

TOWN OF CORTLANDT
PLANNING AND ZONING BOARDS

PLANNING BOARD MEETING

1 Heady Street
Cortlandt Manor, New York 10567

May 2, 2023

6:30 p.m. - 8:06 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, AICP, Director of Planning

Michael J. Cunningham, Deputy Town Attorney

Joseph Fusillo, P.E., Planning Board Engineer

1 June 6, 2023

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

3 MR. STEVEN KESSLER: Welcome to the June
4 6th planning board meeting. Please rise for the
5 pledge.

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

11 MR. STEVEN KESSLER: Thank you. Chris,
12 roll please.

13 MR. CHRIS KEHOE: Mr. Kobasa?

14 MR. KEVIN KOBASA: Here.

15 MR. KEHOE: Ms. Hildinger?

16 MS. NORA HILDINGER: Here.

17 MR. KEHOE: Mr. Rothfeder?

18 MR. ROTHFEDER: Here.

19 MR. KEHOE: Mr. Kessler?

20 MR. KESSLER: Here.

21 MR. KEHOE: Mr. Bianchi?

22 MR. THOMAS BIANCHI: Here.

23 MR. KEHOE: Mr. Douglas?

24 MR. DAVID DOUGLAS: Here.

1 June 6, 2023

2 MR. KEHOE: Mr. McKinley?

3 MR. PETER MCKINLEY: Here.

4 MR. KESSLER: Can I please have a motion
5 to adoption the minutes of our May 2 meeting?

6 MR. MCKINLEY: So moved

7 MR. KESSLER: Second, please.

8 MR. KOBASA: Second.

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

11 MULTIPLE: Aye.

12 MR. KESSLER: Opposed? We have no
13 changes to the agenda this evening. Our first
14 item under correspondence, a letter received by
15 the planning department on May 23, 2023 from
16 Albert Picarello of Down Cycle, requesting the
17 first one year time extension of site development
18 plan approval for the subject property located at
19 2015 Albany Post Road. Peter?

20 MR. MCKINLEY: I move to make a motion
21 for approval for a time extension to the site
22 development plan for 2022-6, Down Cycle.

23 MR. KESSLER: And that's resolution
24 number?

1 June 6, 2023

2 MR. MCKINLEY: 5-23.

3 MR. KESSLER: 5-23. You got a second,
4 please?

5 MR. BIANCHI: Second.

6 MR. KESSLER: On the question. All in
7 favor?

8 MULTIPLE: Aye.

9 MR. KESSLER: Opposed? Next item under
10 correspondence, a letter dated May 25, 2023 from
11 Judson Siebert, requesting the first one year
12 time extension of conditional site plan approval
13 for the Courtland CSG, LLC application for a
14 solar energy system located on Lexington Avenue.
15 Nora?

16 MS. HILDINGER: I make a motion to
17 approve the extension of the conditional site
18 plan approval for the Courtland CSG, LLC
19 application for a Solar Energy System located on
20 Lexington Avenue.

21 MR. KESSLER: And that will be
22 resolution number 6-23. Second please.

23 MR. MCKINLEY: Second.

24 MR. KESSLER: On the question?

1 June 6, 2023

2 MR. KEHOE: Do you have anything you
3 wish to add?

4 MR. JUDSON K. SIEBERT: I'm here only
5 if, if you have questions to ask. It's a little
6 unorthodox because I represent --

7 MR. KEHOE: Could you just, just state
8 your name?

9 MR. SIEBERT: Judson Siebert of Keane &
10 Beane, P.C., principal member of Keane & Beane
11 P.C., a little unorthodox because I represent the
12 fee owner of the property to whom the, the
13 approval has been assigned. But we do request a
14 one year extension.

15 MR. BIANCHI: And you're looking for
16 somebody else to take over the --

17 MR. SIEBERT: That's correct.

18 MR. BIANCHI: Take over the development?

19 MR. SIEBERT: Yes. Yeah.

20 MR. BIANCHI: Okay.

21 MR. ROTHFEDER: And there's people in
22 line for that at this point, or --

23 MR. SIEBERT: We are looking for the
24 extension so that we can pursue those efforts.

1 June 6, 2023

2 MR. ROTHFEDER: Okay.

3 MR. KESSLER: Do you anticipate any
4 changes to what's been --

5 MR. SIEBERT: None, and in fact as --

6 MR. KESSLER: [unintelligible]

7 [00:02:44] --

8 MR. SIEBERT: As I indicated in my
9 letter, whoever steps into the shoes of CSG will
10 assume all of the obligations that they undertook
11 in both your approval, the special permit issued
12 by the town board, the pilot agreement that's
13 been negotiated, as contemplated under your town
14 code.

15 MR. KESSLER: And you're aware that if
16 there are any substantial changes, you have to --

17 MR. SIEBERT: Absolutely.

18 MR. KESSLER: -- come back. Okay. So
19 we're on the question. All in favor?

20 MULTIPLE: Aye.

21 MR. KESSLER: Opposed? Okay.

22 MR. SIEBERT: Thank you.

23 MR. KESSLER: Thank you. Next item
24 resolution, it's the application of Hudson Ridge

1 June 6, 2023

2 Wellness Center for site development plan
3 approval, and a special permit for a hospital to
4 be located at the former Hudson Institute
5 property to provide a New York State Office of
6 Addiction Services and Support certified facility
7 to treat individuals with chemical dependency
8 issues located at 2016 Quaker Ridge Road. Good
9 evening.

10 MR. BOB DAVIS: Good evening, Mr.
11 Chairman. We're here tonight. We, I think we had
12 a very productive work session to go over some of
13 the matters. We're here tonight for the board's
14 consideration of a resolution. If the board has
15 any questions, particularly on the OASAS aspect
16 of the, of the matter that we were discussing in
17 the work session, we do have our two licensing
18 consultants here from Cicero Consulting
19 Associates, Frank Cicero and Brian Baldwin. They
20 are familiar with the issues that you're raising,
21 particularly the issue of the timing of the, the
22 final approval of OASAS, which of course I've
23 represented to the board cannot come until they
24 inspect the work that we've done on, on the site,

1 June 6, 2023

2 mainly interior to the buildings. They're not
3 really concerned with the site plan in, in, in
4 broad terms, which you'll talk about. They're
5 concerned with the interior and the program, not
6 with the site plan. And we, there is a provision
7 in the draft resolution that if there's any
8 changes, which OASAS might make, which are
9 unanticipated that would affect the purview of
10 your board, maybe with respect to traffic,
11 something along those, that nature, we do have to
12 come back to the planning board. That's one
13 protection of the town. The other protection is
14 we cannot operate without their final approval.
15 So with that being said, if I could turn matters
16 over to our two consultants, be happy to answer
17 your questions.

18 MR. KESSLER: Sure.

19 MR. DAVIS: Mr. Cicero and Mr. Baldwin.

20 MR. FRANK CICERO: Frank Cicero.

21 MR. BRIAN BALDWIN: Brian Baldwin.

22 MR. KESSLER: Okay. So we were
23 discussing this at the work session. So you have
24 submitted the prior consult form to the

1 June 6, 2023

2 appropriate parties?

3 MR. CICERO: Yes.

4 MR. KESSLER: This, so we, I guess we
5 want to understand the process. So this is not an
6 application.

7 MR. CICERO: That's correct.

8 MR. BALDWIN: That's correct.

9 MR. KESSLER: And you have formally put
10 in an application to OASAS?

11 MR. CICERO: No, I'll go through the --
12 may I go through the process?

13 MR. KESSLER: Yeah.

14 MR. CICERO: That would be just to try -
15 -

16 MR. KESSLER: I wish we did this six
17 months ago, but please.

18 MR. CICERO: Sure. So first of all, this
19 process is one that really focuses on the local,
20 including local bodies like this one and a prior
21 consult is required. And, and you're required to
22 get a an invitation, if you will. It's not, it's
23 not an approval, but an invitation after your
24 prior consultation from, in this case, the local

1 June 6, 2023

2 governmental unit being the Westchester County
3 Department of Health and Mental Health and
4 OASAS's local field office. So you, so you're
5 required in this process before you can apply,
6 before you can submit an application to the state
7 OASAS to submit a prior consultation request,
8 which is relatively detailed. And in our long
9 experience, has become more detailed over time,
10 more focused on local input. We've submitted
11 that. We're very close we believe to having the
12 invitation to submit the application.

13 Our only outstanding item before we'll
14 have a brief conference call and we believe we'll
15 be invited, is to do a little bit more outreach
16 locally. So to talk to a couple local politicians
17 to let them know that there's going to be an
18 application and to connect with some other
19 providers who are already in the OASAS field.

20 Again, to talk about local process, they
21 want to make sure, the state OASAS wants to make
22 sure that when this application goes in, we have
23 a system in place to be able to work with other
24 providers. This will be, and, and that's

1 June 6, 2023

2 something that the county has expressed to us,
3 County Department of Mental Health, that they're,
4 they're happy with. This will be the first
5 application of this type of this provider and
6 will fill a need in their care continuum.

7 But they want you before you're applying
8 to be able to say, okay, I talked to somebody
9 who, if someone's discharged from here, they'll
10 be able to get into this type of facility. Or if
11 someone has the type of patient we're going to
12 care to care for, we know them already. They're
13 going to be able to refer to us. So that's what
14 prior consultation is about, developing those
15 types of relationships and making sure that the
16 two local bodies, the county and the field
17 office, are comfortable with this project. And
18 we, we feel we're almost there.

19 MR. KESSLER: So once you establish
20 those relationships to the satisfaction of the
21 local government unit and the regional office,
22 they then go to OASAS and say, these guys know
23 what they're doing, and that opens the door for
24 you to submit your application?

1 June 6, 2023

2 MR. CICERO: Correct. We, we all sign
3 the, the consult form. We submit that with our
4 application to OASAS, and then the OASAS review
5 at the state level is mainly a programmatic
6 character and competence and financial
7 feasibility review.

8 MR. KESSLER: And I would imagine that's
9 a pretty thick document.

10 MR. CICERO: It will be, yes.

11 MR. KESSLER: And that's what, then they
12 will review. And talk to me -- all of us --
13 about, then you submit that document, and OASAS
14 then says, we like your program, we want you to
15 change these things, but ultimately they're going
16 say, we we're satisfied with the programmatic
17 aspects of the services you're going to be
18 providing?

19 MR. CICERO: Correct. Yes. So it's a, an
20 application to OASAS. They will review it, they
21 will send it to their body of government
22 appointed or governor appointed people called the
23 Behavioral Health Services Advisory Council,
24 which makes a recommendation, along with the

1 June 6, 2023

2 OASAS staff and the county to the commissioner
3 of, of OASAS. And we will receive an approval
4 that says the program, the character and
5 competence and the financial feasibility and the
6 public need have been met.

7 MR. KEHOE: You said you'll receive an
8 approval?

9 MR. CICERO: Yes.

10 MR. KEHOE: In what form does that
11 approval come?

12 MR. CICERO: That approval --

13 MR. KEHOE: A letter?

14 MR. CICERO: -- will be, it'll be a
15 letter from the commissioner at the, at the end
16 of the process.

17 MR. KESSLER: Approving the program?

18 MR. CICERO: Correct.

19 MR. KESSLER: And then is there a site
20 visit that takes place?

21 MR. CICERO: Yes.

22 MR. KESSLER: Subsequent to the
23 approval?

24 MR. BALDWIN: Yes.

1 June 6, 2023

2 MR. CICERO: Yeah, why don't you talk
3 about the site visit?

4 MR. BALDWIN: Right, in other words,
5 the, the approval process that Frank just
6 described is there, there's two steps to it. The
7 first is OASAS and the local governmental unit
8 have to recommend approval. And then it goes to
9 the Behavioral Health Services Council, which is
10 a statewide group of people who, as Frank
11 indicated, are appointed by the governor, and
12 they make a recommendation for approval based on
13 the recommendations that they have received from
14 the local governmental unit and the field office.

15 And then after that, that recommendation
16 of the council is given to the commissioner. Then
17 she issues what usually is called a conditional
18 approval or a contingent approval. And the main
19 contingency is the site visit.

