

TOWN OF CORTLANDT

PLANNING AND ZONING BOARDS

PLANNING BOARD MEETING

Virtual Meeting

March 2, 2021

7:00 p.m. - 11:16 p.m.

March 2, 2021

MEMBERS PRESENT:

Loretta Taylor, Chairperson

Chris Kehoe, Deputy Director of Planning

Steven Kessler, Member

Thomas A. Bianchi, Vice-Chairperson

George Kimmerling, Member

Robert Foley, Member

Jeff Rothfeder, Member

Michael Cunningham, Deputy Attorney

Michael Preziosi, Technical Services Director

1 March 2, 2021

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

3 MS. LORETTA TAYLOR: We're going to call
4 the meeting to order at this point. Mr. Kehoe,
5 would you do the pledge of allegiance?

6 MR. CHRIS KEHOE: Sure. I pledge
7 allegiance to the flag of the United States of
8 America, and to the Republic for which it stands,
9 one nation under God, indivisible with liberty
10 and justice for all.

11 MS. TAYLOR: Thank you. So I need the
12 roll call as well.

13 MR. KEHOE: Mr. Kessler?

14 MR. STEPHEN KESSLER: Here.

15 MR. KEHOE: Mr. Bianchi?

16 MR. THOMAS A. BIANCHI: Here.

17 MR. KEHOE: Ms. Taylor?

18 MS. TAYLOR: Here.

19 MR. KEHOE: Mr. Kimmerling?

20 MR. GEORGE KIMMERLING: Here.

21 MR. KEHOE: Mr. Rothfeder?

22 MR. JEFF ROTHFEDER: Here.

23 MR. KEHOE: Mr. Foley?

24 MR. ROBERT FOLEY: Here.

1 March 2, 2021

2 MR. KEHOE: And Michael Cunningham?

3 MS. TAYLOR: Okay. We have a couple of
4 changes to the agenda tonight. One, for 2020-12,
5 which is the cell tower on Croton Avenue, that
6 will be adjourned per the applicant. And we have
7 2020-17, which is Hemlock Hill, that too will be
8 adjourned per the applicant's request. We're
9 going to be -- go ahead.

10 MR. KESSLER: Motion to approve these
11 changes.

12 MR. FOLEY: Second.

13 MS. TAYLOR: Alright. All in, on the
14 question, all in favor?

15 MULTIPLE: Aye.

16 MS. TAYLOR: Opposed? Alrighty, I'm
17 sorry, Steve. I cut you off on that one. We will
18 not be adopting minutes tonight. We'll do them
19 next meeting. So we'll move on to correspondence,
20 and the first item is PB 2019-16, a letter dated
21 February 10, 2021 from Ralph G. Mastromonaco,
22 P.E., requesting the second 90-day time extension
23 of Final Plat approval for Scenic Ridge at
24 Amberlands, LCC for property located on the south

1 March 2, 2021

2 side of Scenic Drive. Mr. Kessler?

3 MR. KESSLER: Madam Chair, Madam Chair,
4 I move we adopt Resolution 5-21.

5 MS. TAYLOR: Okay. Do I have a second?

6 MR. BIANCHI: Second.

7 MS. TAYLOR: Thank you.

8 MR. BIANCHI: Second.

9 MS. TAYLOR: Alright. On the question,
10 all in favor?

11 MULTIPLE: Aye.

12 MS. TAYLOR: Opposed? Okay. Very good.
13 The next item on the agenda is PB 2020-12, the
14 application of New York SMSA Limited Partnership,
15 d/b/a Verizon Wireless for the property of the
16 Lake Mohegan Fire District for recertification of
17 the Special Permit for an existing cell tower
18 located at 260 Croton Avenue.

19 MR. BIANCHI: Madam Chair, I move we
20 adjourn this application to our April 6th
21 meeting.

22 MS. TAYLOR: And that's per the
23 applicant.

24 MR. BIANCHI: Per the applicant.

1 March 2, 2021

2 MR. KESSLER: Second.

3 MS. TAYLOR: Yes. Thank you very much.

4 On the question, all in favor?

5 MULTIPLE: Aye.

6 MS. TAYLOR: Opposed? All rightie. Next
7 item on the agenda is the, is PB 2020-19, the
8 application of Lexington 202 Group, LLC, for Site
9 Development Plan Approval for a change of use to
10 a self-storage facility to be located in the
11 former Elmsford Sheet Metal Building, located on
12 an approximately 5-acre parcel of property at 23
13 Arlo Lane, drawings dated February 2, 2021.

14 MR. ROTHFEDER: Madam Chair, I move that
15 we approve Resolution 6-21 approving the
16 application.

17 MS. TAYLOR: Alright.

18 MR. KESSLER: Second.

19 MR. FOLEY: Second.

20 MS. TAYLOR: Thank you. On the question?

21 MR. KEHOE: Yeah, just on the question,
22 I haven't really spoken to the applicant. You
23 know, there is a resolution that's relatively
24 boilerplate. There are nine conditions associated

1 March 2, 2021

2 with it which have to be met before the planning
3 board chairperson will sign the drawing. I'll be
4 mailing a hard copy of that resolution out
5 tomorrow.

6 MS. TAYLOR: Alright. All in favor?

7 MULTIPLE: Aye.

8 MS. TAYLOR: Opposed? All rightie, very
9 good. Alright. We're moving to another area of
10 the agenda. Under old business, we have PB 2020-
11 9, the application of CBE North America Inc., for
12 the property of Kirquel Development, Ltd. And
13 Patrick and Sharon Parr, for Site Development
14 Plan approval and a Special Permit and for Tree
15 Removal and Steep Slope permits for a proposed 3
16 MW solar energy production facility to be located
17 on two parcels of property located along Red Mill
18 Road and at the Mill Court totaling approximately
19 43.12 acres, drawings dated June 2020.

20 MR. KEHOE: On that particular case, I
21 believe Carson would want to be promoted.

22 MR. MICHAEL PREZIOSI: Yes, just we have
23 a good turnout tonight, so it's going to take me
24 a couple minutes longer to get to the proper

1 March 2, 2021

2 individuals.

3 MR. KEHOE: And I think is Mr. Hoyna
4 still promoted, because his case has been taken
5 care of.

6 MR. PREZIOSI: Yes, I'm working on
7 removing him.

8 MR. KEHOE: Okay.

9 MR. CARSON WEINAND: Hello. This is
10 Carson. Can you hear me okay?

11 MR. KESSLER: Yes.

12 MR. WEINAND: Great. Good to see the
13 planning board. I'm happy to be back. Awesome. So
14 let's dig into this solar project. I have Matt
15 Regan, our environmental scientist from TRC with
16 me today. He was planning on sharing his screen
17 to walk through some slides. Is that possible?

18 MR. PREZIOSI: I do not see Matt on the
19 screen. Is he under a different name?

20 MR. MICHAEL CUNNINGHAM: He just raised
21 his hand. It was under Regan.

22 MR. PREZIOSI: Okay. That's why it went
23 to the chat.

24 MR. WEINAND: And voice for him as well.

1 March 2, 2021

2 MR. PREZIOSI: Sure, he's on.

3 MR. WEINAND: Great.

4 MR. REGAN: Okay. Can everyone see the
5 site?

6 MR. KESSLER: Yes.

7 MR. REGAN: Okay.

8 MR. WEINAND: Well, like I said, good to
9 be back in front of the planning board. Thanks
10 for hearing us tonight. I have a few slides at
11 the start of this presentation to review the
12 project, sort of refamiliarize the project with
13 the planning board, review some high level facts
14 and figures about the projects. We wanted to get
15 into discussing biodiversity for the site, what
16 biodiversity studies have already been performed
17 and then what we're proposing to do going
18 forward. So that's the key for tonight, is to
19 talk about biodiversity.

20 But first a few slides to talk about the
21 project, just bring everybody up to speed where
22 we stand with the project, if you can go to the
23 next slide, Matt.

24 Great. So this is the project timeline.

1 March 2, 2021

2 This brings us up to more or less today and then
3 even the next planning board meeting in April. So
4 we originally submitted an application in June
5 and we attended a meeting with the planning board
6 in July of 2020, we received comments. Or
7 following that, we attended a meeting with the
8 town board because we're seeking a special use
9 permit here. We wanted to review the project with
10 them, we sort of got a preliminary green light to
11 keep moving forward with the project after that
12 meeting and then we received some really good
13 comments from Michael Preziosi, from Chris Kehoe,
14 engineering comments and planning comments in
15 November. And we're currently working on a
16 resubmission in response to those comments. We
17 have an internal deadline to meet the March 24th
18 deadline to get on the April 4th agenda for the
19 planning board.

20 So that's where we currently stand with
21 the project. The purpose of tonight, as we're
22 working on wrapping up all the final studies and
23 working on this resubmission, we wanted to
24 address the biodiversity comment that came out of

1 March 2, 2021

2 the comments from last November. The town planner
3 -- the planning comments dated November 18th
4 requested the planning board to consider the need
5 for a biodiversity study. So the purpose of this
6 presentation is to discuss TRC's, our civil
7 engineer, our environmental engineer, their
8 proposed approach to addressing biodiversity on
9 the site.

10 You can go to the next slide. See, real
11 quick, this is the project, this is the system.
12 It's five megawatts AC, it's across two different
13 parcels, combined acreage of 43 acres. We're
14 disturbing roughly 20 acres. The solar array
15 itself is 12 acres and then there's about seven
16 acres of wetlands on the eastern portion of the
17 main parcel there, that we're not disturbing at
18 all. And that seven acres includes 100 foot
19 setback.

20 We've been working on this project since
21 late 2019, about a year and a half. It'll be
22 community solar and discounts -- the benefits
23 will be felt throughout the local community.
24 We'll be able to transfer discounts to local

1 March 2, 2021

2 individual utility bills once the project is
3 operational.

4 And the point of interconnection there
5 is off of Red Mill Road. You can see that in the
6 map there, on the northern edge of the site. Just
7 a quick refresher on the project. The next slide
8 is some technical details. There will be about
9 11,500 panels, that's the specific model of the
10 panel, Hanwha, it's a Korean manufacturer, 430
11 watt panel. We're using Sungrow inverters. There
12 will be 80 of these inverters located within the
13 storage containers. So there will be storage
14 coupled with this project. It's also a Sungrow
15 storage product. The product that Sungrow is
16 offering here, it's a single container for the
17 storage and inverter, 80 inverters will be within
18 the 20 storage containers.

19 And yeah, I wanted to just reiterate
20 there's very low noise coming from this
21 equipment. This inverter storage hybrid piece of
22 equipment from Sungrow, it's 64 decibels, it's
23 rated at 64 decibels from three feet away. So
24 that's equal to this conversation right now. This

1 March 2, 2021

2 conversation is roughly a 60 decibel
3 conversation. And that piece of equipment is
4 going to be 200, 250 feet away from the nearest
5 homes. So there shouldn't be any noise impacts
6 coming from this project.

7 Row spacing is seven feet in between
8 each row of panels and we recently have updated
9 the layout, redesigned the access roads to make
10 sure it complies with the local fire code. So we
11 now have a maximum hose pull distance of 150
12 feet. That means the furthest distance that maybe
13 a fire truck would draw their hose to a panel is
14 150 feet. So very, some great access the way we
15 updated the access roads.

16 But yeah, I don't want to get too bogged
17 down on this, just reiterating some of the
18 technical points. There's a couple other slides
19 and then we can start talking about biodiversity.

20 Visual impacts, we also feel are really
21 very limited at this site. We think it's a great
22 site for a solar farm from a visual standpoint.
23 It is not near any major roads. It is 1,200 feet
24 from Red Mill Road, it's over 2,000 feet from

1 March 2, 2021

2 Lexington Avenue. People will not be driving by
3 this site and seeing it. It's far removed, it's
4 secluded in the woods. And the abutters, the
5 residential homes nearby, it's also well removed
6 from those as well. So, on the northern edge,
7 about 220 feet near the nearest home, from the
8 southern and western borders, about 300 feet and
9 then on the eastern border, there's about over
10 1,500 feet before the nearest home.

11 So it's naturally secluded, naturally
12 well screened and we submitted a visual impact
13 assessment in June of 2020 with our initial
14 application and that was leaf on. It showed
15 limited impacts. We're currently updating this
16 VIA, this visual impact assessment for leaf off
17 in the winter. And we're also adding a handful of
18 other photo locations, closer to individual
19 homes, to fully capture the visual impacts. But
20 so far, we believe very limited visual impacts.

21 Some of the other benefits, one more
22 slide on the overview of the project, so CVE, we
23 think to the unique distinct advantage to every
24 solar project we develop, we are a long term

1 March 2, 2021

2 owner and operator of these assets. We are not a
3 flipper. We don't develop and then sell to
4 somebody else. We have a vested interest in these
5 projects for the next 30 years. So we want them
6 to have a meaningful impact upfront with each
7 project we develop, with each locality that we
8 work in.

9 And this project would be included in
10 our Green Initiative. And that means two things,
11 a couple things. One is we'll donate \$1 per panel
12 to a local organization, a local environmental
13 organization to help promote activities such as
14 tree planting, land and water conservation,
15 protection for local wildlife and maybe even some
16 education on sustainability. So we'd put together
17 an advisory board and we'd come up with some
18 organizations, some ideas where this money could
19 be put to good use. And then if that board would
20 vote on where to donate that money.

21 So a recent project, for example, a
22 recent project in Massachusetts, we donated
23 11,500 to the Acushnet Sawmill and those are the
24 tasks that they worked on with that 11,500.

1 March 2, 2021

2 Part of the Green Initiative is every
3 site that we develop also includes pollinator
4 friendly vegetation. Even though we are removing
5 a few trees on site, there will be very limited
6 impervious surfaces on site. Underneath the
7 panels will be what they call pollinator friendly
8 vegetation, essentially a bed of flowers and
9 grasses to nurture the local ecosystem onsite.
10 So, it'll have its own biodiversity right
11 underneath the panels, which is great.

12 And then, finally something specific to
13 this project, because of the number of trees
14 we're planning to remove, there will be a
15 sizeable contribution to the Cortlandt Tree Fund.
16 Based on the amount of mitigation we're able to
17 do upfront, we estimate that payment to be
18 \$500,000 to \$1,000,000 directly to the town.

19 So I think those few slides give us a
20 good sense of the project. I'll now turn it over
21 to Matt to talk about biodiversity. This was one
22 of the comments from the planning comments back
23 in April, back in November, and we just want to
24 make sure that everybody's aware of what's been

1 March 2, 2021

2 done so far on the site regarding biodiversity
3 and what CVE and TRC are now proposing. Thank
4 you.

5 MR. REGAN: Thank you, Carson. Hi,
6 everyone. My name is Matthew Regan. I'm an
7 environmental scientist with TRC. So we put
8 together a scope for our proposed approach to
9 addressing the biodiversity assessment. First, in
10 review of the site, we found that a biodiversity
11 assessment was already completed at the project
12 site in 2005 for a separate application. That was
13 PB 1305 for Kirquel Development, Ltd., for site
14 development and subdivision of residences at Mill
15 Court Crossing.

16 The biodiversity assessment was
17 completed by Steve Coleman of Environmental
18 Consulting, LLC. Target groups surveyed included
19 birds, amphibians and reptiles, mammals and
20 plants.

21 So what we propose to do is we propose
22 to do is we propose to draft a biodiversity
23 assessment report that will supplement the 2005
24 biodiversity assessment using information from

1 March 2, 2021

2 our wetland and stream delineation, our tree
3 inventory, as well as publicly available
4 information regarding environmental resources and
5 wildlife species known or reasonably likely to
6 occur at the project site. We propose to complete
7 a phase one Bog Turtle Survey and Vernal Pool
8 Survey as well.

9 So, I just wanted to go over the,
10 summarize the results of the 2005 biodiversity
11 assessment of the site. For breeding birds, a
12 total of 44 different bird species were observed,
13 ten of which were considered forest interior
14 species and 35 of which were summer resident
15 breeding bird species.

16 Amphibians and reptiles, a total of ten
17 species, broken down as seven amphibians and
18 three reptiles were observed. For mammals, a
19 total of 11 species were observed or evidence of
20 them was observed. And for plants, a total of 134
21 plant species were recorded.

22 So to interpret those results, the
23 biodiversity assessment, what they concluded,
24 what Steve Coleman concluded was that the project

1 March 2, 2021

2 site's ability to support populations of rare
3 environmentally sensitive forest interior
4 species, birds, had been compromised due to
5 surrounding land use.

6 In his observation, the total bird
7 species count was considered slightly below
8 average for the regional Westchester County. The
9 biodiversity habitat assessment also concluded
10 that most of the amphibian reptile species
11 observed were considered generalist species with
12 the exception of a wood frog and an eastern box
13 turtle.

14 They also concluded that all mammals
15 were common generalists adapted to disturbed and
16 fragmented habitats and that the project site was
17 considered to have relatively low plant
18 diversity.

19 So now, just to briefly summarize the
20 field surveys have been completed to date for
21 CVE, for the project, a wetland and stream
22 delineation was conducted by TRC on October 7,
23 2019 and November 1, 2019. TRC identified two
24 wetlands and one stream. Both wetlands coincide

1 March 2, 2021

2 with a DEC-mapped freshwater wetland. The town of
3 Cortlandt's environmental consultant, HVEA
4 Engineers, field verified the wetland delineation
5 on October 5, 2020. Minor adjustments were made
6 to the wetland delineation and these minor
7 adjustments will be incorporated into the project
8 site plans going forward.

9 So here's the results of the original
10 wetland delineation. This does largely coincide
11 with a DEC-mapped freshwater wetland. And we have
12 updated this map with HVEA's minor adjustments.
13 It was mostly at the northern end there, if you
14 can make out where flag number 26 and 27 are.
15 Those were where most of their adjustments were,
16 on that northern end.

17 MR. ROTHFEDER: Is that up towards
18 Lexington?

19 MR. REGAN: I'm sorry, can you repeat
20 that?

21 MR. ROTHFEDER: Is, where you said the
22 wetlands, is that up towards the Lexington
23 portion?

24 MR. REGAN: So that's on the portion of

1 March 2, 2021

2 the site, the eastern portion of the site. So
3 offsite to the east is Lexington Avenue.

4 MR. ROTHFEDER: Okay. Okay.

5 MR. REGAN: Okay. A preliminary tree
6 survey was conducted by TRC on May 28, 2020. And
7 a comprehensive tree inventory was conducted by
8 the town of Cortlandt's environmental consultant,
9 Barlett Tree Experts. The results of this tree
10 survey are being incorporated into CVA's project
11 plans.

12 So, TRC has also performed consultation
13 with the New York Natural Heritage Program, and
14 also received information from the U.S. Fish and
15 Wildlife Service, using their IPaC system.

16 Consultation with the New York Natural
17 Heritage Program indicated that there are no
18 records of state listed threatened or endangered
19 animals or plants or significant natural
20 communities at the project site or in its
21 immediate vicinity. Consultation with U.S. Fish
22 and Wildlife Service indicated the project site
23 may be within the vicinity of two listed species.

24 And because that the biodiversity

1 March 2, 2021

2 habitat assessment for the Kirquel property for
3 the residences at Red Mill Crossings were
4 conducted back in 2005 and that is obviously 16
5 years ago now, what we decided to do was to
6 actually look at how the site and surround
7 vicinity has changed in that period of time.

8 What we did was we used national land
9 cover database information from 2006 and the most
10 recently available information from 2016 to look
11 at land cover both at the site as well as in the
12 surrounding vicinity.

13 Land cover at the project site did not
14 change in this period of time. It is still
15 largely forested, almost completely forested. I
16 believe that there were just some errors on the
17 LCD data just because of pixel resolution. And
18 within a 2.5 mile radius of the project site,
19 forested land decreased by three percent and
20 developed land classes increased by three
21 percent. So within a ten year period, you're only
22 seeing a loss of three percent forestland and an
23 increase of three percent developed land.

24 MR. ROTHFEDER: May I ask, Matt?

1 March 2, 2021

2 MR. REGAN: Yes.

3 MR. ROTHFEDER: So you only went to 2016
4 on the surrounding area development.

5 MR. REGAN: Correct. This is the most
6 recently available information from the land
7 cover database. This is supplied by the U.S.
8 government. And so they periodically do update
9 it. Before this, the most recently available was
10 2011. So we actually could probably anticipate
11 that an updated one, this year actually. However,
12 for the purpose of this analysis, this is what we
13 have that's most available right now.

14 MR. ROTHFEDER: Is that, on the
15 Lexington portion, there has been development
16 over those years, and more recently additional
17 development along the Lexington north corridor.

18 MR. REGAN: And that would probably
19 contribute then to that three percent then.

20 MR. ROTHFEDER: I don't know, I guess I
21 kind of think about housing in the area, but I
22 know about the commercial developments on the
23 Yorktown side of Lexington, but within a stone's
24 throw of your property line.

1 March 2, 2021

2 MR. REGAN: Okay. And that's good to
3 know. And we'll definitely be mindful of that
4 moving forward. The project site has remained
5 undeveloped and therefore wildlife habitat at the
6 project site likely has remained the same since
7 2005. The land cover class still shows it as
8 forested. It has not changed. Based off of field
9 observations, I myself being the lead wetland
10 delineator, can confirm it's still forested land,
11 and still has the plant species that were
12 documented back in the 2005 tree survey as well
13 as the biodiversity assessment.

14 So based on observations made by us
15 during the delineation and preliminary tree
16 survey, the plants species and wildlife species
17 present at the site have not significantly
18 changed since the biodiversity habitat assessment
19 conducted in 2005.

20 Therefore, comprehensive field surveys
21 for birds, amphibians, reptiles, mammals and
22 plants conducted now would not offer any new
23 information that was not already collected in
24 2005. The planning board already has the baseline

1 March 2, 2021

2 inventory of biodiversity at the project site,
3 therefore comprehensive field surveys for these
4 taxa would be unnecessary.

5 However, we do recognize that in the
6 biodiversity habitat assessment in 2005, that it
7 was mentioned that the site could support
8 breeding populations of amphibians, and
9 therefore, we believe a bog turtle survey and
10 vernal pool surveys would be more appropriate
11 regarding field surveys for this site.

12 And that's my presentation, then, so,
13 thank you.

14 MR. WEINARD: Matt. Yeah, I think we're
15 making the argument that the 2005 biodiversity
16 assessment, those findings, that data is still
17 relevant today. There's no reason to suspect
18 biodiversity on the site has changed. We think
19 that was a good set of baseline data. And now
20 we're recommending to go perform a bog turtle
21 survey and a vernal pool survey to fill in some
22 of the gaps, some of the recommendations from the
23 initial survey in 2005.

24 We think we're supplementing what we

1 March 2, 2021

2 think is actually relevant and would add value to
3 the 2005 assessment.

4 MR. KIMMERLING: It's George. It seemed
5 from the presentation that your summary of Steve
6 Coleman's biodiversity assessment was that he
7 found that, I don't know how you would say it in
8 technical terms, but that it was kind of no big
9 deal. He didn't really find so much that would be
10 impacted and there was some stuff, but it didn't
11 really rise to a level of any real concern. I
12 hope I'm summarizing your summary adequately.

13 But when I look at the actual report and
14 specifically his page 13 summary and
15 recommendations, I came away with a very
16 different impression of his findings. So I'm just
17 curious about that because it seemed to me that
18 he was saying there actually was significant
19 biodiversity and that development in this area
20 would create forest fragmentation, that could
21 really impact the resident species, etc.

22 So, I just want to make sure we're both
23 talking about the same report and whether you
24 guys just saw it differently than I did. I don't

1 March 2, 2021

2 know how my colleagues on the board feel about
3 how you've summarized that 2005 report from
4 Steve.

5 MR. ROTHFEDER: Yeah, I somewhat agree
6 with George. I'm not focused on page 13, though I
7 have it in front of me, but --

8 MR. KESSLER: I would think that you
9 should get, see if Coleman could take another
10 look at this and say whether it needs to be
11 updated or not. It's been a long time.

12 MR. ROTHFEDER: Yeah, I agree. I mean
13 basically what you're saying is that in 15 years
14 nothing much has changed on this site, yet you
15 have 15 years where nothing has happened on the
16 site and things have continued to evolve on the
17 site.

18 MR. FOLEY: Yeah, I mean that's a long
19 period of time. I live in the area and I know
20 development that has occurred since then. And
21 with development structures, you have a corridor,
22 you know, wildlife corridors that somewhat
23 change. And I'm not sure what mammals, I know in
24 your report or your PowerPoint here, you

1 March 2, 2021

2 mentioned about mammals survey. Oh, that was in
3 2005. I would think there have been wildlife
4 changes for sure.

5 MR. KEHOE: Okay. Staff's
6 recommendation, obviously the Board knows Steve
7 Coleman and he's still around, still doing these
8 biodiversity studies. We've been in touch with
9 Steve, and you know, depending on how this
10 meeting went, he's prepared to come up with a
11 proposal, talk with staff, the applicants, the
12 Board and figure out the next steps if that's
13 what the planning board wants to do.

14 MR. WEINARD: Sure.

15 MR. PREZIOSI: Since TRC is a reputable
16 firm and they've done a lot of legwork on this
17 already, I would not object to Steve shadowing
18 and supplementing their reports as opposed to
19 preparing his own, so they work hand-in-hand as
20 opposed to having two separate and conflicting
21 reports, if the board can go along with that
22 recommendation.

23 MR. BIANCHI: I would agree to an update
24 to the report. I'm with you.

1 March 2, 2021

2 MR. FOLEY: So Steve --

3 MR. KIMMERLING: If the Board is going
4 to, if we are going to recommend an update, are
5 we going to recommend that Steve just take a
6 look. Are we going to recommend that Steve just
7 do the whole thing over again? Are we going to
8 ask him for his opinion as to whether it should
9 be redone? What would the --

10 MS. TAYLOR: Well, I thought that was
11 what we had, that was what staff had suggested,
12 that we need to find out from him whether or not
13 we need to just redo it or update it.

14 MR. KIMMERLING: Okay. That sounds
15 right.

16 MR. FOLEY: I would think that Steve
17 would have to return to the scene to do a site
18 survey, to some extent.

19 MR. KESSLER: Yeah, of course.

20 MR. FOLEY: That's what we mean,
21 correct, yeah.

22 MR. PREZIOSI: Right. But instead of
23 Steve writing his own report and preparing his
24 own biodiversity study, I think the onus of that

1 March 2, 2021

2 effort can be on TRC and Steve can supplement
3 that with field inspection and coordinating the
4 scope of the biodiversity study and the report
5 being prepared by TRC. So move Steve more into a
6 reviewing aspect as opposed to an individual
7 that's preparing a report from scratch.

8 MR. BIANCHI: Right.

9 MR. FOLEY: And Matt, did you yourself
10 walk the property? Yes.

11 MR. REGAN: Yes. Yes, I walked the
12 property and I was the lead wetland delineator.
13 So the wetland figure, those were all flags that
14 were hung by myself.

15 MR. FOLEY: Could we, staff, could we
16 get a copy of the PowerPoint that's on the
17 screen, or did we already get that sent Chris?

18 MR. KEHOE: No, but I'm sure Carson will
19 provide it. And I think that information is also
20 important to get to Steve Coleman.

21 MR. FOLEY: Yes. And --

22 MR. KIMMERLING: I mean to Mike's point,
23 I would prefer to hear from Steve first as to
24 whether he thinks that it's best for him to

1 March 2, 2021

2 simply shadow TRC versus performing his own
3 study. I mean I tend to be more comfortable with
4 the town consultant doing an independent review,
5 in whatever scope he thinks is necessary. But I
6 guess first I'd be interested to see what Steve
7 thinks about what the next right steps should be,
8 rather than recommending something for Steve to
9 do at this point.

