

TOWN OF CORTLANDT  
PLANNING AND ZONING BOARDS

BOARD MEETING

Nyberg Meeting Room Town Hall  
1 Heady Street, Cortlandt Manor, NY 10567

October 11, 2022

6:30 p.m. - 9:50 p.m.

October 11, 2022

MEMBERS PRESENT:

Loretta Taylor, Chairperson

Thomas A. Bianchi, Vice-Chairperson

Suzanne Decker, Member

Robert Foley, Member

Nora Hildinger, Member

Stephen Kessler, Member

Jeffrey Rothfeder, Member

ALSO PRESENT:

Chris Kehoe, Town Planner

Michael Cunningham, Deputy Town Attorney

Joseph Fusillo, Town Engineering Consultant

Collin Mills, Town RF Consultant

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2                   (The board meeting commenced at 6:30 p.m.)

3                   MULTIPLE: I pledge allegiance to the  
4                   United States of America and to the republic for  
5                   which it stands, one nation under God,  
6                   indivisible with liberty and justice for all.

7                   MS. LORETTA TAYLOR: We ready, do roll  
8                   call? Chris, can you hear me?

9                   MR. CHRIS KEHOE: Yeah, I can do the  
10                  roll.

11                  MS. TAYLOR: Yes, please.

12                  MR. KEHOE: Ms. Hildinger?

13                  MS. NORA HILDINGER: Here.

14                  MR. KEHOE: Mr. Rothfeder?

15                  MR. JEFFREY ROTHFEDER: Here.

16                  MR. KEHOE: Mr. Kessler?

17                  MR. STEPHEN KESSLER: Here.

18                  MR. KEHOE: Ms. Taylor?

19                  MS. Taylor: Here.

20                  MR. KEHOE: Mr. Bianchi?

21                  MR. THOMAS A. BIANCHI: Here.

22                  MR. KEHOE: Ms. Decker?

23                  MS. SUZANNE DECKER: Here.

24                  MR. KEHOE: Mr. Foley?

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2 MR. ROBERT FOLEY: Here.

3 MR. KEHOE: And the alternate, Mr.  
4 McKinley, is not here this evening.

5 MS. TAYLOR: Okay. We do have a change  
6 to the agenda. We are going to have a resolution  
7 for a particular property, the Kirquel property  
8 and I think that is it, PB 13-05. I have --

9 MR. KESSLER: Shall I make a motion?

10 MS. TAYLOR: Yes, please.

11 MR. KESSLER: Madam Chair, I move that  
12 we adopt Resolution 1322 approving a one month  
13 extension.

14 MS. TAYLOR: Okay. Yeah.

15 MR. ROTHFEDER: Second.

16 MS. TAYLOR: Thank you. On the, excuse  
17 me.

18 MR. FOLEY: On the question?

19 MS. TAYLOR: On the question, I'm sorry.

20 MR. FOLEY: On the question, I've been  
21 consistently voting no on these, at least on the  
22 24 or so extensions over the years, as I did on  
23 the original. But I will be voting yes because  
24 this extension would facilitate the apparent use

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2 of this land as open space and preserved, so I'll  
3 be voting yes this time.

4 MS. TAYLOR: Excellent. Alright. I think  
5 we're all on board with that on. So all in favor?

6 MULTIPLE: Aye.

7 MS. TAYLOR: Opposed? Alright. Great.  
8 Alright. May I have a motion please for the  
9 minutes of last month?

10 MR. ROTHFEDER: So moved.

11 MR. KESSLER: So moved.

12 MS. TAYLOR: Thank you. Second, I need a  
13 second for that.

14 MR. KESSLER: Second.

15 MS. TAYLOR: Thank you. On, On the  
16 question?

17 MR. FOLEY: Nothing, it's okay.

18 MS. TAYLOR: Nothing? Okay. Excuse me.  
19 All those in favor?

20 MULTIPLE: Aye.

21 MS. TAYLOR: Opposed? Okay. Good.  
22 Alright. We're going to move now to something  
23 that is not on your agenda. It's the Kirquel  
24 property.

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2 MR. KEHOE: We did that, we voted on  
3 that.

4 MR. KESSLER: It's the addition.

5 MR. BIANCHI: That was the addition.

6 MS. TAYLOR: Yeah.

7 MR. CUNNINGHAM: We got the vote, yes.

8 MS. TAYLOR: You got the vote?

9 MR. CUNNINGHAM: Yes, all in favor,  
10 everyone was in favor.

11 MR. KESSLER: Even Bob.

12 MR. FOLEY: That's why I clarified it.

13 MS. TAYLOR: I'm very sorry. I seem to  
14 be a little out of it today. Okay. So we'll move  
15 on down to the next -- now you didn't switch  
16 anything else did you?

17 MR. ROTHFEDER: No.

18 MS. TAYLOR: No, good. Okay. So we're  
19 moving to the public hearing section, the first  
20 being PB 2022-3, the public hearing for the  
21 application of James Connolly for preliminary and  
22 final subdivision approval for a two-lot minor  
23 subdivision of an approximately 1.49 acre parcel  
24 of property located at 49 Dutch Street. The

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2 latest drawings are September 30th 2022.

3 MS. HEATHER GUSHUE: Good evening, my  
4 name is Heather Gushue and I'm an attorney with  
5 Shapiro Gettinger Waldinger & Monteleone,  
6 representing the applicant, James Connolly. As  
7 the Board is aware, Mr. Connolly has submitted an  
8 application for approval of a two-lot mior  
9 subdivision There was a public hearing that was  
10 held on September 6th and was adjourned to this  
11 evening, at the Board's request, to permit Mr.  
12 Connolly's neighbors to submit a formal statement  
13 and also to provide Mr. Connolly an opportunity  
14 to respond to the neighbor's concerns.

15 During the hearing that was held on  
16 September 6th, town planner, Mr. Kehoe stated  
17 that in order to avoid a back and forth  
18 submission between the applicant and any of  
19 those, the neighbors that were opposing that  
20 there were deadlines for each, for the neighbors  
21 and the applicant to submit their responses and  
22 statements in order to eliminate further back and  
23 forth about the issues, and so that there would  
24 be an opportunity for the public hearing to be

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2 closed and a decision to be made.

3 The neighbors submitted a letter from an  
4 engineer and the only issues that were raised in  
5 that letter concerned potential drainage issues.  
6 Those issues had been addressed by the town  
7 engineer as well as Cronin Engineering, who is  
8 the engineer on behalf of the applicant. And the  
9 town engineer and both Cronin Engineering agreed  
10 that there was negligible drainage issues.

11 There was one additional issue that was  
12 raised during the last public hearing concerning  
13 potential site issues and Cronin Engineering  
14 provided that there was only one potential issue  
15 that could be mitigated by trimming back some  
16 brush, some trees. Sorry, it was brush, sorry  
17 about that.

18 Additionally, during the public hearing  
19 that was adjourned from September 6th, there were  
20 two other issues that the Board had requested  
21 further clarification. One involved providing  
22 proof from the owners of Sycamore Court that Mr.  
23 Connolly, sorry, that the owners of Sycamore  
24 Court would provide consent for Mr. Connolly to



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2 utilize Sycamore Court to access the water main.  
3 We submitted affidavits from six of the heirs who  
4 are the owners of Sycamore Court providing that  
5 they give permission and authorization for Mr.  
6 Connolly to have unrestricted ingress and egress  
7 rights of Sycamore Court, which he already had  
8 pursuant to a prior easement. And that they would  
9 provide approval and consent for infrastructure  
10 to be placed on Sycamore Court, as well as any  
11 potential modification to a drainage system.

12 So any issue remaining about Mr.  
13 Connolly's right to access Sycamore Court for the  
14 water, connection to the water main has been  
15 resolved in Mr. Connolly's favor.

16 And the last issue involved whether  
17 McManus Road could be used as an access point for  
18 the proposed house. The town attorney submitted a  
19 memorandum interpreting local law number five  
20 addressing that if the proposed driveway would  
21 have access to McManus Road that it would need to  
22 be improved. And the improvements that would have  
23 to be made on McManus, as compared to any use of  
24 Sycamore Court, that Mr. Connolly has a legal

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2           right to use would be substantial. Cronin  
3           Engineering also submitted a letter explaining  
4           that the impacts on the environment would have a  
5           substantial and negative impact, for sorry for  
6           using the same word again, but if they were to  
7           have to improve McManus, they would need to take  
8           down ten large trees versus only three trees on  
9           the proposed access point at Sycamore Court, that  
10          there would be 100 percent increase in land  
11          disturbance. And looking at, when you're  
12          balancing the impacts on the environment, if the  
13          board were to require Mr. Connolly to access  
14          McManus, and weigh that with any potential  
15          impacts on the environment for permitting access  
16          of the proposed driveway on Sycamore Court, it is  
17          quite apparent and obvious that the substantial  
18          environmental and financial impacts on McManus  
19          outweighs any right of use that Mr. Connolly has  
20          for Sycamore Court.

21                   In conclusion, there's no evidence  
22          before the Board to support a decision to deny  
23          the application and any decision that the Board  
24          would make to not grant the application would,

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2 could be viewed as arbitrary and capricious  
3 without any evidence before the Board that would  
4 support such a decision. Mr. Connolly is  
5 requesting that the Board close the public  
6 hearing tonight and approve his application. If  
7 the Board doesn't have any questions, I will let  
8 our engineer, Cronin Engineering have a chance to  
9 address the Board.

10 MS. TAYLOR: Did you want to have  
11 [unintelligible] [00:11:11] or the public? This  
12 is a -- what do you want to do? Do you want to  
13 have a listen to it?

14 MR. KEITH STAUDOCHAR: Good evening, I  
15 was only going to talk some technical stuff. We  
16 don't have to do that if you want to take some,  
17 field some questions.

18 MR. KESSLER: Public.

19 MS. TAYLOR: It's a public hearing, so  
20 we really want to hear from the people.

21 MR. STAUDOCHAR: Okay. Good enough.

22 MS. TAYLOR: Okay. Alright. Let me just  
23 lay a few ground rules here. This is a large  
24 audience, and undoubtedly some of you will have

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2 duplicates in terms of the points that you want  
3 to make. I'm asking that, or I shouldn't say I,  
4 the Board is asking you that you keep your  
5 comments as brief as possible, try to avoid  
6 repeating exactly the same points as the person  
7 before you. Please come up, give your name and  
8 you state your residence and that's, those are  
9 all, yeah, your name, your residence. Okay.

10 MR. CLIFFORD DAVIS: Good evening,  
11 Chairperson Taylor. My name is Clifford Davis.  
12 I'm an attorney. My office is at 202 Mamaroneck  
13 Avenue, Third Floor, White Plains, NY, 10601. I  
14 represent the neighbors on Sycamore Court. And I  
15 just have a few points to make, but I think  
16 they're critical points.

17 The, the first critical issue is that my  
18 understanding from the site walk that Mr.  
19 Staudohar here told the Board is that there would  
20 be no construction on Sycamore Court, that all  
21 construction would be from McManus Road. So I  
22 would request that the Board put that in the  
23 resolution, that it be put as a note on the plat,  
24 and that we should further define what it means

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2           that there's no construction on -- that should  
3           mean that the workers don't drive up Sycamore  
4           Court, park their cars there. There should no  
5           delivery of construction materials. Everything  
6           needs to be accessed from McManus Road and that  
7           needs to be put in writing and it shouldn't be an  
8           issue because the engineer has told you that  
9           everything will be from McManus. I just want that  
10          documented in the resolution and on the plat so  
11          there, there's no issue.

12                        Secondly, as made very clear by  
13          applicant's counsel, it's a two lot subdivision  
14          So what that means is right now you have one  
15          large parcel. There is an existing structure on  
16          it, and that existing structure has a driveway  
17          which accesses McManus Road. For some peculiar  
18          reason, and probably there may not be many  
19          properties in the town of Cortlandt that have  
20          this, there is also a grass driveway or some sort  
21          which can also access Sycamore Court. So what,  
22          what I am asking this Board to do, and it is  
23          within the, it is respectfully within the  
24          jurisdiction of this Board, because it's a two-

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2           lot subdivision and you're carving up as to how  
3           each of the lots interact with each other is that  
4           they need to, because they're using McManus Road  
5           for the existing structure, that they put in the  
6           resolution and on the plat that that existing  
7           house does not use Sycamore Court. And it would  
8           seem to be very reasonable for them to agree to  
9           that.

10                         Furthermore, pursuant to Local Law  
11           Number 5 of 1999, which Ms. Gushue referred to,  
12           if you look in section 5, standards, paragraph 2,  
13           it talks about a road maintenance agreement. If  
14           there were going to be now two houses that access  
15           Sycamore Court, the road maintenance agreement  
16           needs to be revised. So this Board, if they want  
17           to have the right to access Sycamore Court, I am  
18           asking this Board to direct the applicant to  
19           prepare a new road maintenance agreement in which  
20           the percentages of the Connolly lot be increased.  
21           Right now, the Connolly lot from the existing  
22           house has a 17 percent interest in paying for  
23           road repair. If they're going to keep that lot --  
24           keep that number and the new house is now going

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2 to have a driveway, that number needs to be  
3 increased and this Board needs to direct them to  
4 prepare at their own expense, the road  
5 maintenance agreement and which all of the  
6 parties on the street would then execute. Okay.  
7 That's all I have. I have my engineer here,  
8 Elliot Senor, and he will address drainage  
9 issues. Thank you.

10 MR. ELLIOT SENOR: Good evening, Elliot  
11 Senor, office at 90 North Central Avenue in  
12 Hartsdale. So I, the engineer at Cronin &  
13 Associates, Keith, has done a job of answering a  
14 lot of our concerns, although I don't think it's  
15 completely satisfactory to the neighbors.  
16 Basically there are two things that I want to  
17 suggest or that need to be added to the plan.

18 One is that there is no water quality --  
19 he says that he built it, designed it in  
20 accordance with the New York State DEC  
21 guidelines. The guidelines require water quality  
22 structures prior to the CULTEC. Basically what  
23 that is, is you get leaves down the, down the  
24 gutters, you don't want them clogging the CULTEC

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2 so you want a basin before that so that they  
3 don't get in there, a basin that's easy to clean.  
4 It's not that big a thing to add.

5 The other thing is that, one of the  
6 things that we had suggested was the energy  
7 dissipaters or a connection to the street drain  
8 that's in Sycamore Court. They added the energy  
9 dissipaters. I think that because they only  
10 designed, so they only designed the system to  
11 hold the water quality volume. The water quality  
12 volume first of all is, the calculation is a  
13 little off because it states in the DEC  
14 regulations that it takes into account the volume  
15 is based on the entire impervious surface, not  
16 just the roof surface. It doesn't take into  
17 account, or I haven't seen that it takes into  
18 account the road. Now the road isn't connected to  
19 the, to these CULTECs but the water quality  
20 volume should be based on the overall as per the  
21 manual. But, and the manual says that the water  
22 quality volume is one-and-a-half inches. A one  
23 year storm is twice that, or almost twice that,  
24 2.79 inches, 2.8 inches.



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2 So in almost every storm, this is going  
3 to overflow. So we would like to ask that they be  
4 connected directly to the street drain as opposed  
5 to those energy dissipaters, because there's  
6 going to be water flowing down that steep hill  
7 constantly. If it's coming down in a velocity  
8 that's going to over overshoot the curve or the  
9 ditch there, we're going to have icing in the  
10 wintertime. So we would just like to ask them to  
11 connect it to street drain, that they're already  
12 connecting the trench drain at the bottom of the  
13 driveway to that drain, it's only another 50 feet  
14 of pipe, about that, it's not a big deal. That  
15 was all that we had as far as drainage.

16 MS. STACEY RETALLICK: Hi, I'm Stacey  
17 Retallick, 5 Sycamore Court. I just wanted to  
18 make a point. The residents, myself and my  
19 neighbors, we would like to request that they use  
20 McManus Road for all construction vehicles. I  
21 know that's already been said, but as an example,  
22 two days ago, Verizon trucks were on Sycamore  
23 Court to add some service or something to 49  
24 Dutch Street, which is Mr. Connolly's rental

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2 property, which has that driveway that's not  
3 being used, that grass driveway. They were parked  
4 on that piece of property where the driveway  
5 would be, that grass. And they could not make the  
6 turn coming back onto Sycamore Court to go back  
7 out and they needed to go onto my property and  
8 left tire tracks in my grass. So that's just one  
9 example of what's to come if the construction  
10 vehicles are using Sycamore Court.

11 In addition to that, our children are on  
12 the road all the time. We've said in previous  
13 meetings, going to the bus stops, there's three,  
14 four, five different times a day that the kids  
15 are walking back and forth to the buses. We have  
16 morning buses, we have three different schools,  
17 so three different times, we have afternoon buses  
18 and then we have sports buses. And we don't want  
19 the construction vehicles on our property, on  
20 the, on Sycamore Court while our kids are walking  
21 or even out there playing when it's not  
22 necessary, and it's not.

23 Because prior to the first site visit  
24 Mr. Connolly did a lot of construction up on 49

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2 Dutch Street, he added a rock wall, he added all  
3 these trees, and there were dump trucks and  
4 excavators up and down the property and they all  
5 used McManus Road. So there's no issue with them  
6 using McManus Road for this as well. Thank you.

7 MS. TAYLOR: All rightie.

8 MS. THERESE SINK: Good evening, my name  
9 is Therese Sinks, I live at 7 Sycamore Court. I  
10 want to thank the members of the planning board  
11 for their time over the last several months as we  
12 have detailed our concerns over the proposed  
13 plans involving Mr. Connolly's property. I will  
14 reiterate that we have no issue with Mr. Connolly  
15 subdividing his land to build a house. We welcome  
16 it. It's fine.

17 Our issue is that the plans as initially  
18 submitted in March were insufficient in  
19 addressing the drainage that will absolutely come  
20 from this property. At our own substantial  
21 expense, we had done our due diligence, with the  
22 help of our engineer and our counsel to identify  
23 significant gaps in the plans as they were  
24 submitted to the Board.

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2 Thankfully, changes have been made over  
3 this months long process to address some of these  
4 drainage concerns, but as Mr. Senor has again  
5 this evening called out, the overflow drains in  
6 the CULTEC calculations for inaccuracies. It is  
7 imperative that any plans be comprehensive,  
8 detailed and accurate. While we may not own the  
9 land underneath the asphalt of Sycamore Court,  
10 we, the current residents of Sycamore Court are  
11 financially and physically responsible for that  
12 road's condition and its integrity under the road  
13 maintenance agreement. The heirs do not own the  
14 road. They may own the land, but they don't own  
15 the road.

16 So with that, I ask that the Board take  
17 that into consideration before you vote. And if  
18 Sycamore Court is used for construction, a  
19 significant bond must be procured for repair and  
20 restoration from the applicant. Thank you.

21 MS. TAYLOR: Is there anyone else?

22 MR. KESSLER: Joe, you want to comment  
23 on the drainage issues?

24 MR. JOSEPH FUSILLO: I certainly can,

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2           sir. Again, Joe Fusillo, senior environmental

3           engineer with LaBella Associates, town board

4           planning engineer. I did do the calculations on

5           the parcel. I looked at the parcel as if it was,

6           as it currently is, I looked at the parcel as if

7           it was blacktopped, the entire parcel. Very, very

8           negligible increase in storm water flow down that

9           driveway. I also looked at the roof drainage. I

10          didn't look that close at it, because it is a

11          smaller house, and I do believe that the CULTEC

12          system is actually an added benefit. I don't, I

13          don't even believe that the CULTEC system would

14          be required on a parcel this size with that

15          house. Day lighting that drainage down the hill

16          would be perfectly adequate to flow into the

17          existing gravel, gravel or rock swell. But again,

18          I haven't done those calculations on that.

19                    But I guess I can also comment a little

20          bit on the construction. As a professional

21          engineer, in my opinion, there is no way that all

22          construction can take place off McManus. I mean

23          there's certainly going to have to be vehicles

24          that work the bottom of that drive, even if

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2 you're building the drive from the top down,  
3 you're not going to be able to get somebody down  
4 there to physically do that. And during my trip  
5 to the site that day, the neighbor was building a  
6 pool and there were construction vehicles out  
7 there as well as me and Mr. Kehoe were out there.  
8 That's all.

9 MS. TAYLOR: Alright. Is there anyone  
10 else who wishes to comment on this application?  
11 Okay. Alright. Then maybe we can have the  
12 engineers come and discuss anything else?

13 MR. KEHOE: Keith?

14 MR. KESSLER: Keith, anything else to  
15 add?

16 MR. KEHOE: You want to, do you have  
17 anything to add?

18 MR. STAUDOCHAR: Not right now, unless  
19 they want to hear more technical stuff.

20 MR. KEHOE: Do you believe that your  
21 design that was reviewed by Joe and you modified  
22 in response to Joe's comments is sufficient for  
23 the site?

