

TOWN OF CORTLANDT
PLANNING AND ZONING BOARDS

ZONING BOARD MEETING

Town Hall
1 Heady Street
Cortlandt Manor, New York 10567
January 19, 2023
6:30 p.m. - 7:15 p.m.

January 19, 2023

MEMBERS PRESENT:

David S. Douglas, Chairman

Wai Man Chin, Vice-Chairman

Chris Beloff, Member

Michael Fleming, Member

Frank Franco, Member

Benito Martinez, Member

Tom Walsh, Member

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

3 MR. DAVID S. DOUGLAS: Okay. Welcome to
4 the first zoning meeting of 2023. Mr. Kehoe,
5 could you call the roll?

6 MR. CHRIS KEHOE: Mr. Martinez?

7 MR. BENITO MARTINEZ: Here.

8 MR. KEHOE: Mr. Franco?

9 MR. FRANK FRANCO: Here.

10 MR. KEHOE: Mr. Chin?

11 MR. WAI MAN CHIN: Here.

12 MR. KEHOE: Mr. Douglas?

13 MR. DOUGLAS: Here.

14 MR. KEHOE: Mr. Beloff?

15 MR. CHRIS BELOFF: Here.

16 MR. KEHOE: Mr. Fleming?

17 MR. MICHAEL FLEMING: Here.

18 MR. KEHOE: And it's my understanding
19 Mr. Walsh is joining by Zoom. Can you hear us
20 Tom?

21 MR. CHIN: I see his face.

22 MR. DOUGLAS: He's speaking. His
23 microphone is catching stuff, but we're not
24 hearing him.

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2 MR. CUNNINGHAM: Try again, Tom.

3 MR. CHIN: Gobble, gobble, gobble.

4 MR. CUNNINGHAM: Hey, Tom, can you say
5 hi again? No, he's not saying anything.

6 MR. TOM WALSH: [unintelligible]

7 [00:01:08]

8 MR. KEHOE: Hi, I just heard Tom.

9 MR. WALSH: Can you hear me, Chris?

10 MR. KEHOE: Yes.

11 MR. WALSH: Alright. Perfect, I'm here.

12 MR. DOUGLAS: Okay. Alright. Now that we
13 know that Tom's here, I sort of did this sort of
14 out of order, but I wanted to make sure Tom was
15 on, so why don't we begin the meeting with the
16 pledge of allegiance?

17 MULTIPLE: I pledge allegiance to the
18 flag of the United States of America and to the
19 Republic for which it stands, one nation under
20 God, indivisible, with liberty and justice for
21 all.

22 MR. DOUGLAS: Before we go on to our
23 items on our agenda, there's one thing I want to
24 start off with. Sadly, last month, a long time

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2 member, former member of this board, Ray Raber,
3 passed away. So I'd like to acknowledge Ray and
4 his many years of service. He was an invaluable
5 member of the board. He had great insights. He
6 spoke his opinions and we all respected him
7 greatly and I enjoyed having him as a colleague
8 for those years. And I think, whatever it's
9 worth, Wai and I were on the board with him.

10 MR. CHIN: Right.

11 MR. DOUGLAS: Everybody else
12 [unintelligible] [00:02:30].

13 MR. CHIN: And I agree with you, he was
14 fantastic, he was a great person and I will miss
15 him deeply.

16 MR. DOUGLAS: Okay. Now, for a more
17 mundane item, we need to adopt the minutes for
18 the November 28th meeting.

19 MR. FLEMING: Motion to adopt the
20 minutes.

21 MR. CHIN: Second.

22 MR. DOUGLAS: All in favor?

23 MULTIPLE: Aye.

24 MR. DOUGLAS: Any opposed? Okay. The

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2 minutes are adopted. We've got one item on the
3 agenda tonight. It's an item of new business.
4 It's case number 2023-1, application of Bilal
5 Ahmad for the property of Ace/Sport Realty
6 Holding Corp., for area variances for a proposed
7 hotel located at 2054 East Main Street. I'm going
8 to turn this over to Mr. Fleming, since it's his
9 case.

10 MR. FLEMING: Is that the right number,
11 or do you want to 2023-2?

12 MR. DOUGLAS: Right, actually I was
13 going to say the same thing, because I thought it
14 was number two based on something else I saw.

15 MR. FLEMING: Yeah, this agenda still
16 has it listed as one, just to make sure --

17 MR. KEHOE: Let's call it one. I think
18 the open gov system assigned it number two.

19 MR. FLEMING: Okay.

20 MR. KEHOE: But I would prefer to call
21 it number one, because it's clearly the first
22 case, so.

23 MR. FLEMING: Okay.

24 MR. KEHOE: I'll try to remember to make

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2 sure that's consistent.

3 MR. FLEMING: Alright. So we'll go
4 forward with case number 2023-1. We're here at
5 the request of the applicant, so I welcome you
6 for your comments and presentation.

7 MR. DAVID STEINMETZ: Good evening, Mr.
8 Chairman, members of the board, David Steinmetz
9 from the law firm of Zarin & Steinmetz here this
10 evening together with my colleague, Brian
11 Sinsabaugh, as the chair indicated, representing
12 Bilal Ahmad with regard to a proposed hotel.
13 First and foremost, I'm honored to be the first
14 application of 2023. I will do my best to get you
15 off to a good start. We're excited about this
16 application. It's been quite a while in formation
17 and formulation of the proposal. We've been
18 working with your town's staff in connection with
19 this project probably for the better part of a
20 year before we prepared to kick off.

