

TOWN OF CORTLANDT
PLANNING AND ZONING BOARDS

PLANNING BOARD MEETING

1 Heady Street
Cortlandt Manor, New York 10567

April 4, 2023

6:58 p.m. - 8:00 p.m.

April 4, 2023

MEMBERS PRESENT:

Steven Kessler, Chairman

Thomas A. Bianchi, Vice-Chairman

David Douglas, Member

Nora Hildinger, Member

Kevin Kobasa, Member

Peter McKinley, Member

Jeffrey Rothfeder, Member

ALSO PRESENT:

Chris Kehoe, Director of Planning

Michael J. Cunningham, Deputy Town Attorney

Joe Fusillo, Town Consulting Engineer

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

3 MR. STEVEN KESSLER: Rise for the
4 pledge.

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

10 MR. KESSLER: Chris, role, please.

11 MR. KEHOE: Mr. Kobasa?

12 MR. KEVIN KOBASA: Oh, here.

13 MR. KEHOE: Ms. Hildinger?

14 MS. HILDINGER: Here.

15 MR. KEHOE: Mr. Rothfeder?

16 MR. ROTHFEDER: Here.

17 MR. KEHOE: Mr. Kessler.

18 MR. KESSLER: Here.

19 MR. KEHOE: Mr. Bianchi?

20 MR. BIANCHI: Here.

21 MR. KEHOE: Mr. Douglas?

22 MR. DOUGLAS: Here.

23 MR. KEHOE: Mr. McKinley?

24 MR. MCKINLEY: Here.

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2 MR. KESSLER: We have no changes to the
3 agenda tonight, but before we start I want to
4 introduce two new members to the board who are
5 joining us for their first meeting tonight. First
6 up, David Douglas, who is second on my left here.
7 David is an attorney, back to be impressive he
8 got his law degree from Harvard University and he
9 may be a familiar face to you. He has been
10 serving this town for many years. He was with the
11 Conservation Advisory Counsel for 22 years, and
12 most recently with the Zoning Board of Appeals
13 for the last 19 years, including 13 years as its
14 chairman. So he is well versed, he joins the
15 board being well versed in the processes of the
16 town and our procedures and our codes and our
17 regulations and we welcome you and we look
18 forward to your contribution to the board.

19 MR. DOUGLAS: Thank you.

20 MR. KESSLER: Second, on my far, far
21 right there is Kevin Kobasa. Kevin is a licensed
22 landscape architect who with 23 years of
23 experience and he's currently employed with the
24 New York City Department of Parks and Recreation,

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2 not [unintelligible] [00:01:44] Indiana, right?

3 Okay.

4 MR. KOBASA: No, not for me.

5 MR. KESSLER: So he's from Parks and Rec
6 and he brings important expertise to this board
7 in terms of environmental design and public
8 spaces and storm water and drainage issues. So,
9 it's an important contribution to the work that
10 we do here. So we welcome you, we welcome both of
11 you and we look forward to many years of service.
12 Thank you. Can I please have a motion to adopt
13 the minutes of the meeting of February 7, 2023?

14 MR. BIANCHI: So moved.

15 MR. KESSLER: Second?

16 MR. ROTHFEDER: Second.

17 MR. KESSLER: On the question?

18 MR. MICHAEL CUNNINGHAM: And on the
19 question, Kevin and David will both abstain from
20 voting, be they weren't at, they weren't members
21 of the board at that point.

22 MR. KESSLER: Okay. Thank you, Michael.
23 So, On the question, all in favor?

24 MULTIPLE: Aye.

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2 MR. KESSLER: Opposed? Alright, our
3 first item tonight, a bit of correspondence. It's
4 a to receive and file the Hollowbrook Golf Club
5 2022 Water Monitoring Report. Jeff?

6 MR. ROTHFEDER: Mr. Chair, so move.

7 MR. KESSLER: Okay, motion to receive
8 and file, second, please.

9 MR. BIANCHI: Second.

10 MR. KESSLER: On the question? All in
11 favor?

12 MULTIPLE: Aye.

13 MR. KESSLER: Opposed? Okay, our next
14 item is a public hearing, which has been
15 adjourned from previous meetings. It is the
16 application of Hudson Ridge Wellness Center for
17 site development plan approval and a special
18 permit for a hospital to be located on the former
19 Hudson Institute property to provide a New York
20 State Office of Addiction Services and Support
21 certified facility to treat individuals with
22 chemical dependency issues located at 2016 Quaker
23 Ridge, latest drawings October 24, 2022. I guess
24 the latest drawings are now the ones we received

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2 tonight, right?

3 MR. KEHOE: Yes. February 16th I
4 believe.

5 MR. KESSLER: Latest drawings February
6 16, 2023. Good evening.

7 MR. BOB DAVIS: Good evening. I'm Bob
8 Davis, attorney for the applicants. As you know,
9 we're before your board tonight, for a site plan
10 approval and a special permit for a specialty
11 hospital which now has a maximum patient capacity
12 of 52, which is a 43 percent reduction from our
13 original 92-bed proposal. And we're also here for
14 a parking waiver special permit, now to permit 49
15 spaces down from the original proposal of 65 and
16 33 of those 49 spaces are already existing on the
17 site.

18 You have our comprehensive February and
19 March 2022 submissions on the downsized
20 application and we specifically addressed our
21 satisfaction of the special permit criteria, the
22 general criteria, in section 307-42 of the code
23 in JMC's March 2019 submission to your board,
24 volume one at pages 55 to 80. And of course, now

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2 that was on the 92-bed proposal. Of course now,
3 with a 43 percent reduction in patients, we even
4 more fully meet those criteria.

5 We also far exceed the specific special
6 permit criteria for hospitals in 307-59 of the
7 code, except of course with respect to state road
8 frontage with respect to which we now have a
9 variance. We've also demonstrated our
10 satisfaction for the criteria for the parking
11 waiver special permit most recently in JMC's
12 updated March 2023 submission at pages seven to
13 ten, and by virtue of meeting all of these
14 special permit criteria, and also by virtue of
15 the prior neg dec and variance, we necessarily
16 meet the site plan review criteria under section
17 307-73 of the code.

18 On April 5, it's important to note, a
19 year ago tonight, 2022, on the basis of those
20 2022 submissions that I've referenced in the
21 voluminous record, the board rendered its well
22 reasoned negative declaration under SEQRA with
23 its 34 agreed mitigative conditions, determining
24 that the proposed action will not have any

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2 significant adverse environmental impacts. So
3 following your neg dec, also in April of last
4 year, we proceeded before the zoning board with
5 respect to obtaining an area variance from the
6 state road frontage requirement and on September
7 27th, the board rendered its thorough, the zoning
8 board rendered its thorough ten-page decision and
9 order, granting that variance, based largely on
10 your board's neg dec and also the exhaustive
11 seven plus year record, now, now it's eight
12 years, seven plus year of this matter.

13 So then upon the ZBA's granting of the
14 variance, the applicant was finally in a position
15 to address the pre-approval conditions of the neg
16 dec and it's important to note that some are
17 conditions that relate to being met prior to
18 approval. Many are conditions after approval. And
19 as you know, condition number one of the neg dec
20 provides that the applicant will concurrently
21 proceed with the proceeding before this board
22 with its application to OASAS, which is its state
23 licensing authority, the Office of Addiction
24 Services and Supports, and that prior to the

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2 chair signing the site plan drawings, which
3 effectively constitutes final site plan approval,
4 we would obtain the initial contingent approval
5 of OASAS or similar preliminary approval of the
6 hospital's program and site elements. And also
7 identify the prospective operator of the
8 hospital.

9 With respect to that in its March 9th
10 submission, the applicant has identified the
11 operator as Behavioral Management Group,
12 Incident, which will do business at this location
13 as Hudson Wellness Center and which is comprised
14 of a team of business and health professionals
15 who are experienced in this field of operating
16 rehab hospitals.

17 Our client's licensing consultant,
18 Cicero Consulting Associates of White Plains has
19 appeared before this board and the zoning board
20 on various occasions throughout the matter has
21 submitted the OASAS application and has been
22 trying to move that process forward since we last
23 met with you in December. The applicant has
24 addressed in its submission in March, starting,

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2 actually starting with the November 22 submission
3 from JMC and then updated in March, it's
4 addressed the relevant plan related neg dec
5 requirements.

