

TOWN OF CORTLANDT  
PLANNING AND ZONING BOARDS

PLANNING BOARD MEETING

Town Hall  
1 Heady Street, Cortlandt Manor, NY 10857  
March 1, 2022  
7:00 p.m. - 8:10 p.m.

March 1, 2022

MEMBERS PRESENT:

Thomas Bianchi, Vice-Chair

George Kimmerling, Member

Jeff Rothfeder, Member

Steven Kessler, Member

Suzanne Decker, Member

Robert Foley, Member

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

3 MR. THOMAS BIANCHI: Welcome to the  
4 March 1, 2022, town of Cortlandt planning board  
5 meeting. Please rise for the pledge.

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

11 MR. BIANCHI: Before we get to the roll  
12 call, I just want to mention that there are some  
13 people that are attending via Zoom tonight. And  
14 we ask that since there are no public hearings  
15 tonight, and I'll mention the two that are going  
16 to be adjourned, but since there are no public  
17 hearings tonight, we're not taking any public  
18 comments, so we ask that those attending via Zoom  
19 not raise their hands. And roll call.

20 MR. CHRIS KEHOE: Mr. Kimmerling?

21 MR. GEORGE KIMMERLING: Here.

22 MR. KEHOE: Mr. Rothfeder?

23 MR. JEFFREY ROTHFEDER: Here.

24 MR. KEHOE: Mr. Kessler?

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2 MR. STEVEN KESSLER: Here.

3 MR. KEHOE: Mr. Bianchi?

4 MR. BIANCHI: Here.

5 MR. KEHOE: Ms. Decker?

6 MS. SUZANNE DECKER: Here.

7 MR. KEHOE: Mr. Foley?

8 MR. ROBERT FOLEY: Here.

9 MR. KEHOE: Ms. Taylor noted as absent.

10 MR. BIANCHI: Okay, changes to the  
11 agenda. There are two changes tonight. The first  
12 one is PB 2010, 2020-10, excuse me, regarding  
13 Cortlandt CSG and the community solar power  
14 system. That case will be adjourned to the April  
15 meeting per the applicant's request, and also, PB  
16 1-16, which is Pomona Development, also at the  
17 applicant's request, that hearing will be  
18 adjourned to the April meeting. So, we will not  
19 be discussing those applications tonight. Can I  
20 have a motion to adopt the minutes of the  
21 February 1 meeting?

22 MR. ROTHFEDER: So, moved.

23 MR. BIANCHI: Second?

24 MR. KIMMERLING: Second.

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2 MR. FOLEY: Second.

3 MR. BIANCHI: Thank you. On the  
4 question, all in favor?

5 MULTIPLE: Aye.

6 MR. BIANCHI: All opposed? Okay. I think  
7 I've covered all the fun stuff. First, next on  
8 the agenda I should say, is correspondence. PB  
9 2019-14, a letter dated February 11, 2022, from  
10 James Annicchiarico requesting the first and  
11 second one year time extensions of conditional  
12 site approval for 2 Bayview, LLC. Bob, you want  
13 to take that?

14 MR. FOLEY: I make a motion we approve  
15 resolution number 3-22.

16 MR. BIANCHI: Thank you. Do I have a  
17 second?

18 MR. ROTHFEDER: Second.

19 MR. KIMMERLING: Second.

20 MR. BIANCHI: Okay. On the question, all  
21 in favor?

22 MULTIPLE: Aye.

23 MR. BIANCHI: All opposed? Thank you.  
24 Next, we move to resolutions. The only case we

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2 have under resolutions is 2020-6, application of  
3 Palisades Enterprises, LLC for site plan  
4 approval, a special permit and for tree removal  
5 and steep slope permits for a proposed 2,940  
6 square foot gas station and convenience store  
7 with six fuel pumps on approximately 1.7-acre  
8 parcel of property, located at 2058 East Main  
9 Street, Cortlandt Boulevard. Drawings latest  
10 revised December 20, 2021. John, would you like  
11 to say a few words?

12 MR. JOHN CANNING: Sure, good evening.  
13 Thank you, good evening, Mr. Vice-Chairman --

14 MR. BIANCHI: Good evening.

15 MR. CANNING: -- members of the board.  
16 We did have an opportunity to review the draft  
17 resolution. My client is comfortable and grateful  
18 for the work that you've put into it. But there  
19 was one item, resolution condition number 16,  
20 which addressed the hours of operation. My client  
21 indicates that today deliveries occur during the  
22 day, but occasionally, when there's a bad storm,  
23 or when there are supply chain issues, sometimes,  
24 he has to take an overnight delivery. And he was

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2 wondering if the board would consider inserting  
3 the following four words before that resolution,  
4 except under exigent circumstances.

5 MR. BIANCHI: Okay. What item, what  
6 condition number is that?

7 MR. CANNING: Sixteen.

8 MR. BIANCHI: Sixteen?

9 MR. CANNING: So basically, it says  
10 there will be no deliveries from, I'm going to  
11 say 11:00 p.m. to 6:00 a.m., I'm not sure of the  
12 actual hours. And he would like you to consider  
13 modifying that to say except under exigent  
14 circumstances.

15 MR. FOLEY: I was going to, Mr.  
16 Chairman, I was going to bring that up, I didn't  
17 know what you were going to say, when I read the,  
18 all the conditions, 23 of them. I wondered, being  
19 that this is a gas station with the tanker trucks  
20 coming in or at least one, I thought maybe it  
21 would be safer and more efficient if deliveries  
22 were allowed after 11:00 p.m. when there's hardly  
23 anyone there, hopefully. I just wondered about  
24 that condition. And now you're bringing something

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2 else, which is also worthy.

3 MR. CANNING: My client has no objection  
4 to that. I would understand. And typically, you  
5 would do that so there would be no noise for the  
6 neighbors and things like that. And he's  
7 comfortable with that. He just would like you to  
8 consider allowing him to make deliveries  
9 overnight if he had to because there was a storm  
10 coming and he didn't want to run out of fuel and  
11 then have people looking for fuel.

12 MR. FOLEY: I just, I thought, I've seen  
13 deliveries, even at that existing gas station and  
14 when it's after, beyond 11:00 or midnight, it  
15 seems much safer when there's no other cars in  
16 and out. And that was my thought and you've added  
17 to it, so I have no problem with it.

18 MR. CANNING: If the board would like to  
19 strike the condition entirely, obviously, we'd  
20 have no objection to that.

21 MR. BIANCHI: I -- any other comments  
22 from board members on how they feel about that? I  
23 think adding under exigent circumstances makes  
24 sense.

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2 MR. ROTHFEDER: Yeah, I think that's  
3 fine.

4 MR. KESSLER: I think as John suggested,  
5 yeah.

6 MR. CANNING: Thank you.

7 MR. KEHOE: That's fine.

8 MR. KESSLER: Okay.

9 MR. BIANCHI: Okay.

10 MR. KESSLER: So, Mr. Chairman, I move  
11 that we adopt Resolution 4-22 with the additional  
12 language suggested by the applicant's  
13 representative.

14 MR. BIANCHI: Thank you. Second?

15 MR. ROTHFEDER: Second.

16 MR. BIANCHI: Okay. We have a second. On  
17 the question?

18 MR. FOLEY: Yeah, on the question, I'm  
19 glad to see condition 23 in there, 22 I guess it  
20 is, on the historical, and Chris would, in other  
21 words, when and if they come up with something to  
22 signify the historical significance of the old  
23 schoolhouse, not the Popeye's, it would go  
24 through the town Historic Advisory Board?

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2 MR. KEHOE: Correct.

3 MR. FOLEY: And they, suppose they don't  
4 agree, then what happens?

5 MR. KEHOE: It would come back to you.

6 MR. FOLEY: Okay. Alright. Again, I'm  
7 going to be still voting no on this for reasons  
8 I've stated before. I think it could have been  
9 better. I appreciate all the work you've done,  
10 John, and the board.

11 MR. BIANCHI: Okay. If there are no  
12 other comments, I think we're on the question.  
13 All in favor?

14 MULTIPLE: Aye.

15 MR. BIANCHI: All opposed?

16 MR. FOLEY: No.

17 MR. BIANCHI: Poll the board.

18 MR. KEHOE: Mr. Kimmerling?

19 MR. KIMMERLING: Aye.

20 MR. KEHOE: Mr. Rothfeder?

21 MR. ROTHFEDER: Aye.

22 MR. KEHOE: Mr. Kessler?

23 MR. KESSLER: Aye.

24 MR. KEHOE: Mr. Bianchi?

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2 MR. BIANCHI: Aye.

3 MR. KEHOE: Ms. Decker?

4 MS. DECKER: Aye.

5 MR. KEHOE: Mr. Foley.

6 MR. FOLEY: No.

7 MR. KEHOE: Motion carries, five to one.

8 MR. CANNING: I would like to thank the  
9 entire board and I look forward to seeing you  
10 again on the next application.

11 MR. BIANCHI: Okay.

12 MR. CANNING: Thank you. Good night.

13 MR. BIANCHI: Good night. Okay. We're  
14 going to move to new business. As I mentioned,  
15 we're skipping the two cases that are going to be  
16 adjourned to April. Under new business, PB 2020-  
17 22-3, application of James Connolly for  
18 preliminary and final subdivision approval for  
19 two-lot major subdivision of approximately 1.49  
20 acre parcel of property, located at 49 Dutch  
21 Street, drawings dated February 14, 2022. Good  
22 evening.

