

TOWN OF CORTLANDT
PLANNING AND ZONING BOARDS

BOARD MEETING

Nyberg Meeting Room, Town Hall

1 Heady Street

Cortlandt Manor, New York 10567

December 6, 2022

7:00 p.m. - 9:42 p.m.

December 6, 2022

MEMBERS PRESENT:

Loretta Taylor, Chairperson

Thomas A. Bianchi, Vice-Chairperson

Nora Hildinger, Member

Steven Kessler, Member

Jeffrey Rothfeder, Member

Peter McKinley, Member

ALSO PRESENT:

Chris Kehoe, Town Planner

Michael Cunningham, Deputy Town Attorney

Unidentified Male, Consultant

1 December 6, 2022

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: Ms. Hildinger?

9 MS. NORA HILDINGER: Here.

10 MR. KEHOE: Mr. Rothfeder?

11 MR. JEFFREY ROTHFEDER: Here.

12 MR. KEHOE: MR. Kessler?

13 MR. STEVEN KESSLER: Here.

14 MR. KEHOE: Ms. Taylor?

15 MS. LORETTA TAYLOR: Here.

16 MR. KEHOE: Mr. Bianchi?

17 MR. THOMAS A. BIANCHI: Here.

18 MR. KEHOE: Mr. Foley noted as absent,
19 Ms. Decker noted as absent, and I believe Peter
20 McKinley is joining us via Zoom. Can you hear me
21 Peter? There's a mute symbol. Alright. Can you
22 hear me Peter? No?

23 MR. PETER MCKINLEY: [unintelligible]

24 [00:00:44]

1 December 6, 2022

2 MR. KEHOE: Alright. So we heard him,
3 we'll work on the audio, but he did acknowledge
4 that he's here.

5 MS. TAYLOR: Okay. There is a change to
6 the agenda. We will be adding PB 22-19, the
7 Verizon cell tower at Montrose Station Road and
8 then there is another addition, PB 2020-19, which
9 is a request for medications to a storage
10 facility, can I get a motion please?

11 MR. KESSLER: So moved.

12 MS. TAYLOR: Thank you.

13 MR. BIANCHI: Second.

14 MS. TAYLOR: Thank you. On the question?
15 All in favor?

16 MULTIPLE: Aye.

17 MS. TAYLOR: Opposed? Alright.

18 MR. CUNNINGHAM: Before we go any
19 further, Peter, can you say something, just so we
20 can make sure the audio is working? Peter, can
21 you try again?

22 MR. MCKINLEY: Yes, can you hear me?

23 MR. CUNNINGHAM: We can hear you now.

24 MR. MCKINLEY: Okay. So, I couldn't hear

1 December 6, 2022

2 much of what Loretta was speaking about, but I'm
3 back to listening now.

4 MR. KEHOE: Okay. It was just to make a
5 few medications to the agenda, which were talked
6 at the work session, adding Arlo Lane case is the
7 last item under correspondence.

8 MR. MCKINLEY: Thank you. I have a copy.

9 MS. TAYLOR: Okay. Before we begin this
10 tonight, I want to announce that we are losing a
11 board member, Peter, Bob Foley, who is not here
12 tonight, but who is ill and his wife, also, well
13 not tonight, but today had surgery. So he
14 wouldn't have been here anyway. Can't hear me
15 still?

16 Oh, okay. Maybe, okay, should I start
17 again? One of the board members is leaving the
18 board, Bob Foley, he is not here tonight because
19 he is very ill. His wife also went, excuse me,
20 underwent surgery today, and he might not have
21 been here anyway. So, but before we do begin the
22 session tonight, I want to take a moment to
23 acknowledge his contributions to our board. And
24 so I will read into the minutes what I wrote to

1 December 6, 2022

2 him a few days ago.

3 Dear Bob, as we both approach the final
4 days of our service to the planning board, I want
5 to take a moment to thank you on behalf of the
6 board for you many hours of dedication to our
7 mission to provide guidance for and oversight of
8 the many applications the board receives in
9 Cortlandt. I cannot begin to recount the many
10 hours you have worked, the numerous questions you
11 have asked and the tiresome tours we have all
12 taken in search of information we needed to make
13 decisions on a given application. You are well
14 respective for your persistence in the many
15 matters we have had to deal with in our service
16 to the residents of Cortlandt.

17 On a personal level, I want to thank you
18 for your support of me and your kindness always,
19 even when we did not agree on a particular
20 matter. Thankfully, that did not occur often. I
21 wish you, excuse me, I want to wish you a
22 wonderful post board time in your life, a time of
23 peaceful reflection and the opportunity to make
24 easier decisions. Decisions which make you smile.

1 December 6, 2022

2 Please take care. It has been a pleasure to serve
3 with you. Loretta Taylor, Chair. And yes?

4 [applause]

5 MR. BIANCHI: I'd like to also, as
6 Loretta mentioned, tonight's her last night and
7 I'd like to say just a few words to thank her for
8 the many years of service that she has given to
9 the town of Cortlandt and this planning board. As
10 you may know, Loretta has served this planning
11 board for 32 years and was chairperson for 12 of
12 those years. This is an extraordinary achievement
13 and exemplifies her commitment to help make the
14 town of Cortlandt the great community it is.
15 Loretta's timely, thoughtful and probative
16 questions and comments were invaluable in guiding
17 the planning board to make many, many difficult
18 decisions.

19 On behalf of the planning board members,
20 and including Bob, who talked to me today and
21 said he wanted to make sure that he also echoed
22 these comments, could not be here tonight, but I
23 thank Loretta for her excellent service and wish
24 her well in her future. Loretta, we'll miss you.

1 December 6, 2022

2 MS. TAYLOR: I'll miss you too. Thank
3 you. [applause]

4 MR. KESSLER: I can't resist not adding
5 my two cents here. First, let me start with Bob.
6 I don't think there is a person, a member of this
7 planning board, that has, past or present, who
8 has shown such dedication to the town. From his
9 days, his early days when Cortlandt launched to
10 his 25 years here on the planning board. Bob
11 always did his homework, reads all the piles of
12 materials that we get, he even reads the minutes.
13 [laughter] His thoroughness on every application
14 is so evidence, you know, he does not hesitate to
15 reach out to the public, the county, the school
16 boards, and no one is immune from getting calls
17 from Bob at any hour of the day or night.

18 I, I hope someone on this board takes up
19 his gauntlet here in terms of his concerns about
20 the history of the town, traffic in the town as
21 well as the historical nature of the town. And,
22 you know, and the, you know, Bob, I'm sorry
23 you're not here. I wish you all the best. I loved
24 working with you all these years. I've been here

1 December 6, 2022

2 now 33 years, so I've been with him all along,
3 and if I've said anything inappropriate, you
4 know, please correct it in the minutes.

5 [laughter]

6 As for Loretta, what can I say, you
7 know, she's proven to her, to all of us to be an
8 exemplary member of this board, you know, with
9 her 33 years, and as Tom mentioned, 13 years as
10 its chairperson. You know, her dedication, you
11 know, her preparation, her hard work is always on
12 display. She is even handed to both the
13 applicants and the public at all times. And her
14 no-nonsense approach to running these meetings is
15 just so admirable. You know, it's been a pleasure
16 to call you a colleague all these years. And I
17 want to thank you and we wish you all the best in
18 whatever path you choose in the future. Thank
19 you.

20 MS. TAYLOR: Thank you so very much.
21 Thank you. Thank you all. [applause]

22 MR. ROTHFEDER: Let me just add on
23 thing, Loretta, please. So I obviously agree with
24 my colleagues and we're going to lose a lot of

1 December 6, 2022

2 institutional knowledge and a lot of passion for
3 the kind of work we have to do to make decisions
4 and both Bob and Loretta exhibited that
5 constantly worked really hard to be fair to the
6 community, showed their love for the community
7 and the passion and, and the so many years of
8 public service, you know, they showed that
9 they're willing to give back. We're all going to
10 miss them and we're going to miss the knowledge
11 that they brought to every meeting and your
12 leadership, Loretta, and, and we wish them well
13 in their next endeavors. [applause]

14 MS. TAYLOR: Thank you so much. Thank
15 you, Jeff. [applause]

16 MR. KEHOE: I would just like to mention
17 that the town board will be honoring both Loretta
18 and Bob at their town board meeting on Tuesday,
19 December 13th, and it'll obviously be televised,
20 so thank you.

21 MS. TAYLOR: Okay. Thank you so much.
22 Thank all of you, and while I still have a bit of
23 your warm wishes, I just want to say that
24 tonight, I will probably be leaving earlier than

1 December 6, 2022

2 the board will, than the meeting will finish. So,
3 anyway, I just want to thank you all for, you
4 know, being good citizens of Cortlandt and
5 worrying and being concerned about your, your
6 neighborhoods and your community. And sometimes
7 it makes our lives a little more difficult than
8 we would like, but that's not your problem.

9 I want to thank everybody once again for
10 your warmth and your acceptance, and we can get
11 on with the meeting at this point. Okay. The
12 first area in the agenda is our correspondence.

13 MR. KEHOE: The minutes, sorry.

14 MS. TAYLOR: Oh, you know, these minutes
15 I can't remember them. Okay. Can I get somebody
16 to --

17 MR. KESSLER: So moved.

18 MS. TAYLOR: -- moved, yeah this
19 November, the meeting on November 1st.

20 MR. KESSLER: I move, I move we adopt
21 the minutes from November 1st.

22 MS. TAYLOR: Very good, thank you so
23 much.

24 MR. ROTHFEDER: Second.

1 December 6, 2022

2 MS. TAYLOR: Alrightie. On the question?

3 All in favor?

4 MULTIPLE: Aye.

5 MS. TAYLOR: Good.

6 MR. MCKINLEY: Aye.

7 MR. KEHOE: That was Peter.

8 MR. MCKINLEY: That was me.

9 MS. TAYLOR: Okay. Alright. So, All in
10 favor? Yes?

11 MULTIPLE: Aye.

12 MS. TAYLOR: Opposed? Okay. Great. Now,
13 the first item on our agenda is correspondence,
14 and we're dealing with PB 2020-14, November 4,
15 2022, the Cliffdale Meadow Revegetation Report,
16 the fall update.

17 MR. KESSLER: Madam Chair, I move that
18 we receive and file the report.

19 MR. ROTHFEDER: Second.

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

22 MULTIPLE: Aye.

23 MS. TAYLOR: Alrightie, done. The next
24 item is the lead agency designation request from

1 December 6, 2022

2 the Town Board regarding the proposed Annsville
3 Waterfront Enhancement Zoning District.

4 MR. KEHOE: Just for the record, the
5 Town Board is contemplating some zoning changes
6 in the highway commercial zoning district of the
7 town located around Annsville Circle. As part of
8 the State Environmental Quality Review Act, they
9 have declared their intent to be lead agent,
10 simply on adopting the rezoning. It doesn't
11 approve any projects in that area, it's
12 introducing residential apartments or single
13 family homes as a permitted use in that area.
14 They had to circulate it. You're one of the
15 interested and involved agencies. So your only
16 action tonight would be either to object to them
17 being lead agent or permit them to be lead agent.

18 MS. TAYLOR: Alright. Peter, do you want
19 to --

20 MR. MCKINLEY: Sure. So I would like to
21 make a motion that we the Planning Board have no
22 objection to the Town being named the lead agency
23 for the Annsville rezoning project.

24 MR. BIANCHI: Second.

1 December 6, 2022

2 MS. TAYLOR: Alright. On the question?

3 All in favor?

4 MULTIPLE: Aye.

5 MS. TAYLOR: Opposed? Alright, and just
6 for the sake of those of you who may not have
7 heard, there is, we're giving no objection to the
8 Town Board becoming the lead agency. Alright,
9 moving along to 16, PB 16-99, a letter dated
10 November 22, 2022 from William Canavan of
11 HydroEnvironmental Services, Inc., describing
12 requested modifications to the Hollowbrook Water
13 Monitoring Protocol.

14 MR. KEHOE: Loretta, that's the one
15 that's actually been pulled from the agenda.

16 MS. TAYLOR: Was it?

17 MR. KEHOE: Yeah.

18 MS. TAYLOR: Okay. Alright.

19 MR. KEHOE: You know, they're still
20 negotiating and the water testing doesn't start
21 back up until the spring, so we're going to have
22 a staff level meeting with the consultants and
23 it'll be back either in January or February.

24 MS. TAYLOR: Alright. Alright,

1 December 6, 2022

2 excellent. Jeff, this is, we're going to do the
3 adoption of the planning board meeting schedule.

4 MR. ROTHFEDER: Yeah, I move that we
5 approve the 2023 planning board meeting schedule.

6 MR. BIANCHI: Second.

7 MS. TAYLOR: Alright.

8 MR. BIANCHI: On the question, the first
9 meeting is January 10th?

10 MR. KEHOE: Yeah, some of the drafts
11 floating around might show it as January 3rd, but
12 we agreed to change it to January 10th. The other
13 thing to note, which has become more commonplace
14 recently, is most of the meetings will hold the
15 work session and the regular meeting on the same
16 night. We had done that for years, and then
17 recently we had been separating them, but we're
18 going back to one meeting.

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

21 MULTIPLE: Aye.

22 MS. TAYLOR: Opposed? Alright. So that's
23 done. The final item under correspondence is a
24 letter dated November 29, 2022 from Ron Hoina.

1 December 6, 2022

2 requesting minor modifications to a storage
3 facility at 23 Arlo Lane.

4 MR. KEHOE: We discussed this at work
5 session, I don't believe any issues with it. You
6 approved what we believed was going to be several
7 small self-storage units in this building on Arlo
8 Lane and when it went for a building permit, it
9 had changed a little bit to show really just big,
10 two big areas and the code enforcement office
11 wanted you to look at it again. We discussed at
12 the work session half of it is sort of
13 traditional storage, I think for dry goods and
14 clothing and things like that and the other half
15 is to be used by the owner, and I think in the
16 letter it said machinery, water heaters, things
17 like that, so staff is okay with it.

18 MS. TAYLOR: Is the owner --

19 MR. KEHOE: Mr. Hoina is the architect.
20 He's on the Zoom call if you need to speak with
21 him.

22 MS. TAYLOR: Yeah, I have one quick
23 question, I don't know, did you have something
24 that you wanted to ask?

1 December 6, 2022

2 MR. ROTHFEDER: No, I didn't.

3 MS. TAYLOR: Okay. For the tenant,
4 excuse me, for the owner's space, he's got that
5 he's going to do water heaters, does this mean
6 vacuum pumps, sump pumps, HVAC units, there will
7 be no shelving or stacking. Uh, how do, how do
8 you store this stuff?

9 MR. RON HOINA: Hi, this is Ron Hoina.
10 I'm the architect. It, it's, it's, the purpose of
11 that note is so that you understand it won't be
12 stacked vertically, there won't be any dense
13 storage. He's going to store some of his
14 equipment, his materials there that they use for
15 their business. So water heaters come in, they
16 come in five and six at a time, and they'll be
17 stored just in boxes, on the ground, you know,
18 like they would be installed in their ultimate
19 location. They'll be vertical, just standing up.
20 The same with the other equipment, pumps come in
21 boxes, they could come on a pallet, but they
22 won't be stacked multiple pallets, it would just
23 be low, low density storage.

24 MS. TAYLOR: Okay. If that'll work for

1 December 6, 2022

2 you, I guess. It just sort of seems strange that
3 you have a storage area and you don't have any
4 shelving or stacking, it just seems a little
5 strange. Okay.

6 MR. BIANCHI: Madam Chair, I move that
7 we approve this requested change by this motion
8 on the modifications to the storage area.

9 MR. ROTHFEDER: Second.

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

12 MULTIPLE: Aye.

13 MS. TAYLOR: Opposed? Okay. We're moving
14 now to the adjourned public hearing. It is PB
15 2022-4, the application of the Gurdjieff
16 Foundation of New York for the property of the
17 Danish Home for the Aged, Inc., for site plan
18 approval and a special permit for a nonschool
19 curriculum program use of the property located at
20 1065 Quaker Bridge Road East, latest drawings,
21 November 21, 2022.

22 MR. TOM MANNING: Thank you, good
23 evening. I'm Tom Manning. I'm one of the trustees
24 of the Gurdjieff Foundation of New York. With me

1 December 6, 2022

2 here tonight, Joe Giannola and Diane Delvecchio
3 are also trustees of the Foundation. I wanted to
4 thank the Board for hearing our application.
5 We've, some of us have met and I know some of you
6 have visited the Danish Home a while back.

7 It's, on this occasion, I had similar
8 positions that I retired from several years ago
9 in a much, much smaller municipality and I'm very
10 appreciative of the work that goes into the
11 service that both Chairperson Taylor and Mr.
12 Foley have provided. Thank you for that.

13 We're happy to see also that there are
14 some of our, the neighbors that live in the
15 vicinity of the Danish Home here. We've had over
16 the past months, opportunity to speak with them.
17 We've had meetings with them, we've had some
18 phone conversations, we've had some email
19 exchanges, and we've been listening to the
20 concerns and ideas that they've brought in those
21 contacts, and we've tried to include a number of
22 those in our submission to the board.

23 We, we came upon the Danish Home, we had
24 a property in Sullivan County, and we realized

1 December 6, 2022

2 that it was time to look for a property closer to
3 New York City and the Danish Home when it came on
4 the market was clearly a property that's well
5 suited to our needs. And we're hoping that, we're
6 looking forward to being, being there and being
7 part of the community here.

8 And I will let our planning, Matt
9 Steinberg give you the details of our submission,
10 fill out what may be in between the lines of what
11 we've submitted so far. Thank you.

12 MR. MATT STEINBERG: Good evening, Matt
13 Steinberg with the firm DTS Provident. I'm just
14 going to briefly go through our latest submission
15 that we've submitted to the board this past
16 November. We previously appeared before this
17 board in March and in May, and since that time,
18 the Foundation has had the opportunity to meet
19 with a number of the nearby neighbors and the
20 abutting property owners, and have some
21 discussions, which I believe have been
22 productive.

23 As Tom mentioned, the applicant, they
24 intend to use the existing facility and grounds,

1 December 6, 2022

2 generally as is, with no proposed site
3 disturbances. What Chris has brought up is the
4 site lighting plan that we submitted most
5 recently and the Foundation has taken a look at
6 the lighting, because they were asked to do so,
7 and identified a number of locations where there
8 are existing floodlights and they intend to
9 convert those to more of a down light style
10 fixture. And based on their needs, you can see
11 that they're located along the main driveway, up
12 at the guesthouse, adjacent to the existing paved
13 parking area, and down by the garage and barn.
14 They don't, they don't feel like they'll need the
15 floodlights so they've picked a fixture or
16 similar that would focus light downward. It would
17 be, it would meet the standards of the Dark Sky
18 Association, which essentially shields it from,
19 from uplight and any light trespass beyond the
20 area that the light is intended to throw light
21 upon.

