
18 Mr. Wood put this to rest at the last meeting.
19 There's no question your Board has the
20 independent duty to apply the five-factor test
21 and that the [unintelligible] [00:18:26] in no
22 way handcuffed to your Board in exercising that
23 duty.

24 Second, the self-created hardship

1 August 29, 2022

2 factor, right, the fifth factor on the, on the
3 test, often gets glossed over or overlooked.
4 And, we would submit that in this instance, in
5 this case, it should be given a lot of weight.
6 Just to restate the facts, the applicant acquired
7 this site six years after the state road frontage
8 requirement was enacted, well aware of the, of
9 the special permit condition, no contingency. It
10 was not a conditional contract conditioned upon
11 city approvals, which is customary real estate
12 development. Certainly, not any discussion with
13 the neighbors, with the planning board, the
14 applicant just went ahead, took the risk,
15 acquired it, again, took this division in place
16 for six years and the Zoning Board, you know,
17 does not owe the applicant anything in terms of
18 granting relief from the risk that the applicant
19 took knowingly and on its own.

20 Third, and this is another legal
21 oriented issue that we discussed with counsel and
22 will address it further in written comments
23 during the written comment period. But, we
24 believe this is a separation of powers issue at

1 August 29, 2022

2 the local level. The applicant is, in effect,
3 asking you, the Zoning Board to rezone the site.
4 This is a critical special permit condition.
5 And, there's precedent that when an area variance
6 request would so transform the use of a property
7 not consistent with zoning and comp plan that
8 essentially amounts to a rezoning and usurping
9 the Town Board's legislative rezoning function.
10 And, we would ask you to seriously consider that
11 aspect as you deliberate on, on this request and
12 the relation between the Zoning Board's function
13 in granting area variances and the Town Board's
14 function in rezonings. The state road
15 requirement obviously was enacted by the Town
16 Board and was put in place for good reason. And,
17 we submit that if the applicant wants relief from
18 that, they should to go the Town Board for a
19 zoning amendment.

20 And, fourth, on community character, we
21 had presented last month, last meeting I should
22 say, back in June, on two aerials that showed how
23 the community has transformed over the decades to
24 the residential community it is today. We had

1 August 29, 2022

2 shown two maps, one from 1947 then we fast
3 forwarded it to today. We had submitted a series
4 of a plans to the Planning Board that we'll
5 formally submit again the Zoning Board, but I
6 want to just very quickly flip through them as if
7 they were a flip book. I think it tells a good
8 story of how this transformation really occurred
9 slowly over the past 50 or so years. It did not
10 happen all at once as the applicants seem to
11 suggest. And so, instead, the applicant
12 continues to argue that the prior commercial use
13 of this site, that it to go, the fact that zoning
14 allows other non-residential uses so, therefore,
15 the residents should just kind of expect a
16 commercial development site. It's just not the
17 case. The Zoning Board, as you know, has to
18 apply the factors as the site exists today and as
19 a neighborhood has been built up and as the
20 neighborhood exists today in a predominant
21 residential characteristic.

22 And, Chris, if you could just put the --
23 I'm not controlling this. Chris, if you could
24 thumb through. This first drawing, the green

1 August 29, 2022

2 dots represent the residences that existed back
3 in 1947. And, as you flip through each slide,
4 they, they proceed almost decade by decade. The
5 next one's 1953 and then '64. And, you see the
6 green dots becoming more and more prevalent.
7 That's '74, '98 and then you jump to 2004. So,
8 even in 1989, when the last special permit for a
9 hospital was granted, again, a hospital that
10 never became operational, the community was still
11 developing and transforming. To the last slide,
12 what we have in 20-, I believe it's 2013, you see
13 all the green dots that show all the homes that
14 exist today. And, that's the present unique
15 character that your Board has to weigh when
16 considering this variance request. And, we'll
17 submit all these drawings in hard copy in our
18 written comments. And, I guess I'll end with
19 that.

20 The applicant just asked the Board to
21 close the hearing tonight and render its
22 decision. While we don't necessary have an
23 objection to closing the hearing, you know, as
24 mentioned before, we request a comment period to

1 August 29, 2022

2 submit our final written comments. And, given
3 the Labor Day weekend approaching, we would
4 request a 14-day comment period. And, Mr.
5 Chairman, that concludes my remarks this evening.

6 CHAIRMAN DOUGLAS: Okay. So, when we
7 hear from anybody else who wishes to be heard?

8 Good evening. I'm Joel Greenstein and I
9 live at 83 Quaker Hill Drive, which is adjacent
10 to the Hudson Wellness proposal. I'm also a
11 member of CRHISD.

12 And, first, I'd like to thank you for
13 coming out and looking at the community and
14 getting a firsthand sense of what's there. I
15 hope you got a good feel for the nature of the
16 community, the narrow, winding roads lined with
17 homes, the absence of sidewalks and street
18 lighting, the use of Quaker Ridge Road for
19 walking, jogging, bike riding and just overall
20 residential feel of the area. This is so
21 important to me and my wife, Jill, and all of our
22 neighbors. It's why we moved to the Teatown area
23 and have lived here for 23 years. Remember, that
24 Jill and I live right next door to the proposed

1 August 29, 2022

2 facility. We enjoy the sense and peace of living
3 in a community where we know our neighbors, visit
4 with them, have them collect our mail when we're
5 away, bump into them when we're in town. This is
6 integral to our way of life here. It's what
7 makes this a residential community.

8 And, the effects of this commercial
9 facility operating 24 hours a day in a
10 residential area will impact us greatly. It will
11 change the character of the entire surrounding
12 area. There is not an abundance of non-
13 residential uses in our neighborhood as the
14 applicant claimed. And, I'll address that later.

15 I urge the Zoning Board to take very
16 seriously the fact that the applicant's request
17 to completely ignore the state road requirement
18 is, in effect, a de facto rezoning of our
19 community. The state road requirement is not
20 just a traffic issue. The Town Board made a
21 planning decision that hospitals and other
22 medical facilities like the applicants belong on
23 a state road for many other reasons too. There
24 are considerations, such as the safety of the

1 August 29, 2022

2 patients, access to municipal water and sewers,
3 and also maintaining the community character by
4 keeping this type of commercial use away from
5 local roads, small local roads that serve
6 residential areas. The state road requirement
7 accomplishes all of these things. And, the
8 applicant is asking the Zoning Board to wipe it
9 out completely.

10 The applicant, in effect, is asking the
11 ZBA to rezone the property. And, a decision of
12 this magnitude, which would eliminate a special
13 permit zoning requirement, should be taken up by
14 the Town Board, which is the body that enacted it
15 in the first place.

16 Next, I would like to address a question
17 that was asked by the Chairman at the last
18 meeting concerning the Danish Home. The Chair
19 asked why the Hudson Wellness proposal is
20 different from the Danish Home. On July 5th, I
21 sent a letter, actually an e-mail, to the Board
22 listing ten major differences. You can read this
23 letter, this e-mail, about the differences, but
24 let me briefly go over what were some of the

1 August 29, 2022

2 vital, vital differences. Note that I said were
3 some of the vital differences because the Danish
4 Home no longer exists. In fact, because it has
5 not been in operation for more than a year, if
6 anyone wanted to make use of the property for any
7 other purpose than that allowed by right under
8 R80 zoning, they would need a variance or a
9 special permit.

10 But even while the Danish Home existed,
11 there were significant differences that made it
12 feel part of the community and residential in
13 nature and not commercial. The Danish Home was a
14 permanent home for 26 long-term residents aged 55
15 and above who lived there, had family in the
16 community and voted there. It was a permanent
17 residence. There were few staff members at the
18 facility. No gates and no security. And, they
19 welcomed visitors. I actually visited a couple
20 of times and delivered cookies that my wife had
21 made. And, the Danish Home began operation in
22 1954 at time when our community was only
23 beginning to transform into the residential
24 community that it is today.

1 August 29, 2022

2 The Hudson Wellness proposal, on the
3 other hand, will have 56 non-community commercial
4 clients paying top dollar to cycle in every 28
5 days and cycle out. In addition, the Hudson
6 Wellness Center will have a closed gate with
7 security around the clock and around the
8 property. There will be a large staff. And, let
9 me point out that the applicant purchased the
10 site after the state road fund -- after the state
11 road frontage requirement was enacted and a time
12 when the residential nature of our community had
13 been well-established.