6 So, to summarize, all of the pre-
7 approval conditions in the neg dec have been
8 addressed for this board's review, with the one
9 exception of course being the OASAS condition,
10 which understandably is on a different timeframe
11 because it's not completely within the control of
12 the applicant to deal with these agencies and,
13 you know, compel them to move forward at a prompt
14 rate. But nonetheless, they are moving forward
15 with that as expeditiously as they possibly can.

16 So, finally, as the board has previously
17 stated, this public hearing tonight, which has
18 been scheduled, is solely with respect to site
19 plan matters. And the public comment, if any,
20 must be limited to those matters and not
21 permitted to go yet again into the very broad
22 substantive environmental matters which have
23 already been subsumed in the neg dec and the
24 variance. The boards have held numerous public

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2 hearings on those issues. This board alone, at
3 least six public hearings, and ruled on those
4 issues during the last two preceding years, 2021
5 and 2022. So, that's all I have for you tonight,
6 and I thank you for listening.

7 MR. KESSLER: Okay. Just, before we
8 start, just for the record, Michael about your
9 previous recusals on this issue?

10 MR. CUNNINGHAM: Right. So previously, I
11 was recused at the request of the applicant, but
12 I've spoken to the applicant's counsel and we've
13 agreed that I'm no longer recused on this matter,
14 so I'm actively working on it.

15 MR. KESSLER: Mm-hmm. Thank you.

16 MR. DAVIS: Yes, we have no objection to
17 Mr. Cunningham's involvement at this point, in
18 this application.

19 MR. KESSLER: I appreciate that. Okay.
20 So for the record, you now have submitted your
21 application to OASAS?

22 MR. DAVIS: Yes, we have, as of February
23 3rd.

24 MR. KESSLER: The voluminous

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2 application?

3 MR. DAVIS: Excuse me?

4 MR. KESSLER: The voluminous application
5 that's --

6 MR. DAVIS: I'm not sure how voluminous
7 it is. I personally haven't seen it. I'm sure
8 it's pretty comprehensive.

9 MR. KESSLER: Okay.

10 MR. DAVIS: And it was submitted on
11 February 3rd.

12 MR. KESSLER: Okay. And as we discussed
13 at the work session, you'll provide us with a
14 copy of the transmittal letter of that
15 application to OASAS?

16 MR. DAVIS: We will do that.

17 MR. KESSLER: Okay. Thank you. Alright,
18 before we get to the board, this is a public
19 hearing. As, as, as, Mr. Davis noted, we've
20 closed the public hearing on the, on the
21 environmental issues. What's still opened is the
22 application on the site plan, and so if there's
23 anybody in the audience that wishes to discuss
24 this application as it relates specifically to

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2 the site plan issues, you're welcome to come up
3 and identify yourself for the record, please.

4 MR. MICHAEL SHANNON: Good evening, my
5 name is Michael Shannon. I reside at 2022 Quaker
6 Ridge Road, the property adjoining the
7 applicant's site. On the question of the negative
8 declaration, I believe there has not been
9 compliance. We submitted a letter and an email
10 today. I transmitted it by email to Mr. Kehoe.
11 For the last several years, we have been
12 contacting OASAS under Freedom of Information to
13 find out what, if anything, was filed.

14 On February 3rd, according to the
15 applicant, it filed something. The email provided
16 by the applicant says, from OASAS, that OASAS is
17 reviewing that and has not yet issued an
18 acknowledgement. Today, I called OASAS and I also
19 emailed them. And I specifically asked for the
20 status of any application with OASAS and for a
21 description of the process. My question
22 specifically was could you please advise of the
23 status of the review of the prior consultation
24 form of the Behavioral Management Group dba

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2 Hudson Ridge Wellness Center, whether any
3 acknowledgment or approvals have been issued in
4 the next step in the process, thank you. I
5 received a response this afternoon, just before
6 3:00 p.m. Good afternoon, OASAS is unable to give
7 any detailed information on applications
8 submitted. I can however say, that there is not
9 an active application on file for this entity.

10 As you may recall, from our several
11 prior submissions and a number of prior hearings,
12 the OASAS process is a two-step process. The
13 first is a prior consultation. We have been
14 saying for years, that under OASAS, they should
15 have gone there before they filed here in 2015.
16 We repeated it, we repeated it. They didn't do
17 it.

18 All they apparently filed is something
19 in connection with this prior consultation. When
20 there is a prior consultation, there then will be
21 a review and a recommendation, after hearing
22 things such as the concept of the proposal. As of
23 this moment, their prior consultation form has
24 not even been acknowledged.

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2 The negative declaration says in part
3 one, prior to the chair signing any approved set
4 of plan, site plan drawings, the applicant shall
5 obtain contingent approval or other comparable
6 approval from OASAS approving the facility's
7 programmatic and site elements. That has not been
8 done. There's not even been an acknowledgement of
9 the prior consultation form. Why they waited, I
10 don't know. I mean there's a lot of complaint
11 about delays.

12 But clearly, it is not, it is not -- it
13 does not comport with the negative declaration of
14 the planning board. And as Mr. Davis said, the
15 zoning board based a lot of its decision on the
16 negative declaration of the planning board.

17 The, to go into a couple of specifics of
18 the site plan, the affidavit submitted by Mr.
19 Laker says that all approvals have been obtained.
20 That's not the case with the storm sewer. It says
21 elsewhere that they need an acknowledgment from
22 the town engineer with respect to that. Also, for
23 specific comments with regard to the well
24 monitoring plan, there were tests done, as you

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2 may recall, years ago, when there was disputed
3 results on the test. Their plan proposes to
4 monitor only two wells, the two that they say
5 were impacted. My house is the closest. I'm right
6 next door. They don't plan to monitor my well. I
7 think that should be an adjustment in any site
8 plan.

9 In addition, on the south side of my
10 property, they're proposing to put three lights
11 right next to where they are proposing parking. I
12 think those should be removed on that.

13 But the more important question here,
14 and this relates to a number of issues that we
15 raised over the years, can they get, can this
16 entity get OASAS approval? They haven't gotten by
17 the acknowledgement of their prior consultation
18 requests, if that's what it is. And while Mr.
19 Davis refers to voluminous, voluminous filings,
20 they didn't share whatever it is they filed with
21 OASAS with this board, much less with the public.
22 So I think it's consistent with the wording of
23 the negative declaration to table the application
24 until they come back with something from OASAS

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2 that is substantive.

3 MR. KESSLER: I think we're saying the
4 same thing, differently though. If we were to
5 approve the site plan, if, that doesn't mean it
6 is approved. They still have to meet all the
7 conditions that we lay out and one of those
8 conditions is getting final approval from OASAS.
9 So if we agree there's no issues with the site
10 plan right now, nothing gets done there until
11 OASAS gives their determination that it is a
12 viable operation. If OASAS comes back and says
13 you can only -- you need other types of programs,
14 or you can only do 30 people and not 54 people,
15 that may cause revisions overtime the site plan
16 and we would take that up again by the planning
17 board and re-discuss the site plan, dependent
18 upon what OASAS comes back with.

19 So any approval, until I sign the site
20 plan, nothing happens. And the site plan is not
21 going to get signed until OASAS comes back and
22 gives it the thumbs up.

23 MR. SHANNON: Respectfully, I couldn't
24 help but overhear the comment as you spoke and

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2 said until OASAS gives final approval, there was
3 a no coming from here. The --

4 MR. KESSLER: I think they agree to
5 that, right?

6 MR. DAVIS: No, it's, we agree with what
7 --

8 MR. KEHOE: You have to speak into --

9 MR. KESSLER: Come on to the microphone.

10 MR. DAVIS: Thank you. You know, I've
11 had a few things mischaracterized by Mr. Shannon
12 in his brief comments --

13 MR. KESSLER: Well, let's just deal with
14 the OASAS issue right now.

15 MR. DAVIS: Yeah, he doesn't have
16 extrasensory perception. I did not, I did not say
17 no. The condition speaks for itself. It's written
18 and it says the, we do not get our signing of the
19 site plan drawings until, until they have
20 rendered a preliminary approval, contingent
21 approval, whatever, whatever they're going to
22 call it. And as the chairman pointed out, if
23 there's anything in that, that would indicate
24 that it affects site plan matters, then we have

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2 to come back to the board for further review and
3 approval.