21 As you indicated, we're at 2054 East
22 Main Street, Cortlandt Boulevard. It's a 2.43
23 acre site that's up on the screen before you,
24 located in the town's CD district. Just for

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2 orientation for the board, and for members of the
3 public, we are located on the north side of Route
4 6 at the intersection with Jacobs Hill and the
5 Jacobs Hill Pike Plaza that I'm sure we're all
6 familiar with. We are bordered also by the Bear
7 Mountain Parkway ramps. And as Brian reminded me,
8 because true north on this plan is technically in
9 the top right corner, so that we don't miss one
10 another when we're referring to locations on the
11 site, we're going to refer to the Route 6
12 frontage portion of the property, the Jacobs Hill
13 portion of the property, the Bear Mountain
14 Parkway side of the property and what I'll call
15 the back of the property.

16 So the property itself, as some of you
17 may know, has a significant amount of topography.
18 That topography has driven a lot of the design of
19 how best to orient, locate and grade the proposed
20 hotel. The hotel that Mr. Ahmad has brought
21 before the town is intended to be flagged or
22 branded as a Marriott hotel. Marriott is quite
23 well aware of this application, has reviewed the
24 submissions and is quite interested in coming to

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2 the town of Cortlandt. The proposal is for a 93-
3 room hotel, which under the town's code is
4 defined, as we'll explain, as five stories. The
5 amenities for the proposed hotel, an outdoor
6 courtyard deck, a commercial kitchen, conference
7 room, fitness center, a full bar and grill, an
8 indoor pool, this will be a quality Marriott
9 hotel.

10 Taking a step back, as someone who has
11 been appearing in front the town and the planning
12 board and the town board and the zoning board for
13 quite some time, I can tell you personally that I
14 have been encouraged many times by the town to
15 try to get a hotel off the ground in the town of
16 Cortlandt. Some of you may know that we had, in
17 another application, originally talked about
18 doing a hotel as part of the MOD on Route 202. It
19 was originally encouraged by Envision Cortlandt.
20 Though that did start and kick off, ultimately,
21 we were encouraged by the town board to remove
22 that from that project and that hotel, even
23 though there was interest, left.

24 We now have a different location, some

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2 would say a far better location because of its
3 location on Route 6, approximate to the Bear
4 Mountain Parkway, I think that's one of the
5 reasons that Marriott immediately expressed
6 interest.

7 As Chris indicated in your work session,
8 we started this application after meeting with
9 staff for a period of time. We have commenced
10 this in front of the planning board. The planning
11 board has determined that it wishes to serve as
12 lead agency under the New York State
13 Environmental Quality Review Act, so then why are
14 Brian and I here? And I should say our project
15 engineer is on screen as well, hopefully,
16 Christian Freeman from Keplinger Associates.
17 Christian is up in Syracuse and I decided to not
18 make him schlep all the way down here tonight,
19 given the weather and the distance and thought
20 for tonight's kickoff, he could be on Zoom. But I
21 just did want you to know our technical team is
22 here.

23 One of the reasons that I asked to try
24 to get in front of the zoning board at the

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2 earliest possible date, from the outset of this
3 application, based upon grade and based upon
4 Marriott's requirement that there be a certain
5 vibrancy inside this hotel, a certain number of
6 what they call keys, meaning doors, meaning
7 rooms, there was a minimum requirement that we
8 had to get, my client had to get north of 90 keys
9 for this to be branded and become a quality
10 Marriott.

11 So in order to do that, there was no way
12 to fit that on this property and spread it out
13 and drop it down to three stories or 35 feet,
14 which is otherwise permitted in your code. So,
15 from the outset, we and staff knew no matter what
16 we did, we were going to need some sort of a
17 height variance. I'm here because we need a
18 couple of different variances and height is
19 probably the most significant. And the sooner
20 that we can determine that we are not wasting
21 time, money, effort, town's time, town resources,
22 the better. And your staff is aware of this, your
23 building department is aware of this. And that's
24 why, Mr. Chairman and members of the board, even

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2 though I by no means completed the SEQRA process,
3 I absolutely cannot ask you, I'm well aware that
4 I cannot ask you to vote on this application. In
5 fairness to my client and to the town, we're here
6 because we wanted to start early.

7 So, the site, I talked about the grade
8 change on the site. Because of the grade change
9 on the site from the back side, which is the high
10 point, with rock, to the front side on Route 6
11 and the dropping down along Jacobs Hill Road,
12 clearly the site had to be graded in such a way
13 that the hotel could be on level ground and we
14 were encouraged by Martin Rogers, based upon his
15 early analysis of fire safety and access to the
16 site that we should try to line up our primary
17 entrance to the site opposite the Pike Plaza curb
18 cuts.

19 So, Chris, if you would help me by just
20 gesturing, everybody can see your cursor if
21 you've got one, because the one thing I don't
22 love about your screen is I can't use a pointer
23 and get you there. Chris are you -- am I missing
24 it?

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2 MR. KEHOE: What are you looking for?