14 Self-created hardship is a factor for
15 your Board to consider. And, there can be no
16 dispute the applicant bought, brought this
17 hardship upon themselves when they purchased this
18 property on spec, knowing full well of the state
19 road requirement. But they took the chance
20 anyway. That chance was at their own risk. And,
21 that fact deserves a strong consideration by the
22 Board.

23 So, there are clear differences to the
24 community as to why the Danish Home felt like it

1 August 29, 2022

2 belonged and why the well, the Hudson Wellness
3 proposal would not feel part of the community.
4 Again, a proposal that require closed gates and
5 guards patrolling the property around the clock
6 right next to my house is not comparable to the
7 Danish Home.

8 The applicant is trying to portray a
9 picture of a mixed use community with residential
10 homes and non-residential uses coexisting without
11 any impacts or concerns by the neighbors. This
12 is not the case at all. And, I trust that you
13 observed that for yourself during your site
14 visit.

15 But because the applicant raised it, I
16 wanted to address and examine each of the
17 examples that the applicant raised.

18 The first example is the Lakewood
19 property, which is located at 2125 Quaker Ridge
20 Road. The applicant's attorney described it as,
21 and I quote, "a commercially used estate." And
22 as "providing lodging for 18 guests and as being
23 available for gatherings such as weddings and
24 family reunions." Let me point out that this

1 August 29, 2022

2 residential property was issued a cease and
3 desist order on July 11th of this year -- and, I
4 have a copy of it if it means anything to you --
5 because it had been operating illegally. In
6 effect, the town learned about the operation
7 "without permits and approvals" after a formal
8 complaint was lodged because of how disruptive
9 the property's use had become.

10 I think it's clear that the Lakewood
11 property is and was a private residential commu-,
12 residence and not an example of an existing non-
13 residential use.

14 Next, he incorrectly compares the Danish
15 property located at -- the Danish Home property
16 located at 1065 Quaker Bridge East to the Hudson
17 Wellness proposal. I think that I've given
18 already sufficient coverage of that. Given that
19 the Danish Home no longer exists and, when it did
20 exist, it was as full-time residence. Use of it
21 as an example if an existing non-residential use
22 is also grossly misleading.

23 Looking at the third example he listed,
24 there is the Rolling Stone Farm located at 99

1 August 29, 2022

2 Quaker Bridge Road. It's described by the
3 applicant's attorney as having "horses, stables
4 and corrals along the Quaker Ridge Road
5 frontage." That was a quote. This property is
6 not now nor has it ever been anything other than
7 a private residence. For it to have been legally
8 used a "riding academy or commercial stable" it
9 would need to have obtained a special permit. I
10 checked with the town's clerk office and the the
11 only permit ever issued was one on January 17,
12 2001 -- which I also have a copy of -- and it is
13 to build "an accessory apartment and an accessory
14 building." Once again, the applicant's attorney
15 has produced a bogus example of existing non-
16 residential uses in the neighborhood. Let me
17 also note that there is no driveway access onto
18 Quaker Ridge Road. Access to the residence only
19 exists from Quaker Bridge Road.

20 Next, the applicant's attorney mentions
21 the GE Learning Center located at -- and now,
22 once again, I quote the letter -- "1 Shady Lane
23 Farm Lane or 1 Albany Post Road." He
24 conveniently, he conveniently omits the last part

1 August 29, 2022

2 of the mailing address, which is Ossining, New
3 York 10562. This property is in Ossining, not
4 Cortlandt. Furthermore, the zone, the site is
5 zoned as business education, not residential. It
6 is also adjacent to a major state road, Route 9A,
7 and is only a very short distance away from
8 another major state road, Route 9. I think this
9 inclusion of this property is also misleading at
10 best.

11 The applicant's attorney also mentions,
12 in his letter, all of the other non-residential
13 uses that are permitted in R80 under the zoning
14 ordinances. But, let's take a look at some of
15 these examples he cites: houses of worship,
16 schools, government buildings, and libraries.
17 These are the types of uses that are commonly
18 found in residential areas, which are there to
19 support local residents and families. And, even
20 then, they are typically found along nature roads
21 and not tucked away along local, narrow winding
22 roads, deep inside residential communities. So,
23 to be clear, we're not necessarily against all
24 commercial uses nearby if the location makes

1 August 29, 2022

2 sense. It is the precise guarded 24/7
3 operational characteristic of this proposed
4 commercial use that we find so problematic.

5 We support substance abuse treatment.
6 And, as we've said many times before, this is
7 nothing against those suffering from addiction.
8 But this is not the right location. And, the
9 Town Board has specifically prohibited this type
10 of use at this location when it adopted the state
11 road requirement.

12 In closing, the applicant seeks to
13 establish a large, 24 hours a day for-profit
14 commercial operation on a narrow, winding,
15 tertiary road and this is incompatible with the
16 single-family residential uses that characterize
17 this great community. And, given that the
18 applicant's examples of non-residential uses in
19 our community have been shown to be false, it is
20 only reasonable to accept the fact that our
21 community is, indeed, a residential community.
22 To allow such a commercial facility to operate
23 here would surely change the character of the
24 community, and not for the better.

1 August 29, 2022

2 There exists many large properties that
3 front state roads in Cortlandt that the unknown
4 owners of the Hudson Wellness Center could have
5 purchased and operated by right. Instead, they
6 chose to pursue this site, which is clearly not
7 on a state road and thus, created a self-
8 inflicted harm. Ignoring the state road
9 requirement would be a de facto, de facto
10 rezoning of our community.

11 Thank you for your time.

12 MR. MICHAEL SHANNON: Good evening. My
13 name is Michael Shannon. I live at 2022 Quaker
14 Ridge Road. The property which adjoins the
15 applicant's site.

16 First, I want to thank those of you that
17 came to the visit in July. I think it was very,
18 very important to the community that you spend
19 that time and see for yourselves what a lot of
20 our words and a lot of our pictures and diagrams
21 have been talking about.

22 We've had discussions about the horse
23 farm. Mr. Davis's letter mistakenly suggests
24 that it fronts Quaker Ridge Road. As you can see

1 August 29, 2022

2 when you visited, it does not. There are no
3 buildings, no corrals or anything facing Quaker
4 Ridge Road. There's no entrance, no egress to
5 the property from the side of Quaker Ridge Road.
6 There's no contribution to the traffic. What you
7 saw was a bucolic farm and maybe you were lucky
8 to see a horse. You could see, perhaps, that
9 there were joggers, that there were bikers, that
10 there were dog walkers, that there was no
11 sidewalk, that the road is narrow.

12 If you -- those of you that came onto my
13 property could see my deck, which is on the
14 second floor. They have installed a six-foot
15 fence. I overlook it. One of their buildings is
16 a 159 feet from my building. Right now, at
17 night, it is pitch black. We have had
18 submissions about the lighting that they intend
19 to put up and the different types of lighting.
20 And, I have made calculations of what the wattage
21 of that will be and what it will be like. Right
22 now, it's pitch black. You put the lighting
23 outdoors. You put the lighting that they need
24 for the entrances to each of the buildings. And,

1 August 29, 2022

2 directly on the other side of the fence will be
3 parking. Directly on the other side of my fence
4 will be a garage. It's going to look like a
5 stadium at night. There will be noise, as well.
6 The quiet that we enjoy right now will be gone.
7 So, I thank you for spending the time to come and
8 actually see it. I'd like you to come at night
9 and see what it's really like then.

10 I submitted a letter the other day,
11 August 26th, responding to Mr. Davis's recent
12 submission. I'm not going to go into that now.
13 I appreciate the time that you will spend reading
14 that. It touches, basically, on three points.
15 One of them OASAS.

16 This has been given short shrift
17 sometimes in the comments here. We think it's
18 very, very important and it's a precondition.
19 And that, that OASAS requirement, which is
20 crystal clear, says that the applicant should go
21 to OASAS and talk about the concept he envisions
22 for the community. They've said they don't have
23 to do that later. How do we know OASAS will not
24 say, this area of the community doesn't need it.

