

TOWN OF CORTLANDT  
PLANNING AND ZONING BOARDS

PLANNING BOARD MEETING  
Hudson Ridge Wellness Center

Town Hall  
1 Heady Street, Cortlandt Manor, NY 10587  
January 26, 2022  
7:00 p.m. - 9:38 p.m.

January 26, 2022

MEMBERS PRESENT:

Loretta Taylor, Chairperson

George Kimmerling, Member

Robert Foley, Member

Steven Kessler, Member

Jeff Rothfeder, Member

Suzanne Decker, Member

Robert Mayes, Alternate Member

Chris Kehoe, Deputy Director, Planning

Tom Wood, Town Attorney

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

3 MS. LORETTA TAYLOR: All rightie, this  
4 is a public hearing. Excuse me. Can we stand and  
5 recite the pledge?

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

11 MR. CHRIS KEHOE: Mr. Kimmerling?

12 MR. GEORGE KIMMERLING: Here.

13 MR. KEHOE: Mr. Rothfeder?

14 MR. JEFFREY ROTHFEDER: Here.

15 MR. KEHOE: Mr. Kessler?

16 MR. STEVEN KESSLER: Here.

17 MR. KEHOE: Ms. Taylor?

18 MS. TAYLOR: Here.

19 MR. KEHOE: Mr. Mayes?

20 MR. ROBERT MAYES: Here.

21 MR. KEHOE: Mr. Foley?

22 MR. ROBERT FOLEY: Here.

23 MR. KEHOE: Ms. Decker is expected, Mr.

24 Bianchi noted as absent. With us is the town

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2 attorney, Tom Wood.

3 MS. TAYLOR: This is a public hearing  
4 for PB 6-15, the Hudson Ridge Wellness Center,  
5 Inc. The application of Hudson Ridge Wellness  
6 Center, Inc. for site development plan approval  
7 and a special permit for a hospital to be located  
8 at the former Hudson Institute property, to  
9 provide a New York State Office of Addiction  
10 Services and Support certificated 92-bed facility  
11 to treat individuals with chemical dependency  
12 issues located at 2016 Quaker Ridge. Latest  
13 revisions on the drawings are dated March 20,  
14 2019. Okay.

15 MR. BOB DAVIS: Hello. Good evening. I'm  
16 the attorney for the applicant. Do you want to  
17 say something first?

18 MS. TAYLOR: I'm sorry. You, you, okay.  
19 We -

20 MR. TOM WOOD: Mr. Davis, we're just  
21 going to ask you to stand down for a second.

22 MS. TAYLOR: Yeah.

23 MR. DAVIS: Certainly, Certainly.

24 MR. WOOD: Madam Chairlady, members of

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2 the board, thank you. Since this is a unique and  
3 complicated and perhaps one might say convoluted  
4 matter, I thought it would be good to make an  
5 opening statement with respect to the procedural  
6 process and the paths that must be followed.

7 Obviously, we adhere to the law and  
8 everyone that owns property in the town has the  
9 right to due process so that's what we're  
10 ensuring both the property owner's rights and the  
11 citizens rights to be heard on it, all matters.

12 This is the sixth session of the public  
13 hearing. This is a combined public hearing that  
14 the planning board commenced to consider the site  
15 plan proposal and whether or not site plan  
16 approval should be granted. And also a public  
17 hearing to hear comments with respect to any  
18 perceived environmental impacts and comments with  
19 respect to any environmental permits that may at  
20 some point have to be granted.

21 What is somewhat unique about this  
22 application is whether or not zoning permits this  
23 use at this location is a matter that has to be  
24 resolved by the town zoning board. But under New

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2 York State law, whenever a board or agency is  
3 ready to take an action or consider an action,  
4 they must comply with the State Environmental  
5 Quality Review Act, SEQRA. And so the law  
6 encourages coordinated reviews so there aren't  
7 multiple studies being done by multiple agencies  
8 when various agencies have approval authority,  
9 etc.

10 So in this case, the planning board is  
11 being considered the lead agency for marshalling  
12 the environmental review of this matter. When the  
13 planning board reaches a conclusion on the  
14 environmental review process, it then would go to  
15 the zoning board for the zoning board's public  
16 hearings and consideration as to whether or not a  
17 variance to some aspects of the special permit  
18 should or should not be granted.

19 If the zoning board sends it back to the  
20 planning board, then the planning board still has  
21 to do a final review for site specific site plan.

22 So, I'm not presupposing how any of  
23 that's going to occur. I'm just indicating what  
24 the, the complicated process is. So in that

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2 regard, this evening, since it is the sixth  
3 session, we are hoping the comments will be  
4 towards items and issues that have not already  
5 been raised. Number two is to look at the impact  
6 issues that the board's considering  
7 environmentally. There will still be further time  
8 if it comes back for sight plan for specific  
9 comments about aspects of the site and its  
10 operation.

11 So I just thought that would be a good  
12 introductory statement to put on the record in  
13 the hopes that it will clarify the path that  
14 everyone is trying to follow.

15 MS. TAYLOR: As counsel has just stated,  
16 this is the sixth, sixth session on this  
17 particular application and I'm sorry.  
18 [unintelligible] [00:09:40 = 00:09:48] Is this  
19 better?

20 MR. KEHOE: Yes.

21 MS. TAYLOR: Okay. This is the sixth  
22 session on this particular application and at  
23 this particular point, we are hoping that we  
24 winding down some aspects of this application. As

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2 a public hearing, we're going to ask that you  
3 please pay attention to the persons ahead of you  
4 and the specific issue that they speak upon  
5 because what we want to do is avoid having people  
6 repeat the same issue over and over again. Please  
7 try to cooperate in that way. It is a little  
8 after 7:00 and we're hoping to conclude by 9:00  
9 o'clock. So if you have something to say, please  
10 feel free to get up and make a statement, but  
11 please keep it brief and please try hard to avoid  
12 repeating things that have already been  
13 addressed. All right, I'm sorry.

14 MR. DAVIS: Thank you, Madam  
15 Chairperson. I'll just take a few minutes of your  
16 time tonight. Good evening. I'm Bob Davis. I'm  
17 the attorney for the applicant. Thank you for  
18 holding this special meeting for this  
19 application.

20 It's been a while since we were before  
21 you last summer and a lot has actually occurred  
22 since then. In particular, in working very  
23 closely with the neighborhood group and Town  
24 Attorney Wood over the past five months, we've

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2 substantially modified and reduced the magnitude  
3 of the application.

4 So tonight, I'll bring you up to date,  
5 with the intention that after some seven years at  
6 this point, we can finally move forward  
7 expeditiously, hopefully to approval and perhaps  
8 even a win-win result for the applicant, the town  
9 and the neighbors.

10 By way of a little background, since the  
11 last meeting last July, on August 9th last year,  
12 we submitted our larger addendum to our March  
13 2019 expanded environmental assessment report.  
14 Mr. Kehoe referenced that and showed that at the  
15 work session. The four volume 2019 set had  
16 included all of our submissions and responses to  
17 public comment since the beginning of the  
18 application in 2019 up to that point. The August  
19 volume completed the record and public comment  
20 response from 2019 through your July 6th meeting.

21 On September 3rd, we also submitted  
22 additional information requested at that time by  
23 Mr. Subin regarding OASAS. And importantly, last  
24 August, the applicant also terminated the

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2 easement that it had acquired over the adjoining  
3 property of its affiliate and that property has  
4 since been sold to a third party for single  
5 family residential use, thereby eliminating a  
6 significant neighborhood concern that had been  
7 expressed at that time.

8 Thereafter has reflected, in my co-  
9 counsel Mr. Grauer's letter to you of January 19  
10 this year, based on extensive discussions with  
11 Mr. Wood and the neighbors and their consultants,  
12 the applicant has consented as conditions to  
13 extremely broad mitigation measures and  
14 accommodation to the community, including the  
15 adjoining neighbors with whom the applicant has  
16 met directly and had direct discussions and whose  
17 landscape architect has met with the neighbors as  
18 well. And the landscape architect, Lucille Munz  
19 [phonetic] from JMC is here tonight to answer any  
20 questions you might have in that regard.

21 All of these measures and accommodations  
22 I've referred to are set forth in Mr. Grauer's  
23 January 19th letter, which most significantly  
24 include the applicant's principal concession, to

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2 reduce the maximum number of patients, which are  
3 part of its application, from 92, which has been  
4 the case for the last five years, to only 49 at  
5 the onset, and thereafter, only upon the renewal  
6 of its special permit a few years down the line  
7 to a maximum of 58 patients. Or those numbers  
8 could be less, those maximum numbers could be  
9 less if required by the licensing agency, OASAS.

10 So that represents a reduction in the  
11 maximum number of patients to be allowed by at  
12 least 47 percent at the outset and ultimately  
13 perhaps 37 percent with a commensurate reduction  
14 in staff and potential impacts.

15 Among its other recent additional  
16 mitigative measures, the applicant has  
17 substantially enhanced its landscaping plan with  
18 an immense evergreen hedge made up of large  
19 trees, 18 to 14 feet high, approximately 140  
20 trees along and near the northern boundary of the  
21 property, utilizing even berms in spots to make  
22 the hedge higher to buffer the adjoining  
23 neighbors.

24 And the applicant has also significantly

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2 revised its lightly plan, also in conjunction  
3 with the neighbor's architectural consultant to  
4 further mitigate any impacts on those neighbors,  
5 all in extensive ongoing consultation with them  
6 over these past five months.

7 In addition, back in March of 2019, we  
8 had provided you with a list of some 54 other  
9 stipulated conditions of approval which have only  
10 been enhanced by those set forth in Mr. Grauer's  
11 January letter, along with JMC's analysis of the  
12 SEQRA criteria supporting the board's issuance of  
13 a negative declaration.

14 We resubmitted those items to Mr. Wood  
15 and the board in early January and then did so  
16 again yesterday for the board's convenience.

17 Despite all these fruitful, cooperative  
18 efforts over the past few months, we have  
19 received Mr. Schwartz' letter of January 24th,  
20 which I must say, we found rather surprising and  
21 disappointing in tone and content, given the very  
22 cooperative relationship that the applicant has  
23 been establishing directly with the neighbors  
24 over the past five months and the agreement we

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2 believed we had forged with them and still hope  
3 very much so to positively conclude.

4 I believe Mr. Grauer's January 25th  
5 submission has amply addressed Mr. Schwartz'  
6 letter, but suffice it to say in our view, it  
7 contains many mischaracterizations and inaccurate  
8 statements.

9 Most importantly, this really must be  
10 noted, as reflected in Mr. Grauer's letter, we  
11 have already agreed, in some case instance, the  
12 very beginning of the application in 2015 to do  
13 most of the things Mr. Schwartz asked for in his  
14 letter, or have agreed now, in Mr. Grauer's  
15 response.

16 So, in sum, having practiced zoning law  
17 at this point in time for about 40 years, some  
18 nights like this, it seems a little longer, but  
19 contrary to any claim of lack of transparency or  
20 failure to answer any questions, I must say I've  
21 never seen a longer or more substantial review  
22 process or a more responsive and transparent  
23 applicant than this one.

24 The fact that any person may not like

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2 our answers or that our answers do not support  
3 their narrative does not mean the answers are  
4 insufficient. And likewise, the fact that the  
5 applicant may not have answered every single one  
6 of every one of the hundreds of questions that  
7 the public has presented with more questions  
8 seemingly presented each time others are answered  
9 in an unending process doesn't mean the  
10 application is insufficient either.

11 Moreover, the board does not have the  
12 legal authority, as you probably know, to engage  
13 in an intimate review of the applicant's internal  
14 business operations or the feasibility of its  
15 business. In fact, Supervisor Becker himself  
16 recently pointed out that point in a letter to  
17 the editor he wrote regarding certain land use  
18 issues in town, where he state quote, it is not  
19 in the purview of government to assess the need  
20 for or likelihood of success of private  
21 investments.

22 So accordingly, as requested in Mr.  
23 Grauer's January 19th letter, we do ask the board  
24 to finally close the public hearing tonight and

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2 to expeditiously thereafter adopt the negative  
3 declaration so that as Mr. Wood noted, the  
4 applicant may move forward to the zoning board  
5 for consideration of the one area variance needed  
6 from the state road requirement for the special  
7 permit and thereafter return to this board for  
8 consideration and hopefully issuance of special  
9 permit and site plan approval.

10 So with that, we thank the board for its  
11 consideration and courtesy throughout this  
12 incredibly long in my experience, unprecedented  
13 process and also to those neighbors as well who  
14 have worked mutually with the applicant to make  
15 this a better application over the last five  
16 months and of course we will continue to work  
17 with them to do so. So, I thank you, and Ms.  
18 Munz, as I mentioned, our landscape architect is  
19 here, if at any time you have any questions for  
20 her or need a better explanation of the landscape  
21 butter that we've created. Thank you.

22 MS. TAYLOR: All right, this, as I said  
23 earlier, is a public hearing and we're here to  
24 listen to your particular concerns at this point.

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2 We have received materials from, we have received  
3 materials from both of the sides, the CRHISD and  
4 we've received materials from, excuse me, the  
5 applicant. And we are still, you know, laboring  
6 in some sense on how we're going to finally  
7 resolve some of the concerns that we have. So  
8 this is an opportune time for you to come up and  
9 express some thoughts that you have or some  
10 concerns that you have, because as I said  
11 earlier, we are beginning to wind this down and  
12 we've got to have some, you know, some insight  
13 from you as to how you're feeling.

14 Now, those of you in the group that are  
15 called CRHISD have a sense I think of what the  
16 group agreed to with respect to how this, how  
17 they want this to look, how they want the  
18 property to look, what kinds of things that they  
19 approve of. We know that there are people that  
20 don't necessarily agree with everything that the  
21 CHRISD group worked on.

22 And I guess I think I would be more  
23 interested in learning what some of these  
24 reservations that some of you have that we

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2 haven't heard yet, okay. So you can come, are  
3 you, you wanted to speak now?

4 MR. DAVID VALDEZ: Yes.

5 MS. TAYLOR: Fine, come on up.

6 MR. VALDEZ: Thank you.

7 MS. TAYLOR: Please state your name and  
8 where you live, your address.

9 MR. VALDEZ: Okay, thanks. Hello, I'm  
10 David Valdez, I'm a member of Newcastle's  
11 Millwood West End Advisory Board. And I've been  
12 asked to speak on behalf of the board at this  
13 very important public hearing.

14 Just for background, for those of you  
15 who don't know, the Millwood West End Advisory  
16 Board reviews the applications that impact  
17 residents of the town of Newcastle, with Millwood  
18 and Ossining addresses. We also look at the  
19 actions of neighboring towns when there's an  
20 impact on Newcastle, as is the case here. This  
21 board has been in existence since the mid-70s.

22 We've reviewed the Cortlandt Planning  
23 Board's work and the minutes to date, as  
24 extensive as they are, as well as the applicant's

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2 materials and responses related to their  
3 application for a variance and a special permit  
4 to reoccupy buildings to operate a hospital on  
5 Quaker Ridge Road.

6 The Millwood West End Advisory Board is  
7 opposed to this application for very sound,  
8 practical reasons, which I will very quickly  
9 summarize. The Millwood West End Advisory Board  
10 strongly urges you, the members of the Cortlandt  
11 Planning Board not to grant the special permit  
12 the applicant has requested for the following  
13 five specific reasons.

14 I would ask that you note that these  
15 reasons extend and are particularly concerned the  
16 externalities that are beyond the property  
17 boundaries. They can't be fixed by having 40 or  
18 60 people on the site.

19 Number one, Quaker Ridge Road is not a  
20 state road, and as such, it was not designed or  
21 intended to handle traffic, cars, buses and  
22 ambulances that will come from the proposed  
23 hospital facility. Hospitals in Westchester have  
24 to be on a state road. A variance is necessary

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2 and it is within the purview of the Cortlandt  
3 Planning Board not to grant it.

4 Number two, related, all of the streets  
5 and roads leading to Quaker Ridge Road are  
6 similarly small, residential streets. Consultant  
7 studies show that Glendale Road in Newcastle will  
8 become the main way in and out of the hospital.  
9 Granting a variance which will result in hospital  
10 traffic here isn't appropriate or consistent to  
11 the immediate and adjoining neighborhood.