3 MR. STEINMETZ: My curb cut into the
4 site.

5 MR. KEHOE: Uh --

6 MR. STEINMETZ: If you -- I think you
7 were just there. There we go. So that's our curb
8 cut off of Jacobs Hill into the site. It's there
9 because it lines up directly opposite the Pike
10 Plaza curb cut on the other side of Jacobs Hill
11 Road and it was determined by the town that that
12 would be the safest location for the point of
13 ingress and egress. We had explored other points
14 that we could tie into and it was determined that
15 that would be the safest place to do this.

16 In addition, because the grading of the
17 site goes from the back to the front and we had
18 to raise the front of the property, if you, and
19 if you go to another, a cross view of the
20 building from Jacobs Hill.

21 MR. KEHOE: Alright. So you want the
22 building elevations, that'll take --

23 MR. STEINMETZ: Please.

24 MR. KEHOE: I was just asking Joe,

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2 that'll take me a minute to get it and you may
3 see some --

4 MR. STEINMETZ: No problem.

5 MR. KEHOE: Alright.

6 MR. STEINMETZ: Because of the grading
7 on the site, as you can imagine, and I'm going to
8 try to demonstrate this with my hands. So, the
9 back of the site is higher, the front of the site
10 is lower, the property has been raised, but the
11 grade is still dropping off. So as a result of
12 that, the hotel, if you entered from Jacobs Hill
13 and drove right to the front door of the hotel,
14 you would actually see two different stories of
15 the hotel and it would not be an appropriate
16 place as I can show you from the other
17 illustration, to have a front entrance.

18 So, Mr. Keplinger's office, Marriott,
19 and Mr. Ahmad decided that the best place to put
20 the entrance to this hotel would be in the back
21 of the property where we could have a safe area
22 with a cantilevered pull up place, and the
23 ability for folks to enter at ground level, with
24 parking at ground level and a nice entrance where

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2 you see one story of the building, not two
3 stories of the building because of a grade
4 change. Chris, are you able to bring that up?

5 MR. KEHOE: I'm getting there. I want to
6 make sure that --

7 MR. STEINMETZ: The grade change that
8 I'm trying to bring to life for you, once he gets
9 that illustration, is the reason why the building
10 ultimately becomes five stories. It's a four-
11 story hotel with four stories of hotel rooms and
12 amenities, but there was no way to grade the
13 site, you can't bring the site up completely.

14 MR. KEHOE: Is that what you're looking
15 for?

16 MR. STEINMETZ: Yeah. I think you can
17 see it there.

18 MR. CHIN: The bottom one, the bottom
19 one.

20 MR. STEINMETZ: Yeah, exactly. Thank
21 you, Wai. If you can scroll down.

22 MR. CHIN: Yeah, the bottom. Yeah, there
23 you go.

24 MR. STEINMETZ: You can see from this

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2 side, how the grade is changing from left to
3 right on the property.

4 MR. KEHOE: Sorry.

5 MR. STEINMETZ: No problem. We're not
6 going anywhere.

7 MR. CHIN: Just like that.

8 MR. STEINMETZ: Yeah, and if you can
9 actually just give me a little pinch, so I can
10 see a little bit more to the left, and that'd be
11 great. Stop right there. So, on the left side of
12 the illustration, you can see our entry point at
13 the back of the property with a drive up area
14 that most of us should be familiar with when you
15 go to a hotel. But entering from Jacobs Hill
16 Road, you're coming to a condition where there is
17 a grade change from back to Route 6 and that's
18 why we see four stories of rooms, plus the
19 beginning of the basement level as it's starting
20 to peek out above grade.

21 The basement level, which will have the
22 fitness center, a conference room area, there is
23 usable space there. It becomes a story under
24 Martin's interpretation of the code, we don't

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2 disagree with it. We have a fifth story that's
3 generated as a result of the basement. So I have
4 a five-story building and we can explain, if you
5 wish to get into the weeds, how Martin calculated
6 the actual height, using the four corners of the
7 building.

8 But we clearly need a height variance as
9 a result of the grade on the property, number
10 one, and as a result of the absolute need to
11 achieve 83 rooms or keys.

12 In addition, and Chris, if you can
13 easily scroll back to just the site plan, I just
14 wanted to talk about height and that was helpful
15 for that. If you can go back to the site plan.

16 MR. KEHOE: Nothing is easy.

17 MR. STEINMETZ: I'm beginning to like
18 the good old days of boards and easels. But I
19 won't tell you that, Chris.

20 MR. KEHOE: Me too.

21 MR. STEINMETZ: The site plan shows you
22 where we have our perimeter landscaping, the
23 parking, the predominance of which is behind the
24 building, which is actually in front of the front

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2 entrance. The back of the property, as I said, as
3 I gave you my defined terms, Jacobs Hill side,
4 Route 6 side, Bear Mountain side and back, the
5 back of the property, where all of us go to check
6 into our hotel and we want to be near the front
7 entrance, that's where most of our parking is.

8 On the issue of parking, Chris did a
9 great job and stole some of my thunder. We have
10 93 rooms. Under zoning we should have 100 parking
11 spaces. We have concluded we don't need 100
12 parking spaces. Marriott, which should be more
13 concerned than anyone, doesn't feel that there
14 needs to be 100 parking spaces, and more
15 importantly, the planning board and staff said
16 let's lose some of the parking spaces and let's
17 increase the ability to have some internal
18 landscaping within the parking areas.