24 MR. STAUDOCHAR: Yeah. The, we designed

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2           the roof drainage treatment to be modeled after  
3           the New York State DEC water quality volume,  
4           which is the 90th percentile rainfall which  
5           equals 1.2 inches of rain. The CULTECs are sized  
6           to accommodate that entire volume of water coming  
7           off the roof for 1.2 inches of water. Anything  
8           beyond that will overflow into the pipes and down  
9           to the existing stone swale that is along  
10          Sycamore Court which was down to the catch basin.

11                   We also added a trench drain at the  
12          bottom of our driveway to capture the water and  
13          then divert it into that gravel swale and into  
14          the drainage system, which, by the way, our  
15          office did back in 2008, for Dominick Santucci,  
16          we designed the drainage down Sycamore, which is  
17          basically the gravel swale on our side of the  
18          road to a series of catch basins and pipes to a  
19          level, to a dry swale for treatment. That was  
20          done 14 years ago. So we're tying into that  
21          system. So our driveway is going to be collected  
22          into a trench drain and put into that system, our  
23          roof drainage is going to come off the roof and  
24          go into these subsurface chambers and if there is

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2 any overflow, it'll overflow down our riprap  
3 dissipation pads into the gravel swale that  
4 exists there now.

5 We did, I don't know if you got a chance  
6 to see the matrix. We compared McManus Road with  
7 the way, as opposed to what we're showing now.  
8 Real quick, our proposed subdivision as is, we  
9 would have to lose three trees. If we were to  
10 improve McManus Road, we estimate about 12 large  
11 trees would have to be removed, a 300 percent  
12 increase. We submitted, I don't know Chris if you  
13 can put that up, the tree image.

14 MR. KEHOE: Keep going, it'll just take  
15 a minute.

16 MR. STAUDOCHAR: Okay. That's fine. Land  
17 disturbance, right now the proposed subdivision  
18 has .65 acres. If we were to improve McManus Road  
19 to 20 feet wide, we'd be at an acre disturbance,  
20 whereas a 51 percent increase over what we're  
21 proposing. Impervious areas, the proposed  
22 subdivision would involve 0.11 acres of  
23 impervious area. If we were to improve McManus  
24 Road, we'd be up to .4 acres of impervious area,



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2 or a 270 percent increase. The impervious area  
3 for McManus Road only is existing as .17 acres of  
4 impervious. If we were to improve McManus, it  
5 would nearly double to .3 acres of impervious  
6 area. So there's a significant change in  
7 disturbance and impervious areas, environmental  
8 features if we were to improve McManus.

9 So we feel that the subdivision that  
10 we're providing, that we have showed since day  
11 one is adequate and reasonable. We've responded  
12 to the neighbor's engineer's latest report. So we  
13 feel that what we're proposing is approvable as  
14 is.

15 With regard to McManus Road, we've  
16 offered that all construction vehicles would  
17 utilize McManus Road along with the employees  
18 thereof. If we have to cut in a water service for  
19 the new house, we have to obviously utilize some  
20 construction vehicle on the road to make that  
21 connection. But the reality is McManus Road will  
22 be the means by which construction vehicles come  
23 to the site and employees come to the site.

24 MR. KESSLER: So what percentage of the

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2 work would you say would be done off of McManus?

3 MR. STAUDOCHAR: I would say 90 percent,  
4 because we have to cut the driveway, and we have  
5 to do some drainage improvements and clean the  
6 gravel swale. We have to put the trench drain in  
7 and we might, if we agree to what Mr. Senor just  
8 said regarding the roof leaders to that, we'd  
9 have to run a pipe down the street a little bit.  
10 So I would say over 90 percent would be completed  
11 via access to McManus and maybe ten percent via  
12 access to Sycamore.

13 MS. TAYLOR: What might be helpful too  
14 is on those days when you think you're going to  
15 be doing roadwork on the court, you know --

16 MR. STAUDOCHAR: On Sycamore?

17 MS. TAYLOR: Yeah, Sycamore, if you, if  
18 you would just perhaps be in touch with the  
19 neighbors, maybe one or two neighbors could tell  
20 the others you're going to have the trucks there  
21 on that day, and that would help them to, you  
22 know, be more -- well, anyway, it would certainly  
23 make them more comfortable as far as the children  
24 are concerned.

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2 MR. STAUDOCHAR: And we can give them a  
3 24 to 48 hour notice --

4 MS. TAYLOR: Yeah.

5 MR. STAUDOCHAR: -- if that's something  
6 you feel would be appropriate.

7 MS. TAYLOR: I think it would be  
8 helpful, it certainly would.

9 MR. STAUDOCHAR: Obviously, we're going  
10 to have cones and plates and barricades if we, as  
11 needed, in the area.

12 MS. TAYLOR: Alright.

13 MR. FOLEY: Yeah, I had --

14 MS. TAYLOR: Yes?

15 MR. FOLEY: -- if I could, two questions  
16 going backwards. Joe, our Joe mentioned at the  
17 end there that about calculations you didn't do.  
18 I wasn't clear on that.

19 MR. FUSILLO: It was just for the CULTEC  
20 system, for the roof drainage.

21 MR. FOLEY: What Mr. Senor was talking  
22 about?

23 MR. FUSILLO: Yes, yes. I typically  
24 wouldn't even design a CULTEC system for a roof

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2 this size, so I actually think that, I don't want  
3 to say that it was overkill. It was kind of a  
4 neighborly thing to do to add that additional.  
5 Most homes would just take those gutters, the  
6 downspouts, and daylight through the property. I  
7 mean the house is on a fairly flat slope as it  
8 is, so it would dissipate before it got to the  
9 hill draining down to Sycamore Court.

10 MR. FOLEY: So you're saying those  
11 calculations wouldn't be necessarily be  
12 necessary. The ones you said you hadn't done?

13 MR. FUSILLO: No, no.

14 MR. FOLEY: I'm just guessing. I'm not  
15 an engineer. And second, on the addressing the  
16 applicant, yeah, I had wondered about McManus,  
17 but I think you made your case and I would agree  
18 when you look at the comparisons.

19 MR. STAUDOCHAR: Thank you, Bob.

20 MR. FOLEY: But in reference to, you  
21 know --

22 MR. STAUDOCHAR: There's a but.

23 MR. FOLEY: Yeah, there has to be, come  
24 on. In reference to the construction phase as we

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2 called it, because it has been an issue over the  
3 years in the town, yeah, I would hope that our  
4 board approving this would have it as a condition  
5 of resolution, and maybe Mike or someone could  
6 explain to the residents there that if something  
7 falls through the cracks on the construction  
8 phase, what they could do about it under our  
9 code. I don't know who would answer that.

10 MR. CUNNINGHAM: Right. So if there are  
11 any violations during construction, the residents  
12 would call code enforcement and they'd  
13 investigate.

14 MR. KEHOE: But if there's a note on the  
15 plan that directs most, somehow we'd have to word  
16 it that all of the construction access is coming  
17 of Sycamore, it sounds like the minimal  
18 construction access is really for drainage  
19 improvements --

20 MR. STAUDOCHAR: Yes.

21 MR. KEHOE: -- on Sycamore.

22 MR. STAUDOCHAR: And a water service  
23 connection.

24 MR. KEHOE: So we could word it --

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2 MR. BIANCHI: [unintelligible] [00:32:53]  
3 driveway --

4 MR. KEHOE: Yeah, somehow to make it  
5 clear that the only construction impacts to  
6 Sycamore are associated with the drainage and the  
7 connection of the water line. That would be noted  
8 on the plan, and then that would be in the code  
9 enforcement file, so if there's a backhoe digging  
10 the foundation, it would be clear.

11 MR. FOLEY: I mean when you're on your  
12 site building, that I know you'll do your due  
13 diligence on this Keith, to make sure the workers  
14 park up on the main property.

15 MR. STAUDOCHAR: Yeah, I mean that'll be  
16 like part of the erosion control plan. We'll put  
17 up orange construction fencing to prevent anybody  
18 from walking down.

19 MR. FOLEY: Right, I understand. And the  
20 only other question I had, which I brought up at  
21 the work session and at the previous one, is the  
22 old existing house, and I listened to the  
23 resident who just spoke tonight about an impact  
24 on to her lawn, on that lower driveway, the

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2 grassy whatever you want to call it, muddy  
3 driveway that leads to that garage door, which is  
4 that property line is contiguous to one of the  
5 houses on the cul-de-sac, that, my concerns are  
6 that any further development with that house or  
7 garage. But again, you know, I don't know whether  
8 any conditions, I think, I forgot what Mike said  
9 at the work session, but --

10 MR. CUNNINGHAM: We're not going to  
11 restrict what, that's not before this board,  
12 what's going on the existing single family house  
13 there.

14 MR. STAUDOCHAR: Thank you.

15 MR. FOLEY: Alright.

16 MR. CUNNINGHAM: That's a different,  
17 that would be a different case.

18 MR. FOLEY: It's like sitting there  
19 staring people in the face, you know. Okay, those  
20 are my concerns.

21 MR. STAUDOCHAR: Thank you.

22 MS. TAYLOR: Okay Well, I guess if  
23 there's nothing else --

24 MS. DECKER: Motion to -- I move to,

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2 motion to close the public hearing.

3 MR. KESSLER: Second.

4 MS. TAYLOR: Alrightie, on the question?

5 All those in favor?

6 MULTIPLE: Aye.

7 MS. TAYLOR: Opposed? Okay. Alright.

8 Good luck.

9 MR. STAUDOCHAR: Thank you. Do we direct,  
10 can we respectfully direct, request staff to  
11 draft a resolution and get that out for the next  
12 meeting?

13 MS. TAYLOR: Yes.

14 MR. BIANCHI: Yeah, we can do that.

15 MR. KEHOE: Yeah, just to make clear,  
16 staff will prepare a resolution for consideration  
17 on the November 1st meeting.

18 MR. STAUDOCHAR: Thank you.

19 MS. TAYLOR: Very good. Alright.

20 MR. BIANCHI: Do we take a vote on that?  
21 Did we vote?

22 MS. TAYLOR: Yes.

23 MR. KEHOE: You voted to close the  
24 public hearing. You didn't vote to direct me to



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2 do anything. But, I'll do it.

3 MS. TAYLOR: Well, Suzanne, will you  
4 just add to --

5 MS. DECKER: I move to direct staff to  
6 prepare a resolution for the next meeting.

7 MR. KESSLER: Second.

8 MS. TAYLOR: On the question? All in  
9 favor?

10 MULTIPLE: Aye.

11 MS. TAYLOR: Opposed? Okay. Alrightie. I  
12 suppose all you people are here for something  
13 else, huh? Okay.

14 [CROSSTALK]

15 MR. BIANCHI: Alright. Here we go.

16 MS. TAYLOR: Okay, here we go.

17 MR. BIANCHI: Take it.

18 MS. TAYLOR: Alright. We're now moving  
19 to the second and final public hearing for  
20 tonight. It is the applic- PB 2019-5 -- PB 2019-  
21 5, the public hearing, excuse me, this public  
22 hearing is for the application of Home, Homeland  
23 Towers, LLC and New York SMSA Limited Partnership  
24 dba Verizon Wireless, for the property of Bezo

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2 Enterprises LLC for site development plan  
3 approval and a special permit for a proposed  
4 public utility personal wireless facility known  
5 as telecommunications tower on a portion of a 6-  
6 acre parcel of property located at 52 Montrose  
7 Station Road. The latest drawings revised  
8 September 28, 2022.

9 MR. MICHAEL SHERIDAN: Good evening,  
10 Chair, members of the Board, my name is Michael  
11 Sheridan, I'm an associate with Snyder & Snyder,  
12 the attorneys for Homeland Towers, LLC and New  
13 York SMSA Limited Partnership DBA Verizon  
14 Wireless in connection with its request for  
15 approval from this Board for a public utility  
16 personal wireless facility at 52 Montrose Station  
17 Road. Here with me tonight is Vincent Xavier from  
18 Homeland Towers, Martin Lavin from C Squared  
19 Systems and Matthew Allen from Saratoga  
20 Associates. I will call them up in a few moments  
21 to discuss their reports that they provided to  
22 this Board and also some additional information  
23 from Mr. Xavier.

24 The facility consists of 140-foot

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2 monopole telecommunications tower at 52 Montrose  
3 Station Road, which is a property that's over six  
4 acres and is currently used for non-residential  
5 purposes. It's been strategically located in a  
6 wooden portion of that property towards the back  
7 and the town wireless law allows personal  
8 wireless facilities in the town and that property  
9 pursuant to Chapter 277.

10 The applicants filed its application in  
11 compliance with that law which importantly  
12 indicated that it will meet all the setbacks and  
13 that no variances are required.

14 I recently responded to comments from  
15 this town's consultant, HDR and their September  
16 23rd memo. We also responded to other comments  
17 from members of the public and an attorney from  
18 the public, Andrew Campanelli. We provided that  
19 on October 3rd. There was a letter from Saratoga  
20 Associates, Matt Allen here, from Scherer Design  
21 Group, Steve Krug, who I forgot to mention is on  
22 Zoom tonight, which the Scherer Design Group  
23 letter confirmed that there's a maintenance plan,  
24 confirmed that the tower is designed to support

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2           additional carriers, confirmed that the road will  
3           meet the emergency service vehicle requirements.  
4           We also submitted a revised environmental  
5           assessment form, submitted a letter from C  
6           Squared, Martin Lavin, which detailed that the  
7           applicants provided this Board with information  
8           necessary to determine the existing significant  
9           gap in coverage. There was also a letter from T-  
10          Mobile, indicating that they are willing to co-  
11          locate on this tower. There's a property values  
12          report from Lane Appraisals, and a revised site  
13          plan, which included a tree pole design, which  
14          was requested by HDR, which is this Board's  
15          consultant.

16                         Again, the application complies with the  
17          wireless law. They filed the application, the  
18          facility is proposed to be located near the rear  
19          of the property, will meet all the setbacks, no  
20          variances, as I said. In the HDR memo, again from  
21          September 23rd, HDR confirmed, and I quote, that  
22          the responses to comments and additional  
23          information provided by the applicants appear to  
24          be responsive and the combined application

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2 materials/filings appear to be comprehensive and  
3 in accordance with the requirements of the town  
4 wireless code. Again that's your board's  
5 consultant.

6 There are no other locations where this  
7 facility can be located. The town code permits  
8 wireless facilities on properties in a priority  
9 of locations list according to Section 277-7A-1.  
10 There's been allegations, especially from the  
11 attorney for the neighbors that said the  
12 applicants did not do a search for location for  
13 the facilities in accordance with that list. That  
14 is incorrect. There is an affidavit from John  
15 Peppe who is a consultant for Verizon Wireless  
16 indicating that they did not skip any areas of  
17 higher priority. The Peppe affidavit said there  
18 are no towers or other tall structures in the  
19 area surrounding the property suitable to provide  
20 the necessary coverage and there are no non  
21 residentially zoned sites suitable to provide the  
22 necessary coverage.

23 Again, going to your own consultant,  
24 HDR, indicated in its September memo. And I

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2 quote, HDR has viewed the attestations made and  
3 technical information filed by the applicant with  
4 regard to the site selection and lack of  
5 available alternative sites and feels that the  
6 information presented is reasonable in justifying  
7 that the potential alternative sites are not  
8 viable to provide the coverage needs as  
9 identified by Verizon.

10 HDR also said that it used its own site  
11 recognizance, including desktop reviews and  
12 general knowledge of the area in its review of  
13 the applicant's filed materials, and as such, the  
14 location at 52 Montrose Station Road as proposed  
15 appears reasonable based on a lack of viable  
16 alternatives or higher priority sites in the area  
17 to meet the applicant's current service needs.  
18 Again, that is HDR, this board's consultant.

19 Martin Lavin, from C Squared will  
20 discuss how due to the topography in the area,  
21 there is a lack of viable alternatives. And  
22 Vincent Xavier will also address how locations  
23 are chosen, because I know that's something that  
24 this board is curious about.

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2 As far as the visual impact, Matt Allen  
3 is here from Saratoga Associates who did the  
4 visual report, which this Board has reviewed. But  
5 as this Board knows, the application was  
6 initially filed with a different tower design in  
7 a different location. And since that time, the  
8 applicants have worked with this Board, its  
9 consultants, town staff, and has redesigned the  
10 facility in connection with those comments as  
11 detailed again in the HDR memo, it notes the  
12 changes that have been made from the initial  
13 design. The change in tower style, the reduction  
14 in tower elevation, the tower, although the tower  
15 is the same height, it is at a lower ground  
16 elevation, such that its elevation above mean  
17 sea level is lower, 35 feet lower to be exact.  
18 Reduction in footprint of the equipment compound,  
19 reduction in proposed quantity of trees, to be  
20 removed and the tower moved further from the side  
21 yard. That's again from the HDR memo. And now  
22 that the tower is further from the side yard, no  
23 variances are required.

24 Saratoga also provided in its visual

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2 resource assessment two visual simulations, one  
3 using a proposed galvanized gray color for the  
4 monopole tower and the other using a matte brown  
5 color. In response to a request by HDR, a third  
6 option, a tower camouflaged as a tree, or a  
7 stealth tree design was just submitted to this  
8 board in connection with our October 3rd filing.  
9 So you have those simulations as well from Matt  
10 Allen of Saratoga.

11 As detailed in the Saratoga memo, our  
12 visual resource assessment, the facility is  
13 substantially or fully screened by dense woodland  
14 vegetation beyond the immediate facility area.  
15 Again, going to HDR's report, HDR stated that  
16 quote, based on HDR's field observations, and  
17 review of the materials submitted by the  
18 applicant in the VRA, it is likely that visual  
19 impacts are limited to the immediate vicinity of  
20 the proposed tower. Again, Matt Allen will be up  
21 to discuss his latest submission and answer any  
22 questions you may have.

23 The neighbor's attorney, Mr. Campanelli  
24 did raise one point that I wanted to counter,



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2 which is a case called Omnipoint Communications  
3 v. the City of White Plains. He brings that up to  
4 say that the visual resource assessment is  
5 deficient. I would argue that's not true because  
6 that case is easily distinguishable. And this is  
7 in, also in the letter that was submitted on  
8 October 3rd.

9 An important distinction is that in  
10 Omnipoint, nobody knew the test was happening  
11 until after it happened. Here, not only did this  
12 Board know the test was happening, it was  
13 discussed at two of this Board's meetings, June  
14 7th and July 12th. It was scheduled with this  
15 Board's approval, it was conducted using the  
16 parameters laid out by town staff and town  
17 consultant, HDR, who were authorized by this  
18 board to do so. Parameters included date and time  
19 of the test, type of balloon, locations where  
20 photos should be taken. And the balloon test was  
21 publicly noticed as directed by this Board.

22 Another significant distinction was that  
23 the balloon test was monitored by HDR was quote,  
24 again from their report, present in the field for

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2 the duration of the test and independently  
3 assessed visibility from proposed viewpoints as  
4 well as other locations. HDR and Saratoga were in  
5 communication during the field test, end quote.

6 Had this Board or HDR felt it necessary  
7 to provide additional locations, you had  
8 opportunities at your meetings, and in fact, an  
9 additional location was requested by HDR during  
10 the balloon test, one that was not discussed at  
11 these meetings. And Matt Allen of Saratoga took  
12 that additional photo and did an additional  
13 simulation during the balloon -- well, took the  
14 photo during the balloon, well took the photo  
15 during the balloon test, and added that photo and  
16 an additional simulation that was during the  
17 test.

18 This is completely different situation  
19 than the case in Omnipoint raised by Mr.  
20 Campanelli. And that case is distinguishable from  
21 the facts here.

22 Another thing that was submitted on  
23 October 3rd was a report from Lane Appraisals, a  
24 property valuation report, which concluded that

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2 the installation presence and operation of the  
3 proposed facility will not result in the  
4 diminution of property values or reduce the  
5 marketability of properties in the immediate  
6 area. This is based on their comparison of values  
7 of sales of properties in Westchester and  
8 surrounding counties with and without views of  
9 towers. And that is their conclusion.

10 It's important to note that courts have  
11 found that generalized concerns about potential  
12 decrease in property values stemming from the  
13 construction of proposed communications antenna  
14 towers, especially in light of expert reports,  
15 such as the Lane Appraisal. While not adequate to  
16 support the conclusion that a special use permit  
17 should be denied, I would say that the letters  
18 provided by neighbors and real estate brokers are  
19 just that. They're generalized concerns about a  
20 potential decrease in property values, whereas  
21 the Lane Report gives detailed data on the sale  
22 of property values, those with and without views  
23 of existing towers.