12 Number three, lighting, and this is  
13 really very, very important. The immediate area  
14 around both parcels, though we understand tonight  
15 they sold one of them, has no commercial lights  
16 or signs. Much of the neighborhood has no street  
17 lights at all. Pitch dark at night is a defining  
18 feature of the community here, particularly in  
19 the West End of Newcastle, which the hospital,  
20 when operating, will destroy. With the  
21 increasingly well recognized environmental  
22 benefits of darkness at night, we cannot  
23 emphasize enough the value and the importance  
24 that area residents place on it being dark at

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2 night.

3 Number four, water and sewage capacity  
4 and use, the hospital will depend on the shared  
5 use of the groundwater and the onsite disposal of  
6 sewage in a septic system that will have to  
7 support daily use water by more than a hundred  
8 people every day. The hospital will not only draw  
9 on groundwater but also issue sewage into a  
10 septic system that goes into the watershed that  
11 drains into the Indian Brook Reservoir, which  
12 supplies the town of Ossining with its drinking  
13 water. This residential neighborhood surrounding  
14 properties have septic systems and wells which  
15 are appropriately designed to support family  
16 households.

17 The applicant's initial proposal will  
18 like for 180 inhabitants, 90 patients, 90 staff.  
19 They've scaled back but they're leaving open day  
20 visitors which are not counted. So while the  
21 number is reduced, the groundwater use and the  
22 resulting septic system wastewater for a  
23 commercial enterprise is not consistent with  
24 current neighborhood owner use of groundwater

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2 that the residents share in the area.

3 A well water use test of very short  
4 duration showed an extreme drawdown on  
5 neighboring wells by 20 feet, which was quite  
6 alarming and that hasn't been explored.

7 It sounds like the applicant has solved  
8 the question on the future use of land owned if  
9 they've sold that neighboring parcel that's in  
10 Newcastle residential lot. But the fact that they  
11 had actually designed it, planned and granted  
12 themselves easements to have a curb cut that  
13 would end up into Glendale, if you know the  
14 neighborhood in Glendale and the families there,  
15 it's joggers, bicyclists, families with their  
16 children, their strollers, turn this into a main  
17 way in and out of a hospital would just be  
18 terrible.

19 So, with that, I'll conclude. A separate  
20 summary of the concerns of the Millwood West End  
21 Advisory Board opposing the application, I have a  
22 copy of it, it was submitted to the town of  
23 Newcastle. They submitted it to you and I would  
24 like to provide you with a copy for the public

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2 record. Thank you.

3 MR. KIMMERLING: Can I just ask a  
4 question? Is the advisory board a citizen's  
5 group, or is that part of the government?

6 MR. VALDEZ: It's appointed. It's an  
7 appointed committee of the town of Newcastle.

8 MR. KIMMERLING: Okay, great. Thank you.

9 MR. VALDEZ: Okay.

10 MR. KEHOE: I can take those. Thank you.

11 MS. JILL GREENSTEIN: Good evening. My  
12 name is Jill Greenstein. I reside at 83 Quaker  
13 Hill Drive. I am also the chairperson of CRHISD  
14 and my property abuts the applicant's property.  
15 I'm a retired school psychologist and very much  
16 aware of substance abuse and the need to provide  
17 help for those suffering with this. Because of my  
18 work as a school psychologist, I have worked with  
19 many professionals in the field, including local  
20 and county specialists. I'm aware of how  
21 important it is to provide care that is carefully  
22 developed following strict guidelines for such  
23 work.

24 What you have before you is not that. I

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2 suspect that you're no happier than the community  
3 is for focusing on this project again. We have  
4 agonized for almost seven years. In light of  
5 that, you should know how hard the community  
6 tried to solve the developer's own self-inflicted  
7 problems created when they purchased and pursued  
8 a use that requires that they provide medical  
9 care for town residents in a manner that is not  
10 disruptive to others.

11 On the very same day that the  
12 applicant's attorney was filing this letter  
13 making demands of this board, we continued to  
14 meet until 9:30 at night because we thought we  
15 were still able to find a solution. We have no  
16 agreement. I thought I heard you say that we had  
17 reached an agreement. CRHISD has no agreement  
18 with the applicant at this time.

19 We wanted to find a way to safely and  
20 effectively provide treatment in a part of  
21 Cortlandt that is serviced by wells and septic  
22 systems. There has been excessive -- we have been  
23 inaccessible many times because of storm damages  
24 repeatedly over the years, and we suffer some of

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2 the state's longest bouts of time without  
3 electricity on a regular basis.

4 Just today, Quaker Bridge Road was  
5 blocked by fire trucks. As we have stated, and  
6 one of our board members wrote about in an op-ed  
7 piece, of paramount importance is ensuring that  
8 if a facility is built, that it should be safe  
9 and provide dignified care for those suffering  
10 from addiction and that the operator fulfill the  
11 obligations of the permit to serve town residents  
12 and not just those who can pay top dollar.

13 It's of grave concern that I've been  
14 told again today that there has still been no  
15 contact with OASAS beyond an exchange when OASAS  
16 informed the applicant that they needed to file  
17 the appropriate paperwork and meet with OASAS as  
18 a first step. How can any of us, and in  
19 particular, you, the board, approve a plan to  
20 provide medical care when there is no plan.

21 Despite this grave and fundamental  
22 concern, we have tried to be neighborly and help  
23 the applicant. In that neighborly spirit, and  
24 because we appreciate the time and effort Kevin

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2 Cassidy made, we submitted to this board our  
3 thoughts on the applicant's submission and made  
4 sure that all of our parties received our letter.

5 In the letter, we outlined the areas  
6 that still need to be addressed, including  
7 concerns about patient safety, local water  
8 supply, by the way my well was one of the wells  
9 that was mentioned before that was affected by  
10 the drainage there, the need to know operational  
11 parameters and who will provide them, so we can  
12 actually determine if the applicant qualifies for  
13 the permit requested.

14 In fact, keep in mind that this  
15 applicant claimed to be an assisted living  
16 facility when they went to the Department of  
17 Health. If that's the case, they're not a  
18 hospital, and thus Hudson Ridge Wellness Center  
19 is not even eligible to be considered for this  
20 special permit. And even if it is considered a  
21 hospital, it is not legally allowed at this  
22 location because the town's laws require  
23 hospitals in a residential district to front on a  
24 state road.

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2 That's one of the reasons that the town  
3 of Cortlandt in their wisdom, created the  
4 different districts, including a medical oriented  
5 district where they believed such facilities  
6 should exist. If the applicant wants to  
7 demonstrate that it will be a hospital and  
8 operate as a hospital serving town residents,  
9 show us the plans and identify who will obligate  
10 themselves to executing those plans in this very  
11 challenging location they have chosen.

12 As always, we do look to be good  
13 neighbors. Thus, it was a welcome change to  
14 finally see some community outreach after years  
15 of being disparaged by the applicant's  
16 representatives. However, our openness should not  
17 be mistaken for a willingness to take unsupported  
18 promises in lieu of enforceable obligations. To  
19 do otherwise would be making a decision without  
20 any real information or answers. Thank you.

21 MS. TAYLOR: Thank you. Is there anyone  
22 else?

23 MR. EDWARD KIM: Chris, can you put up  
24 the slides for me? Thank you. While Chris is

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2 putting up the slides, my name is Edward Kim. I  
3 live on 3 Quaker Hill Court East, near the  
4 applicant's proposed non-residential facility.  
5 While I have reviewed the applicant's submitted  
6 materials, I've also noticed inconsistency that I  
7 would like to address on water usage, septic  
8 system and traffic volume. Can we go to slide  
9 two?

10 I know the planning board has discussed  
11 and heard about the well water testing from both  
12 the applicants and the community's hydrologist,  
13 other experts and the environmental impact of the  
14 20-acre parcel for the past six, now seven years.  
15 But I would also like to identify some of the  
16 inconsistencies in the applicant's submissions  
17 and why a high density, non-residential  
18 development should not be allowed in a R-80 zoned  
19 district, especially in an environmentally  
20 sensitive area, such as the former Hudson  
21 Institute.

22 Given the town has decided to eliminate  
23 special reuse and conservation development zoning  
24 of the former Hudson Institute site, due to the

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2 lack of infrastructure to support the increased  
3 housing density in their town's 2004 master plan,  
4 the proposed site development is simply just too  
5 big when compared to an equivalent residential  
6 housing alternative. Based on the R-80 zoning  
7 requirements, the maximum residential housing  
8 development would be less than ten times. And  
9 this the same argument and proposed by the  
10 applicant. So, I think we're in agreement. Right,  
11 Mr. Davis?

12 So if we apply Cortlandt's average  
13 household size of 2.8 and that's based on 2010  
14 Census, the total number of people residing on a  
15 20-acre parcel would be about 28 people. A much  
16 higher number of non-resident patients plus  
17 employees will definitely impact water usage,  
18 septic system and traffic volume.

19 The applicant must illustrate a non-  
20 residential facility without access to municipal  
21 water and sewage services that can properly  
22 operate without severely impacting its  
23 surrounding neighbors and its environment. Go  
24 ahead to slide four.

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2 Here I quote, the applicant claimed they  
3 have demonstrated that the traffic and water  
4 usage generated by the hospital would be similar  
5 to that of 20 to 42 lots of subdivision. But I  
6 believe this is incorrect. We're talking about  
7 the town of Cortlandt. We're not talking about a  
8 combined, combination of 48 acres of Cortlandt  
9 and Newcastle. Could we go to slide five?

10 In the applicant's consolidated expanded  
11 environmental assessment report, they have stated  
12 the following. An alternative use of the  
13 properties, combined total of 48.6 acres would be  
14 residential development. Based on zoning  
15 requirements, mandating a minimum lot size of  
16 80,000 square feet, a minimum of 20 and maximum  
17 of 24 could potentially be developed under two  
18 parcels. Now this assumes all of the 48 acres are  
19 usable land, meaning no water, no wetlands are on  
20 the parcel. But we know that's not true and  
21 that's not the case.

22 Continuing on, I quote, assuming a water  
23 demand of 550 gallon per day per home, according  
24 to New York State Department of Health,

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2 wastewater treatment standards, residential on-  
3 site system, the water demand of the residential  
4 development would range from 11,000 gallons per  
5 day to 13,200 gallons per day.

6 Now, this is where I find some  
7 inconsistency to the applicant's calculation.  
8 One, the planning board should make its  
9 determination based on how a non-residential  
10 facilities impact to their surrounding  
11 environment would compare to a maximum  
12 residential development within Cortlandt's 20-  
13 acre parcel, which would be less than ten homes,  
14 not 20 to 24 homes.

15 Cortlandt Planning Board does not have  
16 any jurisdiction of Newcastle's 28-acre parcel  
17 unless there's an agreement between the two towns  
18 to review and jointly make a determination. Two,  
19 the applicants assumed a water demand of  
20 residential dwellings to be 550 gallons per home.  
21 But this is incorrect. They claim, according to  
22 the applicants, to use the standard residential  
23 septic system requirement, not the standard water  
24 demand per household, which was 75 gallons per

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2 person.

3 Now, go to slide six. I based the 75  
4 gallons per day per person from Lewiboro's Ground  
5 Water Supply Report, where it referenced  
6 Westchester County Department of Health  
7 Guidelines indicate the average daily water  
8 demand per person is 75 gallons.

9 And if we go to the next slide, I  
10 validated this number of 75 gallons per person  
11 per day by also looking at the state of  
12 Minnesota, where they've identified that a  
13 residential single-family dwelling would be  
14 equivalent to using 75 gallons per person per  
15 day. Now you'll also notice hospital water usage  
16 is indicated and it's much higher, at 150 to 250  
17 per bed per day.

18 Now, if we go to slide eight, if we  
19 apply the following data to calculate a  
20 residential water usage, let's assume not 2.8,  
21 but let's round it up to three people per  
22 household in the town of Cortlandt, assuming that  
23 everyone's whole, and that there are ten single-  
24 family dwellings in the 20-acre lot and 75

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2 gallons per person per day.

3 If you go to slide nine, what I've done  
4 is I've taken the applicant's submission of the  
5 facility's water usage on a per-day basis, which  
6 is 12,668 gallons per day. That would be about  
7 550 percent higher than a residential equivalent  
8 of ten homes' use, based on 75 gallons per day,  
9 per person per day, based on a household of three  
10 people.

11 Even if we reduce to that number down to  
12 58, as the applicant has proposed recently,  
13 that'd still be more than 300 percent higher than  
14 the residential homes.

15 Go to the next slide. The applicant's  
16 water usage claim has not clearly demonstrated  
17 that they are equivalent to residential, not even  
18 similar. And this is straight out of what the  
19 applicant has submitted.

20 While the water testing was conducted  
21 over a 72 hour period, however, if the proposed  
22 facility uses six times the residential water  
23 usage over a long term period, we would need to  
24 better understand the full impact of the

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2 applicant's water demand. Ultimately, if the well  
3 water supply is significantly reduced due to  
4 overuse, what is the recourse, and will the town  
5 or the applicant have a contingency plan to  
6 remediate water supply for the nearby homes?

7 Go to slide 13. I'd like to quickly talk  
8 about septic system. Another concern that I have  
9 here is that the applicant proposed a wastewater  
10 disposal system of using multiple chambers  
11 totaling 250,000 gallons of wastewater storage  
12 capacity of 20 days.

13 Now, if you look at it again, on the  
14 residential home use, and go to slide 14, and  
15 compare it to equivalent of ten homes on  
16 Cortlandt's 20-acre parcel, the applicant's  
17 septic system would be 20 times greater than that  
18 of a ten residential site septic system. And  
19 that's based on standard 1,250 gallon capacity  
20 tank per residential home, which is equivalent to  
21 about a four to five-bedroom house.

22 Any damage or leakage from the proposed  
23 facility's septic system would severely impact  
24 the surrounding environment and the nearby

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2 watershed area. In fact, a portion of the new  
3 septic system would be within the periphery of  
4 the Indian Brook Reservoir watershed. A single  
5 residential home septic system failure would not  
6 severely impact the surrounding land, but imagine  
7 200 homes all having septic system failure at the  
8 same time. That would be the equivalent of what  
9 Hudson Ridge failure would be. To put that into  
10 perspective, 200 homes in an R-80 zone would be  
11 400 acres. That would be a significant  
12 environmental impact in my mind.

13 We'll go to slide 16. The applicant has  
14 stated that the proposed facility would generate  
15 far less traffic than additional capacity of  
16 Quaker Ridge Road would absorb. They base their  
17 estimate of 60 cars, 120 trips per day. That's  
18 based on their original 92-bed proposal. While  
19 the applicant's traffic volume estimate would be  
20 far below Quaker Ridge Road's 800 trip capacity,  
21 the planning board should also consider that the  
22 average residential volume of ten homes would be  
23 about 20 cars since we're making the assumption  
24 two cars per home and that would equate to 40

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2 trips per day. A residential development of less  
3 than ten homes would generate 67 percent less  
4 traffic volume than what Hudson Ridge would  
5 generate on a per day basis.

6 And if we go to slide 18, and lastly,  
7 the planning board must make its determination  
8 solely on its 20-acre parcel in Cortlandt while  
9 coordinating with the town of Newcastle to ensure  
10 the applicant and their affiliates did not sell  
11 the Newcastle parcel to a non-affiliate if the  
12 proposed facility is approved by both towns. And  
13 the reason why I say that and I'm emphasizing  
14 that is what if the town of Cortlandt approves  
15 the special permit and allows the facility to  
16 have between 85 and 90-bed, patient beds and sell  
17 the 27-acre parcel in Newcastle and this new  
18 owner decides they want to develop a residential  
19 home. What would stop us from preventing that? So  
20 we need to take into consideration that the town  
21 of Cortlandt should only focus on 20 acres, not  
22 48.

23 And we can go to slide 20. I'm not  
24 objecting to the applicant's desire to develop a

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2 treatment facility in Cortlandt, but I am  
3 objecting to a non-residential development. That  
4 would have far greater environmental stress on a  
5 20-acre parcel in an R-80 residential zoned  
6 district.

7 A high density, high residential housing  
8 equivalent, such as a 92-bed or a 58-bed or a 49-  
9 bed facility is simply too big to operate without  
10 proper water and sewage infrastructure to handle  
11 such demand. Especially in an environmentally  
12 sensitive area such as the Teatown region.