4 MR. SHANNON: Respectfully --

5 UNIDENTIFIED MALE: [unintelligible]
6 [00:18:13] with that.

7 MR. SHANNON: Respectfully, I stand by
8 my credibility and I do have a hearing aid on
9 that side.

10 MR. KESSLER: But --

11 MR. SHANNON: And he just disagreed
12 anyway, because Mr. Kessler, you did use the word
13 final approval and that's when he said no.

14 MR. KESSLER: It's all a question of how
15 we write the cond- -- it's how they write the
16 conditions, it's how --

17 MR. SHANNON: But --

18 MR. KESSLER: -- we write the
19 conditions.

20 MR. SHANNON: But the effect of what
21 they're trying to do here is to take away our
22 involvement in a public hearing in these
23 potential revisions to a site plan, because --

24 MR. KESSLER: If there's a revision,

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2 it's a public hearing again.

3 MR. SHANNON: Well, they're seeking --

4 MR. KESSLER: If OASAS comes back with
5 where they have to make any significant revisions
6 to the site plan, it's going to come back here as
7 part of a public hearing and you'll be invited.

8 MR. SHANNON: Well their, their -- thank
9 you. Their application as Mr. Davis, as I recall
10 was to close the public hearing as to the site
11 plan.

12 MR. KESSLER: Right.

13 MR. SHANNON: I'm saying you can't
14 because you don't have that condition of the neg,
15 of the negative declaration.

16 MR. KESSLER: No, but we're going to
17 write a new resolution with the site plan
18 approval and in that resolution will be very
19 clear language as to what is expected before the
20 site plan will get signed.

21 MR. SHANNON: The filing with OASAS,
22 whatever it is, that has not been shared with any
23 of us apparently on this, you know, it was filed
24 without the public knowing it, will bear upon a

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2 lot of things that we have been raising
3 throughout the identity of the operator. We got
4 the name of a corporation at this point. I don't
5 know if that satisfies the board, but the more,
6 more detail would have to certainly be provided.

7 MR. KESSLER: But you know what, it has
8 to satisfy -- it doesn't have to satisfy us, it
9 has to satisfy OASAS. They're the ones that are
10 giving the accreditation to the facility. If
11 they're satisfied and they do their due diligence
12 and background checks on the owner, then that's
13 good enough for me.

14 MR. SHANNON: The, well the neg deg did
15 say identify the operator of the facility and I
16 don't know --

17 MR. KESSLER: Correct.

18 MR. SHANNON: -- if just giving the name
19 of a corporation is satisfactory.

20 MR. KESSLER: But ultimately, it's the
21 accrediting agency that has the responsibility to
22 determine whether they have the goods to operate
23 the facility. That's not, you know, that's like
24 coming to me and saying, you know, you know,

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2 somebody wants to open a gas station. I don't sit
3 here and opine whether they have the ability to
4 operate a gas station.

5 MR. SHANNON: According to the email
6 that I received from OASAS --

7 MR. KESSLER: Right.

8 MR. SHANNON: -- there is no application
9 on file.

10 MR. KESSLER: Well, that's why I asked,
11 I asked him for the transmittal letter to show
12 that they sent it to OASAS.

13 MR. SHANNON: So, to say that things are
14 proceeding concurrently with OASAS is an
15 overstatement, when you have not yet even
16 received an acknowledgement of the preliminary
17 consultation phase.

18 MR. ROTHFEDER: But they won't be able
19 to do anything until they get that approval.

20 MR. KESSLER: Right.

21 MR. ROTHFEDER: No matter what we do.

22 MR. KESSLER: Yeah, I can approve, we
23 can approve this tonight, hypothetically and if
24 we approve that tonight, they can't do anything

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2 on that site until they met all the conditions.
3 What is the main condition? OASAS' approval. They
4 can't do anything. Can they fix a roof if it
5 leaks? Sure. Can they do anything else?
6 Absolutely not.

7 MR. SHANNON: We're obviously having
8 some disagreement here on what the meaning is of
9 that OASAS approval.

10 MR. KESSLER: It's what we write. So why
11 don't you wait and see what we write in a
12 resolution --

13 MR. SHANNON: Because then we might, I
14 mean, I, I hear what you're saying, but if the
15 hearing on the site plan is closed, when is there
16 further opportunity to address it?

17 MR. KESSLER: If OASAS comes back, if we
18 close -- if we close the hearing on the site
19 plan, OASAS comes back and says we like the
20 operator, 52 beds is fine, every program that
21 you've identified is sufficient, nothing else is
22 required, then the, then the site plan is going
23 to be finalized and approved as submitted. If
24 OASAS comes back with substantive changes, in

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2 terms of the program that may affect the site
3 plan, then we will revisit it at the board here
4 in a public hearing.

5 MR. SHANNON: Should you get to that
6 point, as I think you may, of addressing a
7 resolution, I ask that you put in final approval
8 of OASAS.

9 MR. KESSLER: Okay.

10 MR. SHANNON: Because, because what we
11 have here --

12 MR. KESSLER: I don't disagree with you.

13 MR. ROTHFEDER: That's what we're going
14 to do. That, we're definitely going to do that.

15 MR. SHANNON: We have here is the
16 suggestion that filing this preliminary consult -
17 -

18 MR. ROTHFEDER: No, that's not enough.

19 MR. SHANNON: -- and getting an
20 acknowledgement or approval, is somehow
21 concurrent and an approval allowing them to
22 proceed.

23 MR. ROTHFEDER: We've never, we've never
24 said that.

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2 MR. KESSLER: Right.

3 MR. ROTHFEDER: We're definitely going
4 to put that in as a condition.

5 MR. SHANNON: Okay. I don't know if Mr.
6 Kehoe was able to circulate my earlier
7 submissions. If not --

8 MR. KESSLER: Yeah, we got it.

9 MR. ROTHFEDER: Mm-hmm. It's in the
10 record.

11 MR. SHANNON: Okay. Both the email and
12 the letter?

13 MR. ROTHFEDER: Yes.

14 MR. KESSLER: In the record, yes.

15 MR. ROTHFEDER: Thank you.

16 MR. SHANNON: Okay. Then I won't burden
17 you with any other correspondence. Thank you.

18 MR. KESSLER: Okay. And we'll look into
19 the issue of the wells and, and the lighting as
20 well.

21 MR. SHANNON: Thank you.

22 MR. KESSLER: No pun intended as well.
23 Yes, ma'am?

24 MS. JILL GREENSTEIN: Good evening, my

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2 name is Jill Greenstein. I live at 83 Quaker Hill
3 Drive, and I am, my property abuts this property
4 and I've been here for so many times, so I
5 recognize many of you. The only thing I want to
6 raise, I'm not an attorney. I'm a retired school
7 psychologist and understand the importance of
8 substance abuse programs. That's what I worked
9 with.

10 However, I'm also aware that this
11 certainly would, in my mind, not meet the
12 qualifications of a well-run program. There's
13 been so much suspicion and so, why, you know,
14 every time, Mr. Davis speaks, he often refers or
15 mentions how long it's been taking, how we have
16 dragged out the process. Bottom line is, my
17 understanding is they should have contacted OASAS
18 eight years ago and started looking at what OASAS
19 had to say to them about this. That makes sense
20 if you're running a well-run substance abuse
21 program. So I don't understand it, I really
22 don't.

23 And my feeling is, my feeling is there's
24 something else happening here, because why

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2 wouldn't they do the logical thing, the thing
3 that everybody else says you should do. That's my
4 thought.

5 MR. KESSLER: I don't think any of us
6 disagrees with that, but we're where we're at. I
7 mean unfortunately, this is where we're at. You
8 know, and know they've just submitted to OASAS at
9 long last --

10 MS. GREENSTEIN: Well, again, according
11 to what Mr. Shannon has said, it doesn't even
12 appear that what they've submitted to OASAS is
13 sufficient.

14 MR. ROTHFEDER: They're only, they're
15 only hurting themselves in the end. I mean this
16 board has been skeptical about this OASAS thing
17 for a few years now. And, so we're at a point
18 now, where it's in, it's in their court. They're
19 hurting themselves if they don't get that
20 approval.

