

TOWN OF CORTLANDT
PLANNING AND ZONING BOARDS

BOARD MEETING

Town Hall
1 Heady Street
Cortlandt Manor, New York 10567

July 6, 2021

7:00 p.m. - 10:55 p.m.

July 6, 2021

MEMBERS PRESENT:

Loretta Taylor, Chairperson

Thomas A. Bianchi, Vice Chairperson

Robert Foley, Member

Stephen Kessler, Member

George Kimmerling, Member

Jeffrey Rothfeder, Member

Suzanne Decker, Member

Robert Mayes, Alternate Member

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

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

8 MR. CHRIS KEHOE: Mr. Rothfeder?

9 MR. JEFFREY ROTHFEDER: Here.

10 MR. KEHOE: Mr. Kessler?

11 MR. STEPHEN KESSLER: Here.

12 MR. KEHOE: Mr. Kimmerling?

13 MR. GEORGE KIMMERLING: Here.

14 MR. KEHOE: Ms. Taylor?

15 MS. LORETTA TAYLOR: Here.

16 MR. KEHOE: Mr. Bianchi?

17 MR. THOMAS A. BIANCHI: Here.

18 MR. KEHOE: Mr. Mayes?

19 MR. ROBERT MAYES: Here.

20 MR. KEHOE: Ms. Decker?

21 MS. SUZANNE DECKER: Here.

22 MS. TAYLOR: For tonight's session --
23 Robert Mayes, our alternate will be sitting in
24 for Bob Foley, all right. There are no changes to

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2 the agenda tonight, so I will take a motion for
3 the adoption of the minutes of March 2nd, April
4 6, April 22nd, which was a special meeting and
5 May 4th.

6 MR. KESSLER: So moved.

7 MS. TAYLOR: Thank you.

8 MR. MAYES: Second.

9 MS. TAYLOR: On the question?

10 MR. KEHOE: I spoke to Mr. Foley today,
11 he has some corrections to the March 2nd minutes,
12 which we'll take care of.

13 MS. TAYLOR: Okay. So there are
14 corrections to the March 2nd?

15 MR. KEHOE: Yeah, just a mistake where
16 words attributed to him were attributed to Mr.
17 Bianchi by mistake.

18 MS. TAYLOR: Alright, very good. Okay.
19 I'm sure Bob will get them to you soon. All
20 rightie, so we have to announce.

21 MR. BIANCHI: Madam Chair, we're on the
22 question.

23 MR. MICHAEL PREZIOSI: We need a vote on
24 the minutes.

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2 MS. TAYLOR: You can't hear me? On the
3 question?

4 MR. BIANCHI: It's hard to hear you.

5 MS. TAYLOR: Excuse me, I'm getting
6 ahead of myself. All in favor?

7 MULTIPLE: Aye.

8 MS. TAYLOR: Opposed? Very good.
9 Tonight, we have to inform you of certain things
10 about seating for COVID in this room, and our
11 attorney will, Michael Cunningham, right, you
12 want to do that now?

13 MR. MICHAEL CUNNINGHAM: Yes.

14 MS. TAYLOR: Thank you.

15 MR. CUNNINGHAM: So based on the most
16 recent state guidance, if you're vaccinated, you
17 don't have to wear a mask, but if you're not, we
18 have masks located outside and we ask that you
19 put one on.

20 MS. TAYLOR: Did everybody get that?
21 Okay. Alright. We have a very heavy agenda
22 tonight, and so I'm going to ask for your
23 cooperation in terms of your comments and
24 presentations, because beyond the three public

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2 hearings, we have quite a few other applications
3 that will require a good bit of time to clear.
4 So, I once again ask you, please to not, if you
5 can avoid it, not repeat things that other people
6 have already said and we can move through these
7 public hearings a little more quickly than
8 ordinarily. Alright, I appreciate that.

9 Tonight's first -- I guess I should say
10 too that because we decided, the Board decided
11 that it wasn't really -- it's not our intent, let
12 me put it another way, to close any of the public
13 hearings tonight, so if in fact you have
14 something you want to say, you can be assured
15 that you will have at least one more opportunity
16 to make your comments heard and your feelings
17 known, okay.

18 So the first public hearing, which is an
19 adjourned public hearing is for PB 6-15, the
20 application of Hudson Ridge Wellness Center for
21 site development plan approval and a special
22 permit for a hospital to be located at the former
23 Hudson Institute property to provide a New York
24 State Office of Addiction Services and Support,

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2 which is called OASAS, certified 92-bed facility
3 to treat individuals with chemical dependency
4 issues, located at 2016 Quaker Ridge. The latest
5 revised drawings are dated March 20, 2019. Mr.
6 Davis?

7 MR. ROBERT DAVIS: Good evening.

8 MS. TAYLOR: Good evening.

9 MR. DAVIS: It's nice to be back in
10 person, live and in person for better or worse.
11 I'll be brief, which is even better. As the Board
12 knows within the last few months, you've
13 conducted four rather lengthy public hearing
14 sessions on this matter and made a site visit and
15 that's just a small aspect of the six review
16 process, which has been forthcoming for this
17 application. So tonight, we would just
18 respectfully request the Board to close the
19 public hearing, at least with respect to oral
20 presentations and as we've discussed previously,
21 to afford the applicant some 30 days to respond
22 to all of the public comment we've heard in
23 writing, and thereafter, to render your negative
24 declaration under SEQRA, hopefully at your next

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2 meeting, which is August 31st. That's really all
3 that we have to say tonight. We'll reserve
4 comment on anything that may come up, but that
5 would conclude our remarks for tonight.

6 MS. TAYLOR: Thank you.

7 MR. KESSLER: Just one question, up
8 until this point, have you been compiling your
9 responses to all the comments that have been made
10 at previous public hearings?

11 MR. DAVIS: No, because -- no, because
12 as we noted at the prior meetings, we want to do
13 that all at once, you know, for efficiency of the
14 Board to have one document, because many of the
15 comments relate to each other, or are somewhat
16 repetitive in some instances, so we're going to
17 have, just as we gave you a four volume set that
18 consolidated all of our comments back in March of
19 2019 I think it was, we're going to give you one
20 volume with all of the comments and all of our
21 responses, so that you'll have it all together
22 and it won't be piecemeal.

23 MR. KESSLER: Well, I would expect it
24 all together, I'm just -- so you haven't put pen

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2 to paper yet is what you're saying?

3 MR. DAVIS: No, I'm not saying that at
4 all. I'm saying we, we, we have obviously
5 commenced to some degree, but we've been waiting
6 to see how the process plays out because as you
7 know, for example, at the May meeting, we had a
8 glitch in the proceedings, and we didn't know
9 which way that was going. So it's a fair amount
10 of expense and time to respond to these comments
11 as in the past, but from the outset, we've
12 requested, as I think as a reasonable timeframe
13 30 days to respond and get you're a final
14 product.

15 MS. TAYLOR: Are there any comments from
16 the Board, any questions?

17 MR. BIANCHI: Well, I have a
18 clarification I'd just like to hear. What's the
19 involvement of Cuddy & Feder on your farm in this
20 application? There seems to be communication from
21 both organizations to us and I'm just not clear
22 as to why that is.

23 MR. DAVIS: Well, Cuddy & Feder was, is
24 essentially in a co-counsel type of relationship

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2 and they were primarily retained by the applicant
3 after the activities at the last meeting. They're
4 basically the experts on the federal law aspects
5 of the application, but they won't be appearing
6 before your board. They're dealing with MR. Wood
7 on some things related to the matter, but I'll
8 continue to be zoning counsel before your board
9 and the Zoning Board.

10 MR. BIANCHI: Okay. I think we received
11 a letter today from Cutty & Feder regarding their
12 strong opposition to closing the public hearing.
13 It was pretty strongly worded.

14 MR. KEHOE: To adjourn the public
15 hearing.

16 MR. BIANCHI: Excuse me?

17 MR. KEHOE: To not closing the public
18 hearing.

19 MR. BIANCHI: To not close, I'm sorry,
20 to not close the public hearing. It was pretty
21 strongly worded, almost as a threat. And I just
22 want to voice my concern with --

23 MR. DAVIS: I've not --

24 MR. BIANCHI: -- that kind of language

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2 kind of direct us as to what to do.

3 MR. DAVIS: I have not seen the letter
4 that was written today, but what I, what I'm
5 asking of you is to follow a process similar to
6 that which we've discussed at the prior meetings,
7 is to afford us, in essence you keep the public
8 hearing open for written comments. We've asked
9 for 30 days to respond to the public comment. I
10 know the neighbors have asked for an opportunity
11 to respond to that, and I think that is
12 consistent with the SEQRA process by analogy to
13 environmental impact statements that the
14 applicant have the opportunity to have the last
15 word, as is always the case in these types of
16 proceedings, and then that would conclude -- in
17 effect, that would conclude the hearing in terms
18 of written comments. That's why I couched my
19 request in terms of oral presentation.

20 MR. BIANCHI: Okay. I just want to go on
21 the record as saying that I disagree with the
22 wording in that statement --

23 MR. DAVIS: I'm sorry, Mr. --

24 MR. BIANCHI: -- the wording of the

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2 statement and the language that was used to, and
3 I use the word advise, but it's more than advise,
4 the Board as to what they should do.

5 MR. DAVIS: Comment noted, thank you.

6 MR. KIMMERLING: Just on the topic of
7 that firm, we also have received, Mr. Mayor can
8 discuss this letter, since it's in the file, a
9 letter from that attorney about conditions that
10 might be acceptable.

11 MR. DAVIS: Yeah, as, as --

12 MR. KIMMERLING: And so, is the
13 applicant willing that these conditions actually
14 be written to a resolution? Like it's not clear
15 what these --

16 MR. DAVIS: Well, absolutely. As you --

17 MR. KIMMERLING: -- what weight these
18 have.

19 MR. DAVIS: I was, to respond to your
20 question, Mr. Kimmerling, as you may recall, we
21 had previously, not quite in the detail of that
22 letter, but we had submitted to a list of I think
23 it was 57 conditions. Most of them are consistent
24 with what's in that letter. That letter went into

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2 a bit more detail, for example, the configuration
3 of the patient accommodations and that type of
4 thing, but yes, we're entirely willing to adhere
5 both to our set of conditions we've previously
6 given and then has elaborated on in that
7 particular letter.

8 MR. KIMMERLING: Okay. Great, thank you.

9 MS. TAYLOR: Any others? You're good?
10 You good? Yes? Alright, so we're going to move
11 forward with the public hearing at this point,
12 and this the public hearing as I had already
13 said, did you -- this is the public hearing for a
14 wellness center, the Hudson Ridge Wellness
15 Center, and the applicant has already gotten up,
16 or the applicant's gotten up and made his
17 presentation.

18 Now what I will ask you all to do is to
19 make, as I said before, make your presentations
20 as brief as possible and please do not expect an
21 answer tonight to the questions that you have.
22 They are coming up, they will be responded to as
23 you've already heard Mr. Davis say, that they
24 will compile responses in a particular volume and

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2 he will answer those questions for you. Please
3 avoid repeating things that have already been
4 said and please, most of all, avoid what we call
5 heated exchanges, okay. Let's assume that
6 everybody is in this for the right reason, and
7 we're not going to be accusatory when we're
8 dealing with each other today.

9 Oh, one other thing. We have scheduled
10 this hearing to end at 8:15 or earlier, depending
11 on the comments here, so please also keep that in
12 mind. I think I've covered it all. Anything else,
13 anybody? Okay. Alright. So, please come up if you
14 want to make a comment, either for or against the
15 application, come up and state your name and
16 where you live and make your comments.

17 MR. BRAD SCHWARTZ: Good evening, Madam
18 Chair, members of the Board, staff. For the
19 record, Brad Schwartz from Zarin & Steinmetz
20 representing CRHISD. So I'm going to start with
21 procedurally, you received our letter of June
22 25th. We're well aware that the applicant is
23 planning on submitting written responses to all
24 the comments that have been made to date, and

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2 what we have requested is an opportunity to
3 respond obviously in writing to all of those
4 responses, as well as to appear live and in
5 person, before your board at a future meeting,
6 whether it's August or sometime thereafter, to
7 address our comments on the responses orally in
8 person.

9 We suspect that the applicant is going
10 to submit another voluminous document responding
11 to all the comments to date. We will likewise
12 submit in writing, but we think it's really
13 important to have an opportunity standing right
14 here at the podium to explain to your board in
15 person some of the high level, the most pertinent
16 responses that we have in response again to the
17 applicant's responses. And it's interesting that
18 the applicant's counsel has kind of analogized
19 this to an EIS process, which we have advocated
20 for but in an EIS process, there would be an FEIS
21 with his public hearing and the public can
22 comment on those responses.

23 So that was the request we made in our
24 letter. It's consistent with every prior

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2 application your board has conducted over the
3 years. Just to remind you where we are
4 procedurally in this application, yes, your board
5 has conducted several public hearing sessions,
6 but as the applicant just acknowledged, there
7 have been no responses to date. They've been
8 waiting until the end to compile all the
9 responses in one document. And we submit that it
10 would be fair and reasonable to allow the public
11 to come and address those comments again in
12 writing and before your board. So whether it's
13 tonight, or after tonight, staff could advise us
14 on whatever schedule the board agrees upon, but
15 that is our request to be able to come in person
16 to address your board, again with respect to our
17 responses to the applicant's responses. That's
18 kind of how the process has always worked before
19 your board, and we ask that your board follow
20 that same process with respect to this
21 application.

22 MS. TAYLOR: Very good.

23 MR. SCHWARTZ: Okay.

24 MS. TAYLOR: Okay.

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2 MR. SCHWARTZ: Look, a couple other
3 points, OASAS, there was a comment raised at the
4 last meeting, Mr. Kessler, I believe you had
5 asked the applicant for information from the
6 applicant for each piece of correspondence
7 relating to this application. That request came
8 up because the applicant's consultant, Mr.
9 Baldwin, had made a series of comments is well
10 aware of this application, is aware of the local
11 residents concerns and has advised the applicant
12 to sort of stay away and not begin the OASAS
13 application process until all the local issues
14 had been resolved.

15 The best that we know, and we've
16 conferred with the town, the applicant has not
17 complied with that request. There's been nothing
18 submitted, two months now have gone by. There's
19 nothing showing what the communications have been
20 with OASAS, the state agency regulating this
21 project.

22 The reason why that's important to us
23 and why we want to see it, and presumably why the
24 Board has asked for it, it contradicts the

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2 information that we have from OASAS about what it
3 knows about the project. We had submitted a FOIA
4 request to OASAS earlier this year, and what we
5 got back, a series of letters, the most recent of
6 which, August 23, 2019.

7 That letter says, to date, again, as of
8 August of 2019, and it was attached to our
9 submission letter, OASAS has not seen any
10 proposal from Hudson Ridge. So 2019, OASAS
11 hasn't seen a thing and in response to our FOIA
12 request, this was the most recent correspondence
13 that we got back. So taking this on its face, and
14 perhaps there's other communications that we
15 didn't get back in response to our FOIA request
16 for whatever reason, but all we have is this
17 letter.

18 Again, Hudson Ridge hasn't seen -- I'm
19 sorry, OASAS has not seen any proposal from
20 Hudson Ridge. So how Mr. Baldwin can make the
21 representation that OASAS knows all about the
22 local issues, much less that OASAS has directed
23 the applicant to not begin any conversations
24 until all the local issues have been resolved.

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2 None of that is set forth in this letter. We'd
3 like to see that information, the Board requested
4 that information. It hasn't been provided to
5 date, and we'd like the Board to require the
6 applicant to make that submission.

7 Mr. Bianchi, or Mr. Kimmerling, you also
8 mentioned the Cuddy & Feder letter of June 28,
9 2021. We did not see the letter that was
10 submitted today, apparently making some threats,
11 and would certainly like a copy of that letter,
12 but with respect to the June 28th letter, suffice
13 to say, this letter and all these conditions that
14 the applicant wants to voluntarily say okay does
15 not even begin to seriously address the
16 residents' concerns.

17 Yes, they may touch upon some of the
18 issues peripherally that we've talked about over
19 these last few months. But one of the key issues,
20 as your board knows, is that we have requested
21 floor plans for the project, to prove how 92 beds
22 are going to work. We have asked for that because
23 the number of beds will dictate the impacts of
24 the project. If there are fewer beds, different

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2 impacts, right. Fewer beds, the project will be
3 planned and operated differently. Your board, the
4 public, part of your SEQR and site plan process
5 is to evaluate the real impacts from the project.
6 So we have asked for those floor plans. We're not
7 trying to be pain in the neck, right. We think
8 that they are genuinely needed to fully study and
9 address the impacts of this project and your
10 special permit requirements mention over and over
11 again, that your board's obligation is to study
12 the impacts from the quote, intensity of
13 operation and character of a proposed use,
14 Section 307-42A. How can the Board and the public
15 study the impacts and understand the impacts from
16 the intensity of operation if we don't have all
17 the plans that depicts the project. These
18 conditions, this list of conditions, the three
19 pages, mentions nothing about providing the floor
20 plan.

21 MR. ROTHFEDER: Is there a number that
22 you would be satisfied with, in terms of
23 patients?

24 MR. SCHWARTZ: So we're not the

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2 applicant.

3 MR. ROTHFEDER: No, I'm just asking you,
4 because you keep bringing it up as, as you just
5 said now, there could be different impacts on the
6 community, depending on the number of patients,
7 right. So you must be looking what -- I mean
8 you're all about the impacts to the community, so
9 you must have some idea about what number would
10 be more satisfactory to you, right?

11 MR. SCHWARTZ: So we don't have a fixed
12 number, Mr. Rothfeder, certainly less than 92.
13 But more important, if the applicant wants to
14 study a sensitivity analysis to show what works,
15 right, 92 beds -- it's not even so much the
16 impacts I'm talking about right now, 92 beds
17 architecturally, right, we have submitted
18 information that 92 beds cannot be retrofitted in
19 these buildings. So we can't even begin to really
20 assess --

21 MR. KESSLER: But isn't that OASAS'
22 issue and not ours?

23 MR. SCHWARTZ: Which is why we've asked
24 for there to be some initial consultation with

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2 OASAS.

3 MR. KESSLER: I understand that.

4 MR. SCHWARTZ: Which is what our
5 consultant has advised us normally takes place.

6 MR. KESSLER: But, but Brad, you know,
7 we're here evaluating 92 beds. If it's less, I
8 agree, less impact. But that's what we're
9 evaluating, 92 beds. OASAS can come back and say
10 it's 47 beds or whatever number. But what we're
11 doing right now is 92. That's the ceiling. That's
12 what we're evaluating all the impacts based upon,
13 with no new buildings, right.

14 MR. SCHWARTZ: Right.

15 MR. KESSLER: That's what we're looking
16 at.

17 MR. SCHWARTZ: And if OASAS comes back,
18 and says fewer beds --

19 MR. KESSLER: Okay.

20 MR. SCHWARTZ: The impact analysis that
21 your board has conducted is kind of for naught,
22 because it's not as simple as to say fewer beds
23 equals fewer impacts or the same impacts. Fewer
24 beds can mean different impacts. So there's fewer

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2 beds, then they can design a different facility
3 and then you don't know what the real impacts
4 are.

5 MR. KESSLER: But you were just
6 indicating that fewer beds would be lesser
7 impacts.

8 MR. SCHWARTZ: We don't know.

9 MR. KESSLER: You've said that before.

10 MR. SCHWARTZ: When did I say that?

11 MR. KESSLER: When you were saying --

12 MR. ROTHFEDER: Yeah, you --

13 MR. SCHWARTZ: Well, we -- 92, they
14 haven't proven out the number of beds.

15 MR. KESSLER: But not for us to decide
16 though.

17 MR. SCHWARTZ: OASAS ultimately approves
18 the bed count, but your board's tasks would study
19 the impacts from the project. What we have
20 submitted is how can the Board study the impacts
21 without knowing the number of beds?

22 MR. KESSLER: We're studying it based
23 upon 92. That's what we're doing.

24 MR. SCHWARTZ: And you have information

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2 before your board that we submit -- they haven't
3 submitted any floor plans. We have an architect
4 submit evidence to your board that demonstrates
5 that 92 beds doesn't work. So you're studying a
6 project that's not feasible. The applicant is
7 asking the Board to study a project that's not
8 feasible.

9 MR. ROTHFEDER: But OASAS will make that
10 determination. They'll come back and say well
11 it's not feasible or it is feasible. It's for
12 them to make that determination. I just feel like
13 you're coming at this in two different
14 directions. One is the impact to the community of
15 the number of people that are going to be there
16 and the number of cars that will be there and
17 that sort of thing, which will depend on the
18 number of people. And then you turn around and
19 talk about the architectural issues inside, which
20 totally seems to me to be irrelevant to this
21 issue right now. So and again, if OASAS came back
22 and supported your position and said well, it's
23 only 46 that you can only have, would that
24 satisfy you? Well, I'd like him to answer the

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2 question.

3 MS. KAREN WELLS: I'm actually going to
4 help answer the question.

5 MR. ROTHFEDER: Okay.

6 MS. WELLS: Hi, I'm Karen Wells, 28
7 Applebee Farm Road. I have been working with Brad
8 as part of the CRHISD group. So I will like to
9 try to address the questions that are out there.
10 I'll take off my little square mask so we can all
11 hear me a little bit better too.

12 First, our information is that OASAS'
13 job is to determine the minimum criteria for
14 square footage and other things at a facility.
15 What the applicant has put forth however, is a
16 luxury facility, based on certain aspects, luxury
17 aspects. So, yes, OASAS could say you could fit
18 92 people in there, but it would no longer be the
19 luxury facility, the type of facility that they
20 have put forth with their comparisons. Let me
21 finish please. With their comparisons, etc.

22 And to get to your question, we, as a
23 community, are very, very open to having a
24 discussion about a number of beds that is

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2 acceptable. We have simple asked that we do this
3 on an evidence-based analysis. That's it. Do I
4 know based on the infrastructure of these
5 buildings exactly how many will fit? No. Because
6 we have not been allowed in the buildings, we
7 have not been given detailed floor plans of the
8 buildings. We have no idea even what their
9 kitchen requirements are and I'll get to that in
10 my presentation.

11 So we are not opposed to a certain
12 number of beds. Can I tell you what that number
13 is definitively? Absolutely not, because we
14 simply do not have the information and that is
15 all we are asking for, is the information to have
16 a good and honest discussion about what does
17 work.

18 MR. KESSLER: But whatever number OASAS
19 comes back with, it may not, you're saying it may
20 not be acceptable to you?

21 MS. WELLS: No, I'm not saying that.
22 What am I am saying is the number OASAS comes
23 back with as a minimum square footage per patient
24 requirement is not the same facility as they are

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2 proposing in their plan. It's just simply not.

3 MR. KESSLER: Okay. Why do I care if
4 it's luxury or not here? Suppose somebody wants
5 to build a hotel in the town and they say it's
6 going to be a five-star hotel and it turns out to
7 a one-star and we approve it, it turns out to be
8 a one-star hotel. Do I care? Should I care?
9 [laughter]

10 MS. WELLS: Very much, community.

11 MR. KESSLER: No, wait, hold on, wait,
12 wait, before you jump on me, we're approving a
13 hotel. That's what we're approving. I'm not
14 approving satin sheets.

15 MS. WELLS: Okay. Before we start
16 yelling back and forth, we would like -- Brad is
17 going to share a reason why you care, and I
18 applaud him for doing this because a very
19 personal story and I'm sure difficult.

20 MS. TAYLOR: Excuse me one second. We
21 gave you a time for this, no?

22 MR. SCHWARTZ: I'll wrap up in three
23 minutes, I promise.

24 MS. TAYLOR: Alright.

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2 MR. SCHWARTZ: So, yes, you're not
3 approving whether they're forte sheets or some
4 other brand. Recently, someone I know was in a
5 facility and it was a high end facility, but this
6 person was in on insurance. And because it was
7 insurance and not paying the top dollar, it was
8 not a 30-day stay or longer, it was a seven-day
9 stay. They couldn't wait to get this person out
10 of the facility because they were on insurance.

11 So, that person got dropped off and
12 picked up within a six or seven-day period, not a
13 30-period or longer. So depending upon how many
14 persons there are, that could affect trip count,
15 for example. So it's one example of why a luxury
16 facility, it's not because of, again the brand of
17 the sheets and stuff like that. The impacts could
18 be different because the operation is different.