19 So Chris said to you in your work
20 session and I agree with his explanation, we've
21 dropped from 100 parking spaces to 93. That
22 allowed us to get to approximately two and a half
23 percent of our parking area is landscaped. Our
24 landscape requirement is five percent. So we need

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2 a parking area landscape variance of two and a
3 half percent.

4 I'm going to hand the baton to my
5 colleague, Brian, who's going to walk through the
6 setback variances, because he and Christian, our
7 engineer, have spent a great deal of time with
8 Martin doing the calculations and determining
9 where we need variances, because not only do we
10 have an interesting lot geometrically, but we
11 also have a corner lot because of our frontage
12 along Jacobs Hill Road and Route 6, which has
13 triggered some other variances. And we're going
14 to tag team this a little.

15 MR. BRIAN SINSABAUGH: Alright, thank
16 you, David. Brian Sinsabaugh, attorney with Zarin
17 & Steinmetz. As David mentioned, we do have some
18 side yard setbacks and the site is unique in that
19 it is a corner lot. So, pursuant to Section 3074
20 of your code, a corner lot requires the lesser of
21 two items, either double the underlying side yard
22 setback, which in this case is 50 feet, or the
23 equivalent of the front yard setback, in this
24 case, is 75 feet. Given that this side yard

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2 setback at double would be 100. We are proposing,
3 or we are required to have a 75-foot setback on
4 the side yard facing Jacobs Hill Road. What's
5 being proposed here is 45 feet, so we are
6 requesting a 30 foot setback. Within that setback
7 area, we do have landscaping that does buffer the
8 site. The landscaping along here is approximately
9 eight and a half feet wide. It consists of a wall
10 that's at least six feet in height, as well as
11 landscaping with trees, shrubbery.

12 We'll likely have a fence as well,
13 ornamental fence that runs along the top for
14 safety reasons. That would shield the property in
15 terms of the building as well as the drive aisles
16 from the Jacobs Hill Road and surrounding
17 properties.

18 On the opposite side, which runs along
19 Bear Mountain State Parkway on an off ramp, the
20 requirement here is 50 feet. We are proposing 45,
21 or 44 feet, pardon, requiring thus a variance of
22 six feet. On this side, we have eight feet of
23 landscaping, which does likewise consist of a
24 six-foot wall, a stone wall as well as shrubbery

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2 that runs along that area. The purpose for
3 minimizing the landscaping along this area is
4 that this drive aisle does have to provide for
5 fire safety and maneuverability throughout the
6 site. We have worked with the local fire station
7 in terms of determining what vehicles need to be,
8 need to have accessibility throughout this site,
9 specifically the -- we have 107 foot ladder
10 truck, which exceeds the minimum requirement for
11 Mohegan Lake Fire District. The, this does allow
12 that fire truck to maneuver throughout this site.

13 MR. STEINMETZ: Full site circulation.

14 MR. SINSABAUGH: Yeah, full site
15 circulation for that, that truck, and thus the
16 size of our drive aisles here and the turning
17 radiuses.

18 MR. STEINMETZ: So we've done both side
19 yards, we've done height, we've done parking.

20 MR. SINSABAUGH: Yeah, and I do want to
21 expand also with regard to fire. I know we have
22 someone in here who is interested in that area.
23 We have an additional fire hydrant that we are
24 proposing. That would be located on the side

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2 closest to the rear property of our drive aisle
3 entrance. So there will be a fire hydrant in that
4 location. And there's also a fire hydrant along
5 East Main Street on the property.

6 MR. STEINMETZ: So one of the other
7 things that the board should be aware of, we did
8 reach out to at least one of the residents on the
9 opposite site of Route 6, former planning board
10 chair and former town board member, John Sloan,
11 who was actively involved in the Gasland gas
12 application in connection with the Route 6 gas
13 station currently under construction. Having been
14 involved in that application and the traffic
15 analysis done there, I know John and his
16 neighbors were very concerned with that
17 development, so my client asked that I
18 proactively reach out to him and open a dialogue.
19 We did meet with Mr. Sloan and told him that we
20 are available at any time to answer questions for
21 him and for the neighbors and we certainly shared
22 that with the planning board. I thought we should
23 share that with you as well.

24 In addition, I'm pleased to tell you

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2 that I think throughout this process, there will
3 be a fair degree of support from the Hudson
4 Valley Chamber of Commerce as well as the folks
5 associated with economic development.

6 One thing going back to my earlier
7 comments that I think many in Cortlandt have
8 heard for quite some time, it would be really
9 nice to have quality hotel that friends, family,
10 business, visitors, etc. can stay in. And this
11 would be one of the first Marriotts of this
12 nature anywhere in Northern Westchester, and
13 certainly in this particular area. And our team
14 is excited about this. I think we're going to
15 have support from the business community. It's a
16 wonderful reuse of this property.

17 I should say that my client, and I
18 didn't at the outset. My client is the contract
19 vendee of the site. Phil Hersh and the Hersh
20 family, some of you may know, are the owners of
21 the property. And they have been wonderful and
22 cooperative and will be beside us throughout this
23 entire process. And it was their desire to see
24 this family asset, for quite some time, put to a

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2 good use, and they actually felt that having a
3 hotel into this site would be something that
4 would be well received and beneficial.

5 So, kind of regrouping, I'm zoning
6 compliant, it's a principal permitted use. I have
7 a client who needs variance because if I'm, we're
8 going to achieve a hotel here, and it's going to
9 be a quality hotel, I can't do three stories in
10 35 feet. It's not going to happen. Cortlandt
11 isn't going to attract and it's certainly not
12 going to be branded as a, as a Marriott.