10 MR. ROTHFEDER: Yeah, I agree. I don't
11 think we should skip the step. Let's let Steve
12 respond and then we can determine.

13 MR. KESSLER: What he's comfortable with
14 doing professionally, that's the question.

15 MR. ROTHFEDER: Yeah, exactly.

16 MR. KIMMERLING: Yeah, I think that's
17 right.

18 MR. FOLEY: So Steve then would get back
19 to us, or at least through staff.

20 MR. KEHOE: My expectation, you know,
21 we've already prepped Steve, so we'll have a
22 conversation with him immediately and hopefully
23 by the, I think it's the April 6th meeting, he
24 can attend that meeting and prior to his

1 March 2, 2021

2 attendance at that meeting, he will have drafted
3 something up for your review so we can all be on
4 the same page.

5 MS. TAYLOR: That sounds good.

6 MR. FOLEY: Knowing Steve, I would hope
7 that he visits the site, since it's been this
8 long, 15 years, 16 years. Before I take this, you
9 know, move this on if there's no other -- I have
10 a question on the PowerPoint, you mentioned about
11 in lieu of the trees that would be cut, two
12 things on that point, contribution to the town
13 for trees or to some environmentally oriented
14 organization. And you do mean local organization
15 as opposed to a wider spread. In other words, I
16 would like to see whatever contribution your
17 company does for the town that it be beneficial
18 to the area that's going to be impacted by --

19 MR. PREZIOSI: Yeah, the contribution
20 would have to be, you know, payment per the
21 prescribed fee schedule adopted by the town board
22 and/or offsite planting within the town of
23 Cortlandt on town property.

24 MR. FOLEY: Well, if there's offsite

1 March 2, 2021

2 planting, hopefully it would benefit a nearby
3 area rather than another part of town, nothing
4 against the other part of town. And also, you
5 mentioned an advisory board of local. I couldn't
6 catch it on the PowerPoint.

7 MR. WEINARD: Yep, so payment to the
8 town and then payment to a local agency are two
9 separate things. Payment to a local agency is
10 something we do on every project, \$1 per panel
11 that we install. There's probably going to be --
12 there's 11,500 panels roughly, yeah.

13 MR. FOLEY: There is a school within
14 sight, on the Yorktown side of Lexington. I don't
15 know if they have an environmental program. That
16 may be something to look into. And there's
17 another elementary school a little further away
18 off Route 6 that are in the general area. I like
19 to see stuff that is going to benefit the closer
20 in area that's going to be impacted. That's what
21 I'd like to see.

22 MR. WEINARD: Yeah. That'd be a great
23 place to start.

24 MR. FOLEY: Yeah, and then on your

1 March 2, 2021

2 advisory board, you mentioned local, you know,
3 professors, environmental, in other words, have
4 you already selected an advisory board? Are you
5 in consultation with our CAC?

6 MR. WEINARD: Not yet, not on this local
7 [unintelligible] [00:38:05], not yet.

8 MR. FOLEY: That would be a good idea. I
9 know for a fact that there are environmental, you
10 know, teachers, professors, whether it's in the
11 high school or nearby colleges, that live in the
12 general area. That may be worth looking into,
13 Chris. Again, I don't know whether this advisory
14 board would come from.

15 MR. KEHOE: Well, I think what Carson
16 was saying is his company has a board that
17 advises him.

18 MR. FOLEY: Oh.

19 MR. KEHOE: But then we would make sure
20 that what they come up with agreeable to --

21 MR. WEINARD: Yeah.

22 MR. KEHOE: -- both the planning board
23 and town board.

24 MR. FOLEY: Okay. I would like at least

1 March 2, 2021

2 someone from our CAC, if not the whole CAC and
3 then some other one or two environmental
4 scientists that live in the area and are familiar
5 with it.

6 MR. ROTHFEDER: This is making an
7 assumption that this project is approved. So we
8 should --

9 MS. TAYLOR: Yeah.

10 MR. ROTHFEDER: -- stick on where we are
11 right now. [laughter]

12 MR. FOLEY: Alright.

13 MS. TAYLOR: And frankly, I think at
14 this point, we probably need to curtail this
15 particular line of discussion. I think the
16 applicant understands that the Board really wants
17 to have Steve Coleman's input. We'd like to get a
18 recommendation from him by next meeting. And then
19 we'll see where we are and then move forward or
20 not.

21 MR. KEHOE: One thing that was discussed
22 at the work session that I don't think was
23 discussed is it's not just the Mill Court
24 property, it's also the adjacent Parr property,

1 March 2, 2021

2 which we've gone back and forth with Carson in
3 that their proposed construction access is
4 through there. And that maybe something that
5 based on the outcome an investigation changes. So
6 we've got to make sure that Steve looks at the
7 Parr property.

8 MR. FOLEY: That's what I was going to
9 mention [unintelligible] [00:39:59].

10 MR. WEINARD: Yeah, the biodiversity
11 from 2005 was done on, well, you're right. It
12 wasn't done on the Parr parcel.

13 MR. FOLEY: It did not include the 4.4 -
14 -

15 MR. WEINDARD: Yeah.

16 MR. BIANCHI: -- the adjacent Parr
17 property.

18 MR. WEINARD: It was the entirety of the
19 Kirquel main parcel here. But great, yeah, we can
20 talk to Steve and we can try to have something
21 prepared for the April 4th planning board
22 meeting.

23 MR. FOLEY: Alright. Should I make a
24 motion?

1 March 2, 2021

2 MS. TAYLOR: Please. Thank you.

3 MR. FOLEY: Bring this back to staff,
4 and for them to retain Steve Coleman to review
5 the submitted biodiversity materials, but also
6 see whether he has to do a site visit and
7 determine the scope of an additional biodiversity
8 study, which would include the adjacent Parr
9 Property.

10 MR. KIMMERLING: Second.

11 MS. TAYLOR: Thank you. On the question,
12 all in favor?

13 MULTIPLE: Aye.

14 MS. TAYLOR: Opposed? Okay. Very good.

15 MR. KEHOE: Thank you.

16 MS. TAYLOR: Did I hear someone say
17 something? Okay. We will move on then to the next
18 area of business, which is really new business,
19 PB 2021-1 is a referral from the town board for
20 the request of NRP Group, LLC. For a
21 recommendation to the Town Board on a proposed
22 zoning text amendment for a proposed 135-unit
23 active adult residential community to be located
24 at 119 Oregon Road, which is Colonial Terrace,

1 March 2, 2021

2 the Colonial Terrace. Is there someone there from
3 this application?

4 MR. PREZIOSI: Yes, I'm going to promote
5 I believe it's David Steinmetz, Brad Schwartz and
6 Matt Acocella from Divney Tung & Schwalbe, I mean
7 from Zarin & Steinmetz and then Jerry Schwalbe
8 from Divney Tung & Schwalbe.

9 MR. DAVID STEINMETZ: Good evening,
10 Madam Chair, and Michael, we do have several of
11 our clients, and if you could promote Miles
12 Monaghan, who will be speaking and presenting,
13 while I'm going my opening, that'd be great.

14 MR. PREZIOSI: You said Miles, David?

15 MR. STEINMETZ: Yes. Miles Monaghan.
16 Good evening, Madam Chair, members of the
17 planning board, good to see you all. Hope
18 everybody is well. Here this evening,
19 representing NRP, and while Michael's promoting,
20 we're going tonight by our clients Jonathan
21 Gertman, Miles Monaghan, and Nick Williams. I'm
22 pleased to be joined by Jerry Schwalbe and Matt
23 Steinberg from Divney Tung & Schwalbe and my
24 colleague, Matt Acocella.

1 March 2, 2021

2 While it actually doesn't seem like it
3 was a year ago, it was 11 months ago, Matt
4 Acocella and I were before you with regard to
5 Colonial Terrace, along with Jerry and Matt
6 Steinberg in April of 2020, when we were at the
7 beginning of the processing of a rezoning
8 application for Hawthorne Senior Living at the
9 Colonial Terrace site.

10 We had started a rezoning process in
11 front of the town board and we were referred to
12 your board, and you may all recall, we had one
13 substantive and somewhat meaningful conversation
14 with your board about that project.

15 That project terminated shortly
16 thereafter, having nothing to do with your
17 comments, and our clients, as a result of the
18 pandemic, financing and other concerns, withdrew
19 from their contractual obligations and moved on.

20 We're really pleased tonight that we are
21 back with regard to the redevelopment and
22 repurposing of Colonial Terrace and along with
23 NRP and their partner, St. Katherine Group. Most
24 of, many of you may not know, NRP, and they'll

1 March 2, 2021

2 speak for themselves in a moment, is a kind of
3 nationally renowned developer of a number of
4 projects, primarily residential. And they're
5 engaged currently in several substantial projects
6 in central and southern Westchester and several
7 of us were really pleased when Jonathan and his
8 team decided to begin exploring northern
9 Westchester and found this particular site.

10 Tonight, to be as brief as I can, we are
11 here, as you know, with regard to a rezoning
12 referral. The concept that we have presented to
13 the Town Board is for a 134 active adult, age
14 restricted mixed income, which we'll describe,
15 residential rentals.

16 So there are a lot of similarities to
17 the project that we presented a year ago, but
18 there are some differences and I think your board
19 will be quite pleased with the overall
20 affordability concept that NRP and their partners
21 are pursuing.

22 The site is in the CC zone, so much like
23 what Matt Acocella and I presented to the town a
24 year ago, there are some zoning text amendments

1 March 2, 2021

2 that are required in order to advance the
3 project. I'm going to let Miles describe the
4 project concept and NRP, but just briefly, I'm
5 aware that Mr. Kimmerling and maybe some others
6 were curious as to why we were pursuing this as a
7 text amendment rather than a variance of sorts in
8 front of the zoning board.

9 Much like the conversation that my
10 office had with the town attorney's office over a
11 year ago, we looked at the CC zone, we had a use
12 that we thought worked well on the property, but
13 it did not plug in directly to the CC zoning bulk
14 and use criteria. We met with the town attorney's
15 office. We did a pre-submission, informal work
16 session with the town board and the use was well
17 received by the town.

18 Having said that, we then had a choice
19 of either pursuing this in front of the zoning
20 board or actually adjusting your zoning to allow
21 this type of use within the zone. The
22 determination was made in conjunction with the
23 town attorney's office and the town board that we
24 would pursue a zoning petition. We filed a

1 March 2, 2021

2 rezoning petition with the Town Board. They have
3 accepted that. They are beginning to process that
4 and as you are all well aware, much like happened
5 a year ago, they are referring it to your board
6 under the town code and New York State Town Law
7 for a review and a recommendation.

8 So, tonight, Miles and Jerry have a
9 conceptual site plan that we're going to put
10 before you and we can talk about the project. We
11 really are here about a concept which is
12 introducing this type of multifamily residential
13 use on limited sites within the CC zone. This
14 particular one happens to be, as we all know,
15 next to Town Hall and it's got some tremendous
16 attributes, particularly for active adult seniors
17 in a more affordable context. We're really
18 excited about the product you're going to see.

19 So with no further intro, I'm going to
20 turn it over to Miles. We expected you to have an
21 even longer agenda tonight. I know you have
22 enough of an agenda. We're going to try to be as
23 efficient as we can be, but we're happy to answer
24 as many questions as you wish. Miles, if you'd

1 March 2, 2021

2 take us through the PowerPoint and hopefully
3 Chris and Michael Preziosi will allow you to get
4 that onscreen.

5 MR. MILES MONAGHAN: Thank you, David.
6 Let me just share my screen here, so folks can
7 see our presentation. Is everyone able to see our
8 presentation here?

9 MR. PREZIOSI: Yes.

10 MR. MONAGHAN: Excellent. Alright. Well,
11 thank you again, David and thank you to the
12 planning board for making some time for us this
13 evening. I'm Miles Monaghan, a developer with the
14 NRP Group. I'm excited to tell you a bit more
15 about our vision for Overlook Terrace, the
16 current Colonial Terrace property at 119 Oregon
17 Road.

18 So we'll keep it brief tonight, as I
19 know we'll be back with you in the coming weeks
20 and months ahead. Tonight we'll really just plan
21 to hit on these three items. First, context. So
22 this, what we feel is a terrific site for an
23 active adult community. There's an excellent mix
24 of complimentary uses in the area, and Oregon is

1 March 2, 2021

2 a primary thoroughfare that offers great
3 connection to local services and amenities.

4 We also understand there is tremendous
5 demand for rental housing options in the age
6 cohort 55+ adults. To satisfy this demand, we're
7 proposing a mixed income housing model that's
8 affordable to a range of different incomes. And
9 lastly, a really important point here is that
10 quality housing serving this market provides the
11 town an opportunity to diversify tax revenues
12 while limiting new demand on municipal services.

13 So zooming in, on this roughly two-and-
14 a-half mile stretch of Oregon Road is a grocery
15 store, Town Hall, three houses of worship, a
16 county club and the Morabito Senior Center, all
17 serviced by B-line bus 0016. So, and in addition
18 to this, not represented here is of course, you
19 know, within easy access downtown Peekskill and
20 the Hudson River, the shopping center on Route 7
21 and New York Presbyterian Hospital on Route 22,
22 or excuse me, Route 202. So again, we feel like
23 this is a contextual project that is really kind
24 of complimenting the existing uses.

1 March 2, 2021

2 I want to introduce the team as well
3 here, give you some background on the folks that
4 you are seeing in the meeting today. You heard
5 earlier from David Steinmetz. He'll be assisted
6 by Matt Acocella, who's also here, both of Zarin
7 & Steinmetz. They'll provide land use counsel to
8 us throughout the process. Matt Steinberg and
9 Jerry Schwalbe of Divney Tung Schwalbe are here
10 as well this evening, and they'll provide
11 planning and engineering services to ensure that
12 our plan is responsive and appropriate. Our
13 partner, St. Katherine Group, whose principal
14 Nick Williams is present with us tonight, will
15 provide local development experience with the
16 focus on sustainability and attention to detail
17 and finally, the NRP group represented this
18 evening by myself and vice president of
19 development Jonathan Gertman.

20 To give you a little bit more background
21 on the St. Katherine Group, they are a
22 Westchester based real estate development company
23 with operations in the U.K. and the U.S. The
24 principal, Nick Williams runs the business from

1 March 2, 2021

2 Port Chester, where the team focuses on
3 residential, mixed use and mixed income
4 development, largely in the county. St. Katherine
5 believes in thoughtful design, energy efficient
6 construction and careful consideration of the
7 communities in which they build.

8 The NRP Group, to give you a little bit
9 more background on us, we are a national
10 developer, builder and manager of best in class
11 multifamily rental housing. We build a variety of
12 housing types from developments for families
13 themselves to seniors, to active adults and we
14 currently build in the luxury, mixed income and
15 workforce housing sectors.

16 To date, we've built -- we've developed
17 and built over 40,000 units in 14 states and we
18 manage ourselves over 50 percent of that
19 portfolio. Much of this success really comes from
20 our ability to find the right local partners and
21 assemble a smart and responsive team. We
22 understand we must compliment our strength with
23 nimble partners that understand local processes,
24 markets and design aesthetics.

1 March 2, 2021

2 Here is a look at our some kind of
3 precedent images of our building interiors. As
4 you can see, we value craftsmanship and attention
5 to detail. As David mentioned earlier, we're
6 currently under construction on two pretty high
7 profile new developments in Westchester County,
8 1133 Westchester Avenue. It's along the kind of
9 287 corridor on White Plains. And that's 300,
10 just over 300 units of market rate housing. And
11 we have a development under construction as well
12 in New Rochelle that's 179 affordable and
13 workforce housing units, along with a state of
14 the art 20,000 square foot new Boys & Girls Club.
15 And that's long kind of the Lincoln Avenue
16 corridor, if you're familiar with New Rochelle.

17 So our proposal, we hope you agree that
18 this vision for the site meets the demand for
19 this type of option in the community while also
20 treating this site in a sensitive and contextual
21 manner. The development will feature 134 rental
22 housing units with an on-site management unit.
23 And we try to emphasize affordability and
24 accessibility in our work and we'll serve a mix

1 March 2, 2021

2 of incomes here, up to 80 percent of AMI. The
3 building itself is supposed to be three stories
4 and LEED certified for sustainability, 146
5 surface parking spaces will be provided, as you
6 can see around the development. Amenities will
7 include a fitness room, walking paths and
8 landscaped gardens and courtyards.

9 In addition, I wanted to highlight a
10 couple points on our site plan that we feel like
11 are unique and kind of compelling. First is the
12 preservation of the central entry drive. Second
13 is the dead ending of Donnelly Place for safer
14 traffic circulation. Third is the pedestrian
15 walkway to provide easy access to the bus route
16 along Oregon Road. And fourth is the closure of
17 the southern access into the Waterbury Manor
18 neighborhood. And lastly, fifth is just kind of
19 the overall site plan itself and our sensitivity
20 to the site with our efficient layout, we
21 preserve over 50 percent of the property as
22 landscaped permeable area.

23 And that really concludes the
24 presentation this evening. I wanted to open it up

1 March 2, 2021

2 for discussion, for question and answer. I'm
3 happy to answer any questions you guys have about
4 this. Thank you.

5 MR. STEINMETZ: Madam Chair, just to add
6 one quick brief comment, all we have really done
7 is filed with the town board the conceptual site
8 plan drawing or illustration that you've seen,
9 some proposed zoning language and most
10 importantly, a zoning petition that articulates
11 for the Town Board why we believe this proposed
12 use is consistent with Envision Cortlandt, the
13 town of Cortlandt, as you well know, the town of
14 Cortlandt's comprehensive plan, why we thought it
15 would fit into the area quite well and how we
16 thought the CC zone could be modestly modified to
17 allow the use.

18 That's all that's been submitted to the
19 Town Board. The Town Board declared its intent to
20 serve as lead agency and referred us out. And as
21 Miles just concluded, we're really here to answer
22 any questions that the planning board has.
23 Obviously, your task is to review and then make
24 some kind of recommendation back to the Town

1 March 2, 2021

2 Board. Our team, and most importantly, our
3 clients are hopeful that you'll find the project
4 to be beneficial to the town and the community
5 and endorse the notion of modifying the zone.

6 MR. CUNNINGHAM: David, just one
7 clarification point. I don't believe the Town
8 Board circulated its intent for the lead agency
9 yet.

10 MR. STEINMETZ: I'll stand corrected
11 Michael if I was wrong. I thought they had
12 declared their intent but you may well be right.
13 Are you certain of that Mike? Is that absolutely
14 clear?

15 MR. CUNNINGHAM: I'm pretty sure.

16 MR. STEINMETZ: I know our zoning
17 petition asked the Town Board to determine
18 whether it sought to serve as lead agency. What
19 it did after that, I can't speak to.

20 MR. CUNNINGHAM: Agreed. The zoning
21 petition definitely had that. I don't think the
22 Town Board has actually circulated it yet. I
23 think they're waiting on comments on the planning
24 board.

1 March 2, 2021

2 MS. TAYLOR: Well, the actual wording
3 here is petitioner respectfully requests that the
4 Town Board declare itself lead agency and conduct
5 a coordinated SEQR review of the proposed zoning
6 amendments of the project.

7 MR. STEINMETZ: Thank you, Madam Chair.
8 Yeah, I did think because it was a rezoning, we
9 did put that language in the petition, that's
10 correct.

11 MS. TAYLOR: Yeah.

12 MR. CUNNINGHAM: I think we're in
13 agreement on that point, that the applicant has
14 asked the Town Board to be lead agency but the
15 Town Board hasn't circulated it yet.

16 MR. BIANCHI: And Michael, if it
17 matters, can you -- is it likely they will be the
18 lead agency? It appears that --

19 MR. CUNNINGHAM: Well, I think it's
20 going to also depend on tonight's conversation
21 and what the Board's comments are.

22 MR. KESSLER: Just to be clear, you're
23 proposing all of this to be affordable?

24 MR. STEINMETZ: Yes. Miles, maybe you

1 March 2, 2021

2 want to speak to that briefly, because that is a
3 question. Steve, thank you for asking that. We
4 refer to it as mixed income and the reason is
5 because it's not pegged to the 80 percent AMI. It
6 actually drops below that. And you may not
7 recall, but I certainly do, that when we
8 culminated our meeting 11 months ago on the other
9 senior oriented project, the chair was
10 questioning our client about the affordability of
11 that particular product and I think it's one of
12 the reasons that attracted NRP to this site with
13 an affordable project, but I'll let Miles
14 explain.

15 MR. KESSLER: Let me just be clear. You
16 said the 80 percent is like a ceiling, floor,
17 however you want to call it. Anybody 80 percent
18 and below would be eligible to rent here. Is that
19 what you're saying?

20 MR. STEINMETZ: Correct. Miles, would
21 you like to elaborate?

22 MR. MONAGHAN: Yes. Steven, so that's
23 exactly right. there will be 100 percent of the
24 units at the development will be affordable to

1 March 2, 2021

2 households earning up to and below 80 percent of
3 AMI. There will be certain tiers within the
4 development where we will target specific AMIs at
5 different kind of levels, so between 30 or 40
6 percent of AMI at the low end, up to 80 percent
7 of AMI at the high end and then a range in the
8 middle. We'll be addressing certain percentages
9 of our units to target those households earning
10 different incomes.

11 MR. KESSLER: So let me make a
12 suggestion or just throw this out here. What if
13 the zoning amendment said it was allowed only
14 where affordable housing was to be built?

15 MR. STEINMETZ: Only, when you say,
16 Steve, when you say only where affordable housing
17 is to be built?

18 MR. KESSLER: That whatever you call
19 this, adult residential community --

20 MR. STEINMETZ: Active adult residential
21 community yes.

22 MR. KESSLER: -- is allowed in a CC zone
23 if it were built as affordable housing?

24 MR. STEINMETZ: So we would be, and I'll

1 March 2, 2021

2 allow Miles and Jonathan to chime in and disagree
3 with me if they feel otherwise. I believe on
4 behalf of my client and NRP, we would have
5 absolutely no objection to that at all. The
6 reason that my office drafted this in this
7 fashion was to allow the town to make that
8 decision, not my client.

9 So if the town decided that active
10 adults exceeding 80 percent AMI or regular market
11 rate active adults, that decision wasn't for NRP
12 to make for the town of Cortlandt. If the town of
13 Cortlandt wishes to pair it down, Miles, I see
14 you nodding, so I assume --

15 MR. MONAGHAN: Yeah, no, you're
16 absolutely right, David. I don't think that will
17 really interfere with the vision here.

18 MR. STEINMETZ: We're fine with that.
19 But again, with all due respect, I think it would
20 have been incredibly presumptuous of my firm --

21 MR. KESSLER: Okay.

22 MR. STEINMETZ: -- and my --

23 MR. KESSLER: No, I'm thinking of
24 potentially comments that we would give back to

1 March 2, 2021

2 the Town Board, but that's all.

3 MR. STEINMETZ: Got it. Noted, thank
4 you, Steven, yeah.

5 MR. BIANCHI: One of the possible
6 attractive points of this would be the
7 affordability and on your PowerPoint, you had a
8 figure there, a two person household, \$80,560
9 income. Did I read that correctly?

10 MR. MONAGHAN: Yeah, that's right. I can
11 pull it back up here. Yeah, 80,560 for a two-
12 person household.

13 MR. BIANCHI: Okay.

14 MR. KESSLER: That is 80 percent?

15 MR. MONAGHAN: That is what 80 percent
16 of AMI is in Westchester County for a two-person
17 household.

18 MR. KESSLER: Okay. So 100,000 is the
19 AMI?

20 MR. MONAGHAN: Exactly, roughly. It's a
21 little above that, but yes.

22 MR. KESSLER: I get that.

23 MR. KEHOE: That's the higher end of the
24 spectrum though, correct? You could be going down

1 March 2, 2021

2 to the 50 or 30 percent AMI.

3 MR. STEINMETZ: That is absolutely
4 correct, Chris.

5 MR. MONAGHAN: That's right. Yeah, there
6 will be units serving households earning much
7 less than this in the development

8 MR. STEINMETZ: Most people are
9 familiar, throughout Westchester with the concept
10 of 80 percent AMIs. So it's easier to present it
11 that way and then explain off of that number.

12 MR. KIMMERLING: In a project like this,
13 do you ever think about, as opposed to sort of
14 Westchester County has quite an array of incomes,
15 do you ever think about AMIs that are a little
16 more focused to a particular area like, for
17 example, the town of Cortlandt with the proximity
18 to Peekskill, I would imagine the AMI is a little
19 bit lower than the average AMI of Westchester
20 County all in. So I'm just curious about that,
21 how, or whether this could be more targeted to
22 the income that would be more relevant to the
23 folks in this area.

24 MR. STEINMETZ: I think, George, it's

1 March 2, 2021

2 one of the reasons why Jonathan and Miles decided
3 to target this below the 80 percent AMI. I think
4 the county would have been delighted with an 80
5 percent AMI project and they're even more pleased
6 with something that goes below it, for the
7 reasons you've articulated.

8 MR. KESSLER: And there are benefits
9 obviously to you guys by making this affordable,
10 from the county and such?

11 MR. STEINMETZ: Without question, yes.

12 MR. KESSLER: Okay. I just, I don't know
13 if you can answer this simple question. When you
14 look at the footprint of what you have here and
15 compare it to the footprint of the current
16 Colonial Terrace, is it 110 percent, 80 percent?
17 What is it?

18 MR. MONAGHAN: Sorry, Steve, can you
19 repeat that question?

20 MR. JERRY SCHWALBE: He's referring to
21 footprint, Miles.

22 MR. KESSLER: What is the footprint from
23 what you're proposing in terms of disturbed area
24 compared to what's currently there today?

1 March 2, 2021

2 MR. MONAGHAN: The building footprint,
3 or the total disturbed site area?

4 MR. KESSLER: Everything. What I'm
5 looking here in terms of the parking and the
6 building.

7 MR. MONAGHAN: That's a --

8 MR. SCHWALBE: Well, Miles, I might be
9 able to help a little.

10 MR. MONAGHAN: Yeah, Jerry, sure, that'd
11 be great.

12 MR. SCHWALBE: Yes, so the site Steven
13 is 8.7 acres total. The disturbance is about 7.5.
14 What's interesting is the impervious area
15 existing overwhelming is 2.3 acres. We're only
16 adding .2 acres more impervious. I don't have the
17 exact breakdown between pavement and building but
18 the impervious area is very close, you know.

19 MR. KESSLER: Okay. That's my question,
20 okay. Thank you.

21 MR. SCHWALBE: I can do it in stone
22 water runoff and that sort of stuff, it's really
23 going to be quite an improvement over what's
24 there now, obviously, because they don't have

1 March 2, 2021

2 anything there. And then if you add in the factor
3 that Miles mentioned about Donnelly Place, if we
4 remove some of that pavement there, you might
5 even be down to almost a no net gain, you know,
6 so it's good stuff, yeah.

7 MR. KESSLER: As far as the structure,
8 the footprint of buildings, it would be almost a
9 little more than the existing Colonial Terrace
10 Mansion?