21 MR. KESSLER: Right. A shovel doesn't go
22 in the ground until OASAS comes back, that,
23 that's what it comes down to.

24 MS. GREENSTEIN: Okay, and I just --

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2 okay. Again --

3 MR. KESSLER: And ultimately, OASAS is
4 going to say no, if you have concerns about the
5 program, OASAS ultimately, as I said, is going to
6 opine on, you know, the viability of the program.
7 And if they say it's, it's a realistic program
8 then that's, we'll go with that.

9 MS. GREENSTEIN: OASAS will of course
10 talk to the neighbors and so they'll speak to me
11 too. And by the way, my well was one of the wells
12 that was impacted by their usage of water.

13 MR. KESSLER: Are you in the monitoring?

14 MS. GREENSTEIN: Yes, thank you.

15 MR. SHANNON: Mr. Chairman, if I may
16 just add --

17 MR. KESSLER: Come back to the mic.

18 MR. SHANNON: You were talking about a
19 shovel doesn't go in the ground --

20 MR. KEHOE: Just reintroduce yourself,
21 please.

22 MR. SHANNON: Michael Shannon.

23 MR. KEHOE: Thank you.

24 MR. SHANNON: 2023 Quaker Ridge Road. To

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2 your comment a shovel doesn't go in the ground,
3 my wife just emailed me, there's work going on
4 there now. So there's, there are things. They are
5 proceeding.

6 MR. KEHOE: We'll have code enforcement
7 check that.

8 MR. KESSLER: Okay. And there should be
9 nothing going on there, and if they needed to
10 make any repairs to anything, they would have to
11 go the building department to get a permit to do
12 that. So we will, we will follow up. Thank you.
13 It's still a public hearing, anybody else wish to
14 comment? Okay. Board, comments from the board?

15 MR. CUNNINGHAM: Let me see if there's
16 anyone online too, who would like to speak.

17 MR. KESSLER: Oh, I'm sorry. I keep
18 forgetting the Zoom world. Nobody? Comments,
19 board, anybody?

20 MR. ROTHFEDER: Well, I think we could
21 close the public hearing and I'd like to take a
22 closer look at the site plan and we should, I
23 guess have a resolution prepared, right and
24 discuss the site plan next, next meeting.

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2 MR. KESSLER: So, yeah, so Mr. Davis, if
3 we were to close the public hearing, I think
4 we're going to need to the June meeting to render
5 a final decision on the site plan.

6 MR. DAVIS: Did you say, did you say --

7 MR. KESSLER: That takes us beyond the
8 62 days, so we need an extension --

9 MR. DAVIS: Yes.

10 MR. KESSLER: -- to let's say June 10th,
11 is that okay?

12 MR. DAVIS: Yes, sir.

13 MR. KESSLER: Okay.

14 MR. KEHOE: So, with respect, I know and
15 I guess we'll discuss in more depth at the next
16 meeting, but just so we don't waste time, my
17 impression from Jeff is that the landscape plan
18 is a heavily buffered evergreen plan and you
19 might want some additional types of plantings so,
20 maybe at a staff level, we should talk to JMC and
21 see if they can just --

22 MR. DAVIS: Yes, that, that's a very good
23 point, Chris. As you'll recall, years ago at this
24 point, we had numerous staff meetings to move

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2 these types of miniscule -- not miniscule in
3 terms of importance, but in terms of length of
4 discussion so as not to waste time at the
5 meeting, so we would expect to have our
6 professional consultants both from Mr.
7 Mastromonaco's office and James C. contact you to
8 try to address some of these matters to make the
9 next meetings more efficient in, in that way.

10 MR. KEHOE: Especially Mr. Kobasa's
11 comment, which seems to be significant about the
12 drainage.

13 MR. KOBASA: Yes.

14 MR. DAVIS: Mm-hmm. About the rain
15 garden.

16 MR. KESSLER: The comments from the work
17 session.

18 MR. KEHOE: Yeah, could you just say it
19 on the record, Kevin?

20 MR. KOBASA: Yeah, I'd like the review
21 of the water being able to be captured by the
22 rain garden.

23 MR. DAVIS: Yes.

24 MS. KABASA: Basically.

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2 MR. KESSLER: The water coming off the
3 driveway?

4 MR. KABASA: The water coming off the
5 driveway and the viability of the rain garden
6 actually being able to capture all of the water.

7 MR. DAVIS: Right.

8 MR. KESSLER: And could you just, going
9 back to Mr. Shannon's comments, could you just
10 refresh our memory on how you chose the wells to
11 be monitored?

12 MR. DAVIS: What happened was there was
13 an extensive, it was basically unprecedented in,
14 in our consultant Mr. Cusack's [phonetic], I think
15 we invited many, you know, dozens of people, but
16 we ended up, I think monitoring 18 wells. Two of
17 them, including Ms. Greenstein's, and, and, and
18 this was done, we, we pumped the wells for 72
19 hours, you know, full, which would never happen
20 in real life. We did that at, at the, at the rate
21 of twice what the anticipated usage of water
22 would be as approved by the health department,
23 for the 92-bed hospital. So it's now 43 percent
24 reduction in water usage. The two wells went

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2 down, if I recall correctly, 18 feet and 24 feet
3 at that, at that extensive pumping rate. There
4 was still plenty of water left in the wells, so
5 that the drawdown on Ms. Greenstein's and the
6 other well did not affect the viability of those
7 wells at that extreme pumping rate. I don't
8 believe that we -- I have to go back and look at
9 it, but I believe that our, in our proposed well
10 monitoring plan, which was submitted last
11 November, I think we said we'd monitor up to six
12 wells, not just the two wells that were impacted.
13 Although those, they're certainly included and,
14 and I don't believe we've ever accepted, had an
15 accepted invitation for them to be monitored, but
16 certainly those two and I believe several others
17 would be monitored as part of the well monitoring
18 plan, which would commence three to six months
19 before occupancy and extend up to two years
20 after. So it's a rather ambitious monitoring plan
21 and an incredibly ambitious pump test that we did
22 on this site that was well received and approved
23 by your professional staff.

24 MR. KESSLER: Are the wells specifically

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2 identified in the well monitoring plan?

3 MR. KEHOE: Well, I'm looking at it
4 here. They must have been if you've decided -- I
5 think you picked two that were based on those
6 drawdown numbers.

7 MR. DAVIS: And I believe they said up
8 to six. So, you know, I would assume that, that
9 if the people wanted it, if the adjoining person
10 wanted it --

11 MR. KESSLER: You have room for Mr.
12 Shannon is what you're saying?

13 MR. DAVIS: Yeah, I'm assuming that that
14 would be the case. But I have to verify that.

15 MR. KESSLER: Okay. Please let us know.

16 MR. ROTHFEDER: Go ahead.

17 MS. GREENSTEIN: This starts to become a
18 little minutia and maybe I apologize, but one of
19 the homes that was not monitored during that
20 wonderful well thing was the home on my right
21 adjacent to me. That's because they owned the
22 property at the time. So, it, it, you know, we
23 don't know, nobody was in it and I don't know,
24 you know, if that was affected or not. In

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2 addition, since then, there's a pool, I
3 understand and there's some question about how
4 shrubs are going to be watered in terms of
5 watering. So there are additional factors. Again,
6 everything is like pulling teeth.

7 MR. KESSLER: I thought, I thought we
8 agreed that you were going to bring trucks with
9 water to do the watering?

10 MR. DAVIS: Correct.

11 MR. KESSLER: That's my understanding.

12 MS. GREENSTEIN: Okay.

13 MR. KESSLER: And I imagine the pool
14 will be filled from trucks as well?

15 MS. GREENSTEIN: Okay.

16 MR. DAVIS: The wells will be used only
17 to provide water to the facility, not for
18 irrigation and not for the pool.

19 MS. GREENSTEIN: Okay. But again, it's,
20 you know, again, that home wasn't there. I'm just
21 saying that it, it -- there's always some secrecy
22 here that we never, that we can't get the
23 information. Again, we couldn't get the
24 information about OASAS. It's, it's, it's

1 April 4, 2023

2 suspect. That's it.