19 MS. TAYLOR: Brad, we can only judge or
20 make a decision about what the applicant has put
21 before us. We can't go any further than that,
22 alright. So you have, you and Chris have your
23 feelings and your opinions about what is maybe
24 luxury or not luxury. But the bottom line is we

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2 can only judge the application and you know this,
3 in terms of what is before us, not anything else.
4 So we may or may not approve this, but in the
5 final analysis, it's the authority, the licensing
6 authority that will say yes this is a go or no
7 it's no, no matter what we do, we can't license
8 this facility. We can only judge what we see in
9 front of us.

10 MR. SCHWARTZ: I hear you. All I would
11 ask the board to do, go back look at the special
12 permit requirements, look at the requirement of
13 studying the operations of a project and just
14 keep that in mind when you consider this request
15 and I'll move on for now. But please go back and
16 look at the special permit requirements. But this
17 conversation started right, because of this
18 letter and as you just said, Madam Chair, we may
19 approve, you may approve, you may not approve, it
20 feels awfully premature and presumptuous frankly
21 to be talking about conditions of an approval
22 when we have no idea when the Board is going to
23 shake out on this, right. The Board has been
24 incredibly patient sitting and listening to all

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2 these public comments for several months. At some
3 point soon hopefully, we'll hear some of the
4 feedback from the Board as to where your thoughts
5 are on the application, but to be talking about
6 conditions for the applicant to put in three
7 pages of conditions again is premature and
8 presumptuous.

9 And the last thing I'll mention very
10 briefly, we received a copy of the memo that the
11 Zoning Board sent to your board. We were pleased
12 to see it. It's been asking, frankly a lot of the
13 same questions that we've been asking. We know
14 that your board knows you need to address
15 community character master plan and all that kind
16 of thing. One point I want to just highlight. The
17 Zoning Board sited the exact pages from the SEQOR
18 handbook that we have been citing to the town
19 about how you can study community character,
20 because that's an impact that's been discussed
21 over and over again, because we have a historic
22 designation of Quaker Ridge Road, we have a
23 facility that's being located on a local road
24 when the legislation in the town code

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2 specifically requires on a state road. You know
3 all that. But I went back to the SEQR handbook,
4 because we had presented to your board months ago
5 and I think it's worth repeating tonight, some of
6 the excerpts.

7 Community character relates to how
8 people function within and perceive their
9 community. It's difficult to define community
10 character by quantitative measures. A key way of
11 studying community character is to rely on a
12 municipalities comp plan and zoning. And we have
13 presented to the Board over and over, this
14 application does not meet zoning, it does not
15 meet the state road requirement. We can talk
16 about operations, we can talk about generators
17 and lighting and everything else. To us, to me,
18 this application doesn't get past that zoning
19 requirement.

20 The town has legislated, the master plan
21 provides on a state road, I'd be very curious to
22 see how the applicant responds to all the
23 community character impacts, but to us, we just
24 don't see a way around that state road funded

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2 requirement. The town has declared these kinds of
3 facilities don't belong on local roads in
4 residential districts. Frankly, that should be
5 enough for the Board to deny the application.
6 Thank you.

7 MS. TAYLOR: Okay.

8 MS. WELLS: Karen Wells, 28 Applebee
9 Farm Road, I figured since I was sitting right
10 there, I might as well go next. Thank you, you
11 can actually go on to the next slide.

12 So I'm actually going to cover some of
13 your questions that you were just asking. Part of
14 the issue around the number of beds is because we
15 keep coming back to the statement from some folks
16 that fewer impacts. We do not agree with that
17 statement. We believe fewer beds means different
18 impacts. What they are, we don't know, because we
19 don't have the information. So for example, if
20 you are a business and you are then restricted to
21 fewer beds and you need to stay operational, it
22 would be a rational thing to do to ask to have
23 outpatients, but again, is that appropriate in a
24 resident neighborhood, especially one with no

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2 public transportation? And again, that would be a
3 different impact.

4 The other concern is too, there's a big
5 drive right now, and I think a positive drive to
6 deliver addiction services through technology.
7 Are we going to have a tech company next to us?
8 We don't know. But again, if the company is
9 depending on 92 beds and it cannot be done, if a
10 company wants to stay in business, it will come
11 back or find a way to have a different model.

12 And our other concern, and I think this
13 is a very serious concern is we are afraid that
14 this is a proposal that the applicant knows
15 realistically cannot be done, or why else not
16 share the information? Why not? And if they know
17 it can't be done, our concern is that the
18 applicant who, to our best knowledge, has no
19 experience running these types of facility, will
20 then sell the facility to an operator who will be
21 asking to expand the facility.

22 And I will tell you, it's a good cause.
23 And the experience we have had in our community
24 is if it is a good cause, sometimes people get

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2 what they want, even if they knew it was what
3 they needed all along.

4 The other component that worries us is
5 that this facility may not be what Cortlandt
6 needs. So that's why I have been part of a group,
7 in early discussions, to form a committee to
8 understand what our community needs. Because as I
9 explained at the last meeting, I, and several
10 other people have been involved in this process
11 have personal experience with the sadness of
12 dealing with people who need treatment and
13 knowing you want to get them the right treatment.

14 So again, this is not about being
15 against a facility. It's not even against being
16 against a different type of facility. It's
17 wanting to know realistically what we're looking
18 at. From an operational point of view, if you go
19 to the next slide actually, one of the things
20 that came up at our last meeting was the question
21 that was asked, should the patients be able to
22 know when the neighbors are going to turn their
23 lights on. And the question came up because we
24 were asking for information about the daily plan

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2 for patient movements, where are patients going
3 to be staying, where are they going to be moving,
4 what hours, where are they going to be
5 exercising, where is the kitchen going to be,
6 things like this. And we're not getting answers.
7 Those have real operational impact.

8 And when the question was asked should
9 the patients be able to know when the neighbors
10 are doing these things. And the simple answer is
11 it is a residential zone, and the neighbors are
12 restricted from commercial activity. Their
13 activities are by code limited to residential
14 activities. There is code that talks about having
15 lights on 24 hours a day that disturb the
16 neighbors. There are codes that dictate volumes
17 of things.

18 And our concern again is just wanting to
19 know the information. In fact, it was, when the
20 comment was made earlier how long these meetings
21 have taken, I think in some respect, we would
22 have moved faster if we had had just good
23 information to start with. So I think the sooner
24 we do get good information, the better off we all

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2 will be.

3 Now the, I'm not going to get into my
4 comments about the special permit and what it
5 requires from the operational overview, Brad
6 talked about this.

7 But if we go to the next slide, another
8 follow up from the last meeting, when I raised
9 the question about why the neighbors were being
10 criticized about their landscaping choices, and
11 the requirement, which I have never ever seen in
12 this town, a requirement that an adjoining
13 property owner to a commercial facility should be
14 required to provide the screen for a commercial
15 activity, never has that happened. Now, what
16 we're seeing here, if you look along that slide.

17 MR. KIMMERLING: Could I just ask a
18 quick question.

19 MS. WELLS: Sure.

20 MR. KIMMERLING: Did anyone, I don't
21 think we ever required that or suggested they
22 should do that.

23 MS. WELLS: No, you did not.

24 MR. KIMMERLING: Oh, okay, alright.

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2 MS. WELLS: No, it was not the Board.

3 MR. KIMMERLING: Good. I just wanted to
4 be sure.

5 MS. WELLS: No, I'm glad you asked the
6 question for clarification, it was not the Board
7 that criticized the Board for their landscaping
8 choice or --

9 MR. KIMMERLING: I mean we can't
10 remember everything we said, but, you know, I'm
11 pretty sure we didn't say that.

12 MS. WELL: Good point. But the other
13 critical thing here is that if you look at that
14 map, you will see in the first several homes, it
15 is physically impossible to screen those
16 buildings from their neighbors because of how
17 close they are to the property lines. And if you
18 go to the house where Jill and Joel Greenstein
19 live, it's hard to see on this map, but when you
20 look at the map closely which I encourage you to
21 do, they actually use the trees that Jill and
22 Joel planted themselves as part of their
23 screening.

24 So again, we need information about how

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2 these buildings are going to be used, because
3 lights and other things in those buildings is
4 going to be disruptive to those neighbors and in
5 some situations, it is impossible to prevent the
6 intrusion.

7 Now, if we go to the next slide, I want
8 to follow up on the ambulance calls that we
9 talked about at the last meeting. There's some
10 questions about well, what actually is typical in
11 our community, because I had mentioned that
12 Silver Hills, they have 100 beds and had 400
13 emergency calls last -- I forget what year it
14 was, it wasn't last year, I think it was 2019.

15 I can get back to the Board to confirm
16 that date. So we went to the Croton information,
17 these were the most recent years we could find,
18 and I did place some calls but have not gotten,
19 they have not been able to get back to me yet for
20 us to connect. The Croton-Harmon volunteer
21 ambulance, this is for the area, the mount area
22 in Quaker Ridge area that is covered. This is not
23 for all of the community. This is a special
24 district, that we pay the taxes to have these

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2 services. And so when you look at it, the numbers
3 we're talking about here are significantly lower
4 for our district itself. Now the, sorry, we have
5 to go to my other numbers, the concern we have is
6 even if we're talking about a 25 percent level,
7 say 50 calls, that is still an enormous increase
8 to what we have seen in the past. So I'm trying
9 to find my notes here. Yes, the service we're
10 seeing in our area is just tiny compared to what
11 a facility like Silver Hill is seeing. We're
12 seeing 16 to -- I'm looking up there now, I
13 realize I didn't include some numbers, so I will
14 have to follow back up with the committee. Our
15 apologies, these were done for our 4/22 meeting
16 or our meeting right after this and somehow my
17 data got missing there.

18 But our concern is we're talking about
19 intensive new ambulance calls to our area and
20 that is something that they have not even
21 addressed at this point.

22 When we go to the conclusions, there are
23 a couple of things, one piece of information that
24 is relatively new. I know people have come here

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2 and raised the concern about pricing, housing
3 pricing. It's not in my slide because this is a
4 story that just came to my attention. There has
5 been a lot of pushback that commercial activities
6 and commercial infrastructure in residential
7 neighborhoods does not have a price impact.

8 I can tell you from this family's story
9 that this is not true. The cell tower, which was
10 recently approved by the town and put in our
11 residential neighborhood, significantly lowered
12 the price. The buyer actually said in their last
13 price request reduction that we are asking for
14 this reduction specifically because of this
15 commercial infrastructure. When you put
16 commercial infrastructure in a residential
17 neighborhood, it has an impact, especially when
18 that commercial infrastructure can be seen by
19 those houses closest along those property lines.

20 So, I know we're not talking
21 specifically about a cell tower here, but we have
22 seen it in other situations where, and this
23 family the report would not even look at their
24 house because of the commercial infrastructure.

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2 And there was also concern because of the
3 potential commercial development in the
4 community.

5 When we get to the other issues, the
6 floor plan, and the daily operation details, this
7 is information that we do need. And again, we're
8 not asking for this information to be difficult.
9 We are asking for this information so we can all
10 have an informed discussion, so we can speed up
11 this process in fact.

12 The other impacts that we haven't even
13 touched on is the outfitting of the existing
14 buildings. How are they going to outfit those
15 buildings. There has to be an enormous amount of
16 construction to take a building that is by all
17 accounts been abandoned for decades. And the
18 construction of the driveways, the patios, the
19 walkways, again, these are things we haven't even
20 touched on and they will have an impact on our
21 community. And the enforcement, the enforcement
22 will have an impact on our community. We're on
23 the very outskirts of this town. Code enforcement
24 is not a big department. They work very hard and

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2 they're stretched a bit thin. It would be very
3 difficult for them to be at the far end of
4 Cortlandt to monitor this project, which
5 essentially requires us as community members, to
6 become a policing agency. I do not want to be
7 someone who has to police my neighbors. I want to
8 be someone who helps my neighbors, who has other
9 residents there.

10 The final thing I'd come back to is
11 because this was one of the other comments at the
12 last meeting. The kitchen and food service. At
13 the last meeting when I said 300 meals, someone
14 said no, 100 meals. If you have 100 or so
15 patients, I'm guessing they want to eat at least
16 three times a day. So we're talking about a
17 commercial restaurant in a residential area.
18 Again, that is an enormous impact on our
19 community. I thank you for your time. I will
20 follow up with the ambulance details for our
21 specific district, I apologize they weren't
22 there, but again, the more information we have,
23 the faster this process can move forward. And I
24 want to assure you the community is open to

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2 having a discussion with clear information on how
3 we can all work together, so all we need is a
4 little cooperation from this board to get that
5 information. Thank you very much.

6 MS. TAYLOR: Is there anyone else who
7 has a comment to make? Okay.

8 MS. CYNTHIA MANOCHERIAN: Hi, Cynthia
9 Manocherian, 100 Glendale Road, right around the
10 corner from this project. As Karen Wells stated,
11 this community knows what it is to be impacted by
12 a large commercial development. We've all tried
13 to work with what's going on at the Sunshine
14 Home, construction continues. There is very
15 little oversight from all the way in Chappaqua.
16 Several of their permits expired in the last few
17 months and they requested extensions after the
18 fact. I noticed they had expired with no requests
19 in a timely manner, which is 60 days to 90 days
20 in advance, depending which permit they need.

21 It was all done in a matter of three
22 minutes on Zoom with an, oh no problem, move on.
23 But no one had bothered to go to the site to do
24 strong oversight over what deliverables they had

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2 brought to the town by the time they needed an
3 extension and what they still had to get done
4 based on having promised to be complete by this
5 time.

6 I want to add a piece to what Karen had
7 to say about EMS. For me, with the Sunshine Home,
8 it blew my mind that they were trying to expand a
9 facility on steep slopes in the woods on a well
10 system that, depending on when you take water
11 samples, is contaminated and with a need for such
12 intermunicipal support if they wound up with a
13 fire, for instance, or even worse, an Indian
14 Point problem. And I understand that Indian Point
15 Nuclear Plant is shut down, but the problem is
16 not gone, as we know, and won't be gone.

17 So, I asked for their emergency
18 evacuation plan, which is required to be
19 available to the public. I've never seen one, but
20 the lawyer for Sunshine Homes said, oh, we're
21 going to evacuate, because they have no proper
22 basement and they had no plan to do proper
23 ventilation in a basement and have the correct
24 amount of oxygen tanks and so forth for these

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2 kids, medications, etc., for minimally three
3 days. That's what it takes to shelter on site. So
4 they were like we're going to evacuate.

5 But how do you evacuate? Who's coming to
6 get you? So I ask you, it's very nice of the
7 attorneys for this project to offer up all sorts
8 of negotiations in the letter that was sent by
9 their attorneys, including that the staff will be
10 picked up at a commuting site where they leave
11 their car. But in an emergency, staff doesn't
12 have any means of evacuation and neither do
13 patients because they won't have cars either. And
14 you're on these small roads, and if you asked
15 show of hands in this audience for people who
16 really live in that area how many people think
17 they're making it out alive, you'll see very few
18 hands go up. All the jokes are not pretty. So you
19 have a responsibility towards these patients, who
20 I'm sure have no thought process when they sign
21 up to go to this location for help to keep them
22 safe.

23 And my question on that front is in a
24 true emergency, like Indian Point, like a

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2 terrorist attack on Indian Point, how do you --
3 and I was laughed out of the Newcastle meetings
4 with my concerns but since then, we've seen the
5 unthinkable happen in our own country. So, I just
6 ask you to think about are you going to be
7 increasing everyone's taxes in order to pay for
8 additional EMS, are you going to go for
9 professional EMS, are you going to have on the
10 ready buses for all of these kind of large sites
11 to be able to be willing, ready and able to
12 evacuate them because they won't have any cars.
13 Just asking.

14 But, Karen made me think of all sorts of
15 things I haven't thought about in a little while,
16 but that deeply upset me and many members of my
17 community.

18 What I wanted to come here and talk
19 about is I want to thank Cortlandt for taking on
20 the lead agency position for a re-do on the
21 Indian Brook Croton Gorge watershed overlay zone.
22 So you are lead agency on this project, you've
23 received a DEC grant for \$50,000. You've engaged
24 with the town of Ossining, the village of

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2 Ossining, town of Newcastle, town of Croton, and
3 you're Cortlandt, five, five municipalities are
4 all getting together to review the Croton Gorge
5 watershed and the Indian Brook watershed and
6 update a 2008 well known document.

7 What's interesting is that this project
8 falls squarely on both watersheds, when you look
9 on the map. They're on both sides, Indian Brook
10 and the Croton. And so I'm not sure if you're all
11 familiar with this approved project. But I
12 watched Newcastle board approve their
13 participation at their most recent meeting on
14 June 29th at your direction. During Zoom
15 meetings, I did step up and present a map. I have
16 a few copies that I can -- I don't know how you
17 do it here, do I pass that way, or that way.

18 But the yellow is actually only the
19 Indian Brook watershed, and if you can see from
20 here, that's the Indian Brook Reservoir and this
21 project right here is the project you're
22 reviewing. And this is the Sunshine Home, with
23 overlapping water needs actually. So, I will pass
24 this map. And I ask you to take a close look at

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2 this map, which is the one I was working with
3 back in the day for Sunshine Home, that they
4 share resources. But what's missing is all of
5 this area that goes all the way to the pink side,
6 which is the Croton Gorge. So two watersheds side
7 by side, one part of Teatown and you are the lead
8 agency interested in updating the 2008 report on
9 the watershed, sorry.

10 So I thank you for taking that lead, but
11 with that lead in mind, I also brought you a few
12 copies, not enough for everybody, but I ask you
13 to take a look at the goals. Why, why now and why
14 redo that research? And it's because the town of
15 Cortlandt taking the lead is worried about
16 additional development and the environmental
17 impacts in the area. Things like pollution,
18 carbon footprint, traffic, how the comp plans are
19 working along with the protection of the
20 watershed, etc. So here is the map and you see
21 two areas that are side by side and when you look
22 more closely you will see exactly where this
23 project falls. It's squarely in the middle of
24 both.

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2 And then as far as the concerns about
3 the quality of water, which does not only impact
4 the residents of Teatown, we're on wells, we are
5 worried by our water tables and what this project
6 and Sunshine Home project will do to our wells,
7 but it impacts the quality of water downstream,
8 and that means into the Indian Brooke Reservoir,
9 which is the water source for many people in
10 Ossining, etc., so that's many more people than
11 just us and it impacts the Hudson River Estuary,
12 which has been doing incredibly well, home again
13 to the bald eagle, etc., etc.

14 So my request is, here's a copy of your
15 plan and the town of Newcastle request to
16 participate in this plan. My request is that you
17 consider a moratorium on this project, because it
18 is development, they are asking to do a
19 commercial effort in a residential zone and they
20 sit squarely on two watersheds.

21 MR. KIMMERLING: Please directly into
22 the mic.

23 MS. MANOCHERIAN: Sorry.

24 MR. KIMMERLING: That's okay.

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2 MS. MANOCHERIAN: Did you hear me?

3 Should I repeat that? I'm asking for --

4 MR. KIMMERLING: Yeah, he came out from
5 the back to say he's having trouble picking it
6 up, so just the last part.

7 MS. MANOCHERIAN: I'm asking for, that's
8 great for me, I'm asking for a moratorium on
9 construction for the entire area, any development
10 until your town pursues what we would totally be
11 in favor of, which is a real review of this
12 Indian Brook Croton Gorge watershed overlay zone
13 to see where we stand from 2008 to now. Many
14 years have passed by, many things have happened,
15 and I don't think we should unnecessarily impact
16 this area any further until your report comes
17 out. And with that, I thank you very much.

18 MS. TAYLOR: Are there any other
19 comments? Please be mindful of the time.

20 MR. TOM SECUNDA: I'll be much briefer I
21 hope. I have three things that I'd like to
22 discuss with the Board and thanks for taking the
23 time to hear us out for the 30th or 40th time.
24 And I'll repeat some of these things for the 30th

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2 or 40th or time.

3 MR. KIMMERLING: Could you just announce
4 your name for the record, sorry.

5 MR. SECUNDA: Sure, Tom Secunda 62
6 Teatown Road. We keep coming back to the talk on
7 whether this plan is transparent enough and
8 whether there's been enough due diligence around
9 it. We just discussed about the number of beds
10 and you brought up the point it's not our job to
11 decide whether this is economically feasible or
12 not, that's somebody else's job. It's not our job
13 to decide what the permitted number of beds in a
14 specialty hospital are, that's somebody else's
15 job.

16 But it is your job to make sure that the
17 plan is consistent and honest. And certainly, we
18 brought in all kinds of experts to discuss that
19 in their plan, they state that this is going to
20 be like the Betty Ford Clinic and clearly it's
21 not. So there is a problem with their plan. They
22 could revise their plan and say this is going to
23 be a different kind of specialty hospital that's
24 not like the Betty Ford Clinic or any of the

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2 other clinics they state, and that's fine.

3 But as their plan exists today, it's a
4 plan that's in contradiction. And so we'd like
5 either the plan to be fleshed out so we can
6 understand why it's not in contradiction or we'd
7 like it to be changed to be consistent with what
8 our experts and any experts you were to bring in
9 would say it is. A Betty Ford Clinic or any of
10 the higher end clinics, which is what they're
11 proposing have roughly 1,000 square feet, and
12 this has 400 square feet.

13 So that's the first thing, we'd love to
14 see the transparency of what this plan really is,
15 because we don't believe it's an honest plan. We
16 believe that there's something else going on here
17 and the amount of trust that we have for the
18 applicant is very low.

19 So there is a way to fix it. I'm out in
20 the hallway and they're proposing a cul-de-sac
21 and the amount of detail they're putting. Would
22 you go and approve a housing plan if they said
23 we're going to have 91 residents in these co-
24 opportunities but we're not going to tell you

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2 what shape or size or the number of bedrooms are?
3 You wouldn't. So there is a good amount of due
4 diligence that's necessary to make sure that this
5 is a legitimate plan, not legitimately
6 economically, but that it, but what they state in
7 their plan can be done and is true. So that's
8 number one.

9 Number two, it's important that the
10 applicant comes and says we won't change the
11 footprint, we'll do this, we'll do that. You
12 know, this stuff has to be enforceable, it has to
13 be written in a way that's very clear. So for
14 instance, they say they won't change the square
15 footage, or can they build a 30-story building in
16 the same footprint. These are the kinds of things
17 that have to be made clear.

18 If the applicant really can make this
19 stuff clear, if it can be a right sized, good
20 proposal with clear restrictions that are
21 enforceable while in the use of this applicant
22 for these kinds of purposes, I think you can go a
23 lot further in getting this thing resolved so
24 that you won't be here for the rest of your time

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2 on the Board and I won't be coming up in
3 thunderstorms.

4 The third point is something I'm kind of
5 disappointed on. The planning board, I've been
6 before you a number of times, I'm even going to
7 be an applicant someday. Good luck. You know, you
8 spend a lot of time making sure that when a
9 proposal comes that it has the minimum, a
10 proposal that you've approved, that it has the
11 minimum impact on its neighbors. You've seen the
12 map and how close some of those buildings are to
13 some of the neighbors. And it would be great in
14 that plan if we understood that they tried to
15 minimize the use of those buildings in favor of
16 buildings that are further away from the
17 neighbors, where the cars park so the headlights
18 don't shine into the neighbor's windows.

19 When we asked actually and this the
20 Board did say, when we asked to understand what
21 the buildings that were closest to the neighbors
22 were going to be used for, somebody said on the
23 Board, we don't ask you what you're going to do
24 in your house, and of course, that's not true. In

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2 a residential house, there's all kinds of
3 restrictions on what you're allowed to do and
4 what you're not allowed to do. So I think the
5 residents that live very close to these guys,
6 closer than the two acre zoning or one acre
7 zoning that exists in the town, have the right to
8 understand the use of that property and hope that
9 the planning board works with the applicant to
10 minimize the impact.

11 So I guess to come back to review what I
12 said, I think that there is a transparency
13 problem and an inconsistency in this application
14 which makes us very nervous. It's not going to be
15 a Betty Ford Clinic, we'd like to understand what
16 it's going to be. I think the planning board
17 should ask that question and understand what this
18 facility is, because it's not what they say it
19 is. That doesn't mean it shouldn't be allowed,
20 but clearly we don't know what they're building.
21 We don't have a layout of rooms. How many
22 bathrooms. Is there going to be a bathroom for
23 each person? Water use is different, depending on
24 the number of bathrooms and things like that. So

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2 there's a lot of questions that are left open.

3 With the restrictions that the applicant
4 wants to put on, that's a move in a good
5 direction, assuming that they're really well
6 thought out and they really are enforceable and
7 predicted. And then assuming that those two
8 things were done, really appreciate the planning
9 board working hard, like they do on so many
10 applications that I've seen and that the people
11 in the hall are petrified that you're going to do
12 to them now, that you go and work really hard to
13 make sure that if this is a legitimate thing, if
14 you do it, that you make sure that the -- without
15 hurting the operations, that they minimize the
16 impact on the local neighbors, thank you very
17 much.