11 MR. SCHWALBE: In the building
12 footprint, perhaps, yeah. But overall impervious
13 is very, very close.

14 MR. BIANCHI: Miles and David, this is
15 Tom. You mention in the petition that you're not
16 in the MOD district of course. But you do say
17 that you feel that this project will allow for a
18 continuum of care by centralizing medical
19 services and ancillary uses around the hospital.
20 What do you mean by that? Are there going to be
21 any on-site medical facilities --

22 MR. STEINMETZ: No, not at --

23 MR. BIANCHI: -- they could be taking
24 advantage of the nursing home across the street,

1 March 2, 2021

2 or what?

3 MR. STEINMETZ: No. I think that
4 reference was that's what the MOD was speaking
5 to. We were quoting from the MOD. I think what we
6 were trying to say here Tom was that the town has
7 certainly recognized the need for age niche type
8 housing and Envision Cortlandt and the MOD have
9 talked about the importance of Cortlandt having a
10 different housing type. This is kind of one of
11 the first, I guess it's not the only, but one of
12 the first age restricted projects that the town
13 has examined, and we do think it's consistent
14 with the town's comprehensive plan. There are no
15 medical uses. This is an apartment building for
16 folks who are 55 and over. There's no medical --

17 MR. BIANCHI: So it's got nothing to do
18 with the MOD district basically?

19 MR. STEINMETZ: Correct.

20 MR. BIANCHI: Other than providing age
21 related residential units?

22 MR. STEINMETZ: That's correct.

23 MR. FOLEY: So it would be similar in
24 our town, we approve Roundtop and Jacob's Hill,

1 March 2, 2021

2 similar to those, and then of course, in Yorktown
3 like Jefferson Village?

4 MR. STEINMETZ: Yes.

5 MR. FOLEY: Okay. I mean what's the
6 phrase they use in the real estate business?
7 Location, location, location, seems like an ideal
8 location with all the access, public
9 transportation, the road network and the appeal
10 of the affordability.

11 MR. STEINMETZ: Correct.

12 MR. KIMMERLING: On the specifics of the
13 parking, maybe this is really more a question for
14 staff, of parking, part of this proposed
15 amendment which is one space per dwelling unit,
16 is that consistent with similar kinds of
17 residential development of this type? It's one
18 space per unit? That's sort of standard in the
19 town.

20 MR. PREZIOSI: Yeah, I would default to
21 the Institute of Transportation Engineers parking
22 rates. We don't really have anything in our code
23 that currently meets this design. But these types
24 of facilities have a little bit more movement by

1 March 2, 2021

2 their residents as opposed to assisted senior or
3 independent living facility. So it should be
4 about right, but we'll double check it as the
5 process unfolds.

6 MR. KIMMERLING: So no staff, no parking
7 for staff or visitors? It's just one space?

8 MR. STEINMETZ: The visitor parking --

9 MR. MONAGHAN: Well, we've got, yeah,
10 we've got 135 units and 146 spaces, so we do have
11 surplus of 11 spaces that could be used for
12 management and visitors. And typically at a
13 development as this, not everyone is there at the
14 same time, and there wouldn't be reserved
15 parking, so folks could use residential spaces
16 that are unoccupied at that moment.

17 MR. STEINMETZ: And as Mike Preziosi
18 stated, we know during the SEQR process, we will
19 have to prove up, using the ITE and other comps,
20 that this works. Obviously, it's in NRP's
21 interest to make sure it works, because in order
22 to rent the units, they have to have adequate
23 parking to rent the units.

24 MR. KIMMERLING: But I would also think

1 March 2, 2021

2 you may have to have more handicapped parking
3 than you probably are considering here, which
4 would limit the number of spaces that are having.

5 MR. STEINMETZ: We'll definitely take a
6 look at that. I can't answer how many we have.
7 Jerry, I don't know if you or Miles can.

8 MR. SCHWALBE: It meets the code that's
9 required for this, but --

10 MR. KIMMERLING: Yeah, but is there a
11 code specifically for 55+ housing?

12 MR. SCHWALBE: The ITE would have some
13 recommendations perhaps on that. You know, we'd
14 have to look into it more, but.

15 MR. PREZIOSI: Typically, once you're
16 over 100 spaces, it's two percent of the total
17 number have to be ADA accessible. But Steve, your
18 point is well taken. But we'll work the ITE rates
19 out because our code is not very specific to this
20 type of development. But also at the same time,
21 it's more akin to more of a residential retail,
22 or residential apartment, so it's not typical of
23 assisted living facilities. It will be more
24 parking intensive.

1 March 2, 2021

2 MR. KIMMERLING: From my viewpoint, it
3 looks a little light on the parking. I'll just
4 make that comment.

5 MR. KEHOE: Well, and then, as you know,
6 the staff person that's got to organize the
7 thoughts maybe back to the Town Board, the
8 applicant did propose an actual part of their
9 text amendment that parking calculation. So a
10 comment could go back to the Town Board that they
11 may need to look at that to see if they're
12 satisfied with that parking calculation.

13 MR. KESSLER: Right, agreed. Absolutely.

14 MR. FOLEY: The main entrance in and out
15 is like the existing one to Oregon Road? What
16 we're seeing here?

17 MR. MONAGHAN: Yes.

18 MR. FOLEY: The tree lined entrance in
19 and out. Is there a side entrance over towards
20 the westerly side over there?

21 MR. STEINMETZ: Emergency access.

22 MR. FOLEY: Okay. Alright. Like that
23 other project.

24 MR. KESSLER: Right.

1 March 2, 2021

2 MR. STEINMETZ: And that was largely,
3 just so you all know, as a result of Jerry
4 Schwalbe and I encouraging the client to react to
5 what we had previously heard. I think the clients
6 are fine if you decided you wanted to see that as
7 an open second access, they're not going to
8 object to that. But we thought we would follow
9 the lead that we had gotten in the earlier
10 comments a year ago.

11 MR. FOLEY: And it's a three-story
12 building, which would be a little higher than
13 maybe the existing mansion that's there now?

14 MR. MONAGHAN: I believe it's a two-
15 story there, but Jerry, would you know?

16 MR. SCHWALBE: Well, you know, it's
17 hard, because that's mansion was built in
18 different pieces. But I think the front is pretty
19 high if you stand by the broken stairway, but the
20 back is lower, obviously, right, so, yeah.

21 MR. KESSLER: So Chris, how do we go
22 about formulating some comments back to the Town
23 Board here?

24 MS. TAYLOR: Well, before you do that,

1 March 2, 2021

2 let me just butt in and just say I'm really
3 appreciative of this particular kind of project,
4 which, you know, allows a mixed income
5 affordability. I think that all too often, things
6 are set up for either higher levels or income or
7 lower incomes and there's no sense that there's a
8 co-mingling. And I think this is probably an
9 interesting idea. I hope it works well if it gets
10 -- if it's approved.

11 The one thing I -- and I love the fact
12 that it's also LEED certified. The one thing that
13 always bothers me, and sometimes this is true in
14 very, very expensive situations, is that people
15 look out -- this is when they look out of their
16 homes, their apartments, if you're looking down
17 at a lot of cars, it's, to me, it's a little
18 depressing. And I think maybe, and I don't know
19 whether this is even possible, if the perimeter
20 of the buildings were lined with trees so that
21 when people look out or maybe even in the parking
22 lot, you know, little islands of trees or
23 something to look at, it makes the living a
24 little nicer, more enjoyable, you know, than

1 March 2, 2021

2 looking down all the time at hundreds of cars.

3 MR. SCHWALBE: That's a good point. I
4 think that could be looked at. I think there's
5 some flowering trees, smaller trees that are
6 lower, so you don't have to look into the trees,
7 looking down it.

8 MS. TAYLOR: Yes, it's nice. If you go
9 to the window and look out and there may be two
10 or three trees that you look at regularly, but
11 it's nice to be able to see the changes over the
12 seasons, how they're doing or whatever. For older
13 people especially, it adds something to their
14 life and their enjoyment of life. It's not just a
15 lot of cars all the time. You know what I'm
16 saying?

17 MR. SCHWALBE: Yeah.

18 MS. TAYLOR: I think that might be one
19 thing that if possible, you could think about
20 including in this kind of situation, it's really
21 nice.

22 MR. MONAGHAN: Thank you, Loretta, for
23 that comment. We'll definitely take that into
24 consideration. Again, we're really at the

1 March 2, 2021

2 conceptual stages here, so we've got to drill
3 down quite a bit and further on the design and
4 the plan here. And George, I just wanted to hit
5 your comment earlier on the affordability as
6 well. It's kind of the same thing, you know, the
7 same response to Loretta is that we're still
8 early stages, kind of conceptualizing the program
9 here, and I think you'll be excited about the
10 affordability as we further flush it out and
11 bring it back.

12 MS. TAYLOR: That'll certainly be nice,
13 I think so. Anyway, I'm sorry Steve, you wanted
14 to move to another area of discussion, how we're
15 going to --

16 MR. KESSLER: What do we do here, Chris?
17 What --

18 MR. KEHOE: Well, I think the timing is
19 such that you, I could draft up some comments
20 that you could discuss at your April meeting and
21 then get them to the Town Board in time for their
22 April meeting. It's not a case where I've got to
23 draft something and get it really quickly to the
24 Town Board. So if that's acceptable to everybody,

1 March 2, 2021

2 based on some affordability comments, some
3 parking comment, you know, I don't know if anyone
4 has any specific kind of thing. You know, Steve
5 talked maybe tying this to affordability. I'll
6 try to draft some things up and then they can be
7 reviewed at the next meeting. We have to clear up
8 the lead agency thing too, whether the Town Board
9 indeed wants to be lead agent.

10 MR. KIMMERLING: So I mean I could make
11 a motion that we refer this back to the staff for
12 Chris to draft that based on our discussion and
13 comments?

14 MR. BIANCHI: I have a final question.
15 Excuse me, before we do that. Are there any
16 historical aspects to this building that need to
17 be preserved?

18 MR. STEINMETZ: Well, Tom, I guess Miles
19 and I were remiss by not raising that. So,
20 there's nothing that's official in terms of
21 historical designation. However, our team and the
22 Town Board, we discussed this with the Town Board
23 as well. There's every intention of determining
24 what inside Colonial Terrace still warrants some

1 March 2, 2021

2 degree of preservation.

3 And in fact, when we made that inquiry,
4 the Drogy family shared with our clients there
5 are a number of artifacts and photographs
6 throughout the years that were located in the
7 basement. So, we intend, NRP intends to do some
8 kind of homage wall inside the building, paying
9 some attribute and acknowledgement to the
10 literally decades of parties and events and
11 fundraisers and things that have been there. But
12 there will be.

13 MR. KESSLER: Similar to what we did at
14 Hollow Brook Golf Club.

15 MR. BIANCHI: Yeah. But there's no need
16 or no possibility that you need to preserve any
17 of the outside façade of the building?

18 MR. STEINMETZ: No, although there is
19 the possibility of trying to incorporate some of
20 those elements into the final architecture. And
21 that's still, we're in the early phases.

22 MR. KEHOE: With respect to the
23 architecture, yes, you're in the early stages,
24 and you probably have some ideas and standards

1 March 2, 2021

2 that you use but there are certain shapes of the
3 building, the circle of the front portico, the
4 columns, I mean those are some things that should
5 be thought about as the design is fleshed out.

6 MR. FOLEY: Steve can you -- I mean
7 Chris, can you refer this also and make them
8 aware of the town's historic preservation
9 advisory committee? I'm on the separate
10 historical committee unrelated to the town and
11 we've done articles on this place. In fact, I
12 could send the Board one of the newsletter
13 articles over the last year. The columns were
14 discussed with the previous application and some
15 of the neighborhood people [unintelligible]
16 [01:17:18]. But yes, it's a familiar building.
17 That's here almost 50 years, more than 50 years.
18 And it's a mainstay, a hallmark in the area.

19 MR. KEHOE: Well, we'll definitely refer
20 it to the HRAC, but I think I might want to wait
21 until we actually have a formal planning board
22 application, so we can refer some additional
23 details.

24 MR. FOLEY: Yeah, we don't want to get

1 March 2, 2021

2 anything historical lost here.

3 MR. BIANCHI: I just think some
4 attention should be paid to the architectural
5 appearance of the building to maintain its sort
6 of stately look that it has right now.

7 MR. FOLEY: Yeah, maybe refer it also,
8 Chris to Art Clements maybe.

9 MR. KEHOE: Oh, yeah, he's definitely
10 one of the referrals.

11 MR. FOLEY: Okay. Thank you. I have one
12 last question before -- what Loretta was bringing
13 up about the view from possible residents' rooms,
14 two words, I lost them now, thinking of
15 aesthetics, salubrious with aesthetics, would
16 that be a good definition, [unintelligible]
17 [01:18:23] looking scenery.

18 MR. STEINMETZ: Understood.

19 MR. KIMMERLING: Are we ready for a
20 motion?

21 MS. TAYLOR: Yes, I think so.

22 MR. KIMMERLING: Okay, great, Madam
23 Chair, I move that we refer this back to staff
24 for drafting of comments that represent the

1 March 2, 2021

2 concerns raised in this conversation. We would
3 see that draft that would go to -- that draft for
4 the Town Board. I guess we would see that in the
5 next couple weeks before the April meeting?

6 MR. KEHOE: Yes.

7 MR. KIMMERLING: Okay.

8 MR. KESSLER: Second.

9 MS. TAYLOR: Alright. On the question,
10 all in favor?

11 MULTIPLE: Aye.

12 MS. TAYLOR: Opposed? Okay. Excellent.

13 MR. STEINMETZ: Thank you, thank you
14 very much.

15 MR. MONAGHAN: Thank you all.

16 MR. STEINMETZ: We look forward to
17 working with you on the application.

18 MS. TAYLOR: Thank you for the
19 presentation.

20 MR. MONAGHAN: I appreciate it.

21 MS. TAYLOR: Alright. So, we're moving
22 on to the second item under new business, which
23 is PB 2021-2, the application of Martin Stejskal,
24 AIA, of Architectural Visions on behalf of

1 March 2, 2021

2 Jacqueline Miller for approval of an accessory
3 apartment for property located at 58 Old Oregon
4 Road. The drawings are dated February 18, 2021.

5 MR. KESSLER: Madam Chair, I move we put
6 a public hearing on this application for April
7 6th.

8 MR. BIANCHI: Second.

9 MS. TAYLOR: Thank you. On the question?
10 All in favor?

11 MR. KEHOE: I don't think we have to
12 have any presentation from Marty. I just want to
13 make sure that that's okay. I mean, you know,
14 it's an existing apartment, we'll have to review
15 the drawings, all the calculations and then
16 obviously the public hearing is fine for next
17 month. Mike he's not looking to get promoted?

18 MR. PREZIOSI: I did promote him, I just
19 don't know where he went. He went into the abyss.

20 MS. TAYLOR: Well I mean what it is, you
21 can communicate that to him later, tomorrow.

22 MR. KESSLER: Okay. Before, also in the
23 motion, should we have a resolution prepared
24 Chris, or not?

1 March 2, 2021

2 MR. KEHOE: I can have one prepared,
3 depending on how it goes.

4 MR. KESSLER: Okay.

5 MR. KEHOE: So I'll have one in
6 abeyance.

7 MR. KESSLER: Okay. So I'll amend that
8 to include that as well.

9 MS. TAYLOR: Okay. So that's within a
10 proving resolution.

11 MR. KESSLER: Right.

12 MS. TAYLOR: Okay.

13 MR. KESSLER: Just in case.

14 MS. TAYLOR: Alright. So, I was on the
15 question, all in favor?

16 MULTIPLE: Aye.

17 MS. TAYLOR: Opposed. Alright, very
18 good. Moving along. Now we're at the public
19 hearings adjourned from prior meetings. The first
20 one, excuse me, is the public hearing for the
21 application of Cortlandt CSG, LLC, for the
22 property of 202 Cortlandt LLC for Site
23 Development Plan approval and a Special Permit
24 and for Tree Removal and Steep Slope permits for

1 March 2, 2021

2 a proposed 2.3 MW community solar powered system
3 located on approximately 33.86-acre parcel of
4 property located on the north side of Route 202,
5 west of Lexington Avenue. The latest drawings are
6 dated December 21, 2020.

7 MR. KIERAN SIAO: Alright, great. Good
8 evening, Chairperson Taylor and the rest of the
9 board. Thank you for having us back tonight. My
10 name is Kieran Siao, I'm a project development
11 manager with Dimension Energy. On the line with
12 me tonight, I have Brad Schwartz from Zarin and
13 Steinmetz, as well as Kevin Jamieson from
14 Colliers Engineering, formerly known as Maser
15 Consulting, who is serving as our ecological and
16 biological consultant.

17 As mentioned, we're proposing to develop
18 a 2.3 MW DC 2.1 MW AC community solar project on
19 a 34-acre property located on Lexington Avenue
20 between Dyckman Road and Crompond Road. Since our
21 last meeting in February, we've made a couple
22 updates on the project that we want to share with
23 you tonight. The first is regarding our
24 biodiversity field assessments.

1 March 2, 2021

2 Since our last meeting, Kevin has taken
3 another look at the proposed scope for the
4 assessments, based on the feedback provided by
5 the planning board. We've had a couple of
6 discussions with Dan Biggs from Weston & Sampson,
7 the town's biological consultant, and we've
8 provided a revised scope, which Kevin will be
9 talking through tonight.

10 After that, we also provided a visual
11 simulation and some related deliverables that
12 were performed by one of our other consultants,
13 C&S Companies, I'm happy to walk through those
14 and talk through those updates and the work that
15 the consultant did onsite.

16 And then finally, I know in our cover
17 letter, we included some requests that the
18 planning board consider around scheduling, I'm
19 happy to talk through those at the end of the
20 biodiversity section, to kind of give an idea of
21 what we're envisioning for next steps on this
22 project. So with that, I'll turn it over to Kevin
23 to provide an update on the biodiversity
24 assessment.

1 March 2, 2021

2 MR. PREZIOSI: Kevin, you've been
3 promoted to panelist. Just unmute yourself and
4 you can share the screen if you have a
5 presentation.

6 MR. KEVIN JAMIESON: Okay. There we go,
7 sorry about that. So, thank you for having us
8 back. What we did is we looked at the
9 biodiversity assessment scope that we presented
10 to the planning board during the last meeting and
11 we appreciate the comments provided by the
12 planning board and some of the concerns mentioned
13 and we took those into account and revised the
14 scope of work that we're proposing for the
15 biodiversity assessment. And Kieran indicated, we
16 also took into account some comments provided by
17 Daniel Biggs, the town -- consultant to the town.

18 A lot of the, some of the items in the
19 biodiversity scope remain the same. They're going
20 to be fundamental to any biodiversity scope that
21 is presented before the town such as review of
22 background information, a field assessment
23 component, production of a report, etc. So I just
24 wanted to highlight the main primary items that

1 March 2, 2021

2 were revised and more so, added to the
3 biodiversity scope since the last meeting.

4 The primary changes would include we
5 eliminated the arbitrary, I guess, limits of the
6 study where we indicated it would be the project
7 site itself and 50 feet around the project site.
8 We opened it up for the biodiversity assessment
9 to contemplate the whole entire property, but to
10 concentrate on the more immediate impact areas
11 associated with the limit of disturbance and any
12 adjacent habitats that may have some type of
13 transitional interconnection relatedness to the
14 area of disturbance itself.

15 And exactly where those limits are
16 defined and the biodiversity assessment is
17 somewhat being discretionary on the consultant
18 performing the review, the field review, the
19 field assessment if you will. But basically,
20 where we have it now is that it'll include an
21 overview of the subject parcel, but we will be
22 concentrating on the actual limit of disturbance
23 and adjacent, immediately adjacent habitats.

24 MR. ROTHFEDER: What's the difference

1 March 2, 2021

2 between that and what you brought last month?

3 MR. JAMIESON: What we had last month,
4 we picked an actual distance surrounding the
5 limit of disturbance and I think a couple of
6 comments from the Board were what is the
7 significance of that 50-foot distance around the
8 site, and we understand that concern. And quite
9 frankly, until you're doing the biodiversity
10 assessment you might not know whether or not 50
11 feet has any significance to the assessment that
12 you're performing in the field. You're going to
13 base that on what you're actually seeing at that
14 time. So this allows for a little bit more
15 flexibility that again, the whole entire site
16 could be looked at as an overview.

17 We still want to concentrate on limit of
18 disturbance because that's where your direct
19 impacts are going to be. But also understanding
20 there could be some impacts to immediately
21 adjacent habitats, the limits of which we don't
22 know where those immediate adjacent habitats are
23 exactly, what those habitats are comprised of. So
24 we wanted to allow that flexibility, to look at

1 March 2, 2021

2 those adjacent habitats as well, to maybe
3 identify what some potential related impact could
4 be.

5 MR. ROTHFEDER: Yeah, but if we're
6 supposed to approve a scope and you're saying
7 then that the scope will be determined once
8 you're out there, that takes away our approving
9 authority. Why don't you just do the whole site?

10 MR. JAMIESON: Understood. We're not
11 actually saying that the scope will be defined
12 when we're out there. We're just, we're saying
13 adjacent habitats that are deemed, you know,
14 connected to the limited disturbance. So for
15 instance --

16 MR. SIAO: I was just going to say, in
17 other words, we're making sure we're capturing
18 those transitional areas regardless of whether
19 that extends 50 feet past our limited disturbance
20 or 100 feet past our limited disturbance to make
21 sure those adjoining areas where we could be
22 talking about like the, you know, local migration
23 of species is captured on the site. So, it's not
24 as if the planning board is not approving the

1 March 2, 2021

2 scope. Certainly, you're approving the scope, but
3 we are just talking about identifying what's
4 actually in the field and what actually makes
5 sense in the field and what are those surrounding
6 transitional habitats, as opposed to defining
7 some number that doesn't actually make sense in
8 reality.

9 MR. ROTHFEDER: Why can't we just say we
10 approve the scope of the whole site and when you
11 come back, if there are issues that you couldn't
12 get to some place or there's obvious, the same
13 thing, or whatever your issues are in the field,
14 you come back and when you give us the report,
15 you say we did this much because we didn't feel
16 like we had to do this. So something like that. I
17 mean why are you limiting it now as opposed to
18 telling us later what you've seen out in the
19 field.

20 I mean we may want to produce -- I would
21 prefer that you just do the whole site. If you
22 came back and had some reason later on said why
23 we couldn't do a particular piece, I would be
24 reasonable about that. But I don't know why we're

1 March 2, 2021

2 limiting it upfront, as opposed to, you know,
3 limiting it later when you've already seen what's
4 out there.

5 MR. JAMIESON: Understood. And I think
6 the intent is that the value of the biodiversity
7 assessment is going to be presumably higher,
8 where the closer you are to the impact area. So,
9 I think it's more of a guideline for whoever is
10 doing a biodiversity assessment is don't spend
11 the entire day of the northwest corner of the
12 property furthest away from the limit of
13 disturbance, you know, focus your efforts where
14 the most probably impact would be, if that makes
15 sense. So I understand. Maybe it's, it could be a
16 wording thing here, you know.

17 MR. ROTHFEDER: Yeah, no, I understand
18 what you're saying. You're absolutely right, but
19 we do want to know about the whole site and I
20 guess our consultant is here too. He can address
21 this issue when he comes on as well. But that
22 would be my preference.

23 MR. JAMIESON: Okay. So that was the
24 first item. The second item was the timing. So

1 March 2, 2021

2 we, in the original scope, we skewed the field
3 assessment component of the biodiversity
4 assessment to the earlier in the season, you
5 know, early to mid-spring. Under the current
6 revised scope, we are still including a
7 springtime field assessment site survey but also
8 a mid-April, or I'm sorry, June, extending the
9 field component into June to capture a greater
10 number of species.

11 So we have the spring and kind of late
12 spring into the summer season by proposing April
13 and June as the survey dates. There's going to
14 be, obviously with weather conditions or
15 seasonality for any particular year, there could
16 be some slight sliding of those dates based on
17 site conditions, but the target would be to
18 perform a site assessment in mid-April to capture
19 most of your breeding amphibians and then in
20 June, to capture breeding birds and different
21 flowing plants beyond the tree survey that was
22 done on the property.

23 And item number three is maybe a little
24 more minor as compared to the other two that we

1 March 2, 2021

2 just mentioned. But we just incorporated that the
3 consultant would utilize information prepared to
4 date by the applicant's consultant, which would
5 include the biodiversity technical memorandum
6 that was before the Board before, which had some
7 background info and some site-specific
8 information mostly gathered by desktop. And it
9 would also include items such as like the wetland
10 delineation and tree survey. So, happy to answer
11 any questions related to that or if Dan, if
12 you're on the line, if you wanted to chime in on
13 anything.

14 MR. PREZIOSI: The town of Cortlandt's
15 consultant, Daniel Biggs from Weston & Sampson is
16 on the call. The last meeting was a little
17 confusing as to who our consultant was, so Dan is
18 on. He'll introduce himself and go over the scope
19 of the biodiversity study and summarize our past
20 conversations with the applicant.

21 MR. DANIEL BIGGS: Thanks, Mike. Can
22 everyone hear me alright? I have a new headpiece,
23 so I feel like I work at McDonald's sometimes,
24 but it tends to work where people can hear me

1 March 2, 2021

2 better. Thank you all. As Kieran and Kevin have
3 discussed, we've been kind of going over the
4 scope that they proposed viewing it. You know,
5 one of the bigger changes was the periods of the
6 field investigation. We want to make sure that we
7 had two times to go into the field to capture two
8 different times, two different seasons more or
9 less, for the amphibians early on, making sure
10 our second visit was late enough to capture the
11 vegetation and our breeding birds period.
12 Otherwise, if they're too close together, we'd
13 likely be seeing similar species and not
14 capturing that later spring period for the
15 assessment.

16 MR. ROTHFEDER: What about the question
17 about the scope?

18 MR. BIGGS: Yes, so the scope, we
19 talked, you know, internally just on the scope
20 and one thing we want to do is make sure that our
21 timing, or our time in the field, that we're
22 effectively spending our time in the field. So,
23 with those two visits, we completely agree that
24 we need to look at the entire site to have a

1 March 2, 2021

2 broad scope and perspective on all the varying
3 habitats.

4 And as Kevin mentioned, we want to make
5 sure that one, we're identifying potential
6 impacts to habitats in the immediate vicinity of
7 this development area, but also those that are
8 going to be connected. For example, water flowing
9 down the hill to the lower wetland areas, we want
10 to make sure that we're capturing those
11 transitional spaces or those habitats that are on
12 the fringe and that would be impacted potentially
13 by this upslope development area.

14 So really want to focus in and have a
15 really good perspective on what is merely
16 happening to habitat and those merely affected or
17 potentially affected in the vicinity around. So,
18 as Kevin mentioned, I didn't want to have a 50
19 foot buffer that we would just be held to that
20 limit. I don't think that's right. I think that
21 having that flexibility just saying as we are
22 moving beyond the limits of disturbance, we would
23 know that this habitat is continuing and then
24 transitioning into another space and just using

1 March 2, 2021

2 our specialization of knowing whether we're
3 looking at the burrowing species or at
4 amphibians, of their travel areas and how would
5 they be accommodated in these different habitats,
6 what makes most sense to inform us on the
7 potential of either impacts or preservation of
8 these different species. That was where the --

9 MR. ROTHFEDER: Right. No, that's
10 totally understandable. And it almost feels like
11 a matter of semantics, but you know, obviously,
12 when we approve a scope, we're not out there with
13 you, you're the specialists and so you have to
14 make decisions in the field. That's fine. We just
15 don't want to limit it up front, make your best
16 decisions that you can and then report to us.