24 The need for the facility has been

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2 established. Throughout the reports prepared by C  
3 Squared, the applicant's RF consultant, the  
4 applicants have given a detailed -- have detailed  
5 the significant gap in reliable wireless coverage  
6 in the vicinity of the property.

7 Based on that information, that detailed  
8 information, HDR, this board's consultant, in its  
9 report concluded that, quote, telecommunications  
10 facility consisting of a new tower located at  
11 Montrose Station Road site as proposed will  
12 provide enhanced Verizon network services to the  
13 area. Another quote, the applicant's RF engineer  
14 has provided technical information that attest to  
15 the need for the proposed tower location such  
16 that a gap in Verizon's coverage has been  
17 identified. And, as depicted in the applicant's  
18 application materials and described in this tech  
19 memo, Verizon's need to remedy a service gap  
20 appears to have been adequate documented.

21 Moreover, at this Board's September 6th  
22 meeting, numerous individuals spoke out about the  
23 impact of the significant gap of coverage on  
24 their lives and the lives of their family members

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2 and voiced their support for this facility.

3 Again, Martin Lavin is here from C  
4 Squared tonight and he will answer questions that  
5 you have, if you have any. At this point, I will  
6 call up Martin Lavin to discuss anything that  
7 this Board may have questions on and he can  
8 explain why this site is in the correct site and  
9 correct location to provide coverage to that  
10 existing significant gap that, as attested to by  
11 people in the community at last month's meeting  
12 and also as confirmed by HRD, exists. Thank you.

13 MR. MARTIN LAVIN: Good evening, Martin  
14 Lavin, senior RF engineer C Square Systems, on  
15 behalf of the applicant. Without being, as  
16 unrepetitive as possible, in terms of need, I  
17 think we have established the significant gap. We  
18 have presented drive test data, it represents  
19 over 110,000 measurement points across the area  
20 detailing exactly where the gap in coverage  
21 exists. Also by our modeling analysis, based on  
22 that drive test data to show the overall lack of  
23 coverage and the significant gap, and also backed  
24 up by public comments and our consultant, as

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2 Michael mentioned, concurs with that.

3 Those drive tests and plots analysis  
4 were done at 700 megahertz, which is our largest  
5 footprint, so in terms of frequency in response  
6 to comments I believe of the attorney at the  
7 previous hearing, that is our biggest footprint.  
8 In terms of other frequencies, they would only  
9 cover less area as evidenced in the subsequent  
10 plots we did for higher frequencies.

11 The proposed site is, for its two square  
12 miles of coverage, it gives very good coverage, I  
13 think, given the terrain. It's hard to imagine a  
14 site doing much better in this terrain, two  
15 square miles of coverage is quite a lot to  
16 achieve in such a challenging terrain. Those  
17 areas are in of course the vicinity of the tower  
18 plus in Chapel Hill, Valeria, the area of  
19 [unintelligible] [00:53:02], Blue Mountain  
20 School, and again, the primary challenge there is  
21 the topography.

22 In terms of alternates, there are no  
23 feasible alternates as previously stated. We  
24 reviewed the alternates that were brought forth

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2 since the last hearing, they fall basically into  
3 two groups. They're in the vicinity of Valeria in  
4 the southern part of the area. Those are limited  
5 by the topography, which is more or less what our  
6 site sits on. In the middle of the area is what  
7 blocks those sites from covering very much to the  
8 north or northwest.

9 The sites that were mentioned on Croton  
10 Avenue and Furnace Dock, there were about half a  
11 dozen of those. They're all within 2,000 feet of  
12 the existing site, the fire station up by  
13 Dickerson Mountain, so they would only provide  
14 redundant coverage. Again, in terms of the  
15 alternates we've looked at, it's the topography,  
16 the terrain. The area we're in sits up in the  
17 middle of the town in a very high area. And if  
18 you go north of it, you can't go over to the  
19 south. If you go south of it, you're blocked to  
20 the north.

21 MR. KESSLER: Do you have a list of the  
22 alternative sites that you reviewed?

23 MR. LAVIN: I reviewed the ones that  
24 were presented in the letter, three on Croton

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2 Avenue, three on Furnace Dock Road, Sportsman  
3 Center, the area of Route 6 south of Cortlandt  
4 Town Center, the treatment plant, Valeria  
5 clubhouse we looked at.

6 MR. KESSLER: You mentioned Dickerson  
7 Mountain?

8 MR. LAVIN: Yes, those were the ones  
9 Croton Avenue and Furnace Dock Road are all  
10 clustered right around our current existing  
11 Dickerson Mountain site on the plots you see,  
12 upper right hand corner of the plots we  
13 presented.

14 MR. KESSLER: But you looked on top of  
15 the mountain?

16 MR. FOLEY: On top of Dickerson Road?  
17 Way up?

18 MR. LAVIN: We already have sites over  
19 in that direction. We would be overreaching one  
20 site to try to cover this area. If we were going  
21 further back in that area, we would have to go  
22 past the Dickerson Mountain site to cover this  
23 and I think the Dickerson, the terrain in that  
24 area would block us from covering.



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2 MR. KESSLER: It seems like Dickerson is  
3 not that far down Maple Road from Montrose  
4 station Road.

5 MR. LAVIN: I'd have to refer back to my  
6 plots. I don't have those with me right --

7 MR. FOLEY: What site do you have on?  
8 You said on Dickerson or near Dickerson?

9 MR. LAVIN: It's a pole at the fire  
10 station.

11 MR. KESSLER: No --

12 MR. FOLEY: That's up higher.

13 MR. KESSLER: I understand that you  
14 looked at existing towers.

15 MR. LAVIN: Yes.

16 MR. KESSLER: Right, that's one of your  
17 criteria was --

18 MR. LAVIN: Mm-hmm.

19 MR. KESSLER: -- I'm asking about other  
20 sites as the non-residential sites owned by the  
21 town or any non-residentially zoned site. That's  
22 what I'm asking about, that's what I'd like to  
23 understand what was included in this affidavit  
24 that you did not write admittedly, in this

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2 affidavit that said there were no other non-  
3 residentially zoned sites owned by the town or  
4 any other non-residentially zoned site.

5 MR. LAVIN: That's more along the lines  
6 of site acquisition really, to say what, as an RF  
7 engineer, I don't analyze things that are not --

8 MR. KESSLER: Mr. Sheridan?

9 MR. SHERIDAN: I mean I think if you had  
10 a specific site that you were interested in us  
11 confirming --

12 MR. KESSLER: Well, no, you did the  
13 work. You tell me what you're [unintelligible]  
14 [00:56:24] --

15 MR. SHERIDAN: Well, I'm not the site  
16 acquisition agent either. But --

17 MR. KESSLER: Okay. Can Mr. -- can you  
18 get Mr. Peppe to tell us in, he has an affidavit  
19 here, tell us --

20 MR. SHERIDAN: Yes, I understand.

21 MR. KESSLER: -- what sites he looked at  
22 specific that were non-residentially zoned sites  
23 owned by the town or not owed by the town.

24 MR. SHERIDAN: Yes, I can have him do

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2 that. Or I can actually have Mr. Xavier do that  
3 because he's here with us tonight. He's also a  
4 site acquisitions consultant. I mean he's more  
5 than that for Homeland Towers, but he does state  
6 acquisition work for Homeland Towers. So he can  
7 make statements to that. I don't know if he can  
8 answer that direct question tonight.

9 MR. KESSLER: I mean you're relying on  
10 Mr. Peppe, so I'm curious what Mr. Peppe did  
11 because he's the one that's attesting that there  
12 were no other sites.

13 MR. SHERIDAN: Correct. And now --

14 MR. KESSLER: So now [unintelligible]  
15 [00:57:10] hear from him.

16 MR. SHERIDAN: Sure. And now we have Mr.  
17 Xavier with us tonight who can make those  
18 statements. But we could --

19 MR. KESSLER: But that's Mr. Peppe.

20 MR. SHERIDAN: Correct. If you don't  
21 feel satisfied with his answers, we'll, we'll get  
22 Mr. Peppe.

23 MR. KESSLER: Okay.

24 MR. SHERIDAN: But here's Mr. Xavier.

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2 MR. FOLEY: For the record, I'd like to  
3 echo what Steve is saying because as you look  
4 through Peppe memo, I have some of the same  
5 questions.

6 MR. VINCENT XAVER: Alright. Well, I  
7 think I will be able to address that, and  
8 hopefully I can clear up a few of the  
9 misconceptions that have been going on here,  
10 because I did do my own independent work for this  
11 site. So first, there has been a bunch of  
12 questions as to why this application for this  
13 type of infrastructure is on this specific  
14 property. Those questions involved who the lease  
15 came to be, and how the landlord -- with the  
16 landlord, and whether or not more suitable  
17 alternatives exist.

18 These questions could lead one to think  
19 that the application itself is a solution  
20 searching for a problem. And that couldn't be  
21 further from the truth. There actually is a  
22 problem that's real and luckily, after years of  
23 research, we're able to have a solution.

24 MR. KESSLER: We all stipulate that

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2 there's a problem.

3 MR. XAVIER: Okay.

4 MR. KESSLER: We all agree. There's a  
5 problem.

6 MR. XAVIER: It wasn't all, but --

7 MR. KESSLER: We all agree. I speak for  
8 myself, I think I speak for the Board. We all  
9 agree that there's a coverage problem.

10 MR. XAVIER: Okay.

11 MR. KESSLER: So we can move on.

12 MR. XAVIER: Alright. So first, just to  
13 the point about how the lease came to be with the  
14 specific landlord. There was allegations that  
15 this landlord reached out to Verizon in order to  
16 obtain this lease. And that's just not true. That  
17 never happened. Verizon reached out to the  
18 previous owner of this property and then when the  
19 sale was completed, Verizon reached out to the  
20 new owner and entered into a least agreement with  
21 them. This property owner never reached out to  
22 Verizon. Verizon was the one looking for a site  
23 in this area.

24 MR. KESSLER: When did that occur?

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2 MR. XAVIER: It would have to have been  
3 in 2018 or so.

4 MR. KESSLER: Okay. I'd like the date on  
5 when the initial agreement was made with the old  
6 property owner I guess.

7 MR. XAVIER: There was no agreement with  
8 the old property owner. The Verizon consultant  
9 had reached out and started communication with  
10 them, but they said that they were in the process  
11 of selling.

12 MR. KESSLER: Was there a letter of  
13 intent or anything?

14 MR. XAVIER: From that previous owner,  
15 no. And, you know, so the property, so the  
16 relevant --

17 MR. KESSLER: Just a conversation, hey,  
18 we'd be interested in having your tower on my  
19 property but I'm also selling the property?  
20 That's what you're saying?

21 MR. XAVIER: No, no. The -- Verizon  
22 reached out to that landlord saying they wanted  
23 to put the tower on their property. That landlord  
24 at the time never confirmed or said that they

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2 were going to move forward with it. They said,  
3 you know, I'm selling, after I sell, you can  
4 start a new conversation with the new landlord.  
5 So the old landlord is irrelevant.

6 MR. KESSLER: Okay.

7 MR. XAVIER: The point is that Verizon  
8 reached out to this landlord in order to find a  
9 solution here, and that's what happened, not the  
10 other way around.

11 MR. KESSLER: And this was after Mr.  
12 Peppe did his research?

13 MR. XAVIER: Well, yes. It was during  
14 that time when Mr. Peppe, as a site acquisition  
15 consultant, has an area that Verizon designates  
16 as a search area or search vein. So they send  
17 their site acquisition consultants out there to  
18 find suitable properties that will provide a  
19 remedy to that gap in service in that search  
20 area.

21 MR. KESSLER: But you said they reached  
22 out in 2000 and?

23 MR. XAVIER: I'd have to confirm exactly  
24 when the previously landlord reached out.

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2 MR. KESSLER: '17, '18?

3 MR. XAVIER: I can tell you I've been  
4 personally working on this since at least 2015.

5 MR. KESSLER: But here's the point. Mr.  
6 Peppe writes his letter, his affidavit on 2/19.

7 MR. XAVIER: Yeah.

8 MR. KESSLER: And it sounds like the  
9 conversations took place before 2/19 about that  
10 property, so how can you say this is the right  
11 property prior to him doing his research to say  
12 there's no other property?

13 MR. XAVIER: The affidavit is signed  
14 when the application for zoning is put together.  
15 So, that is when that affidavit would be signed,  
16 once he's already investigated all the properties  
17 in the area, brought this potential property to  
18 Verizon for review and Verizon says yes, that  
19 property will meet my needs. So then once the --  
20 then they'll go and enter into a lease agreement  
21 with the landlord.

22 MR. KESSLER: So Mr. Peppe gave you a  
23 report prior to his signing his affidavit?

24 MR. XAVIER: I'm not sure what report



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2 you're referring to.

3 MR. KESSLER: His report. You, he,  
4 you're saying he did the research. When he did  
5 the research, he must have presented something to  
6 you saying here is my research.

7 MR. XAVIER: Well, he didn't present it  
8 to me. He would have gone to Verizon RF and  
9 basically said here is an available property,  
10 will this work, it's the only one or sometimes,  
11 there's numerous ones, but he brought a property  
12 in and said hey, will this meet your needs.

13 MR. KESSLER: And this was the property  
14 on Montrose Station Road?

15 MR. XAVIER: Yes.

16 MR. ROTHFEDER: So that would have to be  
17 like in 2017 is what Steve is getting at.

18 MR. XAVIER: It would have happened,  
19 yes. That all would have happened before a lease  
20 agreement was entered into.

21 MR. KESSLER: So there must be some  
22 communication that you can share with us that  
23 shows Mr. Peppe going to Verizon and saying this  
24 is my recommendation.

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2 MR. XAVIER: I don't know if we'll be  
3 able to produce emails. It's proprietary and --

4 MR. KESSLER: What? You're making a case  
5 here.

6 MR. XAVIER: Yes. But what you're asking  
7 for

8 MR. KESSLER: It's not attorney client  
9 privilege, it's --

10 MR. XAVIER: No doubt, but --

11 MR. KESSLER: -- you've given us this  
12 affidavit, why can't you give us his report?

13 MR. XAVIER: The affidavit is his  
14 review. I can tell you when I came in and I took  
15 assignment of this thing, I did my own  
16 independent review. I've been working in this  
17 area since 2015 and I concurred with what his  
18 affidavit said that there's no viable  
19 alternatives. I looked into the area myself. In  
20 2019, I personally made a proposal to the  
21 Hendrick Hudson School District to see if they  
22 would be interested in entertaining a lease on  
23 their property for a cell tower. I've been  
24 working with this town and the town board since

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2 at least 2015 and just last April, I made a  
3 presentation to the town board identifying all of  
4 the areas in the southeastern portion of  
5 Cortlandt where there is a need for coverage.

6 I have looked at every single town  
7 property personally to determine whether or not  
8 there was availability for citing a lease. At  
9 Cook Pool, for example, I believe it was 2018, I  
10 can get you the exact dates, we did a balloon  
11 test there to see --

12 MR. KESSLER: So you approached the town  
13 on the top of Dickerson Mountain, town owned  
14 property?

15 MR. XAVIER: I'm not sure exactly where  
16 Dickerson Mountain is, but --

17 UNIDENTIFIED FEMALE: It's over by  
18 Panas.

19 MR. XAVIER: Over by Panas. There's  
20 already a tower right next to Panas.

21 MR. FOLEY: It goes off Furnace Dock  
22 Road and overlooks Maple --

23 MR. KESSLER: Maple and Furnace Dock.

24 MR. FOLEY: -- Avenue.

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2 MR. XAVIER: There's already a tower  
3 there. I don't know where -- you think getting  
4 further away from the existing tower? The  
5 existing tower isn't providing coverage to the  
6 area needed now. How would being even further  
7 away and then shooting over that site.

8 MR. KESSLER: I don't know if there's an  
9 existing tower there or not.

10 MR. XAVIER: There is an existing tower  
11 at the fire department immediately adjacent to  
12 Walter Panas High School.

13 MR. FOLEY: But that's --

14 MR. XAVIER: There's currently two  
15 carriers.

16 MR. KESSLER: I'm not talking about --

17 MR. FOLEY: -- not's near Dickerson  
18 Mountain. The Panas firehouse? The Panas High  
19 School and the firehouse on the road that leads  
20 to Panas is a little bit of a distance from what  
21 we're talking about.

22 MR. XAVIER: Well, I'd have to see  
23 exactly what property you're referring -- are you  
24 going to bring it up? Great.

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2 MR. FOLEY: It would be east of Furnace  
3 Dock Road intersection with Maple Avenue. And if  
4 you went down Furnace Dock Road, Maple Avenue and  
5 made a left on Dickerson Road or Dickerson  
6 Mountain Road, it cul-de-sacs at the top. We've  
7 been up there at site visits for a subdivision  
8 proposal and so forth. But you're saying there's  
9 a tower up there, or near there?

10 MR. XAVIER: No, I was referring to the  
11 one at the fire department.

12 MR. FOLEY: No, that's --

13 MR. XAVIER: It's hard for me to see  
14 where that is in relation to anything.

15 MR. FOLEY: The one up on Croton Avenue  
16 at the firehouse is different?

17 MR. XAVIER: Yes, apparently.

18 MR. FOLEY: We're not talking -- that's  
19 not Dickerson Mountain.

20 MR. XAVIER: Are you saying that's a  
21 town owned property there?

22 MR. FOLEY: Oh, I don't know. I'm just  
23 saying that's not the site I'm thinking of.

24 MR. KESSLER: It is. The town purchased

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2 that property a few years, a number of years ago,  
3 Chris?

4 MR. KEHOE: Yes.

5 MR. XAVIER: Let me just back up a  
6 little bit.

7 MR. KESSLER: Sure.

8 MR. XAVIER: The gap in service in  
9 southeastern town of Cortlandt is not going to be  
10 covered with one site. There is no one magic  
11 mountain we're going to be able to put a tower on  
12 that is going to cover the entire area, right.

13 MR. KESSLER: Agreed.

14 MR. XAVIER: Alright. Location is very,  
15 very important. That's why the proposed  
16 application we have and why we're willing to say  
17 it's the only viable alternative is that from  
18 what we've looked at is the only site that is  
19 centrally located to that specific search area's  
20 gap in service that is as Mr. Martin, as Martin  
21 attested, is going to be able to provide coverage  
22 along Maple to the northwest and to the southeast  
23 and provide coverage to the school. Anything that  
24 is to the south is going to be blocked by terrain

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2 trying to cover to the north and vice versa,  
3 things to the north and in the Chapel Hill area  
4 will not be able to cover to the south. I still  
5 cannot get a sense of where this is, but --

6 MS. TAYLOR: I would really like you to  
7 get back to the Peppe memo because we're sort of  
8 moving further and further away.

9 MR. XAVIER: Well, you know, I can tell  
10 you I've looked into more of these properties  
11 than even Peppe. I don't understand what  
12 additional information you want Peppe to go  
13 through. He went through your code, looked at the  
14 priorities and signed an affidavit saying that's  
15 there is no suitable alternatives.

16 MR. KESSLER: I just want to see the  
17 list. I'm not saying -- he wrote an affidavit,  
18 that's --

19 MR. ROTHFEDER: Do you have a list of  
20 what you looked at?

21 MR. XAVIER: If you like, I can produce  
22 a list of the sites, or we can go through them  
23 right now.

24 MR. ROTHFEDER: No --

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2 MR. XAVIER: The county property or  
3 [unintelligible] [01:05:58] of the Sportsman's  
4 Club.

5 MR. ROTHFEDER: We'd like -- I think --

6 MR. XAVIER: The elevation is lower.

7 MR. ROTHFEDER: I think we'd like your  
8 list and I think we'd like Peppe's list.

9 MR. KESSLER: Or his report to Verizon.

10 MS. DECKER: Can I just interrupt for a  
11 second? We have a report from our consultant  
12 saying that Verizon's RF engineer provided the  
13 following list of 16 existing and proposed sites  
14 in the general vicinity in their August 2022  
15 responsive filing. This seems to me like the list  
16 that we're talking about. That's from like a  
17 month ago.

18 MR. KESSLER: I don't know if those are  
19 nonresidential town owned properties. There is  
20 nothing there that says what types of properties  
21 those were.

22 MS. DECKER: So in the August 2022,  
23 filing, because it seems like that's the most  
24 recent and what we should be looking at, not --



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2 MR. XAVIER: If I could just point out  
3 one more thing too. If you want to bring up the  
4 zoning map for the town of Cortlandt, there's  
5 only one very small area in the entire search  
6 area that is not residentially zoned, and that's  
7 a, it's a CC district. It's where the restaurant  
8 is across from the Blue Mountain Middle School.  
9 It's 200 feet wide, it bends a little bit to the  
10 right. That's the only area that's there that is  
11 non-residentially zoned. So every other property  
12 is going to be residentially zoned. The closest  
13 town property that I could find is directly off  
14 of Sniffen Mountain Road, which is to the east of  
15 Blue Mountain Middle School. I pursued that with  
16 the town and there's deed restrictions on the  
17 property preventing us from entering into a lease  
18 there.