23 MR. KEITH STAUDOCHAR: Good evening,  
24 Keith Staudohar of Cronin Engineering, here to

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2 represent the applicant, Connolly, their property  
3 at 49 Dutch Street. This is a simple, two-lot  
4 split, with the creation of one new building lot.  
5 The existing house and driveway will remain as  
6 is. We've already been out there with the health  
7 department to do our testing for the soils for  
8 the septic for the new lot and the expansion area  
9 for the existing lot. The new lot will access  
10 onto Sycamore Court, which is formerly known as  
11 Radzavilla [phonetic] Road. The applicant has  
12 right onto that private road. It's currently  
13 serving I think three houses at the end that were  
14 built maybe ten or 15 years ago. The lot is flat.  
15 There's only two trees to be removed for this.  
16 There's no wetlands, no steep slopes. We are  
17 proposing to plant at least six trees to replace  
18 the two that we're taking down. Other than that,  
19 it's fairly straightforward. The existing lot is  
20 1.49 acres in total. After the split, they'll  
21 each be just over 30,000 square foot per lot. So,  
22 I'd be glad to answer any questions you may have  
23 at this time.

24 MR. BIANCHI: Keith, could you describe

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2 what the before and after was? I had trouble.  
3 That dotted line, that rectangle, is that the  
4 area that's changing? Or what's the before and  
5 after site lines.

6 MR. STAUDOHAR: Are you looking for the  
7 existing lot boundary?

8 MR. BIANCHI: The existing and what  
9 you're proposing.

10 MR. STAUDOHAR: Alright. Chris, right  
11 there, so you see that kind of an L-shaped?

12 MR. BIANCHI: Okay.

13 MR. STAUDOHAR: That's the entire lot  
14 there. There's an existing house in the northern  
15 corner of it. And then the split will, Chris, if  
16 you can move to the next page. There, see, you'll  
17 see that line of trees there. That's the new lot  
18 line right there, Chris. Thank you.

19 MR. BIANCHI: I see it. Okay. And reason  
20 again, like you're requesting this?

21 MR. STAUDOHAR: The subdivision?

22 MR. BIANCHI: Yeah.

23 MR. STAUDOHAR: Uh, the applicant would  
24 like -- this is a family kind of compound. So,

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2 they're looking to split this off so the son can  
3 build his house and live there next to the  
4 parents and the other family members.

5 MR. BIANCHI: Okay.

6 MR. KEHOE: There's an existing easement  
7 there that will provide access to the house in  
8 the back?

9 MR. STAUDOHAR: The existing house  
10 already has that easement and uses that paved  
11 driveway for the two houses, three houses  
12 actually. This is not going to access that. So,  
13 this is going to come out onto Sycamore Court.

14 MR. FOLEY: But Keith, your site  
15 pictures, photos that you submitted, I don't know  
16 if you can put them up there, but the top right  
17 one, the house, the house in question, I mean is  
18 straight through the field there, you faintly see  
19 a house? Existing house?

20 MR. STAUDOHAR: That would be, I don't  
21 know if I have the photos with me. I could come  
22 up there. Oh, here it is. So, which one are you  
23 looking at?

24 MR. BIANCHI: Well, either the top right

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2 or the bottom left.

3 MR. KESSLER: The, the first set of  
4 pictures on the --

5 MR. FOLEY: The ones -- two of the four  
6 pictures that actually show a house.

7 MR. STAUDOCHAR: Alright. The one, the  
8 house with kind of the reddish roof?

9 MR. FOLEY: I can't even -- I just see a  
10 white frame.

11 MR. STAUDOCHAR: Yes. So that's the  
12 existing house back in the corner.

13 MR. FOLEY: So that's the, in relation  
14 to the plan, okay, alright. It's, I know we site  
15 visited a number of years ago, and I was just  
16 trying to recollect.

17 MR. STAUDOCHAR: Yeah, so those pictures  
18 are taken from more towards Sycamore Court  
19 looking north, northeast.

20 MR. FOLEY: Alright. I do have another  
21 question. Again, it may simply be, it's on your,  
22 on the long, on the short, the short EAF,  
23 reference wetland, on question 13, part one, EAF  
24 mapper summary report. When it says here, I know

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2 we get these all the time and maybe I never  
3 noticed with other, the digital mapping of all  
4 information of local and federal wetlands and  
5 water [unintelligible] [00:12:37] is known to be  
6 incomplete. Is that standard Chris? It's on the  
7 page, next to the last page --

8 MR. KEHOE: Is that their language or  
9 the applicant's language?

10 MR. FOLEY: No.

11 MR. KEHOE: It's the state's language?

12 MR. FOLEY: I don't know, it's answered  
13 as yes, and I don't know whether it's Keith's  
14 answer or --

15 MR. KEHOE: Well, you're going to refer  
16 this back, we'll take a look at the EAF. There  
17 are definitely no state or federally regulated  
18 wetlands there, and I don't believe there are any  
19 town regulated wetlands.

20 MR. STAUDOCHAR: No.

21 MR. FOLEY: The word incomplete may be  
22 misleading.

23 MR. STAUDOCHAR: Well, the EAF mapper is,  
24 shows things that could be near, on or like

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2 within a mile of the site.

3 MR. FOLEY: Yeah.

4 MR. STAUDOCHAR: So, for like historic  
5 things, you know, or endangered species.

6 MR. FOLEY: The word incomplete is used,  
7 is normally used as opposed to not known.

8 MR. KEHOE: Yeah, it's used differently  
9 in that.

10 MR. FOLEY: Okay. Alright. Okay. That's  
11 what caught my attention. Otherwise, I'm okay.

12 MR. ROTHFEDER: And the two trees you're  
13 removing, one is a pine? And the other one is a  
14 pine too, or?

15 MR. STAUDOCHAR: I don't recall.

16 MR. ROTHFEDER: Okay. If you can get  
17 that to us. It's just not named on here. One says  
18 pine and the other says tree.

19 MR. STAUDOCHAR: Yeah, that's the  
20 surveyor's description. So, uh --

21 MR. ROTHFEDER: Okay. You can get that  
22 for us, but the only thing I'm going to ask as we  
23 get into it, that the six trees be a little bit  
24 larger in caliper than, than the ones you're

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2 planting, like three-and-a-half inch to four.

3 MR. STAUDOCHAR: I thought I had three  
4 inch, did I not?

5 MR. ROTHFEDER: You had them at three.

6 MR. STAUDOCHAR: Oh, you wanted three-  
7 and-a-half?

8 MR. ROTHFEDER: Yeah. Because I assume  
9 what's coming down are mature trees.

10 MR. STAUDOCHAR: Well, the, we'll, we'll  
11 check on that.

12 MR. ROTHFEDER: Okay. Alright. Thanks.

13 MR. KEHOE: And the applicant is  
14 requesting both preliminary and final approval.  
15 You're referring it back for a review memo, but  
16 when it gets back to you for your hearings, if it  
17 ever gets that far, and you get to the approval  
18 stage, you'll be granting it final approval as  
19 well as preliminary approval.

20 MR. FOLEY: And the reason I brought up  
21 the wetland thing is just that. And that's why  
22 maybe I asked about the location of the existing  
23 house. As long as there's no property that could  
24 be impacted if there is a negative wetland

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2 impact, barring any problems.

3 MR. STAUDOCHAR: Yeah, I think we're  
4 pretty clear from wetlands up there.

5 MR. FOLEY: Alright.

6 MR. BIANCHI: So, the access is from  
7 McManus Road to that easement area?

8 MR. STAUDOCHAR: That's the existing  
9 access for the existing residence.

10 MR. BIANCHI: Well, what the --

11 MR. STAUDOCHAR: That will remain. Our  
12 new access comes off of Sycamore.

13 MR. KEHOE: Which used to be Radzavilla,  
14 which is down at the bottom of the picture.

15 MR. BIANCHI: Oh, I see. Okay. So, it's  
16 coming right off Radzavilla.

17 MR. KEHOE: And that road was improved  
18 Radzavilla.

19 MR. STAUDOCHAR: Yes. It was approved  
20 improved I think 22 feet wide, plus or minus and  
21 there's a water main going up there to serve the  
22 sort of recently constructed houses.

23 MR. FOLEY: Oh, since we were at the  
24 site visit?

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2 MR. STAUDOCHAR: Yes.

3 MR. FOLEY: Alright.

4 MR. BIANCHI: Okay. We're going to be  
5 referring this back. If there's no other  
6 comments, Jeff?

7 MR. KIMMERLING: Yeah. I'd like to move  
8 that we --

9 MR. BIANCHI: George, I'm sorry.

10 MR. KIMMERLING: I'd like to move that  
11 we refer this back to staff for a memo.

12 MR. ROTHFEDER: Second.

13 MR. BIANCHI: Okay. On the question, all  
14 in favor?

15 MULTIPLE: Aye.

16 MR. BIANCHI: All opposed? Thank you.

17 MR. STAUDOCHAR: Thank you, have a good  
18 evening.

19 MR. BIANCHI: Our next item under new  
20 business is PB 2022-4, application of Gurdjieff,  
21 I hope I said that right, Foundation of New York  
22 for property of the Danish Home for the Aged for  
23 site plan approval and a special permit for a  
24 non-school curriculum program use of the property

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2 located at 1065 Quaker Bridge Road East, survey  
3 dated February 11, 2022. Good evening.

