

September 15, 2015

Town Board Meeting

A **Regular Meeting** of the Town Board of the Town of Cortlandt was conducted on September 15, 2015 in the Vincent F. Nyberg Meeting Room of the Cortlandt Town Hall located at One Heady Street, Cortlandt Manor, NY (10567) with the following elected official and appointed staff in attendance:

<b>LINDA D. PUGLISI</b>	<b>Supervisor</b>
<b>FRANCIS X. FARRELL</b>	<b>Councilmember</b>
<b>DEBRA COSTELLO</b>	<b>Councilmember</b>
<b>RICHARD BECKER</b>	<b>Councilmember</b>
<b>SETH FREACH</b>	<b>Councilmember</b>

Also present:

<b>JO-ANN DYCKMAN</b>	<b>Town Clerk</b>
<b>CHRISTINE B. COTHREN</b>	<b>Deputy Town Clerk</b>
<b>EDWARD VERGANO</b>	<b>DOTS, Director</b>
<b>PATRICIA ROBCKE</b>	<b>Comptroller</b>
<b>ROSEMARY B. LASHER</b>	<b>DOTS/Asst. to Director</b>
<b>JEFFREY COLEMAN</b>	<b>Director, DES</b>

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**MEETING CALLED TO ORDER**

Supervisor Puglisi called the meeting to order at 7:00 p.m.

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**PLEDGE TO THE FLAG**

Supervisor Puglisi led all in attendance in a Pledge to the Flag.

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**SUPERVISOR'S PROCLAMATIONS AND REPORTS**

**Supervisor Puglisi** commented how the summer season went by too fast. For the first time in the Town there were seven outdoor concerts and movie series which were a huge success and lots of fun. The committee is working on the series for next year and she thanked the committee for their hard work.

The Town Pool, playgrounds, camps, and the Waterfront Park all had a great season.

The **Supervisor** stated that they held a lovely 9/11 ceremony with the Villages at the memorial at Croton Landing. The Town and the Villages lost eight residents who will be always remembered. Their names are scripted in the Memorial and at Town Hall.

The 10<sup>th</sup> Annual Cortlandt Family Fun Day was cancelled due to rain and rescheduled for September 20<sup>th</sup>.

**SUPERVISOR’S REPORTS, (cont.)**

The Cortlandt Community Swap Day will be held September 26<sup>th</sup> for residents to bring unwanted items to swap with other items.

The Village of Buchanan Fire Department celebrates their 75<sup>th</sup> anniversary on September 19<sup>th</sup>, with a parade at 2:00 p.m.

The **Supervisor** commented on a few other events that will be taking place:

- Annual Charitable Golf Outing at the Hollowbrook Golf Course on October 19<sup>th</sup> with all the proceeds going to various emergency services in the community.
- A 5K run on October 24<sup>th</sup> at 9:30 a.m. at the Cortlandt Waterfront Park
- The Cortlandt Engine Company is hosting their first annual Oktoberfest on October 3<sup>rd</sup> and 4<sup>th</sup> at the Fire Department

**Supervisor Puglisi** congratulated the Hudson Valley Chamber of Commerce for being the 2015 recipient of the Chamber of the Year Award from the Business Council of New York State. She congratulated Deb Malone, the Board of Directors and all the businesses who are members.

There will be a military order of the Purple Heart Veteran's Rededication Ceremony on October 30<sup>th</sup> at the Memorial at Town Hall.

The **Supervisor** also announced that they are holding a Helen Lindsey Garden Memorial in the front lawn of Town Hall. She commented that anyone who knew Helen Lindsey knew her as a dynamic, interesting engaging individual and held in high regard. She was instrumental in designing the Town Hall courtyard and other planting areas. **Supervisor Puglisi** said they really wanted to thank Helen for all the work she did for the Town and a ceremony in her memory on October 22<sup>nd</sup>.

**Supervisor Puglisi** reminded everyone that School is Open and to please drive carefully.

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**ROLL CALL**

On a roll call attendance taken by Town Clerk Dyckman all Town Board members indicated their presence.