3 MR. DAVIS: I have a question of the
4 [unintelligible] [00:32:26].

5 MR. KESSLER: Yeah, sure.

6 MR. DAVIS: That's, the issue with
7 information is, is someone preposterous, given it
8 probably takes up Mr. Kehoe's entire office, what
9 we've submitted. And, and the information on the
10 well monitoring is exhaustive. It was reviewed by
11 your own independent consultant and signed off
12 upon.

13 MR. SHANNON: I don't think it's
14 preposterous when I run out of water. But in any
15 event, their plan, their site plan document says,
16 to address the public's concern, the applicant
17 for the Hudson Ridge Wellness Center has
18 committed to conduct an offsite well monitoring
19 program of up to six neighboring wells. This
20 includes soliciting to two nearby homeowner wells
21 that documented a down draw effect during the 72-
22 hour pumping test. It goes on. This will be
23 achieved by individually meeting the potable
24 supply wells one and two to confirm the daily and

1 April 4, 2023

2 monthly average production of the wells. They
3 have discretion to go on up to six. They're going
4 to go with the two that don't include mine. And
5 that would comply with this, if it were do-

6 MR. KESSLER: No they, they committed to
7 going --

8 MR. ROTHFEDER: They said they --

9 MR. KESSLER: -- up to six. I think they
10 just referenced the two because the two right now
11 are the only ones that they were planning on
12 monitoring, because no one else opted in I'm
13 guessing?

14 MR. SHANNON: No, no. We, we --

15 MR. DAVIS: They have to accept our
16 invitation to do it.

17 MR. KESSLER: Right.

18 MR. SHANNON: We had contrary well
19 submissions. Now, granted, the town concluded
20 that those two were affected the most. I
21 understand that. But we -- it's not, you know, a
22 preposterous submission. There were impacts on
23 others, but not at the level that he's talking
24 about. What I'm saying is that you have to at

1 April 4, 2023

2 least include right next door. We did lose --
3 there were times that we were without water. And
4 as Ms. Greenstein is saying, there have been
5 changes --

6 MR. ROTHFEDER: Well, you'll be
7 included.

8 MR. SHANNON: Mr. Davis --

9 MR. KESSLER: We will --

10 MR. SHANNON: -- is standing here saying
11 that we're going to truck the water in. We had a
12 tour of the site with Mr. Cassidy, and I asked
13 him that very question, you're going to be
14 putting trees over here, where is the water
15 coming from? And he said, the well.

16 MR. KESSLER: Yeah. That's, that's --

17 MR. SHANNON: Forgive me for, for
18 disagreeing.

19 MR. KESSLER: That's not our
20 understanding. Our understanding, and again, it's
21 going to be in a resolution that all watering of
22 all the landscaping will be done by water that's
23 trucked in and not from, not from the aquifer.

24 MR. SHANNON: Okay. And again, hearing

1 April 4, 2023

2 the wording of a resolution to close the public
3 hearing and then have submissions and discussions
4 about things, I'm very concerned that be it OASAS
5 or other reasons, we have a morphing of what the
6 public has had input on.

7 MR. KESSLER: If there's significant
8 changes on the site plan, it will come back.

9 MR. SHANNON: Thank you.

10 MR. KESSLER: You have our guarantee on
11 that. Anything else from the board? Nobody? Nora?

12 MS. HILDINGER: Okay. I would like to
13 make a motion to --

14 MR. KESSLER: Wait, wait, wait.

15 MR. BIANCHI: Yeah, just on --

16 MS. HILDINGER: Oh, okay.

17 MR. BIANCHI: -- almost on the question.

18 MS. HILDINGER: One more question?

19 MR. BIANCHI: I, I would agree with the
20 closing but I would request that Mr. Mastromonaco
21 be available at the next meeting to answer
22 questions that we probably will have as we review
23 the site plan. Did you --

24 MR. DAVIS: I'm sorry, Mr. Bianchi, I

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2 didn't hear the start of it.

3 MR. BIANCHI: Yeah, I'm requesting Mr.
4 Mastromonaco to be available to us at the next
5 meeting.

6 MR. DAVIS: Yes, we had represented that
7 at --

8 MR. BIANCHI: So that we will have
9 questions [unintelligible] [00:35:54] --

10 MR. DAVIS: -- the work session.

11 MR. BIANCHI: -- because it was just
12 presented to us recently and we need more time.

13 MR. DAVIS: Yes.

14 MR. KESSLER: And please, give him a
15 heads up on Kevin's concern about the driveway
16 and the rain garden and how that water flows.

17 MR. DAVIS: Right.

18 MR. KESSLER: So that he's prepared to
19 talk about that too and we don't waste our time.

20 MR. BIANCHI: Is there a way we can get
21 a commitment from you about the six wells? About
22 which wells they will be?

23 MR. DAVIS: We, we represented numerous
24 times as to what we would do with, with well

1 April 4, 2023

2 monitoring. I could rebut what Mr. Shannon had to
3 say about his own water usage, but we'll leave
4 that for now. Yes, we said up to six wells, so if
5 he, especially with the adjacent owners, if
6 people give us the permission to do it, it will
7 be done, just as we represented it would be.

8 MR. BIANCHI: I'd like to see something
9 that commits you to monitoring the six wells, up
10 to the six wells that you [unintelligible]
11 [00:35:52] --

12 MR. DAVIS: Well, we submitted that in
13 November. That's what Mr. Shannon was reading
14 from.

15 MR. KESSLER: Maybe, to Tom's point,
16 maybe we, as part of this, have the application,
17 have the applicant go back to the surrounding
18 people and give them one last chance to buy in --
19 wrong choice of words --

20 MR. DAVIS: Well, it wouldn't be to do
21 the pump test again, it would be --

22 MR. KESSLER: No, no, to, the monitor-
23 the ongoing monitoring.

24 MR. DAVIS: The monitoring, yes.

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2 MR. KESSLER: I didn't finish my
3 sentence, so --

4 MR. DAVIS: We will do that and we will
5 handle that with staff, who the appropriate
6 people are.

7 MR. KESSLER: Okay. So you should make
8 that, you know, that the applicant will go back
9 one last time for another turn at bat with the
10 neighbors.

11 MR. KEHOE: Okay. One thing that may
12 have gotten lost, I'll have to get it to Kevin
13 and David. This is an important document. It came
14 in, in November. This has got the well monitoring
15 proposal, the transportation management plan, all
16 of the things that they consider the site plan
17 issues are in this green book, the landscaping
18 plan.

19 MR. KESSLER: So, November 21st?

20 MR. KEHOE: Yes.

21 MR. KOBASA: Yeah, I have that.

22 MR. DOUGLAS: Yeah.

23 MR. KESSLER: Okay. So --

24 MR. BIANCHI: Okay. that's it.

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2 MR. KESSLER: -- did we -- now we're on
3 it.

4 MS. HILDINGER: Okay. In reference to
5 Hudson Ridge Wellness Center, I make a motion to
6 close the public hearing.

7 MR. ROTHFEDER: Second.

8 MR. KESSLER: Second, so on the
9 question, we'll close the public hearing, we'll
10 have a draft resolution to discuss at the next
11 meeting, we'll have Mr. Mastromonaco come to
12 discuss last issues as it relates to the site
13 plan, we have an extension to June 10th and
14 hopefully at our June 4th meeting, I think it is,
15 June 6th, June 6th meeting, we can have a final
16 vote on whether we approve the site plan and all
17 the conditions that will go along with that
18 resolution.

19 MR. DAVIS: Thank you very much.

20 MR. KESSLER: So we're on the question.
21 All in favor?

22 MULTIPLE: Aye.

23 MR. KESSLER: Opposed?

24 MR. DAVIS: Thank you. Have a good

1 April 4, 2023

2 evening.

3 MR. KESSLER: Thank you, Mr. Davis,
4 thank you. See you next month. Alright. Our next
5 item is a piece of old business, it's the
6 application of Bilal Ahmad. Application of Bilal
7 Ahmad for the property of Ace Sport Realty
8 Holding Corporation for site development plan
9 approval and for steep slope tree removal and
10 wetland permits for a proposed five-story, 93-
11 room hotel for property located at 2054 East Main
12 Street, Cortlandt Boulevard, drawings dated
13 February 16, 2023. Good evening.