22 They've also, in discussions with the
23 adjacent property owners, discussed future plans,
24 and even though they have no future knowledge of

1 December 6, 2022

2 what they would want to do, they've, they've made
3 a commitment that any new construction or
4 additions would be limited to about 10,000 square
5 feet to provide them with a better configuration
6 of meeting space. But there's no, there's no
7 current plans, so that's just a potential
8 thought, but they wanted to express that to the
9 neighbors.

10 That location would be to the north and
11 west of the existing structure, which on the site
12 is about 900 feet from the adjacent property line
13 to the south, about 200 feet to the west, sorry
14 to the east rather, and then a significant
15 distance to the west, to the aqueduct parcel.

16 Chris, if you could switch to the next
17 slide. So, there's also been some discussion on
18 preservation of the land under the proposed use.
19 As illustrated on this drawing, the applicant
20 proposes a couple of mechanisms to protect, to
21 preserve the land. And I'm actually going to ask
22 Ken Stenger, the, their attorney, their land use
23 counsel, to, to step up and just describe briefly
24 the tools that they intend to use to preserve

1 December 6, 2022

2 that land.

3 MR. KEN STENGER: Thank you. Thank you.
4 It's a pleasure to be here this evening, Madam
5 Chairperson. So what we're going to do here, or
6 what we proposed do to, is you see the blue
7 check, you see the blue check, kind of like a
8 buffer that runs up and down and into the right
9 is a larger green parcel. The concept here is
10 very important. It's very important to understand
11 the subtlety of how we want to manage this. The
12 blue check is something that we would impose a
13 declaration on our land that would run with the
14 land forever. Nobody would have an opportunity or
15 an ability to remove it, modify it. Once done,
16 it's there forever. It's what we call it is a
17 non-disturbance declaration.

18 Lawyers have a million names for the
19 same thing, but this is pretty important, that
20 distinction. A declaration is a self-enforcing
21 easement where you give the power to, you declare
22 it, so now it's forever, it can never be changed,
23 it can never be built in, it can never be
24 disturbed. The enforcement mechanism we propose

1 December 6, 2022

2 would be to allow the town to have the right to
3 enforce the declaration if it chose to do so, and
4 if it was required to do so, that it would do so
5 at the expense of the landowner, I mean the
6 landowner. If it's not Gurdjieff, if it's
7 somebody else afterwards, it will be there
8 forever, no one will ever be able to take it away
9 or modify it. That's what a declaration does.

10 It doesn't involve any third, it doesn't
11 involve giving an easement to some third party,
12 it involves declaring it forever. And that's what
13 we propose to do with that piece there.

14 Now, the part that's green, the larger
15 parcel, and the thing to keep in mind is that
16 when we propose a declaration, we propose
17 forever, that land will be bound no matter who
18 owns it when we go to -- if and when it ever goes
19 to market, it'll go subject to that declaration.

20 The larger piece is also subject to our
21 agreement, well, our desire, our consent, our
22 proposal that as a condition of the special use
23 permit that that land, that area of land shown
24 remain undisturbed as a condition of the special

1 December 6, 2022

2 use permit, which would give the town and this
3 board full enforcement authority over that
4 particular condition. And the, and the, the only
5 difference really between the two approaches, and
6 I've read some correspondence that came in to my
7 desk, over my desk today, and there was a
8 discussion in one letter of a potential easement
9 that would terminate if and when the special use
10 permit was no longer in force or effect.

11 And it's the same concept. Except mine's
12 a little, I think, a little less heavier. This
13 board, we, our application submitted to you asked
14 you to do this, can create a condition on the
15 special use permit that that area show there
16 remain without disturbance. And that it remain so
17 for the entirety for the life of the special use
18 permit was either abandoned or no longer in force
19 or effect that restriction on those acres would
20 no longer exist because the use would no longer
21 exist. And so that portion of the property would
22 be free to be looked at again if and when the
23 special use permit is no longer in force or
24 effect.

1 December 6, 2022

2 You know, so, so there's a distinction.
3 But I think we give, I'm hoping that what we came
4 up with satisfies anyone's concern about what
5 that's going to look like. The buffer is forever.
6 It never gets changed, nobody can change it. You
7 can't -- and the town will have the opportunity
8 to enforce the buffer in our proposed declaration
9 if the town wants to do so. They don't have an
10 obligation but the town can and will have the
11 opportunity to do it. That is quite frankly the
12 model I try to use wherever we try to do
13 something like this, because we find that letting
14 the town look at it, you just have a more
15 universal point of view as to what needs to be
16 done there to protect that land.

17 And so, that we did. And we have done a
18 very similar thing with the green section but
19 that being that that restriction would end when
20 the special use permit ended, which would mean my
21 client's current use would end as well. So I just
22 wanted to make those points very clear. I know
23 that this is a concern for people that live
24 around there. We're hoping that we've address

1 December 6, 2022

2 those concerned and in fact, we hope that what we
3 propose makes people feel comfortable with what
4 we're trying to do there, because that is why we
5 put that buffer in there, to, to respect our
6 neighbors and to assure them that not only do we
7 bring this project to the table, anybody whoever
8 buys that land will never be able to change that
9 buffer, that blue buffer will always remain
10 undisturbed. Thank you. If there's any questions,
11 you can ask me whenever you wish, but thank you.

12 MR. ROTHFEDER: Wait one second. I have
13 a question. So, and when you say non-disturbance,
14 nothing is going to be done to that land?

15 MR. STENGER: No.

16 MR. ROTHFEDER: At all. Now, do you
17 expect that it'll be used at all though as,
18 potentially as recreationally or trails?

19 MR. STENGER: We're not proposing that.
20 And I do want to say when you make a non-
21 disturbance area, you make, you make provision
22 for general arboreal maintenance, so dead trees
23 may come out of there, but otherwise, nothing.

24 MR. ROTHFEDER: So that, one question

1 December 6, 2022

2 before you answer the rest. Who's going to be
3 maintaining that?

4 MR. STENGER: We would be maintaining
5 that. Whoever owns it --

6 MR. ROTHFEDER: So you would be
7 responsible to maintain it?

8 MR. STENGER: Yes, whoever owns it would
9 be responsible for it.

10 MR. ROTHFEDER: Okay.

11 MR. STENGER: Creating trails it was a
12 step further on the liability scale that I really
13 didn't think, I couldn't get there yet, I
14 couldn't get there.

15 MR. ROTHFEDER: Couldn't get there?

16 MR. STENGER: Well, there was a
17 liability issue that I wasn't sure exactly how to
18 address.

19 MR. ROTHFEDER: So you're not going to
20 let people on the property? I mean that follows
21 from that.

22 MR. STENGER: No, I don't, I don't want
23 to say that because I think you're going to hear
24 that there's programs in which people will be.

1 December 6, 2022

2 MR. ROTHFEDER: No, I mean, people, the
3 public.

4 MR. STENGER: They will be the public.

5 MR. ROTHFEDER: Well, no --

6 MR. STENGER: I will let them speak to -

7 -

8 MR. ROTHFEDER: -- someone that's not
9 coming for a Gurdjieff program.

10 MR. STENGER: In this area, in this area
11 we've described, we have no plans for creating
12 hiking trails or inviting people to walk through
13 those woods. There are liability issues that are
14 attendant with that, that we've considered
15 carefully and I just couldn't find a way there.
16 It doesn't, I couldn't find a way there. And
17 quite frankly, it was that, it was that kind of
18 balancing of what we can do and what we can't do
19 here that resulted in that buffer. That buffer
20 has got significant value to the neighbors, to
21 the people who live there.

22 MR. ROTHFEDER: Oh, you mean in terms of
23 being a buffer, as a buffer?

24 MR. STENGER: Yeah. Yeah, yeah, yeah.

1 December 6, 2022

2 MR. ROTHFEDER: Yeah.

3 MR. STENGER: I mean that's a big deal,
4 because, you know, you may, there may be another
5 developer someday who comes in and says no, we
6 want to, we want to build housing there.

7 MR. ROTHFEDER: Right. And that buffer
8 will still exist, yeah.

9 MR. STENGER: And that buffer is there.
10 They can't, they can't put a road through it,
11 they can't put a driveway through it.

12 MR. ROTHFEDER: Right.

13 MR. STENGER: They can't do anything
14 with it.

15 MR. ROTHFEDER: Right. So again, just to
16 make clear. I understand the liability issues.
17 So, you're going to actually prohibit the public
18 from coming there, and I'm not saying that in
19 some kind of punitive fashion, but that
20 [unintelligible] [00:32:45].

21 MR. STENGER: I think the best way, Mr.
22 Rothfeder for me to say is we're not going to
23 create walking paths in those areas. That I think
24 is the, the cleanest and narrowest way for me to

1 December 6, 2022

2 say what will happen in that area. I'm not here
3 to speak as to the other areas, which I think you
4 will hear about programs --

5 MR. ROTHFEDER: Right.

6 MR. STENGER: -- and functions that will
7 be designed to invite the general public. So --

8 MR. ROTHFEDER: Basically, there's going
9 to be no trespassing on that property?

10 MR. STENGER: No, I, well no, I would
11 suspect not, but I don't suspect anyone is going
12 to be out there watching the fences to see who
13 walks through it either.

14 MR. ROTHFEDER: But officially.

15 MR. STENGER: There's a difference
16 between --

17 MR. KESSLER: No electric fences is what
18 you're saying?

19 MR. STENGER: Correct. Correct. I mean
20 there's a difference between, it's funny right,
21 because there is a statute in the general
22 obligations law of when you hold your lands open,
23 you can, you can, you have some insulation for,
24 from the liability issue, but if you build hiking

1 December 6, 2022

2 trails, then you incur the liability because
3 you've created the facility.

4 MR. ROTHFEDER: Right.

5 MR. STENGER: And the you're, it's up to
6 you to maintain it, and then if you don't
7 maintain and somebody falls and breaks an ankle
8 then there's a lawsuit, so, which is where I come
9 in, but not on both sides of the deal. But that's
10 what we're looking at. We're not --

11 MR. ROTHFEDER: And so again, the
12 special permit would only end obviously if you
13 guys stopped doing the programs you're doing, and
14 don't want to renew the special permit or if you
15 sell the property, right?

16 MR. STENGER: Correct.

17 MR. ROTHFEDER: Yeah, okay.

18 MR. STENGER: We can't function without
19 the special use permit and if we are operating
20 under the special use permit, it's our idea to
21 make a condition of that special use permit to be
22 that restriction on that green portion.

23 MR. ROTHFEDER: Right.

24 MR. STENGER: That non-disturbance

1 December 6, 2022

2 approach to that. So that folks who live around
3 that will always see woods.

4 MR. ROTHFEDER: Mm-hmm.

5 MR. STENGER: As long as we're there,
6 they'll always see woods. And because we're
7 there, they will always have that buffer no
8 matter who is there, and that's a big deal I
9 think.

10 MR. KESSLER: So my question is for Mike
11 I guess. In what he's describing here for this
12 non-disturbance declaration for this bugger, is
13 that consistent with our definitions?

14 MR. CUNNINGHAM: I'm fine with it being
15 a declaration rather than conservation easement.
16 I don't see a real legal issue with that.

17 MR. KESSLER: And that's within the
18 framework of how we define things in the town?

19 MR. CUNNINGHAM: Yes. Yes. I believe we
20 actually did something similar on the Milau
21 [phonetic] project, which ended up being a
22 conservation area that they declared rather than
23 having an outside organization come in and have a
24 conservation easement.

1 December 6, 2022

2 MR. KESSLER: Okay. Thanks.

3 MR. ROTHFEDER: Okay, thank you.

4 MR. STENGER: Thank you very much.

5 MR. STEINBERG: I apologize. I probably
6 should have describes the areas a little bit
7 first. So real briefly, the blue area that Ken
8 was speaking about, that is about approximately
9 three acres in size, it runs about 1,200 feet in
10 length along that southern property boundary and
11 it's about 100 feet deep at its, at its minimum.
12 The green area is approximately 19 acres in size,
13 and in relationship, the property itself is 48
14 acres, so it's not quite half, but it's a
15 significant amount. That, that runs along the
16 entire length, or essentially the balance beyond
17 the blue from the south to the north along the
18 entire Old Croton Aqueduct parcel and obviously
19 that's a significant state and local resource, so
20 the intention is obviously as part of this
21 special permit to preserve that not only as woods
22 and habitat but also as a view shed for the
23 neighbors and anyone who enjoys the aqueduct
24 trail.

1 December 6, 2022

2 MR. ROTHFEDER: What kind of shape is it
3 in now? Do you know, that part of the property?

4 MR. STEINBERG: The part of the
5 property, I mean, there's a number -- it's
6 obviously very wooded, there are some steep
7 slopes on that property. Otherwise, the Danish
8 Home really hasn't --

9 MR. ROTHFEDER: Are the trees in good
10 condition or, are a lot of invasives there? Could
11 you [unintelligible] [00:36:52]?

12 MR. STEINBERG: You know, we have not
13 done a study on that one, and, you know, the
14 Foundation may, as part of what Ken described,
15 want to take a look to see if there's anything
16 that could hurt the natural environment for other
17 species. That would be part of that maintenance
18 activity. Obviously, the intention would not to
19 be to remove anything that is native or at least
20 non-invasive, even if it's not native.

21 MR. ROTHFEDER: Right.

22 MR. STEINBERG: But if there's something
23 that, you know, was going to cause harm to other
24 parts of the habitat, then that would be

1 December 6, 2022

2 something that would be part of maintenance.

3 MR. ROTHFEDER: I think it would be a
4 good idea to get a baseline, of where, you know,
5 what kind of shape it's in now, so when you're
6 look at the preservation and the maintenance, you
7 know, we can compare back against something, or
8 even to talk about what needs to be done to it.

9 MR. STEINBERG: Sure, no, that's
10 understandable.

11 MR. KEHOE: It may not be called a
12 conservation easement, but depending on how it
13 goes, you may want to develop a monitoring
14 protocol like we do on other things, have the
15 applicant fund a relatively small escrow account
16 for our consultant to go out and take a look at
17 it.

18 MR. ROTHFEDER: Yeah, that's what I was
19 thinking.

20 MR. STEINBERG: Right. As Ken described
21 it, how the legal term is different from what
22 your condition obviously could be.

23 MR. ROTHFEDER: Right.

24 MR. STEINBERG: So Ken alluded to, so

1 December 6, 2022

2 the foundation, we had submitted in the packet

3 and we had submitted earlier and did some

4 revisions and we -- there's some discrepancies

5 that we heard from so they'll -- we can update

6 that as well. But the -- we submitted a sample

7 annual calendar, which, you know, was their,

8 their estimate of the types and frequency of

9 programs based on their experience at their other

10 facilities and what their membership is looking

11 to do at this particular location. So as part of

12 those programs, what they would like to do is

13 have one or two workshops annually that members

14 of the public may be invited to and that would

15 be, you know, select members and that would all

16 fit within that same attendance range, so if

17 there's a range on one of those programs that has

18 a certain number, any members of the public would

19 fit in that range, it wouldn't, you know, they

20 would work that out. And that those programs may

21 include when they invite the public programs that

22 support an awareness and appreciation for the

23 natural environment, and, you know, really

24 enjoying the property for the reason why the

1 December 6, 2022

2 Foundation wants it and why it's important to
3 create this area so that those, those particular
4 members of the public, you know, would have the
5 access that I think Ken was talking about, you
6 know, not just necessarily the public at large.

7 That said, you know, there's no proposal
8 to, to put any fencing on the property or around,
9 around the boundary.

10 In terms of the programs that the
11 applicant has described, we submitted a full
12 traffic study for the project based on those
13 programs at the request of this board's traffic
14 consultant. We analyzed the traffic and parking
15 at a very conservative way. We didn't, without
16 factoring any carpooling or train ridership. That
17 was their request, so that's what we prepared.
18 The result of the analysis showed that at area
19 intersections, the level of service would remain
20 at A, which is a satisfactory, very satisfactory
21 level of service. However, based on the
22 discussions with the neighbors, the Foundation
23 has proposed to implement a number of measures to
24 further reduce the vehicles entering and exiting

1 December 6, 2022

2 the site. That's, we described it further in our
3 submission, but I'll just briefly touch upon
4 them. It includes limiting parking on the site to
5 50 vehicle from the majority of events, to set up
6 carpooling for programs with more than 30
7 participants, to use a van when activities would
8 have more than 75 participants. And kind of in
9 combination with this, both of those measures to
10 encourage the use of Metro North and the Croton
11 Train Station in conjunction with the carpooling
12 and the van, so if they set up a van, then
13 obviously, it would, you know, they would try to,
14 they would schedule it so that enough people show
15 up and then the van isn't obviously making too
16 many trips to receive folks.

17 There's no staff proposed. I think we
18 described in an earlier presentation that the
19 members of the foundation try to do as much
20 maintenance on the site as they can do during
21 their programs. Otherwise, you know, they would
22 hire a local contractor to do select items. There
23 may be a caretaker who would reside on the
24 property for the majority of the, essentially,

1 December 6, 2022

2 you know, if you look at the calendar, you know,
3 the programs take up about a third of the days on
4 the calendar. So two-thirds of the time, the only
5 folks coming and going might be the caretaker or
6 their family. Otherwise, the programs, the
7 majority of programs have less than 20 attendees.
8 There's less than two dozen that have 20 to 75
9 attendees, and then those are the points where
10 they would have their members, when they're
11 planning a program, they would incorporate a
12 transportation coordinator, just like they would
13 incorporate somebody who plans what programs
14 they're going to have during that weekend or
15 week, what food they're going to need to buy to
16 feed folks. They would have a transportation
17 coordinator to help coordinate that carpooling
18 and van usage.

19 So that's essentially an update of what
20 we had submitted. I'm happy to answer any other
21 questions. Otherwise, I know you, this is a
22 public hearing.

23 MR. BIANCHI: I just have a question on
24 the parking. If I'm reading this correctly, it

1 December 6, 2022

2 says that the capacity for onsite parking is 135.

3 MR. STEINBERG: Correct. So we had
4 looked, based on similar to the traffic, you
5 know, a conservative approach to look at what
6 Danish Home had been historically using for
7 parking and that's a combination of the existing
8 paved parking spaces, which are located on up at
9 the main home, the main building and then down at
10 the garage barn area, and then additional
11 overflow parking along the roadway, the internal
12 roadway between the barn and the main house. And
13 then down in the grass lawn area by the barn and
14 the garage itself.

15 So similar to traffic because we were
16 taking a conservative approach to show that
17 should no carpooling or van transit be utilized
18 and their biggest program had that many cars,
19 they could be accommodated on site, they wouldn't
20 spill over onto adjoining neighbors. I know that
21 is obviously a bigger deal when it's a smaller
22 site. This is a very, very large property. But we
23 did this exercise to show that they could be
24 reasonable accommodated, they wouldn't be all

1 December 6, 2022

2 over the property, they wouldn't be out on the
3 lawn, they wouldn't be surrounding the building.
4 But that essentially, that's what it was, it was
5 an exercise, but the Foundation itself has
6 described how they intend to handle the parking
7 and staff.