13 While we submitted a full written
14 submission to you, in sum, we believe the benefit
15 to the applicant for each of these variance, the
16 height, the side yard, the corner lot, the
17 parking, the parking landscaping, the benefit to
18 the applicant if these variances are granted
19 dramatically outweighs any perceived impact or
20 detrimental impact to the surrounding area.

21 The site has been graded in such a way,
22 and we didn't really talk about this yet, so I'll
23 kind of conclude my opening with this, the front,
24 or the frontage of the Route 6 frontage of the

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2 property, because of the grade change, it allowed
3 Christian and his engineering office to terrace
4 the property in such a way that there is no great
5 wall standing right there that everyone will look
6 at. It will be broken up, it will be landscaped
7 and it will be terraced, and that was something
8 we essentially worked our way toward after
9 meeting with staff over the last several months.

10 So there will be an attractive frontage
11 that faces Route 6. I don't know how much of it
12 will be visible. We will be doing a visual
13 analysis for the planning board as lead agency
14 under SEQRA, so that whole analysis of what can
15 be seen from Route 6. We've already submitted
16 some preliminary visuals for the planning board.
17 So, in our opinion, in terms of drainage, visual
18 impact, sewer and water, we do have sewer and
19 water on site. We don't think there will be any
20 adverse environmental impact.

21 In terms of character of the community,
22 this is the town's vital commercial corridor. A
23 hotel is not only a permitted use, it's a
24 desirable use when you've got business, retail,

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2 walkable retail, restaurants, etc. all in this
3 immediate area.

4 In terms of another feasible
5 alternative, there really is no feasible
6 alternative based upon the geometric constraints
7 of the site. And that's why I gave you maybe a
8 little bit more on grading than you might have
9 otherwise preferred. But to understand why are we
10 coming in with a five story structure? We're
11 coming in with a five story structure because of
12 grading, and how the story is defined by your
13 code as interpreted by Mr. Rogers.

14 Self-created hardship, certainly Mr.
15 Ahmad understood when he entered this contract
16 and this application that he was going to need
17 these variances. I don't need to recite for your
18 board the cases are extension out there, and I
19 know your board is familiar with that. Self-
20 created hardship is not a dispositive element of
21 an area variance.

22 So, in sum, we're here at the early
23 stage, because as I certainly suggested to some
24 of you, I know you can't vote, but we're, my

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2 client, my engineer, our team, we are all hoping
3 -- I think others in the town quite as well, are
4 hoping that we will get an indication from your
5 board that we are not going to come back at the
6 end of the SEQRA process and find out that you
7 thought that our design was not desirable and
8 that the variances were unacceptable.

9 I'm happy to answer questions and really
10 appreciate your patience, but would really be
11 delighted to make sure that we've been clear.

12 MR. DOUGLAS: Anybody have any
13 questions?

14 MR. CHIN: Looking at the parking and
15 everything else, I mean we're on the zoning
16 board, not the planning board, but have they
17 talked about, I don't know, in parking wise, have
18 they have compact cars, and regular cars and so
19 forth and so on? I mean based on codes and
20 everything else.

21 MR. STEINMETZ: Great question. We have,
22 I don't think we have gotten that far. Chris, I
23 don't think anybody has raised that yet. I think
24 we are planning on certainly having -- there's no

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2 reason to have every parking space the exact same
3 size, and we, I think we --

4 MR. CHIN: That's what I was trying to
5 get at, because when I used to do this on the
6 other side, we always had parking, there was --
7 nowadays cars are a lot smaller than they were
8 30, 40, years ago, you know what I mean, they're
9 compact compared to a Cadillac in 1970 where it
10 was huge. Now, cars are a lot smaller, a lot
11 compacter, and that needs to be taken into
12 consideration in parking. As far back as I
13 remember, sometimes, you can gain spots that way
14 without variances too. I'm just saying, certain
15 things like that.

16 MR. STEINMETZ: Yeah, so, we're happy to
17 take a look at that I think our engineer has
18 probably gone that far, that he knows we can't
19 bump up quantitatively.

20 MR. CHIN: Right.

21 MR. STEINMETZ: But we are certainly
22 happy to explore that. That's definitely a
23 planning board issue. I know that we've been
24 asked to explore the possibility of having some

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2 electric charging station within the parking lot.
3 We're looking at that as well, and we'll be
4 reviewing that with the planning board.

5 MR. CHIN: I can see from the back,
6 where you come in to Route 6 portion is almost
7 like 12 feet in height basically, so basically
8 that basement is kind of sloping down. It's
9 almost half buried and half not buried.

10 MR. STEINMETZ: Correct. That's exactly
11 right.

12 MR. CHIN: So I don't know if I consider
13 that a whole story. You know, a basement is
14 always considered like a half story or something
15 like that. Again, that's a planning board issue
16 and everything else, but on the height variance,
17 I always consider that four and a half stories,
18 not five stories.

19 MR. STEINMETZ: Well, I like that
20 interpretation, I like that explanation. But in
21 fairness, we spent, Mr. Rogers spent a great deal
22 of time, and you heard me say it and I want to
23 make everybody clear. We don't disagree with his
24 code interpretation that technically under the

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2 code, it becomes a story. So I agree with Wai's
3 analysis from a pragmatic standpoint. Probably
4 around 40 to 50 percent of that basement, one
5 can't see because it's under the ground. But
6 based upon functionality and the definition of
7 the code, Martin concludes and we do not
8 disagree, it's a story.