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**TOWN BOARD REPORTS**

**Councilmember Farrell:** urged residents to visit the 9/11 Memorial in Croton-on-Hudson. It is a bit of a walk but very well paved and it’s an easy walk which can be readily accessed. Councilmember Farrell stated that our memorial is very poignant and moving.

On tonight’s agenda is an item to award a contract for continued work at Lake Meahagh Park. Councilmember Farrell stated he can’t express how please he is with the way that park is shaping up. At a great expense, they removed all the waste material to remedy it and brought in clean fill.

**TOWN BOARD REPORTS, (cont.)**

Now the Cortlandt Community Garden is flourishing there and he urged residents to take part in that. There will be a full sized basketball court built and some walking paths through the park and Councilmember Farrell said he thinks that will make it a lovely spot for the entire community to enjoy right on Lake Meahagh and a site where the Cortlandt Community Rowing Association uses for practice. They are a new group that trying to introduce the sport of Crew or rowing to the Cortlandt area. Lake Meahagh is shaping up to be a “jewel” and Councilmember Farrell stated he is happy and proud of the work done by the staff and sticking to it over the years. This has all been done as inexpensively as they could. He commented that the rowing club is entering its first fall race Sunday in Albany.

**Councilmember Freach:** Also stated that the 9/11 Memorial is a wonderful place and encouraged residents to see it. Both these parks are a wonderful example of what a community can do when they have a good vision of what they want the community to be. Councilmember Freach commented that the Master Plan’s committee work is done and one of the items on the agenda is to appoint an implementation committee for the Master Plan to help the Board take it forward. He said that it is a great plan with a lot of good things for Cortlandt going forward.

Councilmember Freach urged residents to watch the Town of Cortlandt channel and hear from the Master Plan committee about their perspective and background they brought to the committee and where they see their role in the plan. He thanked the members of the committee for their time.

Councilmember Freach congratulated the Buchanan Fire Department on their 75<sup>th</sup> anniversary and commented on the fun at Family Fun Day. He wished everyone who celebrates a happy Rosh Hashanah.

**Councilmember Becker:** Commented how many young people today were not born at that time and have no memory of it. Councilmember Becker spoke of the relevance of 9/11 because it heralded what was to follow and still affects the whole world today.

The public hearing tonight is to consider a moratorium of certain uses and special permits pending the new Master Plan and to appoint a Master Plan Implementation Committee. Councilmember Becker stated that the Master Plan is mandated and it happens every 10 years, that you can be a Town who waits to see what developers have in mind or you can have a vision and this Town Board is very much motivated to ensure the future of this Town is maintained and where and how much development should occur. The Master Plan committee has met for two years made up of the elected and citizens who had a plan for the Town. It will be reviewed to ensure going forward there will be development that we know the citizens of this community will want to see in the future. To give the Town the appropriate amount of time to do this, they’ve decided to adopt a moratorium to allow to sit back and consider all the ramifications of that Master Plan. Councilmember Becker commented that he feels it is necessary to take control of this community and help guide it for the health, safety and welfare of the citizens.

Supervisor Puglisi added that when she first became Supervisor, they didn’t have environmental legislation and they now concentrate on that legislation and it has evolved throughout the years.

**TOWN BOARD REPORTS, (cont.)**

**Councilmember Costello:** Congratulated the Buchanan Fire Department on its 75<sup>th</sup> Anniversary and also commented that the 9/11 ceremony was beautiful and Councilmember Costello congratulated the villages for working together to put on such a tremendous ceremony with all the Town school singers.

On October 19<sup>th</sup> there will be a ground breaking for the VA pool which, for many years, the Town has been trying to get reopened.

September 26<sup>th</sup> will be the Hudson Valley Irish Festival at the Peekskill Riverfront Green.

Councilmember Costello also mentioned that just recently a kayak rack was put at the Cortlandt Waterfront Park which can be used by the residents.

There will be several new employees being appointed tonight and Councilmember Costello welcomed them to the Town of Cortlandt family.