20 MR. CICERO: Right.

21 MR. BALDWIN: And after that, then the
22 final step is the issuance of a OASAS license for
23 the program.

24 MR. KESSLER: Got it.

1 June 6, 2023

2 MR. KEHOE: So I guess the question is
3 at what, what document do you want?

4 MR. KESSLER: Well, it's, I think --

5 MR. KEHOE: And at what point do you
6 want it?

7 MR. KESSLER: I think we, I think we got
8 the answer. I think it's the, it's the
9 conditional approval.

10 MR. DAVIS: Are you talking about the
11 neg dec?

12 MR. KEHOE: And, and --

13 MR. KESSLER: But, but that's not what
14 you said. You know, you said the submission here,
15 I mean, that's different than what's in the
16 resolution.

17 MR. KEHOE: Well, originally, I think it
18 said conditional approval a month or two ago. And
19 we didn't like conditional, so you just said
20 approval. But then there's different language
21 that recently came in about this pre-consult.

22 MR. KESSLER: Yeah, right.

23 MR. KEHOE: Which --

24 MR. KESSLER: Yeah. So it's not the pre-

1 June 6, 2023

2 consult. The pre-consult is just really first
3 quarter of the game?

4 MR. CICERO: Right.

5 MR. BALDWIN: Roughly, yes.

6 MR. KESSLER: And, and so let's -- one
7 more time. So the, the two local agencies make
8 their recommendation to approve, it goes to
9 OASAS. And then what's this other board? What is
10 it?

11 MR. CICERO: It's the Behavioral Health
12 Services Advisory Council.

13 MR. KESSLER: It goes from OASAS to this
14 other board, is that correct?

15 MR. CICERO: So it goes to OASAS. OASAS
16 staff, if you will, makes a recommendation.

17 MR. KESSLER: Okay.

18 MR. CICERO: It goes to the Behavioral
19 Health Services Advisory Council. They review the
20 project at a public meeting just like this. They
21 make a, a follow-up recommendation to the
22 commissioner, and then the commissioner considers
23 the recommendations of the county, the local
24 government, the, the field office, its own, her

1 June 6, 2023

2 own staff, and the Behavioral Health Services
3 Advisory Council and issues an approval.

4 MR. KESSLER: So it's the commissioner
5 approval, and then it's the site visit?

6 MR. CICERO: Correct.

7 MR. KESSLER: Okay. So it sounds like
8 it's the commissioner approval? But that's what
9 I'm hearing. Does that, does that sound right to
10 everybody? So that's, that's after the local
11 boards have seen it, it's after OASAS has seen
12 it, they've made their recommendation. It goes to
13 this behavioral council who then recommends it to
14 the commissioner. And the commissioner gives you
15 a letter saying, thumbs up?

16 MR. CICERO: Correct.

17 MR. BIANCHI: Okay. Now, physically,
18 when does that happen compared to the timeline of
19 the construction? Does it happen at the end of
20 what the development of the site plan or
21 somewhere in the middle or where?

22 MR. CICERO: It's -- if construction,
23 construction is allowed to occur prior to that
24 time.

1 June 6, 2023

2 MR. KEHOE: You said if.

3 MR. CICERO: Yeah. No, I, I don't --
4 strike the if. Construction is allowed to occur
5 at an applicant's risk prior to that time.

6 MR. KEHOE: Well, but not without --

7 MR. CICERO: Right.

8 MR. KEHOE: See that, I think that's
9 what Bob was getting at maybe prior to you were
10 here. Our building officials won't issue a
11 building permit until they get a signed site plan
12 from the planning board. And so that's what the,
13 they're trying to figure out when the chairman
14 can sign it, which would allow the code official
15 to allow whatever needs a permit to get a permit.

16 MR. DAVIS: So what I, I think what
17 we're saying is that -- and Frank, correct me if
18 I'm wrong, is what we had originally provided in
19 the neg dec.

20 MR. KEHOE: Oh, you need Bob, you need
21 the microphone.

22 MR. DAVIS: I'm sorry. I think, and, and
23 Frank will -- and Brian will correct me if I'm
24 wrong. But I, I think what we're saying is the

1 June 6, 2023

2 same thing that we had originally was condition
3 one to the negative declaration, which is that
4 prior to the chairman signing the plan, which
5 entitles you then for a building per-, to go for
6 a building permit, we need this conditional
7 approval that Frank has referenced. Not, not the
8 final approval, not the final letter from the
9 commissioner.

10 MR. KEHOE: But I, I think, I think we -
11 - you'd like more. No, I think you'd like more
12 words than just conditional approval. Conditional
13 approval from the behavior, whatever the --

14 MR. KESSLER: From the commissioner --
15 from the commissioner, it sounds like.

16 MR. CICERO: Yeah. Actually, let me just
17 actually clarify the letter -- the conditional
18 approval letter for OASAS is not signed by the
19 commissioner. It's signed by the director of the
20 Bureau of Certification acting on behalf of the
21 commissioner.

22 MR. KESSLER: Right. Who sends it then
23 to this board and the, and the commission sends
24 it --

1 June 6, 2023

2 MR. DAVIS: No, no, this is after, after
3 that. After it goes to the Behavioral Health
4 Services Council --

5 MR. KESSLER: Yeah.

6 MR. DAVIS: -- and they recommend
7 approval, then that recommendation is given to
8 the commissioner, and on her behalf, the director
9 of the Bureau of Certification signs the
10 conditional approval letter.

11 MR. KEHOE: So you want conditional
12 approval from the director the Bureau of
13 Certification

14 MR. DAVIS: Of certification, right.

15 MR. KESSLER: That's who it is?

16 MR. BIANCHI: And then they do the site
17 visit after that? That's, that's the condition?

18 MR. CICERO: That's --

19 MR. KESSLER: So at that point, you --
20 they love your program, and now let me just see
21 how you're going deliver it at the site?

22 MR. CICERO: Right.

23 MR. KESSLER: Okay.

24 MR. CICERO: That's correct.

1 June 6, 2023

2 MR. KESSLER: That's sounds like -- that
3 sounds like the --

4 MR. CUNNINGHAM: And is the Bureau of
5 Certification, is that part of OASAS, or that's
6 part of a different --

7 MR. DAVIS: Yes, it is part of OASAS.

8 MR. KEHOE: So could we say from the,
9 the OASAS director or the director --

10 MR. CICERO: Director of the Bureau of
11 Certification of OASAS.

12 MR. KEHOE: Of OASAS.

13 MR. KESSLER: So that'll trigger the
14 chairman to sign the site plan?

15 MR. CICERO: Right. That's the trigger.

16 MR. KESSLER: And then they get their
17 building permits, and -- and then it can go ahead
18 --

19 MR. CUNNINGHAM: And then, then we can
20 add a condition on, too, as part of that
21 condition that no certificate occupancy or
22 temporary certificate of occupancy until you get
23 the, the proof of license from OASAS. So there'd
24 be no certificate, they couldn't operate then

1 June 6, 2023

2 until they get their final license?

3 MR. KESSLER: Oh, yes. Yes.

4 MR. DAVIS: That's --

5 MR. KESSLER: Yeah, a C of O, yeah,
6 yeah.

7 MR. CISERO: That's correct. We, we
8 cannot operate until a site visit is made by
9 OASAS, and they're satisfied with what was
10 constructed.

11 MR. KESSLER: And is OASAS the final say
12 at that point?

13 MR. CISERO: Yes.

14 MR. BALDWIN: Yes.

15 MR. KESSLER: Okay.

16 MR. BALDWIN: And they issue a, a
17 operating certificate from OASAS to operate that
18 program.

19 MR. BIANCHI: Okay.

20 MR. KESSLER: This has --

21 MR. BIANCHI: that's good.

22 MR. KESSLER: -- been most enlightening
23 and helpful. Thank you. Yeah. So with that,
24 let's, let's go through the changes to the

1 June 6, 2023

2 resolution, so that we have them on the record
3 from the draft resolution. All right. So we're,
4 we're changing the date. Ralph submitted a
5 revised drawing, so we're going, but Ralph -- I
6 think your, your drawing might say 2022 rather
7 than 2023. I think it's June 2, 2023 is the
8 latest revision. I think we're agreeing to all of
9 the suggestions that we discussed at the work
10 session. You know, which were highlighted in red
11 about the trees and the shrubs, the waiver of the
12 26 spaces. Then I'm going on page six that the
13 operator has represented that they --

14 MR. KESSLER: Well, no, wait, wait,
15 wait. You were going also make a change about the
16 tennis court.

17 MR. KEHOE: Oh, yeah. Sorry. I'm -- a
18 whereas clause on page four, we're referencing a
19 future tennis court and pool.

20 MR. KESSLER: Right. Which will come
21 back to the planning board when it's proposed.

22 MR. KEHOE: Yep. And then top of page
23 six to another whereas clause that the operator
24 has represented they have filed its application

1 June 6, 2023

2 with OASAS.

3 MR. KESSLER: Well, I mean technically,
4 we now know that's not true.

5 MR. DAVIS: They can, you can simply
6 change the language to, to the, what would you
7 call it, what was filed?

8 MR. CICERO: Prior, prior consult
9 request.

10 MR. KESSLER: Applicant has filed, has
11 yeah --

12 MR. BIANCHI: Has submitted --

13 MR. KESSLER: Yeah --

14 MR. BIANCHI: -- prior consult request.

15 MR. KESSLER: Submitted the, the
16 required prior consult forms or something.

17 MR. KEHOE: Okay. So then the, the, the
18 main reason for this discussion has to do with
19 the condition that we're just discussing now,
20 which we have decided to call --

21 MR. KESSLER: Is condition two?

22 MR. BIANCHI: It's 2A, right?

23 MR. KEHOE: Yes.

24 MR. KESSLER: 2A.

1 June 6, 2023

2 MR. CUNNINGHAM: And so the --

3 MR. KEHOE: Behavioral?

4 MR. CUNNINGHAM: Right. The chairman
5 won't sign until proof of, written proof of
6 conditional approval letter from --

7 MR. KESSLER: Well, it should be the
8 chairman will sign upon --

9 MR. CUNNINGHAM: The chairman will sign
10 upon receipt of the conditional approval letter,
11 letter from the Bureau of Certification of OASAS.
12 And no temporary certificate of occupancy or
13 certificate of occupancy until the operating
14 certificate from OASAS is received by the town.

15 MR. CICERO: No, actually, it has to be
16 the other way around. They won't issue an
17 operating certificate to a building that doesn't
18 have a certificate of occupancy.

19 MR. CUNNINGHAM: Okay. So we'll just
20 strike that second part.

21 MR. CICERO: Okay.

22 MR. CUNNINGHAM: About the TCOs and COs.
23 Okay.

24 MR. KESSLER: Perfect.

1 June 6, 2023

2 MR. KEHOE: And you'll help me with that
3 last one? MC?

4 MR. CUNNINGHAM: Yeah.

5 MR. DAVIS: When you're striking the,
6 the second aspect --

7 MR. CUNNINGHAM: I'm, I'm striking that
8 second aspect related to COs --

9 MR. KESSLER: Right.

10 MR. CUNNINGHAM: -- and TCOs. I'm
11 striking that aspect.

12 MR. DAVIS: The point is, they can't
13 get, they can't get the C of O until they have
14 that approval.

15 MR. CUNNINGHAM: Understood.

16 MR. DAVIS: They can't get the approval
17 without the C of O.

18 MR. CUNNINGHAM: Right.

19 MR. KESSLER: So is that, is that, is
20 that everything then, Chris?

21 MR. KEHOE: Yes.

22 MR. KESSLER: All right.

23 MR. ROTHFEDER: Did we have the change
24 about coming before the board? I, I don't

1 June 6, 2023

2 remember.

3 MR. KESSLER: Oh, yes.

4 MR. KEHOE: Oh, yeah, sorry, that's
5 another --

6 MR. KESSLER: Thank you. Thank you,
7 Jeff.

8 MR. KEHOE: -- one. Condition number
9 three, the applicant shall submit a letter as a
10 correspondences item, and appear, appear in front
11 of the planning board.

12 MR. KESSLER: Well, yeah, or, or
13 requesting to, requesting to appear before the
14 board, yeah. Perfect. Is everybody good now? All
15 right, Mr. Douglas.

16 MR. DOUGLAS: Okay. I make a motion that
17 on case number PB 6-15, the application of Hudson
18 Ridge Wellness Center, that we adopt the draft
19 resolution with the modifications that have been
20 discussed this evening.

21 MR. KESSLER: Okay. That's, and that's
22 resolution 7-23.

23 MR. DOUGLAS: Is it seven? Yeah, but the
24 draft says X. Is it seven?

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June 6, 2023

MR. KEHOE: Sorry.