19 MR. FOLEY: Is there where there's a  
20 lake there?

21 MR. KESSLER: Yes.

22 MR. FOLEY: Near Blue Mountain Middle?

23 MR. XAVIER: Directly south of Sniffen  
24 Mountain Road?

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2 MS. DECKER: Yeah.

3 MR. XAVIER: That's the closest town  
4 property. And even that won't work to cover this  
5 area here.

6 MR. KESSLER: I agree.

7 MR. XAVIER: So if the closest town  
8 property and there's no nonresidential properties  
9 in this zone won't work and you agree, I don't  
10 understand --

11 MR. KESSLER: Dickerson Mountain is a  
12 town owned property. And it's a mountain. You  
13 know, you're not talking about, every one you're  
14 talking about is a school, which is, you know,  
15 100 feet above school level. I understand that.  
16 It's not the appropriate place to put these  
17 things.

18 MR. XAVIER: Yeah.

19 MR. KESSLER: I'm talking the top of a  
20 mountain.

21 MR. XAVIER: But where's the mountain?  
22 You know.

23 MR. KESSLER: Right.

24 MR. XAVIER: You can't just, it's not

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2 just about height anymore. It's about location.

3 MR. KESSLER: I understand. And I just  
4 want you to affirm that you looked at it.

5 MR. XAVIER: That we looked at Dickerson  
6 Mountain.

7 MR. KESSLER: That's all. That's all I'm  
8 asking.

9 MR. XAVIER: I will confirm and I will  
10 have Dickerson Mountain and that specific  
11 property evaluated.

12 MR. KESSLER: That's all. I just want to  
13 be sure that this is the right place for this  
14 tower and that you've exhausted everything that's  
15 required in the law, that you went through each  
16 of these seven issues, which was attested to. But  
17 I'm not clear, without having a list of what you  
18 looked at, that you looked at everything. That's  
19 all I'm saying.

20 MR. XAVIER: Okay. Fair enough. But even  
21 that property you're referring to is likely  
22 residentially zoned, so that affidavit is true  
23 and complete and complies with the code because  
24 it only refers to non-residentially zoned town

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2 properties, correct?

3 MR. KESSLER: It's open space. What is  
4 it considered Chris?

5 MR. KEHOE: It probably hasn't been  
6 rezoned, but it'll ultimately end up being either  
7 conservation or park and recreation.

8 MR. FOLEY: And that, that's just  
9 Dickerson. They're, what about Spitzenburg on  
10 Blue Mountain? There are other elevated areas.

11 MR. XAVIER: Again, it's not just about  
12 being high up in the air, it's about being  
13 located in such a way that this line of sight  
14 technology can hit the target area. You can't be  
15 far away and just be high and think that that's  
16 going to cover the entire area. This property is  
17 unique. The property runs unique. One, it's an  
18 existing nonresidential use in an overwhelmingly  
19 zoned area where the entire area is. Its suitable  
20 size makes it so that we meet setbacks and don't  
21 need area variances to comply with the code. It  
22 abuts forested parkland, so that the number of  
23 surrounding homes is limited. It provides that  
24 additional aesthetic screening and has a lower

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2 density of residential than any other lots in the  
3 immediate area. And because of that, it also has  
4 minimal visibility, only to the closest  
5 properties. And lastly, it's centrally located to  
6 the gap and is sufficient ground elevation to  
7 provide the needed coverage. There are no  
8 properties that can do all of these things. There  
9 are no other properties that are available. There  
10 are no non-residentially town properties in this  
11 area at all.

12 MR. KESSLER: I agree with all your  
13 premises. I do. Our job is to make sure that it  
14 is in fact the one and only place where you can  
15 put this tower. As I said, we agree that's a  
16 need. And I just want to be sure that you  
17 exhausted everything and that's all I'm asking.

18 MR. XAVIER: Well, is there anything  
19 else you'd like me to review besides the town  
20 property on Dickerson Mountain, which is likely  
21 residential or parkland.

22 MR. KEHOE: Steve, that's what I would  
23 call the Abby Rose property.

24 MR. KESSLER: Right.

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2 MR. FOLEY: Yeah, yeah.

3 MR. KEHOE: So that, that's the one that  
4 has, that was, that has been acquired by the  
5 town. And you can get to it coming, what Bob  
6 Foley was talking about --

7 MR. XAVIER: From that Hemlock Hill  
8 there? That's the Hemlock Hill Farms to the east?

9 MR. FOLEY: Yeah, if you go too far, you  
10 hit the farm, you hit Hemlock Hill on the border.

11 MR. KEHOE: Yeah, that's the farm there.

12 MR. XAVIER: Yeah.

13 MR. KESSLER: This is like at the corner  
14 of Maple and Furnace Dock.

15 MR. KEHOE: It doesn't really have any  
16 access to Maple, you'd have to go up Dickerson to  
17 the --

18 MR. KESSLER: Right, right, right.

19 MR. KEHOE: -- very top.

20 MR. KESSLER: It's right off of Maple.

21 MR. KEHOE: Yeah.

22 MR. XAVIER: So if you want me to go up  
23 Dickerson, in that corner that's currently on the  
24 bottom left, that's the area you'd like to have

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2 evaluated? And I don't see any actual road  
3 access, so I'm not sure how I get access to the  
4 property, but I'll definitely have it evaluated.

5 MR. KEHOE: Well, you'd have to go,  
6 you'd go up Dickerson to the end to --

7 MR. XAVIER: And then cut through to --

8 MR. KEHOE: To right there.

9 MR. XAVIER: Right through those two  
10 houses there?

11 MR. KEHOE: Well, no, there's a road  
12 there.

13 MR. KESSLER: There's a little road,  
14 it's like a little easement to the property.

15 MR. FOLEY: We did it on a site visit  
16 over the years. And then does Hemlock Hill Farm?

17 MR. XAVIER: I've pursued Hemlock Hill  
18 Farm. I actually had a lease with them several  
19 years ago. The lease expired and the children of  
20 the owner of the property declined to move  
21 forward with any more leases there. And even  
22 then, when we evaluated the sites, I have full  
23 lease exhibits for the site, full design and  
24 everything, that site still will not provide

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2 coverage to this area of need. So, it's unlikely  
3 Dickerson will either, but I will definitely have  
4 it evaluated for you. I'm not even sure if the  
5 town would be open to it, but we can evaluate it  
6 from an RF perspective.

7 MR. KESSLER: I don't know. I just want  
8 to make sure we exhaust everything.

9 MR. XAVIER: Okay.

10 MR. FOLEY: You also, before you go, on  
11 the memo, the affidavit from Mr. Peppe, I mean  
12 I'm looking at this, words mean a lot to me and  
13 he's saying in here near the bottom, point five,  
14 the facility will be placed on a 6-acre wooded  
15 property distance from any residential uses.

16 MR. XAVIER: Correct.

17 MR. FOLEY: Now, there are residents  
18 around that maybe on a map, it's, what you're  
19 saying is non-residential. But yet there are  
20 homes there with people living in them. Plus  
21 there are other type structures and building at  
22 the riding academy.

23 MR. XAVIER: Yeah, well those aren't  
24 residential structures because nobody lives in



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2 them and that's when I say nonresidential  
3 structure, I mean on the lot itself. When he says  
4 distant, he means relatively distant. Obviously,  
5 it's not two miles from the nearest home but when  
6 you're asking me to look at other parcels, for  
7 example, I'm pretty sure that, you know, there's  
8 a lot of locations on that property which is  
9 going to be closer to those homes and closer to  
10 more homes.

11 MR. FOLEY: Yeah.

12 MR. XAVIER: So, Peppe is correct as far  
13 as I'm concerned in that we are relatively  
14 distant from homes in that they're well outside  
15 any fall zone of the tower, evidenced by the fact  
16 that we meet setbacks and don't need any  
17 variances. And the fact that half of the lot is  
18 abutted by the forest, means there's literally  
19 nobody for almost two miles probably in that one  
20 direction through the park.

21 MR. FOLEY: I don't want --

22 MR. XAVIER: So it is resident --  
23 distant from residential structures.

24 MR. FOLEY: I don't want to belabor it,

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2 but I know the public has some comments.

3 MR. XAVIER: Well, is there any other  
4 properties you'd like me to have evaluated?

5 MR. FOLEY: Well, I mentioned that at  
6 previous meetings, Spitzenburg over by Blue  
7 Mountain.

8 MR. XAVIER: I'm sorry, say that again.

9 MR. FOLEY: Spitzenburg Hill, or  
10 Spitzenburg Mountain, which I believe is over,  
11 would be westerly. Again, it's not my job to find  
12 these sites, but you're saying --

13 MR. XAVIER: No, but I've stood up here  
14 and told you and I am testifying that there are  
15 no other alternatives.

16 MR. FOLEY: Okay.

17 MR. XAVIER: And you are just throwing  
18 mountains out at me, and I'm just asking you to  
19 tell me where you want me to evaluate. I'm not  
20 saying it's your job to design the site for me.

21 MR. FOLEY: No, I'm not saying -- okay,  
22 look, I mean what do you say, I'm mean I'm not,  
23 I'm sure there are gaps in service.

24 MR. XAVIER: There is.

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2 MR. FOLEY: The question I have is this  
3 the location. You're saying yes. But what do you  
4 say to someone who lives on Maple Avenue, east of  
5 Furnace Dock Road going towards the Hemlock Hill  
6 Farm, and he's not here to say it himself, but  
7 where he has no problem with service, he has  
8 AT&T.

9 MR. XAVIER: Well, there are places in  
10 town where you don't have a problem with service.  
11 There are many places in town where other towers  
12 are covering them.

13 MS. TAYLOR: Alright, can we reestablish  
14 --

15 MR. SHERIDAN: Alright. I think the  
16 point has been made, and it was Mr. Kessler, who  
17 I believe, again, speaking for yourself, but that  
18 there is a gap in coverage that we're dealing  
19 with. So that's, that kind of point, that point  
20 has been made. I think it's been made by numerous  
21 residents in the town as well at the last  
22 meeting. I think it's been made by the maps and  
23 the data that's been given by the applicant's RF  
24 consultant. It's been reviewed and confirmed by

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2 this board's consultant, HDR that there is a gap  
3 in service and area.

4 I think, respectfully I would think that  
5 we can hopefully all agree that there's a gap in  
6 this area of the town and just move forward with  
7 confirming that this is the best location.

8 MR. KESSLER: That's it.

9 MR. SHERIDAN: Which we agree that it is  
10 the best location, to put a tower to provide  
11 coverage, needed coverage to this part of town to  
12 provide the residents with the ability [applause]  
13 --

14 MS. TAYLOR: Okay. Please enough.  
15 Alright, thank you.

16 MR. SHERIDAN: -- to provide residents  
17 with the ability to --

18 MS. TAYLOR: What I would like --

19 MR. SHERIDAN: -- to --

20 MS. TAYLOR: -- to do is put this back  
21 on course, because the residents have not spoken,  
22 and there may be quite a few who will have to  
23 speak. We need to kind of get to that part of the  
24 agenda.

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2 MR. SHERIDAN: Certainly. With that in  
3 mind, I will say, we'll address the Dickerson  
4 Mountain and I think what -- we'll address that  
5 so we can move on from that point. I have Mr.  
6 Allen here if anybody has, if you're looking to  
7 move forward, he addressed, he provided a  
8 response to your comments about the visibility of  
9 the site and how it is setback in the trees and  
10 will be only visible, maybe the top section to  
11 only certain areas and not really very far away  
12 from the property. So if you would like him to  
13 speak to that, I can have him speak to that. If  
14 anybody has any questions, they can ask him that.  
15 If, Madam Chair, we'd like to move on to the --  
16 okay, I just want to make sure that nobody has  
17 any questions for Mr. Allen before we move on.

18 MS. TAYLOR: Well, they might. But let's  
19 here from them first.

20 MR. KESSLER: And I think at the last  
21 meeting, we had a presentation on the visibility  
22 assessment.

23 MR. SHERIDAN: Yes, we did, so --

24 MR. KESSLER: And I think it would just

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2 be a duplication of that unless there's something  
3 that's changed.

4 MR. SHERIDAN: He just responded to  
5 comments that were given at the last meeting and  
6 after the last meeting.

7 MR. KESSLER: Okay.

8 MR. SHERIDAN: So there is a letter  
9 there for your review and part of that was to  
10 provide the simulations requested by HDR as well.  
11 So with that, we'll turn it over to the public  
12 response.

13 MS. DECKER: I'm also not sure there's  
14 any disagreement about the visibility. I'm just  
15 putting that out there.

16 MS. TAYLOR: Okay. We're ready. Please  
17 remember to give your name and your residence.

18 MR. RICH GOLDFARB: Good evening, thank  
19 you for the opportunity. I'm recently a resident  
20 of Cortlandt. We lived for 20 years in Sleepy  
21 Hollow. We've been here --

22 MR. CUNNINGHAM: What's your name and  
23 where do you live?

24 MR. GOLDFARB: I am sorry, thank you.

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2 Rich Goldfarb, 9 Goldman Court, Valeria, for  
3 those wondering. [applause] Yes. Well, I had  
4 planned to be a little humorous in the beginning  
5 but quite honestly, having watched the  
6 proceedings, I'm not in a very festive mood. But  
7 what I was going to say that for 20 years we had  
8 perfect cell service in Sleepy Hollow and while  
9 Washington Irving and the Headless Horseman  
10 didn't have cell service, we did.

11 Since we're here, we don't. And this is  
12 really not a frivolous thing. And I understand  
13 the job of everybody here on the Board to make  
14 sure the right site is used. I get it. I also  
15 understand this process has been going on for  
16 quite some time. And let me just say that I have  
17 on my list three quick points. And I'm sorry the  
18 chairperson left. I have that effect on people.

19 But in any event, to be perfectly  
20 serious, there is a clear and present danger. I  
21 emphasize the word danger. I have triplet boys. I  
22 fear for them, I fear for me, I fear for my wife,  
23 I fear for my neighbors. What do I mean by that?  
24 Have you considered the safety and health risk

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2 that goes on when if somebody has a stroke, a  
3 heart attack or a car accident and there's no  
4 cell service? That weighs on my mind and it  
5 should weigh on everybody's mind, including this  
6 board.

7 So the back and forth over and over  
8 again, trying to find perfection puts us all at  
9 risk every day we don't have that service.  
10 [applause] It's not a joke. It's not's a joke.  
11 It's amazing in this day and age I have to worry  
12 about things like that for my family.  
13 Inexcusable, unacceptable. That's one.

14 Two, much less important, but important,  
15 business, professional and personal. I get phone  
16 calls, right. Or I don't get phone calls. How do  
17 I operate from a business perspective? How do I  
18 operate? It's not funny, sir. How do I operate  
19 when maybe there's some important financial  
20 situation going on that's time sensitive and  
21 there's nothing I can do about it? It's  
22 significant.

23 And then lastly, and maybe counter  
24 intuitively, I'll talk property values. It's



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2 interesting, there was discussion about property  
3 values for folks that might be living somewhere  
4 near this tower if it ever gets built. The fact  
5 of the matter is, the market is changing, what do  
6 I do now, professionally? I'm a real estate  
7 agent. Don't throw anything. And I will tell you  
8 the market is not crashing, but it sure as hell  
9 is changing. And are we to be subjected to being  
10 at a competitive disadvantage with our property  
11 values because there's no cell service in 2022?  
12 Those are my points. I defer. [applause]

13 MR. BIANCHI: Thank you. Before we get  
14 to the next speaker, please keep the applause  
15 down to a minimum. We want to hear as many people  
16 as possible tonight and it just takes away from  
17 their time. So yes, your name and address?

18 MR. JOE SKRIVANEK: I am Joe Skrivanek,  
19 a resident of Valeria, 341 Furnace Dock Road,  
20 unit 70. I'm also the president of the Dickerson  
21 Pond Association Board, representing really all  
22 of the residents of Valeria, the 227 families,  
23 approximately 500 residents of the town of  
24 Cortlandt. The person that spoke before me, I

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2 completely agree, I just want to kind of  
3 reinforce some of the things he's been saying. We  
4 really do not have any cell service to speak of  
5 over there. It is a danger. Just go back just two  
6 summers ago, when we had that long power outage  
7 for about seven days. We were essentially  
8 isolated over there, and you know, this is very,  
9 very important. So I do speak for all of the  
10 residents of Valeria and ask the town to please  
11 act on this application as soon as possible.  
12 Thank you. [applause]

13 MR. BIANCHI: Thank you. Anyone else to  
14 speak, please approach the podium.

15 MS. DECKER: Keeping in mind that we all  
16 agree that there is a lack of cell service  
17 coverage.

18 MR. DAVID MORGENSTERN: If that's true,  
19 I can probably shorten this a bit. Thanks for the  
20 opportunity to speak. My name is David  
21 Morgenstern. I'm a marine veteran. My wife and I  
22 own a home in Valeria in Cortlandt Manor. I  
23 wasn't able to be here last month, but I did  
24 watch video of part of the meeting. There are a

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2 lot more people here tonight. I think I can speak  
3 for all of them when I say we're grateful to all  
4 of you on the planning board for not making a  
5 decision last month and hearing our perspectives  
6 here at this meeting.

7 When I was watching the video, I was  
8 specifically paying attention to the remarks by  
9 the attorney for the homeowners in the community.  
10 Mr. Campanelli, 17 homeowners who oppose the cell  
11 tower. I'm not an attorney. Before moving to this  
12 community, I never really gave a moment's thought  
13 to where a cell tower should be. Since buying a  
14 home earlier this year in Valeria I think about  
15 the lack of cell service in our community every  
16 single day. My wife is pregnant and she likes to  
17 go for walks. And if something were to happen to  
18 her on one of those walks, she can't call me and  
19 she can't call 911. If there is consensus that we  
20 need the cell tower, that's great to hear.

21 I've heard some remarks suggesting maybe  
22 we don't, or maybe there's some other location.  
23 If the experts say this is the best location, I  
24 think we go with that. And also I want to echo

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2           what the first speaker said about the timeliness  
3           and the fact that this debate has been going on  
4           for a long time. There's also no landline service  
5           for many of us. If we are in newer homes, there's  
6           no copper wire there, so as somebody else just  
7           mentioned, when the power goes out, we have no  
8           service at all inside the house, as well as  
9           having no service outside the house.

10                   Mr. Foley, at last month's meeting you  
11           captured the challenge here perfectly I believe.  
12           You said that you need, the Board needs to  
13           balance the need for service with the negative  
14           impact to the 17 homeowners who live near the  
15           proposed site. I was still thinking about that  
16           observation when Mr. Campanelli started his  
17           remarks and I was struck by the fact that his  
18           first argument was about aesthetics. Now, I'm a  
19           homeowner too, I know all of us are sensitive and  
20           sympathetic to aesthetics and the potential minor  
21           impact to property values. But I also feel  
22           confident that none of us, not even homeowners in  
23           the room would place aesthetics or the property  
24           value above safety. We might not like it, but we

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2 all know that safety is a much higher priority.  
3 And even those 17 homeowners would benefit from  
4 the safety of being able to dial 911 in an  
5 emergency.

6 Other than aesthetics, Mr. Campanelli  
7 spent most of his time talking about whether or  
8 not Homeland, the company that would build the  
9 tower has legally proven that there's an existing  
10 gap in coverage. Here's where I'm going to save  
11 some time and skip some of what I wrote here.  
12 Legally or not, there's a not, there's a gap in  
13 coverage. This is an iPhone 13 Pro Max, pretty  
14 good phone, pretty expensive, I have Verizon  
15 coverage and I have no service in plenty of  
16 areas. This is my wife's phone. It's also an  
17 iPhone 13 Pro Max, she got jealous when I got  
18 mine, so, true story. And she has AT&T and she  
19 also doesn't have coverage.

20 So I'm not a lawyer. Maybe it's true  
21 that it wasn't proven to you legally, but I'm  
22 assuming you know that there is no coverage. And  
23 if you don't know that for sure, if anyone on the  
24 Board doesn't, come over to our place, we got

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2 bagels and schmear, we'll chit-chat, we'll drive  
3 around for a bit and I'll show you where all the  
4 places in our area where if you get in a car  
5 accident, good luck to you. [applause]

6 Mr. Campanelli makes one other legal  
7 argument that I think it's important to address.  
8 He talks about Section 277, which we heard a  
9 little bit about earlier tonight. For those who  
10 don't know, it's the section of the town of  
11 Cortlandt general legislation that deals with  
12 telecommunication. And Mr. Campanelli said  
13 granting this application would not only violate  
14 the code, it would violate the intent of the  
15 code. So I look at the code, and I found  
16 something very different.

