

TOWN OF CORTLANDT  
PLANNING AND ZONING BOARDS

BOARD MEETING

Town Hall  
1 Heady Street  
Cortlandt Manor, New York 10567

June 7, 2022

7:00 p.m. - 7:52 p.m.

June 7, 2022

MEMBERS PRESENT:

Loretta Taylor, Chairperson

Robert Foley, Member

Stephen Kessler, Member

Jeffrey Rothfeder, Member

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

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

8 MR. CHRIS KEHOE: Do you want to mention  
9 anything about George before I do the role?

10 MS. LORETTA TAYLOR: I'm sorry?

11 MR. KEHOE: Do you want to mention  
12 anything about George before I do the role?

13 MS. TAYLOR: Yeah, I don't know. Should  
14 we do that?

15 MR. KEHOE: Alright. Jeff Rothfeder?

16 MR. JEFFERY ROTHFEDER: Here.

17 MR. KEHOE: Stephen Kessler?

18 MR. STEPHEN KESSLER: Here.

19 MR. KEHOE: Loretta Taylor?

20 MS. TAYLOR: Here.

21 MR. KEHOE: Robert Foley?

22 MR. ROBERT FOLEY: Here.

23 MR. KEHOE: Suzanne Decker and Tom

24 Bianchi noted as absent.

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2 MR. FOLEY: I'd like to say, George,  
3 we're going to miss -- I didn't respond to the e-  
4 mails, I realize. I also will miss him.

5 MS. TAYLOR: Well, let me just make the  
6 announcement.

7 MR. KESSLER: Yeah, go ahead.

8 MS. TAYLOR: He's off the board, and  
9 then, you know. You can say what you need to say.  
10 Okay. For the audience listening tonight, we want  
11 to make an announcement that George Kimmerling,  
12 just about, well, one of our newer board members  
13 has left the board and not under bad or negative  
14 circumstances, but he says that he's got some  
15 issues at home, some things that need to be  
16 worked out and he wouldn't have the time to put  
17 in thoroughly going over the materials that we  
18 receive every month, so he decided he would  
19 leave. And so we're all very sorry, because  
20 George was the kind of person, he seemed to be  
21 rather quiet. I'm sure you could see that. But he  
22 had a lot of really good ideas and he was very up  
23 on things, very up. So we always regret losing a  
24 member of the board, but he was especially good

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2 and we will miss him. Okay.

3 MR. FOLEY: Yeah, I will miss him too.  
4 Amicable retirement or leaving, and as a former  
5 journalist, and I believe he is too, we talked a  
6 little when he first came on, and I thought for a  
7 while that there would be a second no vote on a  
8 few of the applications, because he was leaning  
9 that way on some of them. And I never really got  
10 to know him, but I'm going to miss him.

11 MS. TAYLOR: Okay. Very good. Are there  
12 any other comments at this point?

13 MR. ROTHFEDER: No.

14 MS. TAYLOR: Mostly, many of us made  
15 comments, additional comments to him personally  
16 and then again, in the e-mails that we sent him.  
17 Okay. So, we can, let me just announce that we  
18 also have a change to the agenda tonight, which  
19 is PB 2022-4, the applicant has asked remove his  
20 material from the agenda tonight, so I will need  
21 some --

22 MR. KESSLER: Yeah, can I have a motion  
23 to remove the Gurdjieff Foundation from the  
24 agenda?

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2 MR. FOLEY: Second.

3 MS. TAYLOR: Thank you. On the question?  
4 All in favor?

5 MULTIPLE: Aye.

6 MS. TAYLOR: Opposed? Very good.

7 Alright. I need a motion to adopt the minutes of  
8 May 3rd.

9 MR. FOLEY: On the question, I submitted  
10 a few minor corrections to Chris earlier.

11 MS. TAYLOR: Okay.

12 MR. ROTHFEDER: I make a motion, do we  
13 need a motion?

14 MR. KESSLER: Yeah.

15 MS. TAYLOR: We do.

16 MR. ROTHFEDER: I make a motion that we  
17 adopt the minutes of May 3rd.

18 MR. KESSLER: Second.

19 MS. TAYLOR: Thank you. On the question?  
20 All in favor?

21 MULTIPLE: Aye.

22 MS. TAYLOR: Opposed? Good. Alright.

23 Moving on to correspondence, we have a letter on  
24 the application PB 16-99, a letter dated May 26,

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2 2022, from Eugene Peterson, the manager at Hollow  
3 Brook Golf Club, regarding the Hollow Brook water  
4 testing protocol. Mr. Rothfeder?

5 MR. ROTHFEDER: Should we just -- I make  
6 a motion that we receive and file the letter.

7 MR. KESSLER: Second.

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

10 MULTIPLE: Aye.

11 MS. TAYLOR: Opposed? Alright. We're  
12 down to old business. PB 2020-10, the application  
13 of Cortlandt CSG, LLC for the property of 202  
14 Cortlandt LLC for site development plan approval  
15 and a special permit and for tree removal and  
16 steep slope permits for a proposed 2.3 megawatt  
17 community solar power system located on an  
18 approximately 33.86-acre parcel of property  
19 located on the north side of Route 202, west of  
20 Lexington Avenue. The latest revised drawings May  
21 20, 2021.