MR. KESSLER: Oh, but it will be 7- 23.

MR. DOUGLAS: Okay.

MR. KEHOE: If the previous ones were five and six.

MR. DOUGLAS: Right. They were.

MR. KESSLER: Okay. Second please.

MR. BIANCHI: Second

MS. HILDINGER: Second.

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

MULTIPLE: Aye.

MR. KESSLER: Opposed?

MR. DAVIS: Thank you very much.

MR. KESSLER: Thank you.

MR. BALDWIN: Thank you.

MR. KESSLER: Wow, it was very helpful.

MR. CICERO: Thank you.

MR. BIANCHI: Yeah.

MR. KESSLER: All right. Moving on.

Public hearings, the first item is a new public hearing. It's the application of Pomona Development for preliminary plat approval and for

1 June 6, 2023

2 steep slope wetland and tree removal permits for
3 a proposed three-lot major subdivision of
4 approximately 16.78 acres, property located on
5 the south side of Revolutionary Road, 500 feet
6 south of Eton Lane. Drawings latest revised April
7 26, 2023. Good evening.

8 MR. JIM ANNICCHIARICO: Good evening.

9 Jim Annicchiarico with Cronin Engineering,
10 representing Pomona Development, LLC. So the last
11 time we were here, we explained, you know, the
12 changes that we had made to the subdivision,
13 switching from a proposed sewer main to septic
14 systems, individual septic systems for each lot.
15 I'm happy to answer any questions the board may
16 have, unless you want me to kind of re-explain
17 things again?

18 MR. KESSLER: Yeah, in case there are
19 people in the public that want to comment.

20 MR. ANNICCHIARICO: Sure.

21 MR. KESSLER: Yeah, please go -- just
22 give us a thumbnail of this.

23 MR. ANNICCHIARICO: Sure. So we have
24 three lots, three, three proposed lots on a 16-

1 June 6, 2023

2 acre site. This site was subdivided years ago and
3 a lot was, a lot was subdivided and chopped off
4 in the back. So we are now before you with a
5 different applicant, who has purchased the
6 property since that time. We have originally come
7 in I think with five or six lots.

8 MR. BIANCHI: How about nine?

9 MR. ANNICCHIARICO: Well, nine, nine a
10 long time ago. But we are down to three lots.
11 It's about what fits comfortably on the, the
12 site. We have a right of way that has an existing
13 driveway that accesses the property. It's about a
14 450 foot long stem that comes off Revolutionary
15 Road or Eton Lane. That drive will be widened,
16 improved, you know, rough graded to, to be a
17 common driveway, if you will, for the three lots.

18 MR. KESSLER: Is that where you cross
19 the wetland?

20 MR. ANNICCHIARICO: We do cross the
21 wetland. The wetland, which --

22 MR. KESSLER: Chris, can you point out
23 where, where the crossing of the wetland takes
24 place?

1 June 6, 2023

2 MR. ANNICCHIARICO: Yeah. There, there's
3 an existing pipe that's in fairly poor condition
4 that takes water from the wetland B and
5 discharges it across the, the driveway there onto
6 the neighboring property. And eventually it ends
7 up in a pond on that property.

8 MR. KESSLER: So that's under, this is
9 an existing pipe under the road?

10 MR. ANNICCHIARICO: It's an existing
11 pipe under the driveway, correct. It's a
12 corrugated metal pipe. It's in, you know, fairly
13 poor condition, like I mentioned.

14 MR. KESSLER: Has it been maintained at
15 all over these years?

16 MR. ANNICCHIARICO: Well, I mean, it's
17 probably been there for 30, 30 years, maybe
18 longer. You know, that house, the existing house
19 there was probably built in the fifties. I don't
20 know how long it's been there, but it's, it's
21 been there a fairly long time. My opinion, you
22 know, that that wetland that has been mapped out
23 into the right of way is probably due to that
24 pipe not being able to take the water into it.

1 June 6, 2023

2 There's really no headwall on it or anything like
3 that. You know, it's probably just seepage out of
4 the stonewall that, that is along that side of
5 the driveway. So my opinion, you know, that's not
6 really a, a functional wetland, if you will.
7 Certainly the wetland B behind it is, but --

8 MR. KEHOE: And this has been referred
9 to our consultant, Paul Jaehnig, and he did send
10 an email a week or so ago, which I forwarded to
11 Jim.

12 MR. ANNICCHIARICO: Right.

13 MR. KEHOE: And Jim is going to, you
14 know, work with your own wetland consultant or
15 your own staff and, and develop a response. Paul
16 Jaehnig's comments were not significant.

17 MR. ANNICCHIARICO: Right. We've, I've
18 I've contacted Steve Miller, uh, Steve Marino of
19 Tim Miller Associates. So I'm, I'm waiting to
20 hear back from him to engage him in, you know,
21 his opinion on, on it. So we are, we are planning
22 to, you know, replace that pipe.

23 MR. KESSLER: Sure.

24 MR. ANNICCHIARICO: And I think that'll

1 June 6, 2023

2 actually -- we would replace that pipe, put a,
3 you know, a real headwall behind the wall, funnel
4 the -- funnel the wetland water into the pipe,
5 and I think that would you know, dry up any
6 seepage that's, you know, occurring on, out onto
7 the, the driveway itself.

8 MR. ROTHFEDER: So do you think the
9 wetland is from the seepage? Is that what you're
10 saying?

11 MR. ANNICCHIARICO: Well, I think the,
12 where the wetland is mapped out in the right of
13 way is due to the seepage.

14 MR. ROTHFEDER: I see.

15 MR. ANNICCHIARICO: Not -- it's due to
16 the, the water not being able to get into the
17 pipe.

18 MR. ROTHFEDER: Right, right. I got you.

19 MR. KESSLER: All right. This is a
20 public hearing. Is there anybody in the audience
21 that wishes to comment? Sure. Come on up. State
22 your name and address for the record, please.

23 MR. MATT PASCARELLA: Good evening. My
24 name's Matt Pascarella, and I'm a resident of 7

1 June 6, 2023

2 Fox Hill Road. And I just put a little statement
3 together for this evening's meeting. So, good
4 evening distinguished members of the Town
5 Planning Board and my local fellow residents. I
6 felt moved to attend the meeting due to my
7 proximity to the proposed Pomona Development
8 Plan. I reside adjacent to the property via the
9 Fox Hill Road. While respecting private property
10 rights, I also believe that we live in a time
11 that requires greater oversight for environmental
12 concerns. Decisions may have already been made
13 and experts consulted, but perhaps I can share
14 some insight and perspective as a resident being
15 directly affected by the proposed plan.

16 The town of Cortlandt Code chapter 283,
17 not only would change the beauty of the visual
18 landscape that my neighbors and myself enjoy, but
19 would also remove the protective canopy of mature
20 trees with nothing to replace it. Even if the
21 Pomona Group chooses, it's their choice, as I
22 understand, to replant trees versus simply
23 contribute to an environmental restoration fund,
24 it would take decades to match the existing

1 June 6, 2023

2 protection that the current woods provides. This
3 in turn affects soil erosion and its effects
4 pertaining to, I believe, chapter 259, steep
5 slopes. My neighbors and I all live downhill from
6 the proposed site and would all experience the
7 soil erosion effects firsthand. More important,
8 the local wildlife of deer, fox, groundhogs,
9 squirrels, frogs, turtles, assorted birds that
10 have used this as a dependable water source would
11 have to deal with pollution and site runoff.

12 It takes six to two weeks to complete
13 one septic system, from what I've read, and three
14 will be required. This is an unacceptable amount
15 of time, considering the clear cutting and lack
16 of protection for the ground. The spirit of 259
17 seems to speak to this very concern. I'd also
18 wonder if the Town Conservation Advisory Council
19 has already inspected the property and the
20 surrounding area.

21 In closing, may I say that all residents
22 of Fox Hill Road with access to the main
23 municipal sewer connection that Pomona has
24 solicited directly, have all declined the offer

1 June 6, 2023

2 of \$30,000. This by itself illustrates the
3 attitude and sentiment towards the proposed
4 project. I believe I would speak for my fellow
5 neighbors by imploring the property owner to
6 possibly resubmit a proposal for one new home on
7 the property versus the three structures that are
8 under consideration. This would allow the woods
9 to remain as undisturbed as possible, which would
10 be the best outcome for the environment, and thus
11 for our town character as a whole. Thank you.

12 MR. KESSLER: What did the neighbors
13 turn down, just to be clear?

14 MR. PASCARELLA: A monetary offer of
15 \$30,000 to connect to the sewer main that would
16 allow the larger project to take place.

17 MR. KESSLER: That would allow them to
18 connect?

19 MR. PASCARELLA: Correct.

20 MR. KESSLER: And, and wait, just can
21 you zoom out? So where are you located in this?

22 MR. PASCARELLA: 7 Fox Hill Road.

23 MR. KESSLER: So where would that be on
24 this roughly?

1 June 6, 2023

2 MR. KEHOE: It's, it's these lots along
3 here.

4 MR. KESSLER: Oh, Over there. Okay. So,
5 so one of the houses would be in your backyard?
6 Okay.

7 MR. PASCARELLA: Yes.

8 MR. KESSLER: Okay. Well, thank you.

9 MR. PASCARELLA: Thank you very much.
10 Anybody else wish to comment? Nobody? Alright.

11 MR. KEHOE: Just for the record though,
12 too? You know, it would never happen in a million
13 years, but I was just looking through the
14 drawings, the lot count formula permits 21 lots
15 on the site, which was never a possibility. So I
16 did discuss with the neighbors, you know, that
17 from the potential of 21, which obviously wasn't
18 a realistic potential --

19 MR. KESSLER: Right.

20 MR. KEHOE: Down to six, then down to
21 five, and then ultimately to three, you know, I -
22 -

23 MR. KESSLER: That was 21 with septic?

24 MR. KEHOE: No, that --

1 June 6, 2023

2 MR. ANNICCHIARICO: Just the math, the
3 math of it, all.

4 MR. KEHOE: Yeah, that, that didn't --
5 that's just the growth, the, the straight
6 formula, taking out all the environmental
7 constraints, but as you well know that that's
8 ceiling.

9 MR. KESSLER: Yeah, the upper limit.
10 Yes, I understand.

11 MR. ANNICCHIARICO: You know, we did, we
12 did offer money for an easement. We only needed
13 about a 15-foot long easement through the,
14 through the very back of the property to connect
15 to the existing sewer easement that runs through
16 those, the backs of those houses. That,
17 unfortunately that sewer easement was never
18 extended to the property line, which would've
19 been a great idea even for, even for the existing
20 house that that is, was there for -- and is still
21 there.

22 MR. KESSLER: Where, where's is that
23 easement? In between those lots there? Is that
24 it,

1 June 6, 2023

2 MR. KEHOE: It's this right here.

3 MR. KESSLER: Oh, I see.

4 MR. KEHOE: And you can see it never
5 touches this property.

6 MR. ANNICCHIARICO: There's, there's the
7 most -- the line, the dotted line that's closest
8 to our property line is actually a temporary
9 construction easement line. So that, that
10 easement is really, that line is really nothing
11 in the terms of the easement itself. It's only a
12 15-foot wide easement. So we were -- we could
13 have connected to the properties there that show
14 now or formally Rice or Kleinknecht. I mean, we
15 could have, you know, attempted to connect
16 further up, but it, it probably would've required
17 a pump system. But those were the two properties
18 that we approached and made an offer to. And
19 unfortunately that didn't work out.

20 Now, because of that, we have to cut
21 down a few more trees on lot one. There, there
22 are very few trees on lots two and three that
23 need to come down. I think it's five and seven
24 trees on each lot just to build. So lot one is

1 June 6, 2023

2 the, the lot with the most trees on it. And, you
3 know, I, I think the, the, the difference between
4 the sewer and the, the septic system itself on
5 that lot is only a difference of seven trees
6 anyway. But, it is seven more trees, mainly
7 because of the septic system that is required.

8 MR. KESSLER: Would the, other houses
9 have also gone into that?

10 MR. ANNICCHIARICO: Yeah, all, all three
11 houses would've connected to that sewer main
12 extension. That, that was our preferred, you
13 know, plan.