17 Section 277, as we just heard has an  
18 order of priorities for where a cell tower  
19 location should be looked at first, second and  
20 third. Use an existing tower, co-locate a tower,  
21 and at the bottom of the list is other locations.  
22 However, after all that, it specifically states  
23 and I'm going to read directly, notwithstanding  
24 the above, the Board may approve any site located

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2 within an area in the above listed priorities  
3 providing the Board finds that the proposed site  
4 is in the best interest of the health, safety and  
5 welfare of the town and its inhabitants. Not that  
6 it's the most epically perfect site, health,  
7 safety and welfare. Not aesthetics, not property  
8 value, health, safety and welfare.

9 When thousands of people are unable to  
10 dial 911 outside their homes or even in their  
11 homes during a power outage, I would argue the  
12 town is not succeeding in protecting the health,  
13 safety and welfare of all its inhabitants. We  
14 need a cell tower to remedy that situation and we  
15 need it yesterday.

16 This decision is about balance. It's  
17 about balancing the wants, the preferences of 17  
18 homeowners, valid as they might be, versus the  
19 needs of thousands of others. I believe the  
20 planning board has an obligation to approve this  
21 tower and to do so ASAP. I also believe they have  
22 the authority to do so.

23 At one point when Mr. Campanelli spoke  
24 about the coverage map you got from Homeland, he

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2           said if this were a trial, no court in the

3           country would accept this as evidence of

4           anything. But this is not a trial. We are not in

5           a courtroom and you are not bound by the rules of

6           a courtroom. If you are persuaded and I hear that

7           you are, that there's a significant gap in cell

8           coverage, then you're free to act accordingly.

9           And I know that because Mr. Campanelli himself

10          educated us on this point, and I'm almost done, I

11          promise. He said, "one of the constraints", and

12          I'm quoting here, "of the Telecommunications Act

13          of 1996 imposes upon you is if an applicant

14          establishes that a carrier has a significant gap

15          in service, and the proposed installation is the

16          least intrusive means of remedying that gap, then

17          you must grant that application even if it would

18          otherwise violate zoning code", those other

19          priorities we just talked about. He continued,

20          the good news is the question of who gets to

21          determine they've proven both of these things is

22          you, the planning board.

23                        Officially, the applicant here is

24                        Homeland Towers. Hopefully, it's clear that



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2 unofficially, the applicant is all of us who live  
3 in this community. We're your constituents and  
4 we're looking to you for help so that we'll be  
5 able to protect our families and get help during  
6 an emergency. Without this tower, in many cases,  
7 we're on our own. Thanks. [applause]

8 MR. FOLEY: Sir, If I may, Semper Fi,  
9 sir, okay. And I think, I'm not questioning the  
10 need, okay. The question I have and maybe some  
11 others is this specific location. And we know  
12 about safety, health and welfare through all of  
13 our training over the years, it's almost 25 years  
14 for me, through the SEQRA. So I don't, I'm not  
15 taking you on, but I'm just saying we understand  
16 both sides.

17 MS. PATTY MALONE: Good evening. My name  
18 is Patty Malone. I'm one of the presidents of the  
19 six sections that are in Chapel Hill, which are  
20 right at your borders. Some of our property is  
21 actually in the town of Cortlandt. And with me --

22 MS. MARTHA SPATEL: I am Martha Spatel,  
23 I'm also president of one of the HOAs that are in  
24 Chapel Hill.

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2 MS. MALONE: We have 439 units on our  
3 100 acres of property. We have no cell service.  
4 In the 14 years that I've lived there, I've had  
5 two incidents in my section where people have  
6 gotten ill, heart attacks, strokes, and have been  
7 unable to reach -- they had to run to neighbors  
8 who had a landline to get 911. We've had these  
9 two incidences that were very serious and I'm  
10 surprised that the spouse is one of the deceased  
11 is not here tonight because he's one very upset  
12 person about this, and this has been a big issue  
13 for him.

14 So we're basically asking you as a  
15 board, to help protect 439 units that present  
16 about a thousand people that are just a couple of  
17 miles down the road from you. I don't want to  
18 take up your time, but I echo everything that has  
19 previously been said, and I don't need to tell  
20 you that that's a need for service.

21 MS. SPATEL: I think you call know about  
22 the need in terms of health, and I just want to  
23 say an incident that happened yesterday when my  
24 husband was outside. A policeman came up in his

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2 patrol car and said do you all get service, cell  
3 service here, because I'm not getting any. And it  
4 just made me think, what about crime? I mean  
5 things do happen. And so even the police can't  
6 call for help? It's pretty sad.

7 MS. MALONE: So we're asking you, we're  
8 begging you to please move forward to help  
9 protect not only the Chapel Hill community, but  
10 the rest of this room that is asking. Thank you.

11 MS. SPATEL: Thank you. [applause]

12 DR. MEERA GARCIA: Hi. I'm Dr. Meera  
13 Garcia, I'm an OB/Gyn who lives in the area and  
14 used to work at Hudson Valley Hospital. And I can  
15 tell you we moved here during the height of the  
16 pandemic in 2020, and the most stressful 15  
17 minutes between getting a call to come to the  
18 hospital and getting to the hospital and getting  
19 to the bedside was the commute between, because  
20 nobody could reach me, nobody knew where I was.  
21 And it was amazing to me that in 2020, in the  
22 middle of a pandemic, in New York State, in the  
23 U.S., that we did not have cell signal.

24 And I know that we've been working

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2           towards getting cell signal service in this area  
3           since I moved here and it feels like the  
4           goalposts keep moving. And it's not just, it's  
5           not just each of us, it's also the people in the  
6           community who are trying to provide assistance  
7           and service for the other members of the  
8           community. You feel like you've been hamstrung  
9           when you can't use your phone.

10                   I also am the mother of two daughters,  
11           and one of whom lived here until she went to  
12           college. And when she first got her car, you  
13           know, I stalk my kids with Life 360 and Apple,  
14           you know, the iPhone, and I didn't know where  
15           they were until they either got to 9A on the way  
16           down to the city or wherever.

17                   Now, to me, the way I look at it, I  
18           think we all agree there's a need for the cell  
19           service, there is a gap in coverage. So, I'm not  
20           going to try to tell us why we need to do that.  
21           But what I'm noticing here, and what I noticed at  
22           the last meeting is that the goalposts keep  
23           moving. The needs, the things that have to be  
24           proven to get to that point keep moving. And it

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2 reminds me, it makes me feel like we don't want  
3 to make a decision. And I think it's very, very,  
4 very important that the sooner we act and we do  
5 not narrow the goalpost, make this an impossible,  
6 you know, venture, and get safety for our  
7 doctors, our firemen, our policemen, our  
8 constituents, our, you know, folks who are of  
9 age, of our young people, and the fact that  
10 sometimes Uber can't find my house or Uber Eats  
11 can't find my house because they get into Valeria  
12 and they have my food and they can't find me. So  
13 really, you know, we can joke about it. But  
14 please, don't move the goalposts. Let's make a  
15 timeline, let's get this done. I think we're all  
16 going to be happier at the end. [applause]

17 MR. JON FEIN: Hi. My name is Jon Fein.  
18 I live at 26 Montrose Station Road. I was unaware  
19 until tonight that Verizon put in a filing on  
20 October 3rd. At the last meeting, there was a  
21 back and forth about when they would have to  
22 submit their filing and they were asked to do it  
23 September 23rd, and they said no, no, we can't do  
24 it by then. And my understanding is that they

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2 were told that they needed to submit by September  
3 29th, which was a Friday, to give an opportunity  
4 for Mr. Campanelli to respond to that by October  
5 3rd. We never got anything either then or on  
6 October 3rd, about this additional filing that  
7 they submitted, so obviously, we haven't had a  
8 chance to look it over and respond to that.

9 But a couple of things that I heard  
10 tonight, I do want to respond to. First, someone  
11 said there's no, I think Mr. Xavier said that  
12 there's no one living at the stable property.  
13 That's incorrect. There is a rental property and  
14 people are living there. Maybe they plan to give  
15 that up once the tower is up, but there are  
16 people living there and obviously there are  
17 houses that are nearby.

18 Second of all, the Verizon attorney said  
19 that the property data information that we  
20 submitted was speculation. That's incorrect. We  
21 submitted letters from realtors with hard data  
22 and there's a lot of hard data about property  
23 values being affected by cell towers.

24 I appreciate that please people at

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2 Chapel Hill and Valeria need cell service. A  
3 simple solution would be to put up antennas on  
4 those properties. And that will serve their needs  
5 and probably even extend into the other areas  
6 that Verizon wants to cover.

7 Verizon's test drive was done five years  
8 ago, and the C Squared report was done three  
9 years ago based on that data. Now there have been  
10 a lot of technology improvements in that time.  
11 Even AT&T, which a couple of years ago, had lousy  
12 service, a year ago, through improving their  
13 technology, without putting up new towers,  
14 improved their service and it is pretty good in  
15 our area now. [murmuring] Well, your phone  
16 doesn't get it, other people do.

17 MS. TAYLOR: Alright.

18 MR. FEIN: Okay.

19 MS. TAYLOR: Folks, please.

20 MR. FEIN: The HDR people talked about  
21 this stealth tower. I mean that's a joke. This,  
22 this tower will hover twice as tall as the trees,  
23 14 stories high, covering it with fake branches  
24 is insulting, plus the fact that studies have

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2 found that these branches are made of plastic and  
3 they break easily in storms and they fall down to  
4 the ground. Microplastics then are ingested by  
5 animals and it's a horrible situation.

6 Next point, the HDR report talked about  
7 the tower being 140 feet. Well, according to the  
8 information I have about the FCC Act, once they  
9 get approval for 140 feet, they can raise it to  
10 160 feet without going back to you. Same with 5G,  
11 they're not applying for 5G now, but you can be  
12 pretty sure that once that tower is up, they're  
13 going to put 5G on it.

14 You know, there are a lot of things that  
15 -- factors here, and I'm sure that from your  
16 comments, you realize that this is a complicated  
17 issue and it's not something that can be resolved  
18 very simply. And it has many ramifications, some  
19 of which may be unintended consequences. So I  
20 urge you to look at this carefully to make sure  
21 that you have all the information, to make sure  
22 that this is the best and only site that this  
23 could be housed at.

24 Now, one more comment about this



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2 particular site. As has been mentioned, this is a  
3 horse stable. Now we used to have a dude ranch on  
4 Furnace Woods near Maple. I remember when I lived  
5 in the city, I worked for a company that went up  
6 there for an outing. That's now a private school.  
7 These horses here present a particular  
8 characteristic that's increasingly rare and for  
9 Cortlandt to have such a facility, which  
10 currently is used for children's parties and  
11 people riding horses in the reservation, is a  
12 wonderful asset. I would doubt that anybody would  
13 want to house their horses in the shadow of a  
14 cell tower. And once that tower goes up, that  
15 aspect of our community, which has for decades  
16 been an important part of our community will be  
17 gone. [murmuring]

18 MS. TAYLOR: Please stop, people.

19 MR. FEIN: Finally --

20 MS. TAYLOR: Hello back there. Please.

21 MR. FEIN: -- at the last meeting, Mr.  
22 Campanelli, the lawyer representing those in  
23 opposition had an opportunity to address you  
24 immediately after the lawyers. Mr. Kehoe said I

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2 could ask Mr. Campanelli to speak now because he  
3 has some things to say and some misinformation to  
4 correct. So I would appreciate it if he --

5 MR. CUNNINGHAM: I think this would be  
6 up to the board, but we have so many people in th  
7 audience that I would think normally how we've  
8 done it for other public hearings is everybody  
9 who is here physically speaks first, and then  
10 anybody who's online speaks last.

11 MR. FEIN: I think that the attorney  
12 representing those in opposition should have an  
13 opportunity to speak before --

14 MR. CUNNINGHAM: I agree, but he could  
15 have come too then. And he'll still have an  
16 opportunity to speak. We're not saying he won't.  
17 It's just he's not physically here, and a hundred  
18 other people are. [applause]

19 MR. STANLEY VASSEN: Hi, my name is  
20 Stanley Vassen, I live in Number 8 Bernheimer at  
21 the Valeria. I've been here now for last month's  
22 meeting and this meeting, and to me it sounds  
23 more like you're looking for excuses not to put  
24 this through. The Board is what sounds like the

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2 enemy. [applause]

3 I don't know about the rest of the  
4 community, but the Valeria represents, as they  
5 said 227 families. We pay over \$3.5 million a  
6 year in taxes to this town. [applause] The 17  
7 homes couldn't be paying anything near that.  
8 Worry about your constituency. I know that we  
9 don't elect you that I know of. But think of the  
10 constituency that really cares and people are  
11 dying from not having service. I'm a walker. I  
12 have a dog. I walk my dog four miles a day. My  
13 wife wonders where I am each hour for that I'm  
14 gone because there's no cell service. We have no  
15 cell service for the bulk of our community. Thank  
16 you for listening. [applause]

17 MR. BRAHAM: Good evening, ladies and  
18 gentlemen, elected officials and legal advisors.  
19 My name is Braham, I live at 15 Bernheimer Lane  
20 in the Valeria complex.

21 MS. TAYLOR: What did you say your name  
22 was, sir?

23 MR. BRAHAM: Braham, B-R-A-H-A-M.

24 MS. TAYLOR: Okay.

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2 MR. BRAHAM: I'm here to speak on the  
3 expansion of the phone service. From my position,  
4 it's a conundrum of the have and the have nots.  
5 For those who have adequate spectrum that provide  
6 them with seamless phone service, they do not see  
7 the need for this service expansion. However, for  
8 many others, as well as myself and my neighbors  
9 in the Valeria complex who suffer from dropped  
10 calls, intermittent Wi-Fi, and dead spots, we see  
11 the need for this spectrum expansion. And even  
12 though I empathize with the concern of those who  
13 will be impacted the most, I see this  
14 communication infrastructure as a critical need  
15 for this community.

16 As a matter of fact, it's a safety issue  
17 for those who might need access in the most  
18 critical moment, and there is no service  
19 available. We all wish that this board would take  
20 into consideration the need of the external  
21 community that are having the type of problem  
22 that those who do not see this as a viable, how  
23 should I say, critical need, because their  
24 service is seamless and uninterrupted. Thank you

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2 very much. [applause]

3 MR. JOHN HANLEY: Hi. My name is John  
4 Hanley. I live at 20 Montrose Station Road. I'll  
5 be negatively impacted by the tower, by Verizon's  
6 own admission, will be in the shadow of it. I'll  
7 start by reading a statement here. My wife and I  
8 own a small cottage in Pine Island, Florida,  
9 which fortunately survived the Hurricane Ian,  
10 which left a path of devastation never before  
11 seen in Southwest Florida. Homes and businesses  
12 were washed away and blown to pieces, bark was  
13 stripped from trees by the high winds. Lives have  
14 been upended and in some cases, sadly lost. I  
15 know of several homeless people. The island was  
16 cut off until a temporary road was constructed,  
17 water only got turned on two days ago and there's  
18 still no electricity. Getting information to and  
19 from those who stayed on the island was near  
20 impossible as all cell service was cut off.

21 But even before the water was turned  
22 back on and the temporary access road built, cell  
23 service was renewed. Not by Verizon, not by AT&T  
24 but by Elon Musk's SpaceX Starlink. Starlink

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2           donated several dozen portable satellite antennas  
3           completely bypassing traditional cell towers.

4                       We just got a glimpse of the future, and  
5           the future is arriving soon. Sometime in the next  
6           year, they're going to be offering it to  
7           everyone. In six to 12 months, we won't even need  
8           these cell towers. Now we are hearing from a cell  
9           tower company, it's like you go to a surgeon,  
10          you're going to get operated on, you know.

11                      In the meantime, however, if Verizon  
12          wants to provide better service to Chapel Hill  
13          and Valeria, let them put up antennas discreetly  
14          placed on those two properties and not mar the  
15          landscape of our with an unnecessary tower.

16                      I'd also like to remind you that we  
17          already have two gas pipelines running through  
18          our neighborhood. Just this past two weeks, we  
19          witnessed the repair of a sinkhole right across  
20          the street from the stables and were invaded  
21          again by large construction equipment sent in to  
22          repair it. Not only is it noisy, was it noisy and  
23          inconvenient, but extremely dangerous. If that  
24          42-inch pressure, high pressure pipeline were to

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2           rupture, the resulting explosion would flatten  
3           everything within a half mile. We live with this  
4           specter every day. I find it extremely galling  
5           that we are being asked to bear the burden of yet  
6           another infrastructure fissure when we already  
7           have two in our front yards.

8                     The Flower case, which I think you  
9           thought was irrelevant, I'd like our lawyer to  
10          speak to that, because that's a case he won. He  
11          helped a municipality get through a difficult  
12          time and my understanding is that that case gets  
13          precedent to allow towns much more control over  
14          the placement of these things. We don't  
15          necessarily have to put up giant towers. The  
16          technology is changing very rapidly and  
17          discreetly placed antennas throughout the town  
18          could fill the gaps in specifically where it's  
19          needed most.

20                    Clearly, the residents of Peekskill, in  
21          Chapel Hill want a tower and the people of  
22          Valeria want a tower. Both really nice places,  
23          Valeria, especially is beautiful. I wouldn't want  
24          to see a giant tower put up in their place, but

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2 if they put one on their clubhouse, by the pool  
3 or maybe by the sewage treatment plant across the  
4 street, they'd have service and we'd all benefit.  
5 There's ways to smartly do this. We don't have to  
6 just put up a tower that was conceived years ago  
7 before the technology changed. Thank you very  
8 much. I appreciate all the time you're putting  
9 into this. [applause]

10 MS. GERI FRIEDMAN: My name is Geri  
11 Friedman. I'm a clinical social worker. I look at  
12 200 Schoolhouse Road in Chapel Hill. We have just  
13 come through three years of people's mental  
14 health being challenged by situations out of our  
15 control. And I will tell you I'm responsible for  
16 people's lives on the verge of suicide and no one  
17 can get to me. And that is all on your heads  
18 [applause] because the selfishness of aesthetics,  
19 the selfishness of we are the richest in the  
20 state of New York and in most of America and we  
21 are squabbling? We are squabbling at this by how  
22 long have you been sitting here discussing this?  
23 I've only been in Chapel Hill for four years. But  
24 I got a call a year ago from out of the blue from



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2           some prospective homeowner who tracked me down  
3           and asked me, because they wanted to buy the  
4           property next door, do you have cell service? I  
5           asked the person how do you even get my phone  
6           number. I do not to this day know. But I was put  
7           on the spot and I was very upset. But this is  
8           what it has come to, that behind the scenes  
9           people are tracking down land owners to find out  
10          what the heck is going on here.

11                         But that being said, everybody is if you  
12          are living in Westchester, you are, and the  
13          people in this room are able to pay their taxes  
14          and need the providing services so their lives  
15          are saved. It comes down to live and death  
16          whether you want to talk about pretty or money,  
17          it comes down to your children, your parents or  
18          yourselves. And you really need to sit and thing  
19          about that for a while. And stop just wasting  
20          everybody's time until it literally, you have  
21          death sitting at your door, and you've already  
22          had people come and talk about. So please, sit  
23          with your conscious. Sit with these people who  
24          have taken the evening off to come to talk to

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2 you, to tell you this is important to them, and  
3 that's who you need to be talking to and thinking  
4 about. Their wellbeing, they are trapped. They  
5 are helpless in your hands. You are the only ones  
6 who can change this, and we're relying on you.

7 And then children are relying on you.  
8 The children of our world right now are sick.  
9 They are not well, they are anxious, they are  
10 depressed. You hear the government say we're  
11 going to get social services involved. You know  
12 what, when they get involved it's probably very  
13 often too late, and I'm in the field. So this is  
14 a responsibility, a civic responsibility on your  
15 parts to step up, to protect your neighbors. And  
16 to put the selfishness, and the, the, the  
17 insignificance of money away and look at people's  
18 lives because that's what -- you can say money is  
19 not insignificant. But at the end of the day,  
20 it's not going to save a life. So please, work on  
21 the behalf of the people who live in this town.  
22 It doesn't matter what the money is. It matters  
23 about lives. Thank you very much. [applause]

24 MS. TAYLOR: Before you begin, I just

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2 want to say something. I would appreciate it if  
3 those of you who are coming before us would not  
4 insult us by saying we are doing something to  
5 hurt you. We don't do things to hurt you.