18 MS. JILL GREENSTEIN: Good evening. My
19 name is Jill Greenstein, I live at 83 Quaker Hill
20 Drive, and my property abuts the Hudson Ridge
21 property. I'm going to be very brief. I've said
22 this before. I'm sort of coming at this more from
23 the personal point of view. Five or six years
24 ago, my husband and I starting planting evergreen

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2 trees that I now understand they're using as
3 their border. But that's what we did. We started
4 putting up these trees in order to provide us
5 with more privacy and to block it out, any noise
6 and so on and lights. So that's one thing.

7 The other thing I just wanted to mention
8 again is in terms of water, back in 2018, there
9 was a well test done, and my well, and we just
10 had three, two of us living there, my well in
11 three days dropped 18 feet. So we were impacted
12 by this. So there are personal impacts here, and
13 the planning board, you're here to protect us,
14 and I'm hoping that you'll do that. Thank you
15 very much.

16 MS. MELISSA LONDON: Hello, my name is
17 Melissa London. I live at 9 Quaker Hill Court,
18 East, which is the cul-de-sac right on the other
19 side. And my question, talking about
20 transparency, going back to what Tom was saying,
21 is about 81 Quaker Hill Drive, that we understand
22 there's going to be like an easement through that
23 property, and I heard during one of the Zoom
24 meetings that they said that they're not going to

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2 use it, but they lost out on a deal for like over
3 a million dollars because of the easement, so
4 clearly the easement is pretty important to them.
5 And I just want to know like why is this so
6 secretive, like why is not on the plan?

7 Like if there's going to be an easement,
8 which, by the way, I've heard that the easement
9 is 30 feet wide. Quaker Ridge Road is 20 feet
10 wide, so why is that easement not on that plan?
11 Because you're not using it? Then why did you
12 lose out on a \$1.2 million deal? I mean, I don't
13 -- obviously they want that easement and the
14 owners have to have that in their agreement,
15 otherwise they won't sell the house. And a
16 realtor spoke to all of us and told us that, that
17 because of the easement, her deal was kaput
18 because of that easement. So what is that
19 easement? We live on a cul-de-sac. We have
20 children in almost every house, with bicycles,
21 riding on a cul-de-sac, a dead end. And right now
22 the owner of that is the same owner or involved
23 with the wellness center, so I don't really
24 understand why we're not being told that. So I

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2 think there needs to be some more transparency.
3 So either it needs to be put on that plan or get
4 rid of it. It needs to be out of 81 Quaker Hill
5 Drive. Thank you.

6 MR. STEPHEN HAMPTON: Good evening, my
7 name is Stephen Hampton, I live at 2013 Quaker
8 Ridge Road. In response, I have the answer to her
9 question, because one day I was sitting outside
10 and I saw an oil truck come up to the driveway,
11 to their gate, and as it waiting for the gate to
12 open, another car started coming down the
13 driveway. Well, the car got about halfway down
14 the driveway, the gate started opening and then
15 it realized, oh, the truck has got to come up the
16 driveway, it literally had to back up to let the
17 truck up.

18 So my question to you is I have never
19 seen a hospital that has a driveway entrance
20 that's up a steep hill first of all. And second
21 of all, how is traffic in and out? I wonder if
22 there's hospital, an ambulance has to get in and
23 a car's coming down, they're going to wait? I
24 mean you have to have a huge thoroughfare for a

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2 hospital for traffic in and out, ambulances in
3 and out. That is why they want the easement,
4 because at some point, they're going to have to
5 come back to you and say oh, you know, we need
6 another way of entry or exit out of this place
7 because everybody can't come up and down a single
8 land driveway. It makes no sense.

9 Why would anybody spend \$800,000 on a
10 house, put an easement in, try and sell it for a
11 million and say oh, we have now use for it.
12 Really? Does that make sense to anybody? Why
13 would you do that, if there isn't a purpose for
14 it. People don't spend \$800,000 to buy a house
15 and put an easement on it for no reason. Thank
16 you.

17 MR. JOHN FAHEY: Hello, my name is John
18 Fahey, I live at 74 Quaker Hill Drive. I just
19 want to follow up on the last two speakers. I
20 live right at the end of Quaker Hill Drive on the
21 cul-de-sac. I have five children who love our
22 neighborhood, they ride their bikes in the circle
23 at the bottom of my driveway. We walk our dogs
24 there. We feel safe, my wife and I, as a family

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2 to let our kids play. That easement is right at
3 the bottom of our driveway, and if what they're
4 saying is true, and that is going to be used as a
5 way in and out of this facility, our cul-de-sac
6 becomes basically a highway and I can't let my
7 kids out of my property anymore. I hope the Board
8 really takes that into consideration and has our
9 back here and thinks about what's happening.

10 Thank you.

11 MR. JAVIER PICAYO: Hey everybody. It's
12 so weird to be in a room with people. I forgot. I
13 think I would have dressed up a little more,
14 sorry. My name is Javier Picayo. I live at 7
15 Teatown Road. I've been there for 30 years, since
16 I was two years old. I hope to be there for a lot
17 longer. And I've spoken before, but I just want
18 to say again how opposed I am to this project. We
19 live in such a quiet neighborhood and the roads
20 are so small. And there are, I mean there are
21 near accidents every day. The trucks that drive
22 through that don't know the roads speed through
23 and I've been in, I mean almost every day, I'm
24 almost in an accident.

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2 And, you know, I'm disturbed because I
3 feel like I hear the applicant saying there will
4 be little or no impact on the community and I
5 feel like I'm missing something. I don't
6 understand how that's possible. You know, the
7 lights, the traffic, the hundreds of people that
8 will be there. How could there be no impact on
9 the community? I just, I feel like I'm missing
10 something.

11 And the responses I have heard about, I
12 think at one point, I heard that there would be
13 five deliveries per week, which I don't
14 understand how that's possible with the project
15 they're proposing, but if there were five
16 deliveries per week, it seems like the plan is
17 dependent on everything going perfectly. And I
18 think in any project, nothing goes perfectly all
19 the time. I imagine the planning board knows
20 that. But the sort of things that go wrong in a
21 project of this magnitude could be catastrophic
22 for our community. So there have been other
23 businesses that have been proposed in our area
24 and they've been turned down, and I just hope you

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2 do it again. Like please do not approve this
3 project. Thanks for the time.

4 MS. TAYLOR: All rightie. Okay, are
5 there any comments? Okay. You really have about
6 another two minutes if there's anybody.

7 UNIDENTIFIED FEMALE: We like to be
8 punctual.

9 MS. TAYLOR: Okay. That's fine. All
10 rightie. Do you want to?

11 MR. KESSLER: Do we want to talk about
12 timing and things?

13 MS. TAYLOR: Yeah, well when you make
14 your --

15 MR. KESSLER: Okay. Let's go through
16 this. So we're going to adjourn the public
17 hearing. Now, you've said that you need 30 days
18 to complete the responses?

19 MR. DAVIS: Thirty days.

20 MR. KESSLER: Thirty days, so that puts
21 us to the 6th of August, and that, our next
22 meeting is the 31st of August, so that'll give
23 the Board time to review that, that'll give the
24 interested neighbors time to review that. We'll

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2 come back at that meeting and see if there are
3 any additional questions based upon your
4 responses and I assume those responses --
5 everything -- just to be clear for everybody,
6 everything that's been said, every question
7 that's been asked will be responded to. Some
8 obviously will be cross referenced to other
9 answers because there are redundancies, we
10 understand that.

11 MR. DAVIS: Yeah, if you take a look,
12 for example, at our March 19th submission, we
13 covered every single comment even in social media
14 for over five years. So it's our intent to do the
15 same thing.

16 MR. KESSLER: Okay, so --

17 MR. DAVIS: A lot of these questions
18 that have been asked, if people looked at the
19 documents, they would see they'd been answered,
20 but we will answer them yet again.

21 MR. KESSLER: Well, there's been new
22 requests. I mean Brad mentioned, and I mentioned
23 at the meeting in terms of the communications
24 with OASAS, that'll be the document that's --

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2 MR. DAVIS: Yes, correct.

3 MR. KESSLER: [unintelligible]

4 [01:13:29].

5 MR. DAVIS: Correct.

6 MR. KESSLER: And so then, getting back
7 to the date, so we will have your responses by
8 the 6th, we're meeting back here on the 31st,
9 that'll give an opportunity for the Board, as
10 well as other interested parties to review that.
11 We'll hopefully then review that at the meeting
12 and hopefully we can close the public hearing on
13 the 31st and move forward. Okay. So I'd like to
14 make a motion that we adjourn this public hearing
15 until our next meeting, which is August 31st with
16 the understanding that the applicant will submit
17 the responses to all the, I guess now five public
18 hearings and all --

19 MR. DAVIS: Right.

20 MR. KESSLER: -- and all the --

21 MR. DAVIS: The only thing I --

22 MR. KESSLER: -- written communications
23 as well.

24 MR. DAVIS: Right. May I just add one

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2 thing, Mr. Kessler? Just as a caveat. We, again,
3 we, depending upon what the response of the
4 public is to our submission, we of course would
5 like to have the opportunity for, to tie up any
6 loose ends in that regard, to have the final --

7 MR. KESSLER: Okay.

8 UNIDENTIFIED MALE: Well, Mr. Kessler,
9 let's, we --

10 MR. KESSLER: So how much time do you
11 need to review that? Can you review that in two
12 weeks?

13 MR. DAVIS: Yes.

14 MR. KESSLER: No, Brad.

15 MR. DAVIS: Oh, I'm sorry.

16 MR. KESSLER: No, no, I'm saying if we
17 get this on the, as I said, the 7th, and then,
18 I'm sorry, the 6th, and then by the 20th, will
19 that give you an opportunity to review and
20 comment so that we're all together on the 31st
21 with your comments and their responses to your
22 comments and the Board's questions based upon
23 what they respond?

24 MR. SCHWARTZ: Great, a lot of

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2 questions.

3 MR. KESSLER: Go ahead.

4 MR. SCHWARTZ: Look, I think we could
5 certainly, by the 21st submit, look, it depends
6 on how voluminous the submission is going to be,
7 but we will certainly --

8 MR. KEHOE: You need to use the mic, I'm
9 sorry.

10 MR. SCHWARTZ: We will certain, and it's
11 August, vacation time, but we will certainly get
12 through the document sufficient to make some
13 written submission before the August 31st
14 meeting. And there may be a request, if we can't
15 get through the whole thing, to then have some
16 written comment period following August 31st,
17 which is customary. And then if the applicant
18 wants to have final --

19 MR. KESSLER: Because the public hearing
20 is a 15 day [unintelligible] [01:15:35] yes.

21 MR. SCHWARTZ: And for comment, so we
22 could commit to reviewing the submission, get at
23 least some initial written comments in before the
24 31st, and if we need more time for some follow up

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2 written comments, we'll make that ask.

3 MR. KESSLER: Well, hopefully before the
4 31st.

5 MR. KEHOE: It would need to be by the
6 21st.

7 MR. SCHWARTZ: By the 21st?

8 MS. TAYLOR: Yes.

9 MR. KESSLER: 21st.

10 MS. TAYLOR: Absolutely. The Board has
11 to read all of this material, so handing it in
12 too close to the 31st is a problem for us.

13 MR. KESSLER: So we get the responses
14 the 6th, you're going to respond by the 21st and
15 then we'll have --

16 MR. SCHWARTZ: With at least initial
17 written comments.

18 MR. KESSLER: And we'll have like the
19 ten days for you to look at what they said, we'll
20 have ten days for us to look at everything.

21 MR. DAVIS: Mr. Schwartz has recognized
22 [unintelligible] [01:16:13] don't let them put
23 words in his mouth. He was about to say that he
24 recognizes our right from [unintelligible]

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2 [01:16:18] you know, written comment period after
3 the 31st [unintelligible] [01:16:21].

4 MR. KESSLER: Yes.

5 MR. DAVIS: To respond to whatever
6 [unintelligible] [01:16:24].

7 MR. SCHWARTZ: We'll both -- it sounds
8 like we'll both have an opportunity following the
9 31st for additional written comments.

10 MR. KESSLER: Following the close,
11 there's always a written comment period of
12 typically 15 days, so yes that'll --

13 MS. TAYLOR: Okay. But let me just do
14 this because I can see, you know, my head
15 swimming already. Mr. Davis gets the last word,
16 whatever it is. Okay. But that's the way, that's
17 the tradition, the applicant gets to say the very
18 last word. And then we don't have any issues here
19 at all. Everything will go in the, but that's
20 procedural. Okay. So let's just do it that way,
21 and we don't have to have this.

22 MR. KESSLER: Okay. So again, the motion
23 is to adjourn the public hearing to August 31st,
24 with the understanding as we agreed to, when

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2 we'll receive responses and commentary on those
3 responses.

4 MR. SCHWARTZ: And just to be clear, I
5 represent CRHISD, so there are plenty of folks
6 who I don't represent. So everyone is abiding by
7 this.

8 MR. KESSLER: And just to be clear, how
9 will people have access to this Chris?

10 MR. KEHOE: Well, I --

11 MR. KESSLER: Once we receive this on
12 August 6th.

13 MR. KEHOE: It'll be too voluminous to
14 e-mail, so we'll figure out a way to get it on
15 the planning department's webpage so it can be
16 accessed directly through the webpage.

17 MR. KESSLER: Okay. Okay. So I think
18 that's my motion.

19 MR. ROTHFEDER: Second.

20 MS. TAYLOR: Okay. Alright. On the
21 question, all in favor?

22 MULTIPLE: Aye.

23 MS. TAYLOR: Opposed? Okay, very good.
24 Thank you.

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2 MR. DAVIS: Thank you all.

3 MR. KESSLER: Responses by, what is it,
4 August 6th, to Brad by the 20th, 21st. Okay.

5 [OFF-MIC CONVERSATION]

6 MS. TAYLOR: Okay. We'll move on to the
7 next area. Alright, we're going to move on to the
8 next area, which are two new public hearings, the
9 first being application 2021-1, which is the
10 application of NRP Properties for site
11 development plan approval, a special permit and
12 for tree removal and steep slope permits for a
13 proposed 135-unit active adult residential
14 community to be located on an approximately 8.7-
15 acre parcel of property at 119 Oregon Road. The
16 drawings, latest revised drawings are dated June
17 23, 2021.

18 MR. MATT ACOCELLA: Good evening, Madam
19 Chair and members of the Board. My name is Matt
20 ACOCELLA from Zarin & Steinmetz, here on behalf
21 of NRP Group tonight. We're here to open the
22 public hearing on NRP's proposed Overlook
23 Terrace, a 135-unit active adult residential
24 community on the Colonial Terrace property, which

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2 of course, we're all familiar with.

3 Overlook Terrace will be an age
4 restricted community for active adults, age 55
5 and older, as I'm sure you all are aware, with
6 affordable units serving individuals with mixed
7 incomes. Let me just introduce my team tonight.
8 With me tonight is Myles Monaghan from NRP, Mat
9 Steinberg from Divney Tung Schwalbe, the
10 project's engineer, and Brian Dempsey from
11 Provident Engineering, our traffic engineer.

12 We want to be very brief tonight. We
13 know you have a very long agenda. Let me just
14 take a moment to recap where we are in the
15 process. We are in front of your board for site
16 plan review. We submitted site plans and certain
17 other environmental analyses a few weeks ago. The
18 town board is still looking at our requested
19 zoning amendments. We submitted zoning petitions
20 to the town board requesting certain amendments
21 that would make an active adult residential
22 community an allowable use in the CC zone,
23 pursuant to a special permit.

24 Your board recently conducted a site

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2 visit on the site. NRP has met with the neighbors
3 of the residents of Waterbury Manor to have
4 discussions. And we know that we're still waiting
5 for some technical comment memos from town staff
6 and consultants, which we expect to receive soon
7 and we anticipate being back here in August to
8 having responded and to go through those memos in
9 detail.

10 So tonight, we are here to open the
11 public hearing. I'm going to turn it over to Matt
12 Steinberg from DTS, who'll give a brief overview
13 of the project and address a few other issues,
14 then we would just like to open it up to
15 questions. So thank you very much. Matt.

16 MR. MATT STEINBERG: Thank you. Good
17 evening, Madam Chairman and members of the Board.
18 So you briefly heard a little bit about the
19 project in the past when we were before this
20 board in March and in June. The project is at 119
21 Oregon Road, which is on the screen now. It's
22 approximately 8.7 acres in size. The existing
23 facility has about 2.4 acres of impervious
24 surface today.

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2 The proposed project, we propose a
3 three-story, 135-unit project, 96 one-bedroom
4 units and 39 two-units, with 146 parking spaces
5 surrounding the property, along with emergency
6 access drive that would wrap around the entire
7 perimeter of the building. This project would
8 result in approximately 2.8 acres of impervious
9 surface, which works out to about a little less
10 than half an acre additional of impervious
11 surface compared to today.

12 We recently submitted to this board a
13 long for EAF with supplemental studies and
14 analyses for your review. We understand that it's
15 still under review by the town's staff and
16 consultants. Included analyses on several topics
17 that appear in the EAF, along with sustainability
18 analysis, traffic study, hydrant flow study,
19 sewer monitoring and analysis, a full SWPPP,
20 along with the refined civil and landscape
21 architecture plan set.

22 We are awaiting technical comments from
23 the Board's traffic consultant, HVEA, but I just
24 wanted to quickly address a comment that had come

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2 up between the preliminary study and the full
3 formal traffic study. HVEA issued a comment memo
4 on June 9th. The full traffic that you have in
5 the EAF addresses the comments that were made by
6 HVEA. We had met with them after the preliminary
7 analysis was submitted in April. We met with them
8 in May to talk about that preliminary analysis.
9 They had some questions and comments. The
10 applicant proceeded to do the analysis based on
11 those requests, which are memorialized in that
12 June 9th memo.

13 So the change in the background volumes
14 that you see between the preliminary analysis and
15 the formal study, so it was due to the
16 performance of manual traffic counts on the area
17 intersections in the study. That was at the
18 request of HVEA. That's opposed to the Bluetooth
19 data that was used in the preliminary analysis.

20 Additionally, the background data in the
21 formal study conservatively took no additional
22 credit for the existing as of right use, which is
23 different from the preliminary analysis.

24 The results of the traffic study that

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2 you have in your packets show that all levels of
3 service would be maintained within the study area
4 with no significant incremental impacts
5 experienced, but we're obviously waiting for
6 HVEA's comments so that we can respond formally
7 to those.

8 The trip generation was further
9 validated by actual traffic counts that were
10 taken at Jacobs Hill Apartments, which is a
11 similar project to the one proposed at NRP, but
12 the conservative, the higher trip generation was
13 used, the more conservative trip generation.
14 Similarly, the parking rates were also validated
15 using counts from Jacobs Hill and the
16 conservative rate is being provided for this
17 project.

18 We also received the final updated tree
19 inventory from Bartlett Tree Experts, which was
20 hired by the town to complete that. We're
21 reviewing that. We understand that there's some
22 comments, so we're reviewing that compared to the
23 proposed project and we'll be able to, you know,
24 hopefully get into more detail when we appear

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2 before the Board again.

3 We're hoping in this next month and a
4 half, before your next meeting, we'll have a
5 chance to meet with Mike Preziosi and Chris Kehoe
6 to talk about planning and engineering matters,
7 including sewer, storm water, water and also a
8 chance to meet with HVEA to talk about the
9 traffic, so that when we appear before you in
10 August, we'll have a chance to talk about some
11 more technical matters.

12 But at this time, since this is a public
13 hearing, we obviously want to give you a chance,
14 you know, and the public if there's any questions
15 or comments.

16 MS. TAYLOR: Thank you. All right,
17 everyone, this is a public hearing. And at this
18 particular point, you can come up and make your
19 comments. Begin by telling us your name and where
20 you live and we will move forward. Is there no
21 one here who has a question and wants to comment
22 on this particular application? Wow. That's
23 unusual. Well, okay.

24 MR. MICHAEL PREZIOSI: Related to the

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2 tree study, I think there was one tree of
3 significance that was noted. I think it was
4 called an American smoke or something to that
5 effect, a very rare tree, so the Board may want
6 to look at that as part of their review.

7 MR. KIMMERLING: Yeah, and there are a
8 few other trees that were noted as well, so
9 that's something that I do think we want to
10 discuss at the next meeting.

11 MR. KESSLER: Just a couple of quick
12 things. My issue on the traffic study preliminary
13 versus the final was that it appeared that with
14 your build scenarios, the traffic volume went
15 down from your preliminary to your final study
16 and I'm just curious why that occurred. Secondly,
17 I think, when I asked, and I still want this of
18 course, the comparison, you did Jacobs Hill, we
19 wanted Roundtop as well as Springvale parking
20 studies. But what I neglected to say is that we
21 should also include that to make it truly usable
22 is identify the number of one, two, three bedroom
23 apartments in each of those as well, because
24 that's the only way to make sense in comparison

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2 to those other residential areas.

3 And, then I talked at the site visit
4 about EV parking somewhere, there should be some
5 EV parking and I think you mentioned somewhere
6 about solar being part of this also. What
7 percentage do you expect to generate from solar
8 here?

9 MR. MYLES MONAGHAN: Yes, Member
10 Kessler, so we're still analyzing the solar
11 feasibility. We are --

12 MR. KEHOE: Could you just state your
13 name, for the record.

14 MR. MONAGHAN: Myles Monaghan with the
15 NRP Group. We are very interested in a solar PV
16 array on the roof. We're close to being able to
17 commit to something, but it's still a little
18 early and we're still assessing the feasibility
19 of it.

20 MS. TAYLOR: Jeff?

21 MR. ROTHFEDER: Madam Chair, I move that
22 we adjourn the public hearing to the next
23 meeting, August 31st.

24 MS. TAYLOR: All right, I need a second

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2 on that.

3 MR. KESSLER: Second.

4 MS. TAYLOR: Thank you. Alright, on the
5 question, all in favor?

6 MULTIPLE: Aye.

7 MS. TAYLOR: Opposed? Okay. See you in
8 August. We're a little ahead of schedule.

9 MR. KEHOE: Now you jinxed it.

10 MS. TAYLOR: Okay. Alright, the next
11 public hearing, again, it's a new public hearing,
12 is for PB 2020-9, the application of CVE North
13 America, Inc. for the property of Kirquel
14 Development Limited and Patrick and Sharon Parr,
15 for site development plan approval and a special
16 permit, and with tree removal and steep slope
17 permits, for a proposed five megawatt solar
18 energy production facility to be located on two
19 parcels of property, located along Red Mill Road
20 and the end of Mill Court, totaling approximately
21 43.12 acres, drawings and latest revisions dated
22 June 17, 2021. Okay.

23 MR. CARSON WEINAND: Yes, hello board,
24 how are you? Good to see you again. I'm Carson

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2 Weinand with CVE. Chris, did you get our latest
3 e-mail, maybe a couple hours ago with update
4 presentation materials? We had a couple of slides
5 we'd like to show.

6 MR. KEHOE: Okay. Let me find it.

7 MR. WEINAND: Alright. It's copies of
8 the materials that are out in the hallway, an
9 overview of the site and the benefits as well as
10 a comparison against the previously approved Mill
11 Court Residential subdivision. Afterwards, we'd
12 be happy to hang out in the hallway as well and
13 take a look at those materials and answer any of
14 your questions.

15 But great, yeah, I think maybe we can
16 start with the Mill Court Subdivision one, thank
17 you. Great, so I'll keep this brief. I won't talk
18 for too long. I have a quick agenda. I'd like to
19 have a quick introduction to CVE, a quick
20 introduction to the project and then talk about
21 the items that we improved since the last meeting
22 on June 1st, talk about some of the benefits of
23 the system and then talk about how it compares
24 against the previously approved Mill Court

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2 residential subdivision.

3 So CVE, we're an international
4 independent power producer. We're the long term
5 operator of renewable energy assets. There's 200
6 employees worldwide and we have over 440
7 megawatts in operation. We've been in North
8 America for about five years and we have a
9 portfolio of community solar projects that we're
10 developing, this being one of them.

11 This project, we started working on, I
12 was reminiscing on the way over here, all the way
13 back in the summer of 2018, when we first stepped
14 foot on the site, and it was actively listed for
15 sale and started negotiating with the landowner.
16 The landowner is Mike Sheber of Kirquel
17 Development, you probably know him well.

18 But, a five megawatt AC community solar
19 project participating in the state's ambitious
20 renewable energy goals, and there was a green new
21 plan announced maybe five, six years ago to go
22 100 percent renewable energy by 2045 and there
23 are incentives throughout the state in the
24 varying utilities to promote the development of

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2 these community solar projects.