14 MR. BIANCHI: Where is the septic on lot
15 number one? I'm looking at --

16 MR. ANNICCHIARICO: I don't know if
17 Chris could --

18 MR. BIANCHI: Is it between the house
19 and the Fox Lane or wherever?

20 MR. ANNICCHIARICO: It's in the front of
21 the house.

22 MR. BIANCHI: It's in the front?

23 MR. ANNICCHIARICO: Yeah.

24 MR. BIANCHI: So what, in your

1 June 6, 2023

2 estimation, how many trees, I guess you'd call it
3 the backyard, would be affected?

4 MR. ANNICCHIARICO: Chris, can you go to
5 the --

6 MR. KEHOE: What, what plan? Oh, right
7 here.

8 MR. ANNICCHIARICO: Oh, yeah, that plan.

9 MR. KEHOE: Right there.

10 MR. BIANCHI: I don't, I don't remember
11 if there's a plan for the trees.

12 MR. ANNICCHIARICO: Right, that plan
13 right there So, on lot one, you have the house
14 with the driveway on the right and then the
15 septic system in front of the house, in the front
16 of the house.

17 MR. KEHOE: It's sort of hard to see,
18 but it's this area here.

19 MR. ANNICCHIARICO: Yeah, it would be
20 that area right there.

21 MR. BIANCHI: Okay. So how many trees in
22 the back are impacted?

23 MR. ANNICCHIARICO: See that dark dotted
24 line would be our limits of disturbance.

1 June 6, 2023

2 MR. BIANCHI: All right. So --

3 MR. ANNICCHIARICO: So we wouldn't be re
4 removing any trees beyond that line.

5 MR. BIANCHI: And, and currently it
6 appears that there are quite a few beyond that.

7 MR. ANNICCHIARICO: There are. And we
8 do, obviously, you know, we, we prepared a plan
9 that meets zoning setbacks as well.

10 MR. KESSLER: What, what's the distance
11 between the house and the property line there,
12 roughly?

13 MR. ANNICCHIARICO: Chris, if you go to
14 -- there is a zoning, zoning plan. It'll, it'll
15 show the distance from the back of the house to
16 the property line.

17 MR. KEHOE: Do you remember what number
18 that was?

19 MR. ANNICCHIARICO: I believe it was the
20 third drawing, fourth drawing.

21 MR. KEHOE: 87 feet.

22 MR. ANNICCHIARICO: ZC 3.1.

23 MR. KESSLER: I'm sorry. 80?

24 MR. KEHOE: Well, it's 87 feet to the

1 June 6, 2023

2 property line.

3 MR. ANNICCHIARICO: Eighty-seven feet to
4 the property line from the back of the house.

5 MR. KESSLER: From the house?

6 MR. ANNICCHIARICO: From the house,
7 correct.

8 MR. KEHOE: But from the proposed house
9 to the property line, not to an existing house.

10 MR. KESSLER: Right. To the property
11 line. Okay.

12 MR. KEHOE: That dimension right there.

13 MR. KESSLER: Right.

14 MR. ANNICCHIARICO: You can see the
15 setback, the dotted line, the zoning setback
16 line, which is just beyond the one. That, that's
17 actually the setback, the zoning setback, the
18 rear yard setback.

19 MR. KESSLER: Okay. Do you think if this
20 was approved, it'd be a chance that the neighbors
21 would reconsider the septic?

22 MR. ANNICCHIARICO: It's a possibility.
23 I would hope so.

24 MR. KESSLER: And reconsider their

1 June 6, 2023

2 sewerage?

3 MR. ANNICCHIARICO: As we say, you know,
4 I mean, I, we'd rather put the money into the
5 sewer than into the septic systems, yeah. I mean,
6 we'll be, you know, the septic systems may, well,
7 they will, you know, affect how many bedrooms
8 we're allowed to build, so we'd much rather go
9 with the sewer.

10 MR. KEHOE: So you, if you decide to
11 move towards an approval, you'd be approving a
12 plan that shows a septic system.

13 MR. KESSLER: Right.

14 MR. KEHOE: Which they would then have
15 to file and get the health department to sign
16 off. But between your approval and the health
17 department, you could modify that, but you'd have
18 to come back to the board.

19 MR. ANNICCHIARICO: Correct.

20 MR. KESSLER: If, if the sewer became
21 viable, yeah.

22 MR. ANNICCHIARICO: If that became
23 viable, we'd go back to our sewer extension plan.
24 I'd prepare a sewer extension application to the

1 June 6, 2023

2 health department as part of the realty
3 subdivision application and get that signed off
4 on.

5 MR. KESSLER: Alright. Any more comments
6 from the board?

7 MR. ROTHFEDER: We don't want to
8 consider that before the -- we're planning a
9 resolution for next meeting?

10 MR. KESSLER: Meeting, yeah.

11 MR. ROTHFEDER: But I mean --

12 MR. KEHOE: Well, your next meeting's
13 not until July 25th. So it would be up to the
14 applicant.

15 MR. ROTHFEDER: They could go back to
16 the residence and, and ask, be in between.

17 MR. KEHOE: But, but you, you would be
18 prepared.

19 MR. ROTHFEDER: Prepared.

20 MR. KEHOE: And you tell me otherwise,
21 but, you know, to, to do a septic one, right.

22 MR. ROTHFEDER: Could you do, could you
23 do that?

24 MR. ANNICCHIARICO: I'll let Cafo answer

1 June 6, 2023

2 that.

3 MR. ROTHFEDER: I thought that's what
4 you wanted.

5 MR. CAFO BOGA: Yes. Frankly speaking,
6 I'm a bit at a loss why anyone would have
7 anything to complain about this. When I had my
8 first initial consultation with the town, I was
9 told that I would be able to hook up into a sewer
10 system and we proceeded under that idea. But then
11 later on, we found out that for whatever reason,
12 although I'm of the opinion that since the town
13 really owns the system they have the right to,
14 to, to approve that.

15 But since we didn't go that route, I
16 decided to work directly with the three homes
17 which our adjacent to the property in which
18 either three of them work in terms of hookup. And
19 I sent, first the engineers sent letters to all
20 three of them, then I followed up twice,
21 certified mail. And with some of them, I also met
22 in person. And I decided to give some incentive.
23 I said, if I spend money to dig a well, I might
24 as well let them have it and it's for an

1 June 6, 2023

2 inconvenience, we are going inconvenience them
3 for a day or two. It's really not even five
4 meters of, not even five meters of, of a distance
5 where we would have to hook up. But it didn't
6 work out for whatever reason.

7 And then we had to come back and amend
8 our application to go with the septic. So now we
9 are ready to proceed with septic. We have done
10 all the necessary work. But if I find that maybe
11 they're have changed their mind or can see this
12 in a different light, I am willing to go back, as
13 the engineer said with the sewer system hookup,
14 because that is better for the environment,
15 better for anybody else.

16 In terms of trees, regardless which way
17 we go, I think this what I'm planning to do there
18 would be better even for the, for the, for the
19 birds. Because in terms of trees, there are some
20 dead trees, which are really, and some
21 dilapidated homes and shacks which are used by
22 kids and who knows what and we will get rid of
23 that and we will get rid of all the dilapidated
24 shacks and trees and all that. It would look

1 June 6, 2023

2 really decent, so that area will come back to
3 life. So in terms of, adding any annoyance to the
4 neighbors, I see it the, the other way around. It
5 will enhance their property and would make it
6 more valuable.

7 MR. ROTHFEDER: I appreciate that. So,
8 but it's okay with you to just go back and ask
9 them and --

10 MR. BOGA: Oh, absolutely, absolutely.
11 Thank you.

12 MR. ROTHFEDER: That's fine, thank you.

13 MR. KESSLER: All right. Any other
14 comments? If not, Kevin?

15 MR. KOBASA: Sorry. Motion to close the
16 public hearing for planning board application 1-
17 16, application of Pomona Development, LLC for
18 preliminary plat approval and for steep slope
19 wetland and tree removal permits.

20 MR. KESSLER: Second please. We'll do,
21 we'll do both. Second, please.

22 MR. ROTHFEDER: Second.

23 MS. HILDINGER: Second.

24 MR. KESSLER: On the question. All in

1 June 6, 2023

2 favor?

3 MULTIPLE: Aye.

4 MR. KESSLER: Opposed? Let's do prepare
5 a resolution.

6 MR. KOBASA: Motion to prepare a
7 resolution for planning board 1-16, application
8 of Pomona Development, LLC, preliminary plat
9 approval for steep slope, wetland and tree
10 removal permits.

11 MR. KESSLER: Second?

12 MR. BIANCHI: Second.

13 MR. KESSLER: On the question?

14 MR. KEHOE: And just for the record, the
15 next meeting has been moved. We discussed it in
16 the past but it'll be July 25th.

17 MR. KESSLER: Right. So, we're on the
18 question. All in favor?

19 MULTIPLE: Aye.

20 MR. KESSLER: Opposed? All right. Thank
21 you.

22 MR. ANNICCHIARICO: Thank you.

23 MR. BOGA: Thank you.

24 MR. KESSLER: Good luck. Our next public

1 June 6, 2023

2 hearing is the application of Bilal Ahmad for the
3 property of Ace/Sport Realty Holding Corporation
4 for site development plan approval and for steep
5 slope tree removal and wetland permits for a
6 proposed five-story, 93-room hotel for property
7 located at 2054 East Main Street. Drawings latest
8 revised May 31, 2023. Mr. Steinmetz, good
9 evening.

10 MR. DAVID STEINMETZ: Good evening, Mr.
11 Chairman, members of the board. Good to see all
12 of you. David Steinmetz from the law firm of
13 Zarin and Steinmetz, I'm pleased to be here this
14 evening, representing Bilal Ahmad with regard to
15 the proposed hotel application. I think you're
16 all familiar with it. We did assemble and bring
17 our entire team tonight in case there is specific
18 questions. I'm joined tonight by my colleague,
19 Brian Sinsabaugh, by both Matt Steinberg and
20 Peter Gregory from DTS Provident, our engineers
21 and planners, Christian Freeman, a landscape
22 architect from Keplinger Freeman, Gordon
23 Stansbury, our traffic engineer from GTS
24 Consulting.

1 June 6, 2023

2 We have appeared in front of your board
3 numerous times. We have appeared in front of the
4 zoning board. I'm going try to be very brief.
5 Steve, I don't say this to you very often, but
6 feel free to cut me off if you want us to be
7 shorter.

8 MR. KESSLER: I was never shy about
9 that.

10 MR. STEINMETZ: Our client, as you all
11 know is a contract vendee of 2054 East Main
12 Street. It's two different parcels in the CD
13 zoning district. We are proposing a hotel, which
14 is an as of right use on that property, a four-
15 story with a basement, which is construed under
16 your code, technically as a five story building,
17 93 key Marriott hotel. It is branded as a
18 Marriott Courtyard with amenities including a
19 restaurant, a courtyard deck, a fitness center.
20 Site improvements would include extensive
21 landscaping, tiered retaining walls. And I would
22 state for the record that I, I know I had the
23 benefit of walking the property, I think with
24 essentially all of you. We, we did have a rather

1 June 6, 2023

2 extensive site investigation so that you got to
3 see the site, how it can be graded out, where the
4 vegetation is, where additional landscaping can
5 come in, how the functionality of the access
6 points work.

7 And the applicant and our entire team
8 appreciates the time and the attention all of you
9 paid in coming out there. I think it really
10 brings it to life. The property is owned by the
11 Hirsch family. It was previously improved, many
12 of, you know, with a single family home that
13 burned down a number of years ago. I think we saw
14 some remnants of it when we were when we were out
15 there.

16 There is an existing curb cut on Jacobs
17 Hill Road. And we have been working with your
18 traffic engineers at HVEA, as well as your board
19 to figure out the best geometry to access this
20 particular site, both for functionality and for
21 fire purposes. I think we have determined it is
22 best to align it directly across from Pike Plaza,
23 as we all saw when we were out there.

24 Footnote, while we're talking about

1 June 6, 2023

2 Jacobs Hill Road, Mr. Rothfeder knows that we
3 would very much like to improve the turning
4 circulation onto Jacobs Hill Road, as we all
5 observed when we were out there and we continue
6 to endorse that potential modification. I know
7 that Chris raised that with DOT and I think HVEA
8 signed off, on what was the phrase in terms of
9 the, the striping? It was a great, great phrase.

10 MR. KEHOE: I, I'm, I don't remember
11 exactly, but it's Dave Parker from New York State
12 DOT and he owes me a letter or an email. He had a
13 lot of ideas and opinions, which he's going to
14 organize for me.