14 MR. SINSABAUGH: Good evening, chairman
15 and members of the board. My name is Brian
16 Sinsabuagh, I'm an attorney with Zarin &
17 Steinmetz, here on behalf of the applicant. Also
18 here with me today is Matthew Steinberg of DTS
19 Provident, who the applicant has recently
20 retained with regard to engineering services.
21 Also, via Zoom, we have Christian Freeman of KFA,
22 Gordon Stansbury of GTS Consulting, our traffic
23 consultant and the applicant.

24 As mentioned, we're here today with

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2 regard to the proposed construction of a 93-key
3 Marriott flag hotel. Specifically, we'd like to
4 continue the site plan application review process
5 having gone through the ZBA to the extent that we
6 can at this point in time.

7 We last appeared before your board at
8 the February, or sorry, the December 6, 2002
9 meeting -- 2022 meeting, and the board
10 subsequently declared lead agency at the January
11 10th meeting. Since our last appearance, we filed
12 an application with the ZBA. The ZBA opened a
13 public hearing on February 16th and continued the
14 public meeting through the March 16th meeting at
15 which time, we were directed back to the planning
16 board and we, the public hearing was actually
17 left open.

18 The ZBA also issued a memorandum
19 following that public hearing in support of the
20 proposed building height, parking space and
21 parking lot landscaping variances that we're
22 seeking. And it did withhold an opinion with
23 regard to the remaining variances relating to
24 setbacks until site plan review is complete.

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2 The applicant has also submitted a
3 traffic impact assessment prepared by the
4 applicant's traffic engineer, GTS Consulting, in
5 which it was found that there are no notable or
6 significant impacts on traffic operations, and
7 specifically noting that only one additional
8 vehicle would be entering and existing the study
9 during each cycle or traffic signal, and as such,
10 no mitigation measures are recommended.

11 That, that traffic impact assessment was
12 prepared in conjunction with an HVA engineering
13 memorandum which confirmed the methodology and
14 figures used in the traffic impact assessment
15 stating that those were acceptable.

16 Lastly, as mentioned earlier, we did
17 also retain DTS Providence to provide engineering
18 services, including the preparation of our storm
19 water pollution prevention plan, or SWPPP and
20 also looking into retaining walls and other
21 engineering items relating to this application.

22 Again, I know that this, this
23 application still needs some engineering items,
24 as was mentioned during the work session. But I,

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2 I do want to state that to the extent possible,
3 we would ask that if could schedule a site visit,
4 I know it has one prerequisite prior to setting
5 up a public hearing, or scheduling a public
6 hearing. And the reason I'm requesting that,
7 we've gone through extensive measures in terms of
8 the location of this. We don't, we do not believe
9 that the location will be altered. We'll be able
10 to present this to you during a public hearing,
11 as to why we chose the location, the parameters
12 and limitations that we do have. And it's also
13 the same setup that was reviewed by the ZBA in
14 terms of their memorandum of support.

15 So we would be entirely open to opening
16 with your schedule to set up a site visit. And
17 that way we would be in a position hopefully if
18 we are to present the engineering items that are
19 left at our next meeting, to then schedule the
20 public hearing.

21 MR. KESSLER: Well, I, as we discussed
22 at the work session, I think, you know, you know,
23 cart before the horse here, I think we need a
24 site plan. You know, a formal site plan to review

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2 before we do that.

3 MR. SINSABAUGH: Understood. We do have,
4 we do have a site plan package that was prepared
5 on February 16th and I do know we are without a
6 SWPPP in that particular item. But in terms of
7 the plan that we have presented, I think that is
8 adequate with regards to doing a site visit. I
9 understand the board's concerns, but I do just
10 respectfully request.

11 MR. KESSLER: Thoughts, Chris?

12 MR. KEHOE: Well, it would be Sunday,
13 April 30th, if you wanted to do a site
14 inspection. As I mentioned in my email, I think
15 to the development team and to the board, then
16 usually what happens after that is you go right
17 to public hearing. That would mean you'd be going
18 to public hearing in June, you know, site
19 inspection in April, discuss the site inspection
20 at the May meeting and then public hearing in
21 June. You could wait and do your site inspection
22 --

23 MR. KESSLER: May.

24 MR. ROTHFEDER: In May.

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2 MR. KESSLER: Is mid-May soon enough?

3 MR. KEHOE: Yeah.

4 MR. KESSLER: Have you done a review
5 memo yet? I don't know.

6 MR. KEHOE: Yeah, we did a review memo.
7 I sent those over. I mean the timing has been
8 difficult with this. But I think there are both
9 mine and Joe's were from November.

10 MR. SINSABAUGH: And, and we did respond
11 to the memos that we -- memorandums that we did
12 receive.

13 MR. KESSLER: Why don't I have those?

14 MR. SINSABAUGH: So we did have a
15 memorandum, I believe it was November 10th that
16 we did receive from your department. We also did
17 receive code enforcement division memorandum
18 November 7th, which we responded to. We also,
19 most recently, responded to the memorandums that
20 we received, including the county's memo, as well
21 as LaBella's engineering review memo, which
22 obviously there are certain items in there that
23 we said that we will comply with, with regard to
24 SWPPP, but we did make those responses.

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2 MR. KEHOE: Well, and then, you know, as
3 Matt is familiar with, you know, you do show the
4 trees now on a plan, the next step would be to
5 actually calculate how many of those trees are on
6 steep slopes, how many aren't on steep slopes,
7 start doing the mathematical formula based on the
8 limits of disturbance, you know, how many trees
9 are going to be removed and then the planning
10 board determines, you know, and then you'd also
11 have to submit the standards for approval for a
12 tree removal permit. You'd have to submit the
13 standards for approval for the steep slope
14 permit. You know, those are all normal courses of
15 events.

16 MR. SINSABAUGH: Understood

17 MR. KEHOE: But they would sort of come
18 in with a further fleshed out site plan. Now, I
19 know that our engineering department likes these
20 planning board site plans to be really well
21 developed so they can pretty much immediately to
22 building permit. Once again, as Matt would know,
23 there would need to be detail sheets, you know,
24 showing pavement depths, a whole variety of

1 April 4, 2023

2 details which I'm not saying are incredibly
3 complicated but --

4 MR. SINSABAUGH: Certainly.

5 MR. KEHOE: -- we just haven't gotten
6 them yet. So it would be up to the board. I think
7 based when you typically do site inspections, the
8 end of May is getting involved with Memorial Day,
9 unless you move it earlier.

10 MR. ROTHFEDER: I'm looking at your, so
11 your memorandum is from November 10th, right.
12 Yeah. And then you responded, but the respond
13 didn't really provide a site plan that was really
14 any more extensive that you were asking for. And
15 I also raised at the work session, which I also
16 raised back last year, that you guys need to add
17 some kind of sustainable building mitigation
18 measures in there as well. None of that is in
19 there now yet. So, I think we need to see a more
20 extensive site plan.

21 MR. KEHOE: Right, because the images on
22 the screen shows a completely flat roof. So, we
23 would like an explanation of how many solar
24 panels you're going to put up there or why you're

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2 not putting any up there.

3 MR. SINSABAUGH: Understood.

4 MR. ROTHFEDER: Same thing with water
5 recycling as a potential approach.

6 MR. KEHOE: So I think maybe in a
7 written response, you know, what you're able to
8 do, you know, preliminarily at this time.

9 MR. SINSABAUGH: Certainly.

10 MR. KEHOE: And just to touch base, I've
11 talked it a lot with Steve and maybe at the work
12 session it came up, the board hasn't seen Gordon
13 Stansbury's traffic report yet. It came in, in
14 January when you were in front of the zoning
15 board, so they haven't gotten it yet. We would
16 want Gordon, hopefully in person, I just find
17 that easier than over Zoom, and we'll get HVEA
18 here as well, to sort of discuss. I think when
19 the planning board gets it, it's 185 pages but the
20 majority of it are tables. The first ten pages or
21 so, you'll see that it's a well done traffic
22 study and I think it'll be fine. The board just
23 hasn't seen it yet.

24 MR. KESSLER: And so have all the trees

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2 been marked on the site?

3 MR. SINSABAUGH: Yes.

4 MR. KESSLER: And the building has been
5 staked out?

6 MR. KEHOE: It couldn't be staked out
7 exactly for the zoning board, but I think you
8 were going to try to make sure you had it staked
9 out in anticipation of the planning board going
10 out?