17 MR. BIGGS: Yes, exactly. And as the
18 town's consultant, we're looking to spend our
19 time wisely and to inform you all as to what is
20 the right decision, what is the best decision for
21 the town. So that's why we want to make sure that
22 we're focusing on these habitat areas and the
23 transitional habitats that potentially could be
24 affected or impacted as a result of this project.

1 March 2, 2021

2 MR. ROTHFEDER: Right.

3 MR. SIAO: So with that additional
4 clarification, is the Board at a point where
5 they're comfortable to release Dan to start
6 working on its assessment once the weather is
7 ideal for that first visit?

8 MR. KIMMERLING: So just to clarify, the
9 memorandum that we have, right, dated February
10 23rd from Kevin, is that Daniel's opinion of what
11 the scope should be?

12 MR. SIAO: Yes. So since our last
13 meeting, we took the feedback provided by the
14 board, Kevin led the revision of the scope after
15 a call we had with Dan and Mike and Chris. We
16 integrated those comments into the most recent
17 biodiversity scope document that the planning
18 board has and Dan saw a copy before it was
19 submitted back to town.

20 MR. KIMMERLING: Okay.

21 MR. SIAO: So from our perspective, both
22 consultants are aligned on the proposed scope.

23 MR. KIMMERLING: Okay. Thank you.

24 MR. SIAO: Okay, great. If we're now

1 March 2, 2021

2 aligned on the actual methodology of the work, I
3 wanted to take a quick moment to talk through
4 scheduling here, you know, points we laid out in
5 our cover letter. So, you know, as Kevin and Dan
6 laid out, one change in the biodiversity
7 [unintelligible] [01:38:28] from last month is
8 that we slightly elongated the period of those
9 field studies. Previously it was April and May,
10 now it's April and June. And we understand the
11 reasoning for that, given the species or
12 potential for species on site. We want to make
13 sure we're going to the site at those times.

14 But obviously that does delay the
15 schedule slightly. And so we are not -- let me
16 say this, we're not to put the Board in a
17 position where they feel rushed on making a
18 decision. But we are asking that the Board start
19 to take steps so that administratively, we are
20 organized to issue a SEQR negative declaration in
21 July if all questions regarding the biodiversity
22 study have been answered.

23 So what we're proposing here is that
24 given that Dan's fieldwork is broken up into two

1 March 2, 2021

2 sections, April and June, he'll complete the work
3 in April, and then we will come back to the
4 planning board in May and provide a -- rather I
5 should say May or June and provide an interim
6 update of that first round of fieldwork. And in
7 that meeting, we would request the planning board
8 authorize staff to start prepping a resolution of
9 SEQR negative declaration to have prepared for
10 consideration in the July meeting.

11 And then that will allow Dan to go back
12 in June, perform his second round of field study,
13 finish the report and make a second presentation
14 at the July meeting. And if all goes according to
15 plan, and we are in agreement that this project
16 poses no impacts to wildlife, that SEQR negative
17 resolution will be ready to be voted on at that
18 July meeting.

19 And the reason we're looking to do this,
20 as Chris mentioned in the work session, of course
21 the planning board breaks for August, so if that
22 is not done in June, or rather in July, the next
23 time the town planning board will be able to vote
24 on the SEQR neg dec would be not until September.

1 March 2, 2021

2 So we think this July vote would create
3 efficiency that will allow us to go to the Town
4 Board in August for a special use permit and then
5 back to the planning board in September when your
6 meetings resume after your summer break.

7 So, obviously, we're still a couple
8 months away from that, but that is just something
9 we wanted to put out there now for consideration
10 by the Board as Dan continues to, or starts to
11 perform this work. Any questions regarding that
12 proposed timing?

13 MR. KIMMERLING: Just a question for
14 staff, from Michael. Would that process be
15 unusual in terms of the process for directing the
16 drafting of a neg dec? Or is that something that
17 the planning board has done in the past? I'm just
18 curious how this stacks up against other perhaps
19 similar situations. Has this ever been done
20 before by us?

21 MR. CUNNINGHAM: The answer to your
22 question is both yes and no, so generally you
23 have a neg dec when you're offering the
24 resolution. But this process was actually used

1 March 2, 2021

2 for the other solar development on Croton Avenue.
3 So there's precedent for this and it makes sense,
4 given that the Town Board also has special permit
5 approval authority. And they wouldn't be able to
6 issue a special permit until the planning board
7 acts.

8 MR. KIMMERLING: Right. The Croton
9 Avenue was also the proposed site for that large
10 scale development right. And so there have been a
11 lot of work done on that property. Is that the
12 property you're talking about?

13 MR. CUNNINGHAM: Yes.

14 MR. KIMMERLING: Right. But in this
15 case, this would be the first development
16 proposal for this property, right. We're not
17 building on other information that we had from a
18 prior proposal.

19 MR. CUNNINGHAM: I think that's
20 accurate. Right, I don't know of any prior
21 proposal where this happened.

22 MR. KIMMERLING: Okay. Thanks.

23 MR. ROTHFEDER: I'm not sure why we have
24 to decide that now though. I mean that --

1 March 2, 2021

2 MR. KEHOE: That's what I was going to
3 say, Jeff. No decisions, he's just laying it out
4 there.

5 MR. ROTHFEDER: Okay.

6 MR. KEHOE: And it all depends on the
7 fieldwork, how they're doing in April, what their
8 interim report is. But I think the other thing
9 and we've talked about biodiversity, I guess
10 we're going to get to visual, but we really
11 haven't tied up the tree issue yet. There's a lot
12 of discussion that needs to be wrapped up about.

13 MR. BRAD SCHWARTZ: Hey, Jeff, we're not
14 asking for any approval or decisions tonight on
15 this schedule. We just wanted to foreshadow the
16 way we projected it in the months ahead, trying
17 to work backwards from [unintelligible]
18 [01:42:57] the neg dec in July, recognizing the
19 lack of an August meeting. So, it was just laying
20 the groundwork, planting the seed and we can
21 revisit that when we come back in May with the
22 [unintelligible] [01:43:07] report.

23 MR. ROTHFEDER: With the report, right,
24 yeah. The first report, yeah, I think that's when

1 March 2, 2021

2 we could know where we stand at that point.

3 MR. SIAO: Great. If there are no other
4 questions on the biodiversity assessment, I'm
5 happy to turn over to the visual simulations.

6 Okay. Great. I'm happy to share my screen.

7 Alright, let me know when you can see my .PDF.

8 MR. PREZIOSI: We've got it.

9 MR. SIAO: So, to kind of recap the
10 discussion from last month, we consulted a
11 contractor, C&S Companies to perform a visual
12 simulation. At the last month, the planning board
13 reviewed the site and we identified seven
14 locations where the visual assessment would take
15 place. And we decided on these seven sites here.
16 So two along Lexington Avenue, one at our site
17 entrance, one further up the road, one at the
18 parcel boundary for the Dyckman Road properties,
19 two on the Baron De Hirsch property property
20 lines, one additionally along Baron De Hirsch but
21 along the road itself at the southwest corner of
22 the existing natural gas right of way, and
23 finally number seven is far south of the project,
24 along Crompond Road at edge of pavement.

1 March 2, 2021

2 So once this was approved, our
3 consultant did a couple of things. They visited
4 the site in mid-February, they were out there
5 February 9th. They took several photos from these
6 vantage points and other areas on site, you know,
7 in order to get an idea of the limits of the
8 disturbance and the limits of the footprint for
9 the project. They used the CAD file from our site
10 plans, you know, kind of like a reverse survey
11 where they had the data, the spatial data onsite,
12 and they marked the limits of both the limit of
13 disturbance and the footprint using markers on
14 site, which were, they used indicators in the
15 photos they took.

16 Once they had those photos, they went
17 back to the office and they generated a handful
18 of deliverables. The first thing they did was
19 they created a 3D rendering of the project site,
20 effectively a model of the project that could be
21 seen from like an aerial view, as well as from
22 each of these vantage points. So basically, they
23 created a rendering that shows the forest cover
24 on site, and then what it would look like during

1 March 2, 2021

2 springtime conditions after the project is built.

3 Those are not directly based on the
4 photos because obviously, we're now in springtime
5 conditions. But this creates a 3D model to give
6 an idea from. And then they used the photos
7 themselves, which show leaf off winter
8 conditions, and they created a series of photo
9 simulations. So essentially, they created
10 Photoshops that show what the project will look
11 like once it's constructed from these vantage
12 points, using those markers, those location
13 indicators that they included on site to show
14 where our fence line would be, where our limited
15 disturbance would be and what this would look
16 like from each of those vantage points in winter
17 conditions when the site is most visible and the
18 trees are leaf off.

19 And then finally, the last thing they
20 did was they put together a series of say
21 profile analyses that take the elevation of each
22 of these vantage points and show the change in
23 topography to the panels, to show the elevation
24 change, which helps inform the visual

1 March 2, 2021

2 simulations.

3 So, the first thing I'm happy to show
4 here is the rendering. This is their existing
5 conditions page. And I recognize this is kind of
6 confusing to look at without context. I'm going
7 to split the screen so we can show the Google
8 Earth aerial of the site very quickly here. Can
9 everybody see the split screen with the .PDF and
10 the Google Earth? No? Okay.

11 MR. BIANCHI: No, we just see the .PDF.

12 MR. SIAO: Okay. Perhaps there's an
13 issue with the share screen. Alright. So,
14 regardless, this block of trees you see in the
15 top half of the photo, this is essentially the
16 northern portion of the property, the forested
17 area. This break in the trees here is the natural
18 gas right of way and then you see some of the
19 trees on the southern half of the property.

20 So for orientation, this road you see
21 right here is Lexington Avenue. Up here, this is
22 Baron De Hirsch, I'm sorry, Dyckman Road, and
23 then the Baron De Hirsch properties are over here
24 in the in the upper left hand corner. So this is

1 March 2, 2021

2 the 3D model of the site that they created.

3 Again, this is [unintelligible] [01:47:38]
4 condition to show current trees, and then on the
5 next page, we show springtime conditions once the
6 array is built. So this is the 3D rendering.

7 I think this is really important because
8 it provides this bird's eye view so we understand
9 the site in the context of the whole property,
10 whereas I think we tend to get lost in the
11 specific vantage points of the visual simulation.
12 This gives us the macro view.

13 And what I want to highlight here, of
14 course the conversations surrounding this project
15 have been about the trees we're removing onsite.
16 But, you know, something that we have mentioned
17 from the beginning is not only the trees we're
18 removing, but the trees we're leaving in place.
19 So you see all these trees that are on the
20 perimeter of the site are existing and we are
21 leaving them in place to serve as vegetative
22 buffer for the project.

23 That was one of the reasons we were
24 initially drawn to the site, not only because it

1 March 2, 2021

2 had proximity to proper interconnection and its
3 commercial zoning but we were able to utilize the
4 existing topography and resources on site to
5 enhance our ability to screen the project and
6 develop this in a way that doesn't alter the
7 overarching character of the surrounding areas.

8 MR. FOLEY: What is the grade of what
9 you're showing us now? Percentage of grade?

10 MR. SIAO: Percentage of grade varies on
11 site between I believe 10 and 15 percent.
12 Unfortunately, Keith couldn't join the call this
13 evening, Keith from Cronin Engineers, but I
14 believe that is mentioned in our site plan.

15 MR. FOLEY: Now this picture here could
16 be almost up to a 15 percent grade?

17 MR. SIAO: It varies. It varies on site,
18 and, you know, one thing that, you know, this is
19 another benefit and another reason we like this
20 site. You know, the grade, the southern facing
21 slope is actually a benefit to the overall design
22 of the project because it allows that additional
23 spacing between the panels helps the
24 productivity. So that's something we actually see

1 March 2, 2021

2 as an asset for the site.

3 One other thing I want to call out here
4 in addition to the trees we're leaving on site,
5 you can see some smaller trees located at the
6 tallest slope on the northwest corner as well as
7 some trees at the entrance of the site. Those
8 reflect the proposed plantings that we've
9 included in our planting plan for the site. So
10 you can see not only the existing trees to be
11 left in place, but also the proposed plantings
12 that we would be planting on site after
13 construction as part of our overall tree
14 mitigation.

15 And then finally, page three, same
16 rendering but in winter conditions, obviously
17 leaf off, but still I think again show the large
18 areas of forest on site we're leaving preserved.
19 You can see here in the far western, rather far
20 upper left corner of the site, this is the parcel
21 boundary to Baron De Hirsh properties to the
22 west. And so you can see perhaps more clearly
23 than with foliage on that we're leaving a
24 substantial amount of vegetation in place between

1 March 2, 2021

2 the parcel boundary and our limited
3 [unintelligible] [01:50:47] itself and then
4 further enhanced with new plantings onsite in
5 that area of clearing.

6 MR. FOLEY: Well, in this picture we
7 can't really see where the houses are on Baron De
8 Hirsch or the ones off on Dyckman.

9 MR. SIAO: Sure. Well, what I can say
10 Bob, is in this corner here, the houses would be,
11 if they were included as part of the model
12 another 100 feet off screen, Dyckman, some of
13 them probably similarly, 100, and some slightly
14 closer at 50. But really, this is just to provide
15 a bird's eye view of the property as a whole and
16 then the visual SIMS themselves represent the
17 viewpoint from those parcel boundaries for the
18 surrounding properties. So, to --

19 MR. FOLEY: Visually then, the photos
20 here --

21 MR. SIAO: Sure, so I mean they, the
22 purpose of the rendering and the visual
23 simulation are to complement each other, right.
24 So while the visual SIMS provide a viewpoint from

1 March 2, 2021

2 a specific area, this provides the bird's eye
3 view so we can understand the full context of the
4 site.

5 So, moving over to the visual
6 simulations, I know the file size was likely too
7 big in the initial submittal Chris provided to
8 each of you, so I think it will be helpful to see
9 the set in its totality, as it's meant to be
10 used. So the way we've arranged this photo SIM is
11 in sets of three for most vantage points.

12 So the first photograph of each set, the
13 photo labeled A down here in the bottom, you see
14 photo 1-A, The one is obviously that first
15 vantage point, so vantage point one is the site
16 entrance for our access road on Lexington Avenue.
17 A is existing conditions. So this is just the raw
18 photo they took of the site. B is the photo
19 simulation showing winter conditions with the
20 array simulated in the background of the photo,
21 where able to be seen, to the extent that it can
22 be seen. And then the third photo, the C photo of
23 each set is the rendering showing springtime
24 conditions from this point of view.

1 March 2, 2021

2 So I think that provides helpful context
3 for what we're actually looking at here So
4 looking at this site again, this is for our site
5 entrance off Lexington Avenue. These are existing
6 conditions for the site. Photo 2, this is the
7 simulation showing, and rather this is really
8 more of a rendering. This one is a little unique
9 compared to the other sets, showing what the site
10 will look like during winter once our site is
11 developed and the trees are planted.

12 So you look at this tree on the right
13 hand side, that is existing. So that's kind of
14 the cutoff of the existing photo and then we have
15 our access road here. And you can see here in the
16 foreground we're including those plantings that
17 we showed on our site plan to help screen the
18 site from view as, from Lexington Avenue at our
19 construction entrance.

20 And what we see here, rather what we
21 don't see here is the array. What we do see is
22 limited to only the fence line. So if we zoom in
23 here, way in the background here, this is the
24 fence line in back. Based on the way our access

1 March 2, 2021

2 road is configured, if you remember the site
3 plan, we come into the site and then there's kind
4 of a triangular area in that corner of the site
5 where we have our staging area, and the road
6 splits to go north and west. So what we have here
7 is the way we've designed this project, we are
8 putting the panels far back and so from this
9 vantage point, you would see only the fence and
10 not the panels themselves.

11 MR. FOLEY: And then from Dyckman, they
12 wouldn't see anything because they're kind of way
13 up?

14 MR. SIAO: Yeah, that's right. And we'll
15 get there, that's photo three.

16 MR. FOLEY: Okay.

17 MR. SIAO: And then again, C, this is
18 the same vantage point from the site entrance.
19 This is the model, the rendering that shows
20 springtime conditions and I'm actually going to
21 go into, where is it, I'm going to go into full
22 screen here so we can get a better look here. So
23 you see the same image, the same proposed
24 plantings, this time with leaf on, with more

1 March 2, 2021

2 foliage in springtime conditions. And again, the
3 view of the fence line is even more screened,
4 compared to winter conditions.

5 MR. KIMMERLING: And Kieran, just based
6 on existing conditions and you've printed out
7 between A and B that one tree that was consistent
8 in those two, where is that tree trunk now?

9 MR. SIAO: So it's still on the right
10 hand side of the photo. The difference between
11 the simulations and the renderings is that for
12 most of the simulations, we're using the raw
13 photo, and then for the renderings, which are
14 based in the model, we're effectively dropping
15 the person with the camera into that point in the
16 model itself, so it's not going to be exact, but
17 it's going to be a very good point of view of
18 what you would look like at this point in the
19 model. And that is the best way to show
20 springtime conditions here is to create the
21 rendering, create the model and put us in the
22 same field of view as opposed to taking a site
23 showing winter conditions and trying to Photoshop
24 leaves on each tree.

1 March 2, 2021

2 To be frank with you, we've tried that
3 before. One, it doesn't look realistic, and two,
4 it looks, you know, if anything like we're
5 showing, too much foliage, right because it looks
6 like we're just putting a bunch of leaves on the
7 trees, which doesn't necessarily look natural. So
8 we think the rendering is a good compromise to
9 provide realistic conditions of what this would
10 look like in this area from this vantage point.
11 Does that make sense?

12 MR. KIMMERLING: Mm-hmm.

13 MR. SIAO: Great.

14 MR. FOLEY: And in that other photo with
15 your entrance road going up, the next on there,
16 what is that in the top near the center? IS that
17 a rooftop? What is it?

18 MR. SIAO: It's not, that's just the
19 corner of the fence. So in this photo, that's the
20 only area you're able to see the fence line from
21 the project.

22 MR. FOLEY: Oh, okay.

23 MR. SIAO: Okay. So the second photo,
24 this is further up Lexington Avenue. Again, this

1 March 2, 2021

2 is the raw photo that they took on February 9th,
3 and then again, this is the photo simulation
4 showing what it will look like in winter
5 conditions. So what you see here is you know, we
6 have a lot of trees in the background that fall
7 within our limit of disturbance. They did their
8 best to remove those, essentially doing a lot of
9 fine line work in Photoshop to kind of discern
10 what trees would be staying between the road and
11 our fence line and what would be removed in the
12 background. So what we see here is a much more
13 open view of the site, a lot more sky, but again,
14 no panels, only the fence line. That's because
15 the fence line is slightly taller than the panels
16 themselves. And I'd be happy to come back to this
17 vantage point in particular when we get to the
18 line of sight profiles to describe why that is.

19 And again, a rendering for springtime
20 conditions, showing leaf on for these handful of
21 trees that are in this general area. Obviously,
22 not exact, but it gives a pretty good idea of
23 what this area would look like in spring, when
24 there's more foliage on the trees. Again, maybe

1 March 2, 2021

2 in the background you could see a fence line, but
3 certainly more coverage the way you would see in
4 winter.

5 MR. KIMMERLING: Maybe it's just me, but
6 the springtime conditions photo bears no
7 resemblance to the other two photos. I can't even
8 understand how it's the same landscape. There are
9 boulders. I don't know, it just seems entirely
10 different, so I don't quite get how it's helpful,
11 but, you know, I mean I take your point that that
12 was the better way to do it, but --

13 MR. SIAO: What we feel it does is it
14 provides a more realistic view, and obviously, we
15 cannot model tree for tree every single tree on
16 the property. I don't think that's a good use of
17 everyone's time. But this provides a
18 representation of what it would look like,
19 getting us as close as possible to that same
20 point to show springtime conditions.

21 MR. KIMMERLING: Okay.

22 MR. SCHWARTZ: Obviously that is the
23 worst case impact anyway, so that really is the
24 most important of the photos.

1 March 2, 2021

2 MR. SIAO: Yeah, that's right, Brad.

3 Okay, so Bob, this is photo point three, this is
4 the photo from Dyckman property. Again, the same
5 condition, winter condition, again, they did the
6 same thing, trying to show the additional
7 clearance, showing the trees that would be clear
8 in the background while maintaining the trees in
9 the foreground. Again, given the elevation, the
10 site, this is a southern facing slope and we're
11 on higher elevation at this parcel line at the,
12 you know, kind of compared to the array itself.
13 You again can just see the fence line, the panels
14 themselves would be out of view based on the
15 topography of the site.

16 MR. FOLEY: Are you pointing at the
17 fence line now?

18 MR. SIAO: It's this kind of horizontal
19 line right here.

20 MR. FOLEY: Oh, that, okay.

21 MR. SIAO: So you really only see maybe
22 the top foot of it, given the drop off of the
23 elevation. And again, springtime condition, fence
24 in the background.

1 March 2, 2021

2 MR. BIANCHI: That looks like the same
3 picture as the other one. The same as the
4 previous set.

5 MR. SIAO: Well, they are slightly
6 different because this is a different area in the
7 model. Again, you know, the way this works is
8 they drop it in the model. But even if you look
9 at the winter conditions, as Brad pointed out, in
10 just trying to imagine what these trees will look
11 like with leaf on in the spring. You see there's
12 a lot of smaller saplings here with branches
13 lower to the ground. Once this fills out, it
14 would effectively screen the project from view.

15 So, again, the model is not perfect, but
16 it gives a pretty good idea of what this would
17 look like. Okay, photo four, this is effectively
18 from the northwest corner of the property, along
19 the property line shared by the project and the
20 residences on the northern portion of Baron De
21 Hirsch Road. Again, existing conditions and then
22 what we see here, you know, some clearance from
23 the tree clearing. We can see the fence line
24 again, and then perhaps just the very leading

1 March 2, 2021

2 edge of the panels. Again, we talked about the
3 topography, the site, and why we think this is a
4 benefit for the overall development to the
5 project. What we see here is that we're standing
6 on substantially lower elevation. This vantage
7 point is around 50 feet lower than the array
8 itself and where the fence line and panels are
9 starting, you can think of it as kind of the
10 crest of the hill, so it plateaus there before
11 dropping back down towards Lexington Avenue, so,
12 whereas if this was continued on an incline, you
13 would see more panels. Because we're at the crest
14 and we're lower in elevation, what you see here
15 is just the fence and then maybe the edge of the
16 panel before the site levels off and then drops
17 off on the other side.

18 MR. FOLEY: So is this from -- what
19 number on Baron De Hirsch Road is this view from?
20 Number 29, number 34?

21 MR. SIAO: This is around 41 I believe,
22 so if you look back at the -- if we look back at
23 the map, it's this area right here.

24 MR. FOLEY: So it's in 41 or 45?

1 March 2, 2021

2 MR. SIAO: Yes, I would say around
3 there.

4 MR. FOLEY: So the lower ones, further
5 down, the southern end of Baron De Hirsch, you
6 don't really have a rendering for number 29?

7 MR. SIAO: We're going there next, Bob.

8 MR. FOLEY: Okay.

9 MR. SIAO: That's our next photo point.
10 So again, this is that northwest corner. You can
11 see the fence line in the leading edge. One thing
12 that I want to point out here is you remember
13 from the aerial rendering, we showed those new
14 plantings that we'd be putting at the top of the
15 slope in the northwest corner. You can see these
16 trees in the foreground and these shorter trees
17 that are darker in color in the background, Those
18 represent the additional plantings we would be
19 doing during construction as part of our
20 mitigation and to further screen the project from
21 view.

22 So again, this is winter, sprint
23 rendering. Again here we have these trees in the
24 background which I think does a pretty good job

1 March 2, 2021

2 of replicating, perhaps not exactly, but
3 characteristically, the types of trees we had for
4 the foreground. And you can see here in the
5 background, these are those proposed trees to be
6 planted, which are lower in height. And once they
7 are in foliage, will do a very good job at
8 screening even the fence from view.

9 And then photo point 5-A, this is
10 located essentially just north of the right of
11 way. I don't recall what number this is for the
12 house, I think probably lower 20s, as you
13 mentioned.

14 MR. FOLEY: Yeah, the ones that spoke at
15 the hearing?

16 MR. SIAO: And so this is where the --
17 no, the folks who spoke at the hearing, it's
18 photo point four, these right here, where you can
19 see just the fence line, the leading edge, and
20 then those trees that we'd be planting on site,
21 which screen it from view. To put it another way,
22 these are the properties, this is vantage point
23 that we coordinated with the Fouhy's, the
24 Lockwoods, and the Harts to perform that, that

1 March 2, 2021

2 photo. So this is that visual SIM for that area
3 of the site.

4 MR. FOLEY: That photo right there?

5 MR. SIAO: Yes, correct. As you can see,
6 our project is, you know, the distance from this
7 parcel line to panel is over 500 feet away, and
8 you know, [unintelligible] [02:04:16] we here
9 really you're just looking at a fence, maybe the
10 edge of a panel. Most of the year, it'll be
11 screened by existing and proposed vegetation.

12 Okay. Photo 5-A, as I mentioned, this is
13 in that lower on Baron De Hirsch, at the parcel
14 line, essentially just north of the
15 [unintelligible] [02:04:39] right of way. This is
16 the area, I'll just say up front where the
17 parcel, where the panels are most visible.

18 Obviously, the way we've designed the site,
19 whereas we were able to put a lot of distance
20 between the northern part of the site and the
21 array, it gets a little bit closer here. So
22 whereas distance to panel on the northern side of
23 Baron de Hirsch is over 500 feet, this is around
24 high 300s, I believe like 380 or 390.

1 March 2, 2021

2 So slightly more visible, again, you can
3 see that the fence line and really just the
4 leading edge of the panel during winter
5 conditions at worst time of year.

6 One thing I do want to mention about
7 this site in particular is, and again, I can't
8 share my Google Earth, so I'm just sharing the
9 .PDF, but I'll share it perhaps after the fact.
10 The, as a reminder, this is from the parcel line
11 itself. The actual homes on the parcels
12 associated with these vantage points are located
13 another 200 feet behind where this person is
14 standing. And each of those residents have
15 additional robust tree screening in their back
16 yards.

17 So realistically, I think the question
18 to ask is how frequently in the middle of winter
19 is someone going to be standing at their parcel
20 boundary. And more realistically, from their
21 home, this view is going to be set back another
22 200 feet behind their own trees that they have on
23 their own property in addition to the trees on
24 site.

1 March 2, 2021

2 MR. FOLEY: And this is photo 5-B?

3 MR. SIAO: This is 5-B, correct.

4 MR. FOLEY: And you think that would be
5 not on the lower portion of Baron De Hirsch Road,
6 not on --

7 MR. SIAO: This is the lower portion of
8 Baron De Hirsch.

9 MR. FOLEY: So it would be in one of
10 those, house number 29, 33?

11 MR. SIAO: Yes. Here, let me --

12 MR. FOLEY: Well, no, going back, the
13 low version is number 11, number 15 and number
14 19.

15 MR. SIAO: Correct. So this would be
16 like, this was taken outside of 15 Baron de
17 Hirsch.

18 MR. FOLEY: Okay. I get it. Alright.
19 Yeah, because they [unintelligible] [02:06:40]
20 were the ones higher up in the house number is
21 going to be further away.

22 MR. SIAO: Correct. And that's what our
23 visual simulation show, that the panels are much
24 further away, would be very difficult to see

1 March 2, 2021

2 them.