13 The planning board should and must  
14 consider how a non-residential development that  
15 would exceed the equivalent residential dwellings  
16 could impact on the environment and its  
17 surrounding neighbors in an R-80 zoned district  
18 that lack any water or sewage infrastructure. I  
19 ask the planning board to make a positive  
20 declaration. Thank you for your consideration.

21 MS. TAYLOR: Thank you.

22 MR. JOEL GREENSTEIN: Good evening. My  
23 name is Joel Greenstein, and I live at 83 Quaker  
24 Hill Drive. I'm also a member of CRHISD. I'd like

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2 to direct your attention to an item that I don't  
3 think you're aware of. That's the real estate tax  
4 payment history of the applicant. While offering  
5 assurances of scholarships and increased  
6 revenues, the applicant has frequently been very  
7 delinquent in paying its real estate taxes. That  
8 leads me to believe that they will not live up to  
9 future obligations and mitigation measures. With  
10 regard to the property at 2016 Quaker Ridge Road,  
11 formerly the Hudson Institute, over the past ten  
12 years, the applicant has been delinquent in  
13 paying of taxes 13 times. There have been two tax  
14 liens levied on the applicant while he's been in  
15 control. The taxes have been paid by five  
16 separate legal entities. This is just on the 2016  
17 property. With regard to the property at 81  
18 Quaker Hill Drive, which is the one that was, had  
19 the easement given from one party to the next,  
20 during the four years that it was controlled by  
21 either the applicant or an affiliate, they were  
22 in arrears five separate times and the taxes were  
23 paid by four different entities. With regard to  
24 the property at 35 Quaker Ridge Road, which is in

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2 the town of Newcastle, it's been owned by the  
3 applicant or the affiliated LLCs for seven years.  
4 During the seven years, the applicant has been in  
5 arrears five different times. And you can check  
6 that on the town's websites. The first two, town  
7 of Cortlandt, the second, the last on town of  
8 Newcastle.

9 It's my understanding that  
10 traditionally, in the town of Cortlandt, if a  
11 property owner is not current in his or her real  
12 estate payments, the property owner should not or  
13 could not appear before this board requesting a  
14 variance or a special waiver.

15 Given this, and the fact that the  
16 applicant has been delinquent 25 times, it's  
17 ironic that the applicant, in his most recent  
18 letter to the board complains about the  
19 timeliness of the proceedings. In fact, the  
20 applicant has threatened the board with legal  
21 action for not taking decisions in the  
22 applicant's preferred timeframe.

23 What we have before us is a large for-  
24 profit commercial facility. We don't know who

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2 will be operating the facility, nor who owns the  
3 facility. What we do know only raises questions.  
4 There are five distinct legal entities that have  
5 paid taxes on the 2016 Quaker Ridge Road  
6 property. The taxes have frequently been arrears.  
7 There have been tax liens filed two separate  
8 times.

9 Is this the type of operator and  
10 operation that you're comfortable with? If they  
11 can't or choose not to carry out the basic  
12 obligation of paying their taxes in a timely  
13 manner, how can you expect them to fulfill the  
14 many representations for mitigation that they've  
15 made before you? Thank you for your time and all  
16 your consideration over the years. Thank you.

17 MR. MICHAEL SHANNON: I am Michael  
18 Shannon. I live at 2022 Quaker Ridge Road, right  
19 next to the applicant's property. I realize there  
20 have been many hearings, six public hearings on  
21 this issue before you. I believe I've attended  
22 them all and spoken before, so I won't repeat  
23 things.

24 Something needs to be corrected though.

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2 There was a theme in Mr. Gauer's letter and Mr.  
3 Davis' remarks that the neighbors walked away  
4 from an agreement. That's not true at all. There  
5 were discussions, there were requests and since  
6 he talked about walking around the property, I  
7 want to tell you my experience. I walked around  
8 their property with Mr. Cassidy and I said to  
9 him, what is the building right next to me going  
10 to be used for. He said we're not putting  
11 patients there. That's for administration. Their  
12 plans in building number two are for patients.

13 They spoke about extra landscaping.  
14 They're going to put up all these trees right  
15 next to the border, they're going to put in  
16 berms. We said how are they going to be watered?  
17 He said well water. Well, that was contrary to  
18 what they said before, when they said the would  
19 not be using well water for irrigation. Now  
20 they've added a pool. They told you before there  
21 would be pool.

22 Under Section 307-43 of the code, you're  
23 entitled to consider any matter related to the  
24 public welfare. In the course of all these

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2 proceedings, you have heard a very consistent  
3 outcry from the residents, not just me who lives  
4 right next door, but even now from Newcastle as  
5 well. Those concerns have addressed water,  
6 they've addressed septic, they've addressed  
7 lighting, they've addressed traffic and other  
8 issues, all properly within your domain.

9 I ask that when you deliberate on this,  
10 you consider that unanimous loud and consistent  
11 voice of the community and not the voice spoken  
12 on behalf of Mr. Cassidy, who clearly has  
13 multiple felony convictions, including money  
14 laundering, and wants to open a large commercial  
15 for-profit organization in our community.

16 Mr. Davis says in his 40 years of  
17 practice, he's never seen anything like this. I  
18 don't know if any of you have either. And I think  
19 the fact that the community has been so united,  
20 so loud, should really send the message that you  
21 should be guided by when you deliberate. Thank  
22 you.

23 MS. CYNTHIA MANOCHERIAN: Hi, I am one of  
24 those concerned community neighbors from the

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2 Newcastle side, Cynthia Manocherian, 100 Glendale  
3 Road. I'd like to do a show and tell. I wasn't  
4 sophisticated enough to create --

5 MS. TAYLOR: He'll take that,  
6 Christopher.

7 MS. MANOCHERIAN: This is the  
8 [unintelligible] [00:53:09]] follow along with  
9 the presentation. Unfortunately, I counted  
10 poorly, I only have five copies. So, my  
11 apologies. Can you hear me?

12 MR. KESSLER: Yeah.

13 MS. MANOCHERIAN: So, for starters, it's  
14 interesting to note that they're here trying for  
15 the sixth public meeting to get approvals from  
16 your planning board, because it seems to me that  
17 they can't even begin to be considered until they  
18 have both the approval of OASAS and the approval  
19 from Westchester County, the Commissioner Orth.

20 Your first document is an e-mail  
21 confirming from [unintelligible][00:54:10], who  
22 is legislator for the 4th District, which  
23 includes Newcastle, that not only did they not  
24 have any contact with OASAS or Westchester County

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2 in July, when he sent a letter on our behalf, to  
3 let you know, but as of yesterday, they still  
4 have not presented their program to OASAS or to  
5 Westchester County.

6 You have to wonder why. They've had six  
7 years. They're busy waiting, waiting, waiting.  
8 But they have things to do on their end that they  
9 have not produced for you. I added a how to open  
10 an addiction treatment center in New York State  
11 to this because it's very clear, you have to  
12 start with OASAS. You have many, many documents  
13 to prove that you're a fit institution to be able  
14 to take care of those who need this kind of  
15 treatment. They haven't started. So, I'll let you  
16 read that.

17 And then I will just show you that there  
18 was already a submission that talked - from Mr.  
19 Steven Rabinowitz in March '21, that talked about  
20 his 30 years of service at OASAS and that you  
21 always have to come to OASAS first before, and  
22 then the commissioner in Westchester County,  
23 before bothering the Cortlandt Planning Board or  
24 the community, because they might not be fit.

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2 They might not get approvals to run the kind of  
3 institution they want to run. And by the way,  
4 what will Cortlandt do if they don't get their  
5 approvals from OASAS? Then what? Will they  
6 somehow become a resort like institution to take  
7 care of people who need a break from their  
8 stressful lives? What will happen and how will  
9 there be oversight into what they do with the  
10 property.

11 So I don't think this application should  
12 be even considered by you until you get this  
13 information from OASAS and from the county  
14 commissioner. That's group one.

15 Group two has to do with the water shed  
16 and the Indian Brook Reservoir critical  
17 environment area. So this map again is the Indian  
18 Brook Reservoir watershed. This second map looks  
19 like a Venn diagram. The two bright red areas are  
20 Sunshine Home and their wells and Hudson  
21 Institute and their proposed wells, along with  
22 their Newcastle land.

23 You can see that they overlap smack in  
24 the middle of the Indian Brook Watershed. That

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2 should be game over. And Sunshine should have  
3 been game over, but they're not. I have in my  
4 packet, a letter from the village and town of  
5 Ossining, from July 12, 2021, where they draw  
6 your attention to the fact that approximately 75  
7 percent of the Hudson Ridge property is within  
8 the Indian Brook watershed.

9 And on top of that, there is a work plan  
10 for the proposed Indian Brook Croton Gorge  
11 Overlay Zone, which a lot of people in our  
12 community really support, to, to check on and  
13 update a 2009 document that carefully tends to  
14 these watersheds and works to protect them.  
15 That's in your own jurisdiction. I believe you're  
16 going to be the lead municipality on this work.  
17 And they're asking you not to move forward with  
18 this project until the work on the watershed  
19 review is done.

20 They also worry, in their letter, about  
21 any sanitary issues that might happen on site  
22 with regard to this kind of project with 75  
23 percent of it in the Indian Brook watershed area.  
24 The final piece is a town of Newcastle document

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2 written by the town planner Sabrina Charney Hull  
3 to the town board just to reiterate the first  
4 speaker from the Millwood West End group, to  
5 reiterate how Newcastle is really paying  
6 attention to this project, proposed project and  
7 goes through a very detailed list of analysis of  
8 what she believes to be documents in your  
9 procession from the developer, and all of the  
10 holes, all of the missing, unanswered questions  
11 that she would like to have answered, as your  
12 neighboring planner and trying to protect the 28-  
13 acrs that is on the Newcastle side.

14 As far as that goes, on top of feeling  
15 like you shouldn't even have to waste your time  
16 with this project right now, because they haven't  
17 passed go with OASAS or the county, it should be  
18 made very clear that they cannot use any  
19 resources like water or land from their Newcastle  
20 side when considering the validity of this  
21 project. They should not have any ability to say  
22 well, if we have a problem with our septic, we've  
23 got all this other land on the Newcastle side, so  
24 we have a new septic field that we can use. Or if

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2 we don't quite have enough water, we own this  
3 land, so we'll get extra water from our wells  
4 that we can build on the Newcastle side.

5 And someone else earlier presented data  
6 on how many residents there would be if you left  
7 this property residential. That was a calculation  
8 that was done for the Sunshine Home project as  
9 well, 33 acres and there is a planning tool on  
10 the Westchester website for figuring out how many  
11 under developed lots there are. So it turns out  
12 those 33 acres only had availability for five  
13 residential lots. And they too calculate three  
14 people per home. So that's 15 people on the 33  
15 acres. Why? Because that site had steep slopes,  
16 wetlands and setbacks, so it's not just 40 acres,  
17 that must mean 20 homes. It doesn't work that  
18 way, so total of 15 versus the 120 beds that were  
19 approved plus the hundred or so people every day  
20 to the site to take care of the kids. So 15  
21 people on the 33 acres versus about 220 people.  
22 It doesn't add up. And it doesn't add up for this  
23 project either. Thank you very much for your  
24 time.

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2 MR. FOLEY: Ma'am, can you restate your  
3 name.

4 MS. MANOCHERIAN: Cynthia Manocherian,  
5 100 Glendale Road.

6 MS. DECKER: Thank you.

7 MS. TAYLOR: Is there anyone else who  
8 would --

9 MR. KEHOE: Just for the record, as you  
10 know, this is a hybrid meeting, so I believe  
11 there are some people waiting to speak on Zoom.

12 MR. MICHAEL PREZIOSI: That's true.

13 MR. KEHOE: Okay.

14 MR. PREZIOSI: We have a few who raised  
15 their hands, and now I'd start asking anybody  
16 else who would like to speak to please raise your  
17 hand and then I'll call you in the order that  
18 you're listed.

19 MR. BRAD SCHWARTZ: Good evening, Madam  
20 Chair, members of the board, Brad Schwartz from  
21 Zarin & Steinmetz representing CRHISD. Just to  
22 summarize from last summer, again, reference was  
23 made to the applicant's submission last August. I  
24 want to remind you that we also issued a letter,

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2 submitted a letter last August, addressing the  
3 applicant's responses to comments and the short  
4 comments that we felt were in those responses. We  
5 attached that as Exhibit A to our letter that we  
6 submitted the other day.

7 So there's a lot of information in the  
8 letter that we submitted the other day as well as  
9 letter from last August. I just wanted to remind  
10 you that we also submitted that letter last  
11 August and I would encourage you to go back and  
12 read all that information. I'll refer you to  
13 those letters. I'm not going to go through  
14 everything tonight.

15 The one issue that I want to address  
16 again is our request for the board to require the  
17 operator to be identified up front now, during  
18 the process. We've raised this in the past. And,  
19 the request does not stem from, as the  
20 applicant's attorney mentioned in his opening,  
21 about trying to understand the internal business  
22 operations to assess the likelihood of success of  
23 the enterprise, but rather, it's to ensure that  
24 your board has the proper information before you,

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2 that you understand the plan that's before you to  
3 make a negative declaration under SEQRA, which is  
4 what's being asked of you, as well as to make the  
5 proper findings that you need to make for the  
6 special permit, under the special permit  
7 requirements in the town code.

8 Under 307-42 of the town code, 307-42,  
9 the phrase intensity of operation appears three  
10 times. That section requires your board to make  
11 various findings and determinations prior to the  
12 issuance of a special permit. Those findings and  
13 determinations relate to orderly development of  
14 the district, traffic, not adversely affecting  
15 nearby existing uses and various other topics.  
16 And they're all predicated upon, among other  
17 things, the intensity of operation. Again, that  
18 appears three different times.

19 So we're asking how can the board make  
20 those findings and determinations, how can you  
21 make a neg dec under SEQR without fully  
22 understanding the operations of this  
23 [unintelligible] [01:04:05]? Yes, the applicant  
24 has made representations, has predicted, we would

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2 submit has guessed how many beds, how many staff,  
3 traffic, deliveries, medical waste, but they're  
4 guesses. The applicant hasn't done this before.  
5 So this is not a typical applicant that's in the  
6 business of doing this, that's come to your board  
7 with a real plan. So the board respectfully  
8 doesn't really know the nature, the intensity of  
9 the operation. It was the folks who will be  
10 ultimately running this place if it were to be  
11 approved, is not before you.

12 The number of beds, the reduction from  
13 92 to now 49, it's not a concession, as the  
14 applicant said, that's another - the 92 beds was  
15 another guesswork as to how many beds could  
16 possibly fit. That was never a reality. So the  
17 reduction is not a concession, it's not a  
18 compromise. That's a number that once we brought  
19 that to the board's attention and the applicant's  
20 attention, they had their architects go back and  
21 take a look and they realized CRHISD was right  
22 and CRHISD's architects was right.

23 So our point is the board needs to  
24 understand what the real plan is, who is the

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2 operator and it all comes back to OASAS. We did  
3 submit that letter from Mr. Rabinowitz that  
4 outlined that the normal sequencing is you go to  
5 OASAS first. Through that process, the operator  
6 is identified, the real plan is identified. Then  
7 it comes back to your board so you know there's a  
8 real tangible plan that your board is looking at  
9 and studying and making determinations based on.

10 So again, we ask that the board require  
11 the applicant to disclose up front the operator,  
12 or at a minimum, if they don't know who that  
13 operator is, go through the OASAS process, it  
14 will come out during that process, the plan will  
15 be revealed, come back to your board, and then  
16 your board has a plan, based upon again, what you  
17 can judge, the intensity of the operation, which  
18 is codified in the town code. This is not your  
19 typical use first user discussion. Thank you.

20 MS. TAYLOR: Thank you. All right. We  
21 have somebody, Mike?

22 MR. PREZIOSI: So the first person who  
23 is going to be able to speak is listed as Jamie.

24 MS. JAMIE BLACK: Hello.

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2 MR. PREZIOSI: We can hear you.

3 MS. BLACK: Yes, hi, my name is Jamie  
4 Black, I own my home at 35 Quaker Bridge Road and  
5 I've had the privilege of owning it and living in  
6 this community, at this point, going on 30 years  
7 and I've had an opportunity to survive a number  
8 of applicants, one being the applicant who was  
9 trying for I believe a ten-year period of time to  
10 develop 99 Quaker Bridge Road and that was before  
11 Cortlandt as well. And the reason why the  
12 application was denied was because they didn't  
13 have access to public sewer and they didn't have  
14 access to public water and the roads in our  
15 neighborhood are too narrow to safely allow for  
16 any additional traffic, let alone additional  
17 truck traffic.