1 August 29, 2022

2 Go to one of the health designated areas. Or, we
3 don't like your approach.

4 I've also suggested that there are
5 serious things in Mr. Cassidy's, the principal's,
6 background which raise questions here. I know
7 that there's a general doctrine that says we
8 consider the use, we don't consider the user.
9 I'm not raising it for that point. I'm not
10 trying to be ad homonym against Mr. Cassidy. I
11 am raising it for the point of asking why didn't
12 they go to OASAS and is this a real, real project
13 or is there something else that's going on?
14 There was an awful lot of secrecy in the
15 acquiring of the property through an LLC in 2010
16 when I believe Mr. Cassidy was incarcerated. It
17 was transferred to the applicant in 2012. No
18 applica-, in 2010, '11 and '12, my wife and I
19 were saying to workers over there, what are you
20 doing? What's going on? What's happening to
21 this property? They, they couldn't tell us or
22 they wouldn't tell us. We checked with the town,
23 we found nothing to find out what was going on.
24 It was not until 2015 that the applicant surfaced

1 August 29, 2022

2 and filed its plans.

3 We also address in our, in my August
4 26th letter, a number of the comm-, conditions
5 and, and issues which Joel just raised with you.
6 The references to the Danish Home or the Lakewood
7 house or the, the horse farm. These are, these
8 are truly distractions. They're either not
9 happening now, weren't happening then, or not
10 even in our area.

11 But even if you consider those to be
12 intrusions, my point is no more, please. Enough.
13 You know, you can eat an apple one small bite at
14 a time or one large bite at a time. But, when
15 finish, the apple is gone. And that's what we're
16 looking at with our community right now. We're
17 looking here as a very, very large and permanent
18 intrusion that will take the apple away.

19 Joel mentioned the community character
20 of the Danish Home. I recall being there with my
21 young daughter when she was in elementary or
22 middle school and she was going there to give, to
23 give or to play games with them. And, after a
24 couple of times of visiting with these neighbors,

1 August 29, 2022

2 the games changed into what can you teach us?

3 Well, my young daughter happens to be multi-
4 lingual and suddenly became, can you teach me a
5 little bit of Spanish? Can you teach me a little
6 bit of French? That's a community. That's a
7 neighbor.

8 The negative declar- declaration which
9 Brad mentioned, that, that addressed the
10 environmental issues for SEQ. It does not
11 address the five factors that you need to decide
12 now. And, which I want to very briefly discuss.

13 One, whether an undesirable change will
14 be produced in the character of the neighborhood
15 or a detriment to nearby properties. We're
16 talking about traffic. We're talking about
17 lighting. We're talking about sound. We are
18 talking about water. There have been tests. A
19 couple of years ago, there were tests and it's
20 their conclusion that we don't have to worry
21 about water or if we do, some of us can just dig
22 more wells. You came a little bit too early, I
23 think, to walk around the property as it is
24 today. Each footstep hearing dry grass like many

1 August 29, 2022

2 of you are suffering. I wonder what the water
3 test would show today.

4 The character of our community is one of
5 good, helping, close neighbors. Not people that
6 tell you what they're, what they're planning to
7 build, hide behind LLCs, buy another property
8 nearby, set up an easement, get caught, take it
9 away. And then, not disclose to a state agency
10 even their concept of what they're doing.

11 Would there be a detriment to nearby
12 properties? I'll be crass. I've already
13 submitted an article to you, which cites the fact
14 that properties within a quarter mile of a
15 facility such as this will have a decline in
16 their property values of approximately 17
17 percent.

18 Two, whether the benefits sought by the
19 applicant can be achieved by some other method.
20 What is the benefit sought by the applicant?
21 It's a for-profit LLC. It's not some charitable
22 organization. Their benefit that they are
23 seeking is money. It is not a benefit to our
24 community. They have told you before, and

1 August 29, 2022

2 they've told the Planning Board, they hope to
3 attract people from all over the country and
4 maybe they'll give a scholarship or two or three
5 to a local resident here should there be a need.
6 But the benefit they seek is money. And if
7 there's any doubt about it, just google how many
8 times over the last couple of years this
9 property, which they bought for a million two in
10 2010 has been on the market for sale between \$23
11 and \$26 million. That's what they want. They
12 want to make a buck. Not that there's anything
13 wrong with it, but they can achieve that in other
14 ways.

15 The next factor is whether the requested
16 area variance is substantial. It is. It's 100
17 percent variation on the state road requirement.

18 And, finally, the other factor I will
19 address is whether it was state, self-created.
20 Here again, it was 2010 that they bought it for a
21 million, under a million two. There was secrecy
22 then with the LLCs. There was a 2012 transfer
23 with the LLCs. The state road requirement was in
24 place and it was not until 2015 that they make

1 August 29, 2022

2 their application here. This should go back to
3 OASAS. Let them go where they should have gone
4 first and talk about the concept. If they go
5 there, they're going to have to disclose the
6 criminal backgrounds of the people involved.
7 They're going to have to disclose where they got
8 the the money. They're going to have to disclose
9 information about their investors.

10 Right now, we're talking about all these
11 factors, all these effects that some operation
12 may have permanently on our community and they
13 have not told and will not tell you who's going
14 to operate this. They try to tell you what the
15 staff is going to be, what the shifts are going
16 to be, bluntly, the operator will call those
17 shots, not Mr. Davis. That's why it makes sense
18 to force them to go back to OASAS to table this
19 until they can come here with something real,
20 something that is going to be operated by real
21 accredited people and by people we can trust.
22 Thank you.

23 MR. STEPHEN HAMPTON: Hello. My name's
24 Stephen Hampton. I reside at 2013 Quaker Ridge

1 August 29, 2022

2 Road, Croton on Hudson, for going on 30 years. I
3 live directly across from the proposed Hudson
4 Wellness site. And, I came to you tonight to
5 address some of their commercial claims. I think
6 Joel covered that quite well. But, as someone
7 here from 99 Quaker Bridge, who can explain to
8 you exactly what goes on there.

9 MR. EMILIO CORMON: Good evening. My
10 name is Emilio Cormon [phonetic]. I'm the
11 caretaker of 99 Quaker Ridge Road, the horse
12 farm. And, I was working there like a manager
13 for 32 year. And, it never been a commercial
14 place. It just residential. We have horses.
15 Never been bore. And, like Steve said, the claim
16 was that it was commercial, but it never been
17 commercial. This is a second owner. I was
18 working with them. First was Mr. Corolla and now
19 is the Rich family. That's it.

20 MR. HAMPTON: As for how this
21 development will affect the quality of my
22 family's lives, let me start with this. When the
23 real estate agent pulled into the driveway where
24 I currently reside, I looked at her and said, I'm

1 August 29, 2022

2 not even getting out of the car. She asked, why
3 not? Too close to the road, I replied. She
4 laughed, do you know know how many cars drive
5 down this road a day? After two hours and two
6 cars passing by, I bought the house. It's not
7 just me. Talk to anyone who lives in this area,
8 and there's a common thread: peace, tranquility,
9 wild life, stargazing, just to name a few. If I
10 wanted to live next to a hospital, I would have
11 purchased a home on Route 202. I can tell you
12 this for certain. I didn't move to the Town of
13 Cortlandt to have guards posted on the driveway
14 and the perimeter of the property across the
15 street from where my wife and kids are living.

16 One of the biggest problems for me is
17 that they are making promises as far as water
18 use, traffic, noise, light, and the town has no
19 way to enforce. So, does that now fall on my
20 lap? I don't want to be a cop. Nor, do I wish
21 to live through the next two or three years that
22 it will take to renovate the property to meet
23 OASAS requirements. By the way, seven years into
24 this and the applicant has still not started

1 August 29, 2022

2 their OASAS application. These are the same
3 people who brought the adjacent property next to
4 them, put in an easement for a 30-foot wide
5 access road and then tried to sell the property
6 without disclosing the easement. It wasn't
7 removed until we brought it to light and they had
8 to remove the easement to sell said property.
9 Have you or anyone else in this room tonight ever
10 been to a hospital with only one way in and out?
11 Oh, and by the way, that driveway entrance is far
12 too narrow for two-way traffic and is at a steep
13 hill to boot.

14 Seven years. Seven years. That's how
15 long it's taken to get to this point. There's a
16 simple reason for that. Though I'm sure most
17 things that come before you take less than a
18 year. This is inherently a really bad idea
19 that's fraught with problems.