9 MR. CHIN: Right.

10 MR. STEINMETZ: So I'm not hiding the
11 story. I have a fifth story, I need a variance.

12 MR. CHIN: I'm just pointing out certain
13 things I've done in the past, not only as on a
14 zoning board, but as on your side of the fence,
15 coming in front of the zoning board and so forth,
16 you know what I mean, in many municipalities in
17 Westchester County. That's what I'm saying,
18 that's the only thing I can say. But again, it is
19 sloping, half the story is almost underground
20 from the back yard to all the way down to about
21 [unintelligible] [00:29:53] or so, you know.

22 MR. STEINMETZ: Just backing up to one
23 aspect of Wai's comment, even if we, even if we
24 can play with the size of the places, we are not

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2 looking to increase, do that to generate more
3 spaces, get to 94 or 95 or 96.

4 MR. CHIN: No, I understand that.

5 MR. STEINMETZ: We don't need any more
6 than this and I don't want to pave any more of
7 the site than we need to, and as Chris alluded
8 to, if we do that and we can explore picking up
9 some space, it's going to be landscaping, because
10 I think we're rather have the landscaping in
11 there. So we, Marriott signed off on 93, because
12 they know we don't need -- well, we would hope
13 the hotel will be 100 percent occupied and staff
14 will all be there and every car will be there, it
15 just, it doesn't work out that way. There's a 70
16 percent, 80 percent occupancy is a pretty strong
17 day, and that means that are a number of parking
18 spaces that under the code are clearly going to
19 be vacant.

20 MR. CHIN: Okay. So sometimes, when I
21 take grade variances and everything else, you
22 know you take the average grade, you know,
23 sometime between here and here --

24 MR. STEINMETZ: Sure.

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2 MR. CHIN: -- and then your height
3 variance is based on that average grade, that's
4 what I'm saying. Alright. That's about all I have
5 to say.

6 MR. BELOFF: I just am thinking about,
7 when I think about height variance, often, it's
8 like interrupting somebody's view, the neighbors
9 that are around you, right. I know across the
10 street, I'm familiar with the area. Across the
11 street, you have residential homes, which are
12 elevated I believe up on the hill. It's probably
13 too soon to get comments about that, but just the
14 height there, my concern or comment would be from
15 the surrounding neighbors, residential that's
16 across the street, if that's an issue where, if
17 that's been considered.

18 MR. STEINMETZ: It's 100 percent been
19 considered. It's exactly why I reached out to Mr.
20 Sloan who lives on Parkway Drive.

21 MR. BELOFF: I figured that was
22 [unintelligible] [00:31:52] --

23 MR. STEINMETZ: Yeah, so we're
24 completely aware of that, we're mindful of it. We

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2 actually will, as we go through the process,
3 generate visual analysis from Parkway Drive. And
4 we're pretty confident that based upon the
5 vegetation up on Parkway Drive and behind those
6 homes as well as the vegetation that's in front
7 of this hotel currently, front of this property
8 currently, much of the vegetation along Route 6
9 is preserved. The larger trees there will be
10 preserved and then there will be terraced
11 landscaping behind it. So you're absolutely
12 right. It's an issue that we need to be concerned
13 about. We are. And it'll definitely be identified
14 from an impact analysis by the lead agency.

15 MR. FLEMING: Actually kind of going a
16 little bit off of what Chris just said, and it
17 is, the first issue we review really is the
18 character of the neighborhood and I don't think
19 there's a way to address that without some visual
20 understanding and I imagine the questions we're
21 going to get from the public when we have a
22 public hearing on this are going to focus on
23 that. What is this really going to, you know,
24 right now, you have what one day soon will be a

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2 gas station across the street and to your left,
3 you have a commercial structure, [unintelligible]
4 [00:33:07] commercial structure is a restaurant
5 and then some other businesses.

6 What is this really going to do when
7 you're driving down Route 6, when you're getting
8 off the Bear Mountain Parkway? I mean what are we
9 going to see that makes it in the same character
10 we currently have there? It's commercial but
11 there's a variety of what commercial can look
12 like and what it can feel like. I think most of
13 this town continuously says we don't like the
14 glass tower concepts, we don't like these big,
15 giant bold things. I think, I expect some of the
16 comments we're going to get from the public are
17 on that area and to the extent we do get those,
18 you don't have to answer me right now, but that's
19 something you guys might want to be prepared to
20 address.

21 MR. STEINMETZ: I appreciate the
22 comment. And we'll give it some more thought, but
23 my initial reaction, Mr. Fleming, is that I do
24 think that when you have a four-lane highway like

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2 Route 6 with a tremendous amount of big box
3 retail and numerous shopping centers, including
4 one immediately adjacent to this. And as you
5 correctly point out, gas station immediately
6 across the street that will be a new modern gas
7 station. Having a hotel of this nature and the
8 finish that will ultimately be on a Marriott is
9 commercial and consistent with the Cortlandt
10 Boulevard corridor.