18 And what's interesting is sort of how  
19 time doesn't change some things in that  
20 applicants continue to approach our neighborhood  
21 as if it's an area for them to be able to  
22 establish business ventures that are not  
23 consistent with the way the property was designed  
24 and zoned to be used.

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2 And it was so troubling to both Dana  
3 Levenberg, our town supervisor, as well as Rika  
4 Levin, the mayor of the village of Ossining, who  
5 oversees our drinking water supply that as  
6 Cynthia Manocherian stated, they jointly wrote a  
7 letter and submitted it to Cortlandt, identifying  
8 their critical concerns about the watershed, the  
9 use of sewer, the use of pulling water out of the  
10 aquifer and clearly indicated that they were  
11 highly concerned about what this could do to one,  
12 the safety, as well as the viability of the town  
13 and village of Ossining's drinking water supply.

14 Additionally, they ended their letter by  
15 speaking about the traffic and the traffic study.  
16 And they did identify that the traffic study  
17 suggested that the Crotonville area was an  
18 industrialized area. The Crotonville area is the  
19 remnants of an old stagecoach road. Old Albany  
20 Post Road exits onto the Quaker Bridge Road  
21 section in a switchback turn. It's a death  
22 defying feat to actually try to physically get  
23 out of that road.

24 Additionally, with the Crotonville area,

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2 because it was a stagecoach road, as we've shared  
3 before, a number of the houses are feet away from  
4 the active pavement.

5 So, in looking at this applicant, our  
6 roads have a five-ton weight limit on them in  
7 order to deter our roads as being used as cut  
8 throughs. Glendale Road has a weight limit on it  
9 in order to prevent it being used as a cut  
10 through. The Quaker Bridge has a weight limit on  
11 it because it's physically incapable of handling  
12 weights. The Croton Dam, the road that used to  
13 provide access and egress, because of a concern  
14 of terrorist attacks, has been closed off.

15 So, unless they're planning on  
16 helicoptering everyone in and out of this  
17 facility, one is putting any additional traffic  
18 on our road, because we have no sidewalks, we  
19 have an s-turn, you're -- the Croton fire truck,  
20 in a test, as I shared before, flipped over in  
21 our s-turn, and slid down the hill. So  
22 physically, these roads can't handle the  
23 capacity. You have been lauded for your vision in  
24 having these types of facilities in a designated

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2 zone to support the safety and the sanctity of  
3 the people who would be using the facility as  
4 well as all the people who would be required to  
5 service the facility.

6 So my hope, as a resident, who is trying  
7 to live safely and successfully in this community  
8 and to be able to enjoy the quality of life in my  
9 home and to be able to have my friends turn on  
10 their water and have water come out and to be  
11 able to turn on my water and not have a concern  
12 about the safety of that water source, please  
13 follow your own guidance. You established a  
14 special zone for these facilities, so listen to  
15 yourself and deny this applicant to right to  
16 basically establish a quote, unquote hospital-  
17 esque facility within our residential community.

18 In the same way that 99 Quaker Bridge  
19 Road was denied, because there was no public  
20 water and there was no public sewer and the roads  
21 were too small to handle any incremental traffic  
22 and those were going to be residential homes. In  
23 the same way you denied that applicant, I am  
24 inviting you to use the same wisdom at this

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2 point, almost 20 years later, and deny this  
3 applicant the opportunity to exploit and endanger  
4 our neighborhood for their own profit and  
5 motivation and their goals. Thank you.

6 MR. REEZIOSI: The next speaker is going  
7 to be Dana Levenberg.

8 MS. DANA LEVENBERG: Thank you. Good  
9 evening and thank you to the town of Cortlandt  
10 Planning Board for hosting us and allowing me to  
11 speak this evening. My name is Dana Levenberg. I  
12 am the town supervisor in the town of Ossining.  
13 I'm not going to take up a lot of time since we  
14 had a couple of the residents of Ossining and  
15 Newcastle mention the letter that Mayor Rika  
16 Levin and I had sent to the town planning board.

17 I do want to mention that in that  
18 letter, in addition to the items that were  
19 mentioned by those two residents, there were some  
20 requests for some additional documents and also  
21 for information as it comes along, if it could be  
22 shared with the neighboring communities. From  
23 what I heard this evening, I'm not sure that we  
24 have received any, any of the changes yet, or I

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2 don't believe that we've received any of the  
3 additional information that we requested about  
4 water use.

5 And I think that that would be helpful  
6 for our engineers to take a look, but just to  
7 reiterate, our concerns are that the project  
8 will, with the septic where it's currently sited,  
9 unless again, unless something's changed, it  
10 would have the potential to negatively impact the  
11 Indian Brook Reservoir and watershed. We have  
12 jointly been working, as multiple communities,  
13 including Newcastle and Ossining, Ossining,  
14 Croton and Cortlandt, on this overlay zone to  
15 protect the watershed and all of the residents  
16 that are impacted by it which is all of Ossining  
17 and also our neighbors and their wells. So we  
18 would love to make sure we get any additional  
19 information that we can analyze and to make sure  
20 that that is considered as you move forward, if  
21 you do move forward, and potentially do not if it  
22 is going to have a negative impact on our water  
23 supply. That's it. Thank you so much.

24 MR. PREZIOSI: The next speaker is going

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2 to be Javier Picayo.

3 MR. JAVIER PICAYO: Hello, am I speaking  
4 now? Can you hear me?

5 MR. PREZIOSI: Yes.

6 MR. PICAYO: Okay, thank you. My name is  
7 Javier Picayo, I live at 7 Teatown Road. I've  
8 lived there for the past 30 years and I just want  
9 to say thanks to Ms. Taylor and the board for  
10 giving me an opportunity to speak. I'm speaking  
11 to you today as a member of the community but  
12 also as somebody who has been sober for about a  
13 decade and throughout that decade, I've  
14 volunteered at a lot of these facilities and now  
15 I work in a sober facility full time. So, I'm  
16 sort of speaking to you from both perspectives,  
17 as somebody in the field and somebody in the  
18 community.

19 And there are a couple of things I  
20 wanted to say today but, you know, first I read  
21 all 450 pages of that document that was submitted  
22 in August and I was really shocked by the lack of  
23 consistency throughout. And I have a list of a  
24 whole bunch of things that are unclear to me,

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2 which I'll happily email to you.

3 But one, for instance section B of the  
4 responses, number six says the shuttles -- this  
5 is in the section on traffic, it says the  
6 shuttles will operate at the shift changes for  
7 the employees except there's no shuttle for the  
8 10:00 p.m. exiting and 6:00 a.m. employee shift,  
9 which means that anybody who's shift ends at  
10 10:00 p.m. will have to park at the facility.  
11 Anybody who is coming in to work at 6:00 a.m.  
12 will have to park at the facility.

13 But then, in that same section, question  
14 ten, they say there are limited employee arrivals  
15 and departures at the night shift change at 10:00  
16 p.m. with the use of two shuttle vans.

17 So that kind of thing is very unclear to  
18 me. And there are sort of inconsistencies like  
19 that throughout. Maybe there's a reason, but the  
20 thing I really want to emphasize is that there's  
21 a real lack of clarity in the answers to the  
22 community's questions and in the proposal. So, I  
23 think it would be very difficult to make any  
24 decision that furthers along the process of

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2 approval with such contradictory information?

3 I'll send you the list of the other  
4 things. But the sort of, the theme that stands  
5 out to me is the inconsistency when they speak  
6 about the project. When it comes to zoning  
7 issues, they always refer to it as a hospital.  
8 But then it comes to environment or community  
9 impact, they, they refer to it as a residence.  
10 And I think that lack of consistency is something  
11 that should be alarming to all of us.

12 I was going to say -- well, somebody  
13 spoke about the traffic really well earlier, but  
14 I just wanted to say, you know, in the study,  
15 about traffic it says something like the number  
16 of cars is possible or the roads can have that  
17 many cars. And there are a lot of things that we  
18 can do. But we don't do them because they're not  
19 safe, like in the Town Hall, when we would have  
20 these meetings, throughout COVID when we would  
21 meet, there was a cap on how many people could be  
22 in the room. Could we have more people? Yeah, we  
23 could have more people, but it wasn't safe. So we  
24 didn't do it. These roads that we're talking

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2 about cannot safely support the traffic that's  
3 being proposed.

4 And lastly, I'm very concerned for the  
5 community, but I'm also really concerned about  
6 the potential patients at this facility. I think  
7 the applicant has brought up the Baker Act  
8 before, and if you haven't, I apologize. I'll  
9 just say through the Baker Act, patients can be  
10 involuntarily admitted into these facilities. So  
11 oftentimes, you have a lot of patients who don't  
12 want to be there. And I've never worked or been  
13 in a facility where patients don't try to run  
14 away and where patients bring drugs into the  
15 facility.

16 And, you know, as a sober person, this  
17 work, I think, is my calling. I take it really  
18 seriously. And when people talk about this area  
19 being dangerous for the patients, about the area  
20 not being -- being too remote to provide adequate  
21 care to these patients, you know, for instance,  
22 people bring drugs into these facilities and  
23 oftentimes, there is Fentanyl. Fentanyl is one of  
24 the strongest drugs out there right now. It's so

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2 strong that if it even comes into contact with  
3 your skin, it can kill you, a non-opiate user, it  
4 can kill them.

5 The difference between life and death in  
6 receiving medical care, it can be minutes or  
7 seconds. And, you know, as some -- I've been, I  
8 was in a motorcycle accident on those roads, I've  
9 seen fire trucks try to come on these roads and  
10 it takes much longer than a few minutes to get  
11 there.

12 So I'm concerned that if something were  
13 to happen, god forbid, if something were to  
14 happen to one of these patients, the response  
15 time, particularly in some kind of emergency,  
16 like a blackout, which we have all the time, like  
17 trees being down in the road, which have taken  
18 days to be cleared. Like the roads turning into  
19 sheets of ice in the winter. This area is not  
20 suitable to take care of people in that way.

21 So I agree with everything that's been  
22 said before. I won't say it again. I'm concerned  
23 for the community, but I'm also really concerned  
24 for these patients and I hope you hear all of our

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2 voices and know that this really isn't the right  
3 thing for this area. So anyway, thank you for  
4 letting me speak and I hope everyone has a good  
5 night.

6 MR. PREZIOSI: So Stephen Hampton is  
7 going to be the next speaker and if anybody else  
8 would like to speak, please raise your hand at  
9 this time. Mr. Hampton, you can unmute yourself  
10 and speak.

11 MR. STEPHEN HAMPTON: Hello, can you  
12 hear me?

13 MR. PREZIOSI: Yes.

14 MR. HAMPTON: My name is Stephen  
15 Hampton. I reside at 2013 Quaker Ridge Road. I'm  
16 a member of CRHISD. I would like to address the  
17 ongoing saga of the applicant's bed count. When  
18 initially proposed as a Betty Ford style rehab,  
19 the applicant claimed they could accommodate 92  
20 beds in the existing structures. One look at the  
21 Betty Ford Center square foot allotment for each  
22 patient told us a different story.

23 For years, we have made that point clear  
24 to the board in meeting after meeting. We even

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2 hired an architect to review the structures and  
3 his professional opinion told us that only 33  
4 beds was appropriate. Year after year, the  
5 applicant has pushed forward with a plan for 92  
6 beds. Was the applicant not being honest about  
7 the bed count or was this just incompetence? I'll  
8 let you decide.

9 Just recently, after our insistence of  
10 an actual floor plan, the applicant lowered the  
11 bed count to between 49 and 58. Even this, by  
12 their own admission, can only be accomplished by  
13 putting three or more patients in a single room.  
14 Betty Ford has only one patient per room.

15 In March 2019, the applicant claimed  
16 available total of 38,560 square feet of space.  
17 The current building key plan, as of today, shows  
18 29,318 square feet. I'd like to know what  
19 happened to that 9,000 plus square feet of space,  
20 and was that the 49 to 58 bed count based on the  
21 38,000 square feet or the 29,000 that really  
22 exists?

23 We are not discussing approval of a  
24 small, commercial venture or a restaurant. We're

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2 discussing putting a hospital in a residential  
3 area with not even a single state road within  
4 miles, which is required by the town itself. Not  
5 to mention no town water or sewer infrastructure.

6 I'd like to commend the planning board  
7 for hanging tough and doing due diligence  
8 required for such a non-conventional approval  
9 that would change the character of this  
10 residential neighborhood and in some ways, the  
11 future of our town.

12 This is only one of the many questions  
13 that clearly needs to be resolved before the  
14 board can even consider a vote. Thank you for  
15 your time.

16 MR. PREZIOSI: Okay, the next speaker is  
17 going to be Elizabeth Feldman.

18 MS. ELIZABETH FELDMAN: Hi, can you hear  
19 me?

20 MR. PREZIOSI: Yes.

21 MS. FELDMAN: Hi. I am Elizabeth  
22 Feldman. I am the deputy supervisor of the town  
23 of Ossining. I will keep it extraordinarily brief  
24 because the supervisor's remarks covered most of

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2 what I wanted to say. I would really just like to  
3 say that I cannot imagine that you would issue a  
4 negative declaration when the project is in our  
5 community's drinking water and watershed.

6 It's something that's unimaginable to  
7 me, but since Sunshine Home in Newcastle has  
8 already done it, I would, that's why I'm here to  
9 say, please do the full SEQRA, take a close look.  
10 This is drinking water for over 40, you know, for  
11 our whole community. So it's important, it's  
12 irreplaceable, and please, do your due diligence,  
13 thank you.

14 MR. PREZIOSI: The next speaker is going  
15 to be Karen Wells.

16 MS. KAREN WELLS: Hi, and thank you for  
17 giving me a few moments today, first, you know,  
18 we did provide comments on the covenants. We do  
19 that as an effort to assist this board and to  
20 participate in a useful manner through this  
21 process. But as you have heard consistently  
22 tonight, there are still a lot of outstanding  
23 questions.

24 In Mr. Grauer's letter that he submitted

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2 yesterday and I saw for the first time after I  
3 got out of class this afternoon, what's  
4 interesting is in addition to what he comments  
5 on, what he does not comment on.

6 For example, one of the things we  
7 mentioned in our comments on the covenants is the  
8 fact that the applicant has said they will limit  
9 the footprint of the building. And we merely ask  
10 that footprint be changed to square footage. And  
11 we do that to ensure we don't have a battle later  
12 on where they say yes, the footprint is the same,  
13 but we are now going to go up stories to increase  
14 the square footage.

15 It's this type of language that often  
16 becomes issue of tension if a project is  
17 approved. That is just one example of the many  
18 pieces that need to be ironed out if this project  
19 is to be moved forward.

20 And I'd also like to go back to what  
21 Javier pointed out very out very nicely, which is  
22 the outstanding questions in the August 2021  
23 submission. For example, this board, I'm sure  
24 will recall that it asked the applicant to verify

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2 its interaction with OASAS. They have not done  
3 that and the information we have at this point is  
4 that that interaction has not happened. That is  
5 just one of the examples of things that need to  
6 be reviewed and analyzed.

7 I know that the applicant, through their  
8 representatives, is commenting on what steps they  
9 may take if this board does not move forward in  
10 the timeframe the applicant wants, but just  
11 because they have decided on a timeframe does not  
12 mean that we all have to agree to that. In fact,  
13 that is part of what happened in the community  
14 discussions. The applicant set a timeframe. Yes,  
15 they did send a potential draft agreement, but  
16 because someone sends me a draft agreement  
17 doesn't mean all the points have been agreed to  
18 or that the discussions are over.

19 We are a community group, not a  
20 corporation. It is not my role or any one other  
21 person's job, role, right, whatever, to make a  
22 decision for this community as a community group.  
23 What we have tried and have done a diligent job,  
24 and I will add, a polite job of doing, is

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2 engaging in this process, keeping the community  
3 informed in raising issues as we see them.