3 So this community solar project, about
4 five megawatts will be able to deliver monthly
5 utility savings to about 1,000 local residents
6 and over I believe it's over six million kilowatt
7 hours of clean, green energy back onto the
8 electricity grid. So that's a quick snapshot of
9 who we are and what this project is.

10 The improvements we made since the last
11 meeting on June 1st, I'm sorry if that meeting
12 wasn't the best exchange, we're a little more
13 prepared now. But we heard what you were saying
14 and we made a list of improvements. So, number
15 one, maybe we can take a look at the other slide
16 while we're talking about the changes we made to
17 the site plan.

18 MR. BIANCHI: Before you leave this
19 slide, I'm looking at my notes, because we talked
20 about this last time. On the trees that were
21 estimated to be removed under both projects, I
22 think there were 3,396 trees.

23 MR. WEINAND: Yeah.

24 MR. BIANCHI: Is that, I don't know if

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2 that's on here, I can't even see it, that were to
3 be removed, 3,300 it says over there, I think.
4 And the subdivision would have required 1,750
5 trees. So in effect, you're doubling almost, the
6 number of trees that are going to be removed as a
7 result of this project from the subdivision
8 project.

9 MR. WEINAND: Yes, there's a larger,
10 greater impact to trees for this project.

11 MR. BIANCHI: What I'm saying here, you
12 have here 4,365 trees impacted when you add those
13 two numbers together.

14 MR. WEINAND: I can't see.

15 MR. MONAGHAN: No, the total is 3,347,
16 the --

17 MR. PREZIOSI: Just head up to the
18 microphone dais.

19 MR. BIANCHI: Oh, those are not mutually
20 exclusive?

21 MR. WEINAND: No.

22 MR. BIANCHI: Oh, so it's not four to 12
23 and 12 plus, got it.

24 MR. WEINAND: Yeah, the middle column is

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2 the solar farm and the column on the right is the
3 residential subdivision. We did not have data for
4 trees impacted from the subdivision at greater
5 than four inches.

6 MR. KEHOE: But just to touch on that,
7 that predated our current tree ordinance, the
8 original Sheber application, so it's hard to make
9 apples to apples comparisons of the tree impacts.
10 There was a tree inventory done, but correct me,
11 I think it was only greater than 12 inches or
12 greater than eight inches, I forgot.

13 MR. WEINAND: Yeah, four inches for our
14 project.

15 MR. KEHOE: Right. But I think it was
16 different requirements for the original Sheber
17 application.

18 MR. WEINAND: Yeah, the original Sheber
19 application was only 12 inches. That's all the
20 data we have, so we have data. We counted all
21 trees of four inches or greater in diameter, so
22 that means we have the number of trees that are
23 12 inches or greater impacted. So it's about
24 three times, so we sort of just very roughly did

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2 the math for the residential subdivision there,
3 times their 12 inch number by three.

4 MR. BIANCHI: So are the numbers that I
5 have wrong or right? Are they approximately? I
6 know it's not based on apples to apples, but I'm
7 just trying to gauge how much more of an impact
8 your project has compared to the subdivision
9 project.

10 MR. WEINAND: Yes, it's about three
11 times. We --

12 MR. BIANCHI: Three times is different
13 than what I have. I have two times.

14 MR. WEINAND: Well, two times, it's
15 about two times.

16 MR. BIANCHI: Alright.

17 MR. WEINAND: The number of trees we're
18 impacting now is right around 3,350. We reduced
19 the number of trees we're impacting by 50 with
20 the latest revisions and once you subtract the
21 roughly five, 600 trees that we're planning for
22 our landscaping plan you get to a number that's
23 right around 3,000 and that's roughly double the
24 estimated impact from the subdivision.

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2 MR. BIANCHI: Alright. I just wanted to
3 clarify that.

4 MR. WEINAND: Yeah, just one closing
5 note on that, you know, even though we are
6 removing a greater amount of trees. The positive
7 environmental impacts from installing solar are
8 very significant. So by placing five megawatts of
9 clean energy on the grid it's equivalent to
10 planting 200,000, over 200,000 trees, given data
11 from the EIA.

12 So, since 6/1, we slightly reduced the
13 limits of disturbance by .3 acres in the
14 northwest corner, we enhanced the landscaping
15 plan greatly, we extended the existing northern
16 boundary of plants to cover the eastern edge of
17 the facility and then we also added 50 to 60
18 hemlock and holly evergreen trees sporadically
19 through the northern property line buffer to help
20 screen for the homes along the end of Mill Court.
21 We've also updated our visual impact assessments
22 from those viewpoints. We reduced the panel
23 height. That was a request from last meeting.
24 Previously we had a tilt of 20 degrees, which was

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2 seven feet, brought us to a height of 7'10",
3 excuse me, 7'9". We've reduced the tilt to 15
4 degrees and now we're at a maximum height of
5 6'10".

6 And we calculated the number of truck
7 trips during construction, we consulted with our
8 EPC, our construction contractor and the trucking
9 total is about 111 trucks over a five month
10 period. In month one, there would be about ten
11 trucks for mobilization, two to three trucks per
12 week, months two to four, there would be about
13 nine trucks per week, 45 trucks total during
14 those three months for the cut and fill, 50
15 trucks total for the materials that need to be
16 brought onsite, and then one truck per week in
17 month five for demobilization.

18 There was also one question from George
19 regarding the distances on the southern portion
20 of the facility, to the property line, so the
21 stakes that were onsite during our site visit
22 were correct, that was marking the limits of
23 disturbance. So the limits of disturbance are
24 only 50 feet from the property line in the south,

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2 but it's 150 feet to the array, to the structure.
3 So there's 100 foot spread for landscaping, but
4 also the turnarounds, mostly for the turnarounds
5 of the access road on the southern portion of the
6 site.

7 The benefits of the system, we think
8 there are some major benefits of this system with
9 regard to the environment, but also with regard
10 to the community. With regards to the
11 environment, the obvious benefit is that we're
12 putting five megawatts of clean energy onto the
13 grid. It's the equivalent of planting over
14 200,000 trees.

15 Even though we are impacting a
16 significant amount of trees to do that, I'd like
17 to counter that there is limited biodiversity and
18 species diversity onsite. We've performed a
19 number of environmental studies, we've consulted
20 with the United States Fish and Wildlife Service,
21 with New York State DEC. There's no critical
22 habitats, there's no threatened or endangered
23 species, there's no vernal pools, there's no bog
24 turtles, there's no bald eagles. There's 1.2 acre

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2 potential habitat for bog turtles in the
3 wetlands, which we will not be disturbing.

4 There was a robust study done by Steven
5 Coleman in 2005. The conclusion from that study
6 were the site's capability to support populations
7 of rare and environmentally sensitive forest
8 interior species has been compromised. We have
9 been working with TRC as our environmental and
10 civil engineer to draft all these plans during
11 that process. They drafted a biodiversity memo
12 report updating those 2005 findings, performing
13 their own desktop analysis.

14 Then we hired Weston & Sampson, a
15 consultant recommended by the town, to opine on
16 the 2005 findings and the report that TRC put
17 together and even performed, Daniel Biggs
18 performed a site visit to inspect the
19 biodiversity on site this year. Their findings
20 were there's relatively low to overall moderate
21 overall species diversity within the project
22 area. The project will not significantly impact
23 rare ecological communities or species identified
24 at this time. There's no record of rare or

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2 endangered species.

3 Given that, we feel that the benefits of
4 having to remove about 3,000 trees to install
5 this community solar farm greatly outweigh the
6 benefits to removing those trees -- the, the
7 downside to removing those trees.

8 Quickly, we're taking many measures in
9 response to having to remove those threes. We're
10 taking many measures to mitigate against that, to
11 make this as environmentally uninvasive as
12 possible. So there will be pollinator friendly
13 vegetation throughout the site. It's a bed of
14 grasses, red clovers and white clovers.

15 In the second to last e-mail I sent you
16 Chris, there's actually a photo of what this
17 looks like, and I think it's important for people
18 to see a very diverse, pleasant meadow, yes. So
19 that's what the site will look like, those are
20 dandelions and white clovers. Unfortunately,
21 there's no photos available of red clovers and
22 white clovers but that's what will be planted and
23 maintained underneath our solar facility, along
24 with existing screening and added screening

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2 through our landscaping plan.

3 So it supports its own biodiversity of
4 humming birds, insects, butterflies and bees.
5 It's not like we are installing asphalt and
6 impervious surfaces. There's only .23 acres of
7 impervious surface on this site.

8 After the site's useful life, we have a
9 reforestation plan where we will plant over 500
10 trees. We're making contribution to the Cortlandt
11 Tree Fund of about \$90,000. We are making a
12 donation to a local environmental agency, one
13 dollar per panel installed. There's about 11,500
14 panels, so we'll be making a \$11,500
15 contribution. And then per last meeting, we are
16 enacting a 20 acre conservation easement on the
17 property, so the property is about 43 acres total
18 between the two properties, and you know, we're
19 willing to commit the majority of the unused land
20 to a conservation easement. It's a similar area
21 to what the Mill Court Subdivision placed under
22 conservation. So it's about 20 acres, it'll be
23 about 50 percent of the property that will be
24 under a conservation easement. We think that's

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2 pretty significant and we'll never be able to be
3 developed in the future.

4 With regards to the community, there'll
5 be about 1,000 local residents that'll receive
6 monthly discounts on their utility bills, a ten
7 percent discount on their ConEdison bills. If you
8 do the math across those 1,000 local residents,
9 it's about \$130,000 per year in energy savings
10 throughout the community. CVE prioritizes local
11 residents. We will target those within the town
12 of Cortlandt first. That \$135,000 in the first
13 year is \$4 million in energy savings throughout
14 the town of Cortlandt over the next 25 years.

15 We also will negotiate pilots with the
16 town, county and school district at the maximum
17 rate that NYSERDA recommends. So NYSERDA has a
18 pilot guidebook to help local governments with
19 negotiating these property tax agreements and we
20 have already spoken with the town attorney to
21 agree at the maximum rate, which is \$11,100 per
22 megawatt AC per year.

23 And we can also talk about ways to maybe
24 frontload those payments. We're working with a

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2 couple towns upstate where the school district
3 would prefer to take that money in year one
4 essentially, in year zero, as an upfront
5 donation. Given how New York State tax law is
6 structured, they end up benefitting more from
7 that.

8 Finally, and maybe we could switch to
9 the other slide with the Mill Court Subdivision.
10 We think that this is a great alternative to the
11 Mill Court Subdivision. We think it will be a
12 quieter, lower impact use of the land. We think
13 that'll actually maintain the neighborhood
14 character better than 13 new homes. There's no
15 asphalt, there's no sewer infrastructure, we're
16 further set back from the property lines, the
17 home, the home on the northern edge there is only
18 60 feet from the property line. There's no
19 traffic, there's no kids in the street, there's
20 no kids in the school, there's no strain on
21 police services.

22 So let me just real quickly and I will
23 open it up to the public hearing in one second,
24 but as a means of comparison versus the Mill

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2 Court Subdivision, our construction period will
3 be five, six months, max. The construction period
4 to construct up to 13 homes, that could be two,
5 three, maybe four years. There's no traffic from
6 this, virtually no traffic from this solar
7 facility. We'll have two trips a month for
8 electrician visits and checkup maintenance,
9 whereas they calculated there could be 30 vehicle
10 trips per day during just peak hours for the
11 residential subdivision. There's no wastewater,
12 there's no need for water supply, there's no
13 children in the school district.

14 The impervious surface, I misquoted
15 before. It's only .12 acres for our solar farm.
16 It's 3.74 acres for the housing subdivision with
17 1,900 linear feet of asphalt. We've committed to
18 no blasting for the impacts to the steep slopes
19 and the rock outcroppings. There was blasting
20 planned for the subdivision. They have a
21 conservation easement, we've also committed to a
22 conservation easement.

23 The one maybe negative is getting back
24 to the trees, we're impacting roughly double the

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2 amount of trees, but we think it's greatly offset
3 by the positive carbon impacts of a solar farm
4 and finally, our solar farm with our revisions
5 from last meeting has a maximum structure height
6 of 6'10" where a home could be maybe two, two
7 stories with an attic could be maybe 20 to 30
8 feet tall, so we think the visual impacts will be
9 less as well. Thank you for your time and yeah.

10 MR. KESSLER: Just a question, and this
11 came through one of the residents in one of their
12 pieces of correspondence. You keep saying five
13 megawatts.

14 MR. WEINAND: Yes.

15 MR. KESSLER: The original application
16 was three.

17 MR. WEINAND: Mm-hmm.

18 MR. KESSLER: Did you increase from the
19 original 67 percent in terms of the number of
20 panels? Is that what's happened here?

21 MR. WEINAND: Yeah, yeah, I think that
22 three megawatts was left over from some initial
23 design. We have redesigned over the past two
24 years that we've been working on this project and

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2 panels have gotten more efficient as well, so
3 that's increased our capacity but our system size
4 is five megawatts AC and that's our agreement
5 with the utility as well.

6 MR. KESSLER: Okay. We just need to --

7 MR. KEHOE: But that mistake has carried
8 over on the agenda. It won't carry over until the
9 August agenda.

10 MR. KESSLER: Okay.

11 MR. PREZIOSI: Is there a limit to the
12 number of megawatts for a community solar project
13 under the New York State's program?

14 MR. WEINAND: It's five megawatts AC,
15 mm-hmm.

16 MR. PREZIOSI: And this is going to be
17 what AC? This is five megawatts DC?

18 MR. WEINAND: This is five megawatts AC
19 and actually five megawatts DC.

20 MR. PREZIOSI: Isn't there a loss of
21 transfer when you go from DC to AC?

22 MR. WEINAND: Yes.

23 MR. PREZIOSI: So it would be less than
24 five, right? It would be like three-and-a-half,

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2 maybe four AC?

3 MR. WEINAND: No. It's five megawatts,
4 DC, so maybe Aldi wants to speak to that. He's
5 our engineer.

6 MR. PREZIOSI: Just trying to answer Mr.
7 Kessler's point, maybe it's an increase because
8 it's the DC description versus the AC.

9 MR. WEINAND: Yeah, there's no --
10 usually --

11 MR. KESSLER: There's a loss when you
12 transfer back to ConEd.

13 MR. PREZIOSI: Yes.

14 MR. WEINAND: Usually you have about a
15 six-and-a-half megawatt DC site for a five
16 megawatt AC site. But the way it worked out here,
17 just with how our layout has evolved and given
18 the constraints of property lines and fire access
19 road designs, we were going for more, six, six-
20 and-a-half, but we've had to reduce, and what
21 we're connecting to the grid is five megawatts
22 AC.

23 MR. PREZIOSI: But that's still within
24 the New York State regulations as far as --

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2 MR. WEINAND: Yes.

3 MR. PREZIOSI: Okay. I just want to make
4 sure that's clear.

5 MR. KESSLER: One last thing. Just so I
6 get the numbers right here. A thousand residents
7 will be serviced by this.

8 MR. WEINAND: Yes.

9 MR. KESSLER: They'll save \$130,000 a
10 year.

11 MR. WEINAND: Yeah.

12 MR. KESSLER: So that's \$130, basically
13 \$10 a month per person?

14 MR. WEINAND: Yes.

15 MR. KESSLER: Notwithstanding the
16 impacts of solar and carbon, I understand all
17 that.

18 MR. WEINAND: Yeah.

19 MR. KESSLER: But basically we're
20 talking about saving residents \$10 a month on
21 their average electric bill?

22 MR. WEINAND: Ten percent.

23 MR. KESSLER: Ten dollars a month.

24 MR. WEINAND: Is it about \$100?

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2 UNIDENTIFIED MALE: \$130,000.

3 MR. KESSLER: For a thousand people is
4 \$130 a year.

5 MR. WEINAND: It might be more because
6 the rate of --

7 MR. KESSLER: Divide by 12.

8 MR. WEINAND: It's ten percent --

9 MR. KESSLER: \$10.50, how's that?

10 MR. WEINAND: I, the math that I used
11 was an average rate of 17 cents a kilowatt hour,
12 using about 10,000 kilowatt hours a year, and I
13 could fact check the math on the 130,000.

14 MR. KESSLER: Yeah, let's check the
15 math.

16 MR. WEINAND: But it's, it adds up.

17 MR. KESSLER: I'd like to put it down to
18 simple terms.

19 MR. WEINAND: Yes.

20 MR. KESSLER: Loretta? Public?

21 MS. TAYLOR: Yeah, okay, are you done?

22 MR. WEINAND: I'm done, sorry.

23 MS. TAYLOR: Okay.

24 MR. WEINAND: I could stay up here all

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2 night. Thank you.

3 MS. TAYLOR: Alright. Very good. Okay.
4 Folks, this is a public hearing and this is the
5 time that you have to come up and talk regarding
6 the application. You can express your views
7 either for or against it, but first tell us your
8 name and where you reside.

9 MS. WENDY TALIO: Hi, for the record, my
10 name is Wendy Talio. I live at 3 Watson Street.
11 I'm here tonight representing the North Cortlandt
12 Vision Committee. We are a small working group
13 that was assembled at the suggestion of
14 Supervisor Puglisi to represent the residents of
15 North Cortlandt and make sure we're a conduit of
16 the needs and values of the neighborhoods to the
17 town in situations just as this.

18 I also happen to be a member of the
19 Conservation Advisory Council and they have seen
20 what I'm going to present to you as well, and we
21 are pretty much in alignment in terms of our
22 thinking about this proposal.

23 So what exactly are we aligned on? No
24 one here is questioning the benefits of solar. We

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2 all recognize the need to reduce greenhouse
3 gases. We do believe that this particular
4 proposal, the way it's proposed on this
5 particular site is an unequal tradeoff in the
6 natural resources that are at stake. And beyond
7 the evaluation of just this particular proposal,
8 we also ask that you support us in the
9 modification of the ordinance to include site
10 prioritization when considering where to put
11 solar farms. And also in past open space
12 planning, the CAC has also recommended that this
13 area be conserved, and we also support
14 conservation of this area. And the rest of this
15 is going to be explaining our rationale.

16 MR. KIMMERLING: Could I just ask a
17 clarification?

18 MS. TALIO: Sure.

19 MR. KIMMERLING: Are you presenting this
20 as a joint response from the CAC and the
21 citizen's organization, or were you just
22 indicating you happen also to be on the CAC?

23 MS. TALIO: I'm just indicating that I
24 happen to also be on the CAC.

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2 MR. KIMMERLING: Okay, great.

3 MS. TALIO: I'm here representing North
4 Cortlandt.

5 MR. KIMMERLING: Okay, great. Thanks.

6 MS. TALIO: So this slide doesn't really
7 need any explanation. I just put it up to remind
8 everybody what our why is. We all know that
9 there's climate change, we all know we have to do
10 something about it and we're all on the same page
11 in that we just want to make sure we have a
12 planet that's going to sustain life and give us
13 food, shelter and water. That's it. So just keep
14 that in mind as I walk through this.

15 So there's two ways to fight climate
16 change. Part of it is preventing the things that
17 are causing it in the first place and the other
18 part of it is to also protect the resources that
19 are being impacted. So we do that through things
20 like solar farms and other ways of reducing
21 greenhouse gas. We also do it by protecting our
22 water supply, protecting the trees, which also
23 create oxygen. They don't just sequester CO2, and
24 also to give homes to species including humans.

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2 We also take a balanced action on both
3 of these sides, so prevention, there's a million
4 programs out there in New York State. There's the
5 Climate Leadership and Community Protection Act,
6 we have the Climate Smart Program, which
7 Cortlandt is a bronze member. It's morphing into
8 Clean Energy Communities. And on the protection
9 side, New York City had its filtration waiver
10 renewed in 2017, just reminding everybody that
11 they determined that it's a lot cheaper to spend
12 \$1 billion on preserving our watershed and our
13 wetlands than to spend \$10 billion trying to do
14 it through manmade filtration systems.

15 In our own town, just last April, our
16 CAC planted trees next to the Peekskill Hollow
17 Brook, because they will help filtrate and keep
18 the water clean for us. And the most recent event
19 is Biden's 30x30 executive order, no idea how
20 that will actually turn out, but the consensus is
21 we need to protect 30 percent of the U.S. land
22 and water by 2030.

23 So there's a lot of protection going
24 along with the prevention. And you folks right

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2 here also balance your permitting decisions. On
3 the one side, we have our local law for solar. We
4 want to promote it, we want green energy, and we
5 promote it in residential areas. But on the flip
6 side, we have all of our ordinances that protect
7 the trees and the wetlands and the slopes and the
8 species. And we also want to make sure that
9 we're connecting the existing open space parcels
10 and create larger patches of corridors for
11 connectivity with the greater woods around us.

12 So why am I walking you through all of
13 this that I know you know pretty well? Because
14 preventing and protecting simultaneously is
15 easier said than done. And towards that end, our
16 friends at Scenic Hudson provided us with two
17 really cool tools, which we've been exploring
18 with the CAC. One is the siting guide, which I
19 know CVE is familiar with, and it is also
20 complimented by a mapping tool that literally
21 lets you examine the terrain and find where it's
22 really appropriate to put these solar farms.

23 They give us guidance to literally walk
24 through this table from left to right in that

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2 order. They do it for a reason. You first want to
3 prioritize that you're putting things where
4 there's likely no harm. You co-locate, you put
5 them on buildings, you use agricultural areas,
6 you look for previously disturbed areas, you look
7 for ways to stimulate the economy.

8 If you find those places, then you also
9 have to ask are you avoiding impact to any of the
10 resources on this list? Are you minimizing what
11 you're doing and if you absolutely can't, have
12 you mitigated it? That includes the forest,
13 biodiversity, wetlands, human beings who live in
14 the area and any historical things in the
15 neighborhood. And then lastly, of course you want
16 to make sure it's feasible. Is there a 15 percent
17 slope, is there southern exposure, can you
18 actually connect to the grid?

19 We have some really good examples of
20 prioritizing sites in our town that have already
21 given us 15 megawatts here. The MTA has RFP'd out
22 for putting parking canopy in our train station.
23 We, through the scenic Hudson mapping tool, we
24 just looked at the town center and two buildings

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2 you could get eight megawatts right there. I
3 believe that ShopRite is already in conversation
4 to put some panels on their roofs. And the egg
5 farm down on Croton Avenue took advantage of land
6 that was already cleared, it had some impervious
7 surfaces on it, you know, it was a good choice
8 for installing and it's not bothering anybody
9 down there.

10 And then lastly, in terms of example
11 sites, the Hudson tool also helps you find those
12 places that are previously disturbed. Things like
13 surface mines, landfills. They also still, even
14 with that, they emphasize cross check, that it's
15 aligned with the community vision for the site.

16 So for instance, you can see on this map
17 here all these yellow markers. There's a lot on
18 the Riverfronts. And we do have a lot of brown
19 dot areas on our riverfront. But we also have the
20 LWRP program going on. So you don't want to just
21 run in there and put solar farms necessarily, you
22 should consider it. But you also need to consider
23 the needs of the community.

24 So now I would just like to evaluate

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2 this site and proposal through the lens of the
3 scenic Hudson prioritization tool. So rather than
4 look for some place that's avoiding impact, it's
5 gone straight into a forest patch. Where this
6 forest patch is located is up in the northeast
7 part of town, and if you kind of remove that,
8 you're creating just a bigger brown patch for us.

9 Yes, the 2005 study did state that the
10 area has a healthy and diverse wildlife. Carlson
11 was speaking tonight that it's not so diverse.
12 And I would argue that yeah, there's maybe not
13 endangered species, but there are a lot of
14 animals living there. I see them all the time in
15 my backyard. The target site is actually rich in
16 natural resources. It's 164-acre patch of forest.
17 It has high quality trees in it, it's home to
18 wetlands, it's home to actually three wetlands.
19 There's only two that are designated by the state
20 and federal government, but those of us who live
21 in the area know there's a third to the northwest
22 of the site.

23 And also, the light green area
24 surrounding this is what's designated by the DEC

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2 as a significant biodiversity zone. It's also
3 putting the solar farm embedded in a residential
4 community. We're already in a densely populated
5 place, we're being roped off by highly trafficked
6 roads, and now you want to take out 3,000 trees.

7 The materials from TRC and CVE I think
8 tried to understand the value of this forest,
9 kind of just making it disposable because it's
10 part, it's young and has an overall low forest
11 index. I need to point out that the index is
12 actually a comparative measure. It's comparing
13 this forest to forests like the 700,000 acres in
14 the Catskills. That's what comparative indexes
15 do.