4 MR. MATT STEINBERG: Good evening. Good  
5 evening, Mr. Chairman, members of the board,  
6 thank you very much. My name is Matt Steinberg.  
7 I'm an associate with DTS Provident. We're  
8 planners and engineers and landscape architects,  
9 here on behalf of the Gurdjieff Foundation. I'm  
10 actually joined by Tom Manning and Joe Giannola,  
11 members of the foundation.

12 We recently submitted an application  
13 package to the board. It included an application  
14 form, an application narrative that describes the  
15 proposed project, a full environmental assessment  
16 form, a site access traffic and parking summary  
17 and the existing conditions survey that you  
18 mentioned.

19 The property is located on the north  
20 side of Quaker Bridge Road East, near the  
21 intersection of Quaker Bridge Road. The property  
22 is approximately 48 acres, as shown on the aerial  
23 photograph. It's located in the R-80 district. We  
24 have applied for a site plan, special permit

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2 approval for a non-school curriculum program use,  
3 which is permitted as a special permit us in the  
4 R-80 district.

5 The existing driveway extends  
6 approximately .4 miles into the site, with the  
7 main building on the property about a quarter  
8 mile in from the entry. The side is, is adjacent  
9 to Lakewood Estate property on the east, the old  
10 Croton Trail Aqueduct Trailway on the, on the  
11 west, single family residence properties on the  
12 south and Quaker Bridge Road East and on the  
13 north by Con Edison property, which includes  
14 existing electric transmission lines.

15 Approximately two-thirds of the site is  
16 wooded. It's predominantly wooded on the western  
17 and southern portion of the site. On the  
18 northeast portion of the site is the existing  
19 main building, along with an existing garage, an  
20 existing barn, and some additional outbuildings.  
21 There's also some sloping lawn areas, existing  
22 parking and drives in that portion of the site.  
23 The property was previously the Danish Home, as  
24 was mentioned. It was a assisted living facility

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2 that could accommodate up to 20 residents. It was  
3 in operation from 1954 until 2020.

4 The foundation doesn't, does not propose  
5 to increase the existing floor area or the  
6 impervious surface on the property. Instead, they  
7 wish to maintain the existing Danish Home  
8 building and grounds for their use, for their  
9 members to meet and to have their program space.  
10 Their programs are proposed throughout the year.  
11 They would be generally on weekends, about ten to  
12 15 weekends over the year. These extend from  
13 Friday to Sunday. During the summer, they would  
14 have some week long programs. Those would be  
15 about six to seven of those programs through the  
16 year, uh, through the summer. Those generally are  
17 Saturday to Saturday or Sunday to Sunday. There  
18 would be occasional day activities, which are  
19 9:00 a.m. to about 5:00 p.m. and the occasional  
20 meetings in the evening. Their activities range  
21 from about 20 of their members to 100 members,  
22 with no more proposed than 75 to stay overnight,  
23 to be accommodated overnight. No staff are  
24 proposed on the site with the exception of

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2 potentially a caretaker for the property.

3 The members themselves, when they arrive  
4 for their programs, they take care of their own  
5 cooking, housekeeping and general maintenance of  
6 the property while they're there for their  
7 program and workshops. Otherwise, you know, for  
8 other activity or other maintenance, they would  
9 use local, local contractors.

10 We'd be happy to answer any questions if  
11 you have, otherwise, we'd be happy to prepare  
12 responses to comments you have or based on your  
13 professional staff's comments.

14 MR. BIANCHI: So, what are the site plan  
15 changes? Are there any?

16 MR. STEINBERG: There are no proposed  
17 site plan changes at this time now.

18 MR. BIANCHI: Internally or externally?

19 MR. STEINBERG: Well, internally,  
20 they'll, the, the foundation will have to work  
21 with the code enforcement and building inspector  
22 for any changes in order to accommodate their  
23 members for what they propose to use. Obviously,  
24 it's not, it is no longer going to be an assisted

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2 living nursing home, so they'll have to work on  
3 if there's any changes that are needed in order  
4 to accommodate their members. There are no  
5 proposed exterior improvements.

6 MR. FOLEY: So, no exterior structural  
7 changes or anything?

8 MR. STEINBERG: Right. Unless --

9 MR. FOLEY: To the old home? Okay.

10 MR. STEINBERG: None anticipated, you  
11 know, no additions.

12 MR. BIANCHI: I'm a little -- I guess  
13 I'm not clear on the non-school curriculum. I  
14 know you provided a narrative, which was very  
15 helpful.

16 MR. STEINBERG: Mm-hmm.

17 MR. BIANCHI: But maybe for the benefit  
18 of the record and for the public, maybe you can  
19 describe that, what that really means, non-school  
20 curriculum, where you will be holding these,  
21 these events during weekends, or possibly longer  
22 periodically.

23 MR. STEINBERG: So that definition,  
24 there is no definition for that use in the zoning

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2 code. But for the purposed of the foundation,  
3 they would be using the space for, they have  
4 meetings, they have readings, they do arts and  
5 crafts, they do, you know, different movements  
6 and exercises, so those are the kinds of things  
7 they would be doing, fellowship with each other,  
8 those kinds of activities during their stay.

9 MR. BIANCHI: And you mentioned that  
10 there'll be and out of 20 people, or you said  
11 between 20 and 100 participants and currently,  
12 the home housed 24 you said?

13 MR. STEINBERG: It was up to 24. I think  
14 it was 22 to 23.

15 MR. BIANCHI: That's a big jump from 24  
16 to 100, at the worst case I guess maybe. Can it  
17 accommodate, I guess my question is can it, can  
18 it accommodate that kind of participation?

19 MR. STEINBERG: Right. So, they believe  
20 that it can. You know, the, the Danish Home used  
21 these, the rooms that they had for single  
22 occupancy for the residents. The foundation  
23 believes that, you know, they could use these  
24 rooms, since they're not, they won't be living

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2 there, they'll be coming for these programs, so  
3 they'll be staying overnight and then having  
4 their programs during the day, that they would be  
5 able to use some of the rooms for, you know,  
6 double occupancy, the folks would bring their  
7 own, their own bedding, things like that.

8 MR. BIANCHI: But you're saying up to 75  
9 people.

10 MR. STEINBERG: To remain overnight at  
11 the max, that's what they believe, yes. So, there  
12 are 24 bedrooms that were for residents. And then  
13 there are a number of, they were staff apartments  
14 on the upper level with multiple rooms, so the  
15 foundation believes those are the rooms that they  
16 were, that they plan to use. Obviously, some of  
17 this will be subject to code enforcement and  
18 they'll have to work with the building inspector  
19 to make sure that all those space can  
20 accommodate.

21 MR. KEHOE: This should sound -- this  
22 should sound familiar to you all.

23 MR. BIANCHI: Yes, indeed.

24 MR. KEHOE: Yes. It's going to be very

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2 similar circumstances. A lot of what you're  
3 talking about is interior renovation to the  
4 building, which is governed by the code  
5 enforcement office.

6 MR. STEINBERG: Correct.

7 MR. KIMMERLING: And just in terms of  
8 cooking, participants will make their own food?

9 MR. STEINBERG: Right.

10 MR. KIMMERLING: There's no cafeteria,  
11 there's no dining hall?

12 MR. STEINBERG: So, the -- because of  
13 the, because of the way the nursing home was set  
14 up, there is a -- almost like a small commercial  
15 kitchen that was used, and then there are dining  
16 spaces, they had two rooms for dining and then  
17 there's a couple other open rooms that they would  
18 use for their dining purposes. So, the residents,  
19 you know, they would select, they would just  
20 figure out who -- not the residents, I'm sorry,  
21 the foundation members, whichever ones are  
22 selected for that particular workshop or program  
23 that are doing the cooking, they would select the  
24 meals, they would cook the meals, rotate.

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2 MR. KIMMERLING: Oh, in that commercial  
3 kitchen?

4 MR. STEINBERG: Yes. They would use --  
5 there's a kitchen.

6 MR. KIMMERLING: There are not kitchens  
7 in these apartments?

8 MR. STEINBERG: No, no, no. There's not.  
9 They're more, I guess you can almost call them  
10 efficiencies. You know, they've got a sink and  
11 stuff. But no, they would plan to use the --

12 MR. KIMMERLING: I see.

13 MR. STEINBERG: -- the main kitchen.

14 MR. KIMMERLING: Alright. And you said  
15 the parking needs to accommodate something like  
16 up to 500 people?

17 MR. STEINBERG: So, the Danish Home had,  
18 had some special events. They were able to  
19 accommodate numerous cars. They were up to, you  
20 know, 500 people, 250 cars for some of the  
21 events. And they used some of the fields and some  
22 of the parking areas, but they were able to keep  
23 the cars off of the driveways and that would be  
24 the intention of the foundation. Obviously, all

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2 driveways would have to stay clear.

3 MR. KIMMERLING: And so when you have a  
4 calendar like this, say there are a number of  
5 programs that start on a Friday and end on a  
6 Sunday, or start on a Saturday and end on a  
7 Saturday, you have a lot of people coming at  
8 once, right, because the programs kind of start  
9 at 3:00 on a Friday, like if you went to Omega  
10 Institute, for example, or if, you, right. And  
11 so, wondering about that intense traffic flow at  
12 the beginning of a program if all programs start  
13 at the same time, how would you --

14 MR. STEINBERG: So --

15 MR. KIMMERLING: -- would you make sure  
16 that folks are not queuing and they're being able  
17 to get processed and get into their rooms and all  
18 that.