22 MR. BRAD SCHWARTZ: Good evening, Madam  
23 Chair, members of the board. For the record, Brad  
24 Schwartz, from Zarin & Steinmetz, here on

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2 tonight, tonight on behalf of the applicant.  
3 We're here this evening to ask the board to  
4 authorize staff to prepare and approve a  
5 resolution for the July meeting. To refresh the  
6 board, where we last off, your board adopted a  
7 negative declaration under SEQR last summer. We  
8 proceeded to have an informational public hearing  
9 before the town board. The next step would have  
10 been site plan approval by your board, but there  
11 was a key issue regarding storm water that held  
12 up the site plan approval. The applicant has  
13 engaged Alan Pilch, who is standing over my left  
14 shoulder, specifically to work on this SWPPP. The  
15 SWPPP requires review and approval by DEP as well  
16 as obviously the town. And so Alan, who has  
17 particular experience in preparing and designing  
18 SWPPPs, especially through the DEP process, we  
19 felt would be helpful to get Alan on the project  
20 team to sort of navigate us through that process.  
21 And we think a lot has been accomplished this  
22 past few months since we were last here. Alan  
23 will give a brief overview of the progress that  
24 we made with DEP.

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2 MR. ALAN PILCH: Good evening, Madam  
3 Chair and members of the board. My name is Alan  
4 Pilch. I'll just let you know that I'm a licensed  
5 professional engineer and a registered landscape  
6 architect in the state of New York. I'll just say  
7 it probably provides me with perhaps a different  
8 insight than most other design professionals,  
9 having both licenses in engineering and landscape  
10 architecture. I've been working on storm water  
11 pollution prevention plans both in and outside  
12 the watershed since the 1990s. So I've completed  
13 many such reports throughout the county and as  
14 well in Putnam County. And I have much experience  
15 in developing storm water management plans, both  
16 in the New York City watershed and outside the  
17 watershed.

18 To give you some background as to where  
19 we've been on this process when I was brought on  
20 board at the very end of last year, the first  
21 thing I developed for the project was to develop  
22 a concept plan to handle the storm water runoff.  
23 Again, the principle goals of storm water  
24 management plan are twofold. One is to provide

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2 peak rate attenuation of the flows, as I'm sure  
3 you know, and the other is to provide the water  
4 quality treatment, that's the treatment of a one  
5 year storm.

6 And so the concept plan was initially  
7 developed in December and January, December '21  
8 and January of 2022. In February, we had a  
9 discussion, I'll say the team behind the project,  
10 had a discussion with Andrea Onchoyo [phonetic]  
11 of the DEP, where we reviewed the concept plan on  
12 handling the storm water. Then about a week and a  
13 half later, on February 24th, we held an informal  
14 discussion with town staff on the concept plan  
15 for storm water management. I'll just say we  
16 received very positive feedback at both,  
17 discussions and they were informal. But just sort  
18 of going over with the concept plan, how it was  
19 work, how we were going to treat storm water  
20 runoff, and how we're going to control runoff  
21 that comes off the site.

22 In early March, I had my second visit to  
23 the property to review the locations where storm  
24 water management is being proposed and then on

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2 March 11th, we performed deep hole testing at the  
3 property, which was witnessed by both New York  
4 City DEP and also the town. And then in beginning  
5 of May on May 9th, we actually did the  
6 percolation testing, on May 10th -- that was the  
7 day of the presoak and on May 10th, we actually  
8 did the percolation testing again, which was  
9 witnessed by DEP and the town.

10 And, you know, as typically what happens  
11 when you do deep hole testing and percolation  
12 testing, there are modifications to a plan which  
13 can occur, and it did here as well. You know, we  
14 actually had very good soil results, but there  
15 was, you know, what you're trying to do in a deep  
16 hole test is identify the, where the restrictive  
17 layer is, and what we were able to do is identify  
18 the deep hole testing. We had very deep soils,  
19 but we noted a seep was actually occurring at a  
20 depth of six feet, so it modified our plan. But,  
21 you know, we reviewed it again with New York City  
22 DEP and they were fine with it, you know. So we  
23 continued preparing the storm water pollution  
24 prevention plan with that change. Initially, we

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2 conducted the percolation testing, we had very  
3 fast percolation rates, and what our, I would  
4 term as good sandy loam soils. So it's certainly,  
5 they're very, very conducive to the storm water  
6 management practices that we are proposing.

7 And essentially, what we are proposing  
8 is to convey runoff from the, I'll call it the  
9 solar panel area. You know, putting them in  
10 perforated pipes and trenches to convey the  
11 runoff down to an infiltration facility.

12 Infiltration is an extremely good way to handle  
13 storm water runoff. Not only does it provide a  
14 very high level of treatment of the runoff, but  
15 it also can provide peak rate attenuation as  
16 well.

17 And the second sort of concept in the  
18 plan as well is on the southeast corner of the  
19 property, I don't know if you can see it on the  
20 screens at all here, maybe you can. What we're  
21 proposing is for the runoff from the driveway, or  
22 the access road is to convey that runoff into two  
23 separate bioretention facilities. And that is  
24 what the plan is to handle the runoff on the

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2 property.

3 And so that's kind of like where we are.  
4 We're almost ready now to submit the storm water  
5 pollution prevention plan, both to the town and  
6 to New York City DEP. I've been working on the  
7 document and all the supporting calculations that  
8 are part of a SWPPP report. And I anticipate  
9 getting it out probably by the end of this week  
10 into the hands of New York City DEP and also to  
11 the town. If you have any questions, I'm more  
12 than happy to --

13 MR. KESSLER: So if we were to prepare a  
14 resolution, would that be a condition that --

15 MR. KEHOE: Yes, yes. The final approval  
16 of the storm water pollution plan to both the  
17 satisfaction of the town and the DEP would be a  
18 condition. But we're only as far along as we are  
19 now because of some discussions that the  
20 applicant has had both with Mike Preziosi and now  
21 with Joe and also with the DEP and there's a  
22 certain level of comfort with the design.

23 MR. KESSLER: Okay.

24 MR. ROTHFEDER: That, that's sort of a

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2 typical design? It sounded like you, there's sort  
3 of two parts to it, right? One sort of a pipe  
4 runoff and the other attenuation in the soil?