4 One of Mr. Grauer's complaints was that  
5 we are raising issues for the first time. Well, I  
6 disagree with him on many of the times he has  
7 sited we are raising something for the first  
8 time. I do agree that the issue of our two  
9 scholarships out of over 500 plus clients a year,  
10 the fact that we're raising this, we're raising  
11 it now because we are concerned that this board  
12 may move this project forward. And when we went  
13 back to the code and looked at the provisions  
14 again, and noted that the sole purpose, the  
15 stated purpose of having this special permit is  
16 to allow a facility to serve the residents of the  
17 town.

18 I would argue that two scholarships over  
19 500 plus clients a year is a de minimis number  
20 and we asked the board to consider that when  
21 they're asking if this application fulfills the  
22 requirements.

23 Now, having said all of that, and noting  
24 the concerns of the community, we are always open

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2 to interacting, to having communications, to  
3 listening. However, at the end of the day, we do  
4 not believe that a commercial facility belongs in  
5 this type of area. This is a resident community  
6 and the special permits are put in place across  
7 towns, so that services that serve that community  
8 can be put in place if they are appropriate and  
9 can be done in a non-disrupted manner.

10 Now, we look forward to continuing to  
11 work with the town of Cortlandt. The applicant  
12 knows how to reach me, reach our organization and  
13 can certainly reach out to other community  
14 members. But I think the discussion tonight makes  
15 it very clear that there are still a lot of  
16 outstanding questions, a lot of issues that need  
17 to be addressed. Thank you for your time and we  
18 look forward to working with the town and to  
19 moving forward in a neighborly manner so that all  
20 of Cortlandt and the surrounding communities can  
21 thrive.

22 MR. PREZIOSI: No other hands are  
23 raised.

24 MS. TAYLOR: At this point, I think we

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2 have a few of the board members who might want to

3 --

4 MR. KESSLER: Sure, can I go?

5 MS. TAYLOR: Yes, please.

6 MR. KESSLER: Mr. Davis, please. So  
7 thank you for this document you referenced from  
8 August of '21 and just for the record, I assume  
9 you prepared this document?

10 MR. DAVIS: Which document are you  
11 referring to, Mr. Kessler?

12 MR. KESSLER: The book you referenced.

13 MR. DAVIS: John, John Meyer Consulting,  
14 our engineering and planning consultants prepared  
15 that. I don't have the expertise in engineering  
16 and hydrogeology and all of those things.

17 MR. KESSLER: No, no, but in terms of  
18 the other content, you're equipped to answer  
19 questions, I hope, on this?

20 MR. DAVIS: I'm sorry?

21 MR. KESSLER: Are you, I hope you're  
22 equipped to answer questions based upon this  
23 book.

24 MR. DAVIS: I'll try to.

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2 MR. KESSLER: Okay. I appreciate that.

3 MR. DAVIS: Or again, we have our  
4 landscape architect from JMC here and Mr. Laker  
5 as well.

6 MR. KESSLER: I have nothing, I have no  
7 questions on landscaping. So yes, we received  
8 this in August and we adjourned, you've asked us  
9 to adjourn five public hearings, so this is my  
10 first chance to ask you questions on this.

11 MR. DAVIS: Right, well, the adjournment  
12 was asked for, for the purpose of continuing to  
13 meet with the neighbors, Ms. Well's --

14 MR. KESSLER: Right.

15 MR. DAVIS: -- organization.

16 MR. KESSLER: Yeah. My point is we  
17 haven't had a chance to discuss this document, so  
18 that's why I wanted --

19 MR. DAVIS: Correct.

20 MR. KESSLER: So, in, starting off, it  
21 says here, that OASAS has the, let me just get  
22 the exact language, your language, OASAS will  
23 decide if the floor plan is adequate for 92 beds.

24 MR. DAVIS: Right.

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2 MR. KESSLER: Because it says part 814  
3 governs the square footage requirements for  
4 sleeping areas. Do you know what that requirement  
5 is and does your 50 or what is it 40 --

6 MR. DAVIS: I think that's discussed in  
7 the submission I referred to, which I haven't  
8 memorized at this point, but our consultants who  
9 deal with OASAS and are involved in the operating  
10 plan, we submitted a response to Mr. Subin on  
11 that issue on September 3rd, which I referenced  
12 before. You have that. And the upshot of that was  
13 that our, that our plan complied with their  
14 requirements for square footage. That is a rather  
15 moot point now since we have produced floor  
16 plans, which you received with Mr. Grauer's  
17 January 19th submission that show the capacity -  
18 again in discussion with the neighbors, there's  
19 an issue. The issue isn't whether we could have  
20 had 92 beds. We could have had. In good faith,  
21 discussions with the neighbors and their desire  
22 to ensure what they see as a quality operation  
23 and in order to finally come to a conclusion of  
24 this application after seven years, we agreed to

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2 reduce that number to 49 beds. Their architect  
3 consultant reviewed that. We went over it, the  
4 applicant did because they were dealing directly  
5 with the architect consultant for the neighbors  
6 and resolved, I believe most every substantive  
7 issue that he raised. So we believe that that  
8 would be approved, but ultimately, it's up to  
9 OASAS.

10 MR. KESSLER: But ultimately, that is  
11 the upper limit that you will go to OASAS with  
12 for them to then determine?

13 MR. DAVIS: Correct. The 49 or again,  
14 we're consenting to come back to renew our permit  
15 after three years. At that point, we would ask  
16 that we would have the opportunity to increase up  
17 to 58, but again, that's up to your board and up  
18 to OASAS.

19 MR. KESSLER: Okay. Second question. I  
20 know you're reticent to talk about the ownership  
21 of the Hudson Wellness, but you do state here  
22 that OASAS requires ten percent of the ownership  
23 by a person with experience operating a licensed  
24 program, a substance abuse program. Are you

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2 saying that you have, whoever this mystery person  
3 is, they have, they will have ten percent  
4 ownership and they have experience?

5 MR. DAVIS: There will be, there will be  
6 such ownership. First of all, there's a required  
7 medical director, you know, that actually  
8 operates the premises.

9 MR. KESSLER: We're talking ownership,  
10 we're talking ownership.

11 MR. DAVIS: No, I understand that, and,  
12 and Mr. Cassidy, as you know, or may not know,  
13 has, has met with the neighbors personally in  
14 these last five months, has indicated some, some  
15 level of experience in other facilities and, and  
16 there will be, there will be, there will be a  
17 meeting of that requirement at the time we're  
18 applying for OASAS.

19 As we pointed out in great detail by our  
20 consultants to Mr. Subin's request back last  
21 December, to go OASAS at this point is putting  
22 the cart before the horse. That the, the approval  
23 of OASAS would be an ultimate condition of this  
24 board's approval. It would be a waste of our time

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2 to go to OASAS if we don't have the approvals  
3 from the town.

4 MR. KESSLER: Well, you know, it's  
5 interesting that you should bring that up because  
6 in the past, you've said that OASAS is aware that  
7 there are local issues and therefore, they are  
8 holding off on reviewing this because they want  
9 to see the outcome of the local issues. There  
10 isn't one piece of correspondence in there that  
11 discusses that in all the correspondence that I  
12 asked you to provide here.

13 MR. DAVIS: Well, that, that was a  
14 discussion, that was based on discussions that  
15 our consultants, Mr. Ciscero [phonetic] and Mr.  
16 Baldwin, for example have had with the people at  
17 OASAS. Based on their experience, when there is a  
18 controversial application before the town, one of  
19 the requirements --

20 MR. KESSLER: But again --

21 MR. DAVIS: -- OASAS --

22 MR. KESSLER: -- I'm just surprised not  
23 to see it in any one of the current pieces of  
24 correspondence here that that issue was being

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2 raised.

3 MR. DAVIS: I just, I --

4 MR. KESSLER: In fact, OASAS has asked  
5 you for your program and, and, I -- let's get  
6 into this. This is important.

7 MR. DAVIS: No, they have not asked us  
8 for our program. They, we, we tried to get them  
9 to confirm --

10 MR. KESSLER: Then, no, no, no, no. They  
11 said, okay, let's go to the videotape here. Uh,  
12 could we put up the list of correspondences,  
13 please?

14 MR. DAVIS: I don't dispute the  
15 correspondence. It says what it says. What I was  
16 indicating to you --

17 MR. KESSLER: But I have other questions  
18 on the correspondence, please.

19 MR. DAVIS: Okay.

20 MR. KESSLER: So --

21 MR. KEHOE: Hang on, I'm sorry.

22 MR. KESSLER: The first, no, that's not  
23 it. The first, so there's this nice chart, and I  
24 appreciate that, where you listed all the

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2 correspondences in chronological order between --

3 MR. DAVIS: Our consultant did that.

4 MR. KESSLER: Your consultant did that.

5 So the first one, Chris do you have that?

6 MR. KEHOE: I'm getting there. Hang on,  
7 sorry.

8 MR. KESSLER: All right.

9 MR. KEHOE: Okay.

10 Mr. KESSLER: It's a chart.

11 MR. KEHOE: What's page?

12 MR. KESSLER: It's the chart that was in  
13 section 43, about 53, I'm sorry, it's section 53.

14 MR. KEHOE: These are all the OASAS  
15 correspondence.

16 MR. KESSLER: Yeah, it should be before  
17 that, right before, it should be, it should be  
18 before that, Chris.

19 MR. KEHOE: Yep.

20 MR. KESSLER: There we go, thank you.  
21 Back to the top. So the first one is a letter  
22 dated 7/16 from OASAS to Hudson Ridge Wellness,  
23 which you say you don't have. That's what it  
24 says. It says we do not have this letter. So two

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2 questions.

3 MR. DAVIS: Mm-hmm.

4 MR. KESSLER: How do you know it exists  
5 if you don't have it? Question one.

6 MR. DAVIS: Mr. Kessler, I'll get the --

7 MR. KESSLER: Okay.

8 MR. DAVIS: -- whatever question you ask  
9 about OASAS we'll, we'll --

10 MR. KESSLER: Okay, fine.

11 MR. DAVIS: -- ask. What, what happened  
12 was the original correspondence with OASAS came  
13 about on several occasions, because someone, we  
14 don't know who, contacted OASAS and made a false  
15 statement on, on at least two occasions that the  
16 applicant --

17 MR. KESSLER: But this is a letter from  
18 --

19 MR. DAVIS: -- was operating a business  
20 there.

21 MR. KESSLER: But look what you wrote  
22 there. This is a letter from OASAS to you dated  
23 7/13 and you don't have the letter. So first  
24 question is how do you know it exists if you

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2 don't have the letter? And secondly, why would  
3 they write, why is this the first letter? Why  
4 would they just all of a sudden be prompted to  
5 write to you?

6 MR. DAVIS: I just, I just tried to  
7 explain that On at least two occasions, someone,  
8 someone from the community reported to OASAS that  
9 the applicant was operating without a license. Of  
10 course, the applicant was not operating, and  
11 you'll see at least, I know there's at least one  
12 letter from Mr. Laker in there indicating that.  
13 That's, that's what I'm referring to.

14 MR. KESSLER: [unintelligible][  
15 01:40:53].

16 MR. DAVIS: That, that's what I'm  
17 referring to. They were prompted to write by  
18 someone, by someone posted an unfounded  
19 complaint.

20 MR. KESSLER: Okay. Is that the second  
21 letter? The 8/8 letter, which says please know  
22 we're not an operational facility?

23 MR. DAVIS: I believe so, yes.

24 MR. KESSLER: Okay. On that letter, you

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2 included -- this is the only letter where you  
3 included the FedEx receipt.

4 MR. DAVIS: I did not prepare tis  
5 document, Mr. Kessler.

6 MR. KESSLER: Okay, so then I want you  
7 to go back and answer these questions. This one  
8 has a FedEx receipt attached to it.

9 MR. DAVIS: Mm-hmm.

10 MR. KESSLER: When I look up at that  
11 number, it doesn't exist.

12 MR. DAVIS: Really? Okay.

13 MR. KESSLER: It doesn't exist.

14 MR. DAVIS: Which letter doesn't have a  
15 FedEx?

16 MR. KESSLER: 8/8/16.

17 MR. DAVIS: 8/8/16.

18 MR. KESSLER: And --

19 MR. DAVIS: That, that's a letter from  
20 Mr. Laker to OASAS?

21 MR. KESSLER: From Mr. Laker, yeah. It's  
22 the second one on the list.

23 MR. DAVIS: Okay. I, I myself saw  
24 contemporaneously, I can tell you, on the two

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2 occasions that someone made an unfounded  
3 complaint that Mr. Laker wrote immediately to  
4 OASAS because he and I discussed it, that he was  
5 doing that. So I know that was done.

6 MR. KESSLER: Okay. And my concern with  
7 this 8/8/16 letter is that it looks suspiciously,  
8 and I hate to use the word, like the letter from  
9 2/25/19, almost word for word.

10 MR. DAVIS: Well, because the same  
11 complaint, the same complaint --

12 MR. KESSLER: No, no, no. I'm talking  
13 about the format, the words. Two and a half years  
14 later, this letter looks exactly like a letter  
15 from two and a half years earlier. And I'm --  
16 look, I'm not a conspiracy guy. But I think --  
17 convince me that I'm wrong and I hate to say  
18 this. Convince me that that letter wasn't written  
19 at a later date, and, and put in here backdated  
20 to make it seem like you communicated with OASAS.

21 MR. DAVIS: Well, I can tell you he sent  
22 it to me contemporaneously with, with the  
23 response to the complaint, the letter that, that  
24 OASAS --

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2 MR. KESSLER: The letter from 8/16.

3 MR. DAVIS: -- had, had advised him on.

4 MR. KESSLER: The letter from 8/16?

5 August of '16?

6 MR. DAVIS: Yeah, I'm telling you that  
7 that it was created contemporaneously by my own  
8 knowledge, of dealing with my client.

9 MR. KESSLER: This is the letter that  
10 you gave me the FedEx on, there's no FedEx  
11 number.

12 MR. DAVIS: I don't know anything about  
13 the FedEx.

14 MR. KESSLER: Okay. Well, I'm telling  
15 you. So, you know, I'm sitting here putting these  
16 little pieces together and going this doesn't sit  
17 well with me.

18 MR. DAVIS: Uh --

19 MR. KESSLER: I'm just telling you,  
20 please.

21 MR. DAVIS: Okay.

22 MR. KESSLER: This is the opportunity  
23 you can come back and say --

24 MR. DAVIS: Okay. All I, all I can tell

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2 you is --

3 MR. KESSLER: Tell me I am full of crap,  
4 that's fine.

5 MR. DAVIS: We're certainly going --

6 MR. KESSLER: You wouldn't be the first  
7 person.

8 MR. DAVIS: -- we're certainly going,  
9 respectfully, far afield from the board's general  
10 purview, but I'm telling you that there were, on  
11 two occasions, people made complaints to OASAS,  
12 claiming that the applicant was operating a  
13 facility without a license. The applicant  
14 responded on both occasions. I believe they,  
15 they, being that the complaint was the same as  
16 the prior complaint, they used the same content  
17 of their, of their initial letter to advise OASAS  
18 that they were not in fact operating, which of  
19 course is true. They're not operating.

20 MR. KESSLER: Okay. Please. And where am  
21 I going far afield?

22 MR. DAVIS: We're getting in, we're  
23 getting into issues with, with OASAS --

24 MR. KESSLER: No.

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2 MR. DAVIS: -- and the, and the  
3 licensing of the facility that really aren't a  
4 part of your purview. But nonetheless, we'll  
5 answer, I'll get the answer to your question.

6 MR. KESSLER: Okay. I'm getting at the  
7 issues of credibility, so that's my purview,  
8 okay.

9 MR. DAVIS: Okay. I'll, I'll get the  
10 answer for you.

11 MR. KESSLER: Next, next question,  
12 please. In the 6/10/19 letter, OASAS writes, she  
13 notes that she responded that she made note of an  
14 inquiry she made in 2017 and 2019. This is a June  
15 10, 2019 letter. There is nothing, there's no  
16 reference here to the 2017 letter that she's  
17 referencing. So if you're giving me a complete  
18 list of all the correspondence, why is she  
19 referencing a 2017 letter that you haven't  
20 included here?

21 MR. DAVIS: I, I don't know, but I'll  
22 find out.

23 MR. KESSLER: Okay. I know, I know you  
24 will.

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2 MR. DAVIS: I, I can assure you there's  
3 nothing nefarious involved.