8 MR. BIANCHI: You have a number of
9 events that are 50 to 100 people during the days,
10 weekends and during conferences. And you
11 committed to utilizing a van for more than 75
12 participants, events with more than 75
13 participants?

14 MR. STEINBERG: That's what the
15 Foundation has agreed to.

16 MR. BRESSNER: So, I guess the question
17 is how do we enforce that? How do we know that
18 that's occurring? Is there a way that we can
19 monitor that?

20 MR. KEHOE: Well, similar to other
21 discussions, if it's ever approved, it's a five-
22 year special permit. Maybe it could be similar to
23 the yeshiva, we send the fire inspector out to
24 the yeshiva every year to do an internal

1 December 6, 2022

2 investigation.

3 MR. BIANCHI: Yeah.

4 MR. KEHOE: So we would send the code
5 officials out there, and then maybe they have to
6 come back after the first year to update the
7 board.

8 MR. BIANCHI: But couldn't we also have
9 them count the cars for their events and report
10 that to us?

11 MR. KEHOE: Yeah, you have that latitude
12 under the special permit to require some of --

13 MR. BIANCHI: Yeah, periodically, that's
14 what we did with Brookfield and everything else,
15 just report back on activity and impacts. So what
16 we're asking basically is to have you provide to
17 us on an annual basis maybe, I don't know what
18 the frequency is, but a report that indicates --

19 MR. STEINBERG: Yeah, I think that --

20 MR. BIANCHI: -- parking activity, the
21 traffic activity.

22 MR. STEINBERG: Sure.

23 MR. BIANCHI: The parking
24 accommodations.

1 December 6, 2022

2 MR. STEINBERG: Sure. That could be,
3 they could incorporate it into their programs
4 that they would, they would keep track of the
5 number of cars that were coming and going and how
6 many were parked on the site, certainly.

7 MR. BIANCHI: I'm concerned that if 135
8 cars are going in and out of the site, that's a
9 lot of traffic.

10 MR. STEINBERG: No, and that was, that
11 was --

12 MR. BIANCHI: And that was the objective
13 is not to increase the traffic flow at this
14 facility.

15 MR. STEINBERG: Right. And that's the
16 foundation's objective as well, so. Thank you
17 very much.

18 MS. TAYLOR: This is a public hearing.
19 If there is anyone here who has a comment for or
20 against this application, please come up, state
21 your name and your residence.

22 MR. ERIC ANDERSON: Mr. Rothfeder, I'm
23 Eric Anderson, the executive director of the
24 Danish Home and maybe I, just before I read a

1 December 6, 2022

2 statement here, maybe I can address your
3 questions about the southern tier there of the
4 property. So the home has been on the property
5 for 70 years, and it's never been tended up
6 there, so that's aging forest. We lost the
7 hardwood between Sandy and another storm so
8 really what you're looking at are what the
9 remnants from ash blight, aging hemlocks,
10 tremendous amount of vine. We have an outbreak of
11 devil's walking stick, which takes more of my
12 time than anything else out in, you know, for
13 maintenance, aralia spinosa and then all the
14 other multiflora rose and the rest of it. So,
15 it's mostly low brush to clear, but that area
16 hasn't been maintained in 70 years. I've been
17 there 19 years, and I hadn't been back in that
18 part of the property for, until a year ago.

19 MR. ROTHFEDER: That's in the buffer
20 area you say?

21 MR. ANDERSON: Well, the buffer area and
22 the green area, the blue and green.

23 MR. ROTHFEDER: And the green area as
24 well?

1 December 6, 2022

2 MR. ANDERSON: Yeah.

3 MR. ROTHFEDER: Okay.

4 MR. ANDERSON: Yeah, yeah. We just, our
5 mission was taking care of our residents.

6 MR. ROTHFEDER: Right.

7 MR. ANDERSON: And unless they took a
8 [unintelligible] [00:48:05], we didn't have to go
9 up there and look for them.

10 MR. ROTHFEDER: Right. So it needs work?

11 MR. ANDERSON: Pardon?

12 MR. ROTHFEDER: It needs some work?

13 MR. ANDERSON: Oh, it needs a lot of
14 work, yeah. If you were to do --

15 MR. ROTHFEDER: That's good to know.

16 MR. ANDERSON: -- if you were to utilize
17 it, it would need work, right. So, I'm Eric
18 Anderson. I'm the executive director, board
19 member and a past board president of the Danish
20 Home for the Aged and a 35 year resident of the
21 town. 1065 Quaker Bridge Road East is zoned
22 single family residential, but has not been a
23 private residence for 75 years. After all, what
24 single family would need 40,000 square feet with

1 December 6, 2022

2 30 bedrooms. Interestingly two of our three full
3 asking price as is, where is cash offer buyers
4 represented themselves as such.

5 Thirteen months ago, the Danish Home
6 board chose to contract with the third buyer, the
7 Gurdjieff Foundation, because of their clarity of
8 purpose, candor and enthusiasm for their
9 potential use for and location of the Danish Home
10 property. As part of our sales process, we
11 recognize the meaningful support the town of
12 Cortlandt provided the home in our 70 years here,
13 by naming the town's senior services program a 35
14 percent beneficiary of this property's net sales
15 proceeds, the largest single beneficiary of the
16 sale.

17 Initially, almost \$1 million, as closing
18 has been delayed, this benefit is being degraded
19 by our running expenses at direct cost to town of
20 Cortlandt taxpayers. The Danish Home Board has
21 fulfilled its obligation to the community and
22 attempted to preserve our 120 year legacy by
23 choosing a responsible buyer and accommodating
24 numerous delays. We're approaching expiry of the

1 December 6, 2022

2 fifth purchase contract extension with the
3 Foundation. We know that based on the remarkable
4 concessions agreed to with a motivated neighbor
5 coalition, they are still anxious to obtain the
6 property. And we are past due to leave the
7 property, then dissolve our charity.

8 To those who counsel be patient a little
9 while longer, our recent five and a half year
10 cell tower ordeal with some of the same advocates
11 involved here doesn't encourage any sense that
12 being so close is actually close to any
13 conclusion. And those delays are a direct expense
14 to you and I as taxpayers. In this critical
15 aspect, the home's sale is unlike Hudson Wellness
16 Center, Sunshine Children's Home or the Danish
17 Home cell tower, where a delay does not defer
18 revenues, it accrues lost community fiscal
19 support.

20 We ask the planning board to exercise
21 its experience and knowledge based judgment on
22 the special permit application without delay.
23 Planning and Gurdjieff have each hired
24 professional traffic consultants. Gurdjieff and

1 December 6, 2022

2 the neighbors have negotiated and incorporated
3 restrictive concessions significantly lower than
4 capacity data allows. We can comment that
5 Gurdjieff's agreed to traffic use is much less
6 than any of our other inquiring parties who are
7 willing to share traffic and parking projected
8 needs.

9 If you're not satisfied that the
10 Foundation is the right steward on presently
11 negotiated terms, please decide soon. The home's
12 board will move on, an action unlikely to benefit
13 the neighborhood and at significant further cost
14 to the town's taxpayers. Thank you. Do you have
15 any questions for me? Thank you.

16 MR. TOM SECUNDA: Good evening, I'm Tom
17 Secunda, 62 Teatown Road and actually I'm a fan
18 of this proposal, with the only caveat that
19 things have to be spelled out a little bit
20 clearer in the special permit. I'd like the town
21 attorney to look at the language that's being
22 used for the green belt that they talked about,
23 that it truly is enforceable and understood,
24 because it's a little bit different than what you

1 December 6, 2022

2 usually see when people go and propose an
3 easement of sorts. But to the extent that this
4 concept is enforceable and correct, which
5 includes maintenance and the other kinds of
6 things that have to happen in a green belt,
7 that's fine.

8 The other thing is in, when you look at
9 their proposal, they talk about doing carpooling
10 and vanning, but they don't talk about how that
11 would affect traffic. So for instance, if you
12 have a program of 30 people, 30 cars aren't a big
13 deal, but if they were doing carpooling, you
14 would expect less cars than that. So we came up
15 with an idea of the concept of maybe for every
16 four people coming to a thing, there would be one
17 car, and that would take care of small events and
18 large events, so some concept that more than just
19 a statement I'm going to use vans, I'm going to
20 use carpooling, something that sort of enforces
21 the concept of carpooling. And obviously, if
22 there's a group of ten people coming, you know,
23 you could say ten cars we don't even think about.
24 But as those programs get bigger, it would be

1 December 6, 2022

2 nice to encourage, more than encourage, to
3 enforce in some way some concept of carpooling to
4 minimize traffic.

5 I understand that 50 cars doesn't sound
6 like a lot of cars, but remember they all come
7 within 20 minutes. Now, we have a single lane
8 bridge that goes across the Croton River. If
9 you're on one side and 30 cars are coming from
10 the other, you're going to sit there for 45
11 minutes before you can get across the river. So
12 again, I think some concept of, based on the size
13 of the event, some concept of how many cars
14 should support that size of event.

15 Another concept which we've talked a lot
16 about is they said that during the week long
17 programs there wouldn't be a lot of transport in
18 and out, because if you have 80 people spending a
19 night there, and everybody is coming in the
20 morning and leaving at night, which they say is
21 not going to happen, becomes a problem, so some
22 kind of language about when you're having weekly
23 guests that 80 percent of them stay on the
24 property. Something that just make the

1 December 6, 2022

2 neighborhood comfortable with the intentions that
3 they have set.

4 So again, looking at the legal language
5 that's there for the protected land, if that's
6 enforceable and good and enforceable during the
7 life of the special permit or the deed, I'm
8 certainly in agreement to that. And some kind of
9 rules, you know, again, they said that they're
10 going to do carpooling, but there's no way to see
11 if there's carpooling and no kinds of
12 measurements on whether carpooling is working or
13 not working. Same thing with vans, you know, I
14 would prefer vans if there were 50 or more cars.
15 I don't want to be nitpicking.

16 So again, I would like you to look at
17 their plan. I think that the spirit of what
18 they're offering is a fair spirit and I think
19 that the organization has been very considerate
20 in working with the neighborhood. So I would love
21 for this to work, but I would also like to see
22 some structure put around the good will that was
23 written in this document. Thank you very much.

24 MS. TAYLOR: Okay. Is there anyone else

1 December 6, 2022

2 who wishes to speak at this point?

3 MR. MYARD: Good evening and thanks for
4 having us, thanks for the time. So I'm
5 [unintelligible] [00:55:38] Myard, I'm the
6 resident of 1059 Quaker Bridge Road, so the house
7 on the, on the left, on the left corner. As
8 abutting neighbors of the Danish Home,
9 withstanding, Michelle and I, share 860 feet of
10 property line. Our house is the only one near the
11 only entrance of the Danish Home. Our backyard
12 and pool are in full view of their property.

13 We strong, sorry, we stand in strong
14 support of the application of the Gurdjieff
15 Foundation, because we met with them multiple
16 times, we asked them tons of questions and they
17 provide incredibly high level of clarity to us
18 and they are making even more progress tonight as
19 you can see. After meeting with them multiple
20 times, we believe that they are the best possible
21 candidate to move in and to keep our neighborhood
22 quiet and protected.

23 Over these past weeks, they listened,
24 they took action and we could sense they also

1 December 6, 2022

2 want a quiet protected neighborhood for their own
3 activities. It is now on the neighbors to be
4 reasonable and to meet them halfway. This would
5 be my take. The Danish Home is surrounded by
6 three private residences, who presenting nearly
7 40 acres, it's 37 acres precisely. There's Greta
8 Hanson, Margarite, who is with us tonight, and
9 us.

10 And these three properties provide a
11 remarkable natural buffer of hills and evergreen
12 trees that make the Danish Home impossible to see
13 or to hear from other residents. Even in
14 wintertime, you just don't see it. The main
15 building of the Danish Home, which the Foundation
16 intends to keep is built in its very center,
17 resulting in 40 additional acres of buffer. And
18 I'm not even speaking for the aqueduct trail and
19 the [unintelligible] [00:57:42] line to the north
20 you can see here on the right hand side.

21 So for this reason, for all the
22 neighbors to require like some deed, an easement
23 and give away significant value of their
24 property, we think that it was just

1 December 6, 2022

2 [unintelligible] [00:57:59] reasonable and we are
3 eager to have confirmations of [unintelligible]
4 [00:58:05] the legal ground for what they offered
5 tonight, but we are convinced that they really
6 offer some goodwill and that is really
7 exceptional. We are lucky to have them tonight
8 and to have them as future neighbors, hopefully.

9 Now, I'm going to try to keep these very
10 short. The main reasonable issue that might
11 remain to some members of the community will
12 obviously be traffic, right. Well, as the
13 neighbors who are the only one who will see the
14 incoming traffic from both roads, Quaker Ridge
15 and Quaker Bridge Roads, we will be the only
16 house seeing the cars coming from those both,
17 this intersection. We feel that their numbers are
18 incredibly reasonable compared to what could
19 possibly happen with other buyers, because we
20 know all too well what happens to very, very
21 large lots in North Westchester.

22 We did extensive research over the last
23 few months and it is clear to us that again, we
24 are very lucky on this front as well. Not only

1 December 6, 2022

2 are a large majority of activities expected to
3 have 20 attendees or less, but the Foundation
4 seems to be very willing to utilize, utilize
5 shared transportation and we've seen progress on
6 this every single week over the last few months.

7 I'll stay short on all of that, but we
8 are afraid that if this process is prolonged any
9 further, we run the risk of just loosing the
10 current applicant as a buyer and we are, we have
11 the risk of having other potential buyers who can
12 conform easily to R-80 zoning and do many, many
13 more things with greater concerns for everyone
14 with very little ways to, with very little
15 recourse. And so we are again, we believe that we
16 are very lucky to have them tonight, and I'll
17 keep it short. Thank you so much.

18 MS. MICHELLE MYARD: Good evening. My
19 name is, my name is Michelle Myard. And I live at
20 1059 Quaker Bridge Road East with my husband,
21 just next door to the Danish Home. We share 860
22 feet of property line. Since the last public
23 hearing more than two months ago, on the
24 Gurdjieff Foundation's application to purchase

1 December 6, 2022

2 the Danish Home when more than 20 neighbors
3 expressed their support, including all abutting
4 neighbors, the Foundation has met multiple times
5 with the abutting residents and other members of
6 the neighborhood. The applicant has been
7 gracious, receptive and responsive to the
8 concerns others expressed, working hard over
9 these past weeks to be communicative and show
10 goodwill and to provide more clarity on their
11 plans.

12 In a supplement to their application
13 submitted to the town on November 21st, the
14 Foundation added a number of clarifications, a
15 protected area of 22 acres for the duration of
16 their ownership, less traffic, less parking on
17 the premises than first anticipated, less added
18 square footage than first anticipated for nearly
19 50 acres, minimized lighting, several commitments
20 to share transportation, no impact on trees and
21 no activity at all for two-thirds of the year.

22 And as a reminder, the rest of the time,
23 their main activity totaling four months a year
24 is meditation.

1 December 6, 2022

2 Finally, we who live just next door have
3 exponentially more at stake than most, as our
4 house is the only one built near the only
5 entrance. Our backyard is in full view from their
6 property and traffic considerations, which matter
7 to everyone are therefore of the utmost
8 importance to us.

9 And after meeting with the Gurdjieff
10 Foundation several times, with several neighbors,
11 after all the progress that's been made and after
12 considering carefully all the other likely
13 outcomes, my husband and I are even more
14 convinced than before that they are the right
15 buyer for us to protect the neighborhood we hold
16 dear. Thank you.

17 MR. ZACK GREENBERG: Zack Greenberg,
18 1047 Quaker Bridge Road East. I'm about 300 feet
19 from the entrance to the Danish Home. We've been
20 working for a few months now with the Gurdjieff
21 Foundation. We've had great conversations. I
22 appreciate what they're bringing to the table and
23 the adjustments that they're making to come to a
24 neutral ground where the neighborhood, abutting

1 December 6, 2022

2 neighbors and everyone can be satisfied.

3 You know, my -- I am supportive of the
4 Gurdjieff Foundation coming in with the caveat of
5 looking to the board to make sure that the
6 language that is used protects us a neighborhood,
7 protects us a nature conserve and protects us in
8 the traffic. You know, the amount of cars when
9 seeing those numbers is scary. But, if they do
10 use proper use of vans, proper busing and there
11 is a way to enforce that, I understand it and I'm
12 supportive of it.

13 I don't want to be sitting on the end of
14 the road counting cars and making sure that they
15 follow this, and based on conversations I've had
16 with them, I don't think they want to be worked
17 about that either, so I think they will follow
18 suit with what the rules allow.

19 The other piece that I have, would like
20 to bring up is the, the building. The potential
21 proposal of 10,000 square foot being added to the
22 facility, added to the area. I'm not saying that
23 there is an issue with that. What I'm saying is I
24 would just like proper language to understand the

1 December 6, 2022

2 use of that building and facility that they're
3 going to be potentially adding. And it's not, I
4 know it's not in their proposal now, and it's for
5 potential future growth. But I want to make sure
6 that their language says that it's not for
7 certain things that don't fit the criteria of
8 what they're, you know, suggesting, such as
9 overnight stays within that building. You know,
10 they already have a sizeable dormitory that holds
11 significant amount of people. Their numbers will,
12 you know, match. And, you know, building in
13 10,000 square footage, I just want to make sure
14 that it's properly language is written around it
15 and that it's of use for what, you know, my
16 expectations are.

17 MR. KESSLER: But it's fair to say if
18 they wanted to make that addition, it would come
19 back to this planning board for discussion and
20 public comment.

21 MR. GREENBERG: True.

22 MR. KESSLER: So just by saying they
23 want to do it doesn't mean they can do it without
24 coming back and getting an amended site plan,

1 December 6, 2022

2 coming before this board just like they are today
3 to get an approval.

4 MR. GREENBERG: Understood.

5 MR. KESSLER: And then we'd go through
6 the process to determine the exact uses and what
7 -- if it's consistent with the neighborhood.

8 MR. GREENBERG: Mm-hmm, understood. And
9 so I just leave that with the traffic and with
10 the nature preserve and hope that the board can
11 come up with the appropriate language that allows
12 these kind people to come and, you know, be our
13 neighbors. Okay. Thank you.

14 MS. MARGARITE PITTS: I'm the other
15 abutting neighbor, Margarite Pitts, and I second
16 the request that you all need to enforce what
17 they commit to. And I think one of our, my
18 problems with their proposal was I couldn't tell
19 whether they propose or intent or commit. And I
20 think that, that language is very important. So I
21 would hope that they commit and you enforce in
22 any way you see fit.

23 But, I do support Gurdjieff. I think
24 they've come a long way. I think they really will

1 December 6, 2022

2 be good neighbors but I think that we need to dot
3 a few I's and cross T's. Thank you.

4 MS. KAREN WELLS: Hello, my name is
5 Karen Wells, 28 Applebee Farm Road. As proposed,
6 I cannot support this project. What you have
7 heard is the very definition of a membership
8 organization. They have been very clear they have
9 no intention of letting the general public in.
10 They have applied, as an applicant, as a nature
11 preserve open to the public. In addition, what
12 they're essentially running is a private hotel.