15 MR. STEINMETZ: Perfect. The record
16 should be clear. Our client, this is not our
17 client's first hotel. Mr. Ahmad owns several
18 different hotels and is, is rather excited about
19 coming onto Cortland Boulevard, coming onto this
20 particular area, and has been seeking a hotel in
21 this particular portion of Northern Westchester.
22 As I have stated previously we, we believe that
23 there is, continues to be a strong demographic
24 demand for this hotel, for visitors to the

1 June 6, 2023

2 community, to some of the amenities in and around
3 Cortlandt. And this is not a, a restaurant that
4 would be a destination restaurant for outsiders
5 or for functions, weddings, et cetera. This is a,
6 an overnight stay hotel with a modest restaurant
7 that will take care of the, the residents within
8 it.

9 In terms of the, the building design to
10 the extent that it's, it's a Marriott Courtyard,
11 it's going to be, we believe, well accepted as a
12 high quality design. It will blend with the
13 surrounding landscaping, it's designed to have
14 natural colors. We've shared that with you. We,
15 we do have some materials that we can share. It's
16 natural colored EIFS with wood accents. So we are
17 trying to, and our client and Marriott, want this
18 to be an attractive building that does not take
19 over the viewshed. It's obviously going to be
20 visible to some extent, as we have illustrated in
21 our graphics from Route 6. but this is not
22 something that's going to be overwhelming.

23 When we went out to the site, one of the
24 benefits of the site inspection that we did

1 June 6, 2023

2 together, we saw the existing landscaping, we saw
3 some of the significant tree cover on our
4 property. We also saw some of the existing tree
5 cover across the street at Parkway Drive. Those
6 are our closest residential neighbors. And I know
7 you all took into account the height and the
8 magnitude of those trees.

9 In terms of components of the
10 development, you've made it clear to us to
11 explore renewable and sustainable elements. Our,
12 our client is fully intending to provide two EV
13 charging stations with three additional charging
14 stations available. There will be conduits
15 installed so that if there is a need and a
16 demand, it's very easy to wire and run them.
17 Marriott requires two. Marriott promotes this,
18 but there is the notion that if there are too
19 many and they're not used, they're not the best
20 way to have parking spaces. So the, the
21 availability of up to five of the 93 parking
22 spaces will be of sustainable EV.

23 Footnote on parking, for the record, you
24 all know we came in with more parking for the

1 June 6, 2023

2 hotel. It was advised that we explore providing
3 additional landscaping in our parking lot
4 reducing the need for a greater parking variance.
5 Marriott has no objection to 93 parking spaces
6 for the 93 rooms because the hotel is not 100
7 percent occupied, really at any time. And based
8 upon a rather extensive array of empirical data,
9 Marriott concludes that 93 parking spaces will
10 function quite adequately and no customer will go
11 home and not check in because they can't get
12 parking.

13 MR. DOUGLAS: Can, can I, can I go back
14 to the EV parking spaces for minute please?

15 MR. STEINMETZ: Sure.

16 MR. DOUGLAS: If you've got 93 spaces
17 and you're only really proposing two, that's, you
18 know, that's minimal percentage, 3 percent or so.
19 And when you say you, the, the applicant is
20 willing to, to have three additional, you know,
21 ones turned -- if, if there's demand. To me that
22 sounds, that's backwards. Because there's only
23 going be demand, you know, the demand will be
24 what, what's there. Because what'll happen is

1 June 6, 2023

2 that people going to the hotel, you know, if, if
3 they've got electric vehicles, they'll call and
4 say, do you have spaces and how many do you have?
5 And the answer will be two. So they will either
6 not come if they've got a solely electric
7 vehicles, or like many people, they'll take their
8 gas car because a lot of people have EV cars and
9 also gas cars. They'll take the gas car. So it
10 seems to me that, that, that, that in reality,
11 you'll never increase the, the numbers. I don't
12 see why the applicant should be, should be
13 reluctant to increase it, to just put in the five
14 charging stations.

15 MR. STEINMETZ: I'm happy Mr. Douglas,
16 hearing your comment to take that back to my
17 client and, and report back to you. I, I hear
18 your comment. I have no desire to argue with you
19 about whether somebody calls a hotel and says, do
20 you have adequate EV capability for my car? I
21 don't know if people do that. Mr. Ahmad owns a
22 number of hotels. I would think he knows better
23 than I. I'm happy to take your comment back. We
24 want to address this issue. We are not unmindful

1 June 6, 2023

2 of it. And in addition to the EV, we are
3 exploring the capability of putting solar on the
4 roof of this hotel as well. No, no final
5 determination has been made by the architects on
6 that, but my client is interested in trying to
7 make that a reality as well.

8 MR. ROTHFEDER: Okay. I would just add
9 to what David said, that also leaving it up to,
10 you know, perhaps doing it down the road leaves
11 us out of it. You know, they, they may decide to
12 do it or they may not, but we, we won't really
13 know about it. So I would, I would second what he
14 said.

15 MR. STEINMETZ: Understood. Happy to
16 take that back and, and, and address it with you.
17 Either we can craft a condition sort of like land
18 banking, parking, where there is a subsequent
19 analysis and determination of whether it's needed
20 and it gets put in. So it's not -- of all the
21 communities that I appear at before, and I'm in a
22 lot of them, you do have post-approval monitoring
23 and checkups more so than some others. And I
24 commend you for that. And so I'm, I'm confident

1 June 6, 2023

2 Mr. Rothfeder, that you will know if there has
3 been an unmet demand or if every single time
4 somebody comes to the hotel from the town, you
5 see those two EV spots are occupied and there
6 must be a third car and you see that Tesla
7 sitting there, it can't charge. But again, I'll
8 come back to you on it.

9 MR. ROTHFEDER: Okay, thanks.

10 MR. STEINMETZ: When we first presented
11 the application, I'm wrapping up shortly, Mr.
12 Chairman, when we first presented the application
13 back in October, one of the things that I and our
14 team explained to you, we knew that we could not
15 proceed with this application without certain
16 variances from the Zoning Board of Appeals. And
17 in a somewhat unusual fashion for me with this
18 town, I strongly urged staff to allow us to take
19 the application to the Zoning Board of Appeals
20 very early in the process. Why? As much fun as it
21 is to come before your board, I did not want to
22 process this application in front of your board
23 if the death knell of the application lay before
24 the zoning board which was unwilling to grant

1 June 6, 2023

2 variances. So you were kind enough and staff was
3 kind enough to allow us to get in front of the
4 zoning board. We were in front of the zoning
5 board and did hearings there back in February and
6 March. The zoning board also conducted its own
7 separate site inspection. Mr. Douglas, I don't
8 remember exactly when you decided to change from
9 the zoning board to the planning board. I think
10 you were still there at, at some of those
11 critical meetings.

12 MR. DOUGLAS: Yeah. The impetus for my
13 changing is I wanted to go back for a second site
14 visit. [laughter]

15 MR. STEINMETZ: I, I, I knew you seemed
16 so anxious when I saw you there in May. Having
17 said that it was, it was really valuable for us
18 to do that because we were able to present to the
19 zoning board. Our team was able to work with the
20 board and while, you know, and we know we could
21 not ask them to vote on the application because
22 the SEQRA process had not been concluded, we got
23 enough of a comfort level and our client got
24 enough of a comfort level for us to continue

1 June 6, 2023

2 processing. In fact, you received some written
3 materials, a memorandum from the zoning board
4 indicating their inclination to grant the parking
5 space and the parking lot variances and as well
6 as the height and an actual statement that the
7 board is in favor of granting the side yard
8 setback variances.

9 So based upon that, we continued and,
10 and we are now before your board. I say that
11 because again, any approval by your board, we
12 know we still have to go back to the zoning board
13 of appeals, or any completion of the SEQRA
14 process by your board, we still have to go back
15 to the Zoning Board of Appeals and complete the
16 ZBA variances. I just want the record to be clear
17 on that.

18 We last appeared before your board last
19 month. We conducted the site inspection. And I
20 understand that there was a site inspection
21 conducted today. I gather the weather allowed it.
22 I know my, my colleague Brian was very worried he
23 was sending people out into a bad storm. But I'm
24 told everyone survived, Chris.

1 June 6, 2023

2 MR. KEHOE: He didn't come.

3 MR. STEINMETZ: I, I, that was on my
4 advice. You should have seen the hail in White
5 Plains. And I'm not kidding. You guys did not
6 have it up here as I understand. We had
7 significant hail in, in White Plains. The site
8 inspection was conducted this afternoon by our
9 landscape architect Christian and the town's
10 consultants. I, I think that was productive. And
11 I think they arrived at some suggestions
12 regarding additional landscaping that we all
13 talked about when we were on our site inspection.

14 So I, we were going to show our video
15 tonight. We've been encouraged to not do that
16 since it's already been made part of the record
17 and been shown. Matt Steinberg is here. Matt,
18 feel free, if you want to contribute and add
19 anything further. Affirmatively, yes, no?

20 MR. MATT STEINBERG: I could walk
21 through you real quick --

22 MR. STEINMETZ: Let's do it. So we're
23 going do a very quick explanation of the site
24 plan and then we are done.

1 June 6, 2023

2 MR. KESSLER: We've got a public hearing
3 to do.

4 MR. STEINMETZ: Is that acceptable, Mr.
5 Chairman?

6 MR. KESSLER: Yeah, sure. Let's, let's
7 get to the public.

8 MR. STEINBERG: Yeah. I'll be very
9 brief. It's just to, to update you on what we
10 submitted to this board. This plan was submitted
11 to you. We, we colored it up a little bit just so
12 that it, it stands out a little more. A couple of
13 the questions that came up were the entryways. So
14 you can see the, the red triangles designate some
15 of the key entry points. So on the -- it's the
16 north, the northwest side of the building, so
17 the, the front side, the upper parking is the
18 main entry. That's where you come in from the
19 porte-cochère. That would be where guests would
20 enter and, and, and go to either reception or the
21 restaurant. That's where general parcels would be
22 delivered, such as mail, UPS, Amazon, things like
23 that. On the Bear Mountain Parkway side is a more
24 of a service entry. That would be where refuse

1 June 6, 2023

2 and recycling would be taken out by staff. They
3 would follow essentially that dotted line path to
4 the refuse and recycling enclosure. That
5 enclosure is eight feet by 20 feet. So that would
6 accommodate two front load dumpsters. So
7 dumpsters would be -- they're six feet wide,
8 that's the standard for the truck to pick up. And
9 then what's different is the depth of those,
10 depending on how, how large they are, they would
11 range from three to five to six feet in depth,
12 which would fit inside that eight-foot depth of
13 the refuse enclosure.

14 On the lower parking side which is
15 facing East Main Street, that that entryway would
16 be used for loading and the loading area is
17 designated or shown in the parking -- in the
18 parking, in the lower parking area. That entry
19 also would be available for guests that park in
20 that lower parking lot. So guests key cards would
21 allow them into that space as well. That lower
22 level also has a pool and a fitness center, so
23 guests can come in and, and leave through that as
24 well.

1 June 6, 2023

2 The storm water system that we talked
3 about on site would be located subsurface in that
4 parking lot, in that lower parking lot. And then
5 the EV stations are also in that, that parking
6 lot that we you talked about with, with Mr.
7 Steinmetz.

8 MR. KESSLER: So, so the loading area is
9 there, is there a loading dock? What exactly?

10 MR. STEINBERG: So there's, there is not
11 a loading dock. The trucks, a box truck --

12 MR. KESSLER: The yellow, the yellow
13 line there. That's the --

14 MR. STEINBERG: That is the sidewalk.
15 That is the walkway. That's what the, the path
16 they would take. And it is similar to other --

17 MR. KESSLER: That's where deliveries
18 would go --

19 MR. STEINBERG: Deliveries would go into
20 that. Yeah. So unlike a a retail store, so let's
21 say a supermarket or a dry retail store that
22 needs a full loading dock because they're
23 essentially loading pallets and unloading an
24 entire, if not, or half or, or an entire truck.

1 June 6, 2023

2 So they have to be there for a while and unload
3 that into a receiving area. This would be more
4 akin to the restaurant. So if you look at the
5 restaurants along, along Route 6, any of the
6 restaurants, the truck would pull up to the side
7 of the building to a loading door and then they
8 would unload it, generally with a hand truck. And
9 they wouldn't be unloading an entire truckload of
10 materials.