6 UNIDENTIFIED MALE: You're stalling.

7 MR. FOLEY: No, we are not.

8 MS. TAYLOR: We don't do things to hurt  
9 the people of this town. We're, we're --

10 MR. KESSLER: Chris, for the record,  
11 please, please, please.

12 MS. TAYLOR: Wait.

13 MR. KESSLER: For the record, Chris, you  
14 know, hasn't there been times that, you know,  
15 this came to us and then it disappeared for a  
16 while, did it not?

17 MR. KEHOE: Yeah, the applicant put the  
18 application on hold for approximately a year.

19 MR. KESSLER: So don't say the Board is  
20 delaying things when the applicant is presenting  
21 something to us, they come to us, we review it,  
22 they pause it for a year, and it comes back to us  
23 now for these last couple of months.

24 UNIDENTIFIED MALE: Please fix the

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2 problem.

3 MR. KESSLER: We are trying to fix the  
4 problem, but there's a process. You have to  
5 understand there's a process and we don't look to  
6 delay the process, believe me we don't. We want  
7 to get these things off our agenda more than we  
8 do, believe me. We see plenty of things --

9 MS. TAYLOR: You can't imagine.

10 MR. KESSLER: -- here. We want to get  
11 rid of these items and everyone can attest to  
12 that.

13 MS. DECKER: If you want to come to  
14 every meeting, like we do.

15 UNIDENTIFIED MALE: They're not items.

16 MR. KESSLER: It, it is an application  
17 that is before us. And we are dealing with the  
18 application as we do with every application that  
19 comes before us. And it's a process. And it's a  
20 back and forth, yes, it is, because we have to  
21 make sure that it conforms to all the necessary  
22 town code. And that's why we have consultants,  
23 and that's why there's a back and forth. But  
24 understand there's a process.

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2 UNIDENTIFIED FEMALE: What's the next  
3 step?

4 MR. KESSLER: The next step in the  
5 process -- okay, let's go through this. The next  
6 step in the process is to close the public  
7 hearing and then for this board to render a  
8 decision. Now, having said that, you will hear  
9 from the applicant tonight that he will want,  
10 that he's going to ask us to keep the public  
11 hearing open for one more meeting because there  
12 is still some things that he needs to provide to  
13 the staff, to the engineering department to  
14 satisfy them. So there will be another public  
15 hearing next month, and hopefully, if everything  
16 is complete, and all of the Is are dotted and the  
17 Ts are crossed, then we'll close the public  
18 hearing and then at the next meeting subsequent  
19 to that, which is probably at the December  
20 meeting, this board will vote up or down on this  
21 application and then it moves on from there.

22 [CROSSTALK]

23 UNIDENTIFIED FEMALE: He provides to you  
24 that that's the sites, they've looked at all the

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2 sites --

3 MR. KESSLER: Yes.

4 UNIDENTIFIED FEMALE: -- that that will  
5 satisfy you?

6 MR. KESSLER: Absolutely.

7 UNIDENTIFIED FEMALE: Okay.

8 MR. KESSLER: That's it. That, that,  
9 very simple questions, really. To say that we're  
10 delaying things I think is --

11 UNIDENTIFIED MALE: Well, why wasn't  
12 that asked at the last time?

13 UNIDENTIFIED FEMALE: Yeah. Why did it  
14 take another month for that question to come up.

15 [CROSSTALK]

16 MR. KESSLER: No, we did ask it at the  
17 last meeting. We did. Absolutely. We absolutely  
18 did.

19 MS. TAYLOR: I really want to get back  
20 on track.

21 MR. KESSLER: Okay. Look. There are  
22 minutes online of the meetings. You can go back  
23 and look at last, the minutes of the last meeting  
24 and see in fact that it was addressed. But

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2 nevertheless --

3 UNIDENTIFIED MALE: [unintelligible]

4 [01:55:42] the question. When are elections?

5 MR. KESSLER: When are elections for  
6 what?

7 UNIDENTIFIED MALE: The Board.

8 MR. KESSLER: The Board --

9 MR. FOLEY: There are no elections.

10 MR. KESSLER: -- this board is appointed  
11 by the town board.

12 MR. FOLEY: We're autonomous and we're  
13 appointed.

14 UNIDENTIFIED MALE: I have the answer I  
15 needed to find out.

16 MR. KESSLER: Okay. Each one of us --

17 UNIDENTIFIED MALE: I wouldn't say  
18 anything but --

19 MR. FOLEY: Are you insinuating --

20 MR. KESSLER: That's alright.

21 MR. FOLEY: -- are you insulting us  
22 further?

23 MS. TAYLOR: Please.

24 [CROSSTALK]

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2 MS. TAYLOR: Can I ask the Board, can I  
3 ask you all to please let us get back on track  
4 here. This, I wanted to say this generally to all  
5 of you. We are working as hard as we can to move  
6 this along. We are not responsible for the delays  
7 that the applicant or people who work for the  
8 applicants caused by not having materials. This  
9 is a board that has certain legal  
10 responsibilities. And we can be dragged into  
11 court if we don't fulfill them. So we are trying  
12 as we can, and I can tell you, you would be  
13 surprised at the number of us who really want to  
14 get over this right away. But we can't just do  
15 that.

16 So please be mindful of the fact that we  
17 are working as diligently as we can to get this  
18 off our agenda, because I am telling you the  
19 stacks of materials are piling up. And we are  
20 expected to read them, think about them, digest  
21 them and then make a decision. So please, just  
22 not assume that we're trying to delay things.  
23 That's not what we do. Okay.

24 MR. FOLEY: And I want to echo what



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2 Steve and Loretta are saying. I'm the middle man  
3 year, I'm not seniority. But in 25 years, I've  
4 never been so insulted, and I was one of you  
5 years ago with the Cortlandt Watch Group. I have  
6 an understanding of what the planning process is.

7 UNIDENTIFIED MALE: Oh, I fully  
8 understand. I was involved with the Valhalla  
9 School Board. I fully understand you.

10 MR. FOLEY: Sir.

11 UNIDENTIFIED MALE: But the goal posts -  
12 -

13 MS. DECKER: With respect sir, the  
14 Valhalla School Board is not the Town of  
15 Cortlandt Planning Board. Please --

16 UNIDENTIFIED MALE: [unintelligible]  
17 [01:57:39] same situation.

18 MR. FOLEY: Maybe my friend -- maybe my  
19 Semper Fi friend could use, we had a term called  
20 at ease. Let's all at ease, and continue.

21 UNIDENTIFIED MALE: Well --

22 MR. FOLEY: Apples to oranges.

23 [applause] Let's go on.

24 [CROSSTALK]

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2 MS. TAYLOR: Alright. I'm sorry. Okay.  
3 We're going to go back and listen to the next  
4 person. Please, I'm sorry.

5 MR. KYLER CRAGNOLIN: Madam Chairperson  
6 and members of the Board, Kyler Cragnolin. I am  
7 perhaps arguably the oldest full time resident of  
8 Valeria, a quarter of a century now, 25 years.  
9 And about five of you here may recognize me from  
10 about ten years ago when I was lecturing you on a  
11 monthly basis for about a year when the whole  
12 Valeria thing was in the planning and trying to  
13 shape the ecology there, and I also co-authored  
14 the conservation easement, which now protects  
15 about 700 acres there.

16 The reason I remind you of that is to  
17 show you my bonafides as a Valeria resident. I've  
18 served on the Board, president of both boards,  
19 and spent a lot of time trying to do the right  
20 thing for Valeria and see the best outcome.

21 That being said, I will say that we  
22 certainly have a cell phone problem at Valeria.  
23 Many of us have modems in our house, you know, in  
24 our units and many of us have landlines. But I

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2           will stipulate right now that yes, the cell phone  
3           service is terrible and we need to find a  
4           location for one or more towers to cover the  
5           area.

6                         But in good conscious, I cannot say put  
7           it in the backyard of those people that live on  
8           that road. Because I use that road, I've used it  
9           for years as an entrance to the park when  
10          Montrose Station Road went all the way through  
11          the park, and it's as much your job as the Board  
12          to not only to protect the, these people who live  
13          on that road from this sort of a thing. I don't  
14          have to lecture you that you're listening to the  
15          fox tell you that the hen house fence is in great  
16          shape here.

17                        Are there other sites for a tower? I'm  
18          sure there are. We toyed with putting one on  
19          Condo One at Valeria and looking into that years  
20          back. It never went anywhere, probably should  
21          have. I would rather see the Board set precedent  
22          here. I remember back in the Valeria days, this  
23          board was awarded a high national honor for its  
24          cutting edge planning in terms of environmental

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2           issues, biodiversity studies, etc. etc. and  
3           that's great. That's where we should be, on the  
4           cutting edge, and I would like to see this board  
5           set a precedent by letting these corporations  
6           know that they've got to find a proper site for  
7           these things. They have to do their due  
8           diligence. I don't believe for a second that  
9           that's the only place this thing can go.

10                   But, as I said, I've been studying  
11           sociology for years, and it's always the same.  
12           Everybody wants the refugees, but not in my  
13           backyard. Everybody wants the heroin halfway  
14           house, but don't put it on my block. Everybody  
15           wants the cell tower, don't put it in my  
16           backyard. So that's human nature, I don't fault  
17           them for that, I forgive them for that. I hope  
18           they forgive me. There was a time in this country  
19           when you can disagree without being canceled. And  
20           I hope I won't be canceled in Valeria, but it's a  
21           possibility. In any case, thank you for what you  
22           do, and I hope you will, you will be, take all  
23           the time you need to do the right job here, and  
24           as I said, in good moral conscious I cannot

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2 recommend a cell tower on that site, which I'm  
3 familiar with and I know how harmful it will be  
4 to the residents to live there to walk out their  
5 back door and look at that thing there, so. Thank  
6 you. [applause]

7 MR. FOLEY: Thank you, Mr. Cragolin for  
8 your service years ago with Valaria, I remember  
9 you.

10 MS. TERRY CARDOS: My name is Terry  
11 Cardos. I live at 26 Montrose Station Road,  
12 Cortlandt Manor. I'm here again to ask you either  
13 reject the application to erect a cell tower at  
14 52 Montrose Station Road or to at least adjourn  
15 the hearing. The consequences of this decision  
16 are too important and far reaching to make  
17 without thinking it through thoroughly and having  
18 every bit of information possible.

19 For instance, I have heard many reports  
20 from people indicating that they receive good  
21 cell service in our area via AT&T. Has Verizon  
22 tried to co-locate on AT&T's towers nearby? Have  
23 Verizon and Homeland Towers really done their due  
24 diligence in trying to find locations for the

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2           tower that are not in a residential neighborhood?

3                       Now, concerning this last issue, I

4           believe a number of possibilities have been

5           suggested to you, but I would like to mention one

6           in particular. While I am not thrilled about the

7           idea of putting a cell tower in the Blue Mountain

8           Reservation, the Sportsman Center has already

9           changed the pristine nature due to the target

10          shooting and is well away from the nearest

11          houses. Now I've heard that the elevation is

12          lower than desired, but perhaps a taller tower

13          could be put up there. It has the advantage of

14          not being open that often. According to the

15          website, it is open on Thursdays and Fridays from

16          10:00 a.m. to 3:00 p.m., Saturdays 10:00 a.m. to

17          4:00 p.m., Sundays 11:00 a.m. to 4:00 p.m. and

18          holidays on Mondays 10:00 a.m. to 4:00 p.m. It is

19          closed for winter break for a month from mid-

20          December to mid-January and is open on weekends

21          only from mid-January to mid-March. So the cell

22          tower would not affect that many people and for

23          relatively short periods of time. I think this

24          possibility is worth investigating.

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2 With the serious service gap credibly  
3 demonstrated, a site such as the Sportsman Center  
4 would be preferable to a cell tower right in the  
5 midst of our homes and abutting the entrance of  
6 the Blue Mountain Reservation which is used by  
7 hikers and mountain bikers, a tower that would  
8 alter the character of our neighborhood forever,  
9 and decrease our property values significantly.  
10 Again, I urge you in strongest terms to make sure  
11 you have all the data you need and to weigh all  
12 the pros and cons very, very carefully. Thank you  
13 for your hard work. [applause]

14 MR. LOU AMBROGIO: My name is Lou  
15 Ambrogio, I live at Valeria, 7 Goldman Court and  
16 I'm the president of the Valeria Homeowners  
17 Association too. Mr. Foley, I want to thank you  
18 for clarifying your position, to make sure I  
19 understood you correctly, that you also believe  
20 there's lack of cell service where we live?

21 MR. FOLEY: Say that again sir.

22 MR. AMBROGIO: I would like for you to  
23 clarify your position whether you believe that  
24 there's a lack of cell service at Valeria.

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2 MR. FOLEY: From what you're saying,  
3 yeah.

4 MR. AMBROGIO: Okay. I want to thank you  
5 for clarifying your position. Earlier you stated  
6 that perhaps you were not in agreement with that.

7 MR. FOLEY: Uh --

8 MR. AMBROGIO: Addressing the board, we  
9 do respect --

10 MR. FOLEY: -- that's not true, sir.

11 MR. AMBROGIO: We do respect -- maybe I  
12 misunderstood.

13 MR. FOLEY: When you, when you purchased  
14 at Valeria, are you in the new part of it?

15 MR. AMBROGIO: Yes, I am, sir.

16 MR. FOLEY: Had you checked on cell  
17 service then? Or did your realtor?

18 MR. AMBROGIO: No, I did not.

19 MR. FOLEY: Okay.

20 MR. AMBROGIO: No, did not.

21 MR. FOLEY: [unintelligible] [02:06:57]  
22 people that --

23 MR. AMBROGIO: But I don't think that's  
24 germane to the conversation we're having today.



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2 MR. FOLEY: Okay.

3 MR. AMBROGIO: So the board, we do  
4 understand the process that you're going through,  
5 we respect that process. And I don't think the  
6 comments you heard today are attacking that  
7 process. I think what we're asking you to do is  
8 that your [unintelligible] [02:07:15] looked at  
9 other data and look at the data you already have.  
10 Ms. Decker referred to a report that you had of,  
11 you said 22 different sites by --

12 MS. DECKER: No, a report from 2022.

13 MR. AMBROGIO: Okay. But I don't recall  
14 how many sites were looked at. You've heard  
15 reports, I'm sure you have reports from your own  
16 technical staff.

17 MR. FOLEY: Some of them were not what  
18 Mr. Kessler was asking. Okay. But that's aside.  
19 Go ahead, sir.

20 MR. AMBROGIO: What I'm asking is that  
21 you expeditiously look at whatever data you need  
22 to have and make a decision. The other thing that  
23 I'd like for you to keep in mind is there was a  
24 site proposed on Dickerson Mountain. Do you

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2 realistically think that that site is  
3 significantly different from the other sites that  
4 have been proposed? If, if you were to propose  
5 that site, don't you think that you would have  
6 people from that community coming here and  
7 raising the same issues as our neighbors have?

8 MR. FOLEY: Of course.

9 MR. AMBROGIO: Okay.

10 MR. FOLEY: We're not proposing. We  
11 asked about this Dickerson Mountain, and I  
12 thought the gentleman Mr. Xavier said there was a  
13 site there, but then later he corrected it and  
14 it's the firehouse on Croton Avenue.

15 MR. AMBROGIO: Well, what we're asking  
16 you to do is that if there are additional sites  
17 that you're thinking of, put them out there. If  
18 you need to go through a process do to that, do  
19 that. But I think it's time to move on and not  
20 delay this decision much further. I'm not going  
21 to go through all the evidence that's been  
22 proposed on the safety of our community and on  
23 our residents. So please move this forward as  
24 quickly as you can. If you're committed to the

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2 timeline, Mr. Kessler, you know, that you  
3 outlined before, that's probably reasonable, that  
4 if this board reaches a decision on December 1st,  
5 fine. If that's what it is, that's what it is.  
6 But if it's going to be delayed past December  
7 1st, that's not good. So thank you, and we  
8 appreciate you, all you're doing for the  
9 community. [applause]

10 MR. MICHAEL COFFEE: Ladies and  
11 gentlemen, my name is Michael Coffee. I live at 9  
12 Deforest Drive, at the top of the hill. And I've  
13 lived there about four years, and I love it.  
14 There is no cell service at the top of the hill.  
15 I thought there would probably be one. But what  
16 confuses me is this board and this  
17 administration. I read in that weekly paper that  
18 gets thrown out every week, and you did too, that  
19 we were going to have a cell tower, several  
20 months ago in the town of Croton. Well, Croton is  
21 part of Cortlandt. But Croton is Corton and  
22 Cortlandt is Cortlandt. I understand that, the  
23 politics of it.

24 So I went to the planning department

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2           today, and very interesting, I said which cell  
3           tower, I was trying to learn, which cell tower  
4           are we talking about. Oh, we don't deal with it  
5           over there, we deal with it over here. But  
6           Cortlandt apparently, if you're in Croton, you  
7           vote for the head of Cortlandt and you guys don't  
8           have anything to do with their engineering  
9           department. So I called the engineering  
10          department over there at Croton today and I said  
11          what was this thing that I read in that throwaway  
12          newspaper and I do read those articles. Also, if  
13          you do die, you're going to be a picture in the  
14          paper, you know that, no matter who you are. You  
15          could be a Republican and you'll still be there.

16                 So here we go, and I asked the question,  
17          are you doing a cell tower, and she said, and I  
18          didn't hear -- I thought I heard it right. She  
19          said we're doing balloon testing. I have no idea  
20          what that is, but the, the applicant tonight  
21          talked about balloon testing. She said we're  
22          doing it and most likely when that gets finished,  
23          there'll be an application coming before our town  
24          board or the Croton board. I said, where's it

1           October 11, 2022  
2           going to be? Oh, where the water towers are on  
3           top of the hill, wherever the top of the hill is,  
4           wherever the water towers are, I don't know, is  
5           that a site? I guess so. Has that been looked at  
6           by the applicant? I don't know. If you put  
7           something there, 160-foot tower, would it cover  
8           what we want to cover down here? I don't know.  
9           Maybe we need two towers, I don't know. But I  
10          didn't hear anybody from the applicant saying we  
11          looked at, in the town of Cortlandt, but in the  
12          village of Croton some site that they are looking  
13          at now. Not necessarily tomorrow, now. And  
14          they're doing testing on it. Do you folks  
15          understand what they're doing?

16                    I ask you that rhetorical question. I  
17                    get the look on the face that we're the Cortlandt  
18                    planning board, we don't do anything with Croton.  
19                    But Croton is part of Cortlandt. And if they put  
20                    up a tower that can cover the same area, good  
21                    answer. But maybe you need two towers. But I do  
22                    tell you one thing. You need cell service.

23                    And I would hope you would give it to  
24                    people like myself who are 80 years old and I get

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2 bored doing what I do, and some of my neighbors  
3 here know what I do. I raise tomato plants in my  
4 basement. I can't plant anything outside. I plant  
5 my deck. I got 30 pots on the deck.

6 And I go give the stuff away, and I was  
7 giving it away last year. It was 95 degrees  
8 outside and 95 percent humidity. You know what  
9 happened. I get to one guy's house and I say,  
10 Lester, I feel a little bit lightheaded. He goes  
11 I'll go get you a cup of water and ice. He came  
12 back and from sitting on the back of the car at  
13 95 degrees, my tuchus was on the pavement and  
14 that was in 95 degrees. And luckily, somebody  
15 dialed 911. I don't know from the house or cell  
16 phone, I don't know.

17 But there are going to be occasions like  
18 that coming up with people of upper age that take  
19 walks, that walk their dogs, that go around the  
20 lake, and they love the place. And if something  
21 happens, they have no way to do it.

22 I've got a daughter at the Furnace Woods  
23 School. And if she fell down in third grade on  
24 the parking lot or someplace, the cell phone

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2           doesn't work, so what are you going to do, call  
3           the police? Well, yeah, somebody's got to run  
4           into the house, or run into the school and they  
5           have to use a landline. But if the landlines  
6           don't work and somebody said about copper wires  
7           or whatever, we at Valeria were given a choice of  
8           Verizon or Optimum. That's what, we didn't have a  
9           choice. AT&T, no, we weren't given AT&T, we  
10          weren't given anything else. Those were the two  
11          choices we got when we came in, because you guys  
12          put it in there, the site plan. You say no, but  
13          that's what it was. You also made it so that if  
14          you do your basement, you can't have a bathroom  
15          in the basement with a tub, you can have a  
16          basement with a stall shower.

17                    But you did a lot of things. And you had  
18                    lawsuits for 15 years. And I appreciate that,  
19                    what you did to protect the town. But look at  
20                    what they're doing in the other town and whether  
21                    that overlaps what they want to do on Montrose  
22                    Station Road. I drove up that road last week. I  
23                    was amazed at what's up. There's like a whole  
24                    little enclave. It looked beautiful. But I tell

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2 you something else. If the town, if the town  
3 worked with Cortlandt, you know, Croton, I get  
4 confused, if you worked with Croton and Croton  
5 does it on their property, the almighty dollar  
6 goes to the town of Croton.