19 MR. STEINBERG: Sure, right. And we can,  
20 we can have the foundation help describe that a  
21 little further --

22 MR. KIMMERLING: Okay.

23 MR. STEINBERG: -- for you, but it is  
24 our understanding in speaking with the

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2 foundation, that, you know, that first night is  
3 kind of the arrival time.

4 MR. KIMMERLING: Right.

5 MR. STEINBERG: Folks, depending on  
6 their schedules at home, or their work schedules,  
7 may arrive, you know, sort of staggered just from  
8 the nature of where they're coming from and what  
9 their schedules are and not necessarily all  
10 concentrated at once. If any of them are coming  
11 carpool or if they're picking each other up from  
12 the train station and may come based on those  
13 schedules. So, the intention is that they would,  
14 you know, they would all arrive kind of as, as  
15 their schedule dictates on that first night, they  
16 would, if they arrive, they could have a meal  
17 together, but they would generally start their  
18 programs, you know, the following day.

19 MR. KIMMERLING: And these are, I think  
20 you said this but I'm not sure I understood.

21 These are, this is only open to people who are  
22 members or fellows or something? It's not like  
23 the foundation will publicize like hey, we're  
24 having this event and people reading this in *The*

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2 Gazette or wherever, *The Village Voice*, wherever,  
3 it probably doesn't exist, can, can just come up  
4 and join, sign up here, it's open to the public?

5 MR. STEINBERG: Sure, and we can, we can  
6 speak to the foundation more about the specifics,  
7 but I think in general it is from their members  
8 whether or not there are, you know, events that  
9 the public or open house type things or where  
10 others are invited to it would be more limited.

11 MR. KIMMERLING: Okay. Alright.

12 MR. KESSLER: So, Chris, so staff will  
13 determine whether the adequate number of sleeping  
14 areas were projected as well as adequate I guess  
15 facilities, bathrooms and things?

16 MR. KEHOE: Well, once again, it's very  
17 similar, right. You're going to have to give us  
18 information on the septic, you know, contact with  
19 the health department, whether it needs to be  
20 expanded, how you're providing water, all of that  
21 will be done in the review memo. Once again, it's  
22 sort of a slippery slope, but I think it might be  
23 helpful, because I don't really know what the  
24 inside of that building looks like to give the,

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2 the members the idea of what the dining room  
3 looks like now, you know, we'll get to all of  
4 that in the review memo, but they have to provide  
5 all of that information to get a better  
6 understanding. And you have retained a traffic  
7 consultant, you know, so we'll have to have some  
8 discussion. Maybe we'll have to retain our own  
9 traffic consultant to go over some of those  
10 details.

11 MR. ROTHFEDER: And the parking spaced,  
12 they've got 30. Is that adequate? Or --

13 MR. KEHOE: Well, I think as Matt said,  
14 the special permit is not defined in our code.  
15 It's permitted, there's language in the code  
16 that, that says the words non-school curriculum  
17 programming, but unlike other special permits,  
18 there's not a whole series of dimensional  
19 regulations including parking, so we'll have to  
20 determine internally and work with the applicant  
21 about an appropriate number of parking spaces. MR

22 MR. MICHAEL CUNNINGHAM: Our consultant  
23 will likely review the ITE manuals and then  
24 determine what's appropriate and what's necessary

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2 for the site.

3 MR. ROTHFEDER: Okay.

4 MR. FOLEY: When we have a traffic  
5 consultant, I'm sure they will consider  
6 activities in that general area the last few  
7 years with tourists and the dam and all the  
8 traffic congestion and parking, that would all  
9 come into play. And I wondered, I think in your  
10 narrative, you may or may not have -- when you  
11 cited the major event that happened there years  
12 ago, with more than three or 5,000 people, I mean  
13 this facility would not -- there's no plans of  
14 anything major like that?

15 MR. KEHOE: I think Bob's referencing so  
16 many people using the trail and the Croton River?

17 MR. FOLEY: Well, that's the current  
18 situation. But I'm also looking, I think here,  
19 under traffic on the, on the -- I don't know what  
20 the, Provident is the traffic guy?

21 MR. KEHOE: Yes.

22 MR. FOLEY: Yeah, no.

23 MR. STEINBERG: It's our firm, yeah.

24 MR. FOLEY: It was a major even there a

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2 few years ago. I remember it.

3 MR. KEHOE: Well, but I think you said  
4 500 people was the maximum number at that major  
5 Danish Home events, or did you say a higher  
6 number?

7 MR. FOLEY: No --

8 MR. STEINBERG: There was one event, I  
9 understand that had about 3,000 folks.

10 MR. FOLEY: That's not [unintelligible]  
11 [00:30:26]

12 MR. STEINBERG: That's not the intention  
13 for this foundation, no.

14 MR. FOLEY: And the other thing is you  
15 have to consider if you -- for those that have  
16 been around there, even trying to cross the dam  
17 during the peak visiting from the city at times,  
18 and all the issues they've had on 129 and then  
19 with two, the Quaker Bridge and Quaker Ridge Road  
20 with parking and everything, I'm sure the traffic  
21 consultant is definitely going to look into that,  
22 I hope. It's seasonal, you know.

23 MR. BIANCHI: That's my concern too,  
24 that when you talk between 20 and 100, that's

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2 very widespread and I'm assuming, and I don't  
3 know how many 100 participant events you have. I  
4 mean, can you guess is it 20 percent, ten  
5 percent, 50 percent?

6 MR. STEINBERG: We can, we can try to  
7 define that further for you.

8 MR. BIANCHI: Yeah, because I think that  
9 impacts traffic, because you're going to have  
10 services coming in and out of there, and Quaker  
11 Ridge Road is probably not the best road in the  
12 area to handle some of that traffic. So, I'd be  
13 looking for that.

14 MR. STEINBERG: Okay. We can try to  
15 break down the types of events and the numbers.

16 MR. BIANCHI: Right.

17 MR. KIMMERLING: At some point, if we  
18 could have a site visit.

19 MR. STEINBERG: Sure.

20 MR. BIANCHI: Site visit.

21 MR. KEHOE: Usually, we do the site  
22 visit after the review memo comes back.

23 MR. KIMMERLING: I'm just putting it out  
24 there for whenever. We'll get lost on those roads

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2 again.

3 MR. KEHOE: Yeah, right.

4 MR. BIANCHI: Alright. So, we'll wait  
5 for the memo and then we'll schedule the site  
6 visit. Okay. Any other comments from the board  
7 members?

8 MR. ROTHFEDER: Mr. Chairman, I move  
9 that we, planning board declare itself lead agent  
10 on this project.

11 MR. KEHOE: Declaring your intent to be  
12 lead agent.

13 MR. ROTHFEDER: Sorry, intent to lead  
14 agent. Should we vote on that first?

15 MR. BIANCHI: Let's do that first.

16 MR. KESSLER: Second.

17 MR. BIANCHI: On the question, all in  
18 favor?

19 MULTIPLE: Aye.

20 MR. KEHOE: And on that point, I'll be  
21 circulating to the village of Croton, the New  
22 York State Parks Department, because of the  
23 proximity to the Gorge trail, county health  
24 department, a variety of interested and involved

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2 agencies?

3 MR. BIANCHI: All Opposed? No. And your  
4 next motion, go ahead.

5 MR. ROTHFEDER: And Mr. Chairman, I move  
6 that refer this back to staff.

7 MR. KESSLER: Second.

8 MR. BIANCHI: Okay. On the question, all  
9 in favor?

10 MULTIPLE: Aye.

11 MR. BIANCHI: Opposed? Okay.

12 MR. STEINBERG: Thank you very much.

13 MR. BIANCHI: Have a good evening. Okay.  
14 We're moving into the next section of the agenda,  
15 old business, PB 6-15, application of Hudson  
16 Ridge Wellness Center, Inc., for site development  
17 plan approval and a special permit for a hospital  
18 to be located on the former Hudson Institute  
19 property to provide a New York State Office of  
20 Addition Services and Support (OASAS) a certified  
21 92-bed facility to treat individuals with  
22 chemical dependency issues located at 2016 Quaker  
23 Ridge. Drawings latest revision November 10,  
24 2021. Mr. Davis?

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2 MR. DAVIS: Good evening, thank you. I'm  
3 Bob Davis for the applicant. WE understand that  
4 tonight the board is considering its  
5 determination of significance under SEQRA for  
6 this action, and I'll just be very brief. But we  
7 would respectfully submit that after some seven  
8 years of extensive submissions and review, we  
9 fully justified a negative declaration that there  
10 will be no significant adverse environmental  
11 impacts.

12 As you know, importantly, this  
13 application involves no new building  
14 construction. Only the long existing buildings  
15 which were used for over 60 years for various  
16 institutional purposes will be used and the  
17 applicant has agreed recently that there will be  
18 no expansion of those buildings in any way going  
19 forward. There'll be no demonstrable change in  
20 the appearance of the site, or historic Quaker  
21 Ridge Road and no sensitive environmental road  
22 such as wetlands, buffers or steep slopes are  
23 being affected, no trees are being removed.

24 I'll take this opportunity just to

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2 briefly take you through some other bullet points  
3 with respect to SEQRA, and which can lead to no  
4 other reasonable determination. We would submit  
5 under the enumerated SEQRA criteria for  
6 significance. Those criteria use descriptions  
7 such as substantial adverse change, increase,  
8 interference or impairment, material conflict or  
9 hazard to human health, none of which we would  
10 submit are, are applicable here.