5 MR. PILCH: Well, actually, I'll say  
6 there's two different design points. Because as  
7 you know, the property itself is kind of like a  
8 large drum lid, I don't know else to describe it.  
9 But it's like there's a drainage divide down the  
10 center, essentially, where the maintenance road  
11 actually bisects the property. It's roughly, sort  
12 of roughly, it's actually a little further to the  
13 east of there. So what we're doing is conveying  
14 the runoff from the solar panel area to  
15 infiltration which is in the southwest corner of  
16 that. I will make mention that in order to  
17 accommodate this, we actually had to reduce the  
18 number of solar panels slightly from what we had  
19 just to be able to treat the runoff adequately.  
20 So I guess that would be area number one.

21 Area number two is trying to find a way  
22 to treat the runoff from the access road. And  
23 that, it's a different approach because the  
24 conditions, the environment conditions are

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2 different. But it's very conducive to using  
3 bioretention, which is also a very effective way,  
4 as you know, to capture and treat runoff.

5 In bioretention, what happens is the  
6 runoff basically enters a planting soil mix, so  
7 there's an opportunity both for filtration  
8 through the planting soil mix and also biological  
9 uptake as the plants, which are installed in the  
10 bioretention area use some of the nutrients. So  
11 it really is a twofold process how it works.

12 I was just merely describing the way  
13 that, you know, ordinarily you think of a site  
14 capturing runoff perhaps in catch basins, but  
15 here it's different, because what we're having on  
16 the solar panel area, it's a broad area, you  
17 know, it's a meadow underneath there. So what  
18 we're going to do is install perforated pipes and  
19 gravel trenches, so that the runoff will down the  
20 slope will encounter the gravel trench and enter  
21 the soil if you will, enter the gravel trench and  
22 then be picked up by the perforated pipe and then  
23 can lay down to the infiltration facility. That's  
24 essentially how it works.

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2 MR. ROTHFEDER: Okay.

3 MR. KESSLER: You good? We good?

4 MS. TAYLOR: Yes.

5 MR. KESSLER: Madam Chair, I move that  
6 we direct staff to prepare an approval resolution  
7 for the July 12th meeting.

8 MR. ROTHFEDER: Second.

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

11 MULTIPLE: Aye.

12 MS. TAYLOR: Opposed?

13 MR. SCHWARTZ: Good night. Thank you.

14 MR. PILCH: Thank you very much. I  
15 really appreciate it.

16 MS. TAYLOR: Alright. Moving along, the  
17 next item is PB 201905, the application of  
18 Homeland Towers LLC and New York SMSA Limited  
19 Partnership, DBA Verizon Wireless for the  
20 property of Bezo Enterprises LLC for site  
21 development plan approval and a special permit  
22 for a proposed public personal wireless facility  
23 on a portion of a six-acre parcel located at 52  
24 Montrose Station Road. The latest revised

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2 drawings, August 5, 2021. Alright, yes.

3 MR. MICHAEL SHERIDAN: Good evening,  
4 good evening chair and good evening members of  
5 the board. My name is Michael Sheridan, attorney  
6 for Snyder & Snyder. We're the attorneys for  
7 Homeland Towers and New York SMSA Limited  
8 Partnership DBA Verizon Wireless. We're here  
9 tonight in connection with the proposed facility  
10 at 52 Montrose Station Road. We were here last  
11 month when this board directed that staff provide  
12 any comments that they have. It's our  
13 understanding that the board has retained a  
14 consultant, Mr. Musso, who is here this evening  
15 to discuss his report and some details.

16 We have one request tonight. That would  
17 be that if at the end of this, we could schedule  
18 the public hearing. We understand the board does  
19 not have a meeting in August, which would push  
20 off anything until September if we don't schedule  
21 it for the July meeting. Although this is in  
22 front of this board for the second time in a  
23 while, please be reminded that it was in front of  
24 this board previously for this location and a

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2 wireless tower a few years ago where we received  
3 comments from a board's prior consultant and as  
4 well as the town's engineer. We have addressed  
5 those comments with several responses and this,  
6 so we're coming back after already addressing  
7 comments from a consultant, already addressing  
8 comments from the town engineer, so this is a  
9 revised plan based on those comments. So we're  
10 not here for what feels like only the second  
11 time. We have been here before with this project  
12 and we're hoping to keep it moving along. Since  
13 there is no meeting in August, we'd love to  
14 schedule the public hearing for July so that we  
15 could get any comments if there are any from any  
16 interested neighbors so we can address them  
17 throughout the month of August, come back in  
18 September and provide whatever responses we can.

19 MS. TAYLOR: As far as that July  
20 meeting, would that be good for staff?

21 MR. KEHOE: Well, I think maybe we'll  
22 have Mr. Musso come up the microphone and address  
23 the board and get his opinion.

24 MS. TAYLOR: Yes.

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2 MR. MICHAEL MUSSO: Yeah, Madam Chair,  
3 members of the board, members of the public,  
4 thanks for having me tonight. Mike Musso from  
5 HDR, working on behalf of the town of Cortlandt  
6 Planning Board. I recently received a copy of the  
7 application materials, both the older ones that  
8 were referenced from 2019 by the applicant  
9 representative just now and the ones from 2021.  
10 Also, the comments that were provided during the  
11 initial planning board review, the review by the  
12 town engineer, and a prior planning board  
13 consultant.

14 I conducted a site visit with Homeland  
15 Towers, who is now a co-applicant. Homeland is an  
16 infrastructure company. Verizon of course is a  
17 licensed FCC carrier. So Homeland is new to the  
18 project, from 2021 at least. We walked around the  
19 site, walked a little bit around the tip of the  
20 preserve.

21 What we're working on right now is the  
22 first memorandum which will summarize the  
23 application materials before focusing of course  
24 on what's being proposed now. I'll be also

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2 requesting information of the applicant based on  
3 the RF justification and need, based on any  
4 additional information I feel is appropriate for  
5 the RF emissions review, which is always  
6 important, although applicant reps will tell you  
7 that it's a moot item or one that's excluded from  
8 review. We always like to ask for that.