13 Given this, it is important to note in
14 their comment during the year, there may, not
15 there will, there may be one or two workshops
16 that invited members of the public can attend.
17 That is the very definition of a membership
18 organization. That is not an organization open to
19 the public. To allow this to move forward without
20 any substantial ability for the property to be
21 open to the public is the very definition of
22 arbitrary.

23 I also continue to have a problem with
24 the rezoning of our residential community via

1 December 6, 2022

2 special permit. This special permit, at almost 50
3 acres, 48.9, plus the special permit for the
4 Hudson Wellness property at 20.83 acres, creates
5 an institutional zone equivalent to that of the
6 medical use district that was created via proper
7 legislation.

8 But if you are going to move forward
9 with this, it is very important, especially in
10 light of comments made by the Danish Home
11 director that we follow the proper process. And
12 the proper process is to require them to be open
13 to the public. It is very clear, it is the title
14 of the section. And when you're going through
15 this process, make sure they're complying with
16 the codes that are there to protect the public.

17 For example, they have indicated they
18 will no longer operate their drinking water
19 system as a public water system. They will treat
20 is I do my home system. But they will be a
21 facility open to the public, and they're in those
22 criteria there to protect the public.

23 In addition, when we're looking at
24 traffic usage, I think it's very important we all

1 December 6, 2022

2 go back and include the traffic we know that is
3 coming online. We know that the traffic from the
4 Sunshine Home will be coming online. We know the
5 traffic from Hudson Wellness is expected to come
6 online. We also know that Teatown Lake
7 Reservation has program that already exists.

8 I am concerned about overlapping
9 timeframes, overlapping days, to the point where
10 what is now a quiet community, in three years
11 could have substantially more traffic without any
12 of us thinking about where those overlaps are. So
13 yes, their project, if we can get them to comply
14 with carpooling and vanning structures without
15 requiring the community members to stand off
16 property, because we're not allowed on it, to
17 count cars as they go in, that their project
18 alone may not contribute substantially, but with
19 overlapping times of other things that have
20 recently been approved and will come online will
21 collectively create issues for our roads.

22 There's also the issue of their septic
23 system. Their own expert said they could not
24 vouch for the septic system beyond the current

1 December 6, 2022

2 residents that were at the Danish Home. Again,
3 making sure they are submitting a septic system
4 plan that complies with a public facility of the
5 size they are looking at.

6 In addition, they're going to be
7 operating a commercial kitchen. And one, under
8 this permit is part of a facility open to the
9 public. So it is important that they comply with
10 eating and licensing criteria for a facility open
11 to the public.

12 It is also important to note -- I'm
13 sorry, what was that? Okay. It's also important
14 to note that Cliffdale Farms, the only other
15 property that currently exists under this permit,
16 the trails are open from dawn 'til dusk and yes,
17 they have found a way to allow the public on
18 their property, because they exist under a permit
19 open to the public.

20 It's also important that they maintain
21 proper insurance as a facility open to the
22 public, particularly if alcohol will be consumed
23 on the premises. This is a public safety issue to
24 ensure that people coming and going have the

1 December 6, 2022

2 ability to look to a proper insurance policy to
3 protect them should something happen.

4 Ultimately, if this is allowed to move
5 forward as currently proposed, the town of
6 Cortlandt is saying that anyone with ten acres or
7 more in an R-40, that's a one-acre, I'm sure
8 y'all know, or greater residential district,
9 could create a private member hotel on their
10 property, never pay taxes and not comply with
11 those laws intended to protect the public. This
12 can hardly be the intention of legislation that
13 allows a special permit for a private nature
14 preserve open to the public. Thank you.

15 MS. TAYLOR: Alright. Is there anyone
16 else who wishes to comment?

17 MR. MAYARD: Hi, again, [unintelligible]
18 [01:13:23] 59 Quaker Bridge Road, something I
19 forgot to mention that was on top of my list
20 earlier, thank you, we heard multiple fears in
21 recent days from neighbors who have fears of more
22 and more institutions coming into the
23 neighborhood. I would just like to stress that
24 the Danish Home has been an institution for 75

1 December 6, 2022

2 years with special use permits already and the
3 characteristics of this property are very special
4 and unique. It's a completely atypical property,
5 with a lot of space, more than 20,000 for the
6 main house, nearly 20,000 for the other
7 buildings, a cell tower on the property, Con Ed
8 lines on the other side. This means that very
9 wealthy buyers of 20,000 square feet properties
10 are just not in market for that. And so the
11 simple reality is that sooner or later, it will
12 be just another institution who will move in,
13 either with the current zoning or with a special
14 permit. And so thank you so much for your
15 consideration of this. It's absolutely crucial
16 for us, and again, I strongly believe that we
17 have the best possible buyer in the room. Thank
18 you so much.

19 MS. TAYLOR: Alright. If there are no
20 other comments to be made from the public, maybe,
21 is there anybody on the board who wishes to? No?

22 MR. KEHOE: We are checking Zoom.

23 MS. TAYLOR: Okay, Peter?

24 MR. KEHOE: No, a member of the public

1 December 6, 2022

2 wants to speak.

3 MS. TAYLOR: Oh, okay. Are we, do we
4 have a number of people who, who are waiting?
5 Only one, okay.

6 MS. CYNTHIA MOSES-MANOCHERIAN: Hi, can
7 you hear me?

8 MR. KEHOE: Yes.

9 MS. MOSES-MANOCHERIAN: Hi, my name is
10 Cynthia Moses-Manocherian, I live at 100 Glendale
11 Road and I am not going to belabor all of the
12 points, but I do have to say I agree completely
13 with Karen Well's points. I spent many years,
14 many people in the room might remember my name,
15 trying to work to bring the Newcastle Planning
16 Board and Zoning board some reality check with
17 regard to the issues around the Sunshine Home. I
18 am by far the largest abutter to the Sunshine
19 Home. All of the community's requests essentially
20 failed and they are still in construction. I do
21 worry that this small community with small roads
22 with important natural resources is going to be
23 overrun by these professional institutions that
24 are moving in.

1 December 6, 2022

2 It's not only traffic, it's
3 environmental concerns of other sorts. Karen has
4 laid them all out for you and I do hope you take
5 her comments to heart. We have another group
6 that's interested in purchasing a large property
7 at the top of Allapartus Road and Route 134.
8 That's in discussion with the Newcastle Planning
9 Board. And that's, you know, it's too many of
10 these professional institutions trying to move
11 into this small community. So thank you for
12 hearing me out on Zoom, and again, I agree with
13 everything Karen Wells had to say.

14 MS. TAYLOR: Is that the extent of it?

15 MR. KEHOE: Yeah.

16 MS. TAYLOR: Okay. So, and then no
17 members of the board at this moment who want to
18 speak to this issue?

19 MR. BIANCHI: I'd just like to say I'd
20 like the applicant to respond for the next
21 meeting, I'm assuming we're going to adjourn the
22 public hearing.

23 MS. TAYLOR: Mm-hmm.

24 MR. BIANCHI: Respond to some of the

1 December 6, 2022

2 comments that they've heard tonight, especially
3 from Ms. Wells.

4 MS. TAYLOR: Yeah, I think that's --

5 MR. BIANCHI: I think that would be
6 useful input for us to have.

7 MS. TAYLOR: Yeah.

8 MR. BIANCHI: Anything else, Chris?

9 MS. TAYLOR: No, I agree with you on
10 that. I raised earlier the whole issue of the
11 nature of the permit that they are flying under.

12 UNIDENTIFIED FEMALE: Excuse me, I can't
13 hear.

14 MS. TAYLOR: I agree, if not completely
15 with Ms. Wells, I do agree that she has some very
16 valid points that need further examination or
17 explanation. I kind of feel that she has pointed
18 to the idea that they're -- that this is an
19 organization probably with many plus points.
20 There are people that cannot come into this,
21 this, this property because -- people who are,
22 the general public, let's put it that way.
23 They're not members of the organization, they're
24 not -- they're public people like myself and

1 December 6, 2022

2 others. They don't really have access to this
3 property and that is a problem for me. You're,
4 you're proposing to open this program as a, a --
5 how could I call it, what you called a private
6 nature preserve. The, the grounds and the areas
7 surrounding the actual building are beautiful,
8 and they certainly would be very good for people
9 who have an interest in learning about nature and
10 the environment to come and spend time.

11 But if you open it as, if you're
12 operating under the private nature preserve
13 portion and you don't let people in unless they
14 are members, how does that work? I don't
15 understand, I personally do not understand how
16 you can call this a private, you know, excuse me,
17 not private, but open to the public and then the
18 public doesn't come in. I don't understand that.
19 You can only come in if you're a member. How does
20 that work?

21 MR. BIANCHI: I guess the dichotomy here
22 is, you know, we have code enforcement saying
23 it's a private nature preserve open to the -- it
24 comes under the heading of private nature

1 December 6, 2022

2 preserve open to the public, but he doesn't
3 really address the open to the public part.

4 MR. KEHOE: Well, there was a lengthy
5 public hearing in front of the zoning board when
6 this was bouncing back and forth. And at that
7 public hearing, which was several months ago,
8 there was discussion about walking trails and
9 keeping the property. And so that was the
10 information that was given back to the code
11 enforcement officer that I believe helped colored
12 his opinion that it did meet the definition of
13 private nature preserve open to the public.

14 I do think the presentation tonight,
15 because I was at both meetings, is slightly
16 different than what was talked about the zoning
17 board meeting.

18 MR. BIANCHI: So do they have to revisit
19 this or, how do we -- [unintelligible] [01:20:43]
20 --

21 MR. CUNNINGHAM: The public hearing is
22 going to remain open, so they're going to have
23 to.

24 MR. BIANCHI: No, but I'm talking about

1 December 6, 2022

2 the zoning board, the [unintelligible] [01:20:48]

3 --

4 MR. KEHOE: Well, the applicant needs to
5 respond, not tonight necessarily --

6 MR. BIANCHI: I see.

7 MR. KEHOE: -- but address the threshold
8 issue of public use of the facility I think.

9 MR. BIANCHI: Right. In order to fit
10 under the code?

11 MR. CUNNINGHAM: Correct.

12 MR. STENGER: I just truly wanted to
13 address not the substance of the comments, but
14 the substance of the, sorry, excuse me, the
15 process, which I'm sitting here making notes of
16 everything I'm hearing tonight, and I'm
17 particularly making notes on this topic, and the
18 public hearing will remain open and I think what
19 we'll do is we will take into consideration every
20 concern we've heard expressed this evening and do
21 our best to address it in a manner that satisfies
22 the board as we proceed forward. That is the
23 process, but there is no, there are no lines
24 drawn in the sand here. This is our first dive at

1 December 6, 2022

2 what we were trying to do, so we'll be back and
3 before we come back, you'll have something in
4 writing from us, hopefully addressing the issues
5 that were raised to your satisfaction. And if
6 not, you'll express that lack of satisfaction or
7 a request for more materials, and we'll get them
8 to you. That's what we do. That's the process. We
9 honor this process.

10 MR. BIANCHI: We appreciate your
11 responsiveness.

12 MR. STENGER: Thank you very much.

13 MR. BIANCHI: So with that, Madam Chair,
14 I move that we adjourn the public hearing.

15 MR. ANDERSON: Can I interject?

16 MR. BIANCHI: Oh, sure.

17 MR. ANDERSON: Just actually an
18 observation or an offer, would it be helpful and
19 informative to know what the scope of people who
20 are looking at the home and making offers was
21 like?

22 MR. BIANCHI: Well, I'm not --

23 MR. ANDERSON; I mean if you want to
24 know who was serious about buying the home, I can

1 December 6, 2022

2 give you that information. If Ms. Well's issue --

3 MR. CUNNINGHAM: You're asking about
4 alternative buyers?

5 MR. ANDERSON: Yes.

6 MR. CUNNINGHAM: The board doesn't
7 consider that here for many issues.

8 MR. ANDERSON: No, no, no, but I mean in
9 terms of Ms. Well's issues with what could happen
10 to the property, we certainly, we had sort of one
11 of everything, including people who wouldn't have
12 to apply for a special permit. If that's of
13 interest, I can inform you.

14 MR. BIANCHI: Maybe you should have that
15 conversation with Ms. Wells.

16 MR. ANDERSON: Sure, yeah, yeah,
17 absolutely. No worries.

18 MS. TAYLOR: Well, I mean we're going to
19 adjourn the hearing before we move further with
20 your motion. If you are having a -- how can I --
21 I'm trying to get my thoughts together quickly,
22 if you're having a situation where you want to
23 call yourself a private nature preserve open to
24 the public, you've got to have the public in

1 December 6, 2022

2 there. I mean I don't know how you can divorce
3 those two things. Where is your public? The
4 people who are coming there are largely members.
5 And those who come on occasion if you decide to
6 invite anybody are people who, you know, the
7 membership has invited, not necessarily the
8 general public.

9 So I really don't understand how you --
10 you're either going to have to pull the public in
11 in some way, which I know will be very upsetting
12 to many people, because you like, like most
13 people, including myself, you like your nice
14 little neighborhoods quiet and not, you know, not
15 bothersome. So if you, if you are going to have
16 your public, your private nature preserve open,
17 reserve, I'm sorry, open to the public, you've
18 got to put the public in there. Or else find
19 another way to apply for what you want to do.
20 You'll get the right kind of permit or
21 application, because I don't see how you can have
22 a lot of people or the public coming and going
23 and then you, you have this private reserve. I
24 don't see the two meshing. And I think that's

1 December 6, 2022

2 going to take some time to work that out, from my
3 point of view. I don't -- if you don't have any
4 public in there, you don't have any public. And
5 it's not open to the public. Okay. Well, anyway,
6 there was a motion made.

7 MR. BIANCHI: Yeah, motion to adjourn
8 the public hearing, Madam Chair.

9 MR. ROTHFEDER: Second.

10 MS. TAYLOR: Okay. Thank you very much.
11 And on the question, all in favor?

12 MULTIPLE: Aye.

13 MS. TAYLOR: Opposed? Okay. So we'll
14 adjourn to I guess the January meeting?

15 MR. KEHOE: January 10th.

16 MS. TAYLOR: Yeah, okay.

17 MR. BIANCHI: Keep going.

18 MS. TAYLOR: Alrightie. Alright, moving
19 to the next area of the, excuse me, to the next
20 area of the agenda, we are dealing with -- okay,
21 the next area of the business, the next area of
22 the agenda is under old business. The first item
23 is under old business is PB 2022-10, the
24 application of Bilal Ahmad, for the property of

1 December 6, 2022

2 Ace/Sport Realty Hold, excuse me, Sport Realty
3 Holding Corp. for site development plan approval
4 and for steep slope, I'm not reading this
5 correctly. For site development plan approval and
6 for steep slope tree removal and wetland permits
7 for a proposed four story 91-room hotel for
8 property located at 2054 East Main Street,
9 drawings dated October 19, 2022. Okay.

10 MR. DAVID STEINMETZ: Good evening,
11 Madam Chair, members of the board, David
12 Steinmetz from the law firm of Zarin & Steinmetz
13 here representing Bilal Ahmad. Before I start my
14 presentation, because I don't want to sit down
15 this evening without having had an opportunity to
16 speak to you, Loretta --

17 MS. TAYLOR: Oh.

18 MR. STEINMETZ: -- as one of the
19 professionals who's probably appeared before you
20 over the last 30ish years more than most, I
21 really wanted a chance to first acknowledge we
22 haven't always agreed with one another, and we
23 frequently made that clear to one another. But
24 I'm so pleased that I can stand before you and

1 December 6, 2022
2 say you have always been kind, you have always
3 been thoughtful, you have always been respectful
4 and I've always enjoyed appearing before you in
5 your service as chair. We spent many late nights
6 together here in this room and we both know that
7 there were times that I would get up to this
8 podium after a number of other matters had
9 preceded and I could see you look and going oh,
10 no, David, please don't tell me this is going to
11 be a long one tonight. And as I said, even if we
12 were both yawning, you were always respectful not
13 only of me and my clients, but the public. And
14 that, Loretta, you have left your legacy on this
15 board, you have left your legacy on this town,
16 and I'm kind of happy you get your Tuesday nights
17 back every once in a while.

18 MS. TAYLOR: I am too. Thank you so
19 much. I'd love to have them back. Thank you,
20 David.

21 MR. STEINMETZ: You're very welcome. And
22 if you're ever looking for a hotel to stay in, in
23 Cortlandt [laughter] that brings me to why I'm
24 actually standing in front of you. So all kidding

1 December 6, 2022

2 aside, I'm pleased to be able to be here tonight
3 in connection with the proposed hotel on Route 6.
4 My client is a contract vendee of this property,
5 as you all know.

6 We appeared before you last month and
7 everyone was truly exhausted when I got to the
8 microphone and you made it very clear to me, so
9 Christian and I were very brief. We'll try to be
10 efficient tonight, but we're going to try to make
11 sure you get what you need. I'm joined tonight by
12 Christian Freeman from our project architect,
13 excuse me, our project engineering firm, Ed
14 Kepplinger.

15 I'm also joined by my colleague, Brian
16 Sinsabaugh, who you will be seeing more and more
17 of. And we are here tonight to make sure your
18 board understands what the application is all
19 about. The property is owned by Ace Sport/Realty
20 Holding Corp, the Hersh family. And you all are
21 familiar with this property located at the
22 intersection of Route 6, Jacobs Hill Road and it
23 kind of backs up to the off-ramp of the Bear
24 Mountain Parkway. We're in the CD or designed

1 December 6, 2022

2 commercial district. The lot itself is
3 approximately 2.3 acres and hotel is a permitted
4 use on this property.

5 So we're excited to be able to present
6 this hotel application for those of us who have
7 been involved in a lot of things in the town over
8 the last decade or more, we know that there has
9 been a desire for a quality hotel and this is
10 proposed to be a Marriot Hotel at this location.
11 It would have 93 hotel rooms, it would be five
12 stories and we'll come back to that. It would
13 have amenities such as a cantilevered courtyard
14 deck out facing Route 6 and some of the
15 landscaping. It would have a commercial kitchen,
16 a conference room, a fitness center, a full bar
17 and grill, and an indoor pool.

18 Your board has declared itself, your
19 intent to serve as lead agency. We're in the 30-
20 day period, so that has not been culminated yet.
21 We submitted our initial comment response letter
22 on November 21st, beginning to address a number
23 of the issues that were raised and we are now,
24 we've since, since that time, Madam Chair, we

1 December 6, 2022

2 have received a letter from your outside
3 consulting engineer, we've received a letter from
4 the Westchester County and we know we're going to
5 be responding to that. We haven't had a chance.
6 That'll be for our next submission.

7 Most importantly, before we even filed
8 this application, we met with your professional
9 staff and we know that there are some items that
10 will require variance from the Zoning Board of
11 Appeals, not the least of which is the height of
12 this building. We are in a zone that permits
13 three stories in height. When we made the
14 application initially, we actually thought the
15 design constituted four stories and that was the
16 initial discussion with staff.