11 So obviously, that will be an issue you
12 all need to determine and with input from the
13 public. But I must tell you that if you're going
14 to put a quality hotel in Cortlandt, anywhere, I
15 question whether there's any other location where
16 it would be more consistent than the Route 6
17 boulevard. That certainly was my client's
18 position, that was Marriott's position and
19 hopefully, it'll play out favorably here.

20 MR. KEHOE: Can -- it depends on this
21 lead agency, it doesn't really depend on it, but
22 I want to make sure that I'm clear. When you were
23 at the planning board, you showed a flyover. Now
24 it's not exactly what you're asking for, but it

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2 was a very high end thing done by your engineer
3 consultants who were flying above it and all
4 different elevations. I mean I think that would
5 be something that the zoning board should see, at
6 least from the context of the height.

7 MR. STEINMETZ: Absolutely. So, because
8 of the logistics, because of how adept you've
9 been with the --

10 MR. KEHOE: Well, I'm not saying it
11 should be done tonight. It shouldn't be done
12 tonight, but I'm just making sure --

13 MR. STEINMETZ: I didn't want to put the
14 pressure on you, Chris. Chris, you ready to roll
15 it? Come on. [laughter]

16 MR. KEHOE: But also, in addition to
17 that --

18 MR. STEINMETZ: Don't worry gang, I know
19 him well enough that I can, I can do that.

20 MR. KEHOE: But I think, I think you had
21 mentioned though too, Chris' idea of a view from
22 Parkway.

23 MR. STEINMETZ: Absolutely.

24 MR. KEHOE: I think that should be done

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2 for the zoning board, even though they're not
3 lead agent.

4 MR. STEINMETZ: So, Christian Freeman,
5 if you're on, are you able to, if he allows you
6 to share screen, can you run that from your
7 computer?

8 MR. BELOFF: I've never been up there on
9 that side of the hill. I don't know what type of
10 view they have. I don't think it's impeding on
11 much. But it is elevated. I don't think they've
12 got a view of the river.

13 MR. STEINMETZ: Agreed on both counts.

14 MR. FLEMING: I also don't view it as
15 just the one or two homes up there that we're
16 looking at. I mean we represent the town. You're
17 talking about a height variance of 50 percent or
18 a little less than 50 percent of what the
19 proposed, what the code for that height is.
20 You're talking about substantially, your biggest,
21 I think request here, is you're looking at adding
22 --

23 MR. STEINMETZ: It is the single largest
24 request we're making, yes.

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2 MR. FLEMING: It is. And that's fine.

3 But that I think is the issue, because nowhere
4 else on the Route 6 corridor, whether it be Best
5 Buy or Wal-Mart, do you have a 46, or I'm sorry,
6 a 45 foot building. So that's the character that
7 I expect us to be questioned about. This is going
8 to be a large building, and literally just in
9 looking up and driving past, it's going to be
10 taller than anything else. Is there, I mean it
11 might be the tallest building in our town, but
12 it's certainly the tallest building on Route 6.

13 MR. STEINMETZ: I think the hospital is
14 actually the tallest building in town.

15 MR. FLEMING: Oh, you're right, the
16 hospital will be taller. But, again, and that
17 popped in your head so quickly because it stands
18 out so much.

19 MR. STEINMETZ: And I worked on it, so I
20 know the height of it.

21 MR. FLEMING: That is my point. And I
22 think that the stuff I would like to hear you
23 guys be able to address a little bit and I fully
24 expect the town, the citizens [unintelligible]

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2 [00:37:27] that.

3 MR. STEINMETZ: Absolutely. And we did
4 do, Mr. Fleming -- did Christian respond, do we
5 know if he's able to communicate? Christian is
6 that you?

7 MR. FREEMAN: Torture.

8 MR. CHIN: Torture. [unintelligible]

9 [00:38:02]

10 MR. FREEMAN: Torture. Hello?

11 MR. KEHOE: Mute that. Alright, well.

12 MR. STEINMETZ: At the next, at the next
13 meeting, so you can cut that.

14 MR. KEHOE: Got it.

15 MR. STEINMETZ: At the next meeting,
16 either I will bring my laptop and share it, or we
17 will make sure that Christian's here, and we will
18 share with you. We did a -- and we appreciate, we
19 got tremendous compliments from staff and from
20 the planning board about this video flyover that
21 we did, showing the full exposé of the hotel, the
22 north and, excuse me, the east and westbound
23 movements along Route 6 and what's visible,
24 because you're absolutely right, it's a large

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2 structure but as the vantage point and its
3 setback, you'd actually have to kind of be
4 driving and turn your head and cross the double
5 yellow line to really get the full impact.

6 So, but again, let's go back to the
7 beginning, the only reason I'm here is because
8 I'm quite mindful of the fact that I'm asking for
9 a significant height variance. I can't make this
10 project fly without it. And so having his initial
11 dialogue and having that public hearing at the
12 earliest possible date will allow you, staff and
13 us, and most importantly my client, to come away
14 and say, you know, is this worth pursuing? We
15 think it is. We really -- we wouldn't have gotten
16 this far, we spent time and he spent money on
17 this flyover, which we will share with the board.
18 And I apologize that we weren't able to do it
19 tonight.

20 MR. KEHOE: Well, but I think tonight is
21 premature anyway. I'm just thinking --

22 MR. STEINMETZ: Fair enough.

23 MR. KEHOE: -- that for the next
24 meeting, it would be good to have.

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2 MR. STEINMETZ: Good.