9           Importantly though, I think since this  
10 board has spent time in the past reviewing the  
11 prior application, I would like to put together  
12 just a quick summary table, with the applicant's  
13 assistance that gives kind of a before and now  
14 look at things. The tower design is different,  
15 initially a lattice tower, that's the style you  
16 see in transmission lines, Con Ed towers, for  
17 example. Initially, that was being proposed. Now  
18 it's more of a conventional monopole, which you  
19 do have in town, in some locations. So the  
20 aesthetics maybe are a little bit different from  
21 it. The location has moved a bit. It's being  
22 shifted. I think you should have an understanding  
23 of setbacks from property lines homes and  
24 sensitive receptors. So that inventory I think is

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2 important. There will probably be some edits to  
3 the drawing set that are based on that.

4 So that first memo, we hope to have to  
5 you in the next week or so and I know that will  
6 be forwarded on to the applicant to answer those  
7 questions. We are reviewing it in terms of FCC  
8 criteria. Also in terms of you code. You have an  
9 excellent wireless code chapter here, chapter  
10 277.

11 I would ask and maybe it's, it can't be  
12 fully answered tonight, but as far as  
13 determination of this board as a SEQRA lead  
14 agency, if that's been done prior, if that needs  
15 to be done again.

16 MR. KESSLER: We did that at the last  
17 meeting.

18 MR. MUSSO: Okay. Alright. So that's all  
19 set.

20 MR. KEHOE: And we did circulate to  
21 County Parks and County Ag district.

22 MR. MUSSO: That's my next question.

23 MR. KEHOE: The circulation to the  
24 County Parks led me to the discussion where they

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2 were coming into Town Hall to talk about that  
3 other tower. But they're definitely aware of this  
4 tower, and they have no objection to the planning  
5 board being lead agent.

6 MR. MUSSO: Okay. Excellent. And those  
7 circulations for comments, has that 30 days  
8 expired, do you know?

9 MR. KEHOE: Well, to object to the lead  
10 agency, I believe has expired. I can't remember  
11 if it was this case, but a lot of times they  
12 specifically say we have no objection to you  
13 being lead agent, but we would like to see the  
14 documents again as the project further evolves.

15 MR. MUSSO: Right, which is standard and  
16 typical, so I'm happy to hear that. We do have  
17 some photo simulations, which you may have seen.  
18 I'm certainly leaning towards a renoticed balloon  
19 test because of the move of the tower, and  
20 because it's been a little while since this board  
21 and the public have looked at it. So that will be  
22 folded up into this memo that we hope to have to  
23 you in the next week or so.

24 The applicant will have a little bit of

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2 work to do. As far as opening of the public  
3 hearing, my question would be was a public  
4 hearing opened prior on this application?

5 MR. KEHOE: No.

6 MR. MUSSO: Okay. So this would be the  
7 first one. I think it's up to the board. I think  
8 the essentials of the application, radiofrequency  
9 justification, set of drawings, some visuals,  
10 visual assessment materials and health and safety  
11 information, RF emissions, although I have to  
12 look at, may have comments on, I think those are  
13 the big pieces that are out there. I really will  
14 leave it up to you at this point whether to open  
15 a public hearing on that, knowing that there's  
16 going to be some supplemental information coming  
17 in. So I really don't have a comment either way  
18 about that.

19 MS. TAYLOR: Well, what do you think?

20 MR. KEHOE: Well, I hate to buck Mr.  
21 Sheridan, but I think it might be a little  
22 premature to have the public hearing in July,  
23 because I think what would happen is some of the  
24 residents would come, and maybe the photo

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2 simulation won't be done in time, and they'll say  
3 how come there wasn't a photo simulation and  
4 you'd have to say, well it's forthcoming, and  
5 then they might say well, what are we here for  
6 until we have all the information.

7 MS. TAYLOR: Okay.

8 MR. KEHOE: And so I do think it's a  
9 little premature.

10 MR. ROTHFEDER: I do too, yeah.

11 MR. VINCENT XAVIER: Can I speak to  
12 that? So again, for the record, Vincent Xavier,  
13 regional manager for Homeland Towers. I  
14 definitely appreciate that. My thought with it  
15 was why not give the public as much of an  
16 opportunity as possible to comment. I know that  
17 if we do open the public hearing in July, it's  
18 not going to be closed that month anyway, and I  
19 can promise not to make a motion asking for it to  
20 be closed. So it would give them an opportunity  
21 to come in, really know that this is back on the  
22 radar so it would be a public notice, that  
23 they're being told of this as soon as possible.  
24 And they can come out, they can give us any

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2 preliminary questions that they have at that  
3 time. I assume we'll likely talk about a date for  
4 the balloon float, so besides a notice  
5 requirement, it'll be at a public hearing meeting  
6 where we're actually discussing the balloon  
7 float, further putting the public on notice, and  
8 I just don't think there's any downside to  
9 getting more comments from the public as soon as  
10 possible with the understanding that it's going  
11 to remain open and we are going to be submitting  
12 additional information, but I say, you know, let  
13 the people in as soon as possible.

14 MR. KESSLER: The downside from where I  
15 sit is that when you have multiple public  
16 hearings, you have repetition of the comments  
17 across all those public hearings. So to me having  
18 a public hearing, hopefully one, maybe two, will  
19 reduce that repetition and maybe be more  
20 effective in coming to a decision here. That's  
21 just my experience. People keep coming up and  
22 asking the same things and you have multiple  
23 people saying the same things as well.