11 MR. SINSABAUGH: Correct.

12 MR. KEHOE: But the zoning board, David
13 can speak to this, what they found what they had
14 marked in the site to be sufficient.

15 MR. DOUGLAS: Mm-hmm.

16 MR. KEHOE: Yeah, the zoning board spent
17 a lot of time out there.

18 MR. DOUGLAS: If I remember correctly,
19 it wasn't exact, but it gave, it was close enough
20 that we could see where, you know where it was
21 proposed.

22 MR. SINSABAUGH: We had an issue with
23 the surveyor, but we did show up, myself as well
24 as the, as well as a member of KFA at Keplinger,

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2 and we did walk out that area, and we did mark
3 off basically corners of where we are looking at,
4 as well as where is the parking lot, and we're
5 able to walk the members throughout the site.

6 MR. KEHOE: So how about as a
7 compromise, that rather than waiting to the end
8 of May for the site inspection, do, you know,
9 staff will work out a lot of the technical
10 details, you'll come back in May for a more
11 detailed -- you'll have a plan, and then a more
12 detailed discussion in May and then do the site
13 inspection sometime in mid-May. I mean I've got a
14 problem the last two weekends in May. So May 14th
15 would be the best for me.

16 MR. KESSLER: Mother's Day.

17 MR. KEHOE: Uh, well, no, sorry, what
18 did I say, May 14th? I could do May 13th, which
19 is Saturday.

20 MR. ROTHFEDER: That's all right.

21 MR. BIANCHI: That's good.

22 MR. KESSLER: Fine.

23 MR. KEHOE: Okay.

24 MR. KESSLER: Alright, we'll let, we'll

1 April 4, 2023

2 firm it up if we have the right information at
3 the May meeting.

4 MR. KEHOE: Right. So that means it's a
5 pretty quick turnaround for you guys, you know,
6 because I need that plan, you know, a week or so
7 in advance of the May meeting.

8 MR. SINSABAUGH: Okay.

9 MR. KEHOE: So the planning board has
10 time to look at it.

11 MR. SINSABAUGH: Understood.

12 MR. KESSLER: I'm a little concerned
13 with the views from Route 6 and what it's going
14 to look like. Putting stakes in the ground is
15 fine, but it would be better if you could float
16 some balloons on the four corners of the property
17 or something, the building, so we can get a sense
18 for height.

19 MR. KEHOE: Or, and you had the drone
20 that you were trying to get up to the appropriate
21 height.

22 MR. SINSABAUGH: Yes.

23 MR. KEHOE: So some combination of those
24 things might be helpful.

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2 MR. SINSABAUGH: Yes. We do have a video
3 as well, I don't believe the planning board has
4 seen the video that we have prepared.

5 MR. KESSLER: No.

6 MR. KEHOE: Didn't you see the video?
7 You saw the video.

8 MR. BIANCHI: Yeah.

9 MR. KESSLER: We did?

10 MR. SINSABAUGH: Did you?

11 MR. KESSLER: I forgot. Okay.

12 MR. KEHOE: Because that's where it was
13 pointed out that they have such extensive
14 landscaping in front on Route 6.

15 MR. KESSLER: Okay.

16 MR. KEHOE: That the zoning board was
17 surprised that it's there and is going to stay.

18 MR. KESSLER: Okay.

19 MR. KEHOE: So it almost seemed like --

20 MR. KESSLER: I forgot about that.

21 MR. KEHOE: -- yeah, I think only a
22 couple houses way off on Parkway Drive, the
23 zoning board determined might be able to see it.
24 But you could make your own determination at the

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2 site inspection, obviously.

3 MR. KESSLER: Okay. So, I think we're
4 ready for a motion to, two motions I guess, to
5 set a site visit and refer back. So who's got
6 this.

7 MR. ROTHFEDER: Peter.

8 MR. KESSLER: David?

9 MR. ROTHFEDER: Or David.

10 MR. DOUGLAS: Okay. First of all, I'll
11 make a motion for a site visit tentatively for
12 May 13th.

13 MR. KESSLER: Second, please.

14 MR. MCKINLEY: Second.

15 MR. KESSLER: On the question? All in
16 favor?

17 MULTIPLE: Aye.

18 MR. KESSLER: All opposed?

19 MR. DOUGLAS: And also make a motion for
20 the matter being referred back to staff.

21 MR. KESSLER: Second, please.

22 MR. BIANCHI: Second.

23 MR. KESSLER: On the question? All in
24 favor?

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2 MULTIPLE: Aye.

3 MR. KESSLER: Opposed? Alright. See you
4 next month. Alright, our next and final item of
5 the evening is new business, it's the application
6 of Ryan Main LLC for site development plan
7 approval and a residential reuse special permit
8 for a steep slope, wetland and tree removal
9 permits for an additional 13 rental units at
10 Meadowbrook Commons on the Boulevard, located on
11 Route 6, west of Regina Avenue. Back again.

12 MR. SINSABAUGH: Hi, good evening, for
13 the record, Brian Sinsabuagh, attorney with Zarin
14 & Steinmetz on behalf of the applicant. So,
15 first, I'd like to state that I'm filling in for
16 Brad Schwartz tonight. He, he was unfortunately
17 unable to attend, he wanted to attend, but I had
18 to fill in for him this evening. So I just want
19 to make that known for the board.

20 MR. KESSLER: We'll hold it against him.

21 MR. SINSABAUGH: Understandable.

22 Alright, so with regard to this application, just
23 for the public who is here, this is regard to the
24 Meadowbrook Commons, which is on the boulevard,

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2 which was previously the Pondview Commons located
3 on Route 6, west of Regina Ave. We're not asking
4 the board to take any action tonight. I do want
5 to make that clear, but we do want to briefly
6 introduce this application, because the town
7 board did review our application that was made,
8 our petition to them and referred this matter to
9 the planning board on, at the March 20th meeting.

10 To that effect, we acknowledge that we
11 have not yet submitted a complete site plan set
12 or a site plan application, but the applicant has
13 retained Kronin Engineering who is working to
14 complete the necessary documents. So we intend to
15 file these in advance of the May meeting.

16 However, again, tonight, I just want to briefly
17 introduce the project, so the board is aware of
18 what we're looking at and what we're planning to
19 do.

20 With regard to -- so previously, there
21 was a previously approved project that was
22 approved and shown on the screen right now,
23 you'll see it on the east, the southeasterly side
24 of the premises. That is now fully occupied. It's

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2 been successfully transformed the site into a
3 more beautiful site, very much a beneficial use.
4 And what we are now proposing is to add 13 new
5 residential units to the existing 56-unit rental
6 project.

7 This would be accomplished by
8 constructing two new six-unit buildings plus one
9 new unit above the existing clubhouse. The new
10 units are all shown on the southwesterly side of
11 the screen as shown right now. And Chris, if you
12 can go down I believe one more slide, we zoomed
13 in on that, so it will be a lot easier to see for
14 both the public and for the board. Thank you.

15 These new units would meet the strong
16 demand for the project's rental product,
17 particularly this has been an attractive site for
18 individuals and small families with moderate
19 income levels. While this is not an affordable
20 project, an affordable housing project by name,
21 the rentals, the business model of this, the
22 rental income coming from this and the rents that
23 are being charged are very moderate. They're in a
24 good location in terms of allowing young

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2 families, moderate income families to rent from
3 this area.

4 The town board accepted the applicant's
5 petition for a zoning text amendment and an
6 amended residential reuse special permit, or RRSP
7 app, and the purpose of that is to facilitate the
8 proposed project. Again, on March 20th, the town
9 board opened its public hearing, referred the
10 application to your board. The zoning amendment
11 would entitle the town board to allow RRSP
12 properties a max density of 25 percent over the
13 existing number of the units in exchange for the
14 provision of services or funds towards certain
15 public benefits such as offsite public recreation
16 improvements.