4 MR. KESSLER: Okay. I, I'd like to be  
5 proven wrong.

6 MR. DAVIS: Well, there's been no  
7 application for a license, so there's, so there's  
8 been very little substantive --

9 MR. KESSLER: Well, but they -- that's  
10 not true, though. In one of the letters, and also  
11 I think it was June '19, they ask you to provide,  
12 they sent you a questionnaire and asked you to  
13 provide details of the program and you didn't do  
14 that.

15 MR. DAVIS: They, they sent that --

16 MR. KESSLER: That's not, that's not an  
17 organization, they're not, that's waiting for  
18 something [unintelligible] [01:45:23].

19 MR. DAVIS: You, you have to understand  
20 the context. At the time, we were trying to  
21 demonstrate to the zoning board, that we required  
22 licensure from OASAS. OASAS indicated in effect,  
23 I'm paraphrasing here, they would not answer our  
24 question unless we actually made an application.

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2 That's the gist of it.

3 MR. KESSLER: And they sent you the  
4 questionnaire to fill out.

5 MR. DAVIS: They, they sent it to fill  
6 out, not, not for purposes of a questionnaire,  
7 but for initiating an application process, which  
8 we weren't prepared to do at that time, because  
9 we were pursuing matters before the zoning board  
10 and your board. They weren't, they weren't -- we  
11 didn't fail to meet any requirement of OASAS.  
12 They basically wouldn't answer the question of  
13 whether we required a license, which we felt was  
14 a rather straightforward request by our  
15 consultants, unless we actually applied for the  
16 license.

17 MR. KESSLER: So, so --

18 MR. DAVIS: And told them what we wanted  
19 to do in, in more detail.

20 MR. KESSLER: So, did their last letter  
21 to you in August of '19, says to date, OASAS has  
22 not seen any proposal from Hudson Ridge and they  
23 can't make a determination whether certification  
24 is required.

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2 MR. DAVIS: Right. And, and there were  
3 discussions, there were emails and discussions  
4 with our consultants and they simply didn't want  
5 to give a definitive answer without a full-  
6 fledged application in essence.

7 MR. KESSLER: Right.

8 MR. DAVIS: Which we weren't prepared to  
9 do because we didn't, we don't have anything  
10 approved by your board.

11 MR. KESSLER: But again, I don't see  
12 where they're looking for something to be  
13 approved by this board for them to proceed on a  
14 parallel path. There's nothing here that says  
15 that. I understand you're saying that. But --

16 MR. DAVIS: Part of their process is --

17 MR. KESSLER: I can only go by what you  
18 gave me.

19 MR. DAVIS: -- one of the requirements  
20 in their regulations is, is for them to have an  
21 indication of, I don't know the exact verbiage at  
22 this point, but the attitude of the community  
23 toward the application. But again, what they were  
24 asking us to do, they were, they were essentially

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2 saying to us, and we can clarify this, and this  
3 is, this is fully set forth in our reports that  
4 we gave you on September 3rd, I believe, to Mr.  
5 Subin's inquiry. They weren't going to give us a  
6 straight answer. We asked them what we thought  
7 was a simple question. They didn't wish to answer  
8 the question unless they in effect had a full  
9 fraught application before them.

10 MR. KESSLER: So, is then -- I know you  
11 won't be able to answer this, the August 23, '19  
12 letter from OASAS, is that the last communication  
13 that you've had with that organization, that  
14 agency?

15 MR. DAVIS: As far as I personally know,  
16 but I'll get the answer to that.

17 MR. KESSLER: Okay. You, you note that,  
18 I think in another letter that you just gave us,  
19 that you have 18 beds in other buildings?

20 MR. DAVIS: You're talking about the  
21 current plan?

22 MR. KESSLER: The new plan, yes. There  
23 are 18 beds in three other buildings I believe.

24 MR. DAVIS: Well, first of all, there

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2 were always beds in building one and seven.

3 MR. KESSLER: Right, right.

4 MR. DAVIS: And in conjunction with the,  
5 with some very expensive discussions over months  
6 with the architect for the neighbors in working  
7 out, again what they want to perceive of as a  
8 quality situation, we, we put the number of  
9 either two or three beds in several of the  
10 outbuildings. One of the buildings, building six,  
11 has been populated by residents throughout, so  
12 that's not a new situation. So building one and  
13 seven always had residents, buildings two, four  
14 and five were the ones that did not. Building  
15 three is a garage.

16 MR. KESSLER: And these rooms will not  
17 have any cooking facilities or --

18 MR. DAVIS: No.

19 MR. KESSLER: -- refrigerators or  
20 anything, right?

21 MR. DAVIS: No, of course not.

22 MR. KESSLER: Okay. Okay. Just asking  
23 the question. You said before, remind me again  
24 about the family visitation.

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2 MR. DAVIS: Family visitation, which  
3 remains the same is, contrary to what someone  
4 said, the, we voluntarily agreed again to reduce  
5 impacts on the neighborhood, that only 25 percent  
6 of the residents would have visitation on any  
7 given weekend, so assuming four weeks in a month,  
8 24 percent each particular week.

9 MR. KESSLER: Right.

10 MR. DAVIS: So now, if we have 49  
11 people, approximately 12 people --

12 MR. KESSLER: Okay.

13 MR. DAVIS: -- would be eligible for  
14 visitation one weekend per month.

15 MR. KESSLER: So in this document,  
16 multiple times, in, in outlining the program and  
17 in, in the verbiage, you talk about weekly family  
18 counseling sessions. So how is your program going  
19 to have weekly family counseling sessions if the  
20 family is not allowed to come except on  
21 visitation days? And you also talk about family  
22 therapy rooms being available.

23 So, you know, to what somebody said  
24 earlier, there are inconsistencies here, sir.

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2 There are just things that --

3 MR. DAVIS: Well, first, well first of  
4 all, that, that, those sessions can occur during  
5 the visitation times, and secondly, counseling  
6 sessions don't have to be in person as you well  
7 know from Zoom meetings.

8 MR. KESSLER: Well, it says -- well if  
9 it does, but you said we, yeah, okay.

10 MR. DAVIS: I can get the answer --

11 MR. KESSLER: Please.

12 MR. DAVIS: -- for that as well, but I  
13 assure you, it's not inconsistent.

14 MR. KESSLER: And let me just see if  
15 there's anything. I'll stop for now and go back  
16 through my notes and see if I have anything else  
17 for you.

18 MR. DAVIS: Okay.

19 MR. KESSLER: Thank you.

20 MR. DAVIS: But I'd like to have briefly  
21 the opportunity because there was some mention  
22 made, especially by Mr. Shannon, who is one of  
23 the adjoining neighbors about what went on with  
24 the landscaping. And, and Mr. Wood is well aware

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2 of some of these things as well. But we did spend  
3 a great deal of time with the neighbors on site,  
4 the adjoining neighbors, with respect to the  
5 landscaping. With the extensive work that we did,  
6 they had expressed, as far as we understood,  
7 their satisfaction with it. Even, we even have  
8 offered, which is outside of the plan, to plant  
9 trees directly on Mr. Shannon's own property.

10 In terms of irrigation, that's an easy  
11 question. Of course, we said initially there  
12 would be no irrigation. That's when we didn't  
13 have such a landscaping plan. But basically, any  
14 irrigation of those new plantings would take  
15 place number one, when the building is not in  
16 operation for at least a year or so, so that  
17 would be offset by no patient uses. And then  
18 after that, the irrigation, there's a number of  
19 different techniques, but it would only go on for  
20 the first couple of years.

21 We've basically cut the patients in half  
22 during that time period. But since she's acted in  
23 good faith and we spent a great deal of money for  
24 her to work with the neighbors on this, I'd like

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2 to have five minutes of time for Ms. Munz to be  
3 able to respond to those issues. And with respect  
4 to the pool and the tennis court, as we pointed  
5 out again in Mr. Grauer's submission this week,  
6 as Mr. Wood well knows, the pool and tennis court  
7 was only offered to the neighbors at their  
8 request. We didn't have it until they suggested  
9 that that would be indicia of a quality facility,  
10 and as stated in Mr. Grauer's letter, if they  
11 don't want us to have a pool and tennis court,  
12 we'll take it out.

13 MR. KESSLER: So you're indifferent as  
14 to whether it's there or not.

15 MR. DAVIS: We're indifferent.

16 MR. KESSLER: Okay.

17 MR. DAVIS: Correct.

18 MR. KESSLER: I appreciate it.

19 MR. DAVIS: Notwithstanding that it's on  
20 the far side of the property from the adjoining  
21 residences, has no lights, will not be used at  
22 night, is fully screened, and of course, the pool  
23 will be watered by a water truck from off site,  
24 it won't have anything to do with the use of

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2 water.

3 But I'd like to have the courtesy of  
4 letting Ms. Munz just speak and tell you her  
5 experience, because she was directly in the field  
6 with the neighbors and I was not.

7 MR. KIMMERLING: Could I just ask a  
8 question before she starts --

9 MR. DAVIS: Yes, of course.

10 MR. KIMMERLING: -- about the irrigation  
11 of the landscape. So, way back when, we did a  
12 well test, right?

13 MR. DAVIS: Yes.

14 MR. KIMMERLING: As you recall.

15 MR. DAVIS: And your hydrogeologist  
16 reviewed it in great detail, as you know.

17 MR. KIMMERLING: Yes, I recall. Should  
18 we be thinking about the results of that well  
19 test vis-à-vis this new irrigation demand? Or the  
20 irrigation demand is not going to be really  
21 material to what the [unintelligible] [01:53:36]?

22 MR. DAVIS: No, I think Ms. Munz, it's a  
23 good question. I think Ms. Munz will discuss  
24 that. First of all, as I was pointing out, the

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2 initial irrigation of the newly planted trees  
3 will not take place when the building is  
4 populated because it'll take place, you know,  
5 during the activities to renovate the interiors  
6 of the buildings. Thereafter, there's techniques  
7 that are used that are only going to be temporary  
8 and don't forget that our well test was done.  
9 Someone mentioned that, you know Ms. Greenstein,  
10 her well went down by 20 feet, but as pointed out  
11 by our hydrogeologist and as signed off on by  
12 your own, that was under a test over three, where  
13 we were, where we were pumping water at twice the  
14 rate of the usage that was approved by the  
15 Westchester County Health Department continuously  
16 for 72 hours. That's number two, and without  
17 reference to the large reserve tank we will have  
18 in one of the buildings.

19 So even under those circumstances, the  
20 well went down, one well went down by 20 feet and  
21 as they pointed out, I forget the exact amount,  
22 but there was still like over 100 feet of water  
23 usage, it wouldn't have -- even the 20 feet  
24 reduction would not at all affected the use of

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2 water in that particular residence. But it  
3 wouldn't be expected to happen anyway, because we  
4 did the test under such extreme conditions. And I  
5 would remind the board that we also stipulated as  
6 approved by and reviewed at great length by your,  
7 by your professional staff and by your  
8 hydrogeologist to a well monitoring plan which we  
9 would invite the adjoining residents to  
10 participate in. So if I may have Ms. Munz for a  
11 couple of minutes, I appreciate it.

12 MR. FOLEY: While she's coming forward,  
13 I had a question similar to George's on  
14 irrigation. The question Mr. Shannon brought up,  
15 but I'll wait to hear from your landscaper.

16 MR. DAVIS: Okay. That's where we're --

17 MR. FOLEY: I had another question  
18 unrelated.

19 MR. DAVIS: That's what we're going to  
20 try to respond to.

21 MR. FOLEY: And I have an unrelated  
22 question.

23 MS. LUCILLE MUNZ: Good evening,  
24 everyone. My name is Lucille Munz, landscape

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2 architect for JMC. I appreciate the time. I will  
3 be brief. So I did meet with the three  
4 residential property owners, I went into their  
5 homes, I got to look at how the property would be  
6 viewed from each of their decks and their back  
7 yards, and I did that because I wanted to get a  
8 sense of what they're looking at and looking back  
9 at from the Hudson Educational Wellness, what we  
10 would be looking up at, to get a better sense of  
11 how to landscape it. So, I don't know if you can  
12 bring up the landscape plan.

13 MR. KEHOE: It'll take me a second.

14 MS. MUNZ: Okay. So the goal and  
15 objective here was to develop this evergreen  
16 buffer along the perimeter using a variety of  
17 Norway spruce, Serbian spruce and green giant  
18 arborvitaes, also peppered in some oaks,  
19 deciduous because the nice thing about the oaks  
20 is they grow quickly and they keep their leaves  
21 in the winter. And we talked about adding berms  
22 in key areas to help elevate the land so that if  
23 we're putting in a ten to 12 foot or a 12 to 14  
24 foot tree that it has almost immediate impact.

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2 I know there's been a lot of discussion  
3 about the water, water usage. One thing we did  
4 talk about in the field was that trees need  
5 temporary irrigation for the first three years.  
6 We're not putting a lot of shrubs in here and  
7 plant material. This is on a temporary basis and  
8 we propose to use temporary soaker hoses as well  
9 as what's called gator bags. Gator bags are  
10 essentially inner tubes that have perforated  
11 bottoms. You fill them with water and they slowly  
12 release water into and around the ball of tree  
13 which is the important area.

14 So in combination with that, and we  
15 talked, Mr. Laker and I talked about sequencing,  
16 that this would be at the beginning, before any,  
17 before the facility would be potentially  
18 habituated. And so that even before the  
19 construction began this would be the first phase  
20 of the work. So, and then water trucks could be  
21 brought in. We also talked about potentially  
22 utilizing some water conservation measures, you  
23 know, rainwater harvesting, you know, but it  
24 would be a temporary basis for the first three

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2 years, essentially using soaker hoses, the gator  
3 bags and bringing in water as necessary. So that  
4 was the goal and objective.

5 And again, the plantings proposed do  
6 have an ability for lower maintenance. But again,  
7 they're trees, so you know, everything needs to  
8 be watered. It's a living thing and maintenance  
9 is very key. I recently worked with a very large  
10 client. They didn't want irrigation and it was a  
11 huge, huge project and we're into year three, and  
12 what they did is they hired a private company to  
13 come in and water, hand water over three acres of  
14 plant material. And that was, there weren't very  
15 many trees. It was primarily shrubs and  
16 perennials, so different scale.

17 But once trees get situated and they get  
18 acclimated to their land, after three years,  
19 you're in good shape, unless there's a horrible  
20 drought, then obviously, some hand watering or  
21 the gator bags would be necessary.

22 MR. KIMMERLING: And other than this,  
23 there's no lawn sprinkler system?

24 MS. MUNZ: No.

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2 MR. KIMMERLING: The other stuff is just  
3 whatever is going to happen is going to happen?

4 MS. MUNZ: You know, we haven't fleshed  
5 out the full landscape plan but we would use this  
6 in kind of a zero scape where, for example, like  
7 the lawns, my recommendation would be to use  
8 what's called a no mow mix. Maybe we would use  
9 some meadow mixes for habitat enhancement as  
10 well, that, for example, the meadows could be  
11 mowed twice a year, the no mow mix gets mowed  
12 occasionally. It gets nine to 12 inches high. You  
13 can leave it that way or you could come in and  
14 mow it down.

15 MR. KIMMERLING: And it doesn't need to  
16 be watered?

17 MS. MUNZ: Initially, it would be.  
18 Everything needs, anything you put in the ground  
19 needs to be watered. So we would have to come up  
20 with a maintenance schedule for the watering.

21 MR. KIMMERLING: For all the grassy  
22 areas?

23 MS. MUNZ: Yes.

24 MR. FOLEY: And you're going to have an

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2 onsite monitor for that or it's just periodic  
3 checking and monitoring it?

4 MS. MUNZ: So my recommendation, we  
5 haven't discussed this at length, but my  
6 recommendation would be that they would, what I  
7 do for most of our clients is that they, with  
8 the, with the installation, we require a three  
9 year maintenance plan. So when then contractor  
10 puts the work in, part of that is they don't put  
11 it in and leave, that they, you know, that  
12 there's a three year maintenance contract that's  
13 affiliated with the project. So they have to  
14 monitor it. They do their weekly monitoring, they  
15 may have some water sensors on site, rain  
16 sensors, so if they know they need to have water.  
17 But on a weekly basis, they would check.

18 And going back to this other client,  
19 recently when we had a very dry summer, like six  
20 weeks, they were out there every three days with  
21 a watering truck. So it's, the first three years  
22 are critical.