24 MR. XAVIER: I'm well versed in that,

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2 yes. But if we're going to have two anyway, my  
3 thought would just be that, you know, have that  
4 initial one so we can get some initial comments  
5 and try to address it at the next one instead of  
6 dealing only with Mr. Musso's comments and then  
7 allowing the public to come in, even Mr. Musso  
8 may be able to benefit from hearing some comments  
9 from the public as well. But I definitely  
10 appreciate your concerns as well. As you see fit.

11 MR. ROTHFEDER: Okay. I'm not sure we're  
12 going to have enough material before the next  
13 meeting. That would be my concern. And also, are  
14 you suggesting another balloon test?

15 MR. PILCH: Yes. Yeah, I --

16 MR. ROTHFEDER: So we've got to do that  
17 as well.

18 MR. PILCH: Yeah, that would be  
19 something that would be done. I've seen that done  
20 concurrently with the public meeting, I've seen  
21 it done after.

22 MR. ROTHFEDER: Right.

23 MR. PILCH: There's ideal conditions to  
24 do that, obviously. Many sites you want to do

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2 them in off leaf condition. Looking at the view  
3 shed from this site, I think that would be a  
4 benefit, but this is something that's peaking  
5 above the tree line, you know, this technology  
6 works on line of sight, so.

7 MR. KESSLER: When you do that blue test  
8 and everything, it would seem to be more  
9 effective if we had video rather than just  
10 pictures, you know, for the public to absorb.

11 MR. PILCH: Well, we, that's an  
12 interesting point. We want to notice it  
13 appropriately, we want to have a protocol set up  
14 with the applicant about the means and methods,  
15 whether it's a tether, whether it's a crane,  
16 protocol to call off that test based on weather  
17 forecasts, so wind forecasted at eight miles an  
18 hour or higher is not good for a balloon unless  
19 there's a crane that's used. Logistics will go  
20 into it. Some noticing perhaps involving the town  
21 website would be important and the public would  
22 have that hour window, whether it's a four or  
23 eight hour window, usually on a Saturday when  
24 people are home, with a weather day on the

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2 following Monday or something like that.

3 What I was happy to see in this  
4 application is a firm that we've worked with  
5 before, Saratoga Associates. I assume that  
6 they're staying on with us. They do a really nice  
7 job with their visual resource evaluation  
8 reports.

9 MR. KESSLER: Okay.

10 MR. PILCH: So I think the still photos  
11 are good, but it's all about scoping those as  
12 well. There are some photo simulations and  
13 viewpoints that were done prior. I'd probably  
14 like to think about that a little bit more,  
15 whether we need to add any points to that. Yeah,  
16 not essential to have public hearing before all  
17 those comments are in. I think the balloon test  
18 would be a little ways off, because I would like  
19 to vet that with you as a board, what the  
20 thinking is about that.

21 MS. TAYLOR: I want to just ask a  
22 question about how -- let me change the way I'm  
23 asking it. Do you expect to see a fairly  
24 substantial difference in the way the test

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2 results turn out now as opposed to when they were  
3 taken before? The balloon test? I mean the data  
4 is there from when we took the initial test. Do  
5 you expect to find a substantial difference?

6 MR. PILCH: Probably not a substantial  
7 difference. But I think the, some of the comments  
8 that led to moving the tower were based in part  
9 on visual. So some of the perspectives might  
10 change a little bit and I think that would be  
11 important to understand. And that was done I  
12 guess in 2019, and here we are in 2022. So I  
13 think there's different people in the community,  
14 maybe even different people on the board that  
15 would be of interest to do it.

16 I don't expect the results to be  
17 substantially different. But I think the balloon  
18 test and giving people an opportunity to observe  
19 the actual, no newly proposed or modified  
20 location would be, would be important.

21 MR. FOLEY: When we did the balloon test  
22 a few years ago, the neighbors were all notified,  
23 I remember. Would they [unintelligible]  
24 [00:29:46]?

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2 MR. KEHOE: Yeah, the scenario Mr. Musso  
3 pointed out, we did that. I think we actually put  
4 it in the newspaper and I can't remember if we  
5 had to cancel it or not cancel it because of the  
6 weather. Yeah, so they are all notified.

7 MR. FOLEY: Because I was recalling, I  
8 know some people down there. There's a little  
9 deli and what's that little section called?

10 MR. KEHOE: Yeah, Maple Avenue Deli?

11 MR. FOLEY: Yeah. There's a, they  
12 weren't aware even though they could almost look  
13 up, that that was, it was a balloon test going  
14 on.

15 MR. KEHOE: Right.

16 MR. FOLEY: But I mean it was an idea we  
17 had and I thought it was good.

18 MR. PILCH: Yeah, I think it is. You do  
19 the best you can with it. It's never 100 percent  
20 perfect. And there were some photos taken from  
21 out front at that location you're talking about.  
22 So we could think about that too. I think  
23 noticing on the website is a great thing. I  
24 understand there have been some comments that

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2 have come in from residents in the area. So, you  
3 know, getting the word out I think is really 75  
4 percent of it.

5 MR. FOLEY: Well, the letters that was  
6 referred to in the work session is Chapel Hill,  
7 and they're a little distance from it as opposed  
8 to the people on Maple and maybe, I don't know  
9 about Washington Street on the other side.

10 MR. KEHOE: Yeah, but sometimes the  
11 closer you are to the tower, the less visual  
12 impact.

13 MR. FOLEY: Yeah, I know that.

14 MR. KEHOE: Because you're more or less  
15 underneath it, so sometimes, it's the farther  
16 people away. But you did mention that, just for  
17 the record, we did receive over 100 e-mails in  
18 favor of the proposed tower from residents of  
19 Chapel Hill in the city of Peekskill who are  
20 concerned that they don't currently have cell  
21 service and they believe that this tower would be  
22 helpful to them. I just wanted to get that on the  
23 record.

24 MR. FOLEY: Okay. And the question is

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2 whether wait for the public hearing. That  
3 wouldn't be then until September 6th? The  
4 applicant wants it in July, and we're, our  
5 consultant, Mr. Musso, you're basically  
6 recommending wait on opening a public hearing?