11 The applicant's prior exhaustive  
12 analysis of the environmental issues was based,  
13 as you know, on a maximum of 92 patient beds and  
14 a staff of 86. The scope of the application,  
15 significantly, has now been cut by 43 percent to  
16 a maximum of 52 patients or such lesser maximum  
17 as OASAS, the licensing agency would require with  
18 a similar cut in the maximum staff to 50.

19 The town's own independent consultants,  
20 long ago, accepted the applicant's traffic  
21 analysis including with respect to the fact that  
22 there will be no change in the level of service  
23 at the intersections and no other significant  
24 adverse impacts including safety impacts. The

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2 town's own consultants also long ago approached  
3 and agreed with the applicant's unprecedented,  
4 expansive off-site well testing study, which  
5 concluded that even when pumping water at the  
6 property at twice the maximum daily rate, which  
7 was approved by the health department and doing  
8 that continuously for 72 hours, which would never  
9 happen, and without reference to the applicant's  
10 water storage tank, even then only two wells were  
11 very minimally affected to the extent that it  
12 would not reduce their function, even under those  
13 extreme conditions. And moreover, the town  
14 consultant, its professional staff and the county  
15 health department have signed off on the  
16 applicant's voluntary post-approval well  
17 monitoring program, which again, is rather  
18 extensive in its provisions.

19 Also, in consultation with the adjoining  
20 neighbors, and its landscape architect, the  
21 applicant has provided extensive evergreen  
22 screening along its northerly boundary, you know,  
23 in consultation with the, with the actual  
24 neighbors there. That includes some 140 eight to

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2 14 foot trees, but while still adhering to its  
3 initial representation to the board that in order  
4 to further protect the nearby wells, it will not  
5 employ, it will not employ and irrigation system  
6 or use its on-site wells for irrigating those new  
7 plantings, but will utilize a combination of  
8 small water trucks, which has been presented to  
9 you by the landscape architect, along with rain  
10 collection techniques.

11 In further consultation with the  
12 neighbors and their architectural consultants,  
13 the applicant has significantly revised its  
14 lighting plan with extensive mitigation measures  
15 to eliminate any significant impacts with  
16 respects to lighting. The applicant has also  
17 proposed a new state of the art septic system to  
18 replace the old one on the site, which has been  
19 approved by the county health department, and  
20 that was approved to serve 92 patients. Now, it  
21 is going to be substantially downsized and you  
22 have a report from Mr. Mastromonaco on that.

23 The applicant's experts have pointed  
24 out, as agreed to by the town's own experts, that

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2 there will be no impact whatsoever on the Indian  
3 Brook Watershed. In fact, only a portion of the  
4 active larger system to serve the 92 patients  
5 would have been located in the watershed, not in  
6 the critical environmental area, however, but in  
7 the far periphery of the watershed. But now with  
8 the reduced size, no portion of the active system  
9 will even be located at all in the watershed.

10 The applicant has stated from the outset  
11 that it would place a restrictive covenant on its  
12 affiliates adjoining 28-acre parcel to maintain  
13 its existing open space so long as the subject  
14 property is used as a hospital. And of course,  
15 the applicant will preserve the existing 75  
16 percent of its own 20-acre property, which  
17 currently consists of open space.

18 The applicant terminated its access  
19 easement over an adjoining parcel and has since  
20 sold that parcel to a third party for a regular  
21 single family residential use. There will be no  
22 additional school children generated by this  
23 application. However, the applicant has projected  
24 more than \$500,000 in new annual property taxes,

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2 which is a tenfold increase over the current  
3 taxes.

4 The applicant has otherwise agreed to  
5 buttress its applicant with dozens of conditions  
6 of approval to further mitigate and eliminate  
7 possible environmental impacts. On February 16th,  
8 the applicant submitted to you yet another in a  
9 series of large volumes, this one to address the  
10 most recent public comment from January and also  
11 to enumerate the dozens of conditions and  
12 mitigative measures.

13 So, the applicant has demonstrated by  
14 all of this, that its specialty hospital will  
15 actually have less environmental impacts than  
16 other permitted uses, such as educational,  
17 religious, government, recreation or even less  
18 than a 20 or more lot residential subdivision,  
19 which it could do theoretically on its two  
20 adjoining properties, the one was 50 acres.

21 So based on all of those facts and many  
22 more, we feel we've clearly demonstrated that  
23 there will be no significant adverse impact on  
24 the community or on the neighborhood character,

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2 and we've provided ample detailed discussion on  
3 that issue and from one of our lengthier  
4 discussions in that regard, just for example, see  
5 Appendix 66 to our February submission, which was  
6 actually first submitted to you in January of  
7 2019.

8 While as the board knows its  
9 determination is based on the expert evidence and  
10 facts before it, not on the objections of the  
11 public, we have been working very diligently for  
12 a number of months now with the neighborhood  
13 group, making a lot of progress we feel, and  
14 we'll continue to do so in the interest of  
15 clarity and transparency. We hope that with the  
16 substantial scope, reduction in scope we've made  
17 in the application and our acceptance of  
18 substantially all of the conditions that have  
19 been asked of us, we can arrive ultimately and  
20 expeditiously at a mutually satisfactory  
21 conclusion.

22 So, on that basis, we would respectfully  
23 request that the board do issue a negative  
24 declaration which we believe is fully, has fully

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2 supported by the record before this board, as I  
3 think any negative declaration from any  
4 application of magnitude ever could be.

5 If you would wish, although many are not  
6 relevant, I can briefly take you through each and  
7 every one of the SEQRA criteria. But JMC, our  
8 consultant, has done that at length, in Appendix  
9 31 to its March 2019 submission, in volume four  
10 of that, which it's summarized in the executive  
11 summary in volume one of that submission, and  
12 which it's summarized again in Appendix 43 of our  
13 August 2021 submission, and Appendix 65 of our  
14 most recent submission in February.

15 With me tonight on Zoom is our traffic  
16 expert, Rich Pearson of JMC and his colleagues,  
17 Bob Peak on Zoom and Kevin Masciovecchio is here  
18 in person on traffic matters. Our engineer who,  
19 for example, designed our septic, Ralph  
20 Mastro Monaco is also here in person. And they're  
21 available to you if you wish to ask any questions  
22 or to give a brief presentation on recent updates  
23 to the matters and plans within their purview.  
24 Thank you.

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2 MR. BIANCHI: Thank you. Board comments  
3 or questions?

4 MR. KIMMERLING: I have a series of  
5 questions. Most of them, if you'll be patient,  
6 are really just for me to understand sort of what  
7 the final facts are.

8 MR. DAVIS: Yes.

9 MR. KIMMERLING: Going through all of  
10 the different --

11 MR. DAVIS: Sure.

12 MR. KIMMERLING: -- items.

13 MR. DAVIS: A lot has changed.

14 MR. KIMMERLING: Okay. I wrote my  
15 questions out. Some of them are long, but I think  
16 the answers wouldn't be long.

17 MR. DAVIS: Okay.

18 MR. KIMMERLING: Okay. So, we'll start  
19 at the top. Under the about us section of your  
20 website, HudsonEducationandWellness.com, you  
21 state that the specialty hospital's program  
22 philosophy focuses on the following elements and  
23 there are 13 elements listed. So, among those are  
24 the proper balance of medical care, psychosocial

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2 and psychological care, monthly weekend family  
3 programs, minimized but appropriate use of  
4 psychoactive medications, skills building  
5 training and strong relaxation components, that  
6 is, quote, acupuncture, massage, yoga, meditation  
7 exercise, etc. Can you indicate, you don't have  
8 to do it now, on the floor plans that you've  
9 provided, the facilities for these services,  
10 including for medical care. As you know a medical  
11 exam room is required for this kind of facility.  
12 For family programs, sufficient space for 25  
13 percent of the clients and their families who  
14 will have such programs weekly, skills building  
15 and space for acupuncture, massage and yoga. I  
16 didn't see those on the floor plans. There were  
17 some group rooms, but nothing that really --

18 MR. DAVIS: Well, I think the --

19 MR. KIMMERLING: -- called out as these  
20 particular rooms.

21 MR. DAVIS: -- I think the rooms were,  
22 were not specifically designated --

23 MR. KIMMERLING: Okay.

24 MR. DAVIS: -- for those uses, but those

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2 rooms, which are not patient rooms or offices,  
3 but are generally designated as group rooms would  
4 be used for those, for those types of uses.

5 MR. KIMMERLING: Including medical  
6 exams?

7 MR. DAVIS: Oh, of course. And of  
8 course, medical exam could also take place in  
9 patient rooms.

10 MR. KIMMERLING: Okay. Great. So, no  
11 specific medical exam room necessarily? But  
12 medical exams could take place in other rooms?

13 MR. DAVIS: Yes. Yes.

14 MR. KIMMERLING: Okay. Alright. I  
15 thought that in Appendix 54 there was something  
16 that a medical exam room was required. It seems  
17 like there was a specific --

18 MR. DAVIS: Well, certainly they're  
19 going to refine -- with the, given the limitation  
20 on bedding, which will be a constant, they'll be,  
21 you know, they'll be working out --

22 MR. KIMMERLING: Sure.

23 MR. DAVIS: -- the specifics of the room  
24 use. Otherwise, in the context of further

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2 refining their floor plan and, and dealing with  
3 the requirements of OASAS for that.

4 MR. KIMMERLING: Okay. Great. Thanks.  
5 The website --

6 MR. DAVIS: But they should have more  
7 space by the way, now that they've significantly  
8 reduced the number of patients.