17 It has since, the code has since been
18 taken very seriously in a deeper dive both by
19 your outside consultant and by Mr. Rogers, and I
20 have spoken with Martin, and we will be getting a
21 denial letter from Martin I think in the next
22 couple of days that allows us to being in front
23 of the zoning board. Martin has revised his
24 analysis and concluded that the structure is

1 December 6, 2022

2 technically five stories under the code. It is
3 what it is.

4 We can explain why the building is what
5 it is, but the most important thing for you
6 tonight to understand is if we want a quality
7 hotel in Cortlandt, if we a hotel that is
8 amenitized with the types of things that attract
9 customers, business people, families who want to
10 visit other families in Cortlandt, with amenities
11 like a pool and a restaurant and a fitness
12 center, it needs to have a certain dynamic life
13 within it. That dynamic life is, according to
14 Marriot, at least 90 keys, or 90 rooms.

15 So in order to achieve viability, we
16 need the structure that we're proposing. The good
17 news for us is that Christian and his team have
18 spent a great deal of time since we first met
19 with your staff six, eight months out, figuring
20 out how to grade this building into the site in
21 the most sensitive and environmentally
22 appropriate fashion. And that's what we're going
23 to be working with you over the next several
24 months, maybe not with you, Loretta, but

1 December 6, 2022

2 hopefully, you'll watch, if you would
3 occasionally watch on Tuesday nights.

4 We know we're going to need variances.
5 We're going to need a building height variance,
6 we're going to need a side yard variance, a, a --
7 we're going to actually need two side yard
8 variances, because we're at a corner lot. We're
9 going to need a landscape buffer variance and
10 we're going to need some parking landscape
11 variances. I'm going to allow Christian to go
12 deeper into that if you wish, but I want your
13 board to know tonight that we've already told
14 staff we would very much, we would very much like
15 to get to the zoning board at the earliest
16 possible date.

17 Why? I know I have threshold variances.
18 I knew that before I filed my application that I
19 have a threshold variance. I thought it was from
20 three stories to four stories, it's now from
21 three stories to five stories. I still think, our
22 team believes and my client believes we have a
23 great application. But if we're not going to be
24 able to get over that hurdle of in particular the

1 December 6, 2022

2 height with the zoning board, no matter how much
3 fun it is to be here on Tuesday nights with or
4 without Loretta, I don't want to keep coming here
5 for a year processing this application if it's
6 not going to be successful in front of the zoning
7 board.

8 I know that I can't get a final vote in
9 front of your zoning board, because you're the
10 lead agency, but I know that the chair and that
11 board will process that application enough so
12 that our team and my client will know are we
13 doing the right thing, are we not wasting
14 anybody's time and resources, so the earliest
15 that your board can allow us to get to the zoning
16 board, I'm asking that you consider doing that.
17 I've made that very clear to both Michael and
18 Chris. They know I'm looking for a pathway to the
19 zoning board. So, having said that, a couple of
20 quick details.

21 And Christian is going to explain how
22 he's dealing with it with retaining walls, and
23 terracing and landscaping. We know we have to
24 remove some trees. The good news is we're going

1 December 6, 2022

2 to completely cooperate and comply with the
3 town's tree ordinance. We're actually going to
4 replace more trees than we're removing, the trees
5 that we're required to replace, and we're going
6 to plant 40 new trees, 135 shrubs and we think
7 we're going to comply with the tree ordinance.

8 In terms of the building orientation,
9 what do we have up in front of us now? The front
10 door to this hotel faces what we would all
11 consider the back of the property. Those of us
12 how know Jacobs Hill Road and Jacobs Hill
13 townhouses and condos, this, this hotel is spun
14 in such a way so that the front is facing what
15 you might think is the back.

16 Why did we do that? Well, we didn't do
17 that because Mr. Ahmad tasked our team with
18 making sure the hotel faced the back of the
19 property. What we did is we were tasked with
20 designing this hotel in such a way that it would
21 be environmental sensitive, appropriate and safe.
22 We made sure that the entrance to the hotel site
23 would line up directly across from the entrance
24 to Pike Plaza so that it would promote the kind

1 December 6, 2022

2 of circulation that Martin Rogers and the fire
3 department made clear to us they wanted to have.
4 So if we're going to do that, and we're going to
5 try to avoid having a front door where you enter
6 a building that's on grade and sloped, that's not
7 going to work. So we put the, the front door
8 where it works best for the site.

9 Why does it also work best for the site?

10 Because the predominance of the parking for the
11 hotel, when you go, Loretta, when you come to the
12 hotel, you're going to park near the front door.
13 And that is going to be in the back of the
14 building because that's going to be the closest
15 place in. So most of the parking is behind the
16 building, which is really where it belongs. Not
17 visible to the rest of the community.

18 So while I'm somewhat disappointed that
19 my friend and county planning commissioner Norma
20 Drummond didn't understand that, and wrote her
21 comment letter and questioned why we were
22 spinning the building in that way, when I have
23 the opportunity to explain that to the county,
24 hopefully the county will understand we didn't do

1 December 6, 2022

2 this without thinking it through. And again, we
3 look forward to working with your board to try to
4 explain and ultimately get you comfortable with
5 that orientation.

6 Lastly, we were told to have sidewalks.
7 We have sidewalks that are proposed along Jacobs
8 Hill Road, sidewalks along Route 6 and you see
9 the landscaping that these folks are working on,
10 not only will there be a wonderful cantilevered
11 courtyard or, or expanse in the back of the hotel
12 that somebody can go out and have a drink and
13 enjoy themselves, but it's going to be a very
14 attractive view into the site, so much so that
15 though you haven't received it yet, I was told
16 today by the director of economic development
17 that I could say that the town's director of
18 economic development supports this application,
19 thinks this is a terrific use for the property,
20 is going to promote folks utilizing Cortlandt
21 Boulevard, utilizing your restaurants, etc. and I
22 expect to be coming back to your board in the
23 near future with a letter from the Chamber of
24 Commerce also endorsing this.

1 December 6, 2022

2 So it's a long introductory way of
3 saying we're excited about this application, we
4 appreciate the time you're giving us. I'm going
5 to turn it over to Christian to hopefully be as
6 efficient as possible, we've already started
7 working with your traffic consultants and we've
8 got a good one. Let's not let this hotel escape
9 Cortlandt yet again.

10 MR. KESSLER: You said there was a
11 response on the 21st that you sent in?

12 MR. STEINMETZ: We sent a submission
13 letter dated November 21st, comment response
14 letter, it was uploaded to the portal and checked
15 with staff.

16 MR. KEHOE: You guys don't have that
17 yet?

18 MR. KESSLER: I can't seem to find it.

19 MR. KEHOE: I thought I emailed it to
20 you. It came in via email a couple of days ago
21 from Norma. I'll check.

22 MR. BIANCHI: Yeah, I got it.

23 MR. KEHOE: Yeah, see?

24 MR. KESSLER: You got it?

1 December 6, 2022

2 MR. KEHOE: Tom's got it.

3 MR. BIANCHI: Yeah.

4 MR. KEHOE: Right, it's Norma's letter,
5 three pages long, right?

6 MR. BIANCHI: Yeah.

7 MR. STEINMETZ: If they don't send you
8 stuff, just let me know.

9 MR. KESSLER: I'll look at the email.

10 MR. KEHOE: Okay.

11 MR. BIANCHI: November 28th.

12 MR. CHRISTIAN FREEMAN: My name's
13 Christian. It's a pleasure to --

14 MR. KESSLER: November what?

15 MR. FREEMAN: It's a pleasure to finally
16 be speaking before you. I know you were worn out
17 at the last meeting, so I'm happy to be here now.
18 David, as usual, did a very good job getting into
19 the details. There's only a couple of things,
20 other than going over the site that maybe I can
21 pick up and just mention. The first is we've been
22 already in contact with Chris for several months
23 now. One of the things we're in touch with him on
24 is regarding the trees. So we have a tree

1 December 6, 2022

2 protection plan that we've submitted and what it
3 shows is due to the amounts of grading we'll need
4 to do to get this hotel to function, there will
5 unfortunately have to be a good amount of the
6 tree material that will have to be removed.

7 On the other hand, the existing
8 condition of the site are such that the tree
9 material that predominantly exists on site is sort
10 of a ring around the property line. The middle of
11 the site is actually sort of an undulated,
12 flattened out lawn area that exists. There's an
13 old fence and some old raggedy ornamental trees
14 there but the predominant, most valuable trees
15 that I'm sure will be determined from the
16 consultant hired by the town will show that most
17 of the trees are on the outside of the town.

18 And what I've prepared for you today,
19 Chris has on my flash drive is just a quick video
20 of a 3D model that we've been working in and with
21 a consultant whose paid for this to give you guys
22 a good understanding of what this is going to
23 look like. We wanted to be sensitive to view
24 sheds and how this is going to work in a context.

1 December 6, 2022

2 So when Chris brings that up, you're
3 going to see that the sort of ornamental trees
4 we're proposing along with some tiered walls,
5 that will help soften the visual impact of a
6 hotel that is truly perched up within a hillside,
7 in fact with one floor half hidden from view.
8 That's the story that David was talking about
9 being a variance element.

10 But this perched hotel is going to be
11 hidden behind these tiered retaining walls and
12 further softened by existing plant material
13 that's along Route 6. So, as you see right now,
14 we are driving down the parkway. We are heading
15 towards Route 6 and the proposed hotel is on the
16 right. You'll see two tired retaining walls. And
17 here we are taking a shot out. You can see the
18 roof deck we're proposing and that's sort of, and
19 as we look further to the right there, those are
20 existing plant material that is along the
21 parkway. Now, here we are, there's an existing
22 intersection. We're going down Route 6 facing
23 towards Jacobs Hill and those, that large group
24 of trees right in the middle of the view right

1 December 6, 2022

2 now, that is all existing tree material that
3 we're intending to protect. And those represent
4 tall, significant trees that will buffer the
5 hotel from the road.

6 As you can see, there will still be some
7 visual connections with the hotel to the road,
8 but it's important to note that those existing
9 large trees are intended to remain.

10 Here's a good shot from across Jacob-
11 Route 6, Jacobs Hill is on the left and those
12 three trees between those two utility poles are
13 just a shorter existing cherry tree, so you will
14 have sort of a hole to look into visually, from
15 that intersection up towards the hotel, and as we
16 move up Jacobs Hill, you can see again that
17 retaining wall that comes around the front of the
18 property line and sort of smiles towards the
19 uphill portion of the site. And those white and
20 pink trees are proposed trees by us. That big
21 birch there was existing.

22 And now you get a sense of kind of what
23 it's going to look like as you would enter the
24 site to get to the front door, which is along the

1 December 6, 2022

2 left. And what we've also provided in the last
3 two submissions are photo boards that have sort
4 of arrows and triangles indicating where you'd
5 have views from. We thought, again, we're trying
6 to be very sensitive and think about the visual
7 impacts of this project and how we can do
8 something so big and potentially so helpful for
9 the town, but also have a light touch and keep it
10 green and work with the consultant.

11 MR. KEHOE: It's a shame Mr. Foley's not
12 here because he's been asking for that type of
13 rendering for 30 years. So that's one of the best
14 rendering I think the board has ever seen. Not
15 prejudging the application, but -- [laughter]

16 MR. STEINMETZ: Send him a copy.

17 MR. FREEMAN: It comes all the way from
18 Syracuse. And then the only other thing I would
19 mention that David didn't is we have been in
20 touch -- we have a traffic consultant that our
21 company has worked with for years. He's out of
22 Syracuse GTS, Gordon Stansbury is his name. He's
23 worked with HVEA, the town consultants, and they
24 have been in step and working together for

1 December 6, 2022

2 several months and I believe they're working
3 towards a resolution. Their studies have shown
4 peak traffic flows hotels by DOT, federal and
5 state standards are by definition not high uses,
6 they don't have high peaks. And their studies
7 also utilize the existing gas stations and
8 proposed projects along Route 6.

9 MR. KEHOE: And, I want to touch upon
10 that because I wanted it to be clear. We talked
11 about it at the work session. I think Steve, are
12 you, are you wondering that we got actual traffic
13 counts from Gasland and Palisades, and if
14 understand correctly, it's telling us how many
15 cars are driving on the road. That's real
16 empirical data that they did. And you're going to
17 do it again. And then, Steve, you want to see the
18 difference between the two?

19 MR. KESSLER: Side by side.

20 MR. STEINMETZ: We, we understand. And,
21 and Mr. Kessler had shared that with me, that he
22 was concerned about that, I've heard that from
23 staff as well. I think you actually said it very
24 quickly at the last meeting. So you have

1 December 6, 2022

2 empirical data from those other two gas station
3 applications, one of which I was involved with.
4 We clearly have ITE data in connection with the
5 hotel and our client owns several other hotels.
6 So we can certainly share with you I think more
7 than a sufficient amount of traffic data.

8 And Christian said it and he said it
9 well, a hotel is not a particularly active
10 competitive use with other peak hour uses, so --

11 MR. KEHOE: But I want to make sure,
12 because I think you're really more an academic
13 exercise. You want to see if the projections from
14 Gasland are, are correct sort of with what you
15 project.

16 MR. STEINMETZ: Okay.

17 MR. KEHOE: Like if Gasland said there
18 was going to be 1,000 cars and on the road and it
19 turns out there's only 600, or if there's 1,600
20 Steve wants to know --

21 MR. KESSLER: No peeking until you do
22 your study. [laughter]

23 MR. STEINMETZ: I have no recollection
24 of the numbers, so that's good too.

1 December 6, 2022

2 MR. KESSLER: Okay.

3 MR. STEINMETZ: The only other thing,
4 and I do want to mention, I don't want to cut you
5 off, Christian if you want to -- we have reached
6 out and we are trying to set up a meeting with
7 some of the neighbors across the way who
8 obviously have views towards this site. So we
9 plan on doing that, and if there are other folks
10 out there who are watching this or would like to
11 spend some time with our team or our client, I
12 know our team wants to make sure everyone in the
13 area understands the visuals. You should speak
14 for a moment about the signage issue that you
15 were talking about.

16 MR. FREEMAN: So, what we hadn't shown
17 on our last submission and Chris I, if you could
18 open that updated .PDF dated today, what we have
19 done today is we submitted something to you 11/21
20 and we've continued working, so I also gave to
21 Chris a document that is just of our progress up
22 to today. And one of the items on it that we
23 neglected to show and may is something that we
24 could talk about is how we get a monument sign

1 December 6, 2022

2 approved. And the question we're having and sort
3 of in my experience is oftentimes we'll take a
4 sign application and we'll do it, we'll flag it
5 during the project review right now, and we would
6 say future sign to be approved and then the
7 ownership group will get it approved later.

8 But with a project like this, if we're
9 already going before the zoning board, we'd like
10 to get the signs, if we're going before the
11 zoning board and our project --

12 MR. KESSLER: You're saying you need a
13 variance for your signage also?

14 MR. FREEMAN: We may. We may. Yes. And
15 so what we are going to have is a sign on the
16 building, the physical building itself, along
17 with a small monument sign along the corner of
18 Jacobs Hill Road and East Main Street.

19 MR. STEINMETZ: Do we have an
20 illustration of what that was?

21 MR. FREEMAN: No.

22 MR. KEHOE: I'm getting there.

23 MR. FREEMAN: No.

24 MR. STEINMETZ: You don't have it yet?

1 December 6, 2022

2 MR. FREEMAN: Yeah.

3 MR. STEINMETZ: And could you just,
4 since [unintelligible] [01:47:15] is there
5 signage on the facing of the building facing
6 Route 6?

7 MR. FREEMAN: There will be, yes, and
8 that's actually in Chris, and I'm going to tell
9 him to open another one.

10 MR. KEHOE: Is it this one?

11 MR. FREEMAN: Yeah, if you go to that
12 photo board, I have an image of looking at the
13 view that will show, yeah.

14 MR. STEINMETZ: I think the planning
15 board should see that, because I think that's

16 MR. KEHOE: It's in this drawing set
17 though?

18 MR. FREEMAN: Yeah, if you pan over to
19 the views. Yes, please. Scroll up, go to the,
20 yeah, if you wouldn't mind going to the next
21 page, that would be helpful.

22 MR. KESSLER: So you're saying there's a
23 sign at the entrance?

24 MR. FREEMAN: Yes.

1 December 6, 2022

2 MR. KESSLER: And there's a sign also on
3 Route 6.

4 MR. STEINMETZ: And there's signage --

5 MR. KESSLER: There's signage on the
6 building facing Route 6?

7 MR. STEINMETZ: Correct.

8 MR. FREEMAN: Correct.

9 MR. KESSLER: And then there's going to
10 be a monument sign as well?

11 MR. FREEMAN: Correct. which we don't,
12 we don't, we show it on our building, but --

13 MR. KEHOE: I don't know maybe I'm not
14 looking at the right --

15 MR. KESSLER: Alright. We don't have to
16 -- it's not the most important thing right now.

17 MR. STEINMETZ: Oh, Chris --

18 MR. FREEMAN: Oh, it's on the
19 architectural renderings, sorry. Yeah, yeah,
20 that's where it is.

21 MR. KEHOE: Well, how was I supposed to
22 know that?

23 MR. FREEMAN: No one told you.

24 MR. KESSLER: But this is a ZBA issue.

1 December 6, 2022

2 MR. STEINMETZ: Correct. But we, we
3 thought the board should be aware of it. It is on
4 the large face of the building and it's designed
5 to break the face of the building.

6 MR. KESSLER: Okay. But this will also
7 go through our architectural review committee.

8 MR. FREEMAN: Right.

9 MR. KESSLER: For their review.

10 MR. FREEMAN: Right. Yeah.

11 MR. KEHOE: I don't see it on the
12 preliminary architecture plans either. That's a
13 five page set of drawings?

14 MR. FREEMAN: Yes.

15 [CROSSTALK]

16 MR. ROTHFEDER: I know this is early in
17 the process and there will be some time to talk
18 about it more later, but have you talked, thought
19 about using renewable energy on the site, or
20 recycling water or something? It's going to be a
21 pretty big site. It'd be nice, I'd like to see
22 this community move more towards things like
23 that.

24 MR. FREEMAN: Sure. So I can speak

1 December 6, 2022

2 towards our storm system, which will instead of
3 just dumping it out, we're going to use a
4 subsurface storm detention system, so what it is
5 we're going to have chambers underneath the
6 parking lots and then the water is going to come
7 off the building through roof drains and storm
8 structures and be contained within a subsurface
9 system, and then be outlet through a small
10 orifice at a regulated flow that's going to be
11 legal, the civil engineering numbers will be an
12 appropriate amount that will be equal to what the
13 current outlet is.