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**APPROVAL OF THE MINUTES**

Councilmember Costello moved that the regular minutes of August 24, 2015 and the August 24, 2015 Special Meeting be approved as presented by Town Clerk Dyckman. Councilmember Becker seconded the motion.

All voted **AYE**

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**PUBLIC HEARINGS**

(A complete transcript of this Public Hearing is on file in the Office of the Town Clerk.)

The Town Clerk read the Notice of Hearing and presented its Affidavit of Publication from the official Town newspaper.

**1. Public Hearing to consider a Moratorium on certain uses and special permits pending the new Master Plan**

**Supervisor Puglisi** called the hearing to order at 7:25 p.m.

Supervisor Puglisi asked that Town Attorney, Tom Wood, explain and walk the residents through the public hearing.

Tom Wood explained that much time has been devoted in working with the community in preparing a new Master Plan which would be presented formally to the Town Board at its October meeting and

then the Town Board will commence a process that will take 90 to 120 days to have additional public input and then render a decision as to whether to enact the Master Plan or not.

On the agenda this evening the Town Board is appointing an implementation committee for the Master Plan as the guide as to how the Town should reinvent itself at this time. The implementation of that requires specific amendments to the Town zoning ordinance and that normally would await the completion of the master plan adoption but there are certain concepts in the master plan that the Town Board would like the committee and staff to start developing the actual legislation for the Town zoning ordinance so that the process, once the Master Plan was adopted, could quickly move into the process of amending the zoning ordinance for some of the major programs in Vision Cortlandt, which is the name of the master plan. Particularly the three major ones is a transportation overlay district for around the trains station area, a medical overlay district to be in the area of the hospital which is the center of the medical facilities in the Town and would extend along the 202 corridor and have a vision to include multiple uses there, not only other types of hospital needs and medical care but also perhaps a spectrum of assisted living, nursing home care, things like that. The third major policy which the Town Board is considering in the Master Plan would be for a provisioning along the waterfront along the Hudson River waterfront. Because of these and all the issues in the Master Plan, the Town Board and this local law is considering exercising the authority that it has to impose a moratorium. Tom Wood explained that a moratorium is a time out from the existing ordinance. It would prohibit applications being filed under certain provisions of our current zoning ordinance. The law requires it to be a short period of time, specific period or a specific goal as possible so in this case our moratorium is proposed tonight to be for a period of nine months and what we will do is we will suspend certain permits in our current zoning ordinance that are going to be reinvisioned, through the Master Plan. For a small smattering of them, it would suspend the special permit allowing the creation of additional hospitals or nursing homes. It would suspend funds for schools, tennis clubs, country clubs, junkyards, community betterment districts and would also put a restriction on development within that proposed transportation overlay district around the train station in Cortlandt and along the waterfront. This time out will allow then the Town Board to complete the Master Plan process and then to take up what comes from the implementation committee with respect to what and how zoning should be changed within the Town which would lead that into a process of the Town Board holding public hearings on changing the zoning ordinance.

Tom Wood stated that in the last 30 years there have only been 3 or 4 types of moratoriums and they are usually very limited because that's the way the law is. You have to have a specific goal, but it certainly lends itself at this time that the Town Board's about to commence its work with the Master Plan that we should consider taking this time out.

Supervisor Puglisi asked for comments from the audience.

**David Steinmetz**  
**Law Firm of Zarin and Steinmetz**

Mr. Steinmetz stated that he agrees with Mr. Wood that moratoria are lawful exercises of local government, that it's kind of a time out and it gives a chance to take a step back and to look at the zoning and at policies to figure out what is appropriate for the community; that is truly laudable when

**PUBLIC HEARING, (cont.)**

it is focused when there are appropriate parameters and when there are appropriate hardship provisions. He stated that he is not here to express any opposition but to make a few remarks and ask a couple of questions.