9 MR. KIMMERLING: Yeah. That's a great  
10 point. So, the website says, as I mentioned, that  
11 one of the things to be provided is the minimized  
12 but appropriate use of psychoactive medications.  
13 In Brian Baldwin's 10/16/19 present to the Zoning  
14 Board of Appeals, he states that Hudson Wellness,  
15 and I quote, will offer medication assisted  
16 treatment to help these patients to address their  
17 withdrawal symptoms and potential cravings  
18 associated with them. Patients will receive  
19 symptom relief and/or addition medications such  
20 as SUBOXONE, VIVITROL, buprenorphine, which I'm  
21 not pronouncing right, and naltrexone for opiate  
22 withdrawal and lithium, Ativan and valium for  
23 alcohol withdrawal. Yet, in the applicant's list  
24 of stated conditions for its conditional negative

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2 declaration, the applicant states, quote, there  
3 will be no onsite pharmacy at the facility, as no  
4 medications for the treatment of addictions will  
5 be utilized or stored onsite. Onsite medications  
6 would include only patient personal medication  
7 prescribed to them by their personal physicians  
8 and brought into the hospital with them at  
9 admission. Can you explain what seems to be the  
10 conflict between the administration of certain  
11 medications and then no medications would be  
12 permitted except the ones that people bring in?

13 MR. DAVIS: We'll have -- what we'll do  
14 because I'm not qualified, as a, as a medical  
15 professional, I'll ask --

16 MR. KIMMERLING: Me neither.

17 MR. DAVIS: -- I'll ask Brian Baldwin --

18 MR. KIMMERLING: Okay.

19 MR. DAVIS: -- to get you a prompt  
20 response on that.

21 MR. KIMMERLING: Okay. The next couple  
22 of questions, unfortunately --

23 MR. DAVIS: I know there won't be a  
24 pharmacy.

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2 MR. KIMMERLING: Yeah, okay. Thanks. The  
3 next couple of questions are about the OASAS  
4 process, just so I can fully understand it. One  
5 of the reasons I'm interested is that the OASAS  
6 process and the way to proceed with that agency  
7 provides information that even at its earliest  
8 stages, can help us understand the specific use  
9 and the intensity of the use at the site. So, has  
10 the applicant engaged in even the specified prior  
11 consultation phase through OASAS, that  
12 certification proposal attachment 1A form?

13 MR. DAVIS: Well, I think that there's,  
14 there's been some debate among certain  
15 consultants as to what is required and what  
16 isn't. I know that there -- as you know, we've  
17 given you quite a few of the expert submissions  
18 that were in the zoning, used in zoning board  
19 proceeding, because they, they went over this  
20 type of material in, in great detail. The, any  
21 specific question on that, we can easily get you  
22 the answer to. But we've given you the  
23 communications with OASAS. We filled out an  
24 initial questionnaire, as pointed out in the

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2 recent submission of communications with them.  
3 But the applicant has always taken the position  
4 that, that number one, it's putting the cart  
5 before the horse to go too far with OASAS. OASAS  
6 approval and licensing would be a condition of  
7 approval to which the applicant of course has  
8 stipulated, you know, from the outset. And the  
9 applicant will be fully prepared to go through  
10 that process. And, for example, when we say the  
11 maximum of, of 52 patients, OASAS may  
12 theoretically limit that further, in which case,  
13 we would limit that. We've also raised the  
14 possibility, not to get into legal things, but we  
15 think it's beyond the legal purview of the board  
16 to get too far into the internal operations.

17 MR. KIMMERLING: Sure.

18 MR. DAVIS: We think that it doesn't  
19 really relate to site planning aspects or impacts  
20 on the community like traffic or well use or that  
21 type of thing.

22 MR. KIMMERLING: I was just wondering if  
23 you --

24 MR. DAVIS: We can get you, you know,

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2 whatever, if you want to give us a list of  
3 questions about OASAS, we'll promptly get you the  
4 answers for those.

5 MR. KIMMERLING: Okay. Yeah, I was just  
6 specifically wondering if you had filled out that  
7 attachment 1A form and sent that in as part of  
8 the prior consultation [unintelligible]  
9 [00:49:20]?

10 MR. DAVIS: Well, they had sent a  
11 questionnaire that our client submitted I think,  
12 I forget in, in a couple of the memos that were  
13 included in our recent February submissions.

14 MR. KIMMERLING: Yeah, I saw those,  
15 yeah.

16 MR. DAVIS: That they had, that they had  
17 filled that out and been in contact.

18 MR. KIMMERLING: Okay, yeah. I did  
19 didn't see this form, so I was just curious. In  
20 his May 4, 2021, statement to the planning board,  
21 Brian Baldwin stated, quote, OASAS wanted us to  
22 do our best to resolve these local issues before  
23 conducting the prior consultation process. Was  
24 the decision not to engage in the OASAS prior

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2 consultation process made on the basis of  
3 specific feedback or communication from OASAS as  
4 I understand he's implying here? And if so, can  
5 we have a copy of that communication or e-mail or  
6 feedback?

7 MR. DAVIS: Could you repeat that, Mr.  
8 Kimmerling, exactly what you need?

9 MR. KIMMERLING: Yeah, sure. Yeah. In  
10 his May 4, 2021, statement to the planning board,  
11 sorry, it's in one of these volumes, Brian  
12 Baldwin stated, quote, OASAS wanted us to do our  
13 best to resolve these local issues before  
14 conducting the prior consultation process.

15 MR. DAVIS: Mm-hmm.

16 MR. KIMMERLING: And I'm wondering if we  
17 can have a copy of whatever communication or  
18 feedback OASAS [unintelligible] [00:50:29] which  
19 they asked you --

20 MR. DAVIS: Sure. I think we've -- I  
21 think we've --

22 MR. KIMMERLING: -- to do that first.

23 MR. DAVIS: -- give you all written  
24 communications --

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2 MR. KIMMERLING: Yes.

3 MR. DAVIS: -- but I will check on that.

4 MR. KIMMERLING: Right. And I didn't see  
5 it anywhere, so.

6 MR. DAVIS: No, but a lot, but a  
7 certain, a certain amount of it had to do with  
8 individual conversations that were had.

9 MR. KIMMERLING: Okay.

10 MR. DAVIS: And you'll see for example  
11 Frank Cicero's report in our September 3rd  
12 submission, which is again included in, in the  
13 February submission. I can have them elaborate on  
14 their, on their oral discussions with OASAS.

15 MR. KIMMERLING: Yeah, I was just  
16 curious --

17 MR. DAVIS: But a lot of these, you know  
18 --

19 MR. KIMMERLING: -- whether OASAS said  
20 don't come to us yet, or whether you decided not  
21 to go them first. It seems like he's saying OASAS  
22 said don't bother us until the local issues are  
23 resolved.

24 MR. DAVIS: I don't think --

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2 MR. KIMMERLING: Or was it that you guys  
3 decided --

4 MR. DAVIS: -- I don't think that was  
5 the case, but they, they want, I don't think they  
6 affirmatively said that, although I will check.  
7 But I think what they were aware, because they  
8 contacted us due to newspaper articles about the  
9 issue, they contacted us at least twice as we  
10 pointed out because of reports that were false  
11 that we were already operating. They had had  
12 inquires from Brian Baldwin and Frank Cicero  
13 because they wanted, they were seeking  
14 clarification of the licensure that was required.  
15 So, there were quite a few, a fair amount of  
16 communications with them. And some of them, some  
17 of them were oral in nature because the people  
18 know each other and have been working with each  
19 other. Our client also has a consultant that  
20 they've dealt with that's dealt with OASAS that  
21 is an expert on the licensing, the licensing  
22 process out of Albany. So, if you a list of these  
23 questions, and again, I would respectfully submit  
24 that they don't really have to do with your

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2 board's purview. They're going to be a condition  
3 of approval any more than you approve septic  
4 systems, which is in the county health  
5 department's purview. But again, we'll, in the  
6 interest of cooperation and transparency, if you  
7 have some of those questions, we'll be happy to  
8 endeavor to answer them.

9 MR. KIMMERLING: Okay. I'll move on  
10 then. I just wanted to clarify. There's been some  
11 talk about whether there'll be no expansion of  
12 the footprint of the buildings.

13 MR. DAVIS: I can clarify that  
14 definitively. That was just lack of clarity in  
15 the discussion between --

16 MR. KIMMERLING: Okay.

17 MR. DAVIS: -- the principals of the two  
18 groups. I would state as we, as we did today, you  
19 know, the principals, as I said. The neighborhood  
20 group is, you know, working with our client  
21 directly through counsel. We've initiated some  
22 discussions. But I can say unequivocally that  
23 there'll be no expansion not only of the  
24 footprint but in any way, whether vertically or

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2 internal square footage there'll be -- the  
3 applicant's intent is to stipulate that there  
4 will be no expansion of any kind.

5 MR. KIMMERLING: Okay.

6 MR. DAVIS: Nor will the applicant seek  
7 to operate any other facilities in the Teatown  
8 area. They've stipulated to the group on that,  
9 nor will they try to operate any other non-  
10 residential facility of any type in the Teatown  
11 area.