11 MR. KESSLER: So a truck would back up
12 that yellow?

13 MR. STEINBERG: No, it would pull, it
14 would just be able to pull right up against the
15 back of that curb.

16 MR. KESSLER: Where it says loading
17 area, a little boxed area?

18 MR. KEHOE: Yes.

19 MR. STEINBERG: It would just, it would
20 pull up against, along that and they would be
21 able to unload the materials and walk up that
22 entire path.

23 MR. KEHOE: This, this was preliminary
24 run by our code enforcement office and he said it

1 June 6, 2023

2 was fine.

3 MR. KESSLER: Okay.

4 MR. KEHOE: Preliminarily, I mean, you
5 know.

6 MR. KESSLER: Is there a service
7 elevator for that or are they going to go --

8 MR. STEINBERG: There is a service
9 elevator, so there's two elevators inside the
10 building.

11 MR. KESSLER: Okay.

12 MR. KEHOE: Because I asked the same
13 question, because it's not really a defined
14 loading area. It's not like painted in the
15 parking lot

16 MR. STEINBERG: Right. And then in most
17 of the restaurants, if you look and, and those
18 kind of establishments even around, along Route 6
19 in Cortlandt don't have a, a separate dedicated
20 loading area.

21 MR. KESSLER: Okay. And has code also
22 looked to see the number of emergency exits? Is
23 it sufficient?

24 MR. KEHOE: I'd, I'd have to check with

1 June 6, 2023

2 that.

3 MR. CUNNINGHAM: I doubt they looked at
4 this point, it'll have to comply with the code
5 anyway, the building code, so.

6 MR. STEINBERG: Right. And each of the
7 stairways have, you know, they have an exit out.

8 MR. KESSLER: Okay.

9 MR. STEINBERG: Yeah. So I mean we're,
10 you know, we're happy to answer any questions, we
11 have this team here.

12 MR. KESSLER: Well, let's -- it's a
13 public hearing, so does anybody in the audience
14 that wishes to ask questions, comment on this
15 application. Please come up. State your name,
16 address. Yeah, whomever. Come on.

17 MS. LORRAINE LEVINS: Good evening.
18 Lorraine Levins, 2207 Jacobs Hill Road, Woodcrest
19 at Jacobs Hill Condominiums. I bring concerns to
20 the planning board this evening on behalf of the
21 many condominium owners at Woodcrest at Jacobs
22 Hill, which are designated 55 and over. And
23 hopefully echo the sentiments of the many of the
24 103 rental units, also designated 55 and over

1 June 6, 2023

2 further up on Jacob's Hill. There are issues that
3 need to be addressed. Noise, traffic, traffic
4 safety, emergency response by fire and ambulance.
5 The cartoon drawings that have been presented of
6 this proposed hotel do not depict what will be on
7 the rooftop of the hotel. Atop commercial
8 rooftops are very unsightly, large, noisy HVAC
9 and exhaust systems that run 24/7. Such equipment
10 atop the proposed hotel would be very, very close
11 in proximity to the Woodcrest at Jacobs Hill
12 Condo complex, more so, to the proximity of its
13 building one. It would be a problematic noise
14 issue. When you do your next site visit, park at
15 the topmost lot of Pike Plaza. Turn off your
16 engine and just listen to the noise being
17 generated by Pike Plaza. Now imagine that
18 magnified and coming from a hotel 24/7.

19 Any additional traffic by building this
20 proposed hotel would create nightmarish travel
21 for residents of Jacobs Hill Road. Each morning,
22 I sit very patiently waiting to make a left turn
23 onto Route 6 when I leave for work. It's the same
24 situation when endeavoring to travel onto Route 6

1 June 6, 2023

2 towards the Cortlandt Town Center. I recently
3 pulled over in Pike Plaza to see just how long
4 the lights are. I timed the lights with a
5 stopwatch. The green light to exit Jacobs Hill
6 Road stays on for nine seconds, which allows for
7 about four cars to get through. The red light
8 then remains on for two full minutes and 40
9 seconds. There's no visible signage on Jacobs
10 Hill Road, no outlet. Where's our large diamond
11 shaped no outlet sign? Parkway Drive has one.

12 Further, there's no posting of a speed
13 limit on Jacobs Hill Road. It's a speedway, with
14 stop signs that are all too frequently ignored.
15 There's one way in and one way out for over 150
16 units up on Jacobs Hill Road. Where's the signs?
17 In the short seven years I've resided here, I've
18 accounted several occasions where I could neither
19 enter or exit Jacobs Hill Road. In September of
20 2018, there was an early morning fire at the very
21 same property being discussed here tonight. It
22 took several years and finally intervention by
23 the town of Courtlandt supervisor to get the
24 owners to finally clear out the unsightly huge

1 June 6, 2023

2 pile of burned out debris. Residents living on
3 Jacobs Hill Road the morning of that fire were
4 unable to leave because Jacobs Hill Road was
5 blocked. Some of us ended up being late to work
6 or late to appointments.

7 On another occasion, electric
8 transformer exploded into flames near the pump
9 house on Jacobs Hill Road. The road was
10 completely blocked by emergency vehicles. The
11 fire resulted in a power outage for all of Jacobs
12 Hill Road. It created a serious situation for
13 anyone relying on emergency services to reach
14 them.

15 Is there sufficient water pressure now
16 for the over 150 residential units up Jacobs Hill
17 Road in the event of a fire? Will there be
18 sufficient water pressure in the event of fire if
19 the building of this proposed hotel were to go
20 forward? It was presented at a previous meeting
21 as to how the largest of Mohegans' fire rigs
22 could navigate the property, the hotel property,
23 if needed. The concern is not how many and how
24 large the fire apparatus that can navigate the

1 June 6, 2023

2 property. The concern is will fire hydrants
3 become just props similar to Peekskill? Will
4 there be sufficient water pressure to reach
5 residents living way up on Jacobs Hill Road in
6 the event of fire?

7 In 2013, fire erupted at the Hudson View
8 Estate Apartments in Peekskill. Because the
9 apartments were at a high elevation, there wasn't
10 enough water pressure. Those apartments were
11 completely destroyed. Just earlier this year, in
12 January, 16 condo units were completely destroyed
13 and leveled at the Hillcrest Park condo complex
14 in Peekskill because of low water pressure that
15 forced the fire department to run 1,500 feet of
16 hose across four lanes of Bear Mountain Parkway
17 to connect to a hydrant with better pressure.

18 What will happen if this hotel does not
19 generate the occupancy and revenue they're
20 counting on? It's been stated previously that
21 there will not be a banquet facility. Would the
22 owner or owners of this property be permitted to
23 lease out rooms to government or local agencies
24 for other housing needs? Could it possibly be

1 June 6, 2023

2 repurposed to long-term lodging as opposed to
3 daily room rentals? It was stated at the last
4 public hearing that this proposed hotel would be
5 a positive and welcome addition to the area
6 because of the many attractions. What
7 attractions? Seriously, what attractions? This is
8 not the appropriate location for the building of
9 a hotel for many reasons.

10 Thank you for the opportunity to address
11 the planning board this evening. Hopefully you'll
12 consider long and hard about the concerns that
13 have been presented as well as the concerns
14 previously voiced by Parkway Drive residents.
15 Thank you. [applause]

16 MR. KESSLER: Anybody else wish to
17 comment on the application?

18 MS. NADINE LINDSEY: My name is Nadine
19 Lindsey, 2302 Jacobs Hill Road. I, my concern,
20 when I look at what's happening here, you have
21 seven buildings at the top of the hill. You have
22 the plaza on that side, and then you're going
23 have a hotel on this side, all emptying out onto
24 Route 6, one emptying out. Then, at the same

1 June 6, 2023

2 point you have emptying out from the Bear
3 Mountain Parkway. Then you have all the traffic
4 that go to the gas station. So you have two, two
5 major entrances onto Route 6, which is busy
6 enough as it is. It, it just does seem that
7 there's too much at one point. I just can't
8 understand why that has to happen. I think you're
9 asking for there's enough traffic on Route 6 as
10 it is. But for all these extra new, the build-,
11 our buildings and the hotel, and then the traffic
12 that's going to, you can have, they're all
13 converging at one spot. Doesn't seem logical or
14 safe. Thank you. [applause]

15 MR. LOUIS FERRARI: Excuse me. Good
16 evening, Cortlandt planning board. My name is
17 Louis Ferrari, I live at 1101 Jacobs Hill Road.
18 We're listening to everything that was been said
19 tonight between the people that are looking to
20 build this and some very effective comments,
21 people I live with. And I think what it comes
22 down to almost everywhere, it's all about money.
23 What about the people that live there? And
24 unfortunately, at times, after the fact, someone

1 June 6, 2023

2 looks or realizes what went wrong or why did we
3 do this or why did we do that? And some very
4 important effective points were brought up by one
5 of the ladies that live in the same area that I
6 live. So that needs to be and should be taken
7 into a lot of consideration, not just about what
8 somebody's building and making money on it and
9 how many units, look at the effectiveness, like
10 the other lady said, the roadway, the main, the
11 main roadway, the coming up, the only the two
12 lanes on Jacob Hill Road, that's very effective
13 in a lot of ways that can have some very negative
14 consequences down the road. All that needs to be
15 taken into consideration. No, it's, I, I know it
16 in life, it's all right, business, let's make
17 money. All those things need to be considered.
18 That's my thoughts on it.

19 MR. KESSLER: I appreciate it. Thank
20 you. [applause] Anybody else wish to comment?

21 MS. REGINA BAKER: Hi, Regina Baker,
22 1310 Jacobs Hill. I just want to know, is this a
23 done deal or are we really wasting our time being
24 here?

1 June 6, 2023

2 MR. KESSLER: It's not a done deal till
3 we vote on it.

4 MS. BAKER: Okay. Because in the past
5 couple of weeks, I've seen accidents again, about
6 the traffic. Now, this is a new one I saw. We
7 were, I was coming out of Jacobs Hill. I was
8 making a -- waiting to make a left, and someone
9 was in my right, came out, made a right did a u-
10 turn and went straight down Route 6. It was
11 incredible. I mean, this is at 6:30 in the
12 morning, and I'm thinking, oh gosh, what's going
13 happen when it's at with all the traffic and the
14 rebuilding of the sidewalks and everything?
15 What's going happen if that's going happen again?
16 I have seen this a number of times that this
17 person has done it quite a few times.

18 Also, people coming up from Route 6,
19 they want to make a, a left going into Jacobs
20 Hill or they come up the wrong way and boom.
21 Accidents. We've had a very bad accident where
22 they knocked down the whole sign, down there, on
23 Pikes -- where it says Pikes Plaza. That was all
24 knocked down. So just to take in consideration,

1 June 6, 2023

2 please, all these things, as a group of senior
3 citizens --

4 MR. KESSLER: As Chris mentioned, you
5 know, he's been in touch with DOT about the Jacob
6 Hill entrance and making sure people don't go on
7 the left side instead of the right side.

8 MS. BAKER: There are arrows. Thank, you
9 know, there were arrows put there.

10 MR. KESSLER: Yeah, but there's
11 something more needs to be done, and I think we
12 all recognized that when we were there.

13 MS. BAKER: Okay.

14 MR. KESSLER: And, and then that's why
15 Chris is talking to the state about that.

16 MS. BAKER: Okay.

17 MR. KESSLER: So, I would think there'll
18 be some improvements that you'll see there,
19 hopefully soon.

20 MS. BAKER: Okay. Thank you.

21 MR. KESSLER: All right. And, and as
22 well as the traffic lights are, you know, this
23 nine second issue right, the DOT is now going to
24 redo all the traffic lights along Route 6, which

1 June 6, 2023

2 includes the one at Jacob Hill. And it'll take
3 into account all the development that's taking
4 place already on Route 6. And all the lights will
5 now be timed so that the traffic will flow a lot
6 better and hopefully they will also time the
7 lights better so people can get out of Jacob
8 Hill, not just four cars. But that --

9 MR. KEHOE: Right. And also for the
10 record, the applicant's traffic consultant is
11 here and the town's traffic consultant are here
12 taking notes. Our town traffic consultant is well
13 versed with the New York State DOT, and we'll get
14 information back to the board regarding the
15 traffic concerns.