16 Yes, it's 164 acres, it's fragmented
17 from its matrix, it has less of an ability to
18 support wildlife and carbon sequestration, but
19 it's not a bad forest. And scenic Hudson told me
20 that the reason why they actually don't include
21 this index in their scenic mapping tool is
22 because it's so often misinterpreted.

23 They're not really minimizing impact
24 either. They have gone for the full five

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2 megawatts that they are allowed to do. They've
3 used every inch of space that's not wetlands,
4 they're now, I guess 3,350 trees will be cut. I
5 believe, if I read the landscaping plan, 302
6 trees, I guess you're adding some more now around
7 the periphery for barriers and the rest will be
8 planted in 20, 25 years from now when the site is
9 shut down.

10 You're going to be cutting and filling
11 slopes, you're going to be reducing the buffers
12 and from the last pictures that we had available
13 to us, the panels will be visible, especially to
14 the south.

15 The planning board did try to minimize
16 the last proposal, and if you just compare the
17 pictures, you can see that the homes are scooted
18 over. I estimated some 2,000 trees because I know
19 that the original tree inventory done back then
20 only counted the ones that were 12 inches and
21 above. If you just calculate how many the 3,400
22 are per acre, and do the math, I think it's about
23 2,000 that would be taken out for the
24 residential. And, I just wanted to say I did the

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2 math and I think I would save \$15 a month on my
3 electric bill.

4 And then lastly here, the mitigation
5 that they have proposed is to substitute a meadow
6 for a forest. I understand that it's maybe not
7 that easy to actually get a meadow to grow. The
8 picture was lovely. I don't know if there's that
9 much open area in the plan that is actually being
10 proposed here. And I don't believe that it
11 supports the exact wildlife that we're scooting
12 away by taking away the forest from them.

13 They're also adding manmade swales to
14 counteract the balance of the runoff and the
15 erosion when the 3,400 trees are gone. We're not
16 completely convinced that they've accounted for
17 the root system that's also holding in the
18 groundwater.

19 If you actually look at the forest and
20 how it will be disturbed, forests species are
21 living in the dark green areas. That's the core
22 of the forest. The edge is just defined by the
23 DEC is the first 100 meters in. And the reason
24 why they call it a buffer is it's protecting you

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2 from invasive species, from heat, from other
3 things that could get in to disturb the core. If
4 you take out the core, you're actually creating
5 an edge and for every bit of edge you're taking
6 away, you're eating into the next core.

7 So by removing that block of 20 acres
8 and those 3,400 trees, they're actually going to
9 be, despite not actually touching the wetland,
10 they are going to change the character of the
11 woods the wetlands are in. The wetlands will now
12 be in an edge, they won't be in the core any
13 longer. And all the species that go back and
14 forth between a core and a [unintelligible]
15 [02:10:06] will also be disturbed.

16 So in a sense, you actually have just
17 done exactly what we've been trying to avoid.
18 You're going to raise the temperature around the
19 wetlands, around the neighborhoods and it's going
20 to have all the same impact that climate change
21 is actually having on us. So that's why we think
22 this is really not the best place to put a solar
23 farm.

24 And the last thing I want to mention is

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2 what happens if the storm plan actually fails, if
3 they haven't really accounted for all of the
4 groundwater that's held by those trees.

5 On CVE's site, they actually point out
6 numerous places that they're recognized for their
7 recognized for their expertise in installations
8 for ground based plants that do everything that
9 we just said. They avoid natural resources, they
10 put them in brown fields, they put them next to
11 airports, they put them near dumps and quarries.
12 They don't put them in residential areas. Maybe
13 they've done it in another county. I haven't seen
14 any evidence of them taking out a forest and
15 making sure that they've really truly mitigated
16 everything around it.

17 Their responsibilities also don't
18 mention anything about what will they do for the
19 environment. They'll manage the plant, they'll
20 pay the bills, they'll do service visits, but I
21 don't see anything in their plans about what
22 happens. And to quote my CAC colleague, Paul
23 Buckout, it only takes one significant rain event
24 when the forests are cleared to create enough

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2 silt and runoff to destroy a wetland for decades.
3 I don't really want to find out that that's
4 what's going to happen in this way. And if you
5 just watch the weather, the likelihood of a
6 significant event is more and more probable.

7 So I'll just close by saying I think
8 we've been here before. There have been other
9 unsuccessful attempts to try and do something
10 with this land. We are all spending a lot of time
11 here, applicant included and we just would rather
12 spend our time and energy on looking for the
13 right places to put green energy and working on a
14 future looking plan for our open space.

15 And so this is why we ask you please
16 support the modification to the solar ordinance
17 and support our efforts to conserve as much of
18 this land as we can. And I also just want to
19 point out that the land that CVE would be
20 conserving is the same land that would be
21 conserved under the homes. They're basically just
22 conserving the immediate area of the wetlands,
23 which should be protected, no matter what. Thank
24 you for your time.

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2 MS. TAYLOR: Thank you. Are there any
3 other?

4 MR. RICK RIBEIRO: Good evening, my name
5 is Rick Ribeiro, I live at 5 Mill Court. I'm the
6 property on the northern edge of this proposed
7 plan that was mentioned previously that from a
8 visual aspect will probably be impacted the most.
9 Looking at the plans, they have a 200 foot
10 setback for their solar panels, not counting the
11 fence that's prior to that.

12 From my property, standing outside, I
13 could easily see 400 feet, which I've laser
14 checked myself visually. And that's at a ground
15 level. I know they did some studies for various
16 ground elevation photographs that they took. Some
17 of them were quite silly, on the front property
18 of adjacent homeowners in the middle of the
19 street. It had no reference point to what us as
20 homeowners are going to be seeing.

21 My house alone, on the back of my house,
22 I measured 116 square feet of glass that I have
23 from my windows that I see from my first and
24 second floor that I'm afforded to see currently

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2 all the natural beauty that we currently have.
3 The plans that they have to plant six to seven
4 foot tall plant material will not mitigate that
5 for us. We're going to see a sea of panels behind
6 us. From my property, the property in question
7 for this pan slopes up to the southern part.
8 That's six to seven foot of any plant material is
9 useless. It's not going to help us at all. At
10 minimum, I would presume that you would need 12
11 to 14 foot planting materials or a continuous
12 three to four foot high berm around this location
13 with the planting materials on top of that.

14 In your strategic planting notes on your
15 plans, it says all excavation for tree planting
16 shall be done by hand. No machines or excavation
17 equipment. It's not possible. There's rock
18 croppings and there's a heavy rock content within
19 that soil. The berm would afford the possibility
20 of the planted material in that location to avoid
21 that that rock cropping and high rock content,
22 and also give it a higher elevation to help
23 mitigate our view from it.

24 Also, in addition, they have noted 50 to

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2 60 plantings in the northern section, as well as
3 their 510 plantings remaining within their plan.
4 I'd like to know if the homeowners, myself and
5 the adjacent neighbors have any say as to where
6 those plant materials might go.

7 During the construction, will the new
8 access road be used for the trucks to come in and
9 out or will Mill Court be used? I couldn't find
10 that in the plans at all. What requirements are
11 in place for the asphalt surfaces on Mill Court,
12 protection of stormwater drains, foreign debris,
13 will there be a tracking pad set up with a wash
14 station for vehicle tires when leaving the work
15 site? Will they be going onto Mill Court or Red
16 Mill Road?

17 The panels are noted to be 6'10" high
18 from grade. The height of the transformer noted
19 on the plans were not mentioned, so I looked a
20 little deeper. They're 24 to 36 inches high, the
21 transformers and the adjacent charging batteries
22 as well. Can those be painted in the green, so
23 they could blend in a little bit more with
24 nature, as opposed to their white color that they

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2 currently have.

3 What is the warranty period for planting
4 material, and what's the failure procedure for
5 replacing dead planting material?

6 And lastly, I'd like to know what the
7 maintenance process is for the ongoing basis to
8 deal with not only the field itself, with the
9 beautiful flowers, the clovers that they
10 mentioned, but the access road, how do they
11 handle any kind of debris removal, dead trees,
12 limbs, growth that they do not want, any kind of
13 weeds or saplings, is it going to be by manpower
14 and hand tools or will it be chemically treated?
15 That's pretty much it, thank you.

16 MS. TAYLOR: Thank you.

17 MR. PAUL BUCKOUT: Good evening, my name
18 is Paul Buckout, 40 McGregor Lane. It's very nice
19 to see Chairman Taylor and the planning board and
20 my fellow neighbors, very nice to see you. The
21 need for solar installations of the kind being
22 proposed is great in our rapidly changing climate
23 conditions. If this installation were being
24 proposed for the acres of parking lots or the

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2 roof of a commercial building where it would have
3 only a net benefit, I would support it entirely.
4 If it were even going into a superfund site or
5 one of the large highly degraded land parcels we
6 have in Cortlandt, I would support it also.

7 Instead, there is a proposal to cut down
8 3,000, well, we're figuring that out, 3,300
9 trees, in the middle of an intact forest, which
10 has very few invasive species and relatively
11 young trees that are pumping out oxygen, cooling,
12 the surround area and providing biodiversity for
13 a large number of plants and animal species, some
14 of which are endangered.

15 The property was identified by the open
16 space committee as a very valuable, in its
17 present state. I'd just like to say, I was really
18 amazed by going through on the site visit, this
19 is better forest than we have, than the town
20 forest, or the town's forest that they manage in
21 terms of invasive species and stuff not being
22 around. I'd like to talk about that a little bit.

23 Just also, the water from this property
24 flows under Route 6 behind the Pondview Commons

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2 and into McGregor Pond Preserve and then flows
3 south and west, eventually entering the Peekskill
4 Hollow Brook at the golf course and just above
5 where Peekskill takes in its water.

6 The R40 designation for houses should
7 remain. The house would not break up the forest
8 cover as badly and would result in more distance
9 between the disturbed soils and the wetlands.

10 It only takes, as Wendy said, one
11 significant rain event for the runoff to destroy
12 the wetlands for decades. You just have to have
13 it at the wrong time, when everything's been
14 ripped out. The clearing for this large area for
15 a solar array in the middle of a forest will
16 provide an ideal pathway for invasive species to
17 get to the heart of the forest, primarily through
18 windborne seeds and birds who inhabit the cleared
19 forest edges. In our time of climate change, this
20 solar field will be yet another heat island and
21 the buffering effect of the trees have on wind
22 events will be lost.

23 If we look at the historic GIS aerial
24 photos of this property, the grainy 1947 aerial

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2 show an early forest that had emerged from
3 pastureland. This probably was due to the -- it
4 was one of the Field family's holdings. The Field
5 Mansion, which sits about a half a mile to, it
6 would be the east of this proposal. Fields owns
7 Lexington, all Strawberry and 6th, that property,
8 they own that entire piece and they owned a lot
9 of pieces besides that.

10 The 1960 and '76 GIS show a wooded lot
11 with no buildings ever constructed. The most up
12 to date aerial photos confirm in much greater
13 detail that no buildings on this property, which
14 may explain why the lack of invasive plant. In
15 other words, it went from pastureland right to
16 forest. And once you get a building in there, you
17 tend to get invasives and they're just not there.

18 The following statement made by CVE in
19 regards to the biodiversity study and some
20 questions pertaining to those statements, on
21 February 4, 2021, CVE biodiversity statement
22 submitted to the planning board the following
23 findings. TRC consulted the United States Fish
24 and Wildlife Service, USFWS, information for

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2 planning and consulting for federally listed
3 species within the vicinity of the project site.
4 The USFWS, on official species list dated
5 February 1, 2021, identifies the Indiana bat, I'm
6 not going to go through the Latin on this, and
7 the endangered bog turtle, [unintelligible]
8 [02:22:18], state endangered and federally
9 threatened as potentially being in the vicinity
10 of the project site.

11 So what does vicinity mean? Feet, yards,
12 miles? Is it measured from the solar array? Is it
13 the fence? In CVE America biodiversity report of
14 April 2021, it states the following. Though CVE
15 and TRG's proposed conservation measures no take
16 of bog turtles is anticipated, the project site,
17 the phase one Bog Turtle Habitat Survey, Appendix
18 1 will be submitted to the USFWS for their
19 concurrence that no take of bog turtles is
20 anticipated.

21 So when was the report submitted? What
22 was the conclusion of the USFWS came to? Why was
23 this report not submitted to the New York State
24 DEP Region Three? Where can Appendix JUDGE: be

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2 found? I've looked for this appendix for hours
3 and I cannot find it. It's not in the
4 biodiversity report?

5 Why is this important? Bog turtles and
6 other turtles, their loss of habitat in the
7 Hudson River, Hudson Valley is fairly enormous.
8 Bog turtles, when they lay their eggs, they move
9 out of the wetlands, and other turtles too, into
10 dryer, sandy soil or disturbed soils. In the case
11 of this project, it would mean towards the solar
12 array.

13 So it's not so much that the bog turtles
14 hang out in the swamp all the time, sometimes
15 they move. They have to move in order to lay
16 their eggs in a drier soil. They prefer a little
17 sandy, disturbed soils.

18 So the following is an expert -- now,
19 I'd just like to go slightly different. The
20 following is an excerpt from the Cortlandt Town
21 Code. Cortlandt Town Code 179-5, a determination
22 and delineation of wetlands, as a policy the
23 determination and delineation of wetlands will
24 only be conducted during the growing season,

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2 which is usually April 2nd to November 20th. Why
3 wasn't the biodiversity study done within these
4 parameters? The biodiversity study was done March
5 22, 2021.

6 According to AccuWeather's historic data
7 from the Mohican Lake weather station on this
8 date, 30 degrees Fahrenheit was the low, 63 was
9 the high. During the previous week, the low
10 temperatures were below 32 every day expect
11 3/18/2021. These are hardly temperatures
12 conducive to the spring emergence of bog turtles,
13 or any other turtle. What was the soil
14 temperature on 3/22, what was the water
15 temperature on 3/22?

16 Why is it important? Bog turtles and
17 most other turtle species will emerge from
18 hibernation when the temperatures are not warm
19 enough. They are cold blooded animals.

20 In conclusion, you're not going to find
21 what you're -- if you go looking for something
22 and you look for it, you're not going to find it
23 if you don't want to. Thank you for taking the
24 time to review and consider my analysis of the

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2 CVE project. Questions? No?

3 MS. TAYLOR: Thank you.

4 MS. ANDREA MONTALVO: Hi, good evening.
5 I'm going to be very quick. My name is Andrea
6 Montalvo and my family and I bought less than two
7 years ago 7 Mill Court. Aside from being an oasis
8 while working in a hospital during this
9 timeframe, it's a beautiful piece of land that
10 was like a refuge in a horrible time in
11 healthcare.

12 But specifically, I don't have all the
13 data that you all have, but on June 9th, in my
14 neighbor's 9 Mill Court, a box turtle, we
15 actually got to witness, they have the video,
16 them actually lay eggs and that is actually
17 considered an endangered or threatened, sorry,
18 it's a species of interest that is threatened
19 currently that we're hoping to watch. If anybody
20 is interested, there's a cage over it, to watch
21 them hatch. This was June 9th. So there are
22 species that are clearly there that are
23 beautiful. So I just don't understand how
24 exchanging this many trees -- it's a little bit

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2 unfathomable to me. But just this physical things
3 that we can see. So that's just my part, thank
4 you.

5 MR. DON CANFIELD: Hi, my name is Don
6 Canfield. I live at 155 Red Mill Road and I abut
7 the back of this. In some respects, I think this
8 is kind of like well, here we go again. I think
9 the first time I came here was about 13 years ago
10 talking about Mill Court Crossing.

11 The first thing that comes to mind with
12 me in this thing, and it goes back to the Mill
13 Court Crossing. In the Mill Court Crossing DEIS,
14 there was an extensive map and study of the soil
15 conditions surrounding this hilltop. And what I
16 noticed in the whole thing was the porosity of
17 the soils. And I noticed it particularly because
18 in the springtime, very often, very large portion
19 of my front yard becomes very, very wet. And as I
20 studied that map, I noticed that the soil
21 porosity, all the water was coming underground
22 from the top of the hill. And what the trees do,
23 they're a big sponge. They grab all this water,
24 they put it in their roots, they send it back out

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2 of their leaves. When they're gone, my property
3 is going to turn into a wetland.

4 I heard somebody mention something about
5 an unofficial wetland and I wonder if that's part
6 of my property on the northeast corner of the
7 property, because I experience this. It's not an
8 official wetland, it's not a wetland, but it's
9 wet. And by this time of year, it's dry. But in
10 the springtime, it's always wet and I think it's
11 going to become permanent, it could become
12 permanent if you remove all those trees. I said
13 this in front of this group years ago in the Mill
14 Court Crossing.

15 The other thing that I kind of was
16 noticing in the various things that I've seen
17 here when they're talking about the edge and the
18 core forest, a good chunk of my property is core
19 forest that will no longer be core forest. It's
20 just, that was described in some of the maps that
21 I've seen. And that's a shame, because in terms
22 of biodiversity, there may not be any bog turtles
23 as this gentleman has said, there may not be any
24 bald eagles as they said, but there are at least

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2 four different species of owls, there are deer,
3 there are coyotes, there are foxes, there are
4 bobcats, there are box turtles, there are so many
5 different kinds of frogs, tree frogs, that it's
6 difficult to sit outside and have a nice
7 conversation at this time of year. There's an
8 awful lot of biodiversity in there. It just
9 doesn't hit the -- they just don't check the
10 right boxes.

11 The other thing that I find interesting
12 is that in their screening they want to make with
13 one of the main trees that they use is Eastern
14 hemlock. I don't know if anybody has noticed this
15 in this area, but there's a huge infestation of
16 woolly adelgid that is decimating the hemlocks
17 that are native. What's going to happen to these
18 trees? Are they going to be treated, are they
19 going to be maintained, are they going to be
20 treated with various types of oils and things to
21 kill these bugs? Or are they just going to die in
22 five or six years? And then when that happens,
23 then what's going to happen?

24 That's the -- I guess you could make a

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2 different choice in the trees, but it makes me
3 wonder how carefully some of this has been
4 thought through. So that's it, not much, I didn't
5 have much to say, but I wanted to bring those up.
6 Thanks.

7 MS. NANCY YOUNG: Hi, my name is Nancy
8 Young. I live at 9 Mill Court. I've spoken to you
9 before about the Mill Court Crossing Development.
10 I'm going to mention some of the things that I
11 spoke about at that time again this evening. I
12 also want to say I never got to say to you that
13 we appreciated all of the due diligence you
14 provided in the Mill Court Crossing residential
15 proposal, so thank you.

16 At the same time, it's a bit unfortunate
17 that we're here again talking about the same
18 issues that Mill Court, the residents of the
19 Cortlandt Colony, Wild Birch Farms and the
20 surrounding areas on Red Mill Road, South Hill
21 and Mountainside are now being presented with
22 what is basically a Sophie's choice. We're being
23 told that this is better than the residential
24 development. And I'm here to tell you that is

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2 really not the case for those of us that care
3 about the conservation of this particular piece
4 of land. Looking to our neighbors in
5 Massachusetts because Massachusetts and New York
6 are the two states in particular that CVE North
7 America is targeting for the development of solar
8 installations. And that's because both these
9 states offer pretty well endowed incentives for
10 the installation of solar.

11 So looking to our neighbors in
12 Massachusetts, the Department of Energy Resources
13 in Massachusetts, in their guidelines for
14 considering ground mounted solar installations
15 says, and this is a quote, "use of land for the
16 purpose of solar power generation should be
17 compatible with most other types of land usage.
18 However, the Department of Energy Resources
19 strongly discourages designating locations that
20 require significant tree cutting because of the
21 important water management cooling and climate
22 benefits trees provide. The Department of Energy
23 Resources encourages designating locations in
24 industry and commercial districts or on vacant,

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2 undisturbed land.”

3 CVE is well aware of these guidelines,
4 yet they continue to ignore them in seeking to
5 install solar arrays in healthy forested areas.
6 In regard to the points raised by the
7 Massachusetts Department of Energy Resources, I’d
8 like to state what is a continuing concern
9 regarding the steep slopes, wetlands and water
10 flow from the proposed solar site. You’ve also
11 heard from other residents about this same issue.

12 All of the residents on Mill Court and
13 anyone living downhill from this property know
14 that there’s an issue with underground water
15 flowing off this property. This flows under our
16 driveways, which requires us to install pipes if
17 we put in a new driveway, which has been required
18 because of the erosion and buckling caused by the
19 water flowing under our property.

20 It has caused sinkholes in grassy areas
21 parallel to Mill Court. It has created a constant
22 stream of water bubbling at the corner of Mill
23 Court near my neighbor’s home at 7 Mill Court,
24 the results of this being a solid, frozen piece

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2 of road during almost all the winter months. And
3 there's a bubbling flow of water at the corner of
4 Mill Court and Red Mill Road. These conditions of
5 course worsen during rainy weather.

6 CVE is saying that they're simply going
7 to sink piping 12 inches into the surface for the
8 mounting of the solar panels on the property,
9 basically, attempting to minimize the effects of
10 the installation. However, once you begin
11 removing soil and vegetation, you're creating a
12 new set of issues for our community.

13 The removal of over 3,000 trees on the
14 site is of major concern as this forest serves to
15 maintain the integrity of the soil and acting
16 together, they work to keep the underground water
17 flow within reasonable and stable limits.

18 Although this is a local ordinance issue, the
19 commissioner of the Westchester County Planning
20 Board has written, as you are well aware, to
21 express concern about the number of trees being
22 removed and the proposed number of replacements
23 being provided for this project and the small
24 number of newly planted replacement trees, with

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2 limited root systems are not adequate to address
3 this problem.

4 A second point I'd like to make is the
5 lack of identified endangered species in the area
6 and the fact that this is being touted as an
7 acceptable rationale to create a situation where
8 habitat is fragmented by tree and soil removal,
9 the ability of wildlife to move within the area
10 is interrupted and changed by the creation of
11 working roads into the property and the
12 installation of the solar panels end up affecting
13 the soil and vegetation.

14 We've discussed this before in front of
15 the planning board, but it should be restated
16 that this area is a healthy forest, I have lived
17 in my home at 9 Mill Court for 28 years. This
18 property is home to Eastern box turtles, fox,
19 wild deer, turkey, owls and other wildlife, which
20 makes this a property worthy of conservation. You
21 can do as many desktop simulations as you want
22 and tell us who you think lives on this property.
23 But unless you live adjacent to this property,
24 you will never know the number of species that

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2 live there. A simple survey visit is not going to
3 tell you, because they are not going to show
4 themselves to you and say come on out and count
5 me now, it's time.

6 With increasing development in our area,
7 properties like this one are in danger of
8 disappearing altogether. The New York State
9 Department of Environmental Conservation has
10 designated this area as a significant
11 biodiversity zone and the CAC has requested the
12 town address necessary changes in the local
13 ordinances that would modify solar ordinances to
14 include site prioritization guidelines.

15 The North Cortlandt vision committee
16 endorses this recommendation as well and has
17 requested that the planning board support it. It
18 has also requested that the town support the 2004
19 CAC Open Space Plan Recommendations to consider
20 conserving this area.

21 As a resident, as a voter, as someone
22 who cares about the town that I live in, and I
23 believe you all do care about this town, I really
24 strongly request that you listen to us and hear

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2 what we're saying about conserving this property,
3 helping us be able to continue live on property
4 that does not get destroyed by the flow of water
5 that basically attempts are being made to
6 minimize the effect that will have on us. And we
7 live there, we see it, we know it, and we
8 respectfully ask you to please, please take this
9 into consideration. Thank you very much.

10 [applause]

11 MS. JENNIFER CIARDULLO: Hi. My name is
12 Jennifer Ciardullo, and along with my husband
13 Alfonso, I live at 4 Mill Court, and we've been
14 residents there for 18 years, and never plan on
15 moving. We love it here.

16 As Nancy, our neighbor mentioned, the
17 town of Cortlandt Open Space Report can be found
18 on the town of Cortlandt site. It was done in
19 2004 and it mentions on page nine, the highest
20 priority parcels. The parcels whose preservation
21 the committee has deemed of the very highest
22 priority are noted below. And then if you look on
23 the next page, which is page 10, the northeast
24 corner, it mentions two properties, the Kirquel

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2 property, as well as the Parr property. So the
3 Parr property for those of you who may not know,
4 or if you may not recall, they were our neighbors
5 to the back. We're at 4 Mill Court, they were
6 behind us. They broke their property into two
7 pieces. To sell their house, they had to remove
8 two solid, I believe acres, which is along the
9 back of 2, 4, 6, 8, 10 Mill Court. That's going
10 to be where I believe the truck route is.