12 MR. KIMMERLING: Okay. Great.

13 MR. DAVIS: So, there'll be no  
14 expansion, again, only the existing buildings.

15 MR. KIMMERLING: Okay. Great, thanks. On  
16 the use of the van to shuttle employees, I just  
17 wanted to clarify, Mr. Grauer's letter of January  
18 25, 2022, stated that nonprofessional staff will  
19 use the shuttle. Sometimes however, the  
20 statements have been said that, you know, a  
21 substantial number of employees will use the  
22 shuttle. Just curious, under the lower number of  
23 beds proposed --

24 MR. DAVIS: Right.

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2 MR. KIMMERLING: I think you said today  
3 that the anticipated staff level would be about  
4 50.

5 MR. DAVIS: Right. And we've prepared a  
6 new chart as of today, which if we, if we want,  
7 one of our traffic consultants to take you  
8 through that, it's a very limited number of  
9 vehicle trips, because of the limited, the now  
10 limited number of patients and staff. But we  
11 refined that in a chart that we did today, that  
12 of course the trips are, are somewhat less than  
13 they were with the, with the 92 patients, because  
14 the staff will be less by about 36.

15 MR. KIMMERLING: Okay. What percentage  
16 of the 50 employees will be required to take the  
17 van?

18 MR. DAVIS: I think, I think that's  
19 broken down in our most recent report and I can  
20 ask our traffic people to do that, but the  
21 general concept is that the nonprofessional staff  
22 will use the vans, whereas people like doctors,  
23 you know, would not use that. They would be  
24 coming mostly at the 9:00 o'clock hour, those

1 March 1, 2022

2 people --

3 MR. KIMMERLING: And the doctors are  
4 included in the employee [unintelligible]  
5 [00:55:15].

6 MR. DAVIS: Yeah, and again, I don't  
7 want to, I don't want to speak glibly because we  
8 did make a chart today --

9 MR. KIMMERLING: Okay.

10 MR. DAVIS: -- which we can, which we  
11 can probably put up for you. You know, I have a  
12 copy, a part of it here.

13 MR. KIMMERLING: And then in terms of  
14 other service providers and massage therapists,  
15 acupuncturists, yoga instructors, are they also  
16 included in that total of 50?

17 MR. DAVIS: Yeah, we have a breakdown by  
18 the way, Mr. Masciovecchio is telling me that  
19 currently we have a breakdown of about, of 60,  
20 about 60 percent use the shuttle and about 40  
21 percent drive. And that's, that's roughly the  
22 breakdown between nonprofessional and  
23 professional employees.

24 MR. KIMMERLING: So, 60 percent of

1 March 1, 2022

2 employees will be required to take the shuttle?

3 MR. DAVIS: Oh, absolutely, as a  
4 condition of employment, yes.

5 MR. KIMMERLING: Okay.

6 MR. DAVIS: And we do, we do have a  
7 chart, a couple of charts actually, that we've  
8 updated to give you that information.

9 MR. KIMMERLING: Okay.

10 MR. DAVIS: Which we can, which we can  
11 provide to you promptly.

12 MR. KIMMERLING: Okay.

13 MR. DAVIS: After the meeting, or we can  
14 take you through it now, at your, at your wish.

15 MR. KIMMERLING: Great. And then that,  
16 that total of 50 includes all service providers,  
17 massage therapists, room inspectors.

18 MR. DAVIS: That's everyone who works  
19 there.

20 MR. KIMMERLING: Okay. So, there could  
21 be additional people who come in to provide  
22 services who don't actually work there, they're  
23 not quote employees --

24 MR. DAVIS: No, we're not anticipating

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2 that. We're anticipating that the staff is the  
3 staff.

4 MR. KIMMERLING: Okay.

5 MR. DAVIS: The staff breaks down into,  
6 you know, physicians, there has to be a medical  
7 director, nursing staff, other licensed  
8 professionals such as social workers and  
9 psychologists.

10 MR. KIMMERLING: Yeah.

11 MR. DAVIS: And then more of the  
12 assistant staff that don't have the professional  
13 licensing.

14 MR. KIMMERLING: Okay. Maybe engineers,  
15 people that keep the plant running? All those  
16 kinds of folks?

17 MR. DAVIS: There'll be --

18 MR. KIMMERLING: All the people you need  
19 to run a place like this.

20 MR. DAVIS: Yeah, but not, but, but  
21 really as a regular rule, it's self contained by  
22 the 50 staff members that are there. We're not  
23 going to have a lot of people, you know,  
24 consultants coming in and out. OASAS makes

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2 inspections, you know, there may be occasional  
3 visits by people, but in terms of, you know,  
4 significant usage of vehicles at the facility.

5 MR. KIMMERLING: Right.

6 MR. DAVIS: And of course, there's  
7 visitors, 25 percent can, which means about 12  
8 now --

9 MR. KIMMERLING: Yes.

10 MR. DAVIS: -- can have visitors on any  
11 given weekend in the month.

12 MR. KIMMERLING: Right. Okay. Thanks, I  
13 promise I'm almost finished.

14 MR. DAVIS: Okay.

15 MR. KIMMERLING: The applicant has  
16 stated in numerous submissions that clients will  
17 not be quote, permitted to leave the grounds.

18 MR. DAVIS: Right.

19 MR. KIMMERLING: Can you indicate,  
20 either where in previous submissions or on site  
21 plan documents, where there are any security  
22 measures that are planned or contemplated to  
23 ensure this?

24 MR. DAVIS: Right. I think our, I think

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2 our original submission says that there will,  
3 included in the 50 is some security people on  
4 site. There won't be people with guns or anything  
5 of that nature.

6 MR. KIMMERLING: That's comforting.

7 MR. DAVIS: You know, there'll be, you  
8 know, the local police will be provided with a  
9 24-hour contact line as will the town. So, we  
10 don't anticipate any --

11 MR. KIMMERLING: No additional fencing  
12 or -- everything that's on the site plan,  
13 everything is --

14 MR. DAVIS: I think there will be  
15 adequate security for this type of facility.  
16 We're not talking about, you know, a criminal  
17 situation where people are trying --

18 MR. KIMMERLING: Yeah, yeah, I wasn't  
19 implying that.

20 MR. DAVIS: -- where people are trying  
21 to escape. These people are there voluntarily.

22 MR. KIMMERLING: Yeah, they're  
23 voluntarily, but they're not permitted to leave.  
24 Okay. The, there's a lights out at 10:30. Does

1 March 1, 2022

2 that mean everyone has to be inside at 10:30? Or  
3 can people be whenever they want?

4 MR. DAVIS: No. I mean if the lights are  
5 out, the people, the people have to be inside.

6 MR. KIMMERLING: Have to be inside.

7 MR. DAVIS: People will not be, you  
8 know, walking around the grounds at that, at that  
9 hour. And we, we you know, we further have, have  
10 clarified some aspects today, that lights will be  
11 out, certainly in the building along the  
12 northerly boundary line. There may be some lights  
13 on in buildings one and seven, the main  
14 buildings, but they're going to have blackout  
15 shades to mitigate there, and there'll be hallway  
16 lighting and things like that for safety, for  
17 safety purposes. But those are the ones that are  
18 over 300 feet from the nearest residence, they  
19 will have blackout shades that will be provided.  
20 And there's a lot of other things we've done with  
21 respect to lighting in Mr. Masciovecchio's  
22 photometric plan as it's been revised.

23 MR. KIMMERLING: Great. Thanks. Two more  
24 questions. Just on the well monitoring. The

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2 applicant states if long term monitoring were to  
3 unexpectedly demonstrate any significant  
4 interference from their proposed specialty  
5 hospital wells, mitigation options, including but  
6 not limited to lowering the homeowner pump or  
7 deepening their well would be evaluated and  
8 implemented. Who would perform that evaluation  
9 and who would develop, approve and pay for the  
10 mitigation?

11 MR. DAVIS: Well, the, the well  
12 monitoring plan, the general aspects of it were  
13 specified, I believe it was in Appendix 25, among  
14 some others to the March 2019 submission that,  
15 that may --

16 MR. KIMMERLING: Yeah, submission 64  
17 also relates.

18 MR. DAVIS: -- and that would be, you  
19 know, that, I think that's provided that there'll  
20 be regular reporting to the town as a condition  
21 of approval. There were only -- it's not as if  
22 it's expected to be some type of large scale or  
23 even an occurrence, because only two wells were  
24 affected of the extreme conditions. They, they

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2 had a -- I can't remember the exact amount, but  
3 probably 100 feet left even after their wells  
4 went down under those extreme conditions by 18  
5 and 24 feet respectively, they had probably 100  
6 feet left over their well pump. There was no  
7 discernible impact on them and that was under  
8 conditions -- and don't forgot, those well pump  
9 statistics, the, the methodology of the, of the  
10 pumping and all of the, the statistics related to  
11 a water usage of over 12,000 gallons a day, I  
12 think 12,500 gallons a day, but that was based on  
13 the 43 percent larger patient beds. So that's,  
14 it's even less likely --

15 MR. KIMMERLING: Sure.

16 MR. DAVIS: -- than it was in the first  
17 case that the well monitoring is ever going to  
18 indicate any, any issues whatever.

19 MR. KIMMERLING: Right.

20 MR. DAVIS: But they'll be monitored in  
21 the same way they were done for the well  
22 monitoring plan, but you know, for a period of  
23 over two-and-a-half years I believe.

24 MR. KIMMERLING: Right. It just says

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2 that mitigation options would be evaluated and  
3 implemented, and I'm curious who's going to --

4 MR. DAVIS: At the applicant's expense.

5 MR. KIMMERLING: Okay. You guys will pay  
6 for the implementation and all?

7 MR. DAVIS: Oh, absolutely.

8 MR. KIMMERLING: Okay, great. One last  
9 question. So, you've included in these volumes,  
10 right, at one point a list of stipulated  
11 conditions, quote, a list of stipulated  
12 conditions for a conditional negative  
13 declaration.