23 MR. FOLEY: Question on the water trucks  
24 if needed. They would be watering from, the site

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2 from your site? Or the neighbors?

3 MS. MUNZ: No, usually they bring in  
4 water, they bring in water.

5 MR. FOLEY: They bring it in, but where  
6 do they apply it? On your side of the property or  
7 Mr. Shannon's or any other neighboring  
8 properties?

9 MS. MUNZ: Well, wherever the tree  
10 planting would be is where we would focus on the  
11 watering. So again, we would use soaker hoses,  
12 which are, if you're unfamiliar with them, it's  
13 essentially it's a hose that sweats for practical  
14 purposes, and again, the gator bags. Each of  
15 those have to be filled by hand or they can be  
16 daisy chained together with some hoses. But it's  
17 the gator bags are the best things to utilize  
18 around the base of the trees, because you put  
19 water in essentially once a week and then that  
20 water is slowly released as its needed into the  
21 ground.

22 MR. FOLEY: But if any water trucks are  
23 required, they would be on your property doing  
24 the application?

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2 MS. MUNZ: Yes.

3 MR. FOLEY: Okay. I mean it's a very  
4 ambitious and very needed buffer, berms and  
5 everything else and a variety of plantings,  
6 whether it's the arborvitae or the spruces. I'm  
7 just wondering about the sustainability of it,  
8 and would the irrigation, that all comes from  
9 obviously well water.

10 MS. MUNZ: Well, not from here.  
11 Initially, they may utilize water here before the  
12 facility is up and running, would be, and then  
13 they would literally bring in a truck full --  
14 it's a small truck with water.

15 MR. FOLEY: Oh, okay.

16 MS. MUNZ: And they use that, it's a  
17 pumper truck. And then they fill each of those --

18 MR. FOLEY: So it's not like they're  
19 using a water source other than the truck and the  
20 well, and the wells in the area?

21 MS. MUNZ: I'm not very familiar with  
22 the wells and how everything is hooked up. They  
23 could use some it, but I would imagine they might  
24 have to bring in their own water from another

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2 water source. It's a combination thereof. But  
3 it's important to realize that it's temporary.  
4 Like if you're putting in an extensive  
5 landscaping at your house, shrubs, perennials,  
6 and trees, the trees after several years do not  
7 need to be watered because they acclimate to the  
8 land, and as do most of it. But also too, if you  
9 pick the right plant materials, they have a  
10 better chance of survival even in times of high  
11 drought.

12 So our goal here is twofold, is to try  
13 and create a meaningful buffer but there's no  
14 point creating meaningful buffer if you can't  
15 maintain it or don't maintain it. So the key to  
16 get it established is really important. What I  
17 tell clients is the first three years critical.  
18 And it's first year sleep, second year creep,  
19 third year leap. What I mean by that, that's how  
20 plants grow. So the first year everything seems  
21 like it's not moving along, the second year it  
22 creeps along and it's the third year that you  
23 really see substantive change and growth of the  
24 plant [unintelligible] [02:04:57].

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2 MR. FOLEY: I understand that. I guess  
3 my concern and maybe the neighbors was the impact  
4 or strain on any of the well systems.

5 MS. MUNZ: Sure, no, I totally  
6 understand that, I totally understand that.  
7 That's why we talked about utilizing temporary  
8 irrigation in combination with trucking in water  
9 as necessary.

10 MR. FOLEY: Okay.

11 MR. KIMMERLING: And so in terms of the  
12 drought that you mentioned in this other large  
13 landscaping plan, I think you said there was a  
14 six-week period of drought. And they had to bring  
15 in water trees every three days?

16 MS. MUNZ: They watered every three days  
17 in combination with -- they had very limited  
18 water access on site and they brought in -- they  
19 were pickup trucks filled with water tanks on the  
20 back essentially.

21 MR. KIMMERLING: Okay. Thank you.

22 MR. FOLEY: Where was this other site  
23 you're mentioning?

24 MS. MUNZ: In Sleepy Hollow.

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2 MR. FOLEY: Oh, okay.

3 MS. TAYLOR: All right, you want --  
4 there's a question.

5 MR. KEHOE: You have to go to the mic or  
6 he can't hear you.

7 UNIDENTIFIED MALE: So I have a question  
8 for the landscape designer. Approximately how  
9 much water per tree is needed on a weekly basis?

10 MS. MUNZ: So I can't tell you that  
11 right offhand. All I know is [unintelligible]  
12 [02:06:27] hope for half inch of rain.

13 MR. KEHOE: Sorry. You have to speak  
14 into the microphone too, or he in the back, he  
15 can't --

16 MS. MUNZ: I can't give you that number  
17 offhand and I'm not going to pull it out of thin  
18 air. So I hear what you're asking, but --

19 UNIDENTIFIED MALE: So two years ago, or  
20 three years ago, we planted ten Norway spruce  
21 trees, approximately ten to 12 feet. Five out of  
22 those ten died because of the drought. We asked  
23 our nursery, Hilltop Nursery, the owner of the  
24 Hilltop Nursery, approximately how much water is

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2 needed per tree, and he looked at me and said you  
3 need at least 25 gallons per tree per week. Now,  
4 how many trees are being proposed at Hudson  
5 Ridge? Over a hundred I believe. It was something  
6 like 150?

7 MR. DAVIS: It will be watered by  
8 [unintelligible] [02:07:31].

9 MR. KESSLER: Come to the microphone.

10 UNIDENTIFIED MALE: I completely  
11 understand that, Mr. Davis. Let me finish. Okay.  
12 We were told by the applicant and their attorney  
13 that no water would be, no well water would be  
14 used for landscaping, period. I think we can go  
15 back in several documents where they have stated  
16 emphatically --

17 MR. DAVIS: [unintelligible] [02:07:49]

18 UNIDENTIFIED MALE: Good, we're in  
19 agreement. So, if you start to calculate over 100  
20 trees, I think closer to 150 trees, of 14,  
21 preferably 14 foot Norway spruces, and they're,  
22 I'm told, Norway spruces, correct me if I'm  
23 wrong, are notoriously known as needing lot more  
24 water than other evergreens. So that's why 25

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2 gallons per week. So if you start to multiply 25  
3 gallons per tree for 150 plus how the heck are  
4 you going to bring in water? And gator pouches,  
5 it's not going to be effective. And they will die  
6 and then we have to start the whole process  
7 again.

8 MS. GREENSTEIN: And again, I'm finding  
9 myself so confused. And we did meet with the  
10 landscape architect and she very clearly told us  
11 that the trees were going to be watered through  
12 well water. Obviously, now that has changed.  
13 Okay. Okay. We're talking about bringing in  
14 trucks with water. We just heard a report about  
15 how these roads cannot handle heavy trucks and  
16 now, we're hearing that these trucks are going to  
17 be coming in for three years on a regular basis  
18 in order to keep the trees alive? Yes, we do want  
19 trees, yes, because they, you know, it's like a  
20 catch-22. They came in without prior permission,  
21 created something and then are angry that, that  
22 we're trying to protect our neighborhood and the  
23 environment. The roads cannot handle heavy trucks  
24 and that's a concern.

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2 By the way, all of this water, runoff,  
3 nutrients, I'm not sure what happens with all of  
4 that, especially when trees are on berms. So  
5 there are so many issues and once again, they  
6 seem to just emerge as things happen.

7 The whole thing with the vans came up  
8 when we raised the idea of traffic, suddenly  
9 there were vans. Every time there's other things,  
10 it is not clear, and they're just playing by the  
11 seat of their pants.

12 MR. EVERETTE DENNIS: My name is  
13 Everette Dennis, I live at 76 Quaker Hill Drive.  
14 With regard to the landscape plan, I am not aware  
15 of this. We have land that abuts this property.  
16 We've planted over 60 indigenous trees and plants  
17 into that area. None of these are indigenous  
18 trees. These are all trees from some other kind  
19 of source, which is not a terrific thing. We also  
20 removed vines in the entire area and got rid of  
21 all poison ivy, etc. So we have pristine land  
22 that will be affected by this landscape plan. And  
23 if it's anything like the previous landscaping  
24 they did, where they planted trees as close as

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2 you could possibly plan them, on one side of the  
3 property, most of which have died by now, I find  
4 it hard to believe, we know all about the  
5 watering and what tremendous amount of water  
6 these trees take when they're first put in. And  
7 it's substantial. So I'm really amazed. I'm sorry  
8 I didn't have a chance to speak with the  
9 landscape architect, because we probably have the  
10 best plantings in the whole area and it  
11 absolutely abuts the property there.

12 And one other factor is this will have  
13 an impact, if anybody cares, about the wildlife  
14 in the area. We have deer, rabbits, foxes and  
15 other animals that traverse all of this area all  
16 the time, and I would think this barrier is not  
17 going to be conducive to that. We've done enough  
18 to try to destroy the animal life in the area.  
19 This will just exacerbate it.

20 And I'll just say one other thing. As a  
21 resident of this neighborhood for 15 or maybe 20  
22 years now, I'm just astounded that the board  
23 would consider a plan coming from such nefarious  
24 sources and do so, you know, in terms of the

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2 impact it's going to have in really diminishing  
3 and destroying a great neighborhood for children  
4 and families that is just, if that were the case,  
5 it would be a shame. I implore you not to do  
6 that. Thank you.

7 MR. FOLEY: Madam Chair?

8 MS. TAYLOR: Yes.

9 MR. FOLEY: My second question,  
10 unrelated to the landscaping but I'm glad I  
11 brought that up. Earlier, the lady from, I think  
12 the name is Manocherian, Glendale Road, I think  
13 she was the one that brought up the fact that  
14 there was no contact from the applicant or OASAS  
15 or whoever, with the Westchester County  
16 Department of Community Mental Health. And that  
17 kind of sets up a red flag for me. And as of the  
18 current correspondence, which is actually today  
19 or yesterday, they had no contact. Can someone  
20 answer the question? Should there have been  
21 contact or is this a kind of normal course of  
22 action?

23 MR. DAVIS: That was again, Mr. Foley, I  
24 think answered in our September 3rd submission to

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2 Mr. Subin. But the health department contact, as  
3 I understand it is part of the OASAS process, and  
4 that's why that's not been done and naturally  
5 that would be a condition of your approval that  
6 there be approval of all of the appropriate  
7 licensing agencies. But my understanding, as has  
8 been explained in the submissions of our  
9 consultants who are experts on that process that  
10 that is part of the OASAS process.

11 MR. FOLEY: So OASAS should be the one  
12 that would make the initial contact?

13 MR. DAVIS: I don't -- it's done as part  
14 of that process. I'm not an expert on that  
15 process, but I know that the Department of Health  
16 process is intertwined with the OASAS process and  
17 that's been explained by our consultants back on  
18 September 3rd and on other occasions, I believe.

19 MR. FOLEY: So I mean I just wonder why  
20 there wasn't any contact. You're explaining a  
21 little, but even Mr. Orth --

22 MR. DAVIS: Well, we don't, we don't  
23 have a defined project to contact him with. We  
24 have been, we were heavily involved with the

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2 health department in confirming our water usage.  
3 They, we have submitted many moons ago, years  
4 ago, the letters from the county health  
5 department approving our water usage and also  
6 approving our septic system and our well system.  
7 You have all of that documentation. Just like  
8 most of the questions asked tonight have already  
9 been discussed by experts, including your town's  
10 experts, in great detail. The health department  
11 has approved the water use calculations, our  
12 state of the art septic system, which goes above  
13 and beyond anything, and by the way, it's not  
14 located in the referenced watershed district.  
15 We've dealt with that since 2015.

16 MR. FOLEY: My question is  
17 [unintelligible] [02:15:07] particular department  
18 of mental health that would apply --

19 MR. DAVIS: The mental health, the  
20 mental health department, no, because that's part  
21 of the OASAS process.

22 MR. FOLEY: Okay, the other stuff you're  
23 just saying is kind of, sure we know that.

24 MR. DAVIS: Thank you.

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2 MS. TAYLOR: We have two people now who  
3 want to speak. And would you please, you don't  
4 have anybody else left to, in line? Because we  
5 need to wrap this up, it's 9:15 and we were  
6 supposed to --

7 MR. PREZIOSI: I see only one other hand  
8 raised but that person has already spoken.

9 MS. TAYLOR: We wanted to finish at 9:00  
10 o'clock, it's 9:15, please keep an eye on that  
11 time. All right, thank you.

12 MS. MANOCHERIAN: Hi, may I comment  
13 since you commented to something I referred to  
14 before and I thank you very much for bringing it  
15 up. In the documents that I submitted to you, it  
16 says very clearly, in New York State that process  
17 is more involved. First, you go through a  
18 consultation phase, where you meet and discuss  
19 your plans for the OASAS regional office and  
20 local government. They have not done that.

21 After the initial consultation  
22 conversation, both the regional office and the  
23 local government make a recommendation for how  
24 and if you should move forward.

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2 Next, you obtain your official  
3 endorsement from both the regional office and the  
4 local government. This is called the endorsement  
5 phase. Finally, after consultation and  
6 endorsement, you can start to submit your  
7 application to OASAS and move forward with your  
8 development phase. So they're not past go yet in  
9 terms of this board is my point.

10 And I think we're all starting to  
11 understand the same thing. There is no reason for  
12 them to wait to get a yes from you and then go to  
13 OASAS They need the endorsement of OASAS and the  
14 mental health commissioner of Westchester County.  
15 Not the DOH water issue. That's a whole other.  
16 Okay. So, you're on the right point here with how  
17 they have tried to jump past that piece and the  
18 question is why, why?

19 MR. FOLEY: Thank you. I mean I didn't  
20 even bring up the lack of contact to Newcastle  
21 because of the limitation on time.

22 MR. SCHWARTZ: Just very quick to add  
23 onto what Ms. Manocherian just said. Again, if  
24 you go back to our March 20, 2021 submission,

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2 Exhibit D, if I recall correctly, is a letter  
3 from Steven Rubinowitz, CRHISD's consultant, 30  
4 years experience at OASAS, who opined in writing  
5 to your board the normal sequencing is for an  
6 applicant to submit a form to OASAS, it's a prior  
7 consult form, it's some basic information that's  
8 provided. OASAS brings in what's called the local  
9 governmental unit, the LGU, The LGU, in this  
10 instance, is the Westchester County Department of  
11 Community Mental Health. And then the applicant  
12 would meet with both of those agencies together,  
13 describe the proposal, describe the plan.

14 Again, we don't have a plan here yet.  
15 They describe the plan during that prior consult  
16 meeting. And then OASAS and the LGU, again, the  
17 county health department, here mental health,  
18 would then the applicant okay, go ahead, submit a  
19 formal application, and then that will also  
20 trigger the land use process. So I'll stop. Go  
21 back, look at Exhibit D to our March 2021 letter.

22 MR. ROTHFEDER: Great. I have a separate  
23 question for you. So, you know, what's before us  
24 is right now really is whether or neg dec or pos

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2 dec.

3 MR. SCHWARTZ: Yeah, yeah.

4 MR. ROTHFEDER: And were you in on the  
5 discussions over, were you personally?

6 MR. SCHWARTZ: No, no.

7 MR. ROTHFEDER: So who was involved in  
8 that?

9 MR. WOOD: It was a request of the  
10 parties, I was in, or moderated. But it was a  
11 direct thing for the owner and representatives  
12 were present.

13 MR. ROTHFEDER: Okay.

14 MR. WOOD: No, no other attorneys were  
15 there. My role was just to facilitate.

16 MR. ROTHFEDER: But, but the position of  
17 the organization you're representing now, right,  
18 is that we should pos dec this?

19 MR. SCHWARTZ: The position right now is  
20 there's so much inconsistency and missing  
21 information in your board's --

22 MR. ROTHFEDER: But just answer the  
23 question. I mean because the question --

24 MR. SCHWARTZ: -- so, so a pos dec is a

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2 lot better.

3 MR. ROTHFEDER: Because if you guys were  
4 in negotiations, they wanted to neg dec it. Where  
5 you guys moving toward getting to that place, or  
6 were you always going to come out and say look,  
7 you should pos dec this?

8 MR. SCHWARTZ: No, I think if ultimately  
9 an agreement was reached --

10 MR. ROTHFEDER: So what are the areas,  
11 what are the areas that would have to be reached?  
12 I mean I'm looking at your letter.