20 There is a reason that the town requires
21 a hospital to be on a state road. It makes
22 sense. Town water, easy access for emergency
23 vehicles and patients, commercial zoning, but,
24 most importantly, not in the middle of a

1 August 29, 2022

2 residential neighborhood.

3 Please don't go down this road. Don't
4 open the door for every commercial developer who
5 thinks the Town of Cortlandt doesn't care about
6 its community or its residents. Just say no.

7 Seeing this is likely the last public
8 hearing, I'd like to thank all my neighbors in
9 Croton, Ossining, New Castle, and, of course,
10 Cortlandt who came together to try and preserve
11 our way of life. All the meetings, the e-mails,
12 the fundraising, the hard work it took to let the
13 town know about the negative impacts that will be
14 the result of this commercial development in our
15 town and surrounding area. They stood up and let
16 the powers to be know how they felt. Hopefully,
17 you heard them. Thank you, thank you, thank you.

18 MR. MICHAEL ARKIN: Good evening.

19 Michael Arkin. I live at 2007 Quaker Ridge Road.
20 I'm Steve's neighbor. I live directly across the
21 street, as well, from the proposed Hudson
22 Wellness Institute. I didn't write anything.

23 I just wanted to express, similar to my
24 neighbors, but it's -- we've, we've done this so

1 August 29, 2022

2 many times. And, I live in the woods. It's a
3 simple as that. It's dark, it's quiet. I raised
4 my kids there. My son goes to Croton Harmon High
5 School. He's in 10th grade. My daughter
6 graduated last year. I moved up there right
7 after 9/11. Pretty obvious to why I chose this
8 location. And, it's just obvious.

9 It's a hospital with everything that
10 comes with it. Folks going in and out, the
11 traffic, the trucks, the sound, the lights.

12 Astonishing to me that we have to
13 reiterate this and write these beautiful letters
14 that my neighbors have written and express this
15 over and over again to board after board, years
16 of this. It's just, it's obvious. So, I hope
17 you take everybody's voices into consideration.

18 My experience at home has been a
19 beautiful, I mean, I, it makes me emotional
20 because I've gone through so many things in my
21 life in these woods and this quiet and the
22 serenity that I experience there that I chose. I
23 was told two-acre zoning across the street from
24 my when I bought my property. The last thing I

1 August 29, 2022

2 expected was a hospital. Thank you very much.

3 MR. ANDREW SUSS: Good evening. My name
4 is Andrew Suss. I reside at 2210 Quaker Ridge
5 Road, two miles from my neighbors, Mr. Hampton,
6 whose children went to the same school with his
7 children. We have been in the area for 27 years.
8 To the best of my knowledge, Quaker Ridge,
9 between Mr. Hampton and hospital, proposed
10 Hospital Road, and my house at the other end of
11 Quaker Ridge has changed in one significant way.
12 Two houses were built.

13 And, my wife and I have known Croton
14 since 1991. And we decided, after a great deal
15 of research and investment in time and talks with
16 people who know real estate far better than we
17 did, that this was the place. We could go to
18 Bronxville and know what the people living down
19 there cook for dinner. We had that in Manhattan.
20 More than we would want to. We could have lived
21 in Scarsdale on a quarter of an acre, half an
22 acre. That was not what we wanted for ourselves
23 and for our child. Our child today is a 25-year
24 old fine man who always says to his friends who

1 August 29, 2022

2 live in Manhattan on the 38th floor, you live in
3 a cage; I live with nature. That's what we are
4 designed to do -- live with nature. That was my
5 decision. All my neighbors who are present here,
6 who were present in numerous meetings, share our
7 desire to live in the country.

8 When, in 1996, I sent polaroids knowing
9 then to Europe to my family and friends. They
10 were in disbelief seeing deer at my doorsteps.
11 What are you saying, you live 45 minutes from
12 Grand Central; come on. We don't have that next
13 to Munich. We don't have that next to London.
14 Where do you live? That's where I live. I live
15 in the unique precious place. Please don't
16 change that.

17 You have the power to make the right
18 decision. You have heard over the seven years,
19 your Board and the Board of Planning, a number of
20 speakers who would far more expertly and
21 eloquently, without my accent, tell you and, and
22 enumerate all the reason why this is a bad idea.
23 So, please do the right thing. Please put
24 yourself into our shoes, into my neighbors' shoes

1 August 29, 2022

2 whose houses are principal investment in many
3 cases, and see yourself losing 15, 20 percent.
4 See yourself, the character of the area being
5 changed. See that this decision will open
6 potentially Pandora box for other owners of large
7 properties applying for further commercialization
8 of the area.

9 How do I feel as longtime resident
10 looking at your development plan published, I
11 think, eight, seven, ten years ago, specifically
12 pointing out where healthcare district ought to
13 exist. My money spent for what? For a lipstick
14 on a pig because somebody can walk into a rural
15 residential neighborhood and promise you god
16 knows what? At one point, oh, yeah, we are going
17 to support programs at high school. We are going
18 to allocate this and that. We are going to give
19 you so much. Next morning, I open the internet,
20 I see \$26 million for X amount of acres on Quaker
21 Ridge for sale. Well, that's character, that's
22 commitment. That's what's behind these words.

23 Anyway, I don't want to take your time.
24 You have more than enough of information, data,

1 August 29, 2022

2 studies and so on and so forth. You have the
3 legal right, but put yourself in our shoes. Be
4 the government for the people by the people.
5 Thank you.

6 MS. JILL GREENSTEIN: Tough acts to
7 follow. Good evening, Mr. Chairman and Zoning
8 Board members. My name is Jill Greenstein. You
9 just heard from my husband, Joel Greenstein. We
10 live at 83 Quaker Hill Drive. Our property does
11 abut that property.

12 I also, actually, wanted to thank
13 everybody who was able to come to the site visit.
14 And, Mr. Fleming, I believe, because you're new,
15 I sincerely invite you -- and I'm sure all our
16 neighbors would welcome that -- for you to come,
17 too, and take a look at what that, what the area
18 looks like, what he feel of the neighborhood is.
19 It's, I think, very helpful. And, I'd like to
20 thank you for giving me the time to share my
21 thoughts.

22 You know, tonight, many people have
23 spoken about many facts and issues that clearly
24 demonstrate that this proposal is detrimental to

1 August 29, 2022

2 our neighborhood. I want to share with you how
3 this proposal and other similar will impact me
4 personally and the character of our neighborhood,
5 much of what you've heard already, but I, I need
6 you to hear from me, as well. I've been living
7 in this home for many years and feel very
8 strongly about it.

9 Teatown is a neighborhood. I don't say
10 that lightly. It's a neighborhood with all the
11 benefits, some of which you've heard already.
12 I'm going to give you a few examples. We have
13 children, bicycling, playing on the streets, et
14 cetera. Just yesterday, as I drove home, I
15 spotted two young girls, perhaps age nine, ten,
16 giving away books and selling handmade bookmarks
17 right on my street. When I questioned what the
18 money was being raised for, they proudly
19 announced, to buy a dog and to start my college
20 fund. What could be more community-minded than
21 that? Two girls able to set up a stand on the
22 street all by themselves without fear. Of
23 course, I did contribute to the college and dog
24 funds.

1 August 29, 2022

2 Halloween and COVID. Again, the
3 neighborhood rose to the occasion. For two
4 years, one of our neighbors has provided pizza
5 for an outdoor gathering of all the children in
6 costumes. All the neighbors would leave candy at
7 the start of our driveway so the children could
8 walk around have have their Halloween experience.
9 Just a good example of what our neighbor-
10 neighborhood is like.

11 My husband already mentioned about my
12 cookies. I love to bake and we delivered to the
13 Danish Home when they were there.

14 But, a neighbor recently gave us a
15 hummingbird feeder and my husband and I have
16 delighted in watching them come by and feed.
17 Less delightful, but typical, were the monarch
18 caterpillars feeding on my parsley plants. But
19 thanks to a neighbor, I learned you can take
20 those little caterpillars and let them, help them
21 evolve into butterflies. That's life in Teatown.