11 And so as my fellow neighbors have
12 mentioned, here we go again. So we've been here
13 for 18 years. Nancy has been here for 28 years.
14 When Mill Crossing came about, did we want houses
15 put there? It was a lot of houses to begin with.
16 It then went down to fewer houses. We fought the
17 good fight with that.

18 You know, now, the Parrs want to sell
19 their property. So they have this piece of land
20 and this just seems like a great opportunity for
21 everybody, everybody but the people who live
22 here. We enjoy our property, we love our
23 property. We don't want houses, we don't want
24 really anything there. I mean it is a land that

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2 is recommended to be preserved.

3 So once again, we're asking you why. Why
4 this land? This is such a densely populated area.
5 There's houses everywhere here. There's so many
6 better opportunities for everything. I know that
7 people have the right to own land and to sell it.
8 I absolutely understand that, as Kirquel told me
9 themselves. But, you know, sometimes, the land
10 you buy or the land you own, sometimes you make a
11 fortune on it, sometimes you don't. I mean that
12 is capitalism, is it not?

13 So, again, please, I'm just speaking for
14 everybody. We really don't want to see this
15 happen for every reason that's been stated and
16 then some. Alright, thank you. [applause]

17 MS. TAYLOR: All rightie then, are there
18 any other comments? Okay.

19 MR. WEINAND: Yeah, one clarifying point
20 to her comments is construction will come up Mill
21 Court. There's no longer a secondary construction
22 access road along the Parr property.

23 MS. TAYLOR: Okay.

24 MR. ALFONSO CIARDULLO: Hi, my name is

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2 Alfonso Ciardullo. I live at 4 Mill Court, and my
3 understanding too is that you would have to give
4 them a special pass or whatever it is, because
5 it's zoned residential. To do this project, it
6 has to be turned into commercial property or
7 something. And I request the board please do not
8 turn it into commercial property because if this
9 company doesn't, I don't know how many solar
10 farms they own.

11 But I did my little internet search and
12 I know that they bought like one operating farm
13 in Massachusetts and that's it. They have no
14 other proven solar farms around. And all these
15 projects they have, they're working on. But
16 should you turn this into commercial property,
17 and let's say CVE decides somewhere down the line
18 maybe in mid-building of this thing, that it's
19 not feasible, we're stopping building, what's
20 going to happen to the property? Now you turned
21 it into commercial. Am I going to have a shopping
22 center being built up there, you know? These are
23 all things I think about.

24 And as my wife stated, that report that

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2 the open site report, which we made copies and
3 it's online for everyone to see, this corner of
4 Cortlandt, the northeast corner, the most densely
5 populated area with nothing left but these very
6 few properties. And it was highly prioritized
7 that it should be or should hopefully remain
8 undeveloped the way it is.

9 So hopefully, it stays like that,
10 because there is no open space left there, but
11 this property at the top of the hill. And it's at
12 the top of the hill, not the bottom of the hill.
13 And I don't know, not to bash the company, but I
14 don't know that beautiful picture that he posted
15 up there, where he got it from, but I doubt it's
16 going to look like that. Well, thank you very
17 much. Okay.

18 MS. SANDRA RIBEIRO: Well, I first want
19 to thank the Board very much for listening to all
20 of our concerns and I do thank all of my
21 neighbors for coming out and really saying such
22 really smart comments and coming with tons of
23 research. I just really want to think about
24 what's the long term effect, what's the pro and

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2 con to this project?

3 Obviously, my house is affected, I am
4 affected, however the town of Cortlandt is also
5 affected. If, for example, energy changes over
6 time, what happens to these panels? Who's going
7 to come and take care of this? This is a private
8 company. So what is the long term investment or
9 their true investment in this property, and once
10 you do change things, you cannot revert, you
11 cannot undo the damage.

12 So as presented tonight, there is a
13 potential change and damage that can occur. And
14 yes, there's attempts to remediate. Are they
15 valid? And why is there so much forthcoming with
16 donations? Why exactly? What is the long term?
17 And if we listen to careful, you know, the
18 returns, ten percent, \$12, \$10. I need to know
19 more. I need to understand what is at stake. What
20 am I saving, or what is the town saving?

21 All of these as I'm listening carefully
22 and as working in academia and being in analyzing
23 data, I'm not really clear of the data, except
24 you know, I get a lot of confusion sometimes of

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2 well we don't have the road now. Or, so, as I sit
3 back, aside from a resident, I'm thinking I'm
4 really not clear of this project today and I'm
5 really not clear of it how it's going to impact
6 the town years from now.

7 So I really need more clarity, really
8 deeper investigation as to the longer impact, not
9 only to the town, to the environment, and I just
10 really once again, want to thank you for your
11 time and just leave those tidbits to linger
12 behind. Thank you.

13 MR. KEHOE: Could you just state your
14 name.

15 MR. KESSLER: Please name --

16 MS. RIBEIRO: Sure, my name is Sandra
17 Ribero and I live on 5 Mill Court.

18 MS. TAYLOR: Okay. I think at this
19 point, we are ready to adjourn, yeah?

20 MR. KEHOE: Well, one thing I'm
21 wondering, given what we went through with Hudson
22 Wellness, there are a lot of comments made
23 tonight. Do you want, since we have seven weeks
24 between the next meeting, I think they should

1 July 6, 2021

2 respond to some of the comments rather than just
3 come back with no answers or responses at the
4 next meeting? Can you, if that's alright with the
5 board.

6 MR. KESSLER: That's a good idea, I
7 agree. I was going to ask the same thing, yeah.

8 MR. WEINAND: Sure. We can file
9 responses for the next meeting by the filing
10 deadline.

11 MS. TAYLOR: Wait a minute. We need a
12 date for something?

13 MR. KEHOE: August 21st.

14 MS. TAYLOR: We don't want to get your
15 comments and things just before the meeting
16 because then we have to deal with your materials
17 as well as the materials from other applicants.

18 MR. WEINAND: Yeah, August 21st at the
19 latest.

20 MS. TAYLOR: We can't, we can't read all
21 that much material.

22 MR. WEINAND: Right.

23 MS. TAYLOR: And do other things other
24 than these two, you know, public hearings.

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2 MR. WEINAND: Understood.

3 MS. TAYLOR: It's just becoming a bit
4 much.

5 MR. WEINAND: Sure.

6 MS. TAYLOR: Okay. So we need them
7 earlier.

8 MR. ROTHFEDER: I just wanted to put on
9 the record and tell the public that we've also
10 raised the issue of site prioritization --

11 MS. TAYLOR: Yes.

12 MR. ROTHFEDER: -- as a board, and we
13 are planning to send a memo to the town council
14 about it, our feelings about it.

15 MS. TAYLOR: We're thinking of asking
16 them to do a moratorium, but we're not sure about
17 that. Did you already --

18 MR. KESSLER: Okay. Madam Chair, I move
19 that we adjourn, that's what we're going to do,
20 right, is adjourn? We're going to adjourn this
21 public hearing to our August 31st meeting.

22 MR. BIANCHI: Second.

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

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2 MULTIPLE: Aye.

3 MS. TAYLOR: Opposed? Okay, fine, thank
4 you.

5 MR. KEHOE: Page two.

6 MS. TAYLOR: You want to take a five
7 minute break?

8 UNIDENTIFIED FEMALE: Yes, please.

9 MS. TAYLOR: Yes, go ahead, yes, okay,
10 let's take a five minute break.

11 [OFF THE RECORD]

12 [ON THE RECORD]

13 MS. TAYLOR: Okay, folks, we're back,
14 alright. We're going to go to the final area of
15 the -- no, actually not, not final.

16 MR. KESSLER: No, it's not. Wishful
17 thinking.

18 MS. TAYLOR: The next area, which is old
19 business. This is PB 2020-10, the application of
20 Cortlandt CSG, LLC, for the property of 202
21 Cortlandt LLC for site development plan approval
22 and a special permit and for tree removal and
23 steep slope permits for a proposed 2.3 megawatt
24 community solar power system, located on an

1 July 6, 2021

2 approximately 34.86-acre parcel of property
3 located on the north side of Route 202, west of
4 Lexington Avenue. The latest revised drawings May
5 20, 2021. Okay.

6 MR. BRAD SCHWARTZ: Good evening again,
7 Madam Chair, members of the Board, Brad Schwartz
8 from Zarin & Steinmetz, just for the record.
9 Kiran is out of town tonight. I'm joined by Nick
10 Walsh, the vice president of development from
11 Dimension. I believe you have a negative
12 declaration before your board tonight. We're
13 simply here to ask for the adoption of the neg
14 dec. This is not site plan approval. After the
15 neg dec, we would go to the town board for a
16 special permit. If and when the special permit is
17 approved, we come back to the planning board to
18 complete site plan review.

19 MR. KIMMERLING: Madam Chair, I'd like
20 to move that we adopt the negative declaration
21 and send this back to the town board for
22 consideration of a special permit.

23 MS. TAYLOR: Okay.

24 MR. KESSLER: Second.

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2 MS. TAYLOR: Thank you. On the question,
3 all in favor?

4 MULTIPLE: Aye.

5 MS. TAYLOR: Opposed? Okay.

6 MR. SCHWARTZ: Good night. Thank you.

7 MS. TAYLOR: Good night.

8 MR. KESSLER: Thank you. Do we need a
9 motion to refer back or anything?

10 MS. TAYLOR: Moving on to PB 1-16, the
11 application of Pomona Development, LLC for
12 preliminary plat approval and for --

13 MR. JAMES ANNICCHIARICO: Good evening.

14 MS. TAYLOR: -- and I didn't finish
15 reading.

16 MR. ANNICCHIARICO: Sorry.

17 MS. TAYLOR: I was just stopping because
18 somebody was talking louder than I was talking.
19 Okay. The application of Pomona Development, LLC
20 for preliminary plat approval and for steep
21 slope, wetland and tree removal permits for a
22 proposed three-lot major subdivision of an
23 approximately 16.78-acre parcel of property
24 located on the south side of Revolutionary Road,

1 July 6, 2021

2 500 feet south of Eton Lane. The drawings are
3 dated May 19, 2021. Yes.

4 MR. ANNICCHIARICO: Good evening, Jim
5 Annicchiarico, with Cronin Engineering,
6 representing Pomona Development in the three-lot
7 subdivision. So first, let me apologize for not
8 being able to attend the site walk. It was my
9 daughter's high school graduation party, so no
10 getting out of that.

11 So, I did speak with Chris this week
12 about some of the comments or discussions at the
13 site walk. One of them I believe was some
14 discussion about the location of one of the
15 houses to the left. None of them are set in
16 stone, obviously. The house obviously has to be
17 within the zoning envelope. They can be tweaked,
18 but if you have any other issues that you'd like
19 to discuss, I'll try to answer them.

20 MR. BIANCHI: That was one of my
21 comments too was when I asked how are the houses
22 sitting, but they were not definitely going to be
23 where they were shown. And that leads into if you
24 don't know where they are, how do you know what

1 July 6, 2021

2 the impact is going to be, again with the trees.
3 There was a substantial amount of trees involved
4 here as well.

5 MR. ANNICCHIARICO: Right. I mean --

6 MR. BIANCHI: So I think you've got to
7 nail down pretty closely to where the houses are
8 going to be located so you can have the trees
9 looked at.

10 MR. ANNICCHIARICO: Well, I think the
11 lot to the left, the lot in question, is the lot
12 with the most amount of trees on it. The other
13 two lots, most of the area is already cleared.

14 MR. BIANCHI: That's true.

15 MR. ANNICCHIARICO: But, you know, we've
16 gone from, obviously the first go around with six
17 lots and I believe with that we were proposing to
18 remove 242 trees. The three lot subdivision now
19 only proposes to remove 87, many of which are on
20 the access drive coming up the stem. And
21 obviously, many are on lot one as well. You know,
22 obviously, site plan, you know, actual site plans
23 will have to be submitted for building permits.
24 At that time, the actual number of trees for each

1 July 6, 2021

2 lot would be calculated and the tree permit would
3 be based on that and replanting plans and things
4 like that would follow for each individual lot.

5 MR. BIANCHI: But --

6 MR. KIMMERLING: Yeah, there was an old
7 tree survey done, right? For that one?

8 MR. KEHOE: Well, I don't exactly agree
9 with Jim. Just, you know, we talked about this a
10 little, but in the sense that the house locations
11 are general in what the planning board looks at.
12 And I know that you have them on your drawing as
13 general and they may not have been exactly marked
14 in the field correctly with the pink flags. But
15 that doesn't matter to me as much, but on your
16 plan, where those houses are, I think we probably
17 already have it, you showing the exact number of
18 trees that are going to be removed for those
19 three houses based on your conceptual locations,
20 correct?

21 MR. ANNICCHIARICO: That's correct.

22 MR. KEHOE: So the planning board will
23 actually issue the tree removal permit. And so,
24 and you and I discussed if you don't pull a

1 July 6, 2021

2 building permit on one of those houses for 18
3 months or 24 months, then the code enforcement
4 office may review that tree removal permit and
5 may modify it or have to issue it again. But the
6 planning board wants to know exactly, based on
7 your conceptual locations how many trees are
8 going to be removed. And you've shown that I
9 think in one of your site plans. And maybe that's
10 the number 87.

11 MR. ANNICCHIARICO: That is correct.

12 MR. KEHOE: Right.

13 MR. ANNICCHIARICO: I mean if I move a
14 house ten feet, I don't think it's going to
15 change the number of trees to be moved
16 significantly.

17 MR. KEHOE: But, but what we your client
18 said to the Board is that he wanted you to move
19 that house on the left.

20 MR. ANNICCHIARICO: Right.

21 MR. KEHOE: So if you're going to move
22 that house on the left because that's what your
23 client asked, then you have to just recalculate
24 the tree impacts, if any, when you relocate that

1 July 6, 2021

2 house.

3 MR. ANNICCHIARICO: Correct.

4 MR. KEHOE: Yeah.

5 MR. BIANCHI: But who did the survey
6 though?

7 MR. KEHOE: Oh, sorry, Bartlett trees.

8 MR. BIANCHI: Oh, they did?

9 MR. ANNICCHIARICO: Yes.

10 MR. KEHOE: Yeah, and I think what -- I
11 guess one thing that the Board needs to know and
12 maybe Jim can get it to us, some analysis, right.
13 I'm proposing to remove 87 trees based on the old
14 tree survey, 20 of them are this size and 20 of
15 them are that size, or something so the Board can
16 determine if they think that's enough information
17 or they want Trevor to go back out one more time.

18 MR. BIANCHI: Right. That's what I was
19 suggesting.

20 MR. ANNICCHIARICO: I could certainly
21 give you that information for each lot. I could
22 break it down to even the number of trees to
23 remove for the access drive, for the driveways,
24 for the house locations, I could do that.

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2 MR. PREZIOSI: I think the Board should
3 follow the similar process that played out with
4 the recent subdivision on Teatown Road, three lot
5 subdivision. How many trees are coming down for
6 each lot and how many trees are coming down for
7 the common plan development.

8 MR. ANNICCHIARICO: Okay.

9 MR. KESSLER: And I would just suggest,
10 just take a look at lot three also, make sure
11 there's enough room for a backyard, maybe move it
12 further away from the steep slopes.

13 MR. ANNICCHIARICO: Sure.

14 MR. KESSLER: Because it looks like
15 there might be some room to move it a little bit
16 further away from the wetland buffer as well as
17 the steep slopes.

18 MR. PREZIOSI: I just wanted to make a
19 quick comment on steep slopes. We've been
20 encouraging developers now to use the following
21 gradients, 15 to 25 and then 25 to 35 percent, 35
22 percent and greater. The town code for tree
23 removal requires a two-to-one replacement for
24 trees removed on a steep slope, but defines steep

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2 slope at 25 percent. Our steep slope ordinance
3 defines slopes from 15 to 23 percent and then
4 greater than 35 percent. So by making that little
5 subcategory, it helps with their replanting plan
6 requirements.

7 MR. KESSLER: Right.

8 MR. PREZIOSI: But only provide the
9 steep slope analysis for the areas that are being
10 proposed for disturbance, not the entire site.

11 MR. ANNICCHIARICO: Got it.

12 MS. TAYLOR: Is this a change that's
13 just for this application?

14 MR. PREZIOSI: No, it's a common comment
15 that we put together in our technical memos after
16 we go through the preliminary reviews.

17 MS. TAYLOR: Alright.

18 MR. ANNICCHIARICO: Yeah, I mean I've
19 not received a technical comment memo yet. I know
20 Mike's been busy. But what we would like to do is
21 at least set up a public hearing for, I guess in
22 August what would be the September meeting.

23 MS. TAYLOR: What's the timeline for the
24 stuff you haven't submitted yet that you've got

1 July 6, 2021

2 to work on?

3 MR. ANNICCHIARICO: Since the last
4 submission, I haven't received a technical memo
5 yet.

6 MS. TAYLOR: [unintelligible] [02:59:12]
7 plan on having a public hearing?

8 MR. KEHOE: But don't forget, the
9 meeting is 7 weeks away.

10 MR. BIANCHI: Right.

11 MR. PREZIOSI: You'll have a technical
12 memo before the August meeting, yes.

13 MS. TAYLOR: Everybody keeps saying
14 before the August meeting. How far in advance of
15 the August meeting?

16 MR. KEHOE: It's always ten days,
17 Loretta. It's August 21st everything has to be
18 in.

19 MS. TAYLOR: Okay.

20 MR. KEHOE: And then, I understand your
21 concern. There's a lot of stuff. But that means
22 you'll have ten days prior to the August 31st
23 meeting, you'll get a packet delivered and
24 everything will be in there.

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2 Now, one of the issues what will be in
3 there will be the Hudson Wellness and all of this
4 over stuff, but there's a lot of stuff.

5 MS. TAYLOR: Well, some [unintelligible]
6 [02:59:51] are going to get [unintelligible]
7 [02:59:52], I can tell you that. That happens,
8 not in ten days. Okay. Can you get it in any
9 sooner than that? Voluntarily so.

10 MR. ANNICCHIARICO: Yeah. Of course. I
11 would try.

12 MS. TAYLOR: The sooner the better.

13 MR. ANNICCHIARICO: I would get it in as
14 soon as I could, yeah.

15 MS. TAYLOR: Okay.

16 MR. ANNICCHIARICO: My client is going
17 to be out of the --

18 MS. TAYLOR: I'm not pushing you to do
19 something that would get the Board in trouble.
20 But it would be really nice if you could
21 voluntarily step it up a little bit. Okay. Thank
22 you so much.

23 MR. BIANCHI: Madam Chair, I move that
24 we refer this back and set a public hearing for

1 July 6, 2021

2 the next meeting, August 31st.

3 MR. KESSLER: Second.

4 MR. KIMMERLING: Second.

5 MS. TAYLOR: Okay. On the question, all
6 opposed -- excuse me, all in favor?

7 MULTIPLE: Aye.

8 MS. TAYLOR: All opposed? Okay. Alright.
9 Thank you so much.

10 MR. ANNICCHIARICO: Thank you very much.

11 MS. TAYLOR: It's just getting late.

12 Moving on to the next item, it is the PB 2020-6,
13 the application of Palisades Enterprises, LLC for
14 site plan approval, a special permit and tree
15 removal and steep slope permits for a proposed
16 2,940 square foot gas station and convenience
17 store with six fuel pumps on an approximately
18 1.7-acre parcel of property located at 2058 East
19 Main Street, Cortlandt Boulevard. Latest revised
20 drawings are August 19, 2020.

21 MR. JOHN CANNING: Madam Chair.

22 MS. TAYLOR: Yes.

23 MR. CANNING: Good evening, members of
24 the Board. For the record, John Canning with

1 July 6, 2021

2 Kimley Horn.

3 MS. TAYLOR: Yes.

4 MR. CANNING: It's good to see a number
5 of old faces and some new. I apologize that it
6 has taken us this long to get back to you. It's a
7 complicated project, this one, at a challenging
8 intersection. We've been working diligently with
9 New York State Department of Transportation to
10 try and find a viable solution that would be
11 beneficial to all.

12 We did revise our traffic study based on
13 your traffic consultant's comments and
14 resubmitted it in I think it was October. We have
15 also reviewed the comments that we received
16 recently from your traffic consultant. They seem
17 mostly minor, which is good to see. I think there
18 were a couple of issues on possibly an impact on
19 the westbound left turn lane, which we could
20 mitigate by taking some of the time back,
21 assuming that we get a traffic signal installed.
22 I'll talk about that in a moment, if we take some
23 of the time back from some of the other
24 movements, we can improve the westbound left

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2 turn. The traffic signal will make the
3 intersection much better if you're trying to get
4 off the parkway.

5 Another comment was the post occupancy
6 monitoring plan and I've spoken with my client
7 and presuming we move forward, they would be
8 happy to do that.

9 Another comment was a detailed signal
10 plan, which that's the next step in the process
11 with us for DOT. I did speak with DOT today and
12 they told me verbally that it appears that they
13 will consent to the installation of a traffic
14 signal, but they will prohibit the eastbound left
15 turn movement, because there's not a sufficient
16 distance from the bridge to the driveway to
17 develop the left turn lane.

18 I'll have to wait to get that in
19 writing. They said that they would be delivering
20 it shortly, which in DOT time hopefully means a
21 couple of weeks.

22 MR. KEHOE: John, is that image what
23 you're talking about there?

24 MR. CANNING: Yes. So the length of the

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2 left turn lane is not long enough there. It needs
3 to be a minimum of 40 feet and that's about 20
4 feet. So I think what they're going to say is if
5 it's not long enough to accommodate traffic then
6 you can't have it because you have people in it,
7 more than one vehicle. But I have to wait to see.
8 But the --

9 MR. KESSLER: Can you show -- what are
10 we talking about? Where? I'm not following.

11 MR. CANNING: So that lane there.

12 MR. KESSLER: That lane there. In the
13 middle?

14 MR. KEHOE: So that's heading westbound
15 on Route 6.

16 MR. KESSLER: Heading westbound on Route
17 6?

18 MS. TAYLOR: Eastbound.

19 MR. KEHOE: Eastbound, eastbound.

20 [CROSSTALK]

21 MR. CANNING: So the Bear Mountain
22 Bridge Parkway is on your left there in the white
23 area. So you come under the bridge heading east
24 towards Cortlandt Boulevard and Locust Avenue.

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2 MR. KESSLER: Yeah.

3 MR. CANNING: And the DOT, the site
4 driveway is immediately on your left and the DOT
5 had requested that a left turn lane be put in to
6 accommodate cars that want to go into the site.
7 And there are certain minimum standards so that
8 you can, depending on how fast you're going, you
9 can move the through traffic, develop the left
10 turn lane and have enough storage.

11 MR. KESSLER: So if you're going
12 eastbound on Route 6?

13 MR. CANNING: Correct. So you go under
14 the bridge and the next thing you come to is the
15 site with a driveway on the left. And if you --
16 there's two lanes there now. And if you want to
17 turn left into the site, people who are in the
18 left lane behind you have to either stop or if
19 there's nobody to the right and they can see, the
20 want to move over. And that's not particularly
21 desirable condition, and so they would like to
22 see a left turn lane there, that's just not the
23 real estate there to put it in.

24 MR. KESSLER: Got it. Thank you.

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2 MR. BIANCHI: Isn't it their rule though
3 that you need that amount of space?

4 MR. CANNING: It's their rule that you
5 need a certain distance.

6 MR. BIANCHI: So they want, they want
7 that left turn?

8 MR. CANNING: Well, they want, they
9 would like the left turn lane, but there's not
10 enough room to develop it.

11 MR. BIANCHI: Right, I see.

12 MR. CANNING: And so --

13 MR. KESSLER: So how do you prevent
14 people from making a left anyway?

15 MR. CANNING: You prohibit them.

16 MR. KESSLER: There'll be signs?

17 MR. CANNING: There will be a sign,
18 yeah, absolutely, on the -- presuming that the
19 project moves ahead with a traffic signal,
20 there'll be a sign on the traffic signal that
21 says no left turn.

22 MR. KESSLER: Okay. Mm-hmm.

23 MR. CANNING: In anticipation of DOT's
24 comments, I know my client is anxious to move

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2 this along. I also know that you have a very busy
3 agenda in August, but I'm going to ask anyway, if
4 that's okay, that you might consider if DOT has
5 these comments, putting us on the agenda for a
6 public hearing. And I would also like to hear
7 what you have to say because I haven't been here
8 in a while and I want to see if you've got any
9 thoughts on the project so far.

10 MR. KEHOE: Well, one thing, I don't
11 know in what order, but our traffic consultant
12 Marissa is here, if she wants to bring the Board
13 up to speed up to anything.