14 In terms of renewing water, we could
15 certainly look into, if this particular flag of
16 hotels has that, have they done that before. In
17 terms of other uses, I mean you could in theory,
18 there could maybe be a natural gas. I think due
19 to the amount of rock that's under our site right
20 now, that's only in some places five or six feet
21 below ground, solid rock, that would not be a
22 feasible way of doing things. That, that would
23 not be something we --

24 MR. KEHOE: Well, I think, and it should

1 December 6, 2022

2 have probably been in my review memo and David
3 Steinmetz has experience with this with the
4 Cortlandt Crossing Shopping Center is we don't
5 really have it codified anywhere about what we
6 would call green initiatives, whether it's solar
7 panels or electric charging stations or things
8 like that.

9 MR. FREEMAN: I was just going to get
10 there.

11 MR. KEHOE: So --

12 MR. FREEMAN: The client is definitely
13 interested in bearing some conduit towards doing
14 perhaps a future EV charging stations or set of
15 them.

16 MR. KEHOE: But I think generally
17 speaking, respond to that with what you can
18 propose at this site in the world of
19 sustainability issues. I think --

20 MR. KESSLER: Did the county also have
21 that same [unintelligible] [01:51:12].

22 MR. KEHOE: I think so, yeah.

23 MS. TAYLOR: Yes, they did, they did.

24 MR. STEINMETZ: So, Mr. Rothfeder, I

1 December 6, 2022

2 hear you loud and clear as you can imagine, I
3 know that this board wants us to look at
4 sustainable features. We are at the outset of the
5 application. Let us take a look and come back. We
6 hear the comment.

7 MR. ROTHFEDER: Okay. Thank you.

8 MR. KEHOE: One thing, if we moved, you
9 can't declare yourselves lead agent until January
10 10th, just because of the -- you could do --
11 that's your next meeting. I mean you couldn't do
12 it this meeting, you have to wait until the next
13 meeting. The zoning board won't be meeting until
14 after January 10th anyway. Maybe you could do a
15 site inspection. I mean it might be bad weather
16 or whatever, you can see, whatever that Sunday
17 is, January 7th, or 8th or something, if you want
18 to schedule a site inspection and then have them
19 come back on the 10th for you to declare
20 yourselves lead agent, and then have them go to
21 the zoning board after the meeting on the 10th.
22 You would have to be applying to the zoning board
23 prior to January 10th to --

24 MR. STEINMETZ: We very much appreciate

1 December 6, 2022
2 the suggestion if that's what the board wishes to
3 do. One of the reasons I had encouraged Mr.
4 Rogers to prepare his denial letter was thinking
5 through the fact that we were trying to target
6 that January meeting. So assuming he gets his
7 denial letter finalized, which I think is
8 imminent, Brian and I think we have a pretty good
9 shot of preparing an application and trying to
10 get it in. So we would love to target that
11 January zoning board meeting, we'd love to find
12 ourselves on your January 10th planning board
13 meeting. I'm not even sure whether there are any
14 -- who did you circulate this to that could
15 potentially -- besides the zoning board, did you
16 --

17 MR. KEHOE: Well, DOT, county, City of
18 Peekskill.

19 MR. STEINMETZ: None of them are going
20 to declare themselves lead agency.

21 MR. KEHOE: No, no, no, no.

22 MR. STEINMETZ: So I'm not particularly
23 worried about the lead agency aspect, because no
24 one else is going -- the only other possible lead

1 December 6, 2022

2 agent would be the zoning board, and they're not
3 going to take lead agency, because you've already
4 expressed your intent. So --

5 MR. KEHOE: But I would think, just
6 coming back to the January 10th meeting solely to
7 declare yourselves lead agent, it doesn't have to
8 be another presentation. But if you wanted to do
9 the site inspection, weather dependent, the
10 Sunday before that would give you something to
11 talk about.

12 MR. KESSLER: It would also be nice to
13 do a site inspection when we have a full board.

14 MR. KEHOE: Well, you won't have that in
15 January, yeah, so you could wait until after they
16 go through the zoning board.

17 MR. KESSLER: Yeah.

18 MR. BIANCHI: And just a question on the
19 process here, because you're going parallel
20 routes to the zoning board and planning board and
21 we're going to be lead agency, I understand that.
22 But what is our role, I guess? What can we do
23 unless the zoning board has made decisions on the
24 various variances that are required here because

1 December 6, 2022

2 that could change the site plan.

3 MR. STEINMETZ: Absolutely, which is
4 exactly Tom why I'm trying to get there sooner
5 rather than later. And so what I would, from a
6 procedural standpoint, and I'll let staff speak
7 for themselves, but we talked about his before.
8 We filed, if your board has any desire, an
9 intention to make, to take a position and make a
10 recommendation to the zoning board, which you
11 have done from time to time, I'm, we're here in
12 front of you to make sure you got up to speed,
13 you learned enough about the application and why
14 it's got five stories, why it's positioned on the
15 site where it is.

16 I would love to go to the zoning board
17 In January and/or February, hopefully either with
18 no opinion or a tacit or expressed approval from
19 your board, because you're right, Tom, I can't
20 process in front of this board to conclusion
21 until I know what the zoning board is going to
22 do. If they're going to change something in the
23 building --

24 MR. BIANCHI: Exactly.

1 December 6, 2022

2 MR. STEINMETZ: -- we want to do that
3 before we ask you to vote on final approval. So
4 if you guys want to be involved at all in
5 providing your opinion to the zoning board, I
6 would ask that you consider doing that at the
7 January or the February meeting at the latest.

8 MR. BIANCHI: I, speaking for myself, I
9 don't think I know enough about this to make any
10 recommendation either way to --

11 MR. STEINMETZ: Okay.

12 MR. BIANCHI: I mean you're looking for
13 a lot of variances here. I think it's hard
14 pressed for us to say thumbs up or thumbs down at
15 this point.

16 MR. STEINMETZ: Okay.

17 MR. BIANCHI: It almost seems like they
18 take precedence here in coming up, you know, five
19 stories is significant in this town.

20 MR. STEINMETZ: Yeah, and just because I
21 don't want to let that comment go unresponded to.
22 It's really --

23 MR. BIANCHI: You never do.

24 MR. STEINMETZ: What's that?

1 December 6, 2022

2 MR. BIANCHI: You never do.

3 MR. STEINMETZ: I never do. Uh, it's by
4 Loretta's leaving the board, let's be honest.
5 [laughter] I don't take it personally, Loretta.
6 It's really a four-story building that just
7 because we happen to be making some use of the
8 basement area, it's getting classified as a story
9 because we're going to have an in ground swimming
10 pool and a fitness area in the basement. So, the
11 grade is what the grade is. Again, the building,
12 we're not, no one on our team is ashamed that
13 this building is, is structured and designed and
14 graded the way it is. So technically, it's five
15 stories.

16 MR. KEHOE: But, so, that's an image,
17 right? Does that help explain? I mean you may
18 want to talk about that a little.

19 MR. FREEMAN: That's actually a little
20 bit of an aggressive image. The fade off of
21 grade, if you go to the left and right of the
22 entry that's shown, is actually exaggerated
23 there. So that much of the sunken floor, the
24 bottom story if you will, will not even be

1 December 6, 2022

2 exposed in this image. It's the architect
3 grading. We do the grading.

4 MR. KEHOE: But your point would be that
5 there's four floors of windows?

6 MR. STEINMETZ: Correct.

7 MR. KEHOE: Stuff like that.

8 MR. FREEMAN: Yeah, and the renderings
9 will show that more clearly. The building, Brian
10 and I took some time today to go over what the
11 actual height of the building is, which sounds
12 like a simple question and we just did it
13 ourselves based on the corners of the building,
14 and we came up with 48'10". So, if it were truly
15 a five story building, five times ten, five times
16 11, 55 feet, so you get a sense of this is us
17 averaging grade. So 48, it's more like four and a
18 half.

19 MR. STEINMETZ: So we'll present that to
20 the zoning board.

21 MR. FREEMAN: Yes.

22 MR. BIANCHI: So our role here is not to
23 do much until we get more action from the zoning
24 board.

1 December 6, 2022

2 MR. STEINMETZ: That's fine.

3 MR. BIANCHI: I just want to make that
4 clear that we're not going to be able to really -
5 - our hands are tied.

6 MR. STEINMETZ: Correct.

7 MR. KEHOE: Well, but that was one of
8 their issues. So they, you know, they had to fund
9 a pretty large escrow at the beginning of the
10 project. Our arborist has been out there, our
11 wetland consultant has been out there, the
12 traffic has been out there.

13 MR. BIANCHI: All those things can
14 proceed.

15 MR. KEHOE: So, they're working on. But,
16 uh, so I guess what you're sort of saying is just
17 go to the zoning board.

18 MR. BIANCHI: That's what I'm saying.

19 MR. KEHOE: Not a lot more before you,
20 not a site inspection yet.

21 MR. BIANCHI: No.

22 MR. KEHOE: Just go to the zoning board.

23 MR. BIANCHI: Yeah.

24 MR. KESSLER: I agree.

1 December 6, 2022

2 MR. FREEMAN: Before -- there's one
3 other variance that I figured I would at least
4 put before you. If you don't want to comment on
5 it, we'll go before ZBA. We received in that
6 comment letter a question about parking. And I
7 know you're just getting your teeth into this.
8 But we show 101 spaces. Per code, 100 is required
9 for a 93-room hotel, so we have one extra space.
10 We're going to need the internal parking island
11 green space variance. We don't have enough
12 islands that are green in the parking lot to meet
13 your code. We need that variance. What we could
14 do and we talked with the owner is we could
15 eliminate a few more spaces. If you think that
16 that's something we could do, then we're going
17 before the zoning board with another variance.
18 And that's something I'm only asking now because
19 if we --

20 MR. BIANCHI: Do you have EV spaces
21 there now?

22 MR. FREEMAN: We, I think the owner is -

23 -

24 MR. BIANCHI: No, no, I understand that,

1 December 6, 2022

2 but --

3 MR. STEINMETZ: The answer is no.
4 They're not shown now.

5 MR. BIANCHI: And don't they take up
6 more space than a regular --

7 MR. STEINMETZ: No.

8 MR. BIANCHI: No?

9 MR. STEINMETZ: No. And one thing on the
10 issue of space that I think is really important,
11 Marriot, which obviously wants to make sure that
12 anyone who's staying at the hotel and is
13 comfortable and not complaining that they can't
14 park their rental car, Marriott has told our
15 client they don't need 101 parking spaces. So
16 what Christian is doing is letting you know
17 between now and when we come back for a
18 substantive discussion, we may meet with the
19 zoning board and say look folks, we're, we can
20 eliminate or reduce the parking lot landscape
21 buffer variance if we can eliminate a couple of
22 parking spaces.

23 MR. KEHOE: But --

24 MR. STEINMETZ: So we're going to end up

1 December 6, 2022

2 identifying --

3 MR. KEHOE: -- that's critical though,
4 because that, you have to have five percent of
5 the interior of the parking lot landscaped.

6 MR. STEINMETZ: Correct.

7 MR. KEHOE: And you can't do it with
8 101.

9 MR. STEINMETZ: Correct.

10 MR. KEHOE: So let's just pick a number.
11 You can do it with 95 or 90, whatever it is. But
12 the planning board I think would want to see the
13 bonus that that extra landscaping is --

14 MR. STEINMETZ: No problem.

15 MR. KEHOE: -- is, is it worth it to
16 eliminate six spaces or is it not worth it.

17 MR. FREEMAN: And to respond to Chris
18 quickly, I know we're getting in the weeds here,
19 sorry. We're not going to, we're still not going
20 to meet that internal green space, so all it
21 would be doing is just adding a little bit of
22 curb island that's green in there. And the only
23 reason I'm bringing it up is so that you can
24 advise us whether or not we go before the zoning

1 December 6, 2022

2 board and ask for yet another variance.

3 MR. KEHOE: So you're never going to
4 meet five, even if you eliminate, you'd be at one
5 or two percent?

6 MR. FREEMAN: This is [unintelligible]
7 [02:00:02].

8 MR. STEINMETZ: And that's because we
9 have full circulation for fire vehicles all the
10 way around this building. We were told by Martin
11 we had to make sure we could get your largest
12 fire vehicle all the way around the building.

13 MR. KEHOE: Right. So it's hard, as you
14 say, to do this sort of stuff on the fly, but do
15 you have an opinion about whether they ask for
16 another variance of parking in order to get more
17 landscaping?

18 MR. BIANCHI: I think they can ask for
19 the variance, but it's still in our purview to
20 decide ultimately the parking, correct?

21 MR. KEHOE: Well, the zoning board is
22 not granting any of the variances anyway. They
23 would simply say they've looked at it and they're
24 conceivably willing to ultimately grant a

1 December 6, 2022

2 variance for five spaces or something. It's
3 ultimately up to you.

4 MR. FREEMAN: Right.

5 MR. BIANCHI: So, we'll deal with it
6 when we deal with it.

7 MR. STEINMETZ: I guess we'll be back.

8 MR. BIANCHI: Alright.

9 MR. STEINMETZ: We appreciate your time,
10 Loretta.

11 MR. KEHOE: But you will be on the
12 agenda just for the lead agency conclusion.

13 MR. STEINMETZ: We'll be back.

14 MR. KEHOE: Okay.

15 MR. STEINMETZ: Have a good evening,
16 everybody.

17 MS. TAYLOR: Thank you. Thank you.

18 MR. BIANCHI: Peter?

19 MR. MCKINLEY: Yes, sorry, Tom, did you
20 say something?

21 MR. KEHOE: No, go ahead.

22 MR. MCKINLEY: I'm up for motion, yes,
23 is that what --

24 MR. KEHOE: Yes.

1 December 6, 2022

2 MR. MCKINLEY: Okay. Great. Michael, you
3 have to just give me some guidance here, but I
4 make a motion to refer back to staff.

5 MR. CUNNINGHAM: Refer back to staff.

6 MR. BIANCHI: Second.

7 MR. MCKINLEY: For the application of
8 the Bilal Ahmad for the property of the Ace/Sport
9 Realty Holding Company for the December meeting?

10 MR. KEHOE: The January meeting.

11 MR. MCKINLEY: January meeting, sorry.

12 MR. BIANCHI: Second.

13 MS. TAYLOR: Alright. On the question?
14 All in favor?

15 MULTIPLE: Aye.

16 MS. TAYLOR: Opposed? Okay. Alright.
17 Moving on to the final item for tonight.

18 MR. BIANCHI: No.

19 MS. TAYLOR: No?

20 MR. CUNNINGHAM: Second to last.

21 MR. BIANCHI: Second.

22 MS. TAYLOR: Oh, no, yeah. I'm sorry.

23 MR. BIANCHI: Wishful thinking.

24 MS. TAYLOR: Much. The next item under

1 December 6, 2022
2 old business is PB 6-15, the application of
3 Hudson Ridge Wellness Center, Inc. for site
4 development plan approval and a special permit
5 for a hospital to be located at the former Hudson
6 Institute property to provide a New York State of
7 Addiction Services and Support certified facility
8 to treat individuals with chemical dependency
9 issues located at 2016 Quaker Ridge, is it road?
10 Did we leave out something? Alright. Latest
11 drawings October 24, 2022.

12 MR. BOB DAVIS: Good evening. I'm Bob
13 Davis, attorney for the applicants. First of
14 course, I'd like to join in extending all the
15 best to Ms. Taylor and Mr. Foley. I thank you for
16 your service and always being attentive when I've
17 been before the board, much appreciated.

18 MS. TAYLOR: Thank you so much.

19 MR. DAVIS: I much appreciate it, and
20 you'll certainly be missed. My parting gift for
21 you today will be to be very brief. [laughter]
22 I'm sure you'll appreciate that.

23 MS. TAYLOR: I certainly will.

24 MR. DAVIS: Given some of my

1 December 6, 2022

2 presentations.

3 MS. TAYLOR: Thank you so much.

4 MR. DAVIS: And fortunately, it's not a
5 public hearing tonight either. So, tonight, I
6 just want to give you a very brief update on the
7 status of this matter before we proceed in
8 greater detail at the upcoming meetings. As you
9 know, we're here for site plan approval, along
10 with a special permit for a specialty hospital,
11 now to serve a maximum, a reduced maximum of only
12 52 patients, for a parking waiver special permit
13 now to permit only 40 spaces, of which 33 are
14 already existing.

15 You may recall that you have our
16 comprehensive February and March 2022 submissions
17 that address the downsized application at that
18 point. And on April 5th, your board on the basis
19 of those submissions and the voluminous record,
20 rendered your well substantiated negative
21 declaration under SEQRA with 34 agreed mitigative
22 conditions and finding that the proposed action
23 will not have any significant adverse
24 environmental impacts.

1 December 6, 2022

2 So following your neg dec, we proceeded
3 with our concurrent application before the zoning
4 board for an area variance from the state road
5 frontage requirement for hospitals and the zoning
6 board conducted its public hearings on that
7 application at its June and August meetings
8 following my initial presentation to that board
9 in April. On September 27th, the zoning board
10 granted the variance. In its thorough ten-page
11 decision and order, which was based in large part
12 on the substance of your negative declaration and
13 also, of course on the exhaustive record of over
14 seven years of this matter before both of your
15 boards.

16 Upon the granting of that variance, the
17 applicant was finally able to proceed in earnest
18 with addressing the 34 conditions in your neg
19 dec. The applicant did proceed promptly after the
20 neg dec to commence preparation for approval
21 before OASAS, which is its state licensing
22 authority, the Office of Addiction Services and
23 Supports. As you'll recall, condition number one
24 of the neg dec provides that the applicant will

1 December 6, 2022

2 pursue the OASAS approval concurrently with your
3 board's review and that prior to the chair
4 signing any site plan drawings, the applicant
5 must obtain initial contingent approval or other
6 comparable preliminary approval from OASAS for
7 the hospital's program and site elements and
8 identify its intended operator for the hospital.

9 So our clients licensing consultant,
10 Cicero Consulting Associates, whose
11 representatives have appeared before your board
12 and the zoning board in these proceedings is well
13 along with initiating the OASAS license
14 application process and should be requesting the
15 pre-consultation meeting as it's called required
16 for OASAS to commence its formal review very
17 shortly. And once that meeting is confirmed,
18 we'll advise the board and we'll keep the board
19 updated on that process of course.

20 The applicant has endeavored to address
21 other plan related neg dec conditions. In JMC's
22 November 21st submission to your board for your
23 review, and that of staff, in the hopes of having
24 these matters reviewed and finalized rather

1 December 6, 2022

2 expeditiously, if possible.

3 So to summarize, all conditions related
4 to the neg dec have been addressed and submitted
5 to your board at this point for review, with the
6 one exception of the OASAS process which is
7 understandably is on its own timeframe. But
8 nonetheless an update in that regard should be
9 coming to you shortly. So that's where we are and
10 we expect to be before you at the upcoming
11 meetings and hoping at long last to bring this
12 matter to a conclusion without much further
13 delay. So I thank you for your time and I believe
14 in speaking to Mr. Kehoe that you'd be looking to
15 reopen the public hearing at the January meeting.

16 You might recall that in effect, you
17 closed the public hearing for the environmental
18 matters upon rendering your neg dec or just
19 before that. And the public hearing at this point
20 will be addressing site plan matters, the
21 specifics of the plan itself.