3 MR. FOLEY: I went back and did my own
4 little diagram.

5 MR. SIAO: Great. And then again, same
6 photo point in the rendering to show springtime
7 conditions. Okay. And then this is photo six.
8 This is from the southwest corner of the natural
9 gas pipeline right of way, essentially on
10 pavement for Baron De Hirsch, this is existing
11 conditions, these are the photo SIM for winter
12 conditions. As you can see here, you can see kind
13 of that front row of panels which is a small
14 section where it peeks out at the very toe of our
15 project.

16 One thing I want to mention here is I
17 think this viewpoint is a little drastic. And
18 again, the question to ask is who would actively
19 be looking at this? You need to be standing right
20 in the right position at this corner of the right
21 way, essentially craning your neck down the right
22 of way to even see this view.

23 Really, anyone driving by who's in a
24 car, you know, it's going to be very difficult

1 March 2, 2021

2 for them to notice this given that it's tucked
3 behind all these trees. And then the one property
4 on Baron De Hirsch that essentially faces this
5 right of way, which is 6 Baron De Hirsch, the way
6 their house is set up, it's not directly angled
7 to look immediately down this direction and
8 further, similarly, they have existing vegetative
9 screening in their own yard. If you look at
10 street view, a massive pine tree that they can't
11 see the right of way itself, let alone the actual
12 panels which are located from their property
13 probably seven to 800 feet away.

14 MR. FOLEY: And the house you just
15 mentioned would be the first one as you come up
16 Baron De Hirsch and you pass the [unintelligible]
17 [02:08:30] right of way here and the first house
18 on the right?

19 MR. SIAO: Yeah, that's right, Bob. So
20 if you're driving up Baron De Hirsch you pass the
21 natural gas right of way, it would be your first
22 house on the left. It has a big pine tree outside
23 their house. From their living room, if they were
24 to look out that window, they're really just

1 March 2, 2021

2 seeing the pine tree. They're not going to get
3 that view all the way down the right of way.

4 And again, springtime conditions, again,
5 a limitation of the model, you see here they're
6 obviously structures, this person's garage, it
7 looks like perhaps a generator or trailer and
8 then their home, not rendered in the model, which
9 is why this looks like open landscape. Obviously,
10 additional structures in this area, but even so,
11 during springtime conditions with leaf on, that
12 array is even less visible than winter
13 conditions.

14 And then finally, this is just the photo
15 from edge of pavement on Crompond Road.

16 Obviously, given the distance from the site, well
17 over 1,000 feet and given the sheet topography of
18 the site, they're not going to be able to, they
19 were not able to view the array or the associated
20 markers from edge of pavement. This will be
21 reflected in the line of sight profiles,
22 therefore renderings were not created here,
23 because there's going to be no difference to
24 viewpoint after construction.

1 March 2, 2021

2 MR. FOLEY: They're the ones on Crompond
3 Road? The little colon -- yeah --

4 MR. SIAO: No, this is Crompond Road,
5 just immediately south of the project.

6 MR. FOLEY: Yeah. When you're pulling
7 from the [unintelligible] [02:09:59].

8 MR. SIAO: Sure, yeah.

9 MR. FOLEY: Okay.

10 MR. SIAO: And then lastly, line of
11 sight profiles, so again, the seven vantage
12 points from the site, and what they did here was
13 they again used the CAD file showing the design
14 of the project as well as the topography of the
15 site, and they show the elevation difference with
16 each of these photo points and the panels
17 themselves. So this is point one at the site
18 entrance. You can see here on the left hand side
19 the viewpoint one is where the person is standing
20 with the camera and on the right hand side where
21 it says proposed solar array, this is the height
22 and elevation difference between that vantage
23 point and the panels themselves.

24 And on each photo, you'll see this

1 March 2, 2021

2 little marker in the middle. This demonstrates
3 the clearance they have, essentially that space
4 clearance between the line of sight of the person
5 and the panels themselves here. So what we see at
6 the first point obviously we're showing close to
7 a 70 foot elevation difference from edge of
8 pavement from Lexington Avenue up to the solar
9 array, this clearance, you know, you can see
10 these perhaps, minimum clearance is right here,
11 the top four feet of space, really, you know,
12 not, that doesn't say much for a site like this
13 because you can see the fence line.

14 But, as I mentioned, I wanted to come
15 back to point two, which is further up Lexington
16 Avenue here. You can see based on the elevation
17 of the site, the person is standing significantly
18 lower and based on the topography of the site,
19 this bump between the viewpoint and the array
20 itself, the topography creates a visual barrier
21 itself.

22 So like even in addition to the trees on
23 site, the sheer topography and elevation change
24 of the site creates conditions where someone

1 March 2, 2021

2 standing at that viewpoint two cannot see the
3 array itself.

4 The rest of these I think we can flip
5 through pretty quickly. This is photo point
6 three, Dyckman Road. You can see here there's a
7 slight elevation drop and from our fence line,
8 the panels are another 20 feet to the south, so
9 you see this starts to drop. That would continue
10 to drop if they were to extend this elevation. As
11 we mentioned, project won't be seen here.

12 This is photo point four, that northwest
13 corner for Baron De Hirsch. You can see the way
14 the elevation works here, is where the person's
15 standing is around four feet above sea level, our
16 panels are around 440 to 450 feet above sea
17 level. So there's that 50 foot elevation change,
18 and what's unique about this site in particular,
19 we also have this little dip here. That's the
20 stream onsite, so the site effectively goes down
21 and then comes back up that 50 feet.

22 And, you know, I think another thing
23 that should be considered here is obviously this
24 is the stream wetland complex. Compared to the

1 March 2, 2021

2 rest of the site, there's a lot more understory,
3 a lot more scrubby, brushy vegetation, which will
4 be in that low point and kind of growing up, so
5 that just adds additional canopy and additional
6 foliage at different levels, which will further
7 help screen the project from view.

8 And then just going through the rest of
9 these photo points, five, you see big elevation
10 change of around 40 feet. Profile six, this is
11 from the right of way, so you can see the, you
12 know, if you recall in the photo SIM, the right
13 of way drops down and then comes back up. That's
14 what the elevation reflects here, so big
15 topographic change.

16 And again, from Crompond Road, edge of
17 pavement, you can see that same elevation bump is
18 given topography even without this
19 [unintelligible] [02:13:34] which is several
20 hundred feet away, the topography of the land
21 itself blocks the site from view, which is why a
22 visual simulation was not done on the site.

23 So, in total, I think this adequately
24 demonstrates that this site, going back to our

1 March 2, 2021

2 initial siting, and why we picked this site, it
3 has the resources both existing and proposed to
4 create conditions where visual impact from each
5 of these vantage points will not create impact
6 from neighboring properties, both through
7 topography and the proposed vegetation. So with
8 that, I'm happy to answer any questions related
9 to visual simulations.

10 MR. KEHOE: We shouldn't forget that
11 this is a public hearing, so there may be people
12 that want to speak.

13 MR. KESSLER: Sure.

14 MR. SIAO: Okay. Well, if no one has
15 questions, that's the end of my presentation on
16 visual simulation. As I mentioned, right at the
17 end, we can talk through scheduling and next
18 steps again, but I'm happy to open the floor to
19 comments, either from the Board or the public.

20 MR. FOLEY: Let's hear from the public.

21 MR. PREZIOSI: So this is a public
22 hearing, so any resident who is on the call, Zoom
23 meeting, please use the raise your hand function
24 and I will promote you to speaker. If you're

1 March 2, 2021

2 using a cell phone, it's star 6 and star 9
3 that'll unmute you and also use the raise your
4 hand function. There's been a few chats that have
5 been going on, so if you'd like to just repeat
6 your chat question via public presentation, feel
7 free to use the raise your hand function. I'm
8 going to promote Madeline as speaker.

9 MS. CINDY BEER-FOUHY: Hi, I'm going to
10 hand it over to my husband first.

11 MR. PREZIOSI: George, just state your
12 name and address for the record.

13 MS. BEER-FOUHY: It's Cindy Beer-Fouhy,
14 41 Baron De Hirsch Road. First thing I just want
15 to say is that those photographs that -- we're 41
16 Baron De Hirsch Road and I don't know who took
17 those photographs, but it didn't really represent
18 what you see from our property. First of all, it
19 was, I don't know, I guess you were here, but it
20 was very -- our property was just full of snow
21 and we didn't see any footprints, so it's kind of
22 hard to understand. I believe you were here, but
23 I don't understand how you took those
24 photographs, because we were actually looking for

1 March 2, 2021

2 people and we didn't see anyone here.

3 But the photographs that you took, we
4 actually, what we can see if we sit, if we are on
5 our porch, which is where we are a lot, there is
6 tremendous incline, a hill that goes up. And it's
7 impossible to believe that we're not going to be
8 seeing much more than what you're depicting in
9 the photograph of what we're going to see after
10 all those trees are taken down.

11 It just seems, you know, ridiculous to
12 believe that that's the, that what you have
13 presented us is what we're going to be seeing.
14 Maybe you can just, you know, respond to that.

15 MR. SIAO: Yeah, happy to. I appreciate
16 the question [unintelligible] [02:17:18] it's
17 nice to talk to you again. So as you recall, our
18 consultants were onsite on February 9th, and we
19 had e-mail exchanges between George, Bill, and
20 Anaya to coordinate that site visit. So they were
21 there the afternoon of February 9th.

22 To your point about the incline on site,
23 you're absolutely right. As we show in the
24 elevation profile, there's a 50-foot elevation

1 March 2, 2021

2 difference between the shared parcel line between
3 the two properties and the array itself. And as I
4 mentioned, in showing the visual simulation, the
5 panels at the fence line are essentially at the
6 crest of the hill, so it's at the very top where
7 it plateaus before it drops off to the other
8 side.

9 So I agree with you if the project was
10 on the side of the hill, the actual incline, you
11 would see a lot more of, but because it's on the
12 top of the hill, the crest of it, that's why
13 you're only seeing the fence line and the leading
14 edge, because the rest of it is at the plateau
15 and on the other side of the hill.

16 MS. FOUGHY: I think we'd have to see
17 the pictures done up in a way that really shows
18 that. As someone else was saying, I mean I didn't
19 see any similarities between the winter picture
20 and the spring picture, that it even resembled
21 the same property. And I think I would really
22 need to -- I think that we all need to see those
23 pictures a little bit more, you know, the way
24 that they would actually look, rather than just

1 March 2, 2021

2 kind of an idea of what they might look like.

3 MR. SIAO: Well, to be clear, the winter
4 conditions are what the site would look like.
5 That is the raw photo of the, of the photo that
6 was taken that day. And as I mentioned, you know,
7 the rendering, of course, it's not perfect and
8 it's not going to model tree for tree, but we
9 think it gives a good representation of the
10 distribution and density of trees in that area to
11 serve as a reference point for what conditions
12 could look like in the spring.

13 So, you know, what I would encourage you
14 to do is kind of look between the winter and
15 spring photos for that vantage point and, you
16 know, certainly it may not look exactly like
17 spring, but if you could picture what that winter
18 photo looks like with all those trees with leaves
19 on them, that would give a better idea. And I
20 think what we're showing here is the actual
21 proposed plantings are in the exact location
22 where the proposed plantings would go. So you can
23 see, even given those plantings during springtime
24 conditions, the foliage on those shorter trees

1 March 2, 2021

2 would adequately screen the project.

3 MS. BEER-FOUHY: I'm not quite sure I
4 understand why you're taking down trees and then
5 putting up trees. Why aren't you keeping the
6 trees that were there to begin with that are
7 hardy and thick and would have a possibility of
8 blocking some of that. Why would you be taking
9 them down and then replacing them with these
10 young trees that are not where the same as, you
11 know. Okay. Go ahead.

12 MR. SIAO: Yeah, absolutely. I mean I
13 believe we even discussed this at the last public
14 hearing, that of course we would need to take
15 down trees within our actual footprint where we'd
16 be putting the solar arrays themselves. And I
17 believe George and I had a conversation that we
18 would need to take down additional trees around
19 the peripheral area of fence line to minimize and
20 avoid shading. So that's why the tree clearing
21 extends beyond our actual fence line.

22 And the reason we're planting new trees
23 is the town has a mitigation requirement that
24 requires us to mitigate the trees we're taking

1 March 2, 2021

2 down so we're showing that we're planting some
3 additional trees on site to help reforest the
4 area and also serve as the visual screening we're
5 discussing here. And then the remainder will be
6 contributed to the town's environmental fund.

7 MS. BEER-FOUHY: Okay. I mean I
8 understand that none of this is a concern of
9 yours, but it's a concern of ours because part of
10 the value of our property is the fact that we
11 have the woods behind us. And it is going to
12 change the value of our property. And I know that
13 you're saying it won't, but I don't understand
14 how it wouldn't, because I mean that's one of the
15 attractions of the property that we have, and our
16 neighbor's property and the neighbor next to
17 hers. And I just want that to be considered by
18 the Board I guess. Thank you.

19 MR. FOLEY: Are you Ms. Fouhy, F-O-U-H-
20 Y?

21 MS. BEER-FOUHY: Yeah, I'm Beer-Fouhy
22 and he's Fouhy.

23 MR. FOLEY: Fouhy, okay. I'm Foley,
24 okay. Too bad. You had submitted materials, but

1 March 2, 2021

2 you have not submitted a photo of what you're
3 talking about from your porch where you sit?

4 MS. BEER-FOUHY: I can.

5 MR. FOLEY: I thought that would be
6 helpful, at least --

7 MS. BEER-FOUHY: I think that's a -- I
8 was thinking about that while he was talking,
9 that you know, I could just take some -- I mean I
10 have, I always take photographs. I mean I also --
11 I also was --

12 MR. FOLEY: The photo that he submitted
13 would be 1-A, Kieran, that she's talking about?
14 Or that's further down?

15 MR. SIAO: No, the photo is 4-A, the
16 vantage point that [unintelligible] [02:22:21]
17 work agreed to in February.

18 MR. FOLEY: Okay.

19 MS. BEER-FOUHY: So 4-A1, okay. And so I
20 will take a photograph and submit it and I hope
21 it's not too late. I mean the other thing is I
22 think I've mentioned before, I mean I'm a writer,
23 I'm a poet, I was sitting out there about a week
24 ago and I guess my husband got the memo and he

1 March 2, 2021

2 forgot to send it to me and to Anaya, and I was
3 trying to write and Anaya I believe was trying to
4 compose some music, and we heard all this banging
5 and, you know, banging and drilling and stuff
6 going on. And I called up, I called the town
7 actually and I spoke to the person who -- I think
8 his name is Ken? He's from the code, something
9 code?

10 MR. FOLEY: Code enforcement.

11 MS. BEER-FOUHY: Code enforcement and
12 what was interesting was that he had no idea that
13 this was being planned or proposed. He said he
14 only knew about a house on that property back
15 there, but he knew nothing about this whatsoever.
16 He only know about the solar, the solar farm
17 that's on the other -- that's already in the
18 process of being built.

19 MR. SIAO: Sure, I'll be happy to
20 address that. So we did have a consultant on site
21 a few weeks ago to perform, do a technical
22 analysis, to collect soil samples for the site.
23 As you mentioned, Anaya and Bill were made aware.
24 If you have a separate e-mail, I'll be happy to

1 March 2, 2021

2 include you on future correspondence. And I
3 believe Chris and Mike were also cc'd on the e-
4 mail, so the town was aware of that field work.

5 And, you know, again, just to talk
6 through noise, of course, during construction,
7 there may be construction related noise for brief
8 periods of time. But again, one benefit of the
9 solar project as compared to more traditional
10 forms of commercial development is that once it
11 is operational, there will be no perceivable
12 noise from the property boundaries. So I think
13 these, a project like this would be a great
14 neighbor to writers and musicians compared to a
15 more traditional store or factory.

16 MS. BEER-FOUHY: Okay. And that was for,
17 that was for soil samples? I understand that that
18 was the reason that you were there?

19 MR. SIAO: Yeah. That was the geo-
20 technical analysis.

21 MS. BEER-FOUHY: Okay. Alright. I'm
22 going to just turn it over to my husband, George.

23 MR. GEORGE FOUHY: I just, I was
24 wondering, you know, the, the cut line for the

1 March 2, 2021

2 project on the Lexington Avenue side looks like
3 it's about 100 feet and it's just 100 feet from
4 the south end to the north end of the site. And
5 then there's about 100 feet I guess on the north
6 side. But all of a sudden, when you get to the
7 northwest side, where, adjacent to my house, all
8 of a sudden, it's 128 feet or something that
9 you're cutting. And I don't understand at all why
10 you cut those trees if you're going to plant
11 trees. Just what's there, you know, leave it
12 alone. Why don't you do that? They're not going
13 to shade the panels. I mean they're really not
14 that tall to begin with.

15 But I don't understand it. And when you
16 showed the pictures of solar farm that you
17 originally told me I wouldn't see, now you're
18 saying I'm going to see it. We agreed last week
19 that you would put a hedge in there. I mean, I
20 didn't see the hedge that you're going to put in
21 there in your simulations.

22 MR. SIAO: Sure, so regarding tree
23 clearing, again, tree clearing is done to avoid
24 shading. The difference between the eastern and

1 March 2, 2021

2 the western sides, obviously the eastern slope is
3 much steeper, so there's a clearer drop off on
4 trees. Certainly, if we would clear further on
5 that side, the production system would be even
6 better, however, we're closer to Lexington
7 Avenue. That's obviously a road that we want to
8 shield the project from. So we're maintaining a
9 200-foot buffer from Lexington Avenue. Compare
10 that to the western setback from the property
11 line to panel boundary, 520 feet. So, the setback
12 from the Baron De Hirsch parcel line to the
13 panels compared to the Lexington Avenue side, the
14 panels are more than double the distance, so the
15 project is significantly further back on that
16 side.

17 MR. FOUHY: That's not what I'm asking.
18 I'm asking why all of a sudden the cut line from
19 the panels to the cut line is 120, I guess it's
20 128 feet, whereas all the other areas around the
21 panels, it's 100 feet.

22 MR. SIAO: Yeah, again, we have more
23 room on that side.

24 MR. FOUHY: And then you're going to

1 March 2, 2021

2 plant trees where you're cutting the trees down,
3 which is odd I think. I'm just asking.

4 MR. SIAO: Yes, this again has to do
5 with the slope of the system, the slope of the
6 topography of the site, how much room we're
7 working with, how close we are to those parcel
8 boundaries and again the reason we are planting
9 trees is part of the town's mitigation and to
10 help screen the site from view from the western
11 side of the property.

12 MR. FOUHY: Why is it you say that if
13 something is up higher than where I'm standing, I
14 can't see it? I mean I look up in the air and I
15 see, I can see airplanes and all kinds of things
16 and I can see your -- I'm going to see your
17 panels also. I mean don't tell me I'm not going
18 to see it.

19 MR. SIAO: Well, the elevation
20 difference helps screen from view not only based
21 on the topography and the shape of the
22 topography, but also when you consider the
23 existing trees on site and the crown of those
24 trees relative to the field of view, the

1 March 2, 2021

2 elevation certainly does matter.

3 MS. BEER-FOUHY: I don't understand that
4 at all. I mean I, I -- it, it just seems very
5 hard to understand how that's possible. I mean
6 I'm, I'm also, you know, I'm upset about a lot of
7 these things because I mean when we bought this
8 house in the spring, I'm a writer, I write about
9 nature. I know what's going on in the forest
10 there, I know what the wildlife is. I know in
11 early April, you're going to hear spring peepers
12 that are going to be scared out of that area.
13 They're not going to be there after this starts
14 going on. And I mean I don't need a scientist to
15 explain to me the disruption that's going to be
16 going on in the wildlife and the environment in
17 the area that we live in now. But that's just me.
18 Okay. That's it, alright.

19 MR. SIAO: Thank you very much.

20 MR. PREZIOSI: Okay. So this is a still
21 public hearing, so if anybody else would like to
22 speak, please use the raise your hand function on
23 the Zoom app, and we'll promote you to speaker.
24 Okay. I'm going to promote Wendy Talio to

1 March 2, 2021

2 speaker. Okay, Wendy, you're on.

3 MS. WENDY TALIO: if you can hear me.

4 MR. PREZIOSI: If you can get closer to
5 your microphone.

6 MS. TALIO: Is that any better?

7 MR. PREZIOSI: No. If you could speak up
8 or get closer to the microphone.

9 MS. TALIO: I think I'm having audio
10 issues.

11 MR. KESSLER: I can hear her, we can
12 hear her.

13 MS. TALIO: Can you hear me?

14 MR. KESSLER: Yes.

15 MS. TALIO: Hi, so I don't live in the
16 immediate area, but I do hike in a lot of
17 different places around town and I don't know if
18 you've considered that directly across the street
19 from Lexington Avenue, there is Sylvan Glen Park
20 Preserve, with a lot of trails in there and a lot
21 of overlooks that are anywhere from 400 to 600
22 feet in elevation. So I don't know if they are
23 any impact to what people are seeing when they're
24 out actually hiking.

1 March 2, 2021

2 MR. SIAO: Thanks, Wendy, I appreciate
3 the question. So again the way we've sited this
4 project, there's over 200 feet of existing tree
5 buffer between the road and the fence line
6 itself, which will help screen the project from
7 view. I believe our own elevation is somewhere
8 around 400 to 450 feet. So I don't expect that
9 will be an issue from those vantage points.

10 Even so, as compared to more traditional
11 types of commercial development as this is a
12 commercially zoned property, you know, from a
13 visual advantage point standpoint. You know, I
14 would imagine a project like this would be a lot
15 less invasive compared to more traditional forms
16 of commercial development.

17 MR. FOLEY: Wendy, you're on the east
18 side of Lexington, on the Yorktown side? Or you,
19 did you say you like on --

20 MS. TALIO: That's where the preserve
21 is.

22 MR. FOLEY: Yeah, where the Granite
23 Knolls or whatever it's called? The town of
24 Yorktown side?

1 March 2, 2021

2 MS. TALIO: [unintelligible] [02:31:41].

3 MR. FOLEY: Okay.

4 MS. TALIO: Yes. It's in Yorktown.

5 MR. FOLEY: Yeah, okay, so you're on the
6 Eastern part of Lexington.

7 MS. TALIO: Right. That's where the
8 preserve is. I actually live in Cortlandt, but
9 way up at the north end of Lexington.

10 MR. FOLEY: Okay.

11 MR. PREZIOSI: Okay. Thank you, Wendy
12 for your comments. We're going to, once again,
13 this is a public hearing so if anybody else has
14 any comments relative to this application, please
15 use the raise your hand function. Okay, I'm going
16 to promote C. Mano to speaker.

17 MS. C. MANO: Can you hear me now?

18 Sorry.

19 MR. BIANCHI: Yep.

20 MS. MANO: I too don't live in the area,
21 I live further south, but I care about the
22 biodiversity corridor. I did ask last time
23 whether you were able to compare the site and the
24 use of the site to the Croton-to-Highlands

1 March 2, 2021

2 Biodiversity Map that was published as part of
3 the Metropolitan Conservational Alliance several
4 years ago. It's called the Croton-to-Highlands
5 Biodiversity Plan. I believe your property falls
6 smack in the middle of the map.

7 MR. FOLEY: Michael Klemens.

8 MS. MANO: Because we're dealing with
9 all sorts of large parcels of development, and
10 we're experiencing the impact of those that have
11 been given approvals, can you discuss what your
12 site will look like at nighttime? Because I can
13 say that some of the developments on large
14 parcels, well you think you're screening them
15 during the daytime, at nighttime, they light up
16 like an airport.

17 MR. SIAO: Sure. I appreciate the
18 question. I believe we looked at that
19 biodiversity corridor after the last meeting and
20 Kevin or Dan, correct me if I'm wrong, I believe
21 we are outside of it. As far as nighttime
22 conditions, there's no proposed site lighting on
23 site, so at night, it will be dark.

24 MS. MANO: So what happens if there's

1 March 2, 2021

2 some sort of emergency on site and you need first
3 responders to access, you know, an electrical
4 fire or something?

5 MR. SIAO: Sure. You know, first
6 responders are now familiar with these types of
7 projects, the town has approved another project
8 that we've developed on Croton Avenue. That site
9 similarly does not have site lighting. You know,
10 first responders are familiar with how to address
11 an emergency situation and I imagine they have
12 ways to deal with lighting.

13 MS. MANO: Thank you.

14 MR. PREZIOSI: Okay. Thank you for your
15 comment. Is there any other individual on the
16 Zoom meeting who are willing to express any
17 comment related to this application? Please use
18 the raise your hand function. Okay. Loretta, I
19 think you can call it.

20 MR. SIAO: Great, well I appreciate
21 everybody's time here, I appreciate the
22 questions. So as we discussed next steps here, it
23 sounds like we're aligned on the biodiversity
24 study so once weather permits in April, Dan and

1 March 2, 2021

2 Kevin will start their work on site and perhaps
3 we'll be back in May to provide an update on that
4 first field visit. Before we close, Brad, did you
5 have any other closing comments or points you
6 wanted to touch on?

7 MR. SCHWARTZ: Perfect, no, I'm good.
8 Thank you, Kieran.

9 MR. SIAO: Alright. Great. Thank you
10 everyone for your time. Enjoy the rest of your
11 night.

12 MR. KESSLER: Loretta, you're muted.

13 MS. TAYLOR: Sorry. Tom, please.

14 MR. BIANCHI: Okay, are we going to --
15 what's the Board's feeling about continuing the
16 meeting or closing it at this point?

17 MR. KESSLER: No, we're going to adjourn
18 to, aren't we?

19 MR. BIANCHI: We're going to adjourn?

20 MS. TAYLOR: Well, yeah.

21 MR. BIANCHI: We're going to adjourn,
22 okay, alright.

23 MS. TAYLOR: Yeah, yeah.

24 MR. KESSLER: Is it April or May that

1 March 2, 2021

2 we're adjourning to? Chris?

3 MR. KEHOE: I don't know if Kieran or
4 Brad are still there. We were thinking of going
5 until May, but if --

6 MS. TAYLOR: May, that's what I thought.
7 That's what they said, yeah.

8 MR. KEHOE: Right? Because you're going
9 to be doing your biodiversity work in April,
10 you're not going to be ready by April 6th or
11 whatever.

12 MR. KESSLER: Right. Right. Okay.

13 MR. SIAO: I think adjourning to May
14 would be appropriate.

15 MR. KESSLER: Okay. So it'll be
16 adjourned until May.

17 MR. BIANCHI: Okay. Madam Chair, I move
18 that we adjourn this application to our May
19 meeting.

20 MR. KESSLER: Second.

21 MS. TAYLOR: Thank you, on the question.

22 MR. FOLEY: On the question, on the
23 question real quick, yeah, I appreciate Kieran's
24 effort on the so-call three dimensionals, but I

1 March 2, 2021

2 still wish there was a better way to evaluate
3 those [unintelligible] [02:36:49].

4 MR. BIANCHI: Well, I would, just on the
5 question too, I would consider using one of the
6 speakers said they were willing to take some
7 pictures.

8 MR. FOLEY: Yeah.

9 MR. BIANCHI: I would use, I would like
10 to see Kieran maybe take those pictures and sort
11 of talk about them next time to better explain to
12 them about the views right off of their porch,
13 rather than 100 or 200 feet off of their house on
14 the road.

15 MR. FOLEY: Yeah, I agree. I thought
16 that he was going to have access to the backs of
17 their property, you know.

18 MR. SIAO: You know, we did --

19 MR. FOLEY: [unintelligible] [02:37:27]
20 come up with.

21 MR. SIAO: -- we felt the photo from the
22 property boundary was most appropriate because
23 that's what's closest to the project itself. I'm
24 happy to take a look at those photos, just need

1 March 2, 2021

2 to understand very specifically where they are
3 located on the property so we can appropriately
4 compare them to what has been done, you know,
5 those photos included in the visual simulation
6 [unintelligible] [02:37:50] so we just need a
7 similar level of granularity.