22 I bemoan the fact that my beloved, my
23 beloved, vegetable garden, this year, despite
24 fencing, has been overrun by what is probably now

1 August 29, 2022

2 an extremely healthy and fat mole or ground hog
3 or rabbit or some combination. We have wild life
4 galore that roam and share our land. I may not
5 always be happy with the outcome, but I do enjoy
6 seeing them. The occasional fox, the many, many
7 deer, a bear once in a while, wild turkeys,
8 rabbits, et cetera, et cetera.

9 When our neighbor is away, we look after
10 their property and they look after our when we go
11 away. One neighbor took it upon himself to cut
12 vines that were blocking the view when you exited
13 Quaker Hill Drive onto Quaker Ridge Road. Just
14 did that because that's what neighbors do for
15 each other.

16 These simple vignettes were just a few
17 examples -- and you've heard others from other
18 people -- of life in the Quaker Hill/Teatown
19 area. We're truly fortunate to have such beauty,
20 such quiet, such kindness, and such tranquility
21 along with the delightful sound of children
22 playing.

23 Commercial developments do not exist
24 here and how fortunate we are to have the Town of

1 August 29, 2022

2 Cortlandt wisely designate areas that are more
3 appropriate for such enterprises. We need to
4 protect our environment and preserve this
5 beautiful Teatown area for future generations.
6 We simply need to do that. Thank you for your
7 consideration.

8 CHAIRMAN DOUGLAS: Anybody else wish to
9 be heard? Chris, is anybody on the internet?

10 MR. KEHOE: Yes. Mr. Edward Kim.

11 MR. EDWARD KIM: Good evening, Mr.
12 Chairman and the members of Zoning Board. My
13 name is Edward Kim and my family and I, and
14 recently a family of groundhogs -- and I hope I
15 don't need a special permit -- live at 3 Quaker
16 Hill Court East near the applicant's site.

17 I would like to voice my continued
18 concern for the proposed hospital in the
19 residential zone district.

20 I mainly focus on hospital and nursing
21 home facilities needing to front a state road and
22 discuss the purpose behind this addition to the
23 town code. In addition to hospital and nursing
24 home facilities, the town requires offices of

1 August 29, 2022

2 doctors, dentists, and other healthcare
3 practitioner can only be in residential zone by
4 fronting a state road or on an Oregon road. Both
5 of these code provisions were implemented in
6 2004. The code explicitly states that the
7 purpose of this state road frontage requirement
8 for hospitals, nursing homes, doctor's offices,
9 essentially, all healthcare-related facilities is
10 to ensure that such facilities are provided in
11 the manner that is not disruptive to surrounding
12 property or the neighborhood. The statement of
13 purpose acknowledges that these facilities
14 inherently are disruptive to the neighboring
15 community regardless of size or specialty. The
16 code does not distinguish between the type of
17 medical service or specialty offered as a
18 facility. They apply to all healthcare-related
19 activities.

20 If the state frontage requirement
21 applies to a single healthcare practitioner's
22 office, such as a doctor's office or dentist
23 office, certainly, it should apply to a 50-plus
24 bed specialty hospital. Presumably, the

1 August 29, 2022

2 disruptions to frontage requirement is designed
3 to avoid, include traffic of doctors, patients,
4 staff, visitors, supply deliveries, and emergency
5 services. These are all disruptions that can be
6 expected from the applicant's proposed facility.

7 Further, we cannot forget the safety of
8 patients and neighbors. The town has a duty in
9 considering this application to look out for the
10 safety of patients and the surrounding
11 neighborhood residents. It is well understood
12 that patients in rehab will be in a fragile state
13 of mental health, in some cases requiring
14 emergency care. Emergency vehicles will have
15 difficulty traveling on local town roads to
16 access the applicant's site. Pedestrians and
17 bikers using the Quaker Ridge Road will also be
18 faced with danger from emergency vehicle traffic
19 and increased traffic generally.

20 Also, as we face more weather extremes,
21 we can expect to see more downed trees and
22 electric wires that may be block roads and any
23 access to or from patients in need. This is all
24 the more reason why the applicant's facility does

1 August 29, 2022

2 not belong in an area far from a state road where
3 the only access roads are [unintelligible]
4 [01:06:44] and in heavily wooded area.

5 The applicant is not simply requesting a
6 variance of a hundred or even 1,000 feet from a
7 state road. It wants to site it's facility
8 almost two miles from the nearest state road.
9 Accessible only by crossing a one-lane bridge or
10 a narrow twisting local road.

11 The applicant should have known that
12 there was a requirement for healthcare facilities
13 to front a state road before it purchased the
14 property at issue. The state road frontage
15 requirement was implemented in 2004, six years
16 before the applicant purchased the Hudson and
17 [unintelligible] [01:07:27] property. This is
18 purely a self-created difficulty and it should
19 not be waived by the Zoning Board.

20 If the requirement to front a state road
21 is varied for this applicant, who clearly knew or
22 should have known the site was inappropriate,
23 what is to stop other healthcare facilities from
24 attempting this same approach? Had the applicant

1 August 29, 2022

2 chosen an appropriate site instead of creating
3 this issue for itself, it already could have been
4 providing a much needed substance abuse treatment
5 service to our community. For example, in a
6 Cortlandt medical-oriented district.

7 As I indicated residents have stated
8 previously, the application for an area variance
9 should be denied. The facility will severely
10 impact the overall sense of community with the
11 great Teatown area and will be disruptive to
12 surrounding property or neighborhood by not
13 fronting a state road. Thank you for your time.

14 MR. KEHOE: Colleen Kirk.

15 CHAIRMAN DOUGLAS: Is Ms. Kirk there?
16 Is she muted, perhaps? No?

17 MR. KEHOE: Okay. She's saying that we
18 can't hear her. She's trying to speak.

19 CHAIRMAN DOUGLAS: Maybe if she calls in
20 again?

21 MR. KEHOE: We're going to try to re-
22 promote.

23 CHAIRMAN DOUGLAS: Okay.

24 MR. KEHOE: Okay. There's another

1 August 29, 2022

2 person that wishes to speak.

3 MS. CYNTHIA MANOCHERIAN: Hello. Can
4 you hear me?

5 MR. KEHOE: Yes.

6 CHAIRMAN DOUGLAS: Yes.

7 MS. MANOCHERIAN: Hi. My name is
8 Cynthia Manocherian, 100 Glendale Road. I'd like
9 to start by agreeing with every other speaker
10 who's come before me and, hopefully, I won't be
11 too repetitive.

12 So, Glendale Road, my road intersects
13 with Quaker Ridge Road. And, it is the safest
14 way in and out to that property. Therefore, I
15 will be impacted by this commercial project. The
16 west end of New Castle will be impacted by this
17 project. The west end of New Castle is also
18 being hit with developers' requests to spot zone
19 larger properties in the west end of New Castle.
20 The cumulative effect of the traffic of these
21 spot zone commercial entities will have a major
22 impact on all the residential properties and our
23 way of life in this area, the greater Teatown
24 area.

1 August 29, 2022

2 I'd like to also identify that Glendale
3 Road is another road without a paint line down
4 the middle. It is not wide enough for a clear
5 two-lane coming and going traffic. So, I urge
6 you not to agree to the area variance. Because
7 they are not on a state road and there should be
8 no hospital in our area.

9 I'd like to mention that I resent that
10 the hospital's attorney made comments about these
11 other commercial entities being approved to
12 commercial use in our area.

13 And, I took a look at your comp plan,
14 which is quite clear about residential zoning.
15 In your comprehensive plan, there, there's a
16 Chapter 3, Inventory and Analysis Land Use and
17 Zoning, an interesting comparison of land use
18 table. And, it states that there are are 817
19 acres of residential land within Cortlandt. If
20 they get their spot zoning, you will remove 20
21 acres or 2.5 percent of your total residential
22 acreage. That is a substantial ask. Meanwhile,
23 your comp plan is quite clear about the need for
24 more residential opportunities in the Town of

1 August 29, 2022

2 Cortlandt. So, it doesn't really add up that
3 they're asking for this special area variance to
4 remove this amount of residential land from your
5 holdings. Your zoning code states the basic
6 purpose and function of zoning is to divide a
7 municipality into residential, commercial,
8 industrial, and other district zones that are the
9 most, for the most part, separate from one
10 another. Well, you're asking, you're being asked
11 to mix it up. Your, your own land use and zoning
12 language suggests that these are very separate
13 parc-, types of land use. But, this applicant is
14 asking for you to override that.