7 MR. MUSSO: I think this is a good  
8 discussion that happened. Respectfully, I'll  
9 leave it up to the planning board. I have seen  
10 projects that have done both, before or after.

11 MR. ROTHFEDER: I think we wait.

12 MR. KESSLER: Yeah.

13 MR. FOLEY: You think wait?

14 MR. KEHOE: Well, I think to Steve's  
15 point, I mean I can understand what the applicant  
16 is saying, but you're going to have a public  
17 hearing in July, you're not going to have all of  
18 the information, they're going to come back in  
19 September. If you hold the one in September -- I  
20 just don't think the applicant gains that much by  
21 having sort of a preliminary public hearing in  
22 July and I think that's what Mr. Kessler was  
23 getting at.

24 MR. KESSLER: Exactly.

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2 MS. TAYLOR: Oh.

3 MR. KESSLER: Up to you, Bob.

4 MR. FOLEY: Oh, I mean I'll go along  
5 with what the board is saying. I didn't know the  
6 pressing need for the July. It wasn't explained  
7 by Mr. Sheridan or the other gentleman.

8 MS. TAYLOR: There isn't, I don't, I  
9 wouldn't say that it was pressing.

10 MR. FOLEY: Yeah, they want it, but --

11 MS. TAYLOR: But they want it. And, and

12 --

13 MR. ROTHFEDER: Everybody wants a public  
14 hearing.

15 MS. TAYLOR: Yeah, so we're not going to  
16 have it, okay. How about that.

17 MR. FOLEY: Alright.

18 MR. ROTHFEDER: Go ahead. It's your  
19 motion.

20 MR. FOLEY: No, I said it's mine and  
21 [unintelligible] [00:33:11]. I make a motion  
22 that, I'm sorry, I make a motion that we refer  
23 this back and no public hearing at this point.

24 MR. KESSLER: Second.

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2 MS. TAYLOR: Alright.

3 MR. KEHOE: But on the question, do you  
4 want to say anything before they vote, Mr.  
5 Sheridan?

6 MR. SHERIDAN: I mean again, just to  
7 raise the point, I think, you know, obviously the  
8 applicant is looking to get this done as soon as  
9 possible and as we've discussed throughout this  
10 meeting, we've been here on a few occasions and  
11 have responded to comments. One of those comments  
12 was to do a balloon test, which we've already  
13 done in the past in connection with the other  
14 design. We're looking to move this forward  
15 expeditiously since there's no meeting in August,  
16 we're hoping to get a public hearing in July so  
17 that everything can be addressed by the time we  
18 come back in September. That's the idea behind  
19 trying to get this public hearing moving in July,  
20 so that we'd be able to hear the public comments  
21 and get back to them. Certainly, maybe everything  
22 won't be done but in answer to Mr. Foley's  
23 question, if you're looking to notify the public  
24 especially about maybe an upcoming balloon test,

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2 having a public hearing at the time prior to the  
3 balloon test would put the public on notice and  
4 they would have a notification to come to the  
5 meeting in July where that balloon test would be  
6 discussed and finalized.

7 MS. TAYLOR: Did --

8 MR. KESSLER: We're on the question.

9 MR. ROTHFEDER: You need a vote.

10 MS. TAYLOR: Okay. I'm sorry.

11 MR. KEHOE: You're on the question, but  
12 you haven't voted yet.

13 MS. TAYLOR: Alright. Everybody's ready?

14 MR. FOLEY: Yea.

15 MS. TAYLOR: Okay.

16 MR. KEHOE: So the motion is to refer  
17 back, not schedule a public hearing.

18 MS. TAYLOR: Okay. So you're on the  
19 question, all those in favor?

20 MULTIPLE: Aye.

21 MS. TAYLOR: Opposed? Okay. Can we be  
22 clear on exactly what that motion was?

23 MR. JAY CUNNINGHAM: It's a motion to  
24 refer back.

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2 MR. KESSLER: Motion to refer back.

3 MS. TAYLOR: Okay.

4 MR. FOLEY: It refers back.

5 MR. CUNNINGHAM: It's a motion to refer  
6 back to staff.

7 MS. TAYLOR: But there was nothing  
8 attached to that?

9 MR. CUNNINGHAM: No.

10 MS. TAYLOR: I want to be clear on that.

11 MR. CUNNINGHAM: No, no, it was just a  
12 motion to refer back.

13 MS. TAYLOR: Okay. Alright.

14 MR. FOLEY: No public hearing yet.

15 MS. TAYLOR: Good enough. Okay.

16 MR. KEHOE: So, what obviously can be  
17 accomplished by the July 12th meeting is a  
18 thorough response to Mr. Musso's memo and then,  
19 you know, hopefully everything will be in good  
20 order, so.

21 MR. XAVIER: Well, respectfully, that  
22 depends when we get the memo.

23 MR. KEHOE: Right.

24 MR. XAVIER: You say a thorough

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2 response. I don't, I don't know the extent of his  
3 questions, yet, so we'll do our best to respond  
4 fully by then. That's all I can promise right  
5 now.

6 MS. TAYLOR: Okay.

7 MR. SHERIDAN: Thank you.

8 MS. TAYLOR: Alright. Good night.

9 MR. SHERIDAN: Good night.

10 MS. TAYLOR: Alright. We're moving to PB  
11 2022-5, excuse me, I'm sorry. Yeah, the  
12 application of Crown Castle USA, Inc. for the  
13 site development plan approval and a special  
14 permit for a co-location for Dish Wireless on an  
15 existing cell tower located at 3105 East Main  
16 Street. The latest revised drawings are May 18,  
17 2022.