8 MR. FOLEY: Number 41 Baron De Hirsch,
9 hopefully, she'll send a photo in as to what
10 she's talking about. Okay. Thank you.

11 MR. SIAO: Great, thank you very much.

12 MR. SCHWARTZ: Last point, Chris, you
13 mentioned the trees earlier. Is that something we
14 can work on with staff and we'll have that for
15 the May --

16 MR. KEHOE: Yes. You just need to
17 discuss the tree removals, the tree planting, any
18 shortfalls, make sure we're in agreement with how
19 invasives are counted or not counted. We can talk
20 about that between now and May.

21 Mr. SCHWARTZ: Okay, great. We'll submit
22 images for that.

23 MR. SIAO: Great. We'll set up a meeting
24 with staff in the interim. Thank you.

1 March 2, 2021

2 MR. FOLEY: We have to vote, right,
3 Loretta?

4 MR. KESSLER: Yeah, we're on the
5 question.

6 MS. TAYLOR: Yes. We were on the
7 question. Now I'm going to ask you, all in favor?

8 MULTIPLE: Aye.

9 MS. TAYLOR: Opposed? Thank you.

10 MR. SIAO: Thank you, have a great
11 night.

12 MS. TAYLOR: Alrighty. Moving on, excuse
13 me, to the second adjourned public hearing, it is
14 for the application of Hemlock Hill Farm for Site
15 Plan Approval for a seasonal beer garden, in
16 conjunction with Captain Lawrence Brewery. Now, I
17 mentioned at the beginning of the meeting that we
18 would be adjourning that, so Jeff, can I move on?

19 MR. ROTHFEDER: Yeah, Madam Chair, I
20 move that we adjourn the public hearing to June,
21 at the applicant's request.

22 MR. KESSLER: Second.

23 MS. TAYLOR: Thank you. On the question,
24 all in favor?

1 March 2, 2021

2 MULTIPLE: Aye.

3 MS. TAYLOR: Opposed? Alright. We got
4 it, fine. Now, on new, we have two new public
5 hearings. The first is PB 2020-18, the
6 application of Rafael Triana of High Q Electric
7 for Amended Site Development Plan approval and a
8 special permit for a Specialty Trade Electrical
9 Contractor for an approximately 34,000 square
10 foot parcel of property located at 1 Dogwood
11 Road. The drawings are most latest revised
12 December 4, 2020. This is a public hearing. If
13 there's anyone who wishes to speak, please step
14 up, or raise your hand first, and then let us
15 know your name and address.

16 MR. PREZIOSI: Okay, I'm going to
17 promote the architect. I think he's still on the
18 call, J.B. Hernandez as a panelist and then turn
19 it over to the public.

20 MS. TAYLOR: Do you know whether we have
21 people there who are --

22 MR. PREZIOSI: It doesn't look like
23 there's anybody on for public comment related to
24 this case, so.

1 March 2, 2021

2 MR. J.B. HERNANDEZ: Good evening, do
3 you want me to go from the presentation again, or
4 since this was from the last month
5 [unintelligible] [02:41:00]?

6 MR. PREZIOSI: No, J.B. I think we're
7 okay. We're just waiting for any public comment
8 related to the specialty trade contractor at this
9 location, so.

10 MR. HERNANDEZ: Okay.

11 MR. PREZIOSI: So if anybody else is on
12 the call, the virtual meeting for this
13 application, this is a public hearing so please
14 use the raise your hand function to discuss any
15 comments related to this specific application. It
16 looks like we are good, Loretta.

17 MS. TAYLOR: Alright, then. Bob?

18 MR. FOLEY: No, I thought it was -- oh,
19 okay, you're right. I make a motion we adopt
20 Resolution number 7-

21 MS. TAYLOR: You've got to close --

22 MR. FOLEY: Oh, I've got to close the
23 public hearing, make a motion --

24 MS. TAYLOR: Yes, please, thank you.

1 March 2, 2021

2 MR. FOLEY: -- a separate vote on that
3 or combine them?

4 MR. ROTHFEDER: Combine is fine.

5 MR. FOLEY: I'll make a motion that we
6 close the public hearing and approve, adopt
7 Resolution number 7-21 with the six or seven
8 conditions, so I guess there are eight
9 conditions, okay.

10 MR. ROTHFEDER: Second.

11 MS. TAYLOR: Thank you very much. On the
12 question, all in favor?

13 MULTIPLE: Aye.

14 MS. TAYLOR: Opposed? Alright. We're
15 done with that. Thank you.

16 MR. HERNANDEZ: Alright, thank you. Have
17 a good evening.

18 MS. TAYLOR: Okay. Alrighty. We have one
19 more new public hearing. This is PB 6-15, the
20 application of Hudson Ridge Wellness Center,
21 Inc., for site development plan approval and a
22 special permit for a hospital to be located at
23 the former Hudson Institute Property to provide a
24 New York State Office of Addiction Services and

1 March 2, 2021

2 support, certified 92 facility, 92-bed facility
3 to treat individuals with chemical dependency
4 issues located at 2016 Quaker Ridge Road and as
5 shown on an eight-page set of drawings entitled
6 Hudson Ridge Wellness Center Town of Cortlandt,
7 Westchester County, New York, the latest revision
8 dated March 20, 2019.

9 MR. KEHOE: Loretta, before we start,
10 and at the risk of messing everything up, I just
11 want to see about the Board having any plan or
12 idea. My understanding is Mr. Davis will have
13 about a 15 or 20 minute presentation, and then
14 Brad Schwartz and his team may have a 15 or 20
15 minute presentation. I have been asked if, you
16 know, and I can't speak for them. I think Brad,
17 after Bob Davis's presentation would have to
18 speak, but do you envision then allowing the
19 residents all to speak, do you want them to come
20 back another night, do you want to have a special
21 meeting? I mean how long are you willing to go if
22 it'll be about another 40 minutes before you get
23 to the public?

24 MS. TAYLOR: Well, see, we can't do

1 March 2, 2021

2 that. It's already a quarter to 10:00, it's not
3 possible to have 20 minutes here, 20 minutes
4 there and then have a array of public. This is, I
5 think this is really an imposition on the Board.
6 How many people are out there who really want to
7 speak, because we have heard the presentations. I
8 was going to allow Mr. Davis to do a quick five
9 minute something on, you know, on the proposal
10 itself, what he is proposing, and then that would
11 be the background or the context for the comments
12 that are going to be made. Now, if Brad is doing
13 20 minutes, is he supplanting the actual
14 speakers, individual speakers?

15 MR. PREZIOSI: Loretta, just real quick,
16 there's some chats going on. Some individuals
17 have been waiting since 7:00 p.m., I'm not quite
18 sure who Mr. Schwartz's is representing, but
19 there's about close to 80 attendees still on the
20 call and most of them are for this application.

21 MR. JOSH SUBIN: Also, I got a text from
22 Brad saying that he wants to talk about a special
23 meeting at some point prior, hopefully to all of
24 this going on, so I think that discussion,

1 March 2, 2021

2 whether it's with maybe Ken and Bob can have a
3 brief discussion with that. I don't know what
4 would be typical here, but I think that's being
5 requested.

6 MS. TAYLOR: What I'm asking is how many
7 people, how many residents in the area want to
8 speak to this application? There are 80 people on
9 the call. I doubt if 80 people want to speak. How
10 many people want --

11 MR. PREZIOSI: Right now, six have
12 expressed interest via the chat function, plus
13 Mr. Davis and Mr. Schwartz.

14 MS. TAYLOR: I'm going to ask that Mr.
15 Davis and Mr. Schwartz cut their presentations in
16 half and then we can listen perhaps, get through
17 all of the participants, six or seven
18 participants who want to speak. But it is now a
19 quarter to 10:00 and I don't think the Board
20 should be here until midnight. We came here at
21 6:00 o'clock for a work session and it's, you
22 know, in 15 minutes, we will have been here four
23 hours.

24 MR. FOLEY: Loretta, point out that

1 March 2, 2021

2 we're adjourning anyway.

3 MS. TAYLOR: Yeah, yeah.

4 MR. FOLEY: For the public
5 participation, because the people apparently have
6 been waiting also. And it's just something that
7 could be unintended consequences.

8 MS. TAYLOR: Well, now that you've
9 pointed it out, I guess they've all heard it. We
10 know, they're pretty -- in fact, I'm pretty sure
11 they knew we would be adjourning this, so people
12 who don't get a chance to speak tonight can speak
13 the next time. But we won't be able to have long
14 presentations, because that's not normally what
15 we do at this particular point in time. So,
16 again, if Mr. --

17 MR. FOLEY: Of course, Josh brought up a
18 special meeting. We addressed that at the work
19 session, so that may be.

20 MS. TAYLOR: Well, wait. Before we get
21 there, we haven't gotten to Brad Schwartz yet.
22 We're talking about the applicant and the
23 respondents. Now, if we can get Mr. Davis to do
24 ten minutes, and Mr. Schwartz to do ten, at the

1 March 2, 2021

2 beginning of the portion that we're allowing the
3 residents to speak, then it sort of falls into
4 line. There's a context here, and we're not
5 darting all over the place.

6 So Mr. Davis can go first, discuss the
7 project, you know, what he's going to be doing,
8 what this application is all about and where we
9 are at the moment, without arguing, making any
10 you know, arguments for this particular
11 application. Just simply present the facts about
12 where we are. And then Mr. Schwartz can follow,
13 cutting his presentation in half again, and then
14 the individuals who want to speak can then speak.
15 Okay. And then next time, you know, we can go at
16 this again, next month.

17 MR. KESSLER: How about we get started?

18 MR. BOB DAVIS: Yes, good evening. I'm
19 Bob Davis, did any board member want to speak?

20 MR. KESSLER: No, go, start.

21 MR. DAVIS: Respectfully, I'll try to go
22 as quickly as I can, but after six years to
23 reduce to like five minutes, I've cut my
24 presentation significantly. I'll go as fast as I

1 March 2, 2021

2 can. Forgive my --

3 MS. TAYLOR: You can go, Mr. Davis, you
4 can have ten minutes. You said you had 20, we're
5 cutting it in half, that gives you ten minutes,
6 so if you can, please, you know, try to stay
7 within that timeframe, I'd appreciate it.

8 MR. DAVIS: Okay.

9 MR. KESSLER: Can I just say something?
10 I'm sorry, Loretta. Look, it's important for him
11 to present his case to the public, I don't know
12 how much the public knows.

13 MR. DAVIS: Thank you.

14 MR. KESSLER: I think if we're going to
15 start a public hearing, the public needs to know
16 everything he wants to say about it, so they can
17 react to it. I'm sorry. That's just how I feel.

18 MR. DAVIS: Thank you, Mr. Kessler.

19 MS. TAYLOR: Mr. Davis, you have ten
20 minutes, okay. Thank you.

21 MR. DAVIS: Okay.

22 MR. KESSLER: Could we take a vote on
23 that please Loretta? I think he should have as
24 much time as he needs to present this. It's an

1 March 2, 2021

2 important subject. It's an important application
3 and the public needs to have all the information
4 that he wants to impart upon them and the same
5 thing for the public, they should be able to
6 present whatever information they want to
7 present. That's how a public hearing works, I'm
8 sorry.

9 MR. FOLEY: Plus, Mr. Davis submitted
10 comments that were in our minutes from the other
11 meeting and that should be available to the
12 public also if you haven't seen it, about ten
13 pages.

14 MS. TAYLOR: No, wait a minute. He was,
15 these documents were presented to Mr. Schwartz,
16 right?

17 MR. DAVIS: Yes.

18 MS. TAYLOR: Did you release them to the
19 residents in the area?

20 MR. DAVIS: They've been submitted to
21 the board, they're public record. Mr. Schwartz
22 received copies, just as Mr. Schwartz made a
23 submission that I have a copy of.

24 MR. FOLEY: And Mr. Davis comments as we

1 March 2, 2021

2 got as an addendum to the minutes were said, I
3 believe, at a meeting, public meeting.

4 MR. DAVIS: Well I, those, those were
5 some other comments. The Board is now making a
6 SEQR determination. This is, this is a fairly
7 complex project. As Mr. Kessler said, I would
8 ask, I'm just asking for 15 minutes after six
9 years of an application that has an expensive
10 history.

11 MS. TAYLOR: Let me ask you this. If we
12 come back next month, do you need another 15
13 minutes to present it all over again?

14 MR. DAVIS: No, I need 15 minutes, and
15 then we'll, as you mentioned in the work session
16 and it was our intent, we'll respond to any
17 public comment, for example, Mr. Schwartz
18 submitted a letter February 22nd. We'll respond
19 to that for the next meeting. I don't need to
20 make another presentation at the next meeting.
21 We'll submit our comments, or our answers to any
22 questions in writing. And if there's no public
23 comment at this particular meeting, then they're
24 won't be any comments for us to address.

1 March 2, 2021

2 MS. TAYLOR: Well, I'm sure there will
3 be comments. Alright, go ahead, do your
4 presentation.

5 MR. DAVIS: Thank you, Thank you, Madam
6 Chairman.

7 MS. TAYLOR: Okay.

8 MR. DAVIS: Our client submitted their
9 original application for a special permit and
10 site plan approval to your board in 2015, some
11 six years ago. So, already the applicants have
12 endured a rather exhaustive review by your board,
13 the zoning board and the town's professional
14 staff and consultants, together with a nine-month
15 moratorium and two litigations arising from the
16 zoning board proceedings, which have cost them
17 millions of dollars to date.

18 In the interest of time, I will not go
19 over the history of the institutional use of the
20 property or the nature of the hospital in detail,
21 as I've done many times, or the internal
22 operations, as we did at great length before the
23 ZBA. It's all in the record. I can answer any
24 questions, any time so tonight, I want to focus

1 March 2, 2021

2 on SEQR matters, because that's why we're having
3 the hearing.

4 In short, the applicants propose to use
5 their 20.83-acre property on Quaker Bridge Road
6 and the seven existing buildings, including the
7 main hospital building as a special hospital to
8 serve -- a specialty hospital to serve those
9 suffering from alcohol and other substance use
10 disorders. They need the one variance from the
11 State road frontage requirement.

12 The town's 2004 and 2016 Master Plans
13 and its 2004 Open Space Plan expressly recognized
14 the long institutional use of the property and
15 the town's goal of maintaining open space, the
16 existing open space, just as we proposed. So this
17 is a very environmentally positive use of the
18 site, because the applicants aren't building
19 anything. They'll be using only the existing
20 buildings in the same manner for which they were
21 constructed in the '20s and for the same type of
22 hospital that occurred for 30 years and has later
23 approved for other institutional uses through the
24 '80s.

1 March 2, 2021

2 The use won't affect any sensitive
3 environment areas. The substantial undeveloped
4 open space, some 75 percent of the property will
5 remain. There's only two percent building
6 coverage, which won't change. The applicant
7 controls an adjoining 27.8-acre parcel, which
8 will not be developed and the applicants have
9 volunteered to restrict that site with a covenant
10 to prohibit its development.

11 Importantly, unlike other government
12 school and religious uses, the property is going
13 to remain on the tax rolls. We estimate the taxes
14 will be about \$500 million a year increased
15 revenues with no school children and minimal use
16 of services. Without even including the adjoining
17 parcel, the property far exceeds the bulk
18 requirements for a hospital special permit. It's
19 twice the ten-acre minimum lot size, it's five
20 times the minimum square footage per patient bed,
21 and six times the required road frontage length,
22 much larger front yard and rear yard.

23 Our clients certainly respect their
24 neighbors and the environment and that's why they

1 March 2, 2021

2 are preserving 75 percent open space on the over
3 20 acres and over 27 adjoining acres. They're
4 proposing a use that's consistent with the
5 historic use, but which has far less impacts than
6 other uses permitted without any variance. And
7 they're deeply committed to working with the
8 community to address the addiction crisis.

9 They're giving special preference or
10 they will, to Cortlandt residents, reserving
11 beds, affording scholarships and providing a
12 favorable fee structure. They'll also have a
13 neighborhood liaison that work closely with the
14 town and other organizations to provide speakers,
15 programs and other things addressing the
16 substance epidemic.

17 So, we've demonstrated in our expert
18 submissions that this is the best use of the site
19 for the town and the neighborhood. It will have
20 much less impact than other uses permitted as of
21 right, such as a subdivision of the combined
22 acreage for 20 to 24 homes, or the school or
23 religious uses, which has expressed an interest
24 in the site and don't need a various.

1 March 2, 2021

2 The two principal issues raised to date
3 have been the possible effects on neighboring
4 wells and the traffic. And our exhaustive expert
5 testimony, as approved by the consultants has
6 demonstrated there'll be no significant adverse
7 impacts with respect to either.

8 As to wells, back in December, 2018, our
9 consultant gave a PowerPoint presentation, it's
10 appendix 30, regarding the extensive well testing
11 that past August, which clearly demonstrate no
12 significant adverse impact. The testing was
13 approved by this board, the town staff, its
14 hydrogeologist, and the health department. The
15 town's expert agreed that there will be no
16 significant impact. Indeed, there will be no
17 impact at all.

18 We have received approvals for our water
19 supply system from the health department, also
20 our state of the art septic system, which will
21 replace the existing and be much more protected.

22 Our hydrogeologist, in February 2019,
23 rebutted the comments of the neighbor's
24 consultant. To buttress that response, in March

1 March 2, 2021

2 2019, we voluntarily monitored a well monitoring
3 program as approved by the town's professionals.
4 In addition, we'll be submitting monthly reports
5 of water usage to the health department and the
6 town.

7 Importantly, in April 2019, the town's
8 consultant submitted his own report rebutting the
9 neighbor's consultant, and he stated, quote,
10 there would be minimal impacts and he found no
11 merit to the neighbor's consultant's critique.

12 Notably, we far exceeded all standards
13 for well testing, including the number of
14 neighbors we invited to participate, the number
15 of wells we tested, the extreme level at which we
16 conducted the tests, 72 hours of continuous
17 simultaneous operation of the two new wells on
18 the site, which would never happen in actual
19 usage, at a rate more than double the expected
20 usage, as approved by the health department and
21 without regard to a 12,000 gallon storage tank to
22 mitigate peak periods.

23 We invited all of the neighbors
24 requested by counsel to participate, six of nine

1 March 2, 2021

2 accepted. The town staff was heavily involved in
3 this process throughout, with its consultant. In
4 sum, we tested 16 neighboring wells over a wide
5 area the town required, 14 had no impact at all,
6 two had only small drawdown under these extreme
7 conditions, which wouldn't occur in actual
8 operations and wouldn't affect the use anyway.

9 We've invited those owners to participate in the
10 well monitoring program.

11 The hospital has used the wells at a
12 rate about similar to a garden hose not
13 continuously, 85 percent of the usage will be
14 recycled by the septic and only a small
15 percentage of the rain recharge to the property
16 will be used. The water usage will be similar to
17 a residential subdivision.

18 So we demonstrated at great length that
19 no discernible impacts to wells are expected and
20 your consultant agrees.

21 As to traffic, at your January meeting
22 of 2019, we gave a big presentation that showed
23 that the use will have no significant adverse
24 traffic impacts. That's Appendix 30. Your town

1 March 2, 2021

2 consultant commented and we went back and forth
3 for a couple of months and in April 2019, he
4 advised our traffic engineer that he was
5 satisfied with our final responses.

6 Significantly, he found our daily trip estimates
7 acceptable and that they would not have an impact
8 on area intersections.

9 So as we explained at length, like our
10 efforts with the wells, our efforts with the town
11 and its experts to address traffic has been very
12 productive, and those efforts have ensured that
13 there will be no significant traffic impacts on
14 the neighborhood.

15 Notably, the proposed use will have much
16 less traffic than other non-residential uses
17 permitted as of right, like schools, religious
18 and government uses, and like our water usage,
19 the hospital will generate traffic similar to a
20 20 to 24 lot subdivision of the combined
21 properties. There will also be less traffic than
22 the prior institutional uses approved for the
23 site by the special permit. IBM, the Hudson
24 Institute and the hospital at which was approved

1 March 2, 2021

2 in 1989, when the neighborhood was fully
3 developed, all of which would permit up to 225
4 people on the site at one time. The maximum we
5 would ever have, which would be only for one
6 shift, and only if we reached capacity in about
7 five years, would only be 129, with a maximum of
8 92 patients, none of whom will have cars, and 37
9 employees, most of whom will be shuttled to the
10 site.

11 So, even with our ultraconservative
12 study assumptions, the traffic generated by the
13 proposed use will not cause any delays on the
14 roads, level of service A, will be maintained,
15 that's the best possible rating with the least
16 possible delay. Notwithstanding that in
17 conjunction with the town's experts, we
18 voluntarily created a traffic management plan,
19 which would remain in place and has numerous
20 voluntary mitigation measures to prevent any
21 impacts on the character of the neighborhood.

22 Those measures would include the
23 following, which is important. Patients will not
24 be permitted to have vehicles or use vehicles

1 March 2, 2021

2 during their stay. Employee arrival and departure
3 times will be scheduled off-peak, outside
4 existing peak hours. As most traffic would
5 consist of staff, the staff will be spread over
6 four shifts and two shuttle vans will be used to
7 transport a good number of them from pickup
8 points outside of the area.

9 There will only be five to six
10 deliveries to the hospital per week, with once a
11 week garbage pickup and laundry, probably a daily
12 UPS. Delivery vehicles will only be the size
13 generally of the Peapod Grocery trucks serving
14 the neighbors. Tractor trailers will be
15 prohibited and there will be on weekend
16 deliveries. Delivery vehicles will be directed to
17 take specific routes from Routes 9 and 9A over
18 the safest and most sufficient roadways, with 95
19 percent of traffic coming from the south in
20 Newcastle and only five percent from the north on
21 Quaker Ridge Road.

22 We're doing some improvements to the
23 entrance to prevent queuing on Quaker Ridge.
24 Visitation for each patient is limited to one

1 March 2, 2021

2 weekend day per month, with only 25 percent
3 having visitation any weekend. There will be more
4 than adequate parking. Much is already existing.
5 Importantly, this specialty hospital will
6 generate far less traffic and require less
7 parking than a general hospital or a nursing
8 home, as it will have far fewer people coming to
9 the site than those uses. For example, unlike the
10 general hospital, there will be no emergency
11 room, ambulances or outpatient treatment and
12 unlike a nursing home, visitation is very limited
13 and the employees will be using those vans.

14 There will be an ongoing parking
15 monitoring program with reporting to the town
16 along with reporting of the traffic near the site
17 on Quaker Ridge.

18 In terms of road conditions, we surveyed
19 Quaker Ridge Road north and south of the
20 entrance, as requested by the town. We
21 demonstrated it has a width of 20 feet or more
22 and there's adequate turning radius for vehicles
23 coming to the site. We'll be removing any
24 vegetation covering pavement and Newcastle has

1 March 2, 2021

2 already done that south of the site.

3 In any event, we'll generate far less
4 traffic than the capacity of the road will
5 absorb, only about 15 percent, which is about 60
6 cars over 24 hours. So, in short, given the
7 proposed limited specialty use of the existing
8 buildings, no construction and all of the
9 mitigation measures we voluntarily made part of
10 the application, there will be no significant
11 adverse traffic impacts on the character of
12 Quaker Ridge Road as a historic road, the safe
13 and efficient use of the area roads by the
14 residents and emergency vehicles and the quality
15 and life and character of the neighborhood from a
16 traffic perspective.

17 So we demonstrated to you by extensive
18 expert analysis to the satisfaction of your own
19 experts that with respect to the two principal
20 concerns raised by neighbors to date, offsite
21 wells and traffic, there'll be no significant
22 adverse impacts.

23 And we submitted to you, and I'll make
24 this brief, an analysis back in January 2019,

1 March 2, 2021

2 I've mentioned before, that went through all the
3 SEQR criteria for significance and based on your
4 own experts, there's no basis in the record for a
5 positive declaration.

6 And again, we noted that in March of
7 2019, we offered 54 positive and mitigative
8 conditions, which we imposed upon ourselves to
9 avoid any adverse impacts and actually to ensure
10 they'll be positive impacts. As the Board
11 suggested back in January, 2019, we put together
12 a consolidation of all of our submissions in one
13 four volume set. The consolidated, expanded
14 environmental assessment report, the SEQR
15 analysis I just mentioned is in the executive
16 summary in Appendix 31. The 54 stipulated
17 conditions I mentioned are in Appendix 37.

18 And importantly, to reference a comment
19 made at the work session, we have made in that
20 volume, detailed responses to every single public
21 comment since the outset in 2015 and those
22 comments have been very substantial. There's
23 hundreds of them in there that we responded to.
24 They were made a meetings and through other

1 March 2, 2021

2 media. We know of course, there'll be more.

3 Last week we submitted a summary through
4 JMC of the lack of any significant adverse
5 impacts under SEQR which is very concise. You can
6 find the backup details in our volume one, and we
7 also provided the consolidated balance of the
8 submissions since March of 2019.

9 So just to sum up, at this juncture,
10 we've done everything asked of us by the town
11 since our initial application six years ago. We
12 have voluntarily imposed dozens of mitigative
13 measures and conditions on the application. And
14 based on the substantial record, including your
15 own expert reports, we've amply demonstrated a
16 lack of significant adverse impacts which would
17 entitle us to a neg dec or a condition neg dec.

18 We would note that the perspective
19 patients and therefore our clients, are protected
20 by the Americans with Disabilities Act, and
21 accordingly are entitled to reasonable
22 accommodations by the town.

23 And in conclusion, there are 40,000
24 Cortlandt residents. In December 2019, over 1,000

1 March 2, 2021

2 residents and some 5,000 people in all submitted
3 a petition to the town in favor of the hospital.
4 Many residents will benefit from the vital health
5 services and programs our programs, our hospital
6 will provide, with special accommodations for
7 those town residents. And all residents will
8 certainly benefit by the over half million
9 dollars in taxes our clients will be adding to
10 the annual revenues, as will the town, the
11 Croton-Harmon School District with no students
12 being produced, the town and village libraries,
13 the highway department and the fire district.

14 As the Board knows, our clients rights
15 are not dependent on neighborhood opinion, or the
16 views of a relatively few opponents, their
17 application is governed by their rights under
18 federal, state and local law and by the interests
19 of the entire community. And as noted, we'll
20 respond to the neighbors' February 22 submission
21 and any public comment in writing for the next
22 meeting.

23 So, thank you, I'm sorry I had to do
24 that quite so fast but I tried to keep to the

1 March 2, 2021

2 guideline.

3 MS. TAYLOR: We appreciate it. Thank you
4 very much. Alright. Mr. Schwartz.

5 MR. SCHWARTZ: Hey, good evening again,
6 Madam Chair and members of the Board, for the
7 record, Brad Schwartz, representing the Citizens
8 for Responsible Hudson Institute Site
9 Development, also known as CRHISD. Madam Chair,
10 in light of the hour and the instructions
11 tonight, I'm going to keep my presentation very
12 short and put most of it off until the next
13 meeting.

14 I do want to make clear right up front
15 that eight consultants on the call and several
16 CRHISD members who are waiting to be heard on
17 this matter. This is a significant application, a
18 four-volume EEA and all these residents have a
19 lot to say and we would request, as was discussed
20 during the work session that the Board schedule a
21 special meeting where everyone could be given a
22 fair opportunity to be heard, the applicant, as
23 well as CRHISD [unintelligible] [03:08:40]
24 members and all its consultants that we don't run

1 March 2, 2021

2 into this problem again each month.