14 MR. DAVIS: Right.

15 MR. KIMMERLING: As well as a SEQRA  
16 summary report for a conditioned negative  
17 declaration.

18 MR. DAVIS: Right.

19 MR. KIMMERLING: Does this mean that you  
20 believe that a conditioned neg dec is  
21 appropriate, rather than a general or blanket neg  
22 dec?

23 MR. DAVIS: We, we, we believe we're  
24 entitled to a negative dec, but we have always

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2 raised from the beginning, we left that  
3 alternative open of a conditioned neg dec because  
4 after all, we've stipulated to literally dozens -  
5 -

6 MR. KIMMERLING: Right, conditions.

7 MR. DAVIS: -- of conditions.

8 MR. KIMMERLING: Right.

9 MR. DAVIS: And a neg dec based on those  
10 conditions is something that would certainly be  
11 acceptable.

12 MR. KIMMERLING: Okay. Great. Thank you,  
13 thanks for your patience.

14 MR. DAVIS: Thank you.

15 MR. KIMMERLING: Thank you for your  
16 patience.

17 MR. BIANCHI: Thank you, George. Other  
18 members, any comments?

19 MR. KESSLER: Yeah, Mr. Davis, so just  
20 in terms of timing, what has to happen, in your  
21 mind, for you to go to OASAS? What, what's your  
22 timing on actually making an application to  
23 OASAS?

24 MR. DAVIS: The timing that we've been

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2 fairly consistent in stating is that we are  
3 wanting to get the, at least some meaningful  
4 approval from the boards, you know, probably the  
5 variance from the zoning board. That can't take  
6 place until, you know, after your board makes a  
7 SEQRA determination one way or the other.

8 MR. KESSLER: So, if we make a SEQRA  
9 determination and you go to the zoning board and  
10 the zoning board, let's for argument's sake,  
11 says, you know, approves that, then you will go  
12 to OASAS, even though we still have an open site  
13 plan consideration?

14 MR. DAVIS: Well, I would talk to the, I  
15 would talk to the applicant about that. But that,  
16 I would clarify that with my, with my applicant.

17 MR. KESSLER: Okay. So, here's my,  
18 here's my issue. You know, having lived through  
19 this all these years. I'm reluctant to sign off  
20 on the site plan, and this goes back to your cart  
21 before the horse comment.

22 MR. DAVIS: Right.

23 MR. KESSLER: I'm reluctant to sign off  
24 on a site plan without exactly knowing what OASAS

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2 wants in terms of a program. I know what you  
3 think the program should be. But that's different  
4 from what OASAS may say and they may want you to  
5 put in other programs that you haven't  
6 considered. You know, be absurd, they want you to  
7 put in a zip line. I don't know what they want.  
8 And I'm not an expert on this.

9 MR. DAVIS: Right. Nor am I.

10 MR. KESSLER: So, it's hard for me to  
11 say the site plan has no impact, you know, you  
12 know, that there's no impacts in a neg dec  
13 without knowing exactly what OASAS is going to  
14 say and approve. You know, for example, we had  
15 this discussion over these many months, you know,  
16 about family therapy. That to me is, as I know  
17 it, an important part of any one of these  
18 programs.

19 MR. DAVIS: Mm-hmm.

20 MR. KESSLER: And you seem to think it's  
21 not going to happen, or it'll happen when they  
22 come in for their weekly, monthly visits.

23 MR. DAVIS: Well, a lot of --

24 MR. KESSLER: OASAS may say I want a

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2 family therapy visit every week.

3 MR. DAVIS: Well, I --

4 MR. KESSLER: That's going to change the  
5 impacts.

6 MR. DAVIS: -- I think, an again, I'm  
7 not purporting to be an expert, but one can  
8 envision in this day and age that much of this  
9 activity is done via Zoom, just as medical  
10 appointments are done today. So, I would  
11 anticipate that. But in speaking to one of our  
12 client's representative, I think it's fair to say  
13 that if we have a SEQRA determination and, and we  
14 have our variance, in the context of that, trying  
15 to run it concurrently with, with the site plan  
16 review process, I believe that would be something  
17 that could be done.

18 MR. KESSLER: Okay. That's something I  
19 could accept also.

20 MR. DAVIS: Okay.

21 MR. BIANCHI: Okay. Thank you. Any other  
22 comments from board members? So as was stated,  
23 tonight, we're going to be considering, or making  
24 a motion to prepare a negative dec for this

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2 application. Now, just to be clear, what that  
3 means is that it's not -- it does not mean that  
4 we're going to be voting yes or no on that  
5 tonight, or on a subsequent meeting where we  
6 consider it on the April 5th meeting. We will  
7 consider that application but it's not an  
8 indication of whether the board is going to vote  
9 one way or the other. We have to move this  
10 application along procedurally, and one way of  
11 doing that is to vote on something. And we  
12 decided to vote on that, and then next month, we  
13 will consider that, that resolution, or neg dec  
14 whether we agree with it or not.

15 And then, depending on what happens  
16 then, it will go to the zoning board, as was  
17 stated, and the zoning board will consider their  
18 questions regarding state road and other zoning  
19 issues. And then potentially, after that, it'll  
20 come back to us for site plan review and approval  
21 if necessary. So, I just want to be clear with  
22 that, that we're going to be directing staff to  
23 prepare a negative declaration tonight for  
24 consideration at the next meeting.

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2 MR. ROTHFEDER: And even when it comes  
3 back for site plan approval, because as Steve  
4 just said, there may be some issues in the site  
5 plan that affect the environmental issues or  
6 other local issues. We'd take them up again --

7 MR. BIANCHI: Right.

8 MR. ROTHFEDER: -- and revisit them,  
9 depending on the final site plan.

10 MR. BIANCHI: Yeah, we may --

11 MR. KEHOE: But I'd like to confirm with  
12 Tom Wood, but I think what Steve said was  
13 critical, that the OASAS path and the site plan  
14 path, if you ever get that far, have to come  
15 together because of the issues Steve raised with  
16 respect to if OASAS wants more family counseling  
17 or more medicine or whatever it is, that it's got  
18 to be, those have got to be brought together. And  
19 I'll confirm with the legal department.

20 MR. DAVIS: I think we've indicated, I  
21 think we've indicated that we will pursue it in  
22 that, in that manner.

23 MR. ROTHFEDER: But it also goes beyond  
24 OASAS too, depending on what the site plan looks

1 March 1, 2022

2 like, which we really don't, don't have a final  
3 site plan. And that's --

4 MR. KEHOE: Right. And it --

5 MR. ROTHFEDER: -- for down the road.

6 MR. KEHOE: Right. And as we discussed,  
7 the landscaping, you may want changes to the  
8 landscaping, the lighting, a whole variety of  
9 things.

10 MR. BIANCHI: Right. Exactly. There are  
11 a lot of impacts that could be affected by that  
12 decision on OASAS. So yes, we will be revisiting  
13 a lot of that if, if we get the application back  
14 for site plan review. Okay. Any other comments  
15 before we move ahead with a motion?

16 MR. KESSLER: Okay, so I'll move that we  
17 have staff prepare a neg dec, I'm sure there's  
18 going to be a lot of art in the writing of that,  
19 based upon what we said tonight for a vote, and  
20 we'll see how that vote goes at the next meeting.

21 MR. BIANCHI: Okay. Thank you. Second?

22 MR. FOLEY: Second.

23 MR. BIANCHI: Okay, we have second. On  
24 the question, all in favor?

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2 MULTIPLE: Aye.

3 MR. BIANCHI: All opposed?

4 MR. KIMMERLING: No.

5 MR. BIANCHI: Okay. Please poll the  
6 board.

7 MR. KEHOE: Mr. Kimmerling?

8 MR. KIMMERLING: No.

9 MR. KEHOE: Mr. Rothfeder?

10 MR. ROTHFEDER: Aye.

11 MR. KEHOE: Mr. Kessler?

12 MR. KESSLER: Aya.

13 MR. KEHOE: Mr. Bianchi?

14 MR. BIANCHI: Aye.

15 MR. KEHOE: Ms. Decker?

16 MS. DECKER: Aye.

17 MR. KEHOE: Mr. Foley?

18 MR. FOLEY: Aye.

19 MR. KEHOE: Motion carries five to one.

20 MR. DAVIS: Thank you.

21 MR. BIANCHI: Okay. Thank you, Mr.

22 Davis. Good night.

23 MR. DAVIS: Good night.

24 MR. BIANCHI: Okay. That is our final

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item on the agenda, could I have a motion to adjourn?

MS. DECKER: Mr. Vice-Chairman, motion to adjourn at 8:10 p.m.

MR. BIANCHI: Thank you. Second.

MR. KIMMERLING: Second.

MR. KESSLER: No, you don't need a second on an adjournment.

MR. BIANCHI: Okay. All in favor?

MULTIPLE: Aye.

MR. KESSLER: Under Roberts Rules of Order, anyone can make a motion to adjourn at any time. We've got to try that some time.

(The public board meeting concluded at 8:10 p.m.)

CERTIFICATE OF ACCURACY

I, Claudia Marques, certify that the foregoing transcript of the board meeting of the Town of Cortlandt on March 1, 2022 was prepared using the required transcription equipment and is a true and accurate record of the proceedings.

Certified By

*Claudia Marques*

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Date: March 18, 2022

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