22 MR. KESSLER: Okay. Convince me I should
23 have a public hearing without OASAS'
24 determination of your program.

1 December 6, 2022

2 MR. DAVIS: Well, first of all, we, the
3 condition says we'll be going through a
4 concurrent review with this board's review and
5 we've undertaken to do that. And we'll have that
6 information for you shortly. We don't, your board
7 is addressing site plan matters, Mr. Kessler
8 primarily. In practice, as I understand it, OASAS
9 will be looking primarily at the program aspects.
10 We know that there's a 52 patient maximum. There
11 can't be any more than that. There could be less.
12 So there's no reason whatsoever legally or
13 practically why should not proceed with
14 addressing the site plan matter.

15 MR. KESSLER: Yes, we've closed the
16 public meeting on the environmental and it's open
17 on the site plan.

18 MR. DAVIS: Correct.

19 MR. KESSLER: But we've already had
20 public hearings on the site plan. What more
21 public hearing is there to have without knowing
22 what OASAS says in terms of your programming and
23 how it may impact the site plan?

24 MR. DAVIS: Well, once again, we're

1 December 6, 2022

2 proceeding concurrently there. We've made
3 revisions to the site plans in connect- to the
4 extent relevant in your neg dec conditions.

5 MR. KESSLER: And you may be required to
6 make more.

7 MR. DAVIS: It's very unlikely.

8 MR. KESSLER: Don't, don't know.

9 MR. DAVIS: It's quite unlikely that
10 OASAS will be requiring us to move a swimming
11 pool here or there or a fence here or there.

12 MR. KESSLER: Or require you to have
13 additional programs, I don't know. And you don't
14 know either.

15 MR. DAVIS: Well, I do know that, that
16 there's nothing that they would require, given
17 the maximum number of people that are in the
18 conditions of the neg dec and that we've
19 stipulated to that should affect --

20 MR. KESSLER: You don't know --

21 MR. DAVIS: -- in any meaningful way
22 your site plan.

23 MR. KESSLER: As we talked about
24 earlier, you don't know that they would require

1 December 6, 2022

2 more family therapy sessions. You don't know
3 that. And don't say that you do.

4 MR. DAVIS: I don't know that precisely,
5 but again, I don't believe that we -- we've
6 conditioned our application to you on one session
7 a month for 25 percent of the people, a family
8 session.

9 MR. KESSLER: I understand that, and I'm
10 waiting to hear what OASAS says about that.

11 MR. DAVIS: I would respectfully
12 disagree with you. There's no, there's no reason
13 we can't start reviewing --

14 MR. KESSLER: And I respectfully
15 disagree with you.

16 MR. DAVIS: -- the site plan issues.

17 MR. KESSLER: We --

18 MR. DAVIS: You specifically --

19 MR. KESSLER: -- we discussed site
20 plans, we've discussed lighting, we've discussed
21 buffers, we discussed all those things.

22 MR. DAVIS: We had this conversation,
23 Mr. Kessler and we stipulated to a condition that
24 you yourself --

1 December 6, 2022

2 MR. KESSLER: Right.

3 MR. DAVIS: -- discussed with me.

4 MR. KESSLER: And I'm waiting for that
5 information, and that's why I said I don't see
6 any --

7 MR. DAVIS: Well concurrently means
8 concurrently, does it not.

9 MR. KESSLER: Concurrently means
10 concurrently, but concurrently also means you get
11 us additional information, which you haven't
12 gotten us.

13 MR. DAVIS: We're in the process of
14 providing it and we should have you additional
15 information for the January meeting.

16 MR. KESSLER: From OASAS?

17 MR. DAVIS: That's what we're expecting
18 yes.

19 MR. KESSLER: Okay. Because you said
20 you're initializing a meeting. Initializing means
21 you haven't met. Your words, not mine.

22 MR. DAVIS: That's correct. That's
23 correct.

24 MR. KESSLER: Okay.

1 December 6, 2022

2 MR. DAVIS: That's correct. But we
3 expect to do, to have that shortly and we expect
4 to have feedback from them shortly. We hope,
5 we're hopeful of having that for your January
6 10th meeting, which has been put off a week.

7 MR. KESSLER: That will be faster than
8 I've ever seen any state agency act.

9 MR. DAVIS: Well, it would be faster
10 than a lot of agencies we've dealt with.

11 MR. KESSLER: Okay.

12 MR. DAVIS: But --

13 MS. TAYLOR: Okay.

14 MR. DAVIS: -- we're proceeding
15 extremely diligently.

16 MR. KESSLER: This is mine. I'm not
17 making the motion.

18 MR. DAVIS: We'd like to be on your
19 agenda for the January 10th meeting.

20 MS. TAYLOR: Nora, can you do --

21 MR. KESSLER: Can you state what date
22 will that information be available to us before
23 the meeting?

24 MR. DAVIS: I don't have a specific

1 December 6, 2022

2 date.

3 MR. KESSLER: Well, that's how we can
4 determine whether or not we should have a public
5 meeting. If we have that in advance of the
6 meeting, then maybe it would be a meaningful
7 public hearing. Can you commit to a date?

8 MR. DAVIS: We're certainly going to act
9 with all due diligence to get that information as
10 quickly as possible.

11 MR. KESSLER: The problem is if you say
12 public hearing, people are going to show up and
13 if you don't have the information, we're going to
14 be sitting here twiddling our thumbs.

15 MR. DAVIS: A public hearing can be
16 adjourned, as you've done in the past.

17 MR. KESSLER: I know, but people come to
18 speak and I, we're not going to say you can't
19 speak.

20 MR. DAVIS: Well, no, but it could be
21 adjourned -- what I'm saying is you know --

22 MR. KESSLER: I know it can be adjourned
23 but people are going to speak and not have --

24 MR. DAVIS: But it can be adjourned in

1 December 6, 2022

2 advance is what I'm saying. If you feel you don't
3 any information at that point, it can be carried
4 on the agenda and adjourned on your website in
5 advance.

6 MR. KESSLER: Chris, what day would you
7 need to know in order to basically adjourn it for
8 the next month?

9 MR. KEHOE: Well, you know, we didn't
10 really settle this. I don't believe. It always
11 gets complicated at the end of the year, but if
12 we're having our meeting on Tuesday, the 10th,
13 our new schedule is the work session will be at
14 6:00 o'clock on the 10th. So I could get, I
15 usually would get the stuff the previous
16 Wednesday so I can get it to you guys that, so
17 you'd have it for the weekend, so whatever that
18 Wednesday is, the 4th or 5th.

19 MR. ROTHFEDER: But would that give you
20 enough time to alert the community that the
21 hearing is off?

22 MR. KESSLER: If you don't get the
23 information.

24 MR. ROTHFEDER: If we don't get it.

1 December 6, 2022

2 MR. KEHOE: Well, yeah, I don't have any
3 problem with the community. I mean there's a
4 network. I have, you know, I work with a
5 neighborhood association's attorney. We would
6 keep them informed.

7 MR. ROTHFEDER: Okay. Does that work for
8 you?

9 MR. KEHOE: We've done that several
10 times in the past. You know, decided sort of at
11 the last minute mutually to not hold the public
12 hearing.

13 MR. ROTHFEDER: So is that okay with
14 you? Should we go on that basis?

15 UNIDENTIFIED FEMALE: Who was it that
16 informs the community? Can I just say the
17 community has been [unintelligible] [02:13:51]
18 for almost a decade of coming to meetings, been
19 very good and very respectful. If we can get the
20 information in advance, we can actually go
21 through it, and it's difficult for people to set
22 up their schedules, especially when we have it
23 [unintelligible] [02:14:07] and then
24 [unintelligible] [02:14:08] canceled at the last

1 December 6, 2022

2 minute. I know for the community, it is much
3 cleaner if we have the information ahead of time.

4 MR. BIANCHI: Maybe we should be looking
5 at February then, for a public meeting.

6 MR. DAVIS: Well, the board, the board
7 could be reviewing, continuing to review the site
8 plan without conducting the public hearing per se
9 as it has done with this application, actually
10 for years. That, that can be a process to help
11 move the matter forward, is that we can be
12 cleaning up the site elements that, that, you
13 know, are before you.

14 MR. KESSLER: What's changed that, from
15 the last discussion we had on the site plan? The
16 last public hearings?

17 MR. DAVIS: Not, not a lot, but we've
18 implemented, we have implemented the neg dec
19 conditions that relate to the plan and that, that
20 can certainly be reviewed at this point. We can
21 work with staff, for example, to make sure that
22 those are in place. I know that there's a couple
23 of tweaks that I saw in reviewing the plans that
24 have to be made, not of great substance, but

1 December 6, 2022

2 there are some things that can be cleaned up.

3 MR. ROTHFEDER: Well then, maybe we
4 should set the public hearing for February and --

5 MS. TAYLOR: I think that's a good idea.

6 MR. ROTHFEDER: And if you've got
7 something to report to us, Chris, for the next
8 meeting, based on discussions with the applicant,
9 we can discuss it among ourselves.

10 MR. KEHOE: Well, you can keep it on
11 under old business and let's say the OASAS
12 information comes in, but it comes in late, you
13 would have it, and then it would be readily
14 available for the community in advance of the
15 February meeting.

16 MR. ROTHFEDER: Exactly. And we could
17 discuss it in January if we have it by then, but
18 [unintelligible] [02:15:45] the public hearing.

19 MR. KEHOE: but no matter what, even if
20 you have it, and you want to discuss it at the
21 January meeting, you would be holding a public
22 hearing in February. You wouldn't precluding the
23 public from having their opportunity.

24 MR. ROTHFEDER: Exactly.

1 December 6, 2022

2 MR. KESSLER: Right. And that's February
3 7th. Okay. So why don't we make a motion to bring
4 this back under old business at our next meeting
5 for an update on your discussions with OASAS and
6 reopen the public hearing on the site plan for
7 February 7th.

8 MR. BIANCHI: Okay.

9 MR. DAVIS: Okay. Could you tell me what
10 the date is in February, Chris?

11 MR. KESSLER: The 7th.

12 MR. DOUGLAS: The 7th, thank you.

13 MS. TAYLOR: Alright. Are you making the
14 motion or are you suggesting the motion?

15 MR. CUNNINGHAM: That was it.

16 MR. KESSLER: That was it.

17 MS. HILDINGER: He just actually made
18 the motion.

19 MR. ROTHFEDER: That was actually --

20 MR. KESSLER: I'm sorry.

21 MR. ROTHFEDER: Anyway, second, I second
22 that.

23 MS. TAYLOR: Well, who made the motion?

24 Did you --

1 December 6, 2022

2 MR. ROTHFEDER: He just made the motion.

3 MS. HILDINGER: He just made the motion.

4 MS. TAYLOR: I was asking, were you
5 suggesting it or are you making it?

6 MR. KESSLER: Right, I'm making it. I, I

7 --

8 MS. TAYLOR: Alright. So you made the
9 motion.

10 MR. KESSLER: -- apologize.

11 MS. TAYLOR: It was seconded by Jeff.

12 MR. ROTHFEDER: I seconded it.

13 MS. TAYLOR: Okay. Yes, alright. On the
14 question? On the question? All those in favor?

15 MULTIPLE: Aye.

16 MS. TAYLOR: Opposed? Okay.

17 MR. DAVIS: Thank you very much. Have a
18 nice night.

19 MR. BIANCHI: Alright.

20 MS. TAYLOR: The next item, actually the
21 final one at this point is PB 2019-5, the
22 application of Homeland Towers, LLC and New York
23 SMSA Limited Partnership DBA Verizon Wireless for
24 the property of Bezo Enterprises, LLC for site

1 December 6, 2022

2 development plan approval and a special permit
3 for a proposed public utility personal wireless
4 facility known as a telecommunications tower on a
5 portion of a six-acre parcel of property located
6 at 52 Montrose Station Road. Latest drawings
7 September 28, 2022. Alright. Before you begin,
8 let me just apologize in advance. I probably will
9 be leaving in the next 20 minutes. I need you to
10 know that this has nothing to do with you and
11 your presentation. I just have to leave early.

12 MR. MICHAEL SHERIDAN: I will not take
13 it personally, Madam Chair and let me join the
14 chorus saying it's been a pleasure to appear
15 before you and I wish you the best of luck in the
16 future.

17 MS. TAYLOR: Thank you so much, I
18 appreciate that.

19 MR. SHERIDAN: My name is Michael
20 Sheridan, I'm an attorney with Snyder & Snyder
21 here on behalf of Homeland Towers and New York
22 SMSA Limited Partnership dba Verizon Wireless.
23 Since we were last here, we submitted another set
24 of documents by a letter dated November 22nd.

1 December 6, 2022

2 Included with those documents were reports from C
3 Squared, Verizon Wireless' RF consultant as well
4 as a report from Homeland Towers, detailing
5 information that this board requested regarding
6 additional locations and confirming that the
7 proposed location is in fact the best location
8 for the, for the tower to provide the necessary
9 coverage to the existing gap.

10 As part of that letter, as requested by
11 this board, we kind of went through and did a
12 summary of all the, cursory summary of all the
13 information again. I would refer this board to
14 all the documents we submitted in connection with
15 this application. But we went through a summary,
16 which, you know, detailed that the proposed tower
17 at 52 Montrose Station Road complies with the
18 wireless law, doesn't require any variances, the
19 need for it has been established. There's been a
20 gap in coverage. We've shown that the proposed
21 facility will fill that gap. As I said, we
22 submitted additional reports confirming that
23 there are no other locations that the facility
24 could be located. In previous documents, we've

1 December 6, 2022

2 shown the visual aspect it, showing that it will
3 be not visible from most locations in town. We've
4 submitted a property valuation report from Lane
5 Appraisals saying it will not result in a
6 diminution of property values in the immediate
7 area.

8 And in connection with concerns that
9 were raised by neighbors about fire issues, we
10 had, we submitted two letters from the local fire
11 department as well as Westchester County
12 confirming that it is not a fire safety concern
13 and that it will enhance public safety because of
14 the coverage that will be provided.

15 Tonight, we're looking to have this
16 board, we're willing to answer any questions you
17 may still have and we're looking to come back in
18 January with a resolution prepared so that this
19 board could vote at that time. If you have any
20 questions, we'd be happy to answer them now.

21 MR. BIANCHI: There was a memo today
22 from our attorney regarding the discussion we had
23 at the work session concerning verification of
24 coverage. I understand that you provided some

1 December 6, 2022

2 language that, let me find it here, that
3 indicated that we -- you would do a study or an
4 analysis one year later and provide measure of
5 the coverage that was in fact provided if this
6 tower should be erected.

7 MR. SHERIDAN: Yes, we've spoken and I
8 think within I think the proposal is within one
9 year after the receipt of the certificate of
10 compliance from the town confirming that the
11 tower can be operational, the applicants will
12 provide this board information for your records
13 so you can have it about the coverage that's
14 being provided by the Verizon Wireless antennas
15 that would be -- it wouldn't change anything
16 regarding the special permit moving forward or
17 put any additional requirements on the renewal of
18 the special permit. It would just be a report to
19 give you that information which I think was
20 requested by Mr. Kessler indicating the coverage
21 provided for your records.

22 MR. KESSLER: And the only thing I would
23 say, you know, let's be clear perhaps in the
24 resolution what we're comparing it to. You know,

1 December 6, 2022

2 let's pick the right map that they gave us. I
3 have it in my mind, I don't have it in front of
4 me, which one they gave us that says here is what
5 will be delivered with this tower in this place
6 and that's what it needs to be compared to. So
7 let's make sure we specifically cite the point of
8 comparison.

9 MR. BIANCHI: Yeah, I agree because I
10 offered a change in the wording a little bit
11 regarding your language. And I indicated that
12 maybe what should be done is the study should be
13 done and compare the results I should say,
14 compared to what the maps that you already
15 provided as to what you intended it to cover.
16 Don't just do another study and say we covered
17 this area. It's not useful unless you know what
18 you're comparing it to.

19 MR. SHERIDAN: I mean we can provide the
20 information and we can reference the maps
21 previously I guess submitted.

22 MR. ROTHFEDER: You'd just do like an
23 overlay. You know, something like that. Anything
24 else?

1 December 6, 2022

2 MR. KESSLER: Well, we still haven't
3 discussed what it looks like.

4 MR. ROTHFEDER: Oh, yeah.

5 MR. KESSLER: If we were to approve
6 this, as Mike wrote to us earlier today.

7 MR. SHERIDAN: I mean if you haven't
8 made a decision on what it looks like, I mean we
9 have visuals we can show you again, the choices
10 that you can make if that's something that --

11 MR. VINCENT XAVIER: I took the three
12 closest photos and simulation that we generated,
13 put them on a separate PowerPoint of slides and
14 blew them up with the three different options on
15 this. You know, we could love through the old
16 VRA, but I thought it may be simpler if we just
17 focus on the [unintelligible] [02:24:10].

18 MR. BIANCHI: Sure, yeah.

19 MR. KESSLER: Is that the only, is that
20 our last remaining issue?

21 MR. CUNNINGHAM: That, right, and if you
22 want to have branches on it.

23 MR. KESSLER: Well that would be this --

24 MR. CUNNINGHAM: It's all, it's all the

1 December 6, 2022

2 visuals.

3 MR. KESSLER: Owls.

4 MR. SHERIDAN: And then I do want to,
5 just before I forget, just to make sure we're all
6 on the same page with the shot clock and --

7 MR. CUNNINGHAM: I was hoping you'd
8 bring that up.

9 MR. SHERIDAN: Yeah, so I just want to
10 make sure we don't leave before mentioning that,
11 because it seems now your meeting --

12 MR. CUNNINGHAM: IT seems like that has
13 to be changed to January 11th, given that the
14 meeting then got pushed back a week.

15 MR. SHERIDAN: Right. And I just want to
16 make sure, and that's also the 62 day requirement
17 to --

18 MR. CUNNINGHAM: Will be extended.

19 MR. SHERIDAN: Yeah.

20 MR. CUNNINGHAM: So, based on this
21 conversation, we'll count it as a
22 [unintelligible] [02:24:49] extension.

23 MR. SHERIDAN: I just want to make sure
24 it was, we're both on the same page.

1 December 6, 2022

2 MR. CUNNINGHAM: Yeah, yeah.

3 MR. SHERIDAN: So extend it to the 11th,
4 which is one day after the meeting.

5 MR. CUNNINGHAM: Yes.

6 MR. SHERIDAN: That's fine, just in case
7 there's a snow storm or something, we can --

8 MR. XAVIER: And it could be mutually
9 extended if --

10 MR. CUNNINGHAM: Of course.

11 MR. SHERIDAN: Thanks.

12 MR. XAVIER: So what I did here, I took
13 the three closest viewpoints and I'm showing the
14 brown monopole and then the galvanized monopole
15 and then the pine design back to back so that
16 we'd be able to kind of flip through them
17 [unintelligible] [02:25:18] pole. If you go to
18 the top and go to like the slide show it'd be
19 easier.