3 But as far as tonight goes, again, I'm
4 going to put off the presentation that I had
5 planned. We will jump right to an architect as a
6 speaker, a consultant, Steven Forneris from
7 Perkins Eastman. He's an architect who has
8 substantial experience designing facilities for
9 programs such as this and he has a very critical
10 threshold issue to share with the Board tonight.
11 You're going to hear from Steven why in his
12 professional opinion, this project makes
13 absolutely no sense based on the square footages
14 in the existing buildings on the site.

15 You heard the applicant represent to
16 your board again a number of times in his opening
17 that the applicant is not proposing any new
18 construction as part of this project, it's going
19 to stay within the existing current footprint of
20 those existing buildings and that's their,
21 probably their number one reason why they think
22 they're entitled to a neg dec.

23 So let's focus on the math for just a
24 second. That's a total of approximately 38,560

1 March 2, 2021

2 square feet for a high end 92-bed facility plus
3 over 80 staff and all the services and programs
4 they say they're going to provide. Let me repeat
5 that, 38,560 square feet for a luxury 92-bed
6 hospital serving, targeting affluent folks from
7 New York City and beyond. The numbers just don't
8 add up.

9 So putting aside for a moment all the
10 community character and environmental impacts,
11 lighting, traffic well water, that we have again
12 a slew of residents ready to speak about tonight.
13 Again, all the zoning issues, no frontage on the
14 state road, we're in a residential district, a
15 designated historic and scenic roadway, those are
16 all key issues. Put those all aside for a moment.
17 There is a fundamental flaw in this whole
18 project. The plan is not real and no one really
19 knows what's going on here.

20 And why does this matter? The public
21 can't meaningfully comment on a plan that we
22 don't know is viable. The Board, for SEQR special
23 permit and site plan we all need to know what is
24 the plan that's being evaluated. How can we

1 March 2, 2021

2 meaningfully assess impacts if there's not a
3 realistic plan being presented.

4 And tonight's not just a SEQR public
5 hearing, but I believe under the public notice
6 that went out, it's a SEQR and site plan public
7 hearing. And the issues that Steven is about to
8 get into is relevant for all those topics. And
9 with respect to SEQR in particular, it would be
10 unlawful segmentation for the applicant to come
11 back after the fact to seek construction for new
12 buildings to fulfill its programmatic need when
13 it knew or should have known right off the bat
14 that additional buildings were required because
15 the current square footage cannot accommodate
16 this program.

17 So, Mr. Preziosi, if you could please
18 promote Mr. Forneris and he will be our one and
19 only speaker tonight Madam Chair and again, I
20 would ask for a special meeting to accommodate
21 all the rest of the consultants and all the rest
22 of the residents, so everyone has a full and fair
23 opportunity to be heard.

24 MR. STEVEN FORNERIS: Okay. Can you hear

1 March 2, 2021

2 me? Okay. Well, first of all, thank you everyone
3 very much for your time. And just two little
4 curious things about this meeting tonight. I'm
5 one of the only people at the meeting whose birth
6 certificate says Cortlandt on it, and I've spent
7 my entire life trying to tell people how to spell
8 it correctly, and you're the only group of people
9 that I don't have to do that. And the other is my
10 grandmother and grandfather used to live on 140
11 Grant Street. So I know the community very well
12 and I grew up there.

13 So, I'm going to speak to you a little
14 bit about some information. I was contacted a few
15 days ago to be asked a very simple question, and
16 the simple question was could a 92-bed high end
17 substance treatment abuse center with the
18 existing footprint of the former Hudson Institute
19 site be viable on that site.

20 Let me tell you just a second -- and my
21 answer to this is I don't see how it could be
22 done. The -- let me tell you a little bit about
23 my background, because it probably is relevant
24 for this. So, give me a moment here, there we go.

1 March 2, 2021

2 Okay. My name is Steven Forneris, I'm a partner
3 and a architect at Perkins Eastman Architects.

4 Perkins Eastman, we are a 1,000 person firm with
5 17 offices around the world. We do specialize in
6 healthcare and healthcare facilities is one of
7 our project types. We do a significant number of
8 these buildings, many of them in your area and
9 throughout the world.

10 The, we have 15 different practice
11 areas. In fact, within your area, we've even
12 completed White Plains Hospital. But well within
13 the scope of what we do are these types of
14 facilities and when we work on projects with
15 clients. I'm also licensed in New York State,
16 Connecticut, Rhode Island, Massachusetts and the
17 country of Ecuador, where I've also been building
18 healthcare facilities in South America.

19 So when it comes to these, when it comes
20 to a facility such as this, let me see if I can
21 toggle back to, oh, here we go. When it comes to
22 these facilities, one of the first thing -- let
23 me just kind of back up a second, and tell you
24 how I answer that question and how I come to that

1 March 2, 2021

2 conclusion.

3 So one of the first things that an
4 architect is often asked to do, when you come on
5 to a project is hey, is this project viable. And
6 a client starts out a project and they don't want
7 to invest in a great deal of money until they
8 figure out that they know we can do the project.

9 So we have a number of metrics that we begin to
10 work with. And one of the baseline metrics that
11 we begin to work with on a hospital and
12 healthcare facilities is how many square feet per
13 bed do you have for this facility. And there are,
14 these numbers help us estimate what type of
15 facility we have. And it's actually remarkable
16 Things actually tend to grow. They don't tend to
17 get smaller.

18 So when it comes to this background,
19 the, looking at some of the applications, some of
20 the commentary that went back and forth, we were
21 speaking about a high end wellness center. So we
22 started picking a few -- we started picking out
23 from our database a few of these centers. And a
24 really great example is something like the Betty

1 March 2, 2021

2 Ford Foundation, really a high end facility in
3 Rancho Mirage, California, 100 beds in that
4 facility, it's about 20 acres of a site, not too
5 different, and it's a site that utilizes about
6 211 staff members. And the entire building, the
7 entire complex of the building is about 137
8 square feet for the whole building. If you
9 translate the whole building to the metrics of
10 the site, you end up getting about 1,372 square
11 feet per bed on the site. That's a very nice
12 facility and that's a facility that's high end.

13 You would find, you tend to find in this
14 realm that you could drop down to maybe as low as
15 about 1,000, you might go up to about 1,500 if
16 they go to a little bit more. But it's within
17 that, that encompasses all of the facilities
18 within that environment. So when a client comes
19 to me on our first meeting, we're going to go and
20 say, okay, you want to build a facility, this is
21 what you're going to get.

22 If we look at the site that's in
23 question here, we have 38,560 square feet on the
24 site. That comes to about 429 square feet per bed

1 March 2, 2021

2 on the site. That's a low number. And remember,
3 this was a hospital that was designed back in
4 1920 and standards have been different. Trust me,
5 my whole business is about upgrading standards of
6 hospitals and they keep getting bigger, because
7 regulations continue to get bigger. But for, if I
8 were to apply for example, the standards of Betty
9 Ford, the Betty Ford Clinic onto this facility,
10 you'd be talking about 28 residents for this
11 facility. Or, you'd have to grow the facility to
12 handle the 92 residents, between the two.

13 So, again, if I'm returning back to you
14 as like a client, my first meeting with you as a
15 client would be to say we have to, big red flag
16 here guys, we're going to go one or two
17 directions. You either have to reduce your number
18 to 28, or you have to think about going up to
19 adding more facility to handle these numbers, or
20 quite honestly, change the nature of the
21 facility. I guess there's three options that you
22 can go to.

23 Now, at the same time, we went through,
24 I've been, again, I've just been on this the past

1 March 2, 2021

2 few days, so I started going through some of even
3 the references given. I took a look at Highwater
4 Recovery Center in Connecticut, a 55-bed
5 facility. Again, aggregating all the buildings on
6 that facility, about 79,000 square feet, comes to
7 about 1,446 square feet per bed. I can provide
8 these numbers to you because it's a lot of
9 numbers. I'm happy to write them down and make
10 sure I'm not mixing and matching things for you.

11 But in general, what you're, as an
12 architect, my concern about this project is that
13 the numbers that are projecting, and now again,
14 sometimes, it's not unusual. I get clients that
15 come up to me and they sometimes have approval
16 and they say okay, we're going to go ahead with
17 this thing, and our first question is why didn't
18 you talk to us earlier, because this is not the
19 way it's going to flesh out.

20 And if you begin to look at some of the
21 experts that have been helping advise, for
22 example, the Dan Brown Group that has been, that
23 has come up with a report and analysis on what to
24 do for their facility, all of their analysis

1 March 2, 2021

2 comes and shows beds to, how many beds to square,
3 to acres of site, not the actual, physical
4 building. A lot about administration building,
5 how things run, but as an architect, we're always
6 thinking about how to make this building work in
7 the physical realm. So from my point of view,
8 that's a big red flag.

9 The other thing is as I mentioned, it's
10 a 1920 building and to utilize the same building
11 for [unintelligible] [03:20:06] point, it's going
12 to need a significant upgrade. If you want to
13 talk about handling the medical observation
14 necessary for patients that is going to be
15 delivered, the expanded nutritional requirements
16 required in this type of treatment and behavioral
17 modifications as well that is added to this.

18 And so how do I think about this? I
19 think of this kind of like standing in front of
20 the rent-a-car agency with a family of four and I
21 say I'd like to rent, I want to rent a motorcycle
22 for my family to travel around for the weekend,
23 and the person behind the counter going well,
24 there's four of you, it's not going to fit on the

1 March 2, 2021

2 motorcycle. So that's sort of the situation that
3 I'm observing and feeding back to you in terms of
4 looking at the facility. So I guess, if there are
5 any questions, I guess I'm happy to follow up and
6 yes? I can't hear. I think you're on mute.

7 MR. KESSLER: Thank you. Ultimately,
8 isn't there a regulatory authority that will
9 determine whether the size of the building is
10 appropriate for the number of beds they're
11 proposing?

12 MR. FORNERIS: Absolutely. Regulatory
13 authorities do provide minimum requirements. The
14 biggest variance that you find here is the nature
15 --

16 MR. KESSLER: Well all I'm saying is if
17 the regulatory comes back and says you can only
18 have 30 people, what's the difference?

19 MR. FORNERIS: The difference is the
20 nature of the type of building. This is being --
21 there's a difference between a high end facility
22 and a lower end facility. So minimum requirements
23 as opposed to -- all of the articles going out is
24 that it's a luxury facility, that it's very high

1 March 2, 2021

2 end, that's it's going to have, project to a
3 certain stratus. This is, you know, one thing
4 it's a, there are different types of hospital, a
5 Memorial Sloane Kettering versus another
6 community hospital, that type of thing.

7 MR. KESSLER: Okay. But --

8 MR. SCHWARTZ: Mr. Kessler, that, if I
9 could, so I'm going to take your questions and
10 that would be my next point. The regulatory
11 authority here over this facility is OASAS.

12 MR. KESSLER: Right.

13 MR. SCHWARTZ: And we've talked about
14 OASAS a bunch. We have asked the Board to require
15 the applicant to get input from OASAS. And one of
16 our experts, Steven Rabinowitz, has advised and
17 will advise your board next meeting, the normal
18 sequencing for OASAS and local land use review is
19 for an applicant such as Hudson Wellness to have
20 an initial consult with OASAS, get feedback on
21 exactly the question you asked, is this viable
22 before you waste the Board's time, the public's
23 time and all the resources going through a local
24 land use review process.

1 March 2, 2021

2 That hasn't been done here. And the
3 applicant, in his 15 minute opening, you notice
4 one word that wasn't mentioned the whole time,
5 OASAS, noticeably absent. So we would ask the
6 Board to encourage and require the applicant to
7 go to that regulatory authority, present this
8 plan and let's find out if the regulatory
9 authority thinks it's real or not.

10 MR. KESSLER: He will now have to
11 respond to your comments and your question and
12 we'll see what he says. That's the purpose of the
13 public hearing. We ask the questions, he has to
14 respond.

15 MR. SCHWARTZ: So, Madam Chair, that
16 concludes Steven's testimony. It's 10:25. Like I
17 said, there are seven other consultants and a
18 host of public residents. We'll follow the board
19 --

20 MS. TAYLOR: Brad we were prepared to
21 listen to the residents who have something to
22 say. So, if they are on the phone and they want
23 to talk, this is, they can talk now and they can
24 talk the next time we meet.

1 March 2, 2021

2 MR. KIMMERLING: Can I just ask, just --
3 there are a lot of things that have been said,
4 that will be said about this in a lot of
5 different ways, right. So should I understand,
6 Mr. Schwartz, the presentation we just heard is
7 suggesting that there is something afoot here?
8 That we are simply not -- the applicant is not
9 playing -- is not being honest? That there is
10 some other thing going on that nobody really
11 knows about, but? I don't know, it's sort of like
12 an intimation like that the plan is, eh, it's not
13 really what, it's not really what's really going
14 to happen here? And I don't know how to decide
15 things based on some suspicion that something
16 might not be really what it seems to be.

17 MR. SCHWARTZ: Yeah, and Mr. Kimmerling,
18 look, that certainly is what we're getting at,
19 but it's more than just a suspicion. Steven just
20 laid out some math for you, math that doesn't
21 check out, especially when you compare, again,
22 420 square feet proposed per bed, where every
23 other facility that your applicant has pointed
24 your bed to as a comparable is at least 1,000

1 March 2, 2021

2 square feet or greater. So it's not just a
3 suspicion, it's --

4 MR. KIMMERLING: Yeah, yeah.

5 MR. SCHWARTZ: -- and what we're asking
6 your board to do is make sure, require the
7 applicant to present what's a credible plan so we
8 call can assess meaningfully the impacts of the
9 proposal and certainly one way to do that, and
10 Mr. Kessler alluded to, or led me to my answer,
11 go to OASAS, get feedback, let's see what the
12 regulatory authority says and then come back
13 whether it's with 28 beds, 92 beds, is it 92 beds
14 with five more buildings? Again, they're hinging
15 this application on no new construction, using
16 just the existing buildings. And what we're
17 suggesting to you, it's not a suspicion, we're
18 telling you that's not possible for this kind of
19 a program.

20 MR. KIMMERLING: Okay. But if the Board
21 were to say you can build, you can have this
22 facility, you can have 98 beds if that's
23 appropriate, given the regulation and you cannot
24 build new buildings, you're saying they could

1 March 2, 2021

2 come back and want new buildings later?

3 MR. SCHWARTZ: And that would be
4 unlawfully segmenting the project because they --

5 MR. KESSLER: Whoa, whoa, whoa, how is
6 that different than Hudson Valley Hospital coming
7 back year after year looking for more buildings?

8 MR. SCHWARTZ: That's different, Mr.
9 Kessler. Once, at the initial operation, it was a
10 real hospital that then years later, they wanted
11 an addition, needs change, they come back for a
12 site plan amendment. But segmentation is knowing
13 up front that there's a grander scheme and a
14 grander plan.

15 MR. KESSLER: But it's possible that
16 they, you know, go to OASAS, OASAS says okay, you
17 can have 40 beds, they say I'm fine with 40 beds,
18 and then a couple of years later, they say you
19 know what, we'd like to go to 80 beds, we'd like
20 to expand. So you're saying that's not okay?

21 MR. SCHWARTZ: That would be okay after
22 OASAS first weights in and says 40 beds is --

23 MR. KESSLER: Okay. OASAS says 40 beds
24 and they want to run their business on 40 beds

1 March 2, 2021

2 and they think they can do that, we're okay,
3 right?

4 MR. SCHWARTZ: And then we're commenting
5 a reviewing a plan for 40 beds, not a plan for 92
6 beds.

7 MR. KESSLER: But I'm not really
8 approving a plan for 40 beds necessarily. I'm
9 approving a facility that will, some other entity
10 will determine how many beds. Right? I'm not
11 approving 40 beds. Just like when somebody with
12 their office building, I'm not telling them how
13 many offices to put in there.

14 MS. TAYLOR: Steve, Brad, can we get to
15 some of the people who are waiting to speak?
16 Please, thank you.

17 MR. PREZIOSI: Okay. At this time,
18 Loretta, I'm going to turn it over to the
19 residents. If you'd like to voice a comment,
20 please use the raise your hand function on the
21 Zoom app. If you're calling in by phone, it's
22 star 6 and star 9. I'm going to promote --

23 MR. SCHWARTZ: Mr. Preziosi, I think Mr.
24 Secunda wanted to speak first, if you could

1 March 2, 2021

2 please promote him?

3 MR. PREZIOSI: Chairwoman Taylor, do you
4 have an issue with that?

5 MS. TAYLOR: Who, who's --

6 MR. PREZIOSI: Or any particular order?
7 I do have other people that raised their hands
8 prior to.

9 MS. TAYLOR: Well, why should -- I'm
10 trying to figure out what's going on. There are
11 people who are on the phone who have been waiting
12 apparently --

13 MR. PREZIOSI: Yes.

14 MS. TAYLOR: -- to speak.

15 MR. PREZIOSI: Right. So --

16 MS. TAYLOR: So what is the --

17 MR. PREZIOSI: I'm just going to go in
18 the order in which they raised their hands, so --

19 MR. KESSLER: Right.

20 MR. PREZIOSI: So the first person that
21 I have, that I'm going to promote is Samm Sacks,
22 you are promoted to speaker.

23 MS. SAMM SACKS: Hi, my name is Samm
24 Sacks and I'm here with my husband, Mike Sacks.

1 March 2, 2021

2 We live at 31 Quaker Hill Drive. We moved to
3 Quaker Hill Drive from Croton Village because of
4 the proximity to Teatown Lake Reservation and so
5 that we could have our children, seven and five
6 years old, ride their bikes safely in our
7 neighborhood, something that would not have been
8 possible, due to the traffic in other parts of
9 Croton. We recently learned that there has been
10 a, actually do you want to say this part?

11 MR. MIKE SACKS: Sure. So, just first
12 offhand, we have, we're not not in my backyard
13 people. We have absolutely no problem with a
14 rehab facility, whether it's luxury or not, at
15 the Hudson Institute. That is not an issue for
16 us. We've been hearing people complain about a
17 water well, we think that might be pretextual.
18 But whether it is or not, our issue is this.

19 Just the other day we were talking to a
20 friend who was about to go under contract at the
21 property at 81 I believe, Quaker Hill Drive,
22 which is also owned by the person who owns the,
23 who owns the current property that's being
24 discussed at this point. She said that they're

1 March 2, 2021

2 excited to move in, and then he sprung on them a
3 requirement that they have to agree to an
4 easement, from the driveway of their house, or
5 the house that he owns that they're looking to
6 buy, through their backyard to the back of the
7 Hudson Institute property. She said that is not
8 cool, we're walking. They didn't want to have an
9 access road to the property through their back
10 yard as a condition of their buying the house.

11 The house is currently under contract. Our friend
12 who walked away said that the owner has
13 apparently filed the easement already with the
14 town.

15 Ultimately, what this means for us
16 though, as residents of the Quaker Hill Drive
17 neighborhood, which already has some safety
18 issues with blind spots that have caused near
19 accidents, both car and with kids and bikers,
20 even though it's a small neighborhood. The
21 problem it causes for us is that this may
22 increase traffic through our neighborhood,
23 through visitors, deliveries, etc., and
24 dependent, based on what we were hearing from Mr.

1 March 2, 2021

2 Davis's presentation is that there are no traffic
3 problems predicted on the main access road, we're
4 worried that this may be, literally a back door
5 through our neighborhood to the Hudson Institute
6 property to bypass the traffic, the traffic
7 issues that could otherwise arise through the
8 main access. And that would be at the expense of
9 the safety of our children and pedestrians
10 walking around the neighborhood, let alone
11 drivers who already have an issue with blind
12 circles in our neighborhood.

13 MS. SACKS: We would like to know what
14 is the reason that the easement road was put in?
15 have they already filed for a permit? What is the
16 justification for an easement road through Quaker
17 Hill Drive. Thank you very much for your time.

18 MS. TAYLOR: Mike?

19 MR. PREZIOSI: That's a new issue. We're
20 not quite aware of, so we'd have to research that
21 and get back to the resident with the response.
22 So we'll look at that and double check. Okay. So
23 I'm going to, I do have about eight speakers with
24 their hands being raised. The next speaker is

1 March 2, 2021

2 going to be Terry Yanni.

3 MR. TERRY YANNI: Oh, hello, can you
4 hear me?

5 MR. PREZIOSI: Yes.

6 MR. FOLEY: Yes, we can.

7 MR. YANNI: My name is Terrance Yanni. I
8 live at 25 Applebee Farm Road in Croton-on-
9 Hudson. And I just wanted to bring up a couple of
10 points. One is that the zoning in this area, that
11 the applicant refers to goes back 80 years. I
12 would also add that the architect has already
13 brought up that a hospital that was produced or
14 manufactured or put in place in 1920 has none of
15 the likes of a hospital that would be in effect
16 in today's current marketplace. Indeed, it could
17 never serve as a model facility in today's
18 environment. So what we know from zoning history
19 from 100 years ago has no application today.

20 Secondly, the town acted proactively in
21 putting together its medical oriented district,
22 or its MOD, that brings together all of the
23 components that are necessary to support and
24 sustain a hospital, including rehabilitation,

1 March 2, 2021

2 housing for visitors, possible places for them to
3 eat and visit with people who might be there,
4 even on a limited basis. This area cannot support
5 those sort of ancillary facilities. In fact, that
6 zoning was very insightful by the town and it
7 should be kept intact. This area cannot support
8 that infrastructure. It can't support the power.
9 We've already had issues in this area during
10 storms. As you all know, this area is very
11 heavily wooded and during storms, we have
12 blackouts, one most recently on Christmas Day
13 that occurred in this area.

14 So in summary, what we really want from
15 this board is we want the zoning rules that are
16 in place to be enforced. We want the zoning and
17 comprehensive plan that dictates that this
18 institution not be in a residential area. It
19 should be placed in areas that you all had the
20 foresight to put in place many years ago. And now
21 you need to take this on and enforce that this be
22 put in those zoned areas for medical oriented
23 districts. Thank you.

24 MR. PREZIOSI: I'm going to promote the

1 March 2, 2021

2 next speaker, Lee Karlin.

3 MR. LEE KARLIN: Hi, everybody. Ms.
4 Sacks has raised my point earlier. But I have
5 another point to make, or question, which maybe
6 it's a rhetorical question but the attorney for
7 the applicant mentioned that there's going to be
8 this large tax base that's coming to the town,
9 advantages for the town. But how does that affect
10 my taxes, meaning after speaking with several
11 local real estate agents and asking about what
12 effect may this hospital have on my ability to
13 retain the value of my property, they said most
14 people would not be looking in your area, which
15 is known for Teatown and other things that are
16 there. It's going to bring my property value
17 down, not up. So it has absolutely no advantage
18 for me for this coming. And it's not just me, but
19 it's the entire area. We moved here for a reason
20 some odd years ago, to be remote, to have a
21 quality of life you couldn't get in the village
22 or anywhere else. And it's going to not
23 disappear, but it's going to be drastically
24 affected.

1 March 2, 2021

2 So again, a rhetorical question, but
3 again this tax base is coming to the town, it has
4 no advantage for the residents that live in this
5 area. It's going to affect our quality of life.
6 I'm sorry I'm disappointing some of you by the
7 look on your faces, but it's true. We live here.
8 We moved here for a reason. Thank you.

9 MR. PREZIOSI: Okay, thank you for your
10 comment. I'm going to promote the next speaker,
11 Mr. Secunda.

12 MR. KIMMERLING: Can people just state
13 their address for the record.

14 MR. TOM SECUNDA: Hi, I hope you can
15 hear me. I'm Tom Secunda, 62 Teatown Road. And I
16 want to comment on what was said at the very
17 beginning of the process. You know, the Board is
18 approving a plan and that plan states that
19 they're building a hospital that was similar to
20 Betty Ford or some of the other things they
21 quoted, and that there's plans to put 92 in. And
22 I think if you review the information that we
23 have, you'll find out that the plan that they
24 have is nonsensical. It is not real. We've been

1 March 2, 2021

2 saying from the very beginning on dealing with
3 the applicant here that they have not been
4 transparent in what they want to do, and it's not
5 clear that this isn't, I want to be gentle and
6 nice about this, but this isn't a shell game
7 where you go in and ask for something that's
8 clearly not viable and then have to come back to
9 the Board with something distinctly different.

10 That's very different, Mr. Kessler, than
11 somebody who has an operating, they came, got
12 what they asked for, operated for years, and then
13 had to expand, which again, the Board would have
14 to look at and see if that was a reasonable
15 request. It is my fear that what's happening here
16 is that this request is a foot under the door,
17 it's a way of getting the town to do something
18 that then goes to the state, the state turns
19 around and says no, you're going to have to put
20 in a facility that's three or four times the size
21 of the facility that you have now in order to get
22 your 95 beds. They come back and say unless you
23 let us do this, this isn't a viable concern
24 because we need this number of beds to do this.

1 March 2, 2021

2 There's also another question when it
3 comes to traffic and other kinds of usage is if
4 you again look at the Betty Ford clinic as an
5 example, and again, it's them that's naming these
6 examples, not me. Their staff ratio is over
7 double of what their claiming. So the 80 people
8 that they claim, if they were going to run a
9 similar organization to what they claim they're
10 going to do, they would need double the number of
11 people. So again, the traffic study should be
12 done against double.

13 So it's really important to me that
14 whatever the planning board looks at is the
15 actual proposal that these guys are going to do,
16 and not a shell that allows them to get approval
17 and then later has to come back and ask for
18 again. We can bring you more experts. And I don't
19 know Steven, if you still have the pictures of
20 what a 400-square foot facility looks like, your
21 Ecuador example if you have that, yeah.

22 Well, actually go back for a second, if
23 you would. This is the difference, just as a
24 picture between the square footage. So the actual

1 March 2, 2021

2 land is very similar, very adequate what they
3 want to do. But this is the density of buildings
4 for Betty Ford versus the density of buildings
5 for Hudson Institute. Alright, you can see it's
6 not the same kind of thing, right. It's just
7 completely ridiculous what they're asking for.

8 If you could continue please, next
9 slide. This is what 400 square feet per person
10 looks like because you need nursing stations and
11 visiting areas and by the way, none of that
12 includes the mechanicals which will take space as
13 well. Now clearly, you're not going to be able to
14 charge the fees that they want in a facility that
15 looks like this. That's how ridiculous their plan
16 is, okay.

17 So I think it's the responsibility of
18 the Board to say hey, this plan is non-viable, we
19 can't possibly approve a plan that clearly
20 contradicts itself, that 92 beds and being an 80
21 staff versus, you know, any of these other
22 institutions, which have 1,300 square feet, not
23 400, and double the staff per patient. So this,
24 you know,

1 March 2, 2021

2 I'm sorry, but this is a ridiculous
3 proposal. I'm not saying that, you know, for the
4 life of me, I don't understand why they'd be
5 doing this other than the idea of we'll get the
6 planning board to say yes, and then we'll come
7 back later with a plan that makes sense.

8 MR. KESSLER: Mr. Secunda, since you
9 mentioned me, don't make the mistake of thinking
10 by my question that I have an opinion one way or
11 the other. I will ask questions on both sides and
12 play devil's advocate to get to the facts.