17 The town board overall, after our
18 meeting and following the public hearing, it
19 seems like they're pretty -- they feel good about
20 the concept and we're here tonight just to obtain
21 some of your feedback as well as to, and again,
22 we do not expect you to take any action tonight.
23 I know you do not have the site plan
24 applications. I just, again, I want to make that

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2 clear. But this proposed units will be identical
3 in size and layout to the existing project units
4 that are closest to the pond. We did provide some
5 photos showing what the units do look like
6 currently. Garages with two covered parking
7 spaces will be provided will be provided for each
8 of the 12 units in the building, so we do have
9 sufficient parking on site. The 12 new units will
10 be approximately 1,750 square feet, including a
11 550 square finished basement. And the unit above
12 the clubhouse will be approximately 1,000 square
13 feet. Now the clubhouse unit is smaller, but it's
14 intended that that will probably be, likely be an
15 onsite maintenance personnel, not an outside
16 renter.

17 We're welcome to any initial feedback
18 you have and we'd like to incorporate that into
19 our complete site plan application that we intend
20 to submit in May. And we assume that the planning
21 board will continue to serve as the lead agency
22 as they have in the past. Thank you.

23 MR. KESSLER: Any preliminary comments
24 from the board?

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2 MR. ROTHFEDER: Are these all rentals?

3 MR. SINSABAUGH: Yes, sir.

4 MR. KESSLER: And the new units, the
5 1,700 square feet or something like that --

6 MR. SINSABAUGH: Approximately 1,750, so
7 the new units are being built in the two separate
8 buildings, those are 1,750, but the above the
9 existing amenity space, that's 1,000.

10 MR. ROTHFEDER: Right. And are they, how
11 many bedrooms and what kind of a --

12 MR. SINSABAUGH: So we have, so it's
13 approximately two to three bedrooms. I believe
14 these may be a combination, but I'd have to go
15 back. I know I'm just stepping in, so.

16 MR. ROTHFEDER: I'm just curious, I mean
17 do you, and do you know the rental cost for
18 these?

19 MR. SINSABAUGH: Not exactly, but it's
20 one item that I can have prepared for you when we
21 come back.

22 MR. ROTHFEDER: Okay. Thank you.

23 MR. SINSABAUGH: But, but again, these
24 are fully occupied, so there is definitely a

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2 demand for these at the current rate.

3 MR. ROTHFEDER: Right.

4 MR. BIANCHI: I didn't, I'm sorry, I
5 didn't hear the first question, but I hope it's
6 not repetitive. Are any of the current units, you
7 mentioned the word moderate income or affordable,
8 I guess was another way of saying it. Are any of
9 the current units affordable, classified as
10 affordable units?

11 MR. SINSABAUGH: I'd have to come back
12 to you --

13 MR. BIANCHI: According to the county's
14 definition and town's definition.

15 MR. SINSABAUGH: I don't --

16 MR. KEHOE: No.

17 MR. SINSABAUGH: -- believe that they
18 are by definition.

19 MR. BIANCHI: They're not?

20 MR. KEHOE: No.

21 MR. BIANCHI: And there's no plan,
22 there's no plan to change that at this point?

23 MR. SINSABAUGH: No, sir.

24 MR. KESSLER: But you don't check income

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2 or anything for kind of -- it's as you said, it's
3 for moderate incomes.

4 MR. SINSABAUGH: It, what we're seeing
5 is that it's a moderate income. In terms of the
6 rental rate, this is not a luxury rental rate,
7 this is a moderate income rate. So we're --

8 MR. KEHOE: I think it's sort of, you
9 know, it's market driven, it's how much they
10 amenitize the property, and so on and so forth is
11 governing the type of rents that they're getting.

12 MR. KESSLER: Okay. So there's no means
13 testing or anything like that?

14 MR. SINSABAUGH: No, sir.

15 MR. ROTHFEDER: Yeah, but, it is means
16 testing in the sense that whatever the price is.

17 MR. KESSLER: The price is, yeah.

18 MR. ROTHFEDER: The prices determine
19 that.

20 MR. KESSLER: Alright, so 1,750 square
21 feet, that includes a basement?

22 MR. SINSABAUGH: Yes, sir.

23 MR. KESSLER: Is that a storage basement
24 or --

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2 MR. SINSABAUGH: It is a finished
3 basement and it's 500 square feet.

4 MR. ROTHFEDER: Would the applicant be
5 open to making any of them affordable?

6 MR. SINSABAUGH: You know, in terms of
7 the purpose, the terms of why we went for the
8 text amendment to get the density, I'd have to go
9 back. I apologize, I was not involved in the town
10 board application process and just today became
11 aware of the application itself, so I do not have
12 the answers, but I will get those answers for
13 you.

14 MR. ROTHFEDER: Well, I don't mean to be
15 snarky about it, but if they get this thing
16 approved, then there's no way it's going to be
17 affordable.

18 MR. KEHOE: Well, I think you touched
19 upon it in that, well, I mean it's a two-step
20 process. There's the language of the residential
21 reuse special permit that you have in front of
22 you that the town is contemplating changing,
23 which eliminates the affordability component for
24 any of these bonus units and replaces it with

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2 contributions towards recreation or
3 infrastructure. So that's what you need to
4 comment back to the town board on more quickly.

5 MR. KESSLER: This changes it for the
6 whole town that there will never be an
7 affordability --

8 MR. KEHOE: No.

9 MR. MICHAEL CUNNINGHAM: There still
10 could be an affordability -- there still could be
11 an affordable component to get the bonus, it just
12 adds other options in as well. So it doesn't
13 eliminate the affordability component, but now
14 there are other ways to [unintelligible]
15 [00:59:41].

16 MR. ROTHFEDER: Yeah, but I mean if
17 someone else comes and asks if they get it and
18 then someone else comes and asks, or, we couldn't
19 really turn it down, because they've got that.

20 MR. KEHOE: But it is within what you're
21 supposed to do, if you want to comment back to
22 the town board that you think some of these
23 should be affordable, I'm not sure how that would
24 be received by the town board, but that is the

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2 type of information --

3 MR. KESSLER: Well, they asked our
4 opinion.

5 MR. KEHOE: -- they're -- but that's
6 what they're looking for is your opinion.

7 MR. KESSLER: So should we direct the
8 staff to --

9 MR. ROTHFEDER: Yes.

10 MR. BIANCHI: Yes. I was going to my
11 comment on this to begin with. This is a
12 workaround for avoiding that issue, and I think
13 there's a need for affordable housing in the
14 town.

15 MR. DOUGLAS: Yeah, no, I mean I agree.
16 It's a little bit disconcerting when there's
17 obviously a need in New York State and nationwide
18 for affordable housing and the governor had
19 proposed an approach, whether that was a good or
20 bad approach, a discussion for another day, but
21 it's a little disconcerting that there's a
22 proposed amendment that would, would eliminate a
23 requirement of affordable housing.

24 MR. MCKINLEY: Agree.

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2 MR. ROTHFEDER: Especially when, again,
3 I know this, they've cleaned up what was a
4 blight, right. But we've basically kicked out all
5 the poor people who couldn't afford to live
6 anywhere, and we've turned it into -- and now
7 we're saying there can be no affordable housing,
8 which is not, you know.

9 MR. KESSLER: It's now market rate, a
10 market rate development. Any more comments? So
11 with that, we've got this, Peter.

12 MR. MCKINLEY: So I'd like to make a
13 motion that the intent of the planning board is
14 to be the lead agency and to refer back to staff
15 for additional details and for the application.

16 MR. KESSLER: A second, please.

17 MR. BIANCHI: Second.

18 MR. KESSLER: Okay. So on the question,
19 I just, just to amend that a little bit, also
20 direct the staff here to write to the town board.

21 MR. KEHOE: I'll draft a nice and
22 concise statement, I'll send it back to all of
23 you for your comments like we've done in the past
24 and then we'll get it off to the town board, once

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you bless it.

MR. KESSLER: Okay. So we're on the question. All in favor?

MULTIPLE: Aye.

MR. KESSLER: Opposed?

MR. MCKINLEY: The time is 8:00 o'clock, motion to adjourn.

MR. KESSLER: Thank you. Excellent, well done.

(The public board meeting concluded at 8:00 p.m.)

CERTIFICATE OF ACCURACY

I, Claudia Marques, certify that the foregoing transcript of the planning board meeting of the Town of Cortlandt on April 4, 2023 was prepared using the required transcription equipment and is a true and accurate record of the proceedings.

Certified By

A handwritten signature in cursive script that reads "Claudia Marques".

Date: April 20, 2023

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