15 In page -- from your Inventory and
16 Analysis chapter on sustainable development, it
17 talks about smart roof and that it is a bundle of
18 techniques and concepts that represent the real
19 possibility for local governments to attract
20 growth while maintaining a sense of place and
21 preserving the national environment.

22 This particular project, if accepted,
23 will do neither. It will not maintain our sense
24 of place and it will not preserve the national

1 August 29, 2022

2 environment. So, it contradicts your own comp
3 plan and your goals for zoning.

4 I'll just pick two actual goals from the
5 comp plan. Goal 67, to preserve single-family
6 residential neighborhoods. This project is not
7 going to do that. It will not preserve single-
8 family residential neighborhood goals at all.

9 And, it actually has additional comment that one
10 of the ways in which the you will try to preserve
11 single-family residential neighborhoods is to
12 restrict the development of parking on R1 and R2
13 districts and enforce maximum coverage
14 percentages. Again, they will need to do
15 something about their parking and their road on
16 and off the property. And, that's in
17 contradiction to preserving the single-family
18 residential neighborhood that all the people who
19 are speaking tonight care so much about and
20 invested in.

21 There's also Goal 70, strengthen the
22 effectiveness of the zoning code by utilizing a
23 hand site plan review procedures. And, there is
24 specific focus on the impact of any new

1 August 29, 2022

2 development on emergency services, which should
3 be considered. So, I haven't heard about how
4 emergency services will be able to manage a
5 crisis on this property. And, our neighborhood
6 is connected by something called TANN, Teatown
7 Area Neighborhood Network. And, we all send each
8 other emergency messages. Last week there were
9 several forest fires right in our area that took
10 down a couple of acres of forest in greater
11 Teatown, and it was chaotic. People could smell
12 smoke. Nobody could see where it was coming
13 from. And, multiple municipalities, the fire
14 departments, were on-hand going through every
15 street, including one of your major pieces of
16 equipment sitting on Glendale Road at the corner
17 of Glendale and Spring Valley trying to figure
18 out where the smoke was coming from.

19 So, has there been a proper review of
20 the safety of the residents, potential residents,
21 potential staff and your emergency first line
22 responders with regard to this project and the
23 kind of stress it will add to your services? I
24 don't think so. And, the goal of the zoning code

1 August 29, 2022

2 should also be to protect life.

3 So, I'm asking your Board, with a lot of
4 respect, to review how this project has nothing
5 to do with your comp plan and you zoning goals.
6 And, hopefully, you'll all agree with the
7 position of so many people who've stepped up to
8 speak this evening. I appreciate your time.
9 Thank you very much.

10 MR. KEHOE: Going to try Ms. Kirk again.

11 MS. COLLEEN KIRK: Hi. Can you hear me
12 now?

13 MR. KEHOE: Yes.

14 CHAIRMAN DOUGLAS: Yes.

15 MS. KIRK: Oh, super. Thank you. The
16 wonders of modern technology. Okay. So, hi,
17 everybody. Thank you for letting me speak. My
18 name is Colleen Kirk and I'm here -- I've been
19 here listening with my husband, Manfred Roeschel.
20 We live at 3 Quaker Hill Court West, very near
21 the applicant. And, we've lived here 35 years.
22 I hate to say that. I don't look like I've lived
23 here 35 years, but.

24 Okay. First, though, I would like to

1 August 29, 2022

2 completely agree with my neighborhood neighbors
3 with respect to their ongoing concerns about the
4 applicant.

5 But, my husband and I would like to
6 specifically speak about the character of this
7 neighborhood and the environmental conditions
8 here. All of the homes here are on a well. And,
9 we draw water from the same limited water sources
10 underground. Our well is 400 feet deep and it's
11 usually more than sufficient for our water needs.
12 However, in the 35 years that we've lived here,
13 we've experienced multiple droughts, as we are
14 right now. When we have a drought, we need to
15 conserve water.

16 For example, at this point, during the
17 current drought, we cannot run our dishwasher and
18 take a shower at the same time because the water
19 pressure runs low after about half an hour. I
20 can't water my garden for more than a half an
21 hour at a time. Well water, with its limitations
22 is part of the character of this neighborhood. I
23 cannot imagine how a hospital will be able to do
24 laundry and dishes and care for dozens of people

1 August 29, 2022

2 and not impact my water supply.

3 Perhaps even more importantly, what is
4 the hospital going to do when there is another
5 drought? Or, god forbid, an even worse drought?
6 How are they going to have enough water to do
7 laundry, dishes and care for dozens of people
8 when I can barely water my butterfly bushes?

9 It seems to me to consider putting a
10 hospital in this neighborhood cannot help but be
11 a detriment to me and, and the neighborhood and
12 have a negative impact on the environment that we
13 live in. Thanks very much for your
14 consideration.

15 CHAIRMAN DOUGLAS: Is there anybody
16 else? Okay. Anybody live want to speak? Not
17 the people on the, that the people on Zoom aren't
18 live, but anybody in person? Okay. Okay. Mr.
19 Davis, go ahead.

20 MR. DAVIS: Thank you, Mr. Douglas, Mr.
21 Chairman. Literally, it would be practically
22 impossible for me to go through and address all
23 of the repeated statements that you've heard that
24 have been the same for seven years. To go

1 August 29, 2022

2 through the voluminous record that takes up,
3 literally, my entire office, probably much of
4 your planning officer here. All of these issues
5 have been addressed ad nauseum in the prior
6 proceedings, not in an anecdotal way, but by
7 experts. Not only the applicant's experts, but
8 the town's own experts. I would commend to you
9 the reports apropos of what we've heard tonight
10 of your own traffic expert, of your own
11 hydrogeologist. The traffic expert, in
12 particular, it's many of the items that have been
13 raised tonight.

14 And, what's been studiously avoided, I
15 think, in the comments is the actual substance of
16 the Planning Board's negative declaration, which
17 basically addressed each and every one of the
18 issues that have been raised tonight, you know,
19 at great length. Also, the 34 conditions that
20 the applicant agreed to in discussion with
21 neighbors' representatives. Those are quite
22 significant in light of all of the issues that
23 have been raised tonight.

24 And, the law that I set forth in my June

1 August 29, 2022

2 14th letter, in my August 23rd letter, is
3 irrefutable and it's not something I made up.
4 It's not anecdotal. It's actual quotes from the
5 dispositive court decisions that tell you exactly
6 how the Planning Board's negative declaration in
7 this case impacts your decision. And more so, in
8 this case, I would say then, in any of the court
9 decisions because the Planning Board, along with
10 your Board, has studied these very same issues
11 that you've heard, basically, recast and
12 reiterated tonight over and over and over again.
13 And, you've got it from the experts. I can't
14 take the time, your time, to reiterate it all,
15 which is a shame because I could basically
16 address each and every sentence that's been said
17 tonight. But, they've all, basically, been said
18 before.

19 So, I, I, just by way of addressing,
20 maybe Mr. Schwartz's points. His first point was
21 the neg dec issue that didn't handcuff your
22 Board. It may not handcuff your Board, but it
23 substantially limits your Board. And, that's not
24 me saying that. That's the appellate court

1 August 29, 2022

2 saying that. So, please read those two letters
3 from June and August that we sent that quote the
4 court decisions because they say what they say.
5 And, I think you'll see the impact that they have
6 on your decision.

7 In terms of the self-created hardship,
8 which was Mr. Schwartz's second point. I won't
9 reiterate what we've already said at great length
10 on that issue. Which, of course, as you know is
11 the le-, and Mr. Chin has pointed out, is the
12 least important of the five area variance
13 criteria, not dispositive. See my April 25th
14 outline where I talk about that issue in great
15 detail. See our 2016 memorandum of law on that.