He continued that he is here retained by concerned citizens for the responsible development of the Hudson Institute. There is strenuous opposition to the application that was filed to house a 92 bed facility for the rehabilitation of substance and alcohol abusers on Quaker Ridge Road near the Town of Cortlandt. It is not an area where his clients believe a rehabilitation hospital of any kind let alone for 92 beds should be located. This is a rather large institutional use. Mr. Steinmetz stated that they look forward, as an organization to watch what comes out of the master plan, to how the Town is going to implement it and that the Town has a wonderful opportunity to rearticulate where hospitals, where true medical facilities, belong here in your community. He stated that his client group is prepared to engage in a cooperative proactive open and deliberate dialogue with the town fro the next nine months.

Mr. Steinmetz also stated that developer Val Santucci of VS Construction owns 17 acres directly across from the Hudson Valley hospital and has site control of the adjacent 11 acres between his property and Lafayette. Mr. Santucci many years ago commenced the beginning of a community betterment, a CBD, A Community Betterment District project. With the advent of the new MOD District, Medical Overlay District, Mr. Santucci and others, are very mindful of what the Town is about to do and are interested in watching the Town create this MOD and like others, would very much like to participate in the process.

Mr. Steinmetz asked if the Town will be doing some type of generic environmental, some type of GEIS associated with proposed zoning. If so, they would like to present some proposed conceptual plans that could be studied in conjunction with the zoning.

Mr. Steinmetz spoke of Route 202 immediately east of the Cortlandt lanes. This property is potentially slated by New York Sports to be some kind of indoor sports and recreation facility. He's been asked on behalf of that entity to clarify, as they don't want there to be any confusion that use constitutes a membership club or sports or recreational club, because that's not the concept. Mr. Steinmetz stated that there is some concern that he had when he read the Town's law development. This is a "non-residential new development" and he wouldn't want it to be caught up in the additional paragraph that follows the list of special permit uses.

Tom Wood commented that the proposal that Mr. Steinmetz speaks of is envisioned and will require a modification to the zoning ordinance, separately so obviously the Town Board pursues that and takes it outside of the moratorium. He also stated that his understanding is that Mr. Steinmetz's client doesn't intend to operate as a membership club.

Supervisor Puglisi asked if this is the property next to the bowling alley to which Mr. Steinmetz said yes. Councilmember Farrell asked if there a lacrosse field and Mr. Steinmetz answered it was a soccer field.

**PUBLIC HEARING, (cont.)**

Councilmember Freach commented that the additional paragraph underneath is really referring to a half mile radius around the intersection of the train tracks and 9A. Mr. Steinmetz responded that his only concern was the way it was articulated in that no new application shall be received or considered for any non residential development and then there's the carve out, "except for a change of use" and goes on from there. He added he wanted to be clear because he expects to be coming back and appearing before the Board.

Mr. Steinmetz also wanted to clarify that the Yeshiva School which previously secured site plan approval and has been working with Town staff to finalize some sewer modifications will in fact not be caught in the web and will be able to process and obtain a building permit because it has indeed conducted its public hearing.

Tom Wood answered that there is no prohibition on building permits, so the site plan for that is approved already.

Mr. Steinmetz said that in conclusion, they appreciated the time and the effort that they have already put in beginning to reexamine the Master Plan and that on behalf of certainly the Concerned Citizens, they will be watching the Master Plan limitation very carefully and definitions of words like hospital, medical uses, and locations of those types of uses will be instrumental and integral as to how the public reacts. He asked that they be on notice of any future meetings.

**Karen Wells:**

28 Applebee Farm Road

Stated that she is happy to be here again to talk about the moratorium. She said she knows a lot of time and energy has been put in to the moratorium starting with the Master Plan which itself has long innovated thoughts that she really believes it will make Cortlandt a more attractive place to live over the next decade. A nine month moratorium gives staff the time needed to go through it, develop the proper zoning and that it's going to be very interesting to see the final proposal and to hear from the community what their view is of that final proposal. Ms. Wells stated that as part of the proposal it would be a shame to see something sneak in under a technicality under this moratorium. So with that in mind, she would like to suggest a slight language change. So within section 30753, it mentions facilities that are "similar" to the facilities mentioned there. Ms. Wells recommends that in sections 10750 and 10759 the Town add that phrase, "facilities that are similar to those specifically defined." This way the Town doesn't have the situation of someone coming in arguing with the Town on a technicality of that definition. Ms. Wells thanked everyone who worked on that Master Plan.