14 MR. CANNING: Thanks, Chris.

15 MS. TAYLOR: Perhaps before we say
16 anything, you might discuss what you found for
17 us.

18 MS. MARISSA TARALLO: Yeah, so nice to
19 see you all in person again. Marissa Tarallo with
20 AKRF. We've been back and forth with John on this
21 traffic study review. As far as the technical
22 review goes, we have very, very minor comments.
23 The few comments we have, I double checked, they
24 do not change the findings of John's report.

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2 So technically speaking, everything that
3 we would want to see and how it was done is
4 completely sound. I think we're down to
5 discussing what kind of improvements are needed
6 from a practical standpoint. Obviously, it
7 functioning as an unsignalized intersection has
8 been a problem. It's a problem with other
9 applications in the area and it continues to be a
10 problem where it can't be warranted and DOT will
11 not let you put it in if it does not meet a
12 signal warrant.

13 This is the first project that's come
14 before that I've reviewed that meets the signal
15 warrant. So it's the first project capable of
16 putting this traffic signal in. The traffic
17 signal is not going to fix the congestion issues
18 here. The traffic signal and part of my comments
19 are, there is still congestion here. You can't
20 make the cars go away. It's the Bear Mountain
21 Parkway off-ramp/on-ramp.

22 But it's notably better and there are
23 some features to it. The reason we want to start
24 looking at it for site plan review in more detail

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2 is the signal will allow for some additional
3 safety features. Right now, a lot of the last
4 public hearing for the application just to the
5 west of this had you take your life into your
6 hands when you get off the ramp. The signal will
7 prevent that from happening.

8 So, as far as the practical standpoint,
9 having a traffic signal here would be very good.
10 There are things that we need to make sure we
11 look at from safety perspective, because it's
12 just under the overpass, so we want to make sure
13 the signal is really visible, we want to make
14 sure it's put in, in a very specific way.

15 I also ideally would like to see the
16 left turn, but I'm happy to see that the
17 applicant is amenable to just banning the left
18 turn if there can't be the left turn lane to try
19 to prevent, you know, people are coming right
20 under that bridge. If they don't see the stopped
21 car, we're going to get more rear ends with the
22 traffic signal than we would. That's what traffic
23 signals do sometimes cause, is more additional
24 rear-end collisions. The positive side is those

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2 are not usually severe and we could do a lot of
3 things to prevent that, like making sure the
4 traffic signal is visible, not allowing turns so
5 people aren't coming to a stop.

6 So overall, there's a lot of good
7 improvements here. There's not any of the
8 additional capacity that you were getting with
9 the adjacent application. I've gone back and
10 forth, because I think DOT gave you similar
11 comments. It looks like, from every plan we've
12 gotten, that there isn't the right of way land
13 that either you or DOT owns to put in those level
14 of improvements. The adjacent application had
15 really large right of way to just keep putting in
16 lanes, and that just doesn't exist at this
17 intersection.

18 So I think it's important that we keep
19 looking at it once the signal is kind of designed
20 a little bit more in detail, just to make sure we
21 can get every little bit of capacity and every
22 little bit of safety out of it. But the pros with
23 a traffic signal outweigh the cons of not having
24 a traffic signal and continuing to have this

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2 level of development in this area. So that's,
3 without going into the technical, that's the high
4 level takeaway I have from the application and in
5 the benefits it's bringing and then some of the
6 challenges which will be making sure that this
7 signal is done right.

8 It's also going to be part of the
9 adaptive system I believe. And that's been
10 committed to with the adjacent system. It's going
11 to stretch all the way up. How all these
12 applicants do this needs to be figured out, but
13 that will also help and it will make everything
14 look a little bit better than what John has here.
15 But it's not a guarantee. It all has to go in,
16 we've got to get it going and get it put in
17 correctly, all the pieces.

18 MS. TAYLOR: Thank you. Anybody have any
19 questions?

20 MR. KESSLER: No.

21 MR. PREZIOSI: So I think we, just to be
22 clear, that the applicant will be installing the
23 traffic signal if the application is to proceed.
24 That was a question at the work session that was

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2 left open ended. So, you'd have to take that back
3 to the applicant and make sure that they
4 understand that it would be a requirement to
5 geometrically design and install the traffic
6 signal at this intersection.

7 MR. CANNING: I will take it back to the
8 applicant. I know he understands that's what on
9 the line and he's going to do his best because
10 that's the only way he's going to get his project
11 I think.

12 MR. PREZIOSI: Mm-hmm. That's true.

13 MS. TAYLOR: Sounds good.

14 MR. KEHOE: Non-traffic related, it was
15 brought up by the historic issue at the work
16 session. You'd have to bring back to your client.
17 There was a memo which I believe went to your
18 client.

19 MR. CANNING: Okay.

20 MR. KEHOE: From our Historic Resources
21 Advisory Council with some questions about the
22 historic nature of the building and/or the site.
23 That was brought up again by one of the planning
24 board members who doesn't happen to be here

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2 tonight. But I think the Board wants an answer on
3 next steps if any with respect to the historic
4 character of the building and site.

5 MR. KESSLER: I think there's also
6 mention of a cemetery potentially in the area.

7 MR. KEHOE: Correct.

8 MR. CANNING: Okay. News to me, but I
9 will relay the message.

10 MR. PREZIOSI: And then, John, once you
11 finalize the geometric improvements for the Route
12 6 corridor, if you could just realign the
13 driveways to correspond with your proposed
14 improvements, so you can help restrict left turns
15 into the site by making different islands and
16 sidewalk treatments along the frontage of the
17 site.

18 MR. CANNING: I'll have to look at that.
19 I'm really not sure how we'd be able to do that.

20 MR. PREZIOSI: Well, if you could just
21 take a look, that'll be one of our --

22 MR. CANNING: I'll certainly have a look
23 at it.

24 MR. PREZIOSI: Yeah, one of our

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2 comments.

3 MR. CANNING: That sounds like, you
4 know, curb bump outs, which are typically at an
5 unsignalized right in, right out --

6 MR. PREZIOSI: Mm-hmm, yeah.

7 MR. CANNING: I'm not sure, I'll
8 certainly have a look at it.

9 MR. PREZIOSI: If you could just
10 something more than one no left turn sign hanging
11 on the signal span.

12 MR. CANNING: We can certainly do more
13 than that. We can certainly do more than that.

14 MR. PREZIOSI: Thanks, John.

15 MR. KEHOE: But with respect to the
16 historic though, John, depending on what the
17 planning board does, you'll either be here on
18 August 31st for another discussion or August 31st
19 for a public hearing. But as I've said numerous
20 times, that's a long time away.

21 MR. CANNING: I understand.

22 MR. KEHOE: So to come back on August
23 31st and then enter into the discussion about the
24 historic stuff is going to slow you down.

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2 MR. CANNING: Get it done before then.

3 MR. KEHOE: You might want to talk to
4 your client --

5 MR. CANNING: Yes.

6 MR. KEHOE: -- to maybe get somebody out
7 there, take a look at it, does something.

8 MR. CANNING: Yeah, got it, thank you.

9 MS. TARRALLO: The other note is we do
10 still have outstanding comments on the site plan.

11 MR. CANNING: We'll do all of those.
12 They're all relatively minor, yeah.

13 MS. TARRALLO: Okay. So we'll get an
14 updated site plan before, because those comments
15 are really minor, so those should be able to be
16 cleared up before August 31st, just so that
17 they're not all still sitting on the memo.

18 MR. CANNING: Before August 21st for us.

19 MS. TARRALLO: 21st.

20 MS. TAYLOR: Yes.

21 MS. TARRALLO: 21st for you.

22 MR. CANNING: I've been listening. I've
23 been listening.

24 MS. TAYLOR: Thank you.

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2 MS. TARRALLO: 31st for me.

3 MS. TAYLOR: Alright. Suzanne?

4 MS. DECKER: Motion to refer back to
5 staff.

6 MR. BIANCHI: Second.

7 MR. KEHOE: Well, unless you want a
8 public hearing.

9 MR. KESSLER: Well, what do you guys
10 think now?

11 MR. PREZIOSI: There are a lot of public
12 hearings in August, but if the applicant can get
13 the documentation to us by the 21st, we may as
14 well proceed.

15 MS. TAYLOR: So you're going to go for
16 the public hearing just in case it can be ready?

17 MR. PREZIOSI: Yeah, if the documents
18 get to us on the 21st.

19 MR. BIANCHI: We've got five public
20 hearings.

21 MS. TAYLOR: Yeah, yeah.

22 MR. BIANCHI: We've got to think about
23 that.

24 MS. TAYLOR: Yeah, we had five tonight.

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2 MR. BIANCHI: We didn't have five, we
3 had three tonight, public hearings.

4 MS. TAYLOR: Oh, I'm sorry, you're
5 right.

6 MR. KEHOE: You're going to add the two
7 tonight to the three left over.

8 MR. BIANCHI: Right.

9 MR. PREZIOSI: Well, you may have NPR,
10 or NRP whatever their name is, should be a
11 relatively quick public hearing and then Pomona
12 Development should also hopefully be relatively
13 quick.

14 MS. TAYLOR: I love that, relatively
15 quick.

16 MR. PREZIOSI: I'm looking at the glass
17 half full tonight.

18 MS. TAYLOR: Okay. Alright. So we'll go
19 ahead, Suzanne.

20 MS. DECKER: Motion to schedule a public
21 hearing.

22 MS. TAYLOR: Mm-hmm.

23 MR. KESSLER: Second.

24 MS. TAYLOR: Alright. Oh, did you

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2 actually say you want to schedule? Or were you
3 asking a question?

4 MS. DECKER: Yes.

5 MS. TAYLOR: I'm sorry. I didn't hear
6 all of what you said. I thought you were just
7 asking the question.

8 MS. DECKER: No, no, I made the motion
9 to schedule the public hearing.

10 MS. TAYLOR: You were making an
11 affirmation.

12 MR. KESSLER: And I seconded.

13 MS. TAYLOR: Okay. I'm sorry. Alright.
14 On the question, all in favor?

15 MULTIPLE: Aye.

16 MS. TAYLOR: Opposed? All rightie. Okay.

17 MR. CANNING: Thank you very much, good
18 to see everybody.

19 MS. TAYLOR: Okay.

20 MR. CANNING: Thank you.

21 MS. TAYLOR: Next item, excuse me, on
22 the agenda, under old business is the application
23 of Joan King for the property of Yorkcon
24 Properties. It's PB 2020-7, it's for an amended

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2 site plan approval for medications to the
3 previously approved family fun amusement center
4 with a weekday school age childcare center,
5 childcare, located in the former Retro-Fitness
6 tenant space at 3006 E. Main Street, Cortlandt
7 Boulevard, drawings, the latest revised drawings
8 are June 21, 2021.

9 MR. STEVEN BASINI: Good evening, Steven
10 Basini from SJB Architecture, representing Joan
11 King, the operator and part owner of the Kings &
12 Queens Family Amusement Center. Thank you for
13 hearing us tonight. We're here tonight to request
14 a minor subdivision, I'm sorry, a minor site plan
15 revision, wow, surprise. [laughter] And I --

16 MS. TAYLOR: It's not just us.

17 MR. KESSLER: You would have gotten that
18 by us.

19 MR. BASINI: Yeah, I know, it was pretty
20 slick. [laughter] And also just a clarification
21 and an expansion of the use that was previously
22 approved by this board. Just to speak to the site
23 plan revision, not the subdivision, in the
24 backyard, there was an approved play area that

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2 has evolved into a basketball court, there's a
3 turf area there, there are the concrete
4 barricades, the planters, all those exist and the
5 chained link enclosure that was approved as well.

6 The request, and part of this, to speak
7 to the site plan revisions and also the use, you
8 know, the business opened. It's been operating as
9 it was approved mid-COVID and now as the business
10 has been opened, the use and the demand of the
11 public has evolved and the owners are seeing what
12 they want, and they're trying to meet those
13 demands. And so what's happening back there now
14 is they would like to utilize that area for a
15 basketball league and for party events outside as
16 well, which may or may not have been clarified in
17 the previous narrative. And so what we'd like to
18 do back in there is on the right side, adjacent
19 to the building, there's now just a chain link
20 enclosure and just one gate. They would like to
21 expand that to a much larger swinging hinged gate
22 to bring in apparatus onto that court, to be able
23 to use that area beyond just what, you know, the
24 basketball court. So I think on the narrative I

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2 think I have here they'd like to use an
3 inflatable laser tag area that they bring out. So
4 they need those gates in there in order to bring
5 in equipment. That was the one thing.

6 And then also, because this, we have
7 approval to keep this operation open after it
8 gets dark, there are no lights on the outside of
9 the building except for just floods against the
10 Kohl's shopping center. So the proposal is to put
11 two LED fixtures on the corner of that turf area,
12 and then also as part of the use of the
13 basketball court, to put an electronic scoreboard
14 against the tenant space facing the court.

15 So really it's just those modifications
16 as far as physical modifications that we're
17 requesting to the site plan. And then to go
18 beyond that, if I could speak to the use, we
19 would like to utilize that area for birthday
20 parties, which was designated to a room in the
21 facility originally. But again, with changing
22 times and the demands of the public, they would
23 like more space and to be able to utilize the
24 outside, to be able to have children's parties on

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2 the basketball court.

3 So that outdoor area we would request to
4 be extended to birthdays, graduations, possibly
5 weddings if appropriate. And then a weekly
6 basketball league during the summer, hence the
7 lights and the scoreboard, all to be still
8 confined within the area that was approved.

9 And then there's the mention of a food
10 truck here. We realize that's a health department
11 item as well, and then additional gaming truck
12 which would be discussed with the landlord there
13 as far as use of parking in the back. But all of
14 the uses of within the parameters of what this
15 board originally approved, we're really staying
16 within those confines, it's just I want to make
17 clarification that they would be expanded to that
18 approved outdoor area.

19 In addition to that, the hours of
20 operation, which may not have made it to this
21 previous, the work session you had, for special
22 events, it's realized also that the 10:00 p.m.
23 closing time, may be a little shortened, so they
24 were asking also for special events to be able to

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2 open until 12:00 o'clock on weekends, Friday and
3 Saturday. I realize Chris, that that didn't make
4 it to the original memo, but I'm requesting that
5 as well. And those again would be for special
6 events. Yes?

7 MS. TAYLOR: 12:00 o'clock a.m.?

8 MR. BASINI: 12:00 o'clock a.m.,
9 midnight. Now it is a shopping center, there's no
10 residential areas around there. It's, you know,
11 the parking is obviously would not be expanded.
12 It's limited to what was originally approved, and
13 you know, Kohl's stays open sometimes late for
14 holidays and things, yes.

15 MR. BIANCHI: When you say weekend,
16 you're saying weekend until 12:00 a.m. --

17 MR. BASINI: Friday, Saturday.

18 MR. BIANCHI: What's that?

19 MR. BASINI: On Friday and Saturday.

20 MR. BIANCHI: Okay.

21 MR. KEHOE: But the narrative says 10:00
22 to 10:00?

23 MR. BASINI: The narrative said until
24 10:00 o'clock.

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2 MR. KEHOE: Right, 10:00 a.m. until
3 10:00 p.m., the narrative says for weekends?

4 MR. BASINI: Correct, sorry.

5 MR. KEHOE: And you want to change that
6 from 10:00 to 12:00?

7 MR. BASINI: Asking for Friday and
8 Saturday be 12:00 a.m.

9 MR. BIANCHI: To me, Friday is still a
10 weekday.

11 MR. BASINI: It would be, sorry, I'm
12 speaking of happy hour is at 5:00 o'clock on
13 Friday, but yes.

14 MR. BIANCHI: Happy hour is 5:00 o'clock
15 every day. [laughter]

16 MR. BASINI: You're right. Friday and
17 Saturday, so if we want to be clear here, Friday
18 and Saturday, yes.

19 MR. BIANCHI: So just Friday and
20 Saturday?

21 MR. BASINI: Correct.

22 MR. BIANCHI: So Sunday through
23 Thursday, it'll be until 10:00.

24 MR. BASINI: And that's on special

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2 request. It's not a common thing. It's only going
3 to be on special request, if a party asks to be
4 extended on those days. So, as far as that, yeah,
5 that's really the request that's being made.

6 And there's also understood that because
7 this is a family fun amusement center while also
8 operating a school age program outside of it, I
9 know that there was a -- you know, the New York
10 State OCF issues them a license along with the
11 Childcare Council of Westchester. And I know that
12 they spoke to the chain link fence and you were
13 looking for comments from them for the original
14 approval, so I just want to say we actually
15 received a memo, I just received it tonight,
16 which was issued today, from the Childcare
17 Council of Westchester, who works in conjunction
18 with the New York State OCF to issues the license
19 for the childcare program and they also do the
20 inspections and they make sure the integrity of
21 the license is intact throughout the year.

22 They issued a memo speaking to these
23 terms and saying that during the hours of
24 operation, during weekday school hours, which we

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2 have in here until 6:00 p.m., during school days,
3 they would govern those times, and they said that
4 any functions outside of what was, outside of a
5 childcare facility that would be drawing the
6 attention of staff away from the children would
7 not be permitted. However, and I'll give you the
8 last line, it says, "if an activity occurs
9 outside of the hours of operation, and is not for
10 the purpose of childcare, it does not fall into
11 our oversight."

12 So they are stating that any of these
13 expanded uses that would be parties or weddings
14 or things like that, or basketball leagues could
15 not take place within those hours during school
16 days. However, anything outside of those is not
17 their purview so to speak.

18 MS. TAYLOR: I've got one question.

19 MR. BASINI: Yes, chairperson.

20 MS. TAYLOR: Regarding those weekend
21 things on Friday and Saturday, is there any
22 arrangement for security at all?

23 MR. BASINI: For security?

24 MS. TAYLOR: Yes.

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2 MR. BASINI: Did you ask, I'm sorry?

3 MS. TAYLOR: Yes.

4 MR. BASINI: Not beyond the staff and,
5 not beyond the staff, no, there isn't any
6 security. In fact, what they're proposing to do
7 also, which I didn't know if it was relative or
8 not, they're expanding the staff on the evenings
9 as well to 12 to 15 people from the six to eight
10 that was originally there, for purposes of
11 birthday parties and things. But I don't believe
12 it's any security. Joan's here to speak to that
13 if you have any --

14 MS. TAYLOR: No, the reason I'm asking
15 because usually in that area, along Cortlandt
16 Boulevard, it's shut down.

17 MR. BASINI: What's shut down? Sorry.

18 MS. TAYLOR: Things shut down. You know,
19 most stores are closing, that people shop at are
20 closing by 10:00. Okay, so you've got those 10:00
21 to 12:00, like there's a period there where it's,
22 most of the shops will be closed along the
23 boulevard. And I'm thinking that if you're having
24 parties there, you know, you might want to think

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2 about having security for those two hours, extra
3 security of some kind.

4 MR. BASINI: I think what we can do, we
5 can work out something where if there is a
6 special event and it's open from 10:00 to 12:00,
7 if it's still in operation, then Joan can hire
8 either outside off-duty security or something.
9 Would you like to speak to that? Joan King.

10 MR. ROTHFEDER: But you said, you're
11 just proposing to extend the hours by two hours.
12 Right now, it's open until 10:00.

13 MR. BASINI: That's correct.

14 MS. JOAN KING: That's only, I'm sorry.
15 That's only for special events. Like you booked a
16 party, you're an adult. You don't want to go home
17 at 10:00. Right now, the kids are leaving, the
18 kids are leaving, I'm usually finished by 8:30,
19 if it's not an adult event or something that I
20 want to host or whatever. My husband is auxiliary
21 police and he is also a Mason and we have a lot
22 of Mason brothers that are auxiliary police, so
23 usually if we're having an event or something's
24 going on, they are the security.

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2 MS. TAYLOR: Okay. But I mean, the
3 reason I ask is because I think it's probably a
4 wise thing to make sure that there, you know.

5 MS. KING: Yes. But usually, we don't
6 do, we don't allow the running in and out and all
7 that. Once you go out, you've got to stay out.
8 We're not letting you back in, you know, stuff
9 like that. That's the kind of stuff that we do,
10 not a lot of stuff outside and traffic outside on
11 a special event night.

12 MR. ROTHFEDER: And how many people is
13 the maximum for an indoor or outdoor event? Do
14 you have, have you set that up already?

15 MR. BASINI: It would not exceed what
16 was originally as far as our capacity in the
17 original plan. There's no --

18 MR. ROTHFEDER: Oh, so it's the same?

19 MR. BASINI: It's the same, yeah. I
20 believe it's 100 plus or minus [unintelligible]
21 [03:25:38].

22 MR. ROTHFEDER: So that's the fire
23 capacity?

24 MR. BASINI: Yes, the fire capacity will

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2 not be exceeded.

3 MR. ROTHFEDER: Okay.

4 MS. TAYLOR: Okay.

5 MR. KESSLER: We're good?

6 MS. TAYLOR: Yeah, I'm good.

7 MR. KEHOE: But I do want that e-mail or
8 a letter or whatever, that's for the record and
9 that's from the equivalent of Mr. Romano or
10 whatever his name is?

11 MR. BASINI: It is.

12 MR. KEHOE: Okay.

13 MR. BASINI: And I will forward that to
14 you. Like I said, I received it tonight, but
15 you'll get it, yes.

16 MR. PREZIOSI: Just also that it is, and
17 even though you're in a commercial area, just
18 make sure you're cognizant of the town's noise
19 ordinance and if there's any proposed outdoor
20 music or seating to let us know as part of the
21 site plan development for consideration.

22 MR. BASINI: Okay. Understood, thank
23 you. Yes?

24 MS. KING: Chris, you said you wanted a

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2 letter from Mr. -- the fire inspector?

3 MR. KEHOE: No, the person that governs
4 the childcare, which Steve read.

5 MS. KING: Okay, yes. I usually send
6 that to you. I forgot to send that to you today
7 when she sent it to me, so I'll e-mail it to you,
8 okay. Thank you.

9 MR. KEHOE: Because I think that's the
10 big thing, to ensure that the child, you cannot
11 be having an adult party outdoors at 5:00 o'clock
12 on a Wednesday, because that conflicts with your
13 childcare special permit. So we just want to make
14 sure that's in the record.

15 MR. BASINI: Understood. They've made it
16 clear and yes, understood.

17 MR. ROTHFEDER: Alright. Madam Chair, I
18 move that we approve the site changes.

19 MR. KIMMERLING: Second.

20 MS. TAYLOR: Thank you. Alright. Do we
21 want to do public hearing?

22 MR. KESSLER: No.

23 MR. PREZIOSI: A public hearing is not
24 required for this.

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2 MR. KESSLER: No. It's just approved by
3 motion.

4 MS. TAYLOR: Okay. Alright. Let's go.
5 I'm sorry. I need a second. Did we get a second
6 that that?

7 MR. KIMMERLING: I second.

8 MS. TAYLOR: Thank you. Okay. All in
9 favor?

10 MULTIPLE: Aye.

11 MS. TAYLOR: Opposed? Okay.

12 MR. BASINI: Thanks very much for your
13 time. Good night.

14 MS. TAYLOR: All rightie. Now, I think
15 we're down to the last item, which is a new
16 business item. The referral from the town board
17 for the review and recommendation on a proposed
18 zoning text amendment for a new active senior
19 housing special permit submitted by AJ Cortlandt,
20 LLC for a proposed 32-unit age restricted
21 residential development located on Furnace Dock
22 Road approximately 1,200 feet east of Route 9A as
23 described in a packet of information dated May 5,
24 2021.

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2 MS. LINDA WHITEHEAD: Good evening.

3 Madam Chair, members of the Board, it's a
4 pleasure to be back here. You're my second
5 meeting of the night, so I came back to in person
6 meetings hard and fast. I'm here tonight, I'm
7 Linda Whitehead, for the record, partner with the
8 firm of McGullough, Goldberger & Staudt. I'm here
9 tonight representing AJ Cortlandt, LLC,
10 technically the new owner of the 42-acre property
11 on Furnace Dock Road, but you all might
12 recognize, those of you who have been on the
13 Board for a while, Cosmo Marfione, who was with,
14 also a part of the prior ownership entity.

15 So there's a continuation in ownership
16 here to the entity that had previously obtained
17 the prior approval for a 16 lot subdivision on
18 this property.

19 Just because I'm sure it's all at the
20 top of your minds. That approval had expired in
21 large part because we had been unable to get a
22 new will serve letter from the owner of the
23 sewage treatment plant to get the county to
24 resign the subdivision plat and file it. We now

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2 have finally reached a new agreement with the
3 owner of the sewage treatment plant. We have a
4 signed agreement. That will not be an issue this
5 time.