16 Point No. 3 from Mr. Schwartz, kind of a
17 newly reconstituted theme that now we need to go
18 to the Town Board to get a rezoning. Well, I, I
19 would just remind the Board, including the new
20 members, that in 2017, this Board determined that
21 this is an area variance, not a use variance,
22 which would be tantamount to, to a rezoning.
23 And, also, in 2020, a three to one majority of
24 this Board, which was a statutory default denial

1 August 29, 2022

2 set aside by the court, found that this use is a
3 hospital. So, in addition to those reasons, and
4 the many legal reasons why the opponents would be
5 barred from raising that argument at this late
6 juncture after all of the proceedings before
7 these Boards, two litigated proceedings before
8 these Boards, all of those various technical
9 legal bars are set forth in that last 2020
10 Article 78 proceeding in our papers, and also in
11 our appellate brief where the neighbors are still
12 trying to intervene in the proceeding that the
13 town did not appeal. So, I'd ask you to take a
14 look at that.

15 Fourthly, the issue of community
16 character has been discussed in tremendous
17 length, and our compliance in furtherance of the
18 goals of the master plan and the open space plan
19 at great detail in the Planning Board materials
20 we've submitted. I pointed out where those
21 materials are at length in my April 25th
22 presentation where I address that issue at
23 length. We addressed it again, to some extent,
24 in our August 23rd letter.

1 August 29, 2022

2 A couple of points with Mr. Shannon.
3 He's right, zoning regulates the use, not the
4 user. And the two main points he raised are
5 OASAS and that other person issue are beyond the
6 jurisdiction of this Board. I would point out
7 that that issue of OASAS was discussed in the
8 same way, at great length, before this Board in
9 the last proceeding, before the Planning board.
10 The applicant has agreed to condition No. 1,
11 first condition appended to the neg dec about
12 proceeding with OASAS, which it is already
13 endeavoring to do and there can be no ultimate
14 approval for this application with the OASAS
15 approval. It will be a condition of approval of
16 your Board by subsuming the conditions on the neg
17 dec, if you choose to do that. I will certainly
18 be a condition of the planning board, just as you
19 would often see Westchester County Health
20 Department approval as an outside agency
21 approval.

22 The OASAS issue is largely irrelevant to
23 the variance issue, especially with the
24 substantially duced project. There is certainly

1 August 29, 2022

2 no way OASAS is going to increase any of the
3 scope of the project. If anything, they would
4 decrease it. So, it has no bearing whatsoever,
5 you know, on variance criteria and, and the issue
6 of OASAS is a red herring that's beyond the
7 purview of this Board.

8 Mr. Shannon also made a couple of
9 interesting mistakes or omissions with respect to
10 the area variance criteria. He stated that the
11 benefits sought by the applicant is to make
12 money. The way in which the statute for area
13 variance is defines benefit is the benefit sought
14 by the applicant is the area variance from the
15 state road frontage requirement and, of course,
16 they cannot achieve that without a variance.
17 They can't get around the frontage requirement
18 without a variance. He also left out a very
19 significant criteria, which is whether the
20 variance will have a detrimental environmental
21 impact and, of course, that's well subsumed in
22 the Planning Board's negative declaration.

23 Let's see if I have any other points.
24 Again, we've addressed all of these points and

1 August 29, 2022

2 perhaps one of the, the final point that's,
3 that's seldom mentioned, except by us -- it was
4 mentioned again in our April 25th presentation --
5 is that this is a federally protected class of
6 people who are protected under the ADA, which
7 mandates that the town make reasonable
8 accommodations and modifications in its zoning
9 ordinance to permit such a use. And, I would
10 submit to you that the accommodations made by the
11 applicant to the town has reflected in the 34
12 conditions attached to the negative declaration
13 and in all of the other voluminous environmental
14 submissions with all of the expert analysis that
15 show what the reduced project, how the impacts,
16 traffic trips and so forth, have been
17 substantially reduced certainly warrant the town
18 making the very reasonable accommodation of
19 grating the requested area variance.

20 Thank you for your attention.

21 CHAIRMAN DOUGLAS: Anybody else wish to
22 be heard? Anybody how hasn't spoken yet? Okay.

23 MR. HAMPTON: I just want to make a
24 quick comment about the experts. The thing about

1 August 29, 2022

2 experts is they're always right until they're
3 wrong. They can come in here and say whatever
4 they want to say, take their nice check and go
5 home. Who are the experts? We are the experts.
6 This is our homes. These are our families. This
7 is our community. We live here with all of you.
8 We expect you to protect our community. Forget
9 the experts. We are the experts. Listen to us,
10 please.

11 MR. SHANNON: Very briefly. I assume
12 you're going to close the hearing subject to some
13 further written submissions, and I think the
14 record should reflect that in the seven years
15 before the Zoning Board and the Planning Board,
16 when you have heard from many residents, Mr.
17 Cassidy has never shown his face. And, I think
18 you have to ask yourselves why is the principal
19 behind this not here to answer? Another person
20 who never came is opposed operator. Thank you.

21 MR. KEHOE: Two people have raised their
22 hand.

23 CHAIRMAN DOUGLAS: Okay.

24 MR. KEHOE: Mr. Weinberger.

1 August 29, 2022

2 MR. DAVID WEINBERGER: Yes, can you hear
3 me?

4 MR. KEHOE: Yes.

5 CHAIRMAN DOUGLAS: Yes.

6 MR. WEINBERGER: Yeah, hi. I live at 5
7 Little Lake Road in Ossining, and my property
8 abuts the proposed wellness center. I'm behind,
9 so I'm right off of Glendale. And, I, I agree
10 with pretty much everyone in the community who
11 has spoken. But, I just want to reiterate one
12 important thing and that is water.

13 As you know, we are suffering from a
14 drought in this community, which has no relief in
15 sight. And, I'm concerned about two things. I'm
16 concerned about my well and, use of my well in
17 the future. I've been here for 24 years. I
18 bought this house 24 years ago.

19 And also, I'm concerned about the, the
20 water discharge. Not only if there's enough
21 water for the wellness center, but the wastewater
22 and the ground water that's going to be coming
23 out of this hospital with a lot, I assume, with
24 all the rehab patients that there'll be a lot of

1 August 29, 2022

2 medications that will be flushed down, plus all
3 the waste that comes down. I'm very concerned
4 about the wastewater not getting absorbed by
5 their septic systems and entering our
6 groundwater. And, right at the base of my
7 driveway, is a stream that goes into a reservoir
8 that supplies drinking water for the Town of
9 Ossining. So, that is very, very -- that, that's
10 very close to where the proposed Hudson Wellness
11 Center is.

12 And besides all the other problems with
13 traffic and noise, my main concern is water usage
14 and availability of water and wastewater. So, I
15 strongly ask the Board not to give variance for
16 this property, which is not zoned for hospital
17 usage. Thank you.

18 MR. KEHOE: The next speaker is Karen
19 Wells.

20 MS. KAREN WELLS: Hi. This is Karen
21 Wells from 28 Applebee Farm Road. I wasn't
22 planning on speaking today. In fact, I'm, I'm
23 back at school, so I'm not even in the area.
24 But, I do not take kindly to the applicant's

1 August 29, 2022

2 attorney, not only threatening this Board, but
3 threatening our town and insulting the neighbors
4 who came out tonight.

5 Yes, the attorney is correct. People
6 who seek treatment for substance abuse are a
7 protected class. As I have spoken in front of
8 this Board before, I know this, I know the
9 experience of people who work with those they
10 love to get treatment. And, in the past, the
11 same attorney has insulted our community by
12 trying to claim that we are somehow afraid of
13 these people, that we don't want people who need
14 treatment to come to our community.

15 As I said before, when I talked about my
16 personal experience with someone seeking
17 treatment, it is not about that. It is about
18 making sure that those who get treatment get the
19 best treatment and the safest treatment they can.

20 So, yes, Mr. Davis is correct that this
21 is a protected class. But, Mr. Davis lacked the
22 wherewithal to inform the Board that that does
23 not bar this Board from making the decision not
24 to more clearly stated constraints of where such

1 August 29, 2022

2 facility should be located.

3 Yes, a reasonable accommodation,
4 absolutely. If they needed 50 yards of a state
5 road and they had 50 feet, maybe that's
6 reasonable. But, we have no frontage to a state
7 road. Asking for this Board to take a pen and
8 erase something that has been legislated is not a
9 reasonable accommodation.

10 Again, it was not my plan to speak
11 tonight, but I really do not like someone
12 standing up, insulting those I care about, my
13 neighbors, in the town that I care tremendously
14 about. Thank you very much.