**Supervisor Puglisi** commented that a mutual friend of theirs, Dani Glazier was a member of the Master Plan committee so the master plan, she's very glad to say, is green.

**Karen Wells** commented that Dani would have it no other way.

**PUBLIC HEARING, (cont.)**

**Supervisor Puglisi** asked Mr. Steinmetz if they should contact him and he will then contact his clients or should they contact everyone individually?

**Mr. Steinmetz** said they can coordinate with him or Ms. Wells as he feels they can get the word out more accurately to everyone, that they want to minimize creating an administrative issue for the Town.

**Supervisor Puglisi** stated that if he wants to change it as they proceed, it would be ok.

**Mr. Steinmetz** asked that if Tom Wood contacts the Supervisor with any legal procedure of issues that the Town Clerk will give them notice.

**The Supervisor** also commented that all public forums and all the information will be up on the website.

**Councilmember Farrell** asked if they have considered the language suggested by Mrs. Wells. **Supervisor Puglisi** answered that it will be as amended.

A motion to close the Public Hearing at 7:45 p.m., adopt a Negative Declaration and Adopt a Local Law was made by Councilmember Becker and seconded by Councilmember Freach.

All voted **AYE**

**RESOLUTION NO. 230-15 RE: Adopt a Negative Resolution with respect to consider a Moratorium on certain uses and special permits pending the new Master Plan.**

**LL 3-15 RE: Establish a moratorium on certain uses and special permits pending the new Master Plan.**

A motion to close the Public Hearing at 7:45 p.m., adopt a Negative Declaration and Adopt a Local Law was made by Councilmember Becker and seconded by Councilmember Freach.

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**HEARING OF CITIZENS, (AGENDA ITEMS ONLY)**

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Councilmember Freach moved that the following reports be received and ordered filed.  
Councilmember Farrell seconded the motion

**BID REPORTS**

- 1. Receive and File Bids opened on September 11, 2015 with respect to Lake Meahagh Park Improvements; and Award a Contract for same.

**RESOLUTION NO. 231-15 RE: Award Contract with respect to Lake Meahagh Park Improvements.**

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**REPORTS**

For the month of August from the Office for the Aging, Purchasing Department, the Receiver of Taxes and the Town Clerk.

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**OLD BUSINESS**

none

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**NEW BUSINESS**

**Receive and File the Following:**

- 1. Letter from Art Turner with respect to a ham radio antenna at the Community Center; and refer to DOTS, DES and the Legal Department.
- 2. Dangerous Building Reports from DOTS with respect to 88 Walnut Road and 19 Cherry Place and schedule hearings for October 20, 2015 with respect to same.

**RESOLUTION NO. 232-15 RE: Schedule a Hearing to be held October 20, 2015 to consider evidence that the buildings located at 88 Walnut Road and 19 Cherry Place are unsafe buildings.**

- 3. Letter from Mongero Properties, LLC with respect to Cortlandt Crossing; and refer to DOTS and the Legal Department.
- 4. Report from DOTS with respect to a request from Eric and Jade Fell.

**Discussion:** Supervisor Puglisi stated that the award for the Lake Meahagh Park is a 50/50 grant so the Town is always seeking grant money to help offset the cost.

In regard to item #4, Supervisor Puglisi asked the Town Clerk to send a letter from Mr. Vergano to the resident.

All voted **AYE**

**RESOLUTIONS**

**(All resolutions adopted at this meeting are to be found attached to the end of the original document.)**

Councilmember Farrell moved that the following resolutions be adopted, seconded by Councilmember Costello

**RESOLUTION NO. 233-15 RE: Appoint Katherine Scalfani to the title Youth Advocate to fill a vacancy at the Youth Center.**

**RESOLUTION NO. 234-15 RE: Amend the temporary service list.**

**RESOLUTION NO. 235-15 RE: Appoint three (3) laborers for the Department of Environmental Services.**

**Discussion:** The Supervisor commented that they are proud to welcome the new employees to the Town government. She introduced Katherine Scalfani and the three new laborers from the audience.