6 So our client though has taken this
7 time, looked at the market, looked at the town's
8 comprehensive plan, looked at the property some
9 more and is looking to take sort of a different
10 approach to developing this property based on the
11 changing market and the changing demographics.
12 Chris, can you, I'm sorry, and I'm going to try
13 to do this kind of quickly.

14 So I've said the new owner is AJ
15 Cortlandt. The BDC group is acting as the agent,
16 we are still the attorneys. Dave Smith from
17 Planning & Development Advisors is the planner,
18 Cotler Architecture, Kellard Sessions is going to
19 be doing the engineering and Provident Design is
20 doing the traffic engineering.

21 So, as a reminder, this was the
22 previously approved subdivision. We had 16 units.
23 They were in duplexes attached, basically
24 attached homes, 16 separate lots, eight

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2 buildings. On the next page is our proposed new
3 plan. So what you'll see is the road is the same,
4 the buildings are proposed in the same locations,
5 the stormwater design is basically the same. We
6 know it needs to be updated for current
7 regulations, which it changed again.

8 The parcel in the back, the large rear
9 parcel is still not to be developed and to be
10 donated to the town together with the property
11 along Furnace Dock Road up in the front. That
12 will also still be dedicated to the town.

13 What we have done is take those eight
14 building locations and now instead of 16 homes,
15 we're proposing 32 age-restricted units, so there
16 would be each of those eight buildings would
17 house four units. They would be restricted to 55
18 and over. They would be two and three bedroom
19 units, where, if you'll recall, the prior units
20 were four and five bedroom family homes. So those
21 will be restricted for 55 and over.

22 The road will be private, where it was
23 previously going to be a town road. Garbage
24 pickup, recycling, all of those types of things

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2 will be private. There's a number of other
3 benefits we think and I'm going to let Dave take
4 you through those in a minute.

5 But we have to talk a little bit about
6 how we get to this because this is an R-40 single
7 family residential zone. So obviously, this type
8 of proposal is not current permitted. So we have
9 proposed to the town, and actually Chris, if you
10 want to flip through real quick. We've got some
11 renderings just so you can see what the buildings
12 are going to look like.

13 So we have proposed, and we've had a
14 couple of meetings with the town board to discuss
15 this project. We have now filed a formal petition
16 to the town board to amend the zoning code and
17 they have referred that to you and that's why we
18 are here now.

19 So you have a section in your code that
20 has what are called special zoning districts,
21 which allow for certain special permit uses. So
22 we have proposed creating a new section for an
23 active senior housing special zoning district.
24 This would allow -- active senior means 55 and

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2 over. I'm feeling really old right now. I was
3 very young when I was first appearing before you.
4 I'm not so young anymore, for those of you who
5 have been here for most of that time, we can all
6 live here now. So that's why I like to think of
7 it as active seniors, because I'm well over 55.

8 So this special permit use would have to
9 be approved by the town board, it would be
10 limited to properties of 40 acres or more in an
11 R40 residential district. The property has to be
12 within a half mile of a New York State highway
13 interchange.

14 One of the reasons that we've discussed
15 with the town board that makes this site really
16 appropriate for this is this site is very close
17 to the intersection of Route 9 and Furnace Dock.
18 It's close to a commercial area, so even though
19 it's zoned R40 residential, it's actually almost
20 in a transition type of location in terms of the
21 proximity to both multifamily and commercial
22 development.

23 The property must have access to public
24 water and sanitary sewer, which we do. We've set

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2 it up so that the coverage and perimeter setback
3 are based on the underlying zoning, so that they
4 will have to be the same as the underlying
5 zoning. Density of one unit per acre, which is
6 still pretty low density, it's still about the
7 R40 density. But we have made sure, you know,
8 land that's going to be dedicated to the town can
9 be counted towards the 40 acre minimum lot area
10 and also towards the density.

11 So this is the zoning amendment. I think
12 you've all received that package that we
13 submitted to the town board with the full text of
14 the zoning amendment. We think this is a project
15 that makes sense in this location. It is kind of
16 a transitional location. We think it's something
17 that the town needs and based on your
18 comprehensive plan, the demographics of the town,
19 how they are changing, it seems to be something
20 that would be beneficial and with that, I'm going
21 to hand it over to Dave Smith, and Dave is going
22 to talk to you a little bit about some of the
23 project benefits and comparisons of impacts.

24 MR. KESSLER: Can I just ask you a

1 July 6, 2021

2 question first on the zoning?

3 MS. WHITEHEAD: Sure.

4 MR. KESSLER: So it's your intent in the
5 zoning language that the two people must be
6 married, because you say they must be spouses.

7 MS. WHITEHEAD: So we have to take a
8 look at what the Fair Housing Act says for 55 and
9 over, because I think do they -- they don't
10 necessarily have to be married. We'll double
11 check that.

12 MR. KESSLER: Okay. But the way you have
13 it here in your CE1 one says the adult is the
14 spouse of a person 55 and over.

15 MS. WHITEHEAD: Oh, so yes. So I think
16 if one is over and one isn't, I think they
17 actually do -- I've got to double check on that.

18 MR. KESSLER: No, I understand that
19 part. I'm just --

20 MS. WHITEHEAD: It's the spouse part,
21 yeah.

22 MR. KESSLER: The spouse issue, yes. The
23 spouse issue is my issue, yes.

24 MR. DAVE SMITH: Good evening, Madam

1 July 6, 2021

2 Chair, members of the Board, for the record, Dave
3 Smith, principal at Planning & Development
4 Advisors. You may have this over and over again
5 tonight, but it's really a pleasure to be before
6 real people at a real meeting. This is not my
7 first in person meeting, but I'm surely glad to
8 be here with you tonight.

9 I'm going to quickly go through some of
10 the proposed benefits. In the package that you
11 received, dated May 5th, there was an
12 environmental narrative, which described the
13 previous proposal that had been approved,
14 described the impacts and then described in
15 general terms the impacts that are anticipated
16 from the proposed actions that Linda had just
17 described with the senior housing.

18 So, Chris, is there a chart with the
19 impact comparison? There we go. I know that may
20 be a little bit hard to read, but all the
21 information that I'm going to go over is included
22 in the package that you received. And essentially
23 we followed the same environmental review areas
24 that were initially evaluated.

1 July 6, 2021

2 I'll quickly go through those with
3 respect to grading and soil erosion. There was
4 approximately 6.7 acres of total site disturbance
5 in the previous plan with 1.69 acres of
6 disturbance to steep slopes. There's no change.
7 As Linda had indicated, the buildings are
8 essentially located in the same place. The
9 roadway is located essentially in the same place.
10 So, we've tried to keep the impacts from site
11 disturbance to a bare minimum.

12 With respect to water resources, we have
13 indicated, because we've changed engineers and
14 because time has changed and the way the state
15 and others evaluate impacts, we've noted that
16 there may be a slight increase in impervious
17 surface and that may be accounted for because
18 there's an item four that's used for access to
19 utilities that may be counted as impervious. So
20 we're trying to bring all the studies and
21 evaluations up to date, so we think that's one
22 change in the impacts that wasn't necessarily
23 included in the prior review.

24 MR. KESSLER: But you haven't submitted

1 July 6, 2021

2 anything to us --

3 MS. TAYLOR: There's nothing --

4 MR. KESSLER: -- yet, right?

5 MR. SMITH: Nothing formally, no.

6 MR. KESSLER: Yeah.

7 MR. SMITH: No. Right.

8 MR. KESSLER: This is like a preview?

9 MR. SMITH: Correct.

10 MR. KESSLER: Okay.

11 MR. SMITH: That's right. It's coming
12 attractions.

13 MR. KESSLER: I got it.

14 MS. TAYLOR: But you mentioned that this
15 was in the packet that we received?

16 MR. SMITH: Yes, ma'am.

17 MS. TAYLOR: I can't find it.

18 MR. SMITH: No, no, I apologize.

19 MR. KESSLER: It's only about the zoning
20 --

21 MR. SMITH: Not the chart.

22 MR. KESSLER: -- the agenda item is only
23 about the zoning amendment, right? It's not about
24 the subdivision itself?

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2 MR. KEHOE: They always do this.

3 MR. KESSLER: Okay.

4 MR. SMITH: No, all the information is
5 in the environmental narrative.

6 MR. KESSLER: Yes.

7 MR. SMITH: I just put it together in a
8 chart form just to make it easier for
9 presentation purposes.

10 MS. TAYLOR: Oh, okay.

11 MR. SMITH: My apologies.

12 MS. TAYLOR: Because I was looking at
13 the chart and I'm looking for it, I don't see it.

14 MR. SMITH: Yes.

15 MS. TAYLOR: Okay, sorry.

16 MR. SMITH: So, air and noise resources
17 no change, terrestrial and aquatic, no change,
18 traffic and transportation, because this is a
19 different type of land use, you have a different
20 type of user, we've had a preliminary traffic
21 analysis, you have less traffic, because just
22 people's work habits are different if you're 55
23 and over, you don't necessarily have to be up and
24 in the office by 8:00 o'clock in the morning,

1 July 6, 2021

2 right.

3 MS. WHITEHEAD: Really?

4 UNIDENTIFIED MALE: Tell my employer.

5 MR. SMITH: And some get to work out of
6 the house all day, so you don't have to leave. I
7 think with respect to community services, the
8 obvious benefit is because this is age
9 restricted, you don't have school kids coming out
10 of the project, and so any tax revenue is
11 basically is all a benefit to the school
12 district, and as Linda indicated, because we have
13 a private road, private pickup, very little
14 increase to community services.

15 Socioeconomic, we've indicated we have
16 an evaluation of tax revenue to be generated, not
17 quite as much tax revenue compared to a single
18 family. That's just because of the value of the
19 product. And cultural resources, there's no
20 change. So that, Madam Chair and members of the
21 Board, that summarizes quickly the changes or
22 impact comparisons.

23 And Chris if you could just go back to
24 the benefits, there we go. Again, I think it's

1 July 6, 2021

2 important to note that the town has, its current
3 demographics, you have approximately 32 percent
4 of your population that's 55 and over. So that's
5 a significant amount of your population. So
6 that's why we think that this is a very apropos
7 product, housing product for the community. It
8 allows for residents who have lived here, who
9 have established relationships here, who have
10 family here, it offers them a different housing
11 options that they can continue to stay in the
12 community. A lot of folks like to downsize, but
13 don't necessarily want to give up all the
14 amenities. So this is an opportunity to create a
15 unique and individual type of housing product.

16 The cluster design, again, following on
17 the initial site plan approval preserves a
18 significant amount of open space, the vast
19 majority of which would be donated to the town.
20 HOA, again, responsible for a lot of the
21 amenities and services, so that's less impact to
22 the community. Next slide, please.

23 MR. KIMMERLING: You could have kids
24 living there under the zoning proposal, right?

1 July 6, 2021

2 Certain -- kids could live there right, if
3 they're children of 55 or older and were
4 physically, right, dependent on them?

5 MR. SMITH: Yeah, there's fair housing
6 legislation.

7 MS. WHITEHEAD: There are some
8 restricted conditions under which you can have
9 some.

10 MR. KIMMERLING: Right, okay, great.

11 MR. SMITH: Yeah. So very quickly, again
12 I think less traffic. So in summary, I think that
13 the proposal before you and currently before the
14 town offers a lot of benefits to the community.
15 It's still in keeping with the spirit and intent
16 of the site plan and the subdivision that you had
17 reviewed previously. Linda, you just want to wrap
18 up? Very good, thank you again.

19 MS. WHITEHEAD: So the reason we did
20 want to take a few minutes to just go through
21 some of that information, the comparison of the
22 impacts and the benefits is yes, tonight you're
23 here to look at the zoning, because that's what
24 we have before the town board and what's been

1 July 6, 2021

2 referred to you, but the zoning allows for the
3 project. So you really want to understand the
4 project and sort of know that okay, we want this
5 project, so if we want this project, we have to
6 amend the zoning so that we can have this
7 project. So we think there's a lot of benefits to
8 the town. We think it's a good project for the
9 property.

10 This board spend a whole lot of time,
11 and there's three of you here who were pretty
12 involved and around for much of it, this board
13 spent a lot of time on the prior plan, on the
14 prior approved plan. There was a full
15 environmental impact study done, there was a lot
16 of changes that brought it down to just
17 development on the front of the site. You
18 remember, we had it on the back.

19 MR. KESSLER: I remember all that.

20 MS. WHITEHEAD: We started with 28 lots,
21 there was a lot of time and effort that was put
22 into that, a lot of study. And that's why we felt
23 that it makes the project better for the town to
24 keep it with that footprint and use all that hard

1 July 6, 2021

2 work that was done by this board. So with that, I
3 think we're happy to answer any questions.

4 MR. KIMMERLING: So, if the problem with
5 the previous was that you couldn't get the sewer
6 hookup right, but now you have it, why not just
7 do the thing that was approved?

8 MR. KIMMERLING: So honestly, even when
9 we were getting towards the end of that, our
10 client was kind of looking at it, and looking at
11 the changes in the market. And actually thinks
12 this is a more marketable product today.

13 MR. ROTHFEDER: So why didn't they cut
14 it off earlier then?

15 MS. WHITEHEAD: Because I was having so
16 much fun.

17 MR. ROTHFEDER: Oh, is that it, okay.
18 You liked seeing us every 90 days.

19 MS. WHITEHEAD: Especially on Zoom.

20 MR. KIMMERLING: So the zoning proposal
21 will create this new special district, right.
22 Would it only be for this particular parcel?

23 MS. WHITEHEAD: So it would be a special
24 permit, so for any parcel that could meet those

1 July 6, 2021

2 criteria could apply to the town board for a
3 special permit to allow this use.

4 MR. KIMMERLING: And how many other
5 parcels in the town actually would qualify
6 potentially?

7 MS. WHITEHEAD: I think it would require
8 parcels to be put together. I don't know if
9 there's another 40 acre R40 parcel. But somebody
10 could buy a bunch of parcels and put them
11 together. I think at this time, we could double
12 check that and see if there actually are any
13 other 40 acre parcels that are R40.

14 MR. KIMMERLING: So it's really a zoning
15 text amendment to create a special district so
16 you can do this project in this particular place?

17 MR. KESSLER: Right. Which is no
18 different than what's happening with Colonial
19 Terrace.

20 MR. KIMMERLING: But I thought we
21 weren't doing spot zoning.

22 MR. KEHOE: We're not.

23 MR. KIMMERLING: Oh, we're not? Okay.

24 MS. WHITEHEAD: So let me, want me to

1 July 6, 2021

2 tell you about spot zoning?

3 MR. KIMMERLING: No, not really.

4 MS. WHITEHEAD: I've taught about spot
5 zoning, I can do it.

6 MR. KIMMERLING: But I would disagree
7 with your comment that it's a transitional area,
8 right. I mean once you get past Yuka's, right, it
9 is single family houses, right, and then there's
10 this property, there's single family houses
11 behind this property, there's the lake. I mean
12 you would --

13 MS. WHITEHEAD: But if you look across
14 Furnace Dock.

15 MR. KESSLER: Amberlands you mean?

16 [CROSSTALK]

17 MR. KIMMERLING: Well, you have single
18 family houses once you get past Amberlands, but I
19 mean that's not --

20 MS. WHITEHEAD: But you've got
21 Amberlands.

22 MR. KIMMERLING: Right. But I mean why
23 would put more -- I guess this could be a great
24 project, but why put it here where the zoning

1 July 6, 2021

2 doesn't include it, doesn't permit it.

3 MS. WHITEHEAD: You don't have, I don't
4 think any zoning in the town that would permit
5 this right now. And we think actually that this
6 type of a product is more beneficial to the town
7 than 16 large single family homes would be. We've
8 shown economically this has more benefits to the
9 town, reduces costs to the town with the private
10 road and some of those other things.

11 MR. KIMMERLING: But it would have those
12 benefits if you put it someplace else too.

13 MS. WHITEHEAD: Well, we don't have
14 someplace else to put it.

15 MR. KIMMERLING: Right. But you could
16 put houses here and we approved those.

17 MS. WHITEHEAD: So you can see there's,
18 right across Furnace Dock, there's a lot of
19 multifamily.

20 MR. KIMMERLING: Right. But if you look
21 where you're putting this project --

22 MS. WHITEHEAD: It's right there.

23 MR. KIMMERLING: -- there's just houses.

24 MS. WHITEHEAD: No, directly across is

1 July 6, 2021

2 just multi family.

3 MR. KIMMERLING: There's the lake.

4 MR. KESSLER: Yeah, but behind it is
5 single family houses, right?

6 MS. WHITEHEAD: Well, but behind,
7 remember, we have a 30 acre parcel that's being
8 donated to the town.

9 MR. KESSLER: Right. Yeah, but then
10 again.

11 MS. WHITEHEAD: That will be between us
12 and most of that single family development. So
13 our development is concentrated in the front
14 central portion. We also have a big buffer. We
15 have six acres along Furnace Dock Road that will
16 also be dedicated to the town. So we actually
17 have a very big buffer. This project really isn't
18 visible.

19 MR. KEHOE: And don't forget, that's the
20 historic site we spent so much time on.

21 MS. WHITEHEAD: We also have the
22 historic site that we're still preserving.

23 MR. KESSLER: Yeah.

24 MS. WHITEHEAD: We all remember the

1 July 6, 2021

2 historic site.

3 MR. KESSLER: We do.

4 MR. KIMMERLING: But would you say that
5 the town has maxed out on this kind of housing
6 and needs more of it, that Springvale, Jacob
7 Hill, all of those places don't provide enough?

8 MS. WHITEHEAD: Those are a different --
9 they're a different product. I mean this is,
10 you've got four units in each building. It's
11 certainly very different. Jacobs Hill is more of
12 an apartment type unit. It's a different type of
13 product.

14 MR. KIMMERLING: And these are for sale
15 versus rental?

16 MS. WHITEHEAD: These are going to be
17 for sale.

18 MR. KIMMERLING: For sale.

19 MR. ROTHFEDER: So I mean I don't know
20 how we --

21 MR. KEHOE: Well, we have to put
22 something back to the town board.

23 MR. ROTHFEDER: Okay.

24 MR. KEHOE: So right now, I would have

1 July 6, 2021

2 to say one member of the planning board expressed
3 concern, unless you don't want me to say that
4 George, and you know, it's up to --

5 MR. KIMMERLING: No, I think what we
6 need to do is go through this line by line and
7 actually all respond to what is proposed here. I
8 mean it's really, it's a very specific amendment
9 to the zoning board and I think we're not going
10 to be able to provide comments just sitting in
11 this meeting unless we actually go through it
12 line by line and say what does it mean to say
13 existing parcels of land. Does that mean existing
14 at the time of the amendment and then no further
15 parcels could be put together that would equal 40
16 acres? I mean there's a lot of stuff that doesn't
17 really seem clear to me. So I think it would be
18 appropriate for us, I mean because we've done
19 this on other things that we've had to make
20 comments on, right, we e-mail them to you and you
21 put them all together, so --

22 MR. KEHOE: Yeah. That's what I was
23 saying. Which is fine, but --

24 MR. KIMMERLING: But don't want you to

1 July 6, 2021

2 say like one --

3 MR. KEHOE: Well, I haven't heard
4 anything from the other six members. But it
5 doesn't matter. Whoever wants to e-mail me, e-
6 mail me.

7 MR. KIMMERLING: Okay.

8 MR. KEHOE: And then I will put
9 something together.

10 MR. KESSLER: My issue is definition of
11 spouse.

12 MR. KEHOE: Okay. So you're not going to
13 e-mail that? I've got to remember?

14 MR. KESSLER: I can e-mail that.

15 MS. WHITEHEAD: I wrote it down twice.

16 MR. PREZIOSI: So in the event that we
17 proceed with this application, we recommend that
18 the tree inventory be updated. I don't believe
19 there was one done in the past on this
20 application.

21 MR. KESSLER: Could we wait until we
22 have an application?

23 MR. KIMMERLING: We need a site plan.

24 MR. PREZIOSI: I'm just letting the

1 July 6, 2021

2 applicant know so --

3 MR. KESSLER: Oh, okay.

4 MR. PREZIOSI: -- so we don't lose the
5 summer.

6 MS. WHITEHEAD: And we actually have --
7 we've actually, because you had suggested some of
8 these things be updated before, so we've
9 actually, we've had the trees redone, re-
10 inventoried and surveyed, we've had the wetlands
11 confirmed. Obviously, you guys are going to have
12 to review what we've done, but we've already
13 started work on some of that.

14 MR. KEHOE: Well, we touched up on this
15 a little is that they made a presentation to the
16 town board, but it's not clear that the town
17 board wants to be lead agent. Is that correct,
18 M.C.?

19 MR. CUNNINGHAM: I would say that's
20 accurate.

21 MS. WHITEHEAD: I don't think anybody --

22 MR. CUNNNINGHAM: Especially because
23 this board served as lead agency in the past for
24 the prior project located on the same property.

1 July 6, 2021

2 MR. KEHOE: So I think the inclination
3 is for this board to be lead agent. But as Steve
4 pointed out, there's no PB number, there's no
5 application form. So, we were thinking that by
6 the August 31st meeting, apparently where
7 everything is going to happen --

8 MS. WHITEHEAD: And clearly, we're after
9 five public hearings, so I won't rush.

10 MR. KEHOE: Or, you can wait 'til the
11 October or whatever meeting, but you should
12 together, you know, we need our application fees,
13 our escrow, all that stuff.

14 MR. PREZIOSI: That's why I was bringing
15 up the issue about the trees and the wetlands,
16 not to lose the season before you go into
17 November or December where you cannot inventory
18 wetlands.

19 MS. WHITEHEAD: So yeah, I mean
20 typically when we're doing a zoning amendment, we
21 don't always submit those applications at the
22 same time, because you're limited in what you can
23 do with it until the zoning is approved, but if
24 you want everything at once, we can certainly put

1 July 6, 2021

2 that all together and then while they're -- they
3 don't have an application yet. The town board
4 does formally have a petition, so at some point,
5 somebody's got to decide who's going to be lead
6 agency on the SECRA.

7 MR. KEHOE: But they're quite adept.
8 Colonial Terrace, next door is proceeding in
9 front of them without the zoning to ultimately
10 permit it, you know, so they can do that.

11 MS. WHITEHEAD: Okay. We can certainly
12 get the applications put together.

13 MR. ROTHFEDER: Do we have to do a
14 motion? I mean what's the motion for?

15 MR. KESSLER: I think the motion is to
16 send our comments into text to Chris by the 21st?
17 [laughter] It seems to be your favorite day.

18 MS. WHITEHEAD: You can do it sooner,
19 because it's going back to the town board. It's
20 not coming back to you.

21 MR. KESSLER: When is the town taking
22 care of this?

23 MR. KEHOE: I think you should try to
24 target the town board meeting, which is August

1 July 6, 2021

2 12th, so if you can get the comments into Chris
3 by say August 3rd, August 4th. Yeah, so try to
4 get it back to the town board in August, whatever
5 comments you have.

6 MR. KESSLER: Not July 21st?

7 MR. KEHOE: No. You could shoot for
8 that, but you have another week after that.

9 MR. PREZIOSI: I'm thinking the Friday
10 before their work session, so I think the 3rd or
11 the 4th, a little different schedule.

12 MR. ROTHFEDER: So Madam Chair, I move
13 that we send our comments to, by August 3rd, send
14 our comments to staff by August 3rd, who will
15 then pass it along to the town board.

16 MR. KEHOE: Sooner, you know, I'd like
17 to send it to the town board August 3rd, so that
18 means I have to get your comments, I have to
19 draft something, I have to send it back to you,
20 so.

21 MS. WHITEHEAD: Chris has nothing else
22 to do. At least not until August 21st.

23 MR. KESSLER: Second.

24 MR. PREZIOSI: I misled you, it's July

1 July 6, 2021

2 30th.

3 MS. WHITEHEAD: It's late.

4 MR. KESSLER: Loretta, second.

5 MS. TAYLOR: Second? Okay. On --

6 MR. PREZIOSI: July 30th would be your
7 comment date.

8 MR. ROTHFEDER: July 30th.

9 MR. KESSLER: Second.

10 MS. TAYLOR: Okay, on the question, all
11 in favor?

12 MULTIPLE: Aye.

13 MS. TAYLOR: Opposed? Okay.

14 MS. WHITEHEAD: Thank you very much.

15 MS. DECKER: Motion to adjourn.

16 (The public board meeting concluded at
17 10:55 p.m.)

CERTIFICATE OF ACCURACY

I, Ryan Manaloto, certify that the foregoing transcript of the board meeting of the Town of Cortlandt on July 6, 2021 was prepared using the required transcription equipment and is a true and accurate record of the proceedings.

Certified By



Date: August 11, 2021

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