16 MS. BAKER: When I was waiting at the
17 light where that Gasland is going -- there's 16
18 lights are going across, 16 lights, you know, and
19 I said, you know, this is incredible. How many is
20 going come down, how many is going stay? It's
21 just unbelievable because of route -- the traffic
22 on Route 6. I wish you did all of this in
23 December when the traffic is even worse going to,
24 you know, going up to Jacob going up to the JV

1 June 6, 2023

2 Mall or going to Wal-Mart. Is that the big
3 attraction? I don't know because, but anyway
4 thank you very much for listening.

5 MR. KESSLER: Thank you. Any other
6 comments? Sure, sir.

7 MR. BOB BAKER: Good evening. Bob Baker,
8 1310 Jacobs Hill Road. You just brought up
9 whether or not there will be the additional
10 traffic lights that are going that are going go
11 opposite Gasland. We've, yeah, my wife and I have
12 lived along the Route 6 corridor for over 50
13 years. We've done numerous traffic studies over
14 the years for every time, you know, like a new
15 development comes. Every time they tell us the
16 traffic is going be, you know, going get better.
17 There's no magic solution to this. Traffic is
18 tied up at the top of Lexington Avenue. All
19 right, from Conklin Avenue to Lexington Avenue,
20 there's you know, there's nine traffic lights
21 presently existing. There's another proposal for
22 one to go up near Sinclair. You're stopping every
23 a hundred yards, 120 yards. It's only a mile and
24 a half along Cortlandt Boulevard there. Traffic

1 June 6, 2023

2 is a disaster. The entrance, you know, to this

3 hotel being on Jacobs Hill Road where there is

4 only one, one way in and one way out, it's a

5 threat to the senior citizen community. And then,

6 and, you know, the people living there. You're

7 going get additional problems that hotels bring

8 with them, car theft. You know, it could, you

9 know, it could happen in like, in, you know, in

10 hotel parking lots. You're going get buses for

11 weddings and, you know, different events where

12 people are going be moving to different venues

13 and coming back at all hours of the night. So

14 you're going get buses, you're going get truck

15 deliveries, you're going get additional traffic,

16 additional pedestrian traffic now coming down

17 from the hotel, maybe going over to Gasland,

18 which will have a convenience store. And that'll

19 be the, the nearest thing. That's going slow down

20 traffic even more. Traffic is, is already a

21 disaster and it's only going get worse. You can't

22 fix it with some magic lights. Not the 14

23 existing traffic lights that are sitting there

24 waiting to, you know, to be operational whenever

1 June 6, 2023

2 Gasland becomes operational. Thank you.

3 MR. KESSLER: Thank you. [applause]

4 Chris, maybe we should spend a couple minutes
5 just talking about the plans on the, on the
6 lighting for everybody's benefit here on, on the,
7 along Route 6 from that traffic consultant.

8 MR. KEHOE: Well, I

9 MR. CUNNINGHAM: Should, we have their
10 traffic consultant speak and then our can also
11 follow up as well?

12 MR. KEHOE: I don't want too much --
13 talk too much about traffic. All I, you know,
14 because I'm not an expert, but all I can say is,
15 I think today they started repaving Route 6. I
16 mean, it may not have been noticed yet, but I
17 think they let the contract and they're starting.
18 There'll be additional sidewalks and then the,
19 the lights that aren't adaptive, which are on
20 this end of the road, will be made adaptive.

21 MR. KESSLER: Why, why don't we, why
22 don't we, why don't we have the consultants
23 explain for the audience exactly what's going
24 happen in terms of the traffic lighting? It's a

1 June 6, 2023

2 major change that's taking place taking place.

3 MR. STEINMETZ: So Mr. Chairman, I, I
4 agree.

5 MR. KESSLER: You're being skeptical,
6 but it's a major change.

7 MR. STEINMETZ: We're, We're going have
8 Gordon Stansbury from GTS Traffic, although
9 Gordon was not directly involved in the Gasland
10 traffic analysis. I think HVEA was the reviewing
11 company, Gordon can discuss, and one of the
12 things that I think some of the speakers left
13 out, as you implied, the adaptive traffic
14 controls that are now going be installed. So,
15 Gordon.

16 MR. GORDON STANSBURY: Good evening,
17 Gordon Stansbury, GTS Consulting, the traffic
18 engineer on the project. I wanted to touch base
19 on a couple things on both comments that were
20 made and talk a little bit about overall signal
21 operation. The comment that Jacob Hill only gets
22 nine seconds of green time, that is based on the
23 demand of traffic that is on Jacobs Hill. The
24 signals are currently operating as coordinated

1 June 6, 2023

2 signals. So whenever you have a coordinated
3 signal, it's going hold green on the main road
4 which is Route 6. The current signal timing plans
5 out there operate on a 90-second cycle length.
6 But if, if you have -- basically if you look at a
7 a clock, you have a window of when Jacobs Hill
8 can get the green light. Once that window passes,
9 it has to get all the way around the clock to
10 stay in coordination before you have the
11 opportunity to get green again. There's a very
12 small window at the beginning of that green
13 window that if there's not a car there, it will
14 skip the phase and you have to go all the way
15 around the clock again.

16 So, looking at the actual volumes on
17 Jacobs Hill Road in the morning during the peak
18 hour, it's only about 30 to 40 cars that come off
19 of that road. So when you look at a 90-second
20 cycle length over an hour, there's 36, there's 40
21 cycles of the signal in an hour. So if there's
22 roughly 40 cars, that's roughly one per that
23 allowable window. So if, if there's not a car
24 there at that little spot, you're going wait

1 June 6, 2023

2 another minute and a half before you get the
3 opportunity again. So it's not really a capacity
4 issue, it's just a signal function issue with a
5 signal coordination along a main corridor like
6 Route 6. So that's the first piece I wanted to
7 note.

8 The second piece I wanted to note was
9 the concern with the increase in traffic. I think
10 it's very important to remember that we're, we're
11 not building a Wal-Mart. A hotel is a very low
12 traffic generator overall. The trip generation
13 estimates are, are not numbers that we just pull
14 out of the sky. They're based on the IT trip
15 generation manual, which is basically the, the
16 traffic engineer's bible for estimating traffic
17 generated. And a hotel of this size with 93 rooms
18 generates about 30 to 40 cars entering and
19 exiting during the peak periods. So compared to
20 the cycle lengths, it's about one car entering
21 and exiting per cycle of lights. It's not going
22 add, you know, 20 cars coming out each cycle of
23 light. It's not going cause additional backups.
24 The traffic study that we've done conservatively

1 June 6, 2023

2 looked at a, a build condition with the Gasland
3 traffic, with the Sinclair traffic and with this
4 traffic added, and it showed no cumulative impact
5 on top of the gas stations that are, are planned
6 out there. And HVEA has reviewed the study and
7 concurred with the, the methodology and the
8 findings that we've done.

9 So now I want to step back to the, the
10 adaptive control signals. What an adaptive
11 control signal does, it's still going operate on
12 a coordinated cycle so that we can get the, the,
13 the heavy through traffic on Route 6 through, but
14 it allows the signal to modify its timing plan.
15 So instead of saying, you know, this traffic
16 light works on a 90-second cycle length with a
17 30-second window for Jacobs Hill and a 60-second
18 window for the main road. If it starts to see
19 heavier demands on the side, it can say, okay,
20 we're going coordinate, we're going change the
21 whole system to an 80-second cycle length for a
22 little bit and turn over quicker, or we're going
23 add time to the side to make sure traffic is
24 clearing off. So that responsiveness allows it to

1 June 6, 2023

2 kind of evolve with traffic as it fluctuates.

3 And that's, that's really where people
4 aren't used to seeing that. They're used to
5 seeing just a standard old time-based coordinated
6 system where the light just sits in green and
7 you, you can, in the middle of the night, you can
8 pull up on the side road and you're like, why am
9 I sitting here for 35 seconds when there's no
10 traffic on the main road? Because it's stuck in
11 that coordination and it's got to hold until it
12 gets all the way around that clock. An adaptive
13 based system is going to give it more
14 versatility.

15 Is it going to fix everything? No. We,
16 we talked about the analysis that I completed, we
17 still show longer delays on the eastern off ramp,
18 even with the adaptive control. And that's due to
19 the heavy volumes that, the through volumes on
20 Route 6. We, we can't, that's always going to be
21 the controlling factor and occupy a heavy portion
22 of the green time. But that flexibility's going
23 to have an incremental improvement.

24 MR. KESSLER: Right. And, but, and also

1 June 6, 2023

2 it'll coordinate all the lights along the road as
3 well, so that, you know, to the gentleman's point
4 where he gets stuck at the next light that will
5 be lessened?

6 MR. STANSBURY: It, it should be. As you
7 put in new signals and new timing plans, you
8 improve the coordination plan. You know, in a
9 perfectly coordinated system, you, you get the
10 green light here and you should see down the
11 road, you should see the lights turning green as
12 you are approaching them, because that's what
13 keeps that main platoon of traffic through. I
14 can't promise that they're going work perfectly.
15 It's ultimately going be a state DOT timing plan.
16 But that is the ultimate goal of signal
17 coordination.

18 MR. KESSLER: Thank you.

19 MR. STEINMETZ: One final comment behind
20 Gordon's. I'm just going read one sentence from
21 your traffic engineer's memo to Chris. After
22 reviewing our expert's report, we concur that the
23 development as presented shall have no
24 significant impact on traffic conditions in the

1 June 6, 2023

2 immediate area, given the circumstances as
3 outlined below. And Mr. Ellis or his colleague
4 obviously can speak for himself, but that was the
5 town's traffic consultant after reviewing our
6 traffic consultant's analysis.

7 MR. KESSLER: Any additional comments
8 from the audience? Board? So, David, so there's
9 some open issues. So, on the solar issue on the
10 roof.

11 MR. STEINMETZ: Correct.

12 MR. KESSLER: The --

13 MR. STEINMETZ: The EV stations that Mr.
14 Douglas and I discussed.

15 MR. KESSLER: And you didn't mention it,
16 but will all the utilities now be underground?

17 MR. STEINMETZ: Yes.

18 MR. KESSLER: Okay.

19 MR. STEINMETZ: The answer is yes. We
20 would ask Mr. Chairman, that the board consider
21 drafting a proposed resolution for at least
22 discussion at the next meeting. We obviously have
23 quite a bit of time in light of your July
24 schedule. So we have no objection if you wish to

1 June 6, 2023

2 hold the public hearing open. That's your, you
3 know, that's up to you. I think we've heard kind
4 of the same public comments, but that's your
5 board's call, but we would like to proceed with
6 further discussion of conditions.

7 MR. KESSLER: Who was out there today?
8 The tree?

9 MR. KEHOE: Yes, so, so I, I would keep
10 the public hearing open.

11 MR. KESSLER: To get that report, yeah.

12 MR. KEHOE: Yeah. But, but I have no
13 problem holding a resolution in abeyance.

14 MR. KESSLER: You mean start drafting
15 one?

16 MR. KEHOE: Yes.

17 MR. KESSLER: Okay. Let, let's keep the
18 public hearing open. I think that's wise.

19 MR. BIANCHI: Okay. Do, do we also want
20 to hear from the ARC?

21 MR. KEHOE: It has been referred to the
22 ARC, you know, and then, and David mentioned
23 these. This is, yes, the main feature of the
24 building, I don't know. And this is an accent

1 June 6, 2023

2 color?

3 MR. STEINMETZ: Christian, Brian,
4 anybody wants to speak to that very briefly.

5 MR. CHRISTIAN FREEMAN: So the, the
6 green is, is going situate itself next to the
7 windows on the building, as an accent. And it's
8 not every window either. It's just a few, just to
9 give it some color. The other colors are those
10 warm tones that we discussed, that wood color and
11 the, and the tan EIFS, yeah, that you have in
12 your hands there.

13 MR. KEHOE: Yep. The, I don't -- the ARC
14 hasn't actually seen these. Maybe they were
15 referred to on the drawing. It's been sent to the
16 ARC.

17 MR. KESSLER: Okay.

18 MR. KEHOE: I'll remind them, because as
19 I said, their main issue was views into the site,
20 which is the purpose of the site inspection
21 today, talking about the trees. They didn't
22 really comment on the architecture too much.

23 MR. KESSLER: Yeah, I'm, I'm still
24 concerned about the wall that's facing Route 6,

1 June 6, 2023

2 what that's going look like. And that's just
3 going look like what the brown? The brown and the
4 green?

5 MR. FREEMAN: So the entire building is
6 articulated. There will be no one wall that
7 doesn't have either windows or some sort of a
8 push-pull in the face of the building. So
9 everything will have an articulation between
10 windows or step edge back.