All voted **AYE**

Councilmember Costello moved that the following resolutions be adopted, seconded by Councilmember Becker

**RESOLUTION NO. 236-15 RE: Appoint two (2) seasonals for DES.**

**RESOLUTION NO. 237-15 RE: Appoint a Master Plan Implementation Committee.**

**\*\*The following was removed:**

**Extend a professional service agreement with respect to a right turn lane at Westbrook Drive and Rt. 6 (Cortlandt Blvd.)**

**RESOLUTION NO. 238-15 RE: Authorize DES to Award a contract for roof repairs for a portion of Town Hall.**

**RESOLUTION NO. 239-15 RE: Authorize DES to seek bids for the purchase of a dump truck and replacement plows.**

**RESOLUTION NO. 240-15 RE: Authorize DES to award a contract for vehicle repairs.**

**RESOLUTION NO. 241-15 RE: Receive and file a report; and authorize a town wide sign replacement program.**

**Discussion: None**

All voted **AYE**

**RESOLUTIONS, (cont.)**

Councilmember Becker moved that the following resolutions be adopted, seconded by Councilmember Freach

**RESOLUTION NO. 242-15 RE: Authorize a resolution with respect to a grant and COLA increases for federally funded aging programs.**

**RESOLUTION NO. 243-15 RE: Authorize the Purchasing Director to solicit RFP's for information technology services.**

**RESOLUTION NO. 244-15 RE: Authorize the Purchasing Director and the IT Department to formulate specifications with respect to upgrading technology for the Nyberg Meeting Room at Town Hall.**

**RESOLUTION NO. 245-15 RE: Authorize the Comptroller to seek proposals with respect to ACA Employee Tracking and Reporting services.**

**Discussion:** The **Supervisor** stated she wanted to add Councilmember Freach's name as a Town Board liaison for **Resolution # 244-15**.

All voted **AYE**

Councilmember Becker moved that the Board be polled for the following resolution, seconded by Councilmember Freach

**RESOLUTION NO. 246-15 RE: Authorize a reduction in security to \$4,995,000.00 in accordance with the Planning Board's recommendation with respect to the Valeria subdivision.**

**The Board was Polled**

<b><u>Councilmember Costello:</u></b>	<b>Yes</b>
<b><u>Councilmember Becker:</u></b>	<b>Yes</b>
<b><u>Supervisor Puglisi:</u></b>	<b>Recused</b>
<b><u>Councilmember Freach:</u></b>	<b>Yes</b>
<b><u>Councilmember Farrell:</u></b>	<b>Yes</b>

The motion Passed

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**ADDITIONS TO THE AGENDA**

Councilmember Freach moved that the following resolutions be adopted. Councilmember Farrell seconded the motion.

**RESOLUTION NO. 247-15 RE: Appoint Jane Fitzgerald as the Deputy Assessor.**

**ADDITIONS to the AGENDA, (cont.)**

**RESOLUTION NO. 248-15 RE: Appoint Rita Mancuso to the position Real Property Appraiser in the Assessor's Office.**

**RESOLUTION NO. 249-15 RE: Authorize a contract with respect to snow plowing and ice control for the 2015/2016 season.**

**RESOLUTION NO. 250-15 RE: Authorize a Contract with respect to the Town's General Liability Insurance for 2015/2016.**

**Discussion: Supervisor Puglisi** introduced and welcomed Rita Mancuso to the Town government.

All voted **AYE**

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**BUDGET TRANSFERS**

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**REPORTS FROM VARIOUS DEPARTMENTS**

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**REPORTS FROM STANDING & SPECIAL COMMITTEES**

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**SECOND HEARING OF CITIZENS**

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**ADJOURNMENT**

The meeting was adjourned at 7:55 p.m. on a motion by Councilmember Costello, seconded by Councilmember Becker

All voted **AYE**

Respectfully submitted,

**JO-ANN DYCKMAN**  
Town Clerk

**September 15, 2015**

**Town Board Meeting**