18 MR. ALEC GLADD: Good evening, Al Gladd  
19 from the law firm of Cuddy+Feder, here this  
20 evening on behalf of Dish Wireless. So we were  
21 last here on May 3rd, and just briefly, what Dish  
22 is proposing, they are proposing to co-locate  
23 three antennae at a center line height of 79 feet  
24 on the existing 140 foot tall tower located on

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2 the back side of Cortlandt Town Center and  
3 supporting ground equipment will be placed at  
4 grade within the existing fence compound and no  
5 expansion to the fence compound is required to  
6 accommodate that additional equipment.

7 So we are in receipt of Mr. Musso's May  
8 5th review letter and we did provide a response  
9 on May 26th. As part of that response, we  
10 provided an updated MPE, structural analysis  
11 drawings and Dish's FCC licenses. And I just want  
12 to note too that we are under federal time  
13 constraints to wrap up this application, so we  
14 were hoping maybe it might be done tonight, if  
15 not soon after, and I'm happy to answer any  
16 questions.

17 MR. KEHOE: Mr. Musso might just want to  
18 say a few things for the record.

19 MR. MUSSO: Yeah, thank you. Again, Mike  
20 Musso from HDR. Just wanted to give a brief  
21 overview. Wanted to let you know that I did  
22 submit a technical memorandum today that you'll  
23 get a copy of and the applicant rep will get a  
24 copy of. A co-location on an existing monopole

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2 behind the Home Depot at Town Center, the three  
3 carriers servicing our region right now in order  
4 from top to bottom are T-Mobile, Verizon and  
5 AT&T. Dish is a new carrier in our area. I've  
6 added some background information about Dish  
7 Wireless. There's no on air sites in Cortlandt at  
8 the moment or in this part of Westchester County.

9 But you'll see that in the tech memo,  
10 some of the things I asked for in the May 5th  
11 memo that the applicant rep just referenced have  
12 to do with who dish is, what their build out  
13 plans are, etc. We did receive supplemental  
14 information as noted in late May. We also  
15 received some supplemental structural information  
16 at the end of last week, so our tech memo folds  
17 that all together. There's a series of conditions  
18 in there.

19 The applicant is applying for a site  
20 development plan approval and a special permit  
21 approval from this board. I think the information  
22 that's been provided is complete and appropriate  
23 for this board to consider that. Some of our  
24 recommendations at the end are standard, meaning

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2 best practices at cell sites, some go towards the  
3 building permit phase of the project. We do have  
4 a couple of comments related to the structural  
5 analysis and the drawings, relatively minor that  
6 we feel could be resolved at the building permit  
7 phase of the project.

8 So at this point, I do feel it's  
9 appropriate to complete SEQR if that hasn't been  
10 done and to entertain a draft resolution for the  
11 July 12th meeting. This co-location is not  
12 substantially modifying the cell site from the  
13 FCC's perspective, or from the town code's  
14 perspective. There's no increase in height, no  
15 change in lighting or parking and no change to  
16 the equipment at ground.

17 Our memo reviewed things like the  
18 structural assessment, I have some images,  
19 existing site photos and also some snippets from  
20 the drawing set. You could see exactly what's  
21 being proposed. We also talk about radio  
22 frequency emissions in that report. The site  
23 would remain in full compliance with the FCC's  
24 general population maximum permissible exposure

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2 limit with the Dish approval or addition of the  
3 Dish facility.

4 So I know you have something to digest  
5 here, but I'd be more than happy to assist the  
6 town staff in a resolution if that's something  
7 you want to do and entertain for the July  
8 meeting.

9 MS. TAYLOR: We haven't seen the revised  
10 drawings I think, right.

11 MR. KEHOE: Well, you haven't seen Mr.  
12 Musso's latest technical memo. But in the  
13 technical memo I think you mention that some of  
14 your concerns you're comfortable with addressing  
15 at part of the building permit process.

16 MR. MUSSO: Correct.

17 MR. KEHOE: They're not any new  
18 drawings, there would be a technical memo.

19 MR. MUSSO: Yeah, there were a couple of  
20 minor revisions to the drawings that you have. I  
21 think they were submitted on May 26th.

22 MS. TAYLOR: Okay.

23 MR. MUSSO: As part of that packet. We  
24 just want a clarification about the cross section

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2 of the monopole, and making sure that the  
3 structural analysis and the drawing set jive with  
4 one another. So you do have a slightly revised  
5 drawing set from what you've seen initially.

6 Other than that, there was an update to  
7 the radio frequency emissions report, just  
8 confirming the carriers by name and operations. I  
9 always like to see that and ask for it. And there  
10 was a letter that responded to our comments which  
11 I've also summarized in the memo that you'll see  
12 soon. It was just submitted today.

13 MS. TAYLOR: Okay.

14 MR. ROTHFEDER: Madam Chair, I move that  
15 we refer this back and prepare a resolution, a  
16 draft resolution for the July meeting.

17 MR. KESSLER: Second.

18 MS. TAYLOR: Okay.

19 MR. KEHOE: Yeah, just so on the  
20 question, just so Mr. Musso gets familiar with  
21 our process, which may not necessarily be the  
22 same everywhere is they, the planning board will  
23 complete SEQOR at the time they adopt their  
24 resolution next month.

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2 MR. MUSSO: I see.

3 MR. KEHOE: They don't -- sometimes,  
4 it's split, sometimes, it's kept in the  
5 resolution together.

6 MR. MUSSO: Thank you for that.

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

9 MULTIPLE: Aye.

10 MS. TAYLOR: Opposed? Alright. Okay.  
11 Final item for this evening --

12 MR. GLADD: Thank you.

13 MS. TAYLOR: -- under new business, PB  
14 2022-6, the application of Albert Picarello for  
15 site development plan approval for a proposed 35  
16 X 70 foot metal building located behind existing  
17 Down Cycle Building for property located at 2015  
18 Albany Post Road, the latest drawings are dated  
19 May 25, 2022.