7           If you do the farm up on the top of the  
8 hill, it's agricultural, and the money goes to  
9 the landowner who is an absentee landlord. So  
10 you've got to talk all those little things that  
11 go around to make the whole. I'd rather see you  
12 put it on town property and you get the three or  
13 \$4,000 a month and Verizon, and I have Verizon  
14 myself, Verizon is part of the application in  
15 Croton. But they say Verizon is part of the  
16 application here. What I don't know and I don't  
17 think you know, does it overlap? I don't know  
18 where the water towers are in Croton. Are they  
19 such that they overlap? And you may need two cell  
20 towers and you probably do. But you have to do  
21 something and you can't just sweep it under the  
22 rug. And if it means that ten families are going  
23 to be hurt, then so be it, because you've got a  
24 couple thousand other people that you've got to



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2 worry about. And if somebody gets hurt, there's  
3 an accident and the police can't get there, or  
4 the ambulance can't get there, and I know what  
5 it's like when you need one, shame on all of you.  
6 But do me a favor, just find out what's in your  
7 town of Cortlandt and Croton is part of your town  
8 of Cortlandt.

9 I get confused between the two, as you  
10 understand. I've been here four years. I can't  
11 understand, when I try to go pay my tax bill, I  
12 take the parkway around, it's easier than going  
13 through town. But it's like going in a U and the  
14 center is Peekskill. But you've got to do  
15 something that protects all of us, and right now,  
16 you haven't been doing it. And I think you've got  
17 to look at what's out there in the other town, or  
18 the village of Croton and if they can help you,  
19 look at that, and if there's money to be gained,  
20 I'd rather see it be given to the village of  
21 Croton than to a property owner that's an  
22 absentee landlord up on Montrose Station Road.  
23 That's my point. Thank you. [applause]

24 MR. ROBERT BURKE: Good evening. My name

1           October 11, 2022  
2           is Robert Burke. I live on 26 Deforest in  
3           Valeria. And I stand here in a very, very  
4           unselfish way. My wife and I have our house on  
5           the market. We've gone to contract. We'll be  
6           moving away from Valeria in January of 2023. My  
7           neighbor who is sitting down right now, who just  
8           spoke right before me, basically we thought had a  
9           stroke. We tried calling for help. No cell  
10          service. I have AT&T. But AT&T doesn't matter.  
11          Because we had Sprint before that, we had T-  
12          Mobile before that. We've never had Verizon, but  
13          of three carriers, no service.

14                 Ourselves, we also had a problem in our  
15          house. We had a fire alarm that went off. The  
16          neighbors could hear the alarm. The signal  
17          couldn't get through. We only have cell service.  
18          We don't have a landline. A neighbor who heard  
19          the ringing and ringing, called the fire  
20          department on their landline. The fire department  
21          came, they tried to reach out to us by cell, but  
22          of course, we don't hear it. They had to break  
23          into the house. And they left us a note saying,  
24          sorry we had to break in to check the house out.

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2 that's not good.

3 So the unselfishness that I'm trying to  
4 convey is when my wife and I move out in January,  
5 we're not going to need the cell service here.  
6 But our neighbors are our dear friends. And we  
7 see that without service in this community,  
8 people will have trouble. And if they can't reach  
9 for help, God help them. God help them.

10 The last comment I want to make and I'll  
11 make it very, very short, is I hear that there  
12 will be another town meeting and then after that,  
13 they'll convene, have another town meeting. I  
14 hope and pray that by the time I move out of  
15 Valeria a cell tower will be approved and cell  
16 service can take effect. That's my wish.

17 [applause]

18 MR. MARK GREEN: Hi, my name is Mark  
19 Green. I live in Valeria also, but we've heard a  
20 lot that this is a Valeria and Chapel Hill issue.  
21 I've been a resident for 33 years on John  
22 Alexander Drive off of Watch Hill. So as a  
23 resident, the service is an issue. It's not only  
24 an issue out there, but it's an issue from

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2 Washington Street to Maple Avenue, from Lafayette  
3 to Furnace Dock, from Watch Hill to Chester  
4 Court. So it's not just the Valeria or Chapel  
5 Hill area. It's all going down to Washington  
6 Street. There's 500 people, 500 units in Chapel  
7 Hill, there's 400 in Valeria and there's 500  
8 homes in those other areas. So you're talking  
9 about a lot of families there.

10 We've had Sprint, we've had T-Mobile,  
11 we've had Verizon, we've had AT&T. We've had  
12 service issues for 33 years, in the cell service.  
13 Like when we had the storm, or when we have the  
14 power outage, or even when we have bad cell  
15 service, I have to go down to [unintelligible]  
16 [02:20:56] to make a phone call because I don't  
17 have cell service. So all I want to say is that  
18 it's an issue in the whole area, not just up on  
19 Dickerson Pond and that area. Thanks. [applause]

20 MS. TAYLOR: Okay. I think that we've  
21 heard everyone who wants to speak now. I heard  
22 there was some people --

23 MR. KEHOE: Yes. The neighbor's attorney  
24 is, wants to --

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2 MS. TAYLOR: Yeah.

3 MR. KEHOE: But before we do, Mr.

4 Campanelli, I want to respond to something that

5 Mr. Fein said, and I apologize, but I did not

6 forward you, and it's my fault, I did not

7 forward, Mr. Fein, the applicant's October 3rd

8 memo. And so, therefore, I did not get it to Mr.

9 Campanelli either. So I was confirming with the

10 applicant that they're going to adjourn anyway

11 because of those procedural issues. But I wanted

12 to make sure I acknowledge, Mr. Fein that I did

13 not forward that and I feel bad, so.

14 MS. TAYLOR: Okay. There was some people

15 who --

16 MR. KEHOE: Yeah, Mr. Campanelli, the

17 neighbor's attorney wants to speak.

18 MS. TAYLOR: Okay.

19 MR. KEHOE: Mr. Campanelli?

20 MS. TAYLOR: Hello, sir? Mr. Campanelli?

21 He may have run out of juice. He's been on it for

22 quite some time. Okay --

23 MR. KEHOE: If you recall, we started

24 with this a little last time. I apologize. We're

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2 trying to figure it out.

3 MR. KEHOE: Mr. Campanelli, can you try  
4 to log out and log back in?

5 MR. BIANCHI: While we're waiting, can I  
6 have a question for Mr. Sheridan.

7 MR. KEHOE: Mike Sheridan?

8 MR. BIANCHI: Just as I hear all of the  
9 comments from the public and from our board  
10 members, I think what's lacking in this is, and  
11 we have this in many other, not similar cases,  
12 but site, alternative site analysis, I think here  
13 is lacking. And I think I would like to see, we  
14 talked about different sites, Steve talked about  
15 a list of sites that were evaluated and including  
16 the, what is it Spitzer Mountain?

17 MR. KESSLER: He said Spitzer, I said --

18 MR. FOLEY: Spitzenburg.

19 MR. BIANCHI: Spitzenburg. And I'd like  
20 to see a list of those sites, and I'd like to see  
21 some kind of analysis as why they would or would  
22 not work, either one, or in combination with each  
23 other, why they would not work in fulfilling or  
24 filling the gap of service that we all agree I

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2 think exists in this area. And it's just  
3 something I think that's good for the record,  
4 it's good for the public to see, and is an  
5 important part, from my decision making process  
6 anyway.

7 MR. SHERIDAN: Well, I think certainly,  
8 I'm glad we can all agree that there's an  
9 existing gap in coverage that needs service. And  
10 I think, you know, we'll certainly look into  
11 those, the suggestions made this evening, and get  
12 you a response to that. But I think also it's  
13 important to note that the neighbors who came out  
14 and vigorously indicated that they really need  
15 the service, many were from Valeria, which is to  
16 the south of the site and some were from Chapel  
17 Hill, which is to the north of the site.

18 If you recall, at last month's meeting,  
19 there was someone else who spoke about a story  
20 that impacted her with her husband I believe  
21 hiking in Blue Mountain, and this would provide  
22 service to that as well. So this, when you think  
23 about the logistics of it, where this is located  
24 it's going to be providing coverage to the south,

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2 it's going to be providing coverage to the north,  
3 it's going to be providing coverage to the park  
4 behind and the hiking trails behind the facility.  
5 This is, that's one of the reasons why this is  
6 the site that is being applied for, because it  
7 provides the coverage. We'll certainly answer the  
8 questions and get you the information that you've  
9 requested tonight about that alternate sites, but  
10 I just want to put in your mind, again, one of  
11 the reasons why this is a good site, why this  
12 location is good, why it's on, in an area that's  
13 predominantly residential if not mostly  
14 residential, this is a property that's commercial  
15 use in that area.

16 MR. BIANCHI: I understand. And that may  
17 be true, but I'd like to see what the alternates  
18 are and I'd like to use that information in my  
19 own process of determining what the decision  
20 should be here.

21 MR. SHERIDAN: Understood.

22 MR. BIANCHI: And I think it's good for  
23 the Board to see it and for the public to see it.

24 MR. ROTHFEDER: I agree. And I think



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2 it's not just those two sites that were  
3 mentioned. You guys have lists and Suzanne, you  
4 said you saw it. I missed that.

5 MS. DECKER: Yeah, so in the memo that  
6 our consultant did, there's a reference to an  
7 August 2022 report of your consultant, which I  
8 cannot find, that says the sites we looked at.  
9 And that's what I think it would be -- and I  
10 apologize if we have it and can't find it. But  
11 it's like very consistent with what Mr. Xavier  
12 was saying, but it's just like the list and goes  
13 through it, so.

14 MR. ROTHFEDER: Right. And why it goes  
15 on [unintelligible] [02:27:53]. So it's not,  
16 don't ask us for the sites, and then go and say  
17 well those don't work, because obviously some of  
18 this floating around. And I think we feel like we  
19 need to see it.

20 MS. DECKER: You've clearly done the  
21 work. It's obvious that you've looked at  
22 everything. So just show us the paperwork so we  
23 can move on.

24 MR. SHERIDAN: Understood.

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2 MR. KEHOE: Can we see if Mr.  
3 Campanelli?

4 MR. CAMPANELLI: Can you hear me? Good  
5 evening.

6 MR. KEHOE: Yes.

7 MS. DECKER: Yes.

8 MR. CAMPANELLI: Okay. Great. Thank you.  
9 Thank you so much. Good evening, Madam Chairman,  
10 members of the Board. I've had the opportunity to  
11 hear the residents. I understand their concerns  
12 and I'd like to address some of the issues that  
13 the applicant's representatives have addressed. I  
14 would concede that having cell service is a  
15 necessity. You have a smart planning provision  
16 however. And smart planning provisions, as  
17 adopted by local governments and as applied by  
18 local planning boards are provisions such as  
19 yours that are actually designed to achieve three  
20 objectives.

21 And the first is to enable wireless  
22 carriers to saturate the town with coverage. I  
23 don't disagree with the residents who are saying  
24 we need cell coverage. Everybody wants cell

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2 coverage. But at the same time, smart planning  
3 provisions are applied to achieve two additional  
4 objectives. Now the first is to minimize the  
5 number of towers you need to provide that  
6 coverage and third to avoid to the greatest  
7 extent possible, any unnecessary adverse impacts  
8 on resident neighborhoods and individual  
9 residential property.

10 There is no question that this applicant  
11 has not taken a hard look at alternatives. I will  
12 tell you I've been handling cell tower cases  
13 across the entire United States for 26 years. And  
14 invariably, the best place to put cell towers is  
15 atop mountains, and the reason is because of the  
16 elevation.

17 However, everywhere I go, whether it's  
18 New York or California or Florida, site  
19 developers, companies like Homeland Towers, don't  
20 want to go on mountains and the reason is it  
21 costs them more money. If they were to choose a  
22 site atop a mountain, that means they would have  
23 to clear foliage, they'd have to put in a gravel  
24 access road, they have to put in utility poles

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2 and run wires. So despite the fact that it may be  
3 a substantially lower adverse impact site, and  
4 despite the fact that it may actually give you  
5 better coverage in the town, these sites have not  
6 been considered.

7 Now, you heard the applicant himself say  
8 this is not the last tower. If this tower goes  
9 up, I can tell you two things. Number one, it's  
10 not going to solve all of your coverage issues.  
11 Number two, more towers are going to need to be  
12 built. There's not a question of whether or not  
13 you want to cover the area with cell coverage.

14 The issue you should be looking at is  
15 does this make sense? If we put it here, will  
16 that minimize the number of towers we will  
17 ultimately need and is that going to remedy the  
18 gaps which exists. And the truth is based upon  
19 the data that's been provided thus far, you can't  
20 make either of those determinations through no  
21 fault of your own.

22 Now, I've heard people mention the  
23 Flower Hill case. For those of you who don't know  
24 about it, it's Extenet v. the Village of Flower

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2           Hill. I did represent the residents in that case.  
3           And in that case, the applicant submitted  
4           evidence which was almost identical to this case.  
5           They provided what they purport to be drive test  
6           results for one frequency. Now the applicant is a  
7           co-applicant with Verizon. Verizon provides  
8           personal wireless service on seven different  
9           frequencies.

10                         In the Flower Hill case, a company  
11           called Extonet, another side development company  
12           came in and said Verizon has a gap because here's  
13           drive test data for one frequency. And the board  
14           said that's not enough. You're not showing me  
15           where the gaps in coverage are and where the  
16           boundaries are, because without that data, we  
17           can't figure out if this is a good spot for a  
18           tower and we can't tell if this tower comes up,  
19           goes up, six months from now, you're going to  
20           want two more towers. So they said you haven't  
21           proven a gap in service. Extonet sued in Federal  
22           Court. And the Federal Court dismissed the case,  
23           saying yeah, they didn't prove a gap based upon  
24           the same evidence you're looking at here.

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2                         They provided you, supposedly computer  
3           generated propagation maps with one frequency,  
4           700 megahertz. That's one of seven frequencies. I  
5           am not saying there are no gaps in the town of  
6           Cortlandt. There clearly are. But for you to make  
7           an informed decision, you should be requiring  
8           this applicant to give you the probative data  
9           showing exactly where the gaps are and exactly  
10          where the boundaries are, because then and only  
11          then does it place you in a position to figure  
12          out the smartest place to put a tower.

13                        All of those residents who spoke about  
14          the need for cell service and I understand their  
15          concerns, they have no idea if this tower is  
16          actually going to remedy their problems. And it's  
17          not. It's not. You heard the applicant say, this  
18          isn't going to be the single site solution,  
19          you're going to need more. How many more? You  
20          have no idea without getting the probative data.

21                        So I'm not saying you don't need cell  
22          service. What I'm saying is they haven't given  
23          you the data without which it's impossible to  
24          make an informed decision and in all reality

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2           putting one on the top of a mountain owned by the  
3           town is actually best case scenario. I highly  
4           doubt this applicant is going to take a hard look  
5           at that. It would cost them substantially more  
6           money to build a tower up there and clear the  
7           foliage and run the wires, and put up the utility  
8           poles. So I doubt that's going to happen.

9                         Now, as far as the visual impact on the  
10           homes that will be affected, and again, I  
11           understand the concerns on both sides. I do  
12           represent the homes that will suffer fairly  
13           significant adverse impacts in comparison to  
14           other homeowners I've represented across the  
15           entire country.

16                        Now, I don't really know what your  
17           consultant is thinking or what they are doing,  
18           but I will tell you this. The Omnipoint case has  
19           been the law of the land for 17 years. What is  
20           the purpose of giving this board a visual impact  
21           analysis? The sole purpose for which a visual  
22           impact analysis is required is to give you, the  
23           Board, an accurate depiction of the actual  
24           adverse aesthetic impacts that the closest

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2 neighbors are going to sustain.

3 Now for people who try to minimize  
4 adverse aesthetic impacts, we in America spend  
5 billions of dollars at Home Depot and Lowes to  
6 make the aesthetics of our homes pleasant.  
7 Adverse aesthetic impacts is a valid legal  
8 grounds to deny this type of application.

9 So this applicant, what did they do?  
10 They submitted a visual impact analysis where  
11 they deliberately omit any photographs taken from  
12 the perspectives of the homes that are going to  
13 suffer the most severe adverse impacts. Why would  
14 they do that? They know the law of Omnipoint.  
15 It's the most current, it's been federal law  
16 since 2005, and of greater import, why didn't  
17 your consultant ask them to do it? They know it  
18 too.

19 So I don't know what your consultant is  
20 doing. But the fact that they didn't point that  
21 out to the board is inexcusable.

22 Similarly inexcusable is apparently your  
23 consultant's failure to take into account the  
24 Flower Hill case. Anyone who knows anything about



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2 the current state of law on significant gap and  
3 least intrusive means knows about Flower Hill and  
4 its import.

5 You do not have the data you need to  
6 figure out that this is the best spot for a  
7 tower, because look, your constituents, many of  
8 them want coverage. You have no way of knowing  
9 how many of them are actually going to get  
10 coverage if this tower goes up and how many more  
11 towers are going to be necessary.

12 Now, as far as the reduction in property  
13 values, I heard the applicant's attorney said  
14 well, they only gave you letters. No. We gave you  
15 professional opinions from licensed real estate  
16 brokers. Courts have accepted professional  
17 opinions from real estate brokers for years. And  
18 they're telling you in their professional  
19 opinion, and they're not just any real estate  
20 brokers, they're real estate brokers who have an  
21 acute understanding of the specific homes that  
22 are going to be adversely impacted. And they gave  
23 you professional opinions telling you that the  
24 value of these homes are going to be

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2 substantially reduced.

3 And what do you have on the other side?

4 The Lane Appraisal. Please look at the Lane

5 Appraisal from the perspective of a home owner.

6 They're trying to tell you that if they have two

7 homes and one has a cell tower view and one

8 doesn't that the one with the cell tower's view

9 is not affected. What they don't tell you is any

10 of the other criteria which affected the value of

11 the homes they're pointing out as samples and

12 it's hogwash. I've seen Lane Appraisals before.

13 They've been rejected by planning boards across

14 the state of New York for good reason. There are

15 many things that affect home values. When a home

16 was purchased, was it renovated, was a new

17 kitchen put in, was the backyard updated with a

18 pool, was the basement redone. None of the Lane

19 Appraisal aspects address any of these issues.

20 The Lane Appraisal gives you no probative

21 evidence of anything. It's garbage. Look at it

22 yourself and see if they give you enough

23 criteria, enough information to figure out if

24 they prove that cell tower proximity alone

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2 affected the purchase price of the house. They  
3 look at house to address, square footage and  
4 price. And that alone doesn't tell you anything.

5 So I'm glad this is being adjourned. I  
6 recently received a copy of the consultant's  
7 report, but I have not received the applicant's  
8 October 3rd submission. I fully intend to put in  
9 a response to that. I wholeheartedly respect this  
10 board for the hard work you're facing, what  
11 you've done already. I've seen boards all across  
12 the country and I can tell when I've got a board  
13 who is doing their job and doing it the right  
14 way. So I applaud your efforts. I ask for the  
15 opportunity to submit a response to what's been  
16 submitted and I thank you for having afforded me  
17 the opportunity to be heard. Thank you very much.  
18 [applause]

19 MS. TAYLOR: Okay. Have we reached the  
20 end of all the statements and comments that need  
21 to be made? Okay.

22 MR. KEHOE: Sorry, hang on. Our  
23 consultant has his hands raised.

24 MR. BIANCHI: Okay.

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2 MS. TAYLOR: Okay.

3 MR. BIANCHI: Go ahead.

4 MR. COLLIN MILLS: Hi, good evening  
5 everybody. Collin Mills from HDR, the town's  
6 consultant, wireless consultant. I just wanted to  
7 put out there if there's any questions regarding  
8 our conclusion, I'd be happy to answer some  
9 questions about our report where we looked at,  
10 any of the conclusions we made, I would be happy  
11 to share some data or information about that as  
12 well.

13 MR. KEHOE: Well, one thing I think  
14 you're going to want to do is obviously you were  
15 listening to Mr. Campanelli's comments, so I  
16 think you will probably want to respond to those.  
17 I don't know if you need to respond now. But he  
18 made some comments which I think you'll need to  
19 respond to.

20 MR. MILLS: Yeah, I took some notes  
21 about that and I think we'll respond to that at a  
22 future time, particularly about some of that.  
23 Yeah.