15 CHAIRMAN DOUGLAS: Anybody else? Okay.
16 It is the intention of this Board to close the
17 public hearing after tonight's meeting. And, I
18 believe that Mr. Schwartz had indicated that he'd
19 like to submit any additional comments, and we'd
20 allow anybody else who wants to to submit
21 additional comments. And, I propose that those
22 comments be made by, received by us by September
23 9th. Is that Wednesday of next week?

24 MR. KEHOE: Well, the end of the day on

1 August 29, 2022

2 September 8th would be ten days. That's a
3 Thursday.

4 CHAIRMAN DOUGLAS: Ten days, I've
5 counted wrong?

6 MR. KEHOE: September 9th is a --

7 CHAIRMAN DOUGLAS: Okay. I meant, okay.
8 September, sorry, September 8th is the wen-, is a
9 Wednesday?

10 MR. KEHOE: It's a Thursday.

11 CHAIRMAN DOUGLAS: September 8th, right.
12 Wait. Now, now, I'm confused. I propose that it
13 be done by Wednesday.

14 MR. FLEMING: Wednesday the 7th.

15 MR. KEHOE: So, the 7th is Wednesday.

16 CHAIRMAN DOUGLAS: The 7th. Okay. If
17 that's okay --

18 MR. HOROWITZ: We just ask that in light
19 of the holiday weekend, the time be set a little
20 longer than ordinarily would. I think Mr.
21 Schwartz asked for 14 days.

22 CHAIRMAN DOUGLAS: Well, if you want, if
23 you want us to seriously consider what you're,
24 what you're saying, I think it works to your

1 August 29, 2022

2 benefit to get it to us sooner rather than later
3 and I, I thought that wen-, that giving to
4 Wednesday, which is more days -- I'm inquired to
5 do seven days, but I know it's a holiday coming
6 up. So, that, that's why I thought Wednesday
7 would be fair. It would give, give you enough
8 time to prepare whatever you need to prepare and
9 give us enough time to digest what it is that you
10 want to prepare. So.

11 MR. HOROWITZ: [Unintelligible]

12 [01:37:59].

13 CHAIRMAN DOUGLAS: I'll, fi people feel
14 strong about, about a different date, that's,
15 that's what I propose. I think it works for
16 everybody, but if -- I'm not going to fight over
17 Thursday versus Wednesday. If you want to make
18 it Thursday, we can make it Thursday. You want
19 to make it Thursday? That's fine. Okay.

20 MR. KEHOE: So, the end of the day on
21 September 8th.

22 CHAIRMAN DOUGLAS: End of the day on
23 September 8th.

24 MR. HOROWITZ: Thank you.

1 August 29, 2022

2 CHAIRMAN DOUGLAS: Okay. Okay. So, if
3 somebody wants to make a motion to close the
4 public hearing.

5 MR. CHIN: I make a motion to close the
6 hearing on case 2016-24, the Hudson Ridge
7 Wellness Center.

8 CHAIRMAN DOUGLAS: Second?

9 MR. FLEMING: I second.

10 CHAIRMAN DOUGLAS: Okay. All in favor?

11 MULTIPLE: Aye.

12 CHAIRMAN DOUGLAS: Any opposed? Okay.
13 The public hearing is closed and the, any
14 written, any comments as we just said, will be
15 received by the end of the day on September 8th.

16 MR. KEHOE: And, the next meeting is a
17 Tuesday. It's Tuesday, September 27th, not
18 Monday.

19 CHAIRMAN DOUGLAS: Okay. And, we, we
20 won't endeavor to have a, a vote on this
21 application at the next meeting. I can't
22 absolutely promise that, but that, that is our
23 goal and that's our, that's our intention.

24 MR. HAMPTON: I just want to

1 August 29, 2022

2 [unintelligible] [01:39:22].

3 CHAIRMAN DOUGLAS: It's the second day
4 of Rosh Hashanah, I believe.

5 MR. KEHOE: We can move it. We can't
6 move it to Wednesday 'cause there's court.

7 CHAIRMAN DOUGLAS: Does --

8 MR. KEHOE: We don't have to move it. I
9 leave that up to you .

10 CHAIRMAN DOUGLAS: Right. It doesn't,
11 it doesn't affect, it doesn't affect me, but I'm
12 not, I'm not going to, obviously -- I mean, the
13 first day of Rosh Hashanah affects me, but the
14 second day doesn't, but, you know.

15 MR. FLEMING: It's after sunset the
16 second day of Rosh Hashanah. It shouldn't affect
17 you at all.

18 CHAIRMAN DOUGLAS: Right. Oh, I see.
19 It's after sundown?

20 MR. FLEMING: Yeah. There's nothing.

21 CHAIRMAN DOUGLAS: That's a good way to
22 -- well, I think we're going to keep it on the
23 27th unless, unless, you know, there's a strong
24 opposition by people who are involved that, that

1 August 29, 2022

2 don't want to have that vote that day.

3 MS. GREENSTEIN: Do we need to come to
4 this meeting?

5 CHAIRMAN DOUGLAS: The public hearing
6 has been closed. So, people can, and people can
7 come or not come. But, we will not be taking any
8 additional public comments on that day. We're
9 just going to, to consider the matter and vote on
10 it.

11 MR. SHANNON: Will that be by Zoom, as
12 well?

13 CHAIRMAN DOUGLAS: Yes.

14 MR. KEHOE: Yes.

15 MR. DAVIS: Mr. Chairman, may I just
16 request on behalf of the applicant, of course,
17 you know, it's been a long process, not really of
18 the applicant's making, not necessarily of this
19 Board's making. But, it's been an awfully long
20 process. There's been a lot of delays. And, I'm
21 wondering, in light of that, and, and missing the
22 July meeting, as well, for lack of a quorum,
23 would the Board consider holding a special
24 meeting prior to the 27th?

1 August 29, 2022

2 CHAIRMAN DOUGLAS: Well, I, I think we'd
3 prefer to just have the regular meeting. I don't
4 think an additional two weeks or one week is
5 really going to make a difference in the, in the
6 big picture.

7 MR. DAVIS: Well, we, we would cert-, --

8 CHAIRMAN DOUGLAS: And it would make it
9 easier for the members of the Board to have
10 further, you know, it's a big record. It's, as
11 you said --

12 MR. DAVIS: I und-, I understand.

13 CHAIRMAN DOUGLAS: -- it takes up your
14 office. Right?

15 MR. DAVIS: I do understand that. And,
16 and, in light of that, we would certainly ask
17 that the Board render its determination on the
18 27th.

19 CHAIRMAN DOUGLAS: As I said, that's,
20 that is our intention.

21 MR. DAVIS: Thank you.

22 CHAIRMAN DOUGLAS: Okay.

23 MR. CHIN: I'll make a motion to reserve
24 decision.

1 August 29, 2022

2 CHAIRMAN DOUGLAS: I don't know that we
3 need that motion, but sure. Anybody want to
4 second it?

5 MR. CHIN: Usually, we close, then we
6 reserve decision.

7 CHAIRMAN DOUGLAS: That's fine. Okay.
8 So, we, we reserve -- we've closed the public
9 hearing and we're reserving decision. Okay.
10 Thank you.

11 MR. WOOD: Do we need to adjourn?

12 CHAIRMAN DOUGLAS: Oh, that's right.

13 MR. FLEMING: I move to adjourn the
14 meeting.

15 CHAIRMAN DOUGLAS: Thank you. Thank
16 you. Thank you. Somebody want to second that --

17 MR. CHIN: I'll second.

18 CHAIRMAN DOUGLAS: -- important motion?
19 Okay. All in favor?

20 MULTIPLE: Aye.

21 CHAIRMAN DOUGLAS: Any opposed? Thank
22 you, Tom. I often forget that last step.

23 (The public board meeting concluded at
24 8:42 p.m.)

CERTIFICATE OF ACCURACY

I, Juliana Pelaez, certify that the foregoing transcript of the Zoning Board meeting of the Town of Cortlandt on August 29, 2022 was prepared using the required transcription equipment and is a true and accurate record of the proceedings.

Certified By

Juliana Peláez O.

Date: September 28, 2022.

GENEVAWORLDWIDE, INC

256 West 38th Street - 10th Floor

New York, NY 10018