20 MR. JAMES ANNICCHIARICO: Good evening,  
21 Jim Annicchiarico with Cronin Engineering. So our  
22 proposal for Mr. Picarello is to construct a 35 X  
23 70 foot metal storage building, which will be  
24 accessory to his existing bicycle business, Down

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2 Cycles. He's been there for 23 years, virtually

3 no room inside his existing building. He

4 currently has a trailer in the back, a storage

5 container to the side of the building and a

6 temporary carport type structure to the side of

7 the building that he utilizes for storage of

8 bicycles, bicycle parts, things like that.

9 Though, as part of this proposal, if he

10 constructs the accessory building, those

11 structures will be removed. They'll no longer be

12 needed. We don't need sewer or water connections

13 for the building because there won't be a

14 bathroom or anything like that in it. The

15 existing bathroom facility is at the main site

16 will be utilized. They're really -- as I said,

17 it's really for storage. There won't be much else

18 going on in that building itself. There's no

19 increase in the number of employees or things

20 like that. It's solely to make room in his

21 bicycle shop for display purposes for bicycles

22 and things like that. We don't need any

23 variances, we meet zoning all around. And that's

24 essentially it. It's a fairly simple project. I'd

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2 be happy to answer any questions you might have.

3 MS. TAYLOR: It looks pretty  
4 straightforward. I don't think we won't be  
5 running into any problems.

6 MR. KESSLER: You mentioned there's some  
7 issues perhaps from fire or something?

8 MR. KEHOE: Well, no. You and I had  
9 talked about that, I double checked with Martin,  
10 he's already reviewed it, but I mentioned to the  
11 board that the only issue that we saw, which you  
12 have already addressed apparently, to Martin's  
13 satisfaction, is how the fire truck gets up there  
14 and the hose pulls around the building. This has  
15 been referred to code enforcement, but in my  
16 conversations with Martin, he seemed relatively  
17 satisfied with it already.

18 MR. ANNICCHIARICO: Right, Martin and I  
19 had a conversation. Essentially, you can't go  
20 further than 150 feet without having to need a  
21 turnaround for the fire truck. We're well within  
22 that. And then we do have, we've shown on the  
23 site plan that they can pull a hose 150, well,  
24 there's not a point on the building that's any

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2 further than 150 feet from the fire truck pulling  
3 the hoses and it is a metal building.

4 MR. FOLEY: What is the -- in the  
5 pictures you submitted, past the trailer in the  
6 field, is that a house back there? Is that on the  
7 property or an adjoining property, with a dormer  
8 roof, dormer windows?

9 MR. KEHOE: Yeah.

10 MR. ANNICCHIARCO: To the -- there is a  
11 house to the east of the site and there are  
12 houses to the north.

13 MR. FOLEY: But off the site?

14 MR. ANNICCHIARCO: The ones to the north  
15 are pretty far away from the site, the house to  
16 the east is kind of close to the property line.

17 MR. KEHOE: Is that Spice Hill?

18 MR. ANNICCHIARCO: Yes. Spice Hill --  
19 well, Spice Hill is to the west. The house to the  
20 east comes off of the driveway that's right just  
21 to the east of the, of the parking lot of the,  
22 for the site, Down Cycles. So that house, we are  
23 planning on doing some plantings along that  
24 eastern property line to give them a bit of a

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2 buffer. And then immediately to the west of us is  
3 the commercial strip mall building.

4 MR. FOLEY: Across the street from your  
5 entrance?

6 MR. ANNICCHIARCO: No, no, directly to  
7 the west of us.

8 MR. FOLEY: Oh, alright. Cortlandt  
9 Plaza?

10 MR. ANNICCHIARCO: Across the street  
11 from us, I think it's all empty land.

12 MR. KESSLER: Yeah, it's  
13 [unintelligible] [00:47:52].

14 MR. FOLEY: Okay. Cortlandt Plaza is the  
15 one between the restaurant at the bottom of  
16 Furnace Dock Road and the entrance onto Pine?

17 MR. ANNICCHIARCO: I believe you're  
18 right. That's to the east of us, southeast yeah.

19 MR. KEHOE: Yeah, so Jim on your plan,  
20 that's where you're showing all the trees. We may  
21 have some comments about mixing it up a little  
22 with the planting.

23 MR. ANNICCHIARCO: Yeah, that's fine.

24 MR. KESSLER: Ready?

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2 MS. TAYLOR: Please.

3 MR. KESSLER: Madam Chair, I move that  
4 we direct staff to prepare a resolution approving  
5 the application for the next meeting.

6 MR. ROTHFEDER: Second.

7 MS. TAYLOR: Thank you.

8 MR. KEHOE: Yeah, so just on the  
9 question, no public hearing is required so we  
10 believe a project of this scale does not need a  
11 public hearing, however, neither Joe nor myself  
12 has really reviewed this in-depth, so if we come  
13 up with some comments or concerns, we work those  
14 into conditions of the approving resolution.

15 MS. TAYLOR: Okay. Alright. No more  
16 questions? Okay. All in favor?

17 MULTIPLE: Aye.

18 MS. TAYLOR: Opposed?

19 MR. ANNICCHIARCO: That was easy. Thank  
20 you very much.

21 MS. TAYLOR: Alright, very good.  
22 Alright.

23 MR. ROTHFEDER: It's 7:52, we're  
24 adjourned.

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2 MS. TAYLOR: You're right on the money.

3 (The public board meeting concluded at

4 7:52 p.m.)

CERTIFICATE OF ACCURACY

I, Ryan Manaloto, certify that the foregoing transcript of the board meeting of the Town of Cortlandt on June 7, 2022 was prepared using the required transcription equipment and is a true and accurate record of the proceedings.

Certified By



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Date: June 17, 2022

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