24 MR. KEHOE: Well, I'm not sure at this

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2 hour the planning board is going to be peppering  
3 you with questions. But I do want --

4 MR. BIANCHI: Can we talk --

5 MR. KEHOE: -- to talk once again, and  
6 we talked so much at the last meeting and I  
7 messed it up, about the timing again. So the next  
8 meeting is November 1st, which is a very quick  
9 turnaround time. The deadline for me to receive  
10 information is Thursday, October 20th, the  
11 absolute latest would be Friday morning October  
12 21st to package it up to get to the planning  
13 board. So, I apologize to Mr. Campanelli, but he  
14 really needs to try to respond to that October  
15 filing as quick as possible. And then I believe  
16 it's justified to have the applicant to be able  
17 to respond to that, but then that would be it.  
18 Those would be the two submittals that would come  
19 in. This time I will remember to get the  
20 applicant's response to Mr. Campanelli so Mr.  
21 Campanelli can at least comment on it verbally at  
22 the meeting rather than continuing to have this  
23 back and forth. Mr. Sheridan, I don't know if you  
24 agree with that.

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2 MR. SHERIDAN: What timing would you  
3 suggest? And I can suggest timing if you like.

4 MR. KEHOE: Well, I mean I understand, I  
5 mean today is already, what is it, Tuesday?

6 MS. DECKER: It's the 11th.

7 MR. KEHOE: 11th, so, you know, if  
8 possible by the end of the week for Mr.  
9 Campanelli or Monday at the latest, which would  
10 give you the remainder of next week to respond.

11 MR. SHERIDAN: I mean, yeah, I'm fine  
12 with in responding by the 14th if that works, and  
13 then we'll have to the 20th, I guess, I think you  
14 said.

15 MR. KEHOE: Okay.

16 MR. SHERIDAN: I don't know if he's  
17 still --

18 MR. BIANCHI: The next board meeting is  
19 on the 1st, right?

20 MS. DECKER: Yes.

21 MR. KEHOE: Okay.

22 MR. BIANCHI: The next board meeting is  
23 on the 1st?

24 MR. KEHOE: November 1st, so Mr.

1 October 11, 2022

2 Campanelli, I guess agreed to having his response  
3 by the 14th? Okay. And then you'll respond in  
4 time for me to get it in to the packets for the  
5 planning board by the 20th or the 21st?

6 MR. SHERIDAN: Yes.

7 MR. KEHOE: And I think overarching  
8 though right, is just a better understanding of  
9 the alternative selection process, I would think,  
10 just in general. I think maybe a global analysis  
11 a little bit and then drilling down to exactly,  
12 because there seems to be some confusion about --  
13 I mean I think there was some good stuff that  
14 this isn't necessarily the only site it can go,  
15 but to get your thought process about how it  
16 ended up there.

17 MR. SHERIDAN: We'll get you that  
18 thought process. Or maybe not the thought  
19 process, but we'll get your some information on  
20 that. We'll also respond to Mr. Campanelli's  
21 comments. Again, a lot of what was indicated is  
22 not applicable to this matter, and is not  
23 relevant to this application. So we'll respond to  
24 that. I think the Lane Appraisal that was

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2           submitted to you, I think if you look at it,

3           you'll see that it does provide specific

4           information on home sales and that's the point of

5           it. It gives you actual data to look at. So you

6           can take a look at the data. And one of the

7           reasons why Lane is accepted in courts across the

8           country, the Lane documents, the Lane reports is

9           because it doesn't take two homes, it doesn't

10          take three homes, it takes a large section of

11          homes. So all those little differences that are

12          between those homes, they get averaged out. And

13          that's the point of the report. It gives you data

14          to look at and not just opinion, of someone hired

15          by the homeowner, who is perhaps, you know, knows

16          them, real estate agent and provides them a

17          letter just saying it's going to impact it. You

18          can see data across years from communities in

19          this area that'll provide you with information on

20          how it doesn't impact when it comes down to it.

21          There's a lot of opinion that it may or it may

22          not. But if you look at the Lane report, that

23          gives you data that it doesn't.

24                        So we'll respond to that. We'll provide



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2           our comments in response to whatever is provided  
3           by Mr. Campanelli by the 20th. Also, we'll  
4           provide the other information that we're waiting  
5           on to this board as well. And then the other  
6           thing we wanted to do was the shot clock. If you  
7           recall, a couple of months ago, we extended it to  
8           the end of the month. I think we're, based on Mr.  
9           Kessler's comment. I spoke to my client. You  
10          indicated that next month, assuming everything  
11          goes well, you close the public hearing, vote on  
12          it in December. If that's, if the board is  
13          agreeable to that. We're willing to extend the  
14          shot clock to -- I like to do it to one week  
15          after the meeting at least, because snow does  
16          happen and meetings get adjourned. That'll at  
17          least give us a week to get in touch with the  
18          town, town attorney, town, if it needs to be  
19          extended at that point. But, so I don't know when  
20          the December meeting is.

21                       MR. CUNNINGHAM: December 13th will be a  
22                       week after the planning board meeting.

23                       MR. KEHOE: Yeah, December 6th is the  
24                       meeting, so one week out is the 13th. And could

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2 you just explain? You're extending the shot clock  
3 to the 13th. If something untoward happens,  
4 you'll talk to the Board --

5 MR. SHERIDAN: Well, extending it to the  
6 13th with the understanding that it'll give us,  
7 if the Board, if there's a snowstorm and the  
8 Board has to reschedule that meeting for two days  
9 later.

10 MR. KEHOE: What if the Board is  
11 distinctly unhappy with what happens at the  
12 November meeting and is not ready to do something  
13 in Decemeber?

14 MR. SHERIDAN: Then I will have --

15 MR. KEHOE: You will revisit this  
16 discussion at that time?

17 MR. SHERIDAN: We will revisit the  
18 discussion at that time.

19 MR. KEHOE: Okay.

20 MR. SHERIDAN: I'll have a discussion  
21 with my client about how he wants to  
22 [unintelligible] [02:45:21] forward with that.

23 MR. KEHOE: I'm not hoping that that  
24 happens.

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2 MR. SHERIDAN: Right. Right.

3 MR. KEHOE: Or anticipating that it  
4 happens.

5 MR. SHERIDAN: Right. But what we're  
6 doing is being cooperative to provide this board  
7 the time that was expressed it needed to get this  
8 resolved. We appreciate the Board's efforts on  
9 this application. We know you've been working to  
10 understand the application and to understand  
11 what's needed. We think we've provided  
12 everything. I think your consultant has shown  
13 that we've provided everything from a code  
14 standpoint, from an RF standpoint. You want  
15 additional about alternate locations, we will  
16 provide that and we're hoping --

17 MR. KESSLER: Mr. Peppe's recommendation  
18 to Verizon?

19 MR. SHERIDAN: And, the, whatever  
20 information we can provide on that. I don't know  
21 what he has done, but we will --

22 MR. KESSLER: I don't either.

23 MR. SHERIDAN: Okay. We'll get that. But  
24 to the extent we don't, again, Mr. Xavier, who is

1 October 11, 2022

2 from Homeland Towers has been working in this  
3 area for sites for a long time.

4 MR. KESSLER: I don't have his  
5 affidavit.

6 MR. SHERIDAN: He can --

7 MR. XAVIER: The next submission will  
8 have something signed by me.

9 MR. SHERIDAN: Yeah, he can provide an  
10 affidavit, because he's been working --

11 MR. XAVIER: [unintelligible] [02:46:26]  
12 working for the same company.

13 MR. SHERIDAN: Yeah, so he can provide  
14 an affidavit for you and go through the sites  
15 that have been looked at from his standpoint. And  
16 the idea is not necessarily, and we'll get you  
17 information, but it's is this the correct site.  
18 That's the decision you're trying to make. Is  
19 this the best location for this site? Does this  
20 provide coverage to the existing significant gap  
21 that I think we all agree is there, is it the  
22 best location, is there an alternative location  
23 that could provide coverage in this capacity. And  
24 that's --

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2                   MR. KESSLER:   It's an easy question to  
3           answer, once you explain all the other sites and  
4           incorporate them and --

5                   MR. SHERIDAN:   And we're going to --

6                   MR. KESSLER:   -- incorporate them and  
7           list them that you looked at --

8                   MR. SHERIDAN:   And we're going to get  
9           you.

10                  MR. KESSLER:   And as Jeff said, you  
11           know, why was it thumbs up and thumbs down.

12                  MR. SHERIDAN:   And we're going to get  
13           you that answer, but I think, again, keep in mind  
14           that this area of town is heavily residential and  
15           the fact is there's not a lot of alternatives in  
16           this area, so.

17                  MR. KESSLER:   There will be a lot of  
18           thumbs down, I would guess.

19                  MR. SHERIDAN:   Yes. Except for one.

20                  MR. KESSLER:   Except for one.

21                  MR. SHERIDAN:   So --

22                  MR. KESSLER:   And I want to see the  
23           thinking behind that.

24                  MR. SHERIDAN:   Yes, understood. So we'll

1           October 11, 2022  
2           get you something on that. We'll extend the shot  
3           clock. Again, hopefully everything goes as  
4           discussed, where the information is provided, the  
5           public hearing is closed and we get to vote, get  
6           to a vote on this at your December meeting.

7                         That's what we're looking to do, that's  
8           what we're looking for, to have this, in our  
9           minds, approved at the December meeting and we'll  
10          provide you with the information requested.

11                        MR. FOLEY:   Okay. Loretta, do I make a  
12          motion or -- first, Chris, so the 14th, he has to  
13          get, three days from now?

14                        MR. KEHOE:   Yes.

15                        MR. FOLEY:   Okay. Alright. Just so  
16          everyone understands.

17                        MR. FEIN:   Can I just make a comment? I  
18          want to correct two assertions that the gentleman  
19          made. He implied that we had some relationship  
20          with the realtors who gave their opinion. That's  
21          not true. I called up realtors who I didn't know  
22          at all, and they wrote these letters. One of them  
23          did extensive research, which I'm sure you've  
24          read. So it's not a question of they're doing us

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2 a favor or something like that. This is their  
3 professional opinion.

4 And the other thing he said is that Blue  
5 Mountain doesn't have cell service. I hike there  
6 four days a week, I test my phone at various  
7 locations. I may not get four bars, I can get two  
8 bars in most locations. Obviously, in some areas,  
9 you're shielded by a mountain, you're not going  
10 to get it. That happens anywhere, but you do get  
11 cell service in the Blue Mountain Reservation.

12 MR. KEHOE: Could you just say for the  
13 transcriptionist your name please?

14 MR. FEIN: Oh, yes, John Fein.

15 MR. FOLEY: Okay.

16 MS. TAYLOR: Please.

17 MR. FOLEY: I make a motion, Madam  
18 Chairwoman, that we adjourn this hearing to the  
19 November 1st meeting.

20 MR. KESSLER: Second.

21 MS. TAYLOR: Alright. On the question?  
22 All in favor?

23 MULTIPLE: Aye.

24 MS. TAYLOR: Opposed? Okay.

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2 MR. FOLEY: And we've got one more  
3 thing? Two more things.

4 MR. SHERIDAN: Thank you.

5 [CROSSTALK]

6 MS. TAYLOR: Are we ready?

7 MR. KEHOE: We're not, we're not done  
8 with the meeting yet.

9 MS. TAYLOR: Ma'am, ma'am, we still have  
10 additional business.

11 [CROSSTALK]

12 MR. KESSLER: Yeah, they have their own  
13 planning board and they include us if they think  
14 it impacts us.

15 [CROSSTALK]

16 UNIDENTIFIED FEMALE: Thank you, sir.

17 MR. KESSLER: Alright. Good night.  
18 Thanks for showing up. Alright.

19 MR. KEHOE: We have some items. Excuse  
20 me. We have some more items we have to get  
21 through, sorry. And just for the record, I'll use  
22 the word we. We mistakenly ended the meeting,  
23 video zoom. We'll still have the transcribed  
24 minutes and the last two cases aren't that



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2 critical, but we did mistakenly push end, out of  
3 some hope I guess.

4 MR. KESSLER: Go ahead. Let's get this  
5 out of the way.

6 MS. TAYLOR: Alrightie. The next item on  
7 our agenda, under old business, is the  
8 application, is PB 2022-8. It's the application  
9 of Assumption Cemetery for amended site  
10 development plan approval for a new seasonal  
11 chapel and other site improvements for property  
12 located at 1055 Oregon Road. The latest drawings  
13 dated July 7, 2022.

14 MR. CHRISTOPHER BORCHARDT: Good  
15 evening, my name is Chris Borchardt. I'm with  
16 CBDB Architects. With me tonight is Father  
17 Esteban. As you just said, we're here tonight to  
18 get approval for a chapel construction over at  
19 Assumption Cemetery. And --

20 MR. KESSLER: Retroactive approval.

21 MR. BORCHARDT: Yes, sir.

22 MR. KESSLER: Just for the record.

23 MR. BORCHARDT: Oh, yes, sir.

24 MS. TAYLOR: Which is it?

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2 MR. KESSLER: So next time you get a  
3 bill --

4 MS. TAYLOR: We're being recorded.

5 MR. KESSLER: -- you'll come here first?

6 MR. BORCHARDT: Yes, for what it's  
7 worth, let me introduce Father Esteban.

8 FATHER ESTEBAN SANCHEZ: I know you're  
9 tired. So just to make it quick. My name is  
10 Father Sanchez. I'm the pastor from the Church of  
11 the Assumption, also responsible for Assumption  
12 Cemetery. Yeah, you were right. We were supposed  
13 to come to you first before we had the idea to  
14 build a chapel. But during the pandemic season,  
15 one we pray is over now, a lot of people they  
16 stopped coming to church. And when they died,  
17 their family members and friends didn't take them  
18 to the church at all. So just myself, and I  
19 counted, I buried more than 307 people who got  
20 COVID in the last three years. And most of them  
21 didn't have even a mass or prayers said in  
22 funeral homes or churches.

23 So I had idea to build first like a  
24 gazebo, like a prayers location at the cemetery,

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2 because as a Catholic cemetery, we didn't not  
3 have a specific location for prayers. And yes, I  
4 was supposed to come here first. But one step led  
5 us to the next, to the next and to the next. And  
6 when we realized, it was just a gazebo and they  
7 would put some glasses, some stained glasses, and  
8 when we realized that, we got a phone call from  
9 my archdiocese saying did you ask for permission,  
10 I said, oops.

11 So that's why we're here. First and most  
12 I apologize I didn't come to you first. And  
13 second, we want to do things in the right way, so  
14 that's why Mr. Borchardt is here with us tonight,  
15 to see if you allow us to proceed with what we  
16 planned, the work that we've done, for our people  
17 to pray and say a good farewell to their loved  
18 ones. So, that's basically it.

19 MS. TAYLOR: The chapel is going to be  
20 something that would hold a number of people who  
21 come to just sit as opposed to go into a church?

22 FATHER SANCHEZ: It's, for the most,  
23 it's a prayer, it's a prayer house. It's open to  
24 the public, people can go and say a prayer. And

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2 the person, the family can decide to either go to  
3 the church for prayers before they come to the  
4 cemetery or just go straight from the funeral  
5 home to the cemetery and before we put the casket  
6 down, we can gather at the chapel, say a few  
7 prayers and from there, move to the burial site.

8 MS. TAYLOR: So this is like, it's you  
9 have seating and other things in --

10 FATHER SANCHEZ: Yeah, we got some  
11 benches.

12 MS. TAYLOR: Benches?

13 FATHER SANCHEZ: From, we have closed, I  
14 in the U.S. for 14 years now, and we have closed  
15 more than 100 churches in the last 14 years. So  
16 you can go to one of those churches and take  
17 those benches or religious images and put it into  
18 use. So we got nice benches and pews from those  
19 churches. I think we can seat around 40, 45  
20 people in that chapel.

21 MS. TAYLOR: So you have benches, you  
22 have stained glass. Do you have heating in there?

23 FATHER SANCHEZ: Pardon me?

24 MS. TAYLOR: Do you have heating?

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2 FATHER SANCHEZ: No.

3 MS. TAYLOR: No, no heating?

4 FATHER SANCHEZ: No heating.

5 MS. TAYLOR: Alright.

6 MR. BORCHARDT: Can I just -- it's  
7 basically going to be a three phased project. The  
8 first phase is as Father Esteban explained to  
9 you, was done during the pandemic, and so it's  
10 going to be a seasonal chapel. There will be no  
11 plumbing facilities, there will be electric that  
12 we're hoping to do in phase three, for some  
13 outdoor landscape lighting, it will be solar  
14 powered. There's going to be a fair amount of  
15 hopefully landscaping and mausoleums going in  
16 around the perimeter of the immediate site. But  
17 at the end of the day, the idea is it's just a  
18 spiritual space for lack of a better way of  
19 describing it.

20 MR. FOLEY: Yeah, I was up there, and  
21 also Father, I don't know you, but you mentioned  
22 during the pandemic, I was there at several  
23 funerals outdoors at a distance and saw the  
24 amount of boxes and caskets that came up from

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2 nursing homes, so I know you were faced with a  
3 lot. And I think this idea is good in what you're  
4 saying. And other cemeteries have chapels on  
5 site.

6 MS. DECKER: I make a motion to approve.

7 MR. KESSLER: Second.

8 MS. TAYLOR: On the question?

9 MR. KEHOE: Yeah, just on the record, so  
10 Chris, you're obviously working with Martin in  
11 the building department to get the necessary  
12 permits?

13 MR. BORCHARDT: Yes. Father reached out  
14 to me, basically at the end of August and said I  
15 think I'm in trouble. I've been doing a lot of  
16 work with Father in the city of Peekskill at  
17 their main facility. And so that was basically  
18 our first step, for me to record the as build  
19 existing conditions get them over to Martin,  
20 apply for a retroactive building permit and then  
21 go from there. I took that though as also an  
22 opportunity to get the other two phases of work  
23 that we're hoping to do out there recorded on  
24 paper and in front of you guys in the proper

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2 order.

3 MR. KEHOE: Right, so the planning board  
4 doesn't have too much to say from a planning  
5 perspective, they'll rely on Martin and the  
6 engineering and the in the building departments  
7 to make sure it's built correctly and hopefully  
8 you'll receive the necessary permits.

9 MR. BORCHARDT: Okay. Thank you.

10 MS. TAYLOR: Alright.

11 MR. KEHOE: You're on the question?

12 MS. TAYLOR: Yeah. All in favor?

13 MULTIPLE: Aye.

14 MS. TAYLOR: Alright. Very good.

15 FATHER SANCHEZ: Thank you. You have a  
16 good night.

17 MS. TAYLOR: Good night.

18 MR. BORCHARDT: Would this be the  
19 opportunity to mention that we're thinking about  
20 putting a cell tower up on [laughter].

21 MS. DECKER: Too soon.

22 FATHER SANCHEZ: God bless everyone.  
23 Have a good night.

24 MS. DECKER: Thank you. We needed it

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2 tonight.

3 MS. TAYLOR: Okay. We're coming down to  
4 I think the wire here. We have the last item  
5 under new business, is PB 2022-9, the application  
6 of Brookfield Resource Management, Inc. for the  
7 property of 2114 APR LLC, for the renewal of a  
8 junkyard special permit for property located on  
9 the east side of New York and Albany Post Road,  
10 500 feet north of Dutch Street, as shown on a  
11 drawing entitled Brookfield Resource Management  
12 Site Plan, prepared by Nosek Engineering, dated  
13 October 22, 2010.

14 MR. ROTHFEDER: Do you want to say Chris  
15 that --

16 MR. KEHOE: Well, yeah, this is a  
17 required three year renewal. We do not require a  
18 public hearing. Staff will confirm that the  
19 property is in good standings. You know, one of  
20 the reasons we assume it's in good standing is we  
21 haven't received any complaints as far as  
22 operations are concerned. We'll confirm that the  
23 landscaping hasn't died and we'll bring it back  
24 at the November meeting for an approving



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2 resolution. I'll keep you informed if we find  
3 some additional stuff we want to add to that  
4 resolution.

5 MR. ROTHFEDER: That was my motion.

6 MS. TAYLOR: Yeah.

7 MR. ROTHFEDER: I move we waive the  
8 public hearing and do everything Chris just  
9 suggested.

10 MR. BIANCHI: Second.

11 MS. TAYLOR: On the question? All in  
12 favor?

13 MULTIPLE: Aye.

14 MS. TAYLOR: Opposed? Okay.

15 MS. DECKER: Motion to adjourn, 9:50  
16 p.m.

17 (The public board meeting concluded at  
18 9:50 p.m.)

CERTIFICATE OF ACCURACY

I, Ryan Manaloto, certify that the foregoing transcript of the planning board meeting of the Town of Cortlandt on October 11, 2022 was prepared using the required transcription equipment and is a true and accurate record of the proceedings.

Certified By



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Date: October 26, 2022

GENEVAWORLDWIDE, INC

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