13 MR. SECUNDA: Okay. I appreciate that,
14 thank you. You know, again, I think that a
15 specialty hospital that's appropriate for that
16 location is something that we can talk about. But
17 first we have to understand what they're really
18 trying to do. Do they want a 30 person hospital
19 there, which would be what that facility could
20 handle, or do they want a 100 person thing there
21 where they're going to have to build a facility
22 of another 100,000 square feet to make this work.

23 And that's a fact. That's not a
24 supposition on our part. Any architect, and the

1 March 2, 2021

2 town could go and hire their own to go look at
3 this plan, will discover that this plan is bogus.
4 And approving a plan that has no ability to be
5 successful is not appropriate. And thank you for
6 your time. Sorry to be so aggressive on the call.
7 But it is kind of goofy. Thank you.

8 MR. PREZIOSI: Okay. Thank you for your
9 comment. Our next speaker will be Karen Wells.

10 MS. KAREN WELLS: Hang on. Okay, I'm
11 unmated now. I'm actually going to follow up on
12 some of what Tom was saying about just how goofy
13 this plan is. The issue around 81 Quaker Hill
14 Drive, which is a property the applicant has
15 never mentioned and yet, and it took quite a bit
16 of digging to figure out what was going on when
17 we started to hear these things in the community.

18 So, what seems to be happening is
19 there's an individual who has never been
20 mentioned in this application named Kevin
21 Cassidy, who at some points has paid the taxes
22 for Hudson, Hudson Ridge Wellness and sometimes
23 paid the taxes for 81 Quaker Hill Drive. And over
24 time, the LCCs that he has been behind have

1 March 2, 2021

2 changed. So there's an LLC related to 81 Quaker
3 Hill Drive that he was involved with that used to
4 pay taxes and seemed to own the property. And now
5 there's a new LLC that he's also involved in. It
6 is now paying taxes again on both properties.

7 That, in combination with the executed
8 easement and we did find documentation on the
9 executed easement, indicates potentially another
10 area of segmentation. If, you may not have
11 noticed, on the Betty Ford Clinic, there's a nice
12 little pool in the middle of that complex. One of
13 the questions we have raised is what are they
14 going to do for recreation on the Hudson Ridge
15 property. And we've been assured no pool, no
16 recreation is part of the pathway that that is
17 going to be their recreation building is part of
18 the plan that that's going to be a house for
19 patients after they finish the 30 days.

20 You know, again, it just, it -- my gut
21 reaction is that this is a project that an
22 applicant is segmenting, and, you know, I think I
23 speak for everyone where we want to prevent an
24 illegal act here. So we're raising these

1 March 2, 2021

2 questions. We're trying to prevent an illegal act
3 from happening. And, look, I don't know if it's -
4 -- I'm not saying an illegal act has occurred. I'm
5 just saying there are a lot of questions and we
6 don't want anyone going down that road.

7 There are a lot of other comments that
8 we have prepared as community members to talk
9 about. And one of them I do want to touch on in
10 addition to the question about the application.
11 It's about our power outages. Another member will
12 talk with a lot of data, about the power outages
13 that occur here. One of the things the applicant
14 has paid little attention to is what happens, how
15 they're going to handle that. So, for example,
16 one of the types of power outages we have in our
17 community are extended power outages with lost
18 power for over two weeks at a time. And this is a
19 facility that is saying they're going to have two
20 small generators, one for their septic, one for
21 the main hospital. Clearly needing to support all
22 of these other buildings is going to raise a
23 significant noise and fume issue from an
24 environmental impact.

1 March 2, 2021

2 We have other comments obviously, but I
3 realize the late hour. Before I go though, I
4 would like to add a lot of questions about what
5 that app- what this application is, who the
6 people are behind it. I think we need to get to
7 the bottom of that before we continue to take
8 time and try to analyze the project that just
9 doesn't make sense. Thank you.

10 MR. PREZIOSI: Okay. Thank you for your
11 comments. The next speaker is Daria Gregg.

12 MS. DARIA GREGG: Hi, I've been unmated,
13 this is Daria Gregg. I live at 51 Old Albany Post
14 Road in the town of Ossining section of
15 Crotonville. Probably most of the traffic coming
16 to this facility will be coming through
17 Crotonville on Old Albany Post Road. We did a
18 traffic study and the one that I've been shown
19 was from 2016 and a lot has changed since 2016.

20 I live right on Old Albany Post Road. I
21 think what I'm seeing that is one of the major
22 changes is that there is very, very large
23 construction trucks carrying other earth moving
24 construction machinery through the area, and it's

1 March 2, 2021

2 probably going over, is my guess, to the Sunshine
3 Hospital on Cedar Lane. Once that facility is
4 done, it's going to be a much larger facility. So
5 even if we may no longer have these large
6 construction trucks going through and all the
7 associated things with that, we're going to have
8 a lot more employees going through. It is the
9 main thoroughfare to your area, coming off of
10 Route 9 and 9A. I think there really needs to be
11 a new study taking that into consideration.

12 Most of the houses on Old Albany Post
13 Road in the Crotonville section are very close, a
14 lot of them, at least half of them are very close
15 to the road. Many of us do not have a place to
16 park off of the road, therefore, we have to park
17 on the road. We're just, and some of the houses
18 were built 200 years ago and so they just weren't
19 thinking about those kind of things back then.

20 The other thing is that I heard from the
21 lawyer from this, from the facility saying they
22 were agreeing to an easement and I want to know
23 if that's on the area that's going down to Little
24 Lake on the, I would say that's the east side of

1 March 2, 2021

2 the property. The Little Lake is just half a mile
3 upstream from Indian Brook, which is part of
4 Ossining's drinking water source, so, but if it
5 isn't, not an easement, a conservation easement
6 is what I was trying to say. So if that's not
7 there though, you really should take that into
8 effect because I don't think -- I think they need
9 a commercial septic system versus just a regular
10 septic system for such a large facility. I'll
11 leave it at that.

12 MR. PREZIOSI: Okay. Thank you for your
13 comment. Our next speaker will be Ed Kim.

14 MR. ED KIM: Good evening. My name is
15 Edward Kim, I reside at 3 Quaker Hill Court East
16 with my wife and two young children. We moved
17 here four and a half years ago from Manhattan
18 with our then two year old son and soon to be
19 born baby. We chose to move to Teatown area from
20 the city so we could be surrounded by trees and
21 not by commercial buildings. And with our house
22 in the cul-de-sac, we imagined our boys riding
23 their bikes without us worrying about their
24 safety.

1 March 2, 2021

2 And as a concerned citizen, I would like
3 to address the applicant's proposal on community
4 character, power outage management and traffic
5 safety related to SEQR determination. Now I love
6 that we live an hour away from the city, but we
7 feel like we're out in the country, more like
8 Vermont, as our neighbor would say. And this is
9 what makes Cortlandt so amazing. We have a
10 wonderful, close knit community and we have
11 witnessed a significant increase in families with
12 small children just in the past five years.

13 We as a nation have a substance abuse
14 problem and we need to address them from the
15 federal, state and local level. But a substance
16 abuse treatment targeted to the affluent
17 corporate sponsored patients from around the
18 country would not be appropriate in the greater
19 Teatown area, nor help those in need of
20 affordable care in our surrounding communities.

21 We're all connected and integral to the
22 greater Teatown area where we all support each
23 other and help when need it. Just this past year,
24 there's been an incredible example of how we all

1 March 2, 2021

2 came together and supported each other, such as
3 providing advice and assistance during the
4 pandemic, to raising money for a family who lost
5 their house to a fire on Glen Road, to organizing
6 an impromptu neighborhood trick or treat so kids
7 would not miss out on Halloween. How will the
8 patients who are transient short-term stayers and
9 required to stay within their treatment center's
10 compound become part of our community and
11 contribute? Will the hospital allow kids to play
12 ball on their expansive bucolic hand watered
13 lawn? Will they host a block party once we can
14 safely do that? How will Hudson Ridge Wellness
15 Center comingle within our community and our
16 town? We need more details from the applicant and
17 simply providing a reduced pricing to a hospital
18 stay or a couple of scholarships to the local
19 residents doesn't mean Hudson Ridge Wellness
20 Center suddenly becomes an integral fabric of our
21 community.

22 And in terms of power outage, in terms
23 that the applicant has not properly planned for
24 the prolonged power outages that we experience

1 March 2, 2021

2 several times a year. Whether required by code,
3 or as practical matter for uninterrupted
4 operations, I assume a hospital operating 24/7
5 would need generators in case of a power outage.
6 And thus I recommend to the planning board an
7 environmental assessment related to the
8 generators must be studied before any decision is
9 made.

10 It is likely that large generators
11 needed to support a 92 bed hospital will have
12 significant negative environmental impacts
13 [unintelligible] [03:53:57] surrounding area. The
14 impacts will not only be noise and fume related,
15 but also the large quantity of fuel that must be
16 delivered and stored on site for types of power
17 outages we experience.

18 As you all know and have experienced
19 firsthand in recent years, we have three types of
20 power outages in our area and throughout the
21 town. One type of appears to be systematic and
22 results in short outages that happen multiple
23 times a month. A second are minor storm outages
24 and result in outages that last for a few days to

1 March 2, 2021

2 a day or two and happens about three to four
3 times a year. The third type are major storm
4 related outages and result in loss of power for
5 multiple days including some losses lasting over
6 two weeks and are often combined with significant
7 road closures and at times, fires.

8 In one recent case in March 2018, Quaker
9 Ridge Road was essentially closed from all access
10 points due to downed trees and downed power
11 lines.

12 MR. SCHWARTZ: Ed, this is Brad. Before
13 you continue, did you want to show the photos or
14 --

15 MR. KIM: It would be nice if you can
16 show the photos, Brad. If not, we can just move
17 on and we can submit it.

18 MR. SCHWARTZ: I can quickly share, Mike
19 is that okay if I share the screen?

20 MR. PREZIOSI: Sure, go ahead.

21 MR. KIM: As Michael is sharing his
22 screen, we also want to point out there was a
23 fire during that time and the fire department
24 could not reach the fire and it simply had to

1 March 2, 2021

2 allow it to burn out. And in the flood, as you
3 see, examples of how the downed trees blocked
4 Quaker Ridge Road.

5 Also, you may recall the major
6 unexpected snow storm in November 2018, where the
7 town was pretty much shut. And I believe the
8 photo on the right shows where cars were stuck on
9 the Quaker Bridge, at the intersection of Quaker
10 Bridge Road and Quaker Bridge Road East because
11 they could not drive up either roads to Quaker
12 Ridge Road. In fact, it took me three hours to
13 drive home from Croton-Harmon train station that
14 evening because road closures from down trees and
15 power lines, when it normally takes me less than
16 ten minutes to get home.

17 Imagine if there was an emergency at
18 Hudson Ridge Wellness Center that evening, I
19 would not want to be that patient.

20 The applicant's proposal has not planned
21 for such frequent weather related emergencies,
22 other than they say there will be a generator
23 inside the main building. Will that service the
24 whole property for 90 plus patient and 80 plus

1 March 2, 2021

2 staff daily needs and all the necessary security
3 lights? We have a backup battery and a small
4 portable generator that basically keeps our well
5 water pump and furnace running for about a day,
6 which will allow us to have water and heat. And
7 we only use the portable generator as our last
8 resort, since generators tend to be loud and we
9 don't want to disturb our neighbors.

10 The building code experts from Jasmine
11 [phonetic] Engineering reviewed applicant's
12 proposal and their point of view of having
13 generators inside a building is not a standard
14 practice. And even if it goes inside the
15 building, there still needs to be an exhaust
16 system to the outside, and this will cause
17 additional concentrated noise.

18 The EEA does not contain any information
19 about number of generators, types of generators,
20 their location, noise level output, fuel delivery
21 and any associated risk. Now, if I'm a wealthy
22 patient in need of a tranquil and quiet setting
23 to treat my condition, the last thing I want to
24 hear is a loud generator running in the building

1 March 2, 2021

2 where I'm staying. And I don't think that's the
3 appropriate type of treatment center that the
4 applicant is envisioning.

5 Now, if there are multiple generators in
6 the main building, would it not concentrate the
7 noise more? So the location and direction of the
8 exhaust would be critical and should be
9 considered as a part of environmental assessment.

10 And also, keep in mind, each building
11 should have its own generator. Again, whether
12 that's by code or by choice, to make sure that
13 their hospital operations are not interrupted.
14 And please note that these outer buildings are
15 just six feet away from the property line, which
16 borders several homes.

17 And finally, in terms of traffic, I also
18 question the applicant's traffic management. It
19 seems unrealistic and unlikely that they will be
20 able to control and direct all of its patient and
21 staff and truck delivery traffic, as they claim.
22 They claim staff and delivery will be directed to
23 travel to and from the south of their property
24 that's passing through Crotonville, Ossining and

1 March 2, 2021

2 Newcastle. Has there been any coordinated traffic
3 study with Newcastle and Ossining for additional
4 traffic caused by the treatment center?

5 And patients and their families and
6 visitors will come to the site following GPS
7 directions, or whatever is their preferred route,
8 whether that be from the north, east west, not
9 only just from the south. And do you really think
10 companies and truck drivers are going to plan
11 their deliveries for the day around which
12 direction the applicant tells them to take? I
13 don't think so.

14 It seems unrealistic to expect the
15 onsite security personnel to provide traffic
16 control when a delivery vehicle needs to enter
17 and exit the site while maintaining security to
18 its patients. This raises several questions. One,
19 how long would it take for security in the
20 administrative office monitoring the driveway
21 entrance to realize there is a problem and get
22 down to the site entrance. Two, will security
23 personnel be trained to handle movement of such
24 vehicles.

1 March 2, 2021

2 I also find it incredulous and somewhat
3 naïve if the applicant thinks that this high end
4 wealthy clientele will also make use of their
5 shuttle vans to get to the hospital. On page 87
6 of EEA, applicant states the majority of site
7 generated traffic will be comprised of staff over
8 four shifts. It reasons that clients will
9 typically be picked up and dropped off at a
10 discharge location and two shuttle vehicles,
11 operated by the facility to transport them
12 between the property and train station or other
13 locations as required.

14 Now, has there been any traffic survey
15 to account for additional vehicles parking at
16 Croton train station? There is already an
17 overcrowding and a wait list for parking at the
18 train station and this would just aggravate the
19 situation more. Has Croton Village reviewed the
20 applicant's proposal to use the train station for
21 their patients and staff to park there or use as
22 a pick up point. Has the applicant also submitted
23 an application or a permit request for such
24 action?

1 March 2, 2021

2 And yet, the project narrative submitted
3 by Brown Consulting says clients will also arrive
4 by limousines. It is doubtful that affluent
5 patients and their families that the applicant is
6 targeting will take shuttle vans to be admitted
7 to the hospital.

8 In addition, it appears there are still
9 unresolved traffic questions that the town
10 consultant should provide opinion on. For
11 example, there was a lot of back and forth on the
12 driveway grade. Has this been resolved? Would a
13 steep grade that's not to code pose a safety risk
14 to oncoming traffic and pedestrians from delivery
15 trucks or waste disposal trucks or emergency
16 vehicles existing onto Quaker Ridge Road? Imagine
17 trying to stop during winter with snow and ice on
18 the driveway and a delivery truck or an ambulance
19 trying to stop before getting on a narrow Quaker
20 Bridge Road. It's quite and simply dangerous.

21 I ask the planning board to require the
22 applicant to provide additional details and all
23 other information required by the building code
24 that impacts SEQR and site design issues. Thank

1 March 2, 2021

2 you for your time and consideration.

3 MR. SCHWARTZ: If I could please just
4 interject on process, we've now hit the 11:00
5 o'clock hour. We've given you a flavor of our
6 comments. I think we made our point about the
7 number of beds will really drive the
8 environmental SEQR review, so that, we need a
9 realistic number. What at least my client group,
10 CRHISD would like to do, what we request is to at
11 this point, this late hour, if we could adjourn
12 or at least save our comments for, if there's a
13 special meeting or another meeting. It's a late
14 hour, and we don't want to continue to cut our
15 comments short. We want to make sure that again,
16 everybody has an opportunity to say what they
17 need to say.

18 MS. TAYLOR: What, are the people who
19 are already on the phone ready to say okay, we'll
20 wait until next time?

21 MR. PREZIOSI: I think there might be
22 some people that --

23 MR. SCHWARTZ: I think [unintelligible]
24 [04:03:38] until next time, [unintelligible]

1 March 2, 2021

2 [04:03:42] what they don't want to do is feel
3 rushed tonight at this hour and to abbreviate
4 their comments.

5 MR. BIANCHI: I would support that we
6 set up a special meeting.

7 MS. TAYLOR: Well, I didn't get the
8 feeling that anybody was abbreviating comments.
9 If there are comments that they want to make --
10 it's 11:00 o'clock. We kind of knew we were going
11 to get to this point. If there are people who
12 really feel they may not be here the next time
13 and they have to speak. But we did say that this
14 would be adjourned and any who did not get an
15 opportunity to speak would be able to next time.

16 MR. FOLEY: Loretta, this is Bob Foley.

17 MS. TAYLOR: Yeah.

18 MR. FOLEY: Being we don't know what the
19 agenda looks like for our April meeting at this
20 point, can we consider when, Chris and Mike know
21 that, I would be amenable to a special meeting on
22 this project alone if it's possible.

23 MR. BIANCHI: I would agree to that.

24 MR. FOLEY: [unintelligible] [04:04:41]

1 March 2, 2021

2 opportunity.

3 MS. TAYLOR: Well, when would you be
4 able to do this?

5 MR. FOLEY: Whenever it's decided by the
6 staff, unless the next, the April meeting has a
7 smaller agenda that we could accommodate this.

8 MR. KEHOE: Well, Mike and I have been
9 talking offline about there. There really aren't
10 any public hearings scheduled for next month. The
11 only thing you're going to have is the Coleman
12 discussion of the biodiversity study with the
13 Mill Court Subdivision and then you may have the
14 NRP Group back. But other than that, Hemlock
15 Hills is not back, the other solar farm is not
16 back. So, we've got some new business items but
17 they're not that bad.

18 MR. FOLEY: No public hearings?

19 MR. KESSLER: Could we put this first on
20 the agenda?

21 MR. KEHOE: That might be a solution.
22 Since it was last this month, maybe it's fair to
23 everyone to put it first next time, just give a
24 heads up to the other people that'll have to

1 March 2, 2021

2 wait.

3 MR. KESSLER: Right.

4 MR. FOLEY: Okay. That may be more
5 agreeable.

6 MR. KEHOE: But I do want to say I think
7 there are some people on the call that may not be
8 represented by Brad's group that still want to be
9 able to speak.

10 MR. PREZIOSI: Yeah, there's currently
11 six individuals still using the raise your hand
12 function. What I would ask if those individuals
13 that have expressed via the chat function that
14 they would be willing to wait until the next
15 meeting, please lower your hand, and those who
16 would like to speak that are not associated with
17 Mr. Schwartz, please lower your hand. Okay. We're
18 down to three individuals, or two.

19 MS. TAYLOR: We're down to two.

20 MR. PREZIOSI: Okay. So I'm going to
21 allow C. Mano to Speak.

22 MS. CYNTHIA MANOCHERIAN: Hi, it's
23 abbreviated for Cynthia Manocherian. I live
24 around the corner from this project and I live

1 March 2, 2021

2 directly between Sunshine Home, which I abut from
3 behind my property and this project. I would like
4 to ask you, since I was extremely involved in the
5 Sunshine Home project to reconsider all of your
6 data having to do with water use, traffic, etc.
7 As the client attorney said, their research goes
8 back, their data goes back to 2015.

9 When Sunshine Home came on the scene,
10 they said very specifically that they did not
11 need to deal with this project's data because
12 they had been put on temporary pause. And
13 Sunshine went along, providing data that did not
14 consider this project to Newcastle. But now,
15 Sunshine Home is well ahead of you, almost built
16 out and this project must consider this Sunshine
17 Home impacts in their data, including traffic,
18 including water, where they have an overlap on
19 the Indian Brook watershed.

20 I have plenty of data. I won't bore you
21 with it tonight, but I do think you must stop
22 this review and take into consideration actual,
23 tangible data that will be coming up from the
24 Sunshine Home impacts on the Teatown community.

1 March 2, 2021

2 That's it. I have a lot of other things, but I'll
3 save that for another time. Thank you so much.

4 MR. PREZIOSI: Okay. There's just one
5 last individual. It's a cell phone number. I'm
6 just going to read the last four digits, it's
7 2325. I'm going to promote you to speak. Use the
8 star 6 and star 9 function.

9 MS. ALICE LEE: Hello? Can people hear
10 me?

11 MR. KESSLER: Yes, we hear you.

12 MS. LEE: Hi, my name is Alice Lee, I
13 live down the street on Quaker Ridge Road. And I
14 just had one simple question, which I read the
15 2015 environmental assessment and the speaker
16 today, when he spoke about the water, you know,
17 there's over a decade of studies that show that
18 medicated water has had adverse impact on the
19 marine life. And he said that there was no
20 impact, no adverse impact. I'm wondering if that
21 included the environmental impact, like the
22 actual marine life, or if he was just referring
23 to human impact, because I don't understand how
24 there's ten years of studies that show that there

1 March 2, 2021

2 are environmental impact on wildlife, but somehow
3 his study show that there are no impacts. It
4 doesn't make sense to me.

5 You know, being as such that this is a
6 rehab center where there are definitely going to
7 be medications, drugs, illicit drugs. There's
8 even been studies showing that the majority of
9 the drugs are not metabolized in our bodies and
10 they end up just excreted right out of our
11 system. All that ends up back into our waterways
12 and our environment. I just don't understand how
13 there could be no adverse impact. If the board
14 could consider that and also have that included
15 in this study, the upcoming environmental
16 assessment, I think that is something important
17 considering this is an environment a reservoir
18 comes out of. And that's it for me.

19 MR. PREZIOSI: Okay. Thank you. That was
20 the last speaker.

21 MR. SCHWARTZ: Mr. Preziosi, I think Mr.
22 Shannon wanted to make a quick comment.

23 MR. PREZIOSI: Okay. I'm hearing some
24 feedback, so Mr. Shannon, you have the floor.

1 March 2, 2021

2 MR. MICHAEL SHANNON: Can you hear me?

3 MR. PREZIOSI: Yes.

4 MR. SHANNON: Thank you very much for
5 your time, and I will defer until the next
6 meeting to make some important comments that I
7 have prepared, including addressing the OASAS
8 issue. But I thought since we're going to be
9 continuing that, I would like to present now a
10 suggestion that I was going to make during my
11 comments and I recall that Madam Chair made the
12 comment, talking about an earlier application
13 it's depressing to look out a window at cars.

14 There's been some discussion about how
15 accurate some photographs are. I would like to
16 invite all of you, at your convenience, to come
17 to my property. It directly adjoins the
18 applicant's site. And we can look at site plans,
19 we can look at aerial photographs. But there is
20 nothing like actually looking at it from the
21 neighbor's property. For example, their lighting
22 plan lists 12-foot tall lights that are somehow
23 magically blocked by a six-foot fence. I will be
24 looking down on parking for 54 cars and two

1 March 2, 2021

2 garages when I sit on my deck. I think with all
3 due respect, you owe it to the Board you serve
4 on, and certainly owe it to me and my neighbors
5 to stop by. The traffic that we talk about is not
6 solved by counting how many times tires go over a
7 wire.

8 Their route that they're talking about
9 from the south is filled with curves and cars on
10 that road, although it's out of Cortlandt, don't
11 have garages. They have half of their cars in the
12 street. I used to drive that at 5:30 in the
13 morning to go to the train station. You don't
14 want to do that in the winter. You don't want to
15 have some oncoming traffic coming. You have to
16 come and see this for real. And I would like to
17 extend the invitation before our next meeting.
18 And I understand other adjoining property owners
19 welcome you as well. Thank you.

20 MS. TAYLOR: Well, thank you for the
21 invitation, Mr. Shannon. We'll see if the Board
22 members want to take you up on it.

23 MR. FOLEY: What's your house number?
24 Are you on Quaker Hill?

1 March 2, 2021

2 MR. PREZIOSI: We can get you that
3 information, Bob.

4 MR. FOLEY: Okay, Mike.

5 MR. SABIN: I think it just came out in
6 the chat, Michael.

7 MR. FOLEY: Oh, I see it okay.

8 MR. SABIN: 83 Quaker Hill Drive.

9 MR. PREZIOSI: Yeah, yeah, that's a
10 different individual, but we'll --

11 MR. SABIN: Oh, I'm sorry.

12 MR. PREZIOSI: -- that's okay, but we'll
13 get you Mr. Shannon's address.

14 MR. FOLEY: Okay.

15 MS. TAYLOR: Alright. All we done there
16 then so far for those persons who wanted to
17 speak?

18 MR. PREZIOSI: At the moment. There was
19 individual Jamie Black, but she seemed to have
20 dropped off the call. I can't find them, so --

21 MS. TAYLOR: Alright.

22 MR. PREZIOSI: -- we'll have to go into
23 the next meeting for that individual.

24 MS. TAYLOR: Alright then.

1 March 2, 2021

2 MR. KESSLER: I think she's still on the
3 call. I don't know, she's still in the chat.

4 MR. PREZIOSI: Yeah, I just, I can't
5 find that individual on the attendees list. The
6 name is not popping up.

7 MS. TAYLOR: Well, now, then that means
8 we're pretty much done for tonight. Is that so?

9 MR. PREZIOSI: Yes. The four or five
10 other individuals that wanted to comment had
11 agreed in the chat function to save their
12 comments for the following meeting.

13 MS. TAYLOR: Okay. Well, we will be
14 adjourning this. I want to get, let's see, who's
15 doing it this time?

16 MR. KIMMERLING: I'm doing it, Madam
17 Chair

18 MS. TAYLOR: Thank you.

19 MR. KIMMERLING: My question on the
20 motion however is whether we are just simply
21 adjourning it to the next scheduled April
22 meeting? Are we entertaining a special meeting or
23 no?

24 MS. TAYLOR: I don't know. I think if we

1 March 2, 2021

2 don't have a really heavy agenda next time and we
3 don't have four or five public hearings, we
4 should be able to do that. I really do think so.

5 MR. KEHOE: And I think we'll put it
6 first.

7 MR. KESSLER: Put it first, absolutely.

8 MR. FOLEY: Put it first on the agenda,
9 first on the agenda, I agree.

10 MR. KIMMERLING: I agree. So Madam
11 Chair, I move that we adjourn the public hearing
12 to our April meeting and at the suggestion of the
13 staff and the Board, this will be the first item
14 on the agenda for that meeting.

15 MS. TAYLOR: I need a second on that.

16 MR. KESSLER: I second.

17 MS. TAYLOR: Alright. On the question,
18 all in favor?

19 MULTIPLE: Aye.

20 MS. TAYLOR: Opposed? Okay. Done.

21 MR. PREZIOSI: It's 11:16. We're
22 adjourned.

23 MS. TAYLOR: Thank you. Good night,
24 everyone.

1 March 2, 2021

2 (The public board meeting concluded at
3 11:16 p.m.)

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

1

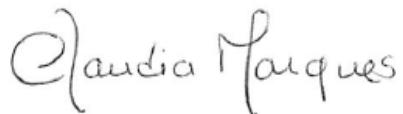
March 2, 2021

2

CERTIFICATE OF ACCURACY

I, Claudia Marques, certify that the foregoing transcript of the board meeting of the Town of Cortlandt on March 2, 2021 was prepared using the required transcription equipment and is a true and accurate record of the proceedings.

Certified By



Date: June 1, 2021

GENEVAWORLDWIDE, INC

256 West 38th Street - 10th Floor

New York, NY 10018