20 MR. KEHOE: I've got a bar on my screen
21 from the Zoom that blocks all of the PowerPoint
22 stuff.

23 MR. XAVIER: [unintelligible]
24 [02:26:05].

1 December 6, 2022

2 MR. BIANCHI: Please speak into the
3 microphone so our audience can hear it.

4 MR. XAVIER: Yeah, with Zoom, with
5 having the block in it, it looks a little
6 different than it would on a standard PowerPoint,
7 but that's basically the three closest viewpoints
8 from within the cul-de-sac there showing the most
9 visibility so that we could have good comparison
10 purposes.

11 MR. KEHOE: So that's -- what is that?

12 MR. XAVIER: This would be the brown
13 monopole. You know, generally this works well
14 when there's hills behind you and this kind of
15 would blend into the hill and from some
16 viewpoints, maybe it would be ideal. In my
17 opinion, the brown doesn't work in this instance,
18 because anywhere else that's far enough away, you
19 don't see it anyway. So it would be my
20 recommendation to either go with the galvanized
21 which dulls over time and tends to blend into the
22 sky a bit more, or the monopine design, which is
23 next.

24 MR. BIANCHI: What are the pros and the

1 December 6, 2022

2 cons of that particular design?

3 MR. XAVIER: Of the monopine?

4 MR. BIANCHI: Yeah.

5 MS. TAYLOR: Unattractive.

6 MR. XAVIER: Well, the pros are you
7 don't directly see the antennas, but, you know.

8 MR. KEHOE: Because that's important
9 too, that you can't see the top, but you actually
10 can more or less cover the antenna at the top
11 with branches?

12 MR. XAVIER: Yeah, so what I do, and
13 what I would actually recommend, because this is
14 my town as well. As part of the resolution, if
15 you require we do a monopine design, and my boss
16 probably won't like that I just throw this out
17 there, but I would recommend that you also impose
18 a condition that all carriers' antennas must be
19 painted dark green and covered with what we call
20 socks, which are these little wraps that go
21 around that have additional little branches on
22 them which help really blend and break up the
23 antenna. So there are other municipalities that
24 have imposed that condition as well and I would

1 December 6, 2022

2 recommend that here. And that really does make it
3 that you don't see a rectangle there regardless
4 of what color it is, it helps to break up the
5 shape of it a bit more.

6 And if it's a 140 foot tower, the top of
7 the antenna is not going to go above 140. But for
8 a monopine, the height of the tower would
9 actually be 145, 146, if you wanted, because
10 there's a topper that goes on to create the more
11 tapered effect. We don't need to put that in, but
12 that in, but having that additional top does
13 actually help with the aesthetics of it, and I
14 believe that, combined with coloring and painting
15 the antennas together with those socks, really
16 helps the antennas be less visible.

17 MR. KESSLER: I've got a question.

18 MR. XAVIER: Mm-hmm.

19 MR. KESSLER: You're required, if
20 somebody comes to you and asks, you know, AT&T,
21 to give them space on your pole, right?

22 MR. XAVIER: Correct.

23 MR. KESSLER: Below yours, obviously.

24 MR. XAVIER: But below Verizon, but I'm

1 December 6, 2022

2 Homeland, but yes.

3 MR. KESSLER: So what, in that, so how
4 do you then, do you have to take the tree limbs,
5 these fake tree limbs off and redo it?

6 MR. XAVIER: In that area around the
7 antenna, some of the, the --

8 MR. KESSLER: Well, if somebody, if AT&T
9 says they want to go on your pole?

10 MR. XAVIER: Yeah. They would have to
11 take some of the branches off below it, install
12 their mount and their antennas, install the
13 branches back that they can, and then color match
14 and wrap the antennas with those socks to fill in
15 the gap that would otherwise exist.

16 MS. TAYLOR: I really, I'm going to just
17 express my opinion. I don't think that that's a
18 good idea.

19 MR. XAVIER: The tree?

20 MS. TAYLOR: Yeah. The tree.

21 MR. XAVIER: Well, personally, I, you
22 know, it's very subjective. Some people hate the
23 monopine. In some instances, I've liked it and
24 even people in my company haven't. Personally,

1 December 6, 2022

2 really the best one is the galvanized monopole
3 because it's not painted, so it dulls over time,
4 so it becomes less reflective with light. Second,
5 it actually has less of a profile than a
6 monopine, so it doesn't seem as wide. With the
7 monopine, you're going to be sticking out another
8 three feet from the antenna, so it does make it
9 bulkier. But it really is subjective. And I don't
10 want to, you know, it could go either way.

11 MR. BIANCHI: Let's ask our consultant.

12 Do you have any issues with these?

13 UNIDENTIFIED MALE: You know, we did
14 talk about it in our tech memo. If you remember,
15 the very original application was a lattice
16 design, back in 2019. It turned into a monopole.
17 So it's not often that we would recommend that a
18 board even look at the stealth tree. Because
19 they're not invisible, they're above the
20 surrounding tree line. Walking into the reserve
21 and coming out you do see the top of it, and I
22 think from some other areas, lower topography
23 looking around, I think the stealth tree has
24 merits here. There are things such as branch

1 December 6, 2022

2 density and taper, texture and color, the socks,
3 that's kind of a standard thing. A resolution is
4 a little more intense here because you also have
5 a monitoring program. So of course, a special use
6 permit, if it's granted, it's a five year, but
7 there's a little more monitor and replacement of
8 branches, for example, that happen. And I just
9 want to remind you also that you might not see a
10 co-location at a lower level. That would be with
11 DOTs, right, if an application came in by another
12 carrier.

13 We heard in this application might have
14 interest. They have to go for a building permit.
15 But still the same type of construction issues
16 could be assessed for a co-locator if and when.
17 So there's more to work on here in a resolution
18 for sure, but I think it has merits to look at
19 it. I really do.

20 MS. TAYLOR: But what if, if you're
21 going to maintain it because somebody has -- not
22 maintain it. Let's say somebody comes and co-
23 locates on it, they've got to bring the branches
24 and whatever the whole thing is called socks or

1 December 6, 2022

2 they bring something like socks, who puts them on
3 there?

4 MR. XAVIER: No, the sock is just
5 something that goes around each individual
6 antenna themselves.

7 MS. TAYLOR: Yeah. So let's say they
8 come and they make their, the changeover, with
9 the green on the stuff that they've just put on
10 will be the same as the green that was already
11 there? I mean given weather and rain and snow,
12 and whatever. Won't it call attention to itself
13 if the branches that they put on are not, you
14 know.

15 MR. XAVIER: This board and my town is
16 definitely losing something by not having you.
17 I'm actually working with the town of Bedford
18 right now on one. And they have an existing
19 tower. It's not a monopine, but the antennas and
20 things were meant to be painted, and over time,
21 the different carriers come on. They each painted
22 it a slightly different color brown. And it
23 stands out more. It's the change in something
24 that stands out more. So yeah, I would ask that

1 December 6, 2022

2 you, if we're going to pick a color green for the
3 antennas, for example, we mandate that we pick a
4 Sherwin-Williams color code and we make it that.

5 On the left side of this PowerPoint, I
6 have Sherwin-Williams thunder gray showing,
7 because generally we use that for the base, for
8 the tower itself when it comes to a monopine.

9 MR. KEHOE: Keep going?

10 MR. XAVIER: It's the very last slide.
11 It'll be obvious when you hit it. It's just going
12 to be a color.

13 MR. KEHOE: This one?

14 MR. XAVIER: No, no, all the way down.

15 MR. CUNNINGHAM: It's a color swatch
16 probably.

17 MR. KEHOE: Oh.

18 MR. XAVIER: Yeah, that, thunder gray.
19 It's kind of hard in this, but it actually has a
20 little bit of brown to it. And most trees,
21 really, if you look at them, you know, as a kid
22 you painted it brown, but they're really not
23 brown. They're kind of like gray.

24 MS. TAYLOR: They're gray, yeah.

1 December 6, 2022

2 MR. XAVIER: So, what I would say is to
3 that point, which is excellent, you know, mandate
4 in your resolution a specific color they need to
5 be painted. This way you have that consistency
6 for however long the tower is up.

7 MS. TAYLOR: Until the company changes
8 the color, so yeah.

9 MR. XAVIER: And Sherwin-Williams, yeah.
10 I think they try to maintain their color codes
11 pretty consistently, but I can't control that,
12 yeah.

13 UNIDENTIFIED MALE: Yeah, an industrial
14 matte finish. I mean there's a lot that would go
15 into a resolution if you want preparation of it.
16 I do want to note a stealth tree over in
17 Clarkstown, near Nanuet, that I worked on. Branch
18 density and taper, it's actually a pretty good
19 example, a different setting altogether, more in
20 a residential setting, but there was an upgrade
21 by Verizon and the green socks went away for a
22 week and a half and it was a stark white
23 antennas, and I said oh boy, but within two
24 weeks, they were back because that was part of

1 December 6, 2022

2 the resolution, doing an upgrade they restored
3 it. So there's a little more to it in order to
4 kind of capture all the thinking that you have
5 about it.

6 MS. TAYLOR: Any other comments,
7 questions, etc.?

8 MR. BIANCHI: I am on the fence with it,
9 but I see merits in the tree.

10 MS. TAYLOR: You do?

11 MR. KESSLER: You see what?

12 MR. BIANCHI: Merits in the tree design.

13 MR. ROTHFEDER: I do too.

14 MR. BIANCHI: To me like 55/45, it's a
15 little bit softer to look at. I don't know.

16 MR. ROTHFEDER: Yeah, I think so also.

17 MS. TAYLOR: Really? Okay.

18 MR. BIANCHI: That's my opinion.

19 MR. CUNNINGHAM: Peter, do you have an
20 opinion?

21 MR. MCKINLEY: I'm formulating my
22 thoughts. I'll come back to you in a moment for
23 that.

24 MS. TAYLOR: Well, I don't know, since

1 December 6, 2022

2 there are no more comments or concerns at this
3 particular moment.

4 MR. SHERIDAN: So, I would only have --

5 MS. TAYLOR: Yes? Okay. Well --

6 MR. SHERIDAN: This is not -- the public
7 hearing has been closed.

8 MS. TAYLOR: I know. I know. Let me, let
9 him, let him just kind of make his point since we
10 are all kind of hung up on this. This is in
11 reference to --

12 MR. SHERIDAN: Can I just make one more
13 point, I just want to make sure that the town --

14 MS. TAYLOR: Sure you can, yeah, yeah.

15 MR. SHERIDAN: -- sorry, one more thing.
16 There used to be a tree pole in this town that
17 was taken down to be a monopole. I just want to
18 make sure that the town is aware of that, and
19 they don't have any issues, the staff doesn't
20 have any issues moving forward with it.

21 MS. TAYLOR: There was a tree taken,
22 what did you say?

23 MR. KEHOE: Scenic Drive, was it?

24 MR. SHERIDAN: Yeah, I forget which one

1 December 6, 2022

2 it was.

3 MR. KEHOE: Well, yeah, as was mentioned
4 at the beginning of this process, that old, I
5 think that's older technology and our engineering
6 department had problems with that. So, we would
7 confirm that they're okay with maybe that the
8 technology has improved with these branches. Some
9 of the branches fell off that tower.

10 MS. TAYLOR: Oh, okay.

11 MR. KEHOE: So we want to make sure that
12 they're content with the technology.

13 MS. TAYLOR: Okay. Alright.

14 MR. JOHN FEIN: I understand that this
15 is not a public hearing, but as the parties, the
16 town residents are going to be most impacted by
17 this, having heard some of misunderstandings,
18 misrepresentations and lapses at last Thursday's
19 work session, I prepared a letter which I
20 submitted to Mr. Kehoe to distribute to you
21 folks, which he declined to distribute to you,
22 that I, I expect would clarify some of the issues
23 that you would need to think about before making
24 a decision on this. There have been some lapses

1 December 6, 2022

2 in terms of --

3 UNIDENTIFIED MALE: This is not a public
4 hearing. You're making it into a hearing.

5 MR. FEIN: Excuse me. I --

6 MS. TAYLOR: I thought you were going to
7 make a simple comment because he's right. This is
8 not a public meeting.

9 MR. FEIN: Yeah, I'm, I'm trying to say
10 that I would like to have the opportunity as the
11 people who are most severely affected by this and
12 with this issue being --

13 UNIDENTIFIED MALE: If we knew this was
14 going to be public comment, there would be a
15 whole lot more people here.

16 MR. FEIN: Excuse me, if I could just
17 finish, as this is the lowest priority in the
18 town code, it's incumbent upon you to thoroughly
19 make sure that before you decide on this site,
20 that it is indeed the only alternative. And I
21 presented alternatives which have not been looked
22 into and until they are, it's appropriate that
23 you're skeptical about whether Verizon will
24 provide the coverage that they claim they do

1 December 6, 2022

2 because --

3 MR. KESSLER: What is your point of
4 information?

5 MR. FEIN: My point is --

6 MR. KESSLER: You're standing up there,
7 you said a point of information, what is the
8 information concisely.

9 MR. FEIN: The information is I would
10 like you to be able to read, read this letter.

11 MR. KESSLER: But the letter came in
12 after the comment period, after the close of the
13 public hearing.

14 MR. FEIN: Because of the information
15 that we heard last Thursday at the, the work
16 session.

17 MR. KESSLER: The work session is a work
18 session. It's not a public, you know --

19 MR. FEIN: I know. But the, you're
20 operating under some misapprehensions and lapses
21 of due diligence in terms of evaluating
22 alternative sites considering how serious --

23 MR. KESSLER: You made that point at the
24 meetings, you made that point at the public

1 December 6, 2022

2 hearings. What you're saying now, you've said at
3 the public hearings, correct?

4 MR. FEIN: But, there --

5 MR. KESSLER: And in fact you said to us
6 after the work session.

7 MR. FEIN: -- there are sites which
8 would solve the coverage issue without impacting
9 --

10 MR. KESSLER: You've said that at the
11 public hearing, we all heard that and we're
12 taking that into account. We are.

13 MR. FEIN: Well, will you at least take
14 a --

15 MR. CUNNINGHAM: Mr. Fein, Mr. Fein, we
16 can't accept that letter and Chris didn't do that
17 in a vacuum. He conferred with us, because if we
18 accept your letter, then as you know, there are a
19 lot of people also -- no, no, no, Mr. Fein, you
20 have to let me finish.

21 MR. FEIN: We are parties in this.

22 MR. CUNNINGHAM: Mr. Fein, you have
23 [unintelligible] [02:38:45]

24 MR. FEIN: We're not --

1 December 6, 2022

2 MR. CUNNINGHAM: So everyone in Valeria
3 thinks they're a party to this as well, and so --

4 MR. FEIN: And, and, and we respect
5 their concerns.

6 MR. CUNNINGHAM: -- we have, we have
7 both sides were, I know.

8 MR. FEIN: We think that their concerns
9 can be met. Coverage can be met.

10 MR. CUNNINGHAM: Mr. Fein, you have to
11 let me speak. You have to let me speak.

12 MR. FEIN: Without, without destroying
13 this neighborhood --

14 MR. CUNNINGHAM: I have to be able to
15 speak.

16 MR. FEIN: This isn't something the town
17 does to put in a residential area and industrial
18 complex.

19 MR. KESSLER: We've had multiple public
20 hearings on this and we closed it. And, and now
21 it's time for a deliberation. And that's the
22 point we're at.

23 MR. FEIN: Well, again, I feel that
24 you're not looking at all the possible

1 December 6, 2022

2 alternatives and, and with due diligence --

3 MR. KESSLER: We and our consultant have
4 looked at the alternatives.

5 MR. FEIN: This is going to irreparably
6 affect --

7 MR. KESSLER: And we got a report from
8 our consultants about the alternatives.

9 MS. TAYLOR: Tom --

10 MR. KESSLER: So I think we've done our
11 due diligence.

12 MR. FEIN: Your consultant has not
13 looked into -- he's even indicated --

14 MR. KESSLER: Okay. That's enough.

15 MR. FEIN: -- there are other sites.

16 MR. CUNNINGHAM: Mr. Fein, you have to
17 sit down now.

18 MS. TAYLOR: Yeah.

19 MR. KESSLER: That's it. That's it.

20 MS. TAYLOR: Yeah, please. Okay. Yes,
21 please.

22 MR. ROTHFEDER: Madam Chair, I move that
23 we have staff prepare a resolution of approval
24 for, for the next meeting, based on all the

1 December 6, 2022

2 discussion we've had and for an up and down vote
3 by the board.

4 MR. KESSLER: Second.

5 MR. ROTHFEDER: Up or down.

6 MR. KEHOE: So, so just to be clear,
7 obviously, there will be a resolution. No one is
8 decided tonight whether they're going to approve
9 that resolution or not, so you're not taking a
10 vote saying yes or no to the ultimate decision.

11 MR. ROTHFEDER: Correct.

12 MR. KEHOE: I will prepare a resolution.

13 MR. KESSLER: Okay. But I hope you and
14 our consultant will spend a lot of time together
15 on this.

16 MR. KEHOE: Oh, yeah.

17 MR. KESSLER: Okay. The conditions.

18 MR. BIANCHI: Second.

19 MR. KESSLER: Second.

20 MS. TAYLOR: Did I hear a second? Okay.
21 Thank you. On the question?

22 MR. KEHOE: Hang on. Peter, do you have
23 anything to say?

24 MR. MCKINLEY: No, I have nothing to add

1 December 6, 2022

2 at this time. Nothing further.

3 MS. TAYLOR: Alright. All in favor?

4 MULTIPLE: Aye.

5 MS. TAYLOR: Opposed? Alright.

6 MR. SHERIDAN: Thank you. And just to be
7 clear, the next meeting is January 10th --

8 MR. KEHOE: Yes.

9 MR. SHERIDAN: -- and the shot clock and
10 everything is extended until January 11th?

11 MR. KEHOE: Yes, yes.

12 MR. SHERIDAN: Thank you very much. Good
13 night.

14 MR. KESSLER: Loretta?

15 MR. CUNNINGHAM: Loretta, you want to do
16 it for the last time?

17 MS. TAYLOR: Thank you. Thank you.

18 MR. KESSLER: You may adjourn the
19 meeting.

20 MS. TAYLOR: Oh.

21 MR. CUNNINGHAM: You want to say we're
22 adjourned for the last time, Loretta?

23 MS. TAYLOR: We're adjourned. [laughter]
24 Okay.

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December 6, 2022

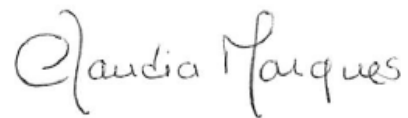
MR. KEHOE: Thank you, Loretta.

(The public board meeting concluded at
9:41 p.m.)

CERTIFICATE OF ACCURACY

I, Claudia Marques, certify that the foregoing transcript of the board meeting of the Town of Cortlandt on December 6, 2022 was prepared using the required transcription equipment and is a true and accurate record of the proceedings.

Certified By



Date: December 29, 2022

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