3 MR. FLEMING: I do too, thank you.

4 MR. STEINMETZ: Great, thank you.

5 MR. KEHOE: Just one other procedural
6 thing, you know, Jacobs Hill up above, I think
7 has 161 units, 50 of them are in an apartment
8 building, but 111 of them are condos, and I think
9 based on past practice, we're notifying them all.
10 We have to notify the management company for the
11 apartment complex, but then I think everybody
12 else up there gets a notice. So to Michael's
13 point, I would expect that there will be people
14 here.

15 MR. DOUGLAS: I got two questions. Do
16 you know what the topography of the Pikes Plaza
17 parcel as compared to your parcel? I'm just
18 trying to get a sense of --

19 MR. STEINMETZ: I certainly can't answer
20 that David, on the fly. You'd have to turn to
21 staff, maybe they know the answer to that.

22 MR. DOUGLAS: Yeah, I'm just trying to
23 get a sense of obviously height and view, those
24 are the key things. So I'm just trying to get a

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2 sense of is your parcel higher or the same or
3 lower? How does it compare to the adjoining
4 parcel and the buildings there, I don't think
5 there are variances on those buildings.

6 MR. STEINMETZ: No.

7 MR. DOUGLAS: Right. But I'm just trying
8 to get a sense. I know, I think it would be
9 helpful to have that information.

10 MR. STEINMETZ: Understood. We can
11 answer that at the next meeting.

12 MR. DOUGLAS: Yeah, I'm not, I wasn't
13 trying to pin you down.

14 MR. STEINMETZ: Okay.

15 MR. DOUGLAS: The second comment has
16 nothing to do with zoning. In terms of parking, I
17 would think it's a smart business move, I can't
18 speak on behalf of Marriott or your client, to
19 have electric chargers in a hotel parking lot,
20 so. But that has nothing to do with zoning.
21 That's me speaking with other hats.

22 MR. STEINMETZ: And you heard me, I know
23 I preempted you on that and told you I know we're
24 exploring that. So I hear you loud and clear.

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2 MR. DOUGLAS: That's it from me.

3 MR. KEHOE: And then obviously, you got,
4 I believe in your packets, the applicant's
5 lengthy narrative where they went over the five
6 factors. You'll do that again in the public
7 session, really hit each one of those.

8 MR. WALSH: Chris, I just have one quick
9 question. All along the north side, is that owned
10 by New York State, like the Bear Mountain
11 Extension, the exit ramp, is that all side
12 property, side yard, New York State property?

13 MR. KEHOE: Yes.

14 MR. WALSH: Okay. And then the north
15 side, that's all Jacobs Hill?

16 MR. KEHOE: Yes.

17 MR. WALSH: Okay. Thank you.

18 MR. DOUGLAS: Does anybody else have
19 any?

20 MR. KEHOE: Again, just maybe you're
21 going to say this, but I guess the question is do
22 you want a public hearing for next month, which I
23 --

24 MR. DOUGLAS: I would think we would. I

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2 mean we've got -- I've found this very useful and
3 I think everybody else did too, I can't speak on
4 their behalf. But yeah, I think a public hearing,
5 get it on for next month, and, you know, I assume
6 the public is going to have their comments and
7 questions and concerns and then we'll, you know,
8 be able to move forward as appropriate from
9 there.

10 MR. STEINMETZ: What's the date of that?
11 That's also the third Thursday?

12 MR. KEHOE: The 16th, I think.

13 MR. DOUGLAS: Thursday, February 16th.

14 MR. STEINMETZ: Okay. We'll be here.
15 Chris, we'll coordinate with you on notice and
16 how to implement that. Any other questions?
17 Appreciate, Mr. Chairman, I appreciate your board
18 allowing us to come in at this early point in the
19 process and staff for getting us in here, and we
20 look forward to working with your board and
21 hopefully keeping what I think is a valuable
22 project alive.

23 MR. DOUGLAS: And procedurally, I don't
24 know if we need to -- we probably should have a

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2 motion to adjourn this.

3 MR. BELOFF: Motion to adjourn.

4 MR. DOUGLAS: Yeah, to next month. Okay.

5 MR. CHIN: Second this.

6 MR. DOUGLAS: Okay. All in favor?

7 MULTIPLE: Aye.

8 MR. DOUGLAS: Any opposed? Okay. So
9 we'll continue with this on February 16th and
10 there will be a public hearing, so any members of
11 the public who may want to attend either live or
12 via Zoom can do so. Okay.

13 MR. STEINMETZ: Thank you.

14 MR. DOUGLAS: You're welcome. That's the
15 only item on the agenda tonight. So people will
16 never know that there was a motion made to
17 adjourn the meeting. Okay, so anyone make that
18 motion?

19 MR. CHIN: Motion to adjourn the
20 morning.

21 MR. DOUGLAS: Best motion I've ever
22 heard. Second, all in favor, any opposed? Okay.

23 (The public board meeting concluded at
24 7:15 p.m.)

CERTIFICATE OF ACCURACY

I, Claudia Marques, certify that the foregoing transcript of the zoning board meeting of the Town of Cortlandt on January 19, 2023 was prepared using the required transcription equipment and is a true and accurate record of the proceedings.

Certified By

Claudia Marques

Date: January 31, 2023

GENEVAWORLDWIDE, INC

256 West 38th Street - 10th Floor

New York, NY 10018