13 MR. SCHWARTZ: Yes, I think we  
14 identified --

15 MR. ROTHFEDER: I'm looking at, excuse  
16 me, I'm looking at your letter, your memo of the  
17 24th. You go into a lot of issues. But a lot of  
18 them are site plan issues, which we will take up  
19 later on. And, and as you know, they've produced  
20 extensive documentation about issues like water  
21 and transportation and that kind of thing. I mean  
22 what more can they produce for us that will  
23 convince us that they haven't produced enough? I  
24 mean if we pos dec this, what are we asking for

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2 at this point? What do you want to get answered?

3 MR. SCHWARTZ: An environment --

4 MR. ROTHFEDER: Or should we just wait  
5 for the site plan part of this when we could  
6 address some of the many issues that you're  
7 raising?

8 MR. SCHWARTZ: And I go back to without  
9 having gone through the initial OASAS and local  
10 government process, this plan that's before you  
11 that they're studying is not a real operational  
12 program. It's constantly changing, and it's  
13 changing because they haven't gone through the  
14 process of OASAS to present an idea and OASAS can  
15 say okay, this works or this doesn't or here's  
16 how you refine it. Then it comes back to the  
17 board to conduct a proper environment review.

18 So the review you're conducting right  
19 now is based on ideas. It's on a concept that has  
20 not been put forth by anyone who has experience  
21 running this type of operation.

22 MR. ROTHFEDER: Okay, so if they went to  
23 OASAS, I, I hear you that they perhaps would have  
24 to produce more specific information about what

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2 the plan is, how many people they're going to  
3 have, all of the things, which they would claim  
4 they've already begun to do in these negotiations  
5 with you guys.

6 But let's say we said to them go to  
7 OASAS first, come back to us, then we're ready to  
8 neg dec or at least to vote, decide on that, do  
9 you think that is the solution?

10 MR. SCHWARTZ: That's certainly a path.  
11 Because then when it comes back to you, okay,  
12 then we would know, okay, exactly what additional  
13 information, if any, but what additional  
14 information does the board and the community need  
15 to understand, now that there's a plan, what more  
16 info, again, if any is needed, to evaluate the  
17 impacts. And you're right, maybe everything  
18 that's been submitted addresses it, but we don't  
19 now.

20 MR. ROTHFEDER: Okay, thank you.

21 MS. TAYLOR: Let me just ask quickly, do  
22 you have a plan?

23 MS. MANOCHERIAN: May I add to some of  
24 those questions, whereas I'm not an official

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2 member of CRHISD.

3 MR. KESSLER: Bring the mic down.

4 MS. MANOCHERIAN: Sorry, can you hear me  
5 now? I'm not an official member of CRHISD, but  
6 I've worked with Karen Wells and all the people  
7 of the community, because they were so concerned  
8 about the Sunshine Home project back in the day.  
9 You are the lead agency as the town of Ossining  
10 and village of Ossining identify, to go through  
11 the process of the Indian Brook Croton Gorge  
12 Watershed review. And there is an ultimate goal  
13 to create a five-municipality district overlay to  
14 protect the environment, right, where all the  
15 zoning, everything will be the same, and the  
16 primary goal is the environment, not the planting  
17 of a pretty little blockage of trees and so  
18 forth. And I think you have your answer.

19 If they are 70 percent in the watershed  
20 of Indian Brook Reservoir, which as Dana  
21 Levenberg said, and as, sorry, I'm so agitated  
22 about this, yes, Liz Feldman said, so many people  
23 depend on that Indian Brook Reservoir. It cannot  
24 be a neg deg. It's already asking to be a

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2 commercial entity in a residential zone. It can't  
3 be a neg dec in the watershed. Really, that's the  
4 answer, and I'm sure that Karen Wells and  
5 everybody else --

6 MR. ROTHFEDER: Well, I agree with you  
7 that, that's an important issue. But I'm just  
8 trying to raise the point that we don't want this  
9 process to go on and on and on forever.

10 MS. MANOCHERIAN: Nobody does.

11 MR. ROTHFEDER: And, and we've got to  
12 get -- and I think at least for me, speaking for  
13 myself, in making a decision about neg dec or pos  
14 dec, I've got to determine whether there's any  
15 more information to come and what is the salient  
16 information. And respectfully Brad, I don't feel  
17 like I'm getting that from you. And so I would  
18 encourage people to point to those kind of  
19 things.

20 MS. MANOCHERIAN: I for instance, agree  
21 with the man who spoke about indigenous trees. It  
22 is a farce to go planting non-indigenous trees in  
23 this area. It does not help the wildlife, it does  
24 not help the biodiversity corridor that we're in

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2 the middle of. Just that thinking along, this is  
3 not a suburban area. It's not, and it shouldn't  
4 be, for all the reasons that you're going to be  
5 lead agency on the review of this very important  
6 watershed.

7 MR. ROTHFEDER: I understand.

8 MS. MANOCHERIAN: So I would encourage a  
9 --

10 MS. TAYLOR: Well --

11 MS. MANOCHERIAN: -- pos dec, but I  
12 would say they're not even past go in order to  
13 even approach you for your decision.

14 MR. ROTHFEDER: Okay, thank you.

15 MS. TAYLOR: We need to --

16 MR. KIM: Could I just --

17 MS. TAYLOR: -- wind down.

18 MR. KIM: -- make a quick point.

19 MS. TAYLOR: Mr. Kim, please.

20 MR. KIM: I'm a marketing guy, so I tend  
21 to make everything very --

22 MS. TAYLOR: Pardon me?

23 MR. KIM: I'm a marketing guy. I tend to  
24 make everything simple and easy to understand and

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2 easy to comprehend for consumers. So to answer  
3 the question should the planning board make a  
4 declaration of positive or negative, I agree, I  
5 think you have all the facts you need.

6 I just really just boil it down to one  
7 simple question is should the planning board make  
8 its determination based on what the applicant has  
9 proposed, which is a high density multi  
10 nonresidential dwelling unit, right. Of either 92  
11 or 58 or 49 beds versus what a 20-acre R-80 zoned  
12 district would accommodate, which is  
13 approximately ten homes, maximum. And compare  
14 those two and then be able to make that  
15 determination of should this, or should this not  
16 be a positive or negative declaration, meaning  
17 that if it is a positive, we need to further  
18 examine and study what is the environmental  
19 impact of a facility that would potentially be  
20 four to five times more of what a residential  
21 home dwelling be equivalent to.

22 To me, I think that's what it comes down  
23 to is, is the planning board ready to make that  
24 determination and go forward and set the

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2 precedent that an R-80 zoned district will now be  
3 allowed for a non-residential facility to  
4 develop, with lack of water, lack of municipal  
5 water and sewage infrastructure. That's what  
6 we're asking you to make that determination. It's  
7 as simple as that.

8 MR. SCHWARTZ: Mr. Rothfeder, very  
9 briefly, if you go back to our August 23, 2021  
10 letter, pages seven to nine in particular, lay  
11 out just a series of examples of information that  
12 we believe is still missing from the compilation  
13 of evidence before your board. It relates to  
14 traffic issues, there was a report from Bernie  
15 Adler, building code compliance and lighting,  
16 there was a report from Ed Larkin, code  
17 compliance about photometric plan, HVAC systems  
18 and emergency generators, including fuel storage  
19 and truck deliveries, construction schedule and  
20 sequencing plan. Page eight, it's all about the  
21 shuttle program and staffing. There's  
22 inconsistent staffing schedules and the shuttle,  
23 you heard about the 10:00 p.m. inconsistency that  
24 one of the speakers spoke about before. So that

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2 was a piece of missing information that we had  
3 asked about.

4 So there are I think ample areas of  
5 inconsistencies and discrepancies that we've  
6 highlighted in our August 23, 2021 letter, yes,  
7 some of which have been repeated in our letter of  
8 last week, in addition to additional questions  
9 that have raised, even tonight, with the water  
10 requirement for the proposed landscaping, so it's  
11 in the written submission.

12 MR. ROTHFEDER: I will, thank you.

13 MR. SCHWARTZ: Thank you.

14 MS. TAYLOR: All right, this is going to  
15 be the final comment, all right.

16 MR. DAVIS: Just briefly, please look at  
17 Mr. Grauer's letter today that responded to Mr.  
18 Schwartz' letter of the 24th, I should say his  
19 letter of yesterday, because most of the things  
20 that Mr. Schwartz raised in his letter, we agree  
21 to, or did agree to, a long time ago.

22 With, and that's true with most of these  
23 things. We've covered the watershed issue from  
24 day one. In 2015, your hydrogeologist just looked

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2 at that. It's a non-issue for this property,  
3 okay. With respect to OASAS, we need a variance,  
4 as you know, to operate this facility from the  
5 state road frontage requirement. We don't know  
6 what the project is yet that would be approved  
7 that we would submit to OASAS and conversely  
8 OASAS has, you've alluded to, in the past I  
9 believe, several of you, has to do with the  
10 internal, for want of a better word, business  
11 operations of the facility. It does not deal  
12 with, OASAS doesn't deal with traffic, OASAS  
13 doesn't deal with water usage and the like.

14 It deals with things of a medical  
15 nature, of a health nature, that's beyond this  
16 board's particular purview. And that's what you  
17 need to keep in mind here. And we answered a lot  
18 of these questions in response, Mr. Subin  
19 capsulized some of these questions in his inquiry  
20 of last August 23rd, and we responded to them on  
21 9/3 of last year. And in our submissions today,  
22 we also included some direct responses by John  
23 Meyer Consulting to Mr. Schwartz' letter of  
24 August 23rd.

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2 So again, we go, we go round and round  
3 and it's prejudicial, the length of the process  
4 to the extent that people, all of us, have  
5 forgotten that going back six or seven years,  
6 we've answered almost all of these questions.  
7 We've agreed with almost everything we've been  
8 asked of by the neighborhood association in the  
9 last five months, including most of what's in Mr.  
10 Schwartz' letter of the 24th, as you'll see in  
11 Mr. Grauer's letter of the 25th.

12 So this board has ample, it's beyond  
13 ample information on which to make a SEQRA  
14 determination. If the board has any questions, as  
15 Mr. Kessler did tonight, I don't think it's  
16 directly related to the SEQRA, but we'll get the  
17 answers to those questions.

18 MR. KESSLER: You just said a few  
19 minutes ago you don't know what the project is  
20 you would submit to OASAS? What does that mean?

21 MR. DAVIS: We need the, we need the, we  
22 need an approval from this board with what to do,  
23 with what to go forward with.

24 MR. KESSLER: But what --

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2 MR. DAVIS: We don't have, we need a  
3 variance from the --

4 MR. KESSLER: Do they, are they going to  
5 have an opinion about the trees?

6 MR. DAVIS: Excuse me?

7 MR. KESSLER: Do they have an opinion  
8 about the landscaping? I mean what are you  
9 looking for? What is this board going to do that  
10 OASAS is going to consider? You know it, you have  
11 a program. You know what a substance abuse  
12 program is going to be.

13 MR. DAVIS: But my, my converse point  
14 that I just made to you is that what OASAS is  
15 going to consider is not within the purview of  
16 this board.

17 MR. KESSLER: Right.

18 MR. DAVIS: It has to do with the  
19 medical operation --

20 MR. KESSLER: Do you know what --

21 MR. DAVIS: -- it has to do with the  
22 medical operations of the facility.

23 MR. KESSLER: And you don't know what  
24 those are yet? You just said you don't know you

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2 would submit to OASAS. You don't know what  
3 project you would submit to OASAS. I think you  
4 said that.

5 MR. DAVIS: We don't know the exact  
6 number of patients, and the point is --

7 MR. KESSLER: Well, they're going to  
8 determine that I thought.

9 MR. DAVIS: The point is we would be  
10 spending a great deal of money in going through  
11 the OASAS process if we don't have a variance  
12 from this board. Excuse me, from the zoning  
13 board, and the approval of this board. Your  
14 board, it's typical of this board to make its  
15 approval conditional on the approvals of all  
16 other involved agencies, such as, for example,  
17 the health department.

18 MR. KESSLER: Right.

19 MR. DAVIS: So it's nothing out of the  
20 ordinary whatsoever.

21 MR. KESSLER: Yeah.

22 MR. DAVIS: When we approve things, I  
23 mean when we are considering things, people come  
24 to us and they show us that the Department of

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2 Health has approved a septic system, not our  
3 purview, but they go ahead and do that on a  
4 parallel path. I just don't understand why you  
5 picked a singular path and expect that, and, and  
6 believe that's the right path. To me, look I've  
7 been in the healthcare business all my career.

8 MR. DAVIS: I understand.

9 MR. KESSLER: And things happen on  
10 parallel paths. I started an insurance company. I  
11 had to get approval from the New York State  
12 Department of Insurance. I'm building a company  
13 and I'm getting the approval process.

14 MR. DAVIS: All I can say is there was  
15 reference made to Mr. Rubinowitz' report. His  
16 report has been amply rebutted by people of equal  
17 experience. We answered these questions in our  
18 submission of September 3rd of last year. And  
19 that's what, that's what we would stand upon. We  
20 think we've answered them adequately, we think  
21 it's putting the cart before the horse to go to  
22 OASAS when we don't have an approval.

23 MR. KESSLER: I'm not saying one or the  
24 other. I'm just saying that there's a parallel

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2 path. It's not sequential to me. But, but, look,  
3 you've done what you've done.

4 MR. DAVIS: Thank you.

5 MS. TAYLOR: All right. Well, thank you  
6 all. Do you want to make --

7 MR. WOOD: Sure. At this juncture, as I  
8 indicated at the beginning, we're running  
9 parallel public hearing processes. One public  
10 hearing is to consider the site plan and special  
11 permit, which is actually at the end of the whole  
12 process. And the other is the public hearing part  
13 to take information and data with respect to the  
14 environmental issues. So at this time, the  
15 recommendation to the board would be to close the  
16 public hearing as to the environmental issues so  
17 that the board can deliberate and determine its  
18 course of action with respect to either a  
19 positive declaration or negative declaration and  
20 to adjourn the other public hearing with respect  
21 to site plan and special permit with  
22 [unintelligible] [02:33:39] pending the outcome  
23 of not only the environmental determination but  
24 then depending upon how that goes, the zoning

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2 board's determination.

3 And it's my understanding that the board  
4 would invite or allow a ten-day period from  
5 tonight for any written, further written comments  
6 with respect to the environmental issues. And the  
7 board will be determining whether or not the  
8 information you have is adequate, whether you  
9 need more information and what course then in the  
10 process under SEQRA you'll take.

11 MR. ROTHFEDER: Just a quick question on  
12 clarification. When you say the environmental  
13 issues, you mean all the issues under SEQRA?

14 MR. WOOD: Yes.

15 MS. TAYLOR: All right. That would be  
16 his recommendation to the board. Can I get  
17 somebody to formally put that into the record? Do  
18 you want to make a motion to --

19 MR. FOLEY: I don't know how to word it.

20 MS. TAYLOR: You want to make a motion  
21 to close?

22 MR. FOLEY: I don't want to make the  
23 motion, because I don't --

24 MS. TAYLOR: Well, we all just heard.

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2 Make a motion to close the --

3 MR. FOLEY: Oh, to close the hearing?

4 MR. MAYES: Madam Chair At this time, I  
5 will make a motion to close the public hearing,  
6 this hearing on SEQRA review and adjourn the  
7 public hearing in regards to the site plan  
8 review.

9 MS. TAYLOR: Yes.

10 MR. WOOD: And allow a ten-day comment  
11 period.

12 MR. MAYES: And allow a ten-day comment  
13 period.

14 MR. FOLEY: Second.

15 MR. KESSLER: And also allow the  
16 applicant to respond to the things that came up  
17 tonight.

18 MR. WOOD: Of course, of course.

19 MR. FOLEY: Right. I'll second that.

20 MS. TAYLOR: Okay, it's been moved and  
21 seconded. On the question? All in favor?

22 MULTIPLE: Aye.

23 MS. TAYLOR: Opposed? Opposed? Okay, all  
24 right. So that is the motion and we are

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adjourned.

(The public board meeting concluded at  
9:38 p.m.)

CERTIFICATE OF ACCURACY

I, Claudia Marques, certify that the foregoing transcript of the board meeting of the Town of Cortlandt on January 26, 2022 was prepared using the required transcription equipment and is a true and accurate record of the proceedings.

Certified By

*Claudia Marques*

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Date: March 4, 2022

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