11 MR. KESSLER: Okay. Does the ARC have a
12 representation of that, or did you have a --

13 MR. STEINMETZ: I think we've given,
14 yeah, given graphic representations of the, of
15 the entire building. And Chris, if the ARC wants
16 any kind of dialogue or, or questions answered,
17 you, you know how to find us, and we're happy to
18 share as much information as they need.

19 MR. KEHOE: All right.

20 MR. DOUGLAS: Well, for the people in
21 the, in public, ARC means Architectural Review
22 Council. So we're, we're not speaking in code
23 here.

24 MR. KESSLER: Yeah, Yeah. We're not

1 June 6, 2023

2 experts in terms of, you know, so we, we defer to
3 them to review the architecture of many of the
4 applications that we see to see if it conforms
5 with the town and it's aesthetically pleasing, if
6 you will, in, at least in their mind.

7 MR. KEHOE: Yeah, I'm just trying to get
8 an image. It's in, in order to enlarge it enough
9 to see it, it sort of loses some of its
10 sharpness. But, you know, that, I think that's
11 one of the ideas where you see the brown, then
12 you see the white, and then you see some of that,
13 I mean, it, it really gets bad, but then you see
14 some of the green around the windows.

15 MR. STEINMETZ: Mm-hmm.

16 MR. KEHOE: So and that's --

17 MR. KESSLER: That's facing -- Jacobs
18 Hill?

19 MR. STEINMETZ: Jacobs Hill --

20 MR. KESSLER: Jacobs Hill.

21 MR. STEINMETZ: -- and Pike. And so that
22 would be pretty much all the sides look like
23 that? There are windows on the south side also?

24 MR. FREEMAN: That condition shows every

1 June 6, 2023

2 element of the building other than the roof that
3 I suppose you [unintelligible] [01:27:35].

4 MR. KESSLER: Microphone.

5 MR. STEINMETZ: Christian, just do this
6 at the mic so that we don't miss it.

7 MR. KESSLER: The, the south side of the
8 building also is basically the same? Windows and
9 --

10 MR. FREEMAN: Correct, correct.

11 MR. KESSLER: Okay.

12 MR. FREEMAN: Yeah, and you'll see the
13 EIFS, and in the bottom right, you see a little
14 inset piece of that wood.

15 MR. KESSLER: Yep.

16 MR. FREEMAN: That wood paneling. So
17 that, that will be visible on all sides. All
18 sides have the tan EIFS, the green accent windows
19 here and there, and then the inset wood feature
20 just to give it more variation and some
21 articulation.

22 MR. KESSLER: Okay.

23 MR. KEHOE: But based on my initial
24 contact with the ARC, they did not express any

1 June 6, 2023

2 great concern.

3 MR. KESSLER: Okay.

4 MR. STEINMETZ: Thank you.

5 MR. ROTHFEDER: Oh so do we think we'll
6 be ready for a resolution?

7 MR. KEHOE: Well, it does -- you're
8 going continue the public hearing.

9 MR. KESSLER: We'll continue the public
10 hearing.

11 MR. ROTHFEDER: Yeah.

12 MR. KESSLER: So we'll see at the next
13 meeting. And we just, we'll just --

14 MR. KEHOE: But I, I'll, I'll have one.
15 You don't have to do anything with it. But we'll,
16 we'll see how the, the tree work goes.

17 MR. KESSLER: So we'll get a written
18 report from the --

19 MR. KEHOE: Well, he's going do two
20 things. He's, he's going do a written report, but
21 he's also going provide information about if the
22 project moves forward, his ideas for a tree
23 preservation plan and protection of drip lines
24 and the impact of pruning trees, things like

1 June 6, 2023

2 that. But he's going do some additional inventory
3 work, which he should have by the 25th, right,
4 Matt? That's what we agreed to in the field.

5 MR. STEINMETZ: One of the, I, I don't
6 want one of the comments to go unresponded to by
7 anyone. So in terms of water pressure, we
8 wholeheartedly agree that this hotel and the area
9 needs to have adequate water pressure for fire
10 safety and for potability purposes. My
11 understanding is that our engineers, your
12 engineer and the Department of Health will be
13 ensuring that there is adequate water potability
14 and water pressure. And none of that is being
15 ignored, certainly by our client or by Marriott.

16 MR. DOUGLAS: One of the members of the,
17 one of the members of the public had some
18 question about the what would be on the roof. Do
19 we have -- do we, have we provided her with that?

20 MR. STEINMETZ: Christian?

21 MR. KEHOE: That, that's a good point. I
22 don't know if we've ever really seen a roof plan
23 to get an idea of the type of mechanicals that
24 will be up there.

1 June 6, 2023

2 MR. KESSLER: Yeah.

3 MR. FREEMAN: I can have the architect
4 generate one of those. We currently haven't shown
5 anything but we, we certainly can provide that.

6 MR. KEHOE: And you have --

7 MR. KESSLER: And, and I imagine there
8 must be some noise mitigation aspects to --

9 MR. FREEMAN: I'm sure there are, yes.

10 MR. KESSLER: -- that will pro-, you
11 know, that will be protecting the uphill people.

12 MR. FREEMAN: We've got it noted and
13 we'll, we'll talk that with the architect,
14 whether it's some sort of a knee wall or some
15 sort of a, a screening element that helps deflect
16 noise.

17 MR. STEINMETZ: And this property
18 certainly has to comply with the town's noise
19 ordinance, as we well know.

20 MR. KESSLER: Right. Yeah. But anything
21 more you can do to mitigate --

22 MR. STEINMETZ: Understood.

23 MR. KESSLER: -- we appreciate it.

24 MR. STEINMETZ: We will see you --

1 June 6, 2023

2 MR. KESSLER: Oh, but not yet.

3 MR. STEINMETZ: Not yet.

4 MR. ROTHFEDER: I move that we adjourn,
5 adjourn the public hearing to the next meeting.
6 And you're going come back with all these
7 elements

8 MR. STEINMETZ: Yes.

9 MR. ROTHFEDER: To just show us a
10 revised plan, essentially.

11 MR. STEINMETZ: Yes.

12 MR. KESSLER: Second, please.

13 MR. BIANCHI: Second.

14 MR. KESSLER: And on the question, all
15 in favor?

16 MULTIPLE: Aye.

17 MR. KESSLER: Opposed?

18 MR. STEINMETZ: See you at the end of
19 July. Thank you.

20 MR. KESSLER: The end of July. Thank
21 you. All right. Two more items tonight, new
22 business. The first item is the application of
23 Dr. Jaish Markos for amended site plan approval
24 for a proposed 964-square foot building addition

1 June 6, 2023

2 to an existing dental office located at 1 Jerome
3 Drive. Drawings dated May 25, 2023. Is there --
4 oh, there he is. Mr. Lentini.

5 MR. JOHN LENTINI: Good evening. Good
6 evening, Mr. Chairman, members of the board and
7 staff. Ladies, congratulations. I see a new
8 member, two, perhaps, and three.

9 MR. KESSLER: Three.

10 MR. LENTINI: I'm John Lentini,
11 architect. I'm representing Dr. Markos, who's
12 here behind me. Dr. Markos and his wife bought
13 this building at 1 Jerome, that has been a
14 dentist office. It is a residential looking
15 building on the end of a residential
16 neighborhood. Incidentally, I was recommended to
17 Dr. Markos from the neighbor, so I'm not sure
18 what that says, but, you know we have at least
19 some cooperation, the person right behind us. The
20 building being awkward and our ability to expand
21 it created a need for a variance for a front yard
22 and a side yard setback, but it is not a complete
23 setback. There are little corners of each of
24 those proposed additions that will require, it's

1 June 6, 2023

2 a total of 129 square feet that would be in the
3 setback requirement. We are attempting to
4 accommodate a modern dentist office, Dr. Markos,
5 been a dentist 20 plus years. He has a business
6 now that caters to children. I imagine nobody
7 here has been there unless they brought their
8 children. But you walk in, it's like a game room.
9 You know, I don't want to go into the operating
10 room. I'd rather stay and play the games, but he
11 wants to expand.

12 And right now we're adding five
13 operatories in addition to the two or so that are
14 in there. And each of them have a specific
15 purpose that's not like -- I haven't actually
16 quizzed the doc on how many dentists are going be
17 employed, but if you have any questions that I
18 can't answer, he's available to answer. The
19 addition is, is straightforward and it was
20 designed to avoid disturbing the site. We're
21 leaving all the curbs, all the asphalt. There's
22 one little space in the front that may be curved
23 off, but otherwise the exit, entrance will be the
24 same. We're looking for a modern clean, you know,

1 June 6, 2023

2 very you know, professional looking building. And
3 I've shown just a simple direct solution, one
4 story with uniform windows and a, a distinct
5 parapet that will be a sign space. I haven't, you
6 know, I know eventually I would have to submit a
7 sign application. And the total amount we're
8 adding is 968 square feet. Now this building has
9 two meters. I'm not, I haven't determined why,
10 but apparently the upstairs might have been used
11 as a residence. But the neighbor who recommended
12 me said, as long as he's known, there's only been
13 the dentist there. And we're not intending on
14 using this as anything but a dentist office, a
15 dentist stop practice. And that upstairs will be
16 now an expansion of the break room, private
17 offices for the owner. And it's been very
18 carefully thought out to meet his minimum
19 requirements for x-ray machines. And, you know,
20 there's these machines for [unintelligible]
21 [01:34:23]. You know, you, you stand up and, you
22 know, I only know what I know from going to the
23 dentist, so I shouldn't talk anymore about the
24 business. But I know that there's no noise except

1 June 6, 2023

2 for people screaming. [laughter] But in any event
3 if you have any questions, I'll be delighted or
4 the doctor will be delighted to answer.

5 MR. KEHOE: The, the, the only thing is
6 that you know, it's been 25 years since the site
7 plan was approved for Dr. Schoenberg. And there
8 is a wetland, there is a stream nearby.

9 MR. LENTINI: Yes.

10 MR. KEHOE: Which we would need to have
11 Paul Jaehnig, our wetland consultant redelineate.
12 And you, I mean, you may -- we do have to fund
13 the escrow account as we discussed.

14 MR. LENTINI: We discussed funding.

15 MR. KEHOE: That's fine.

16 MR. LENTINI: I did provide, when they
17 bought the property, they had to determine
18 whether they needed flood insurance. So I, I
19 don't know if you have the plans up there, but if
20 you flipped, well, I think that's the one.

21 MR. KEHOE: Yep.

22 MR. LENTINI: It shows that half of the
23 lot, the parking lot, is in a flood zone and the
24 building itself is about seven feet higher than

1 June 6, 2023

2 the wetland. Talking to the neighbors there,
3 nobody's ever experienced the flood. You know,
4 even though it's supposed to be a hundred year
5 flood zone, and we've had several hundred year
6 flood zones in the last several years. But it
7 doesn't get wet. There's a very good drainage
8 system that creates the back of the town center
9 is the brunt of all that water that's collected.
10 And then there's streams that run, cross under
11 Route 6. But it hasn't demonstrated a problem at
12 this neighborhood. But I understand the need to
13 delineate the wetlands.

14 MR. KEHOE: And then as, as I mentioned
15 it will go to the architectural review board, and
16 then I'll do a review memo, and then maybe at
17 your next meeting, similar to what you did for
18 the hotel, maybe you'll send it over to the
19 zoning board. So, you know --

20 MR. KESSLER: For the variances?

21 MR. KEHOE: Yeah, you don't, it's not as
22 complicated as the hotel.

23 MR. KESSLER: Right.

24 MR. KEHOE: We can decide how we want to

1 June 6, 2023

2 work that. I'll talk to Michael Cunningham, but
3 they do need to grant variances.

4 MR. LENTINI: Is it possible we can get
5 to the zoning board sooner than later?

6 MR. CUNNINGHAM: You can, You can apply
7 for, you can get your denial letter from Martin
8 if you actually --

9 MR. LENTINI: I, I'm not clear, Martin
10 actually was instrumental in our plan because it
11 was a little larger and he helped us maneuver --

12 MR. KEHOE: But, I -- he'll

13 MR. LENTINI: -- maneuver it to the
14 smallest variance possible.

15 MR. KEHOE: He'll have to issue the you
16 the denial, which I think he's prepared to do,
17 because as you said, you've worked with him a lot
18 on this.

19 MR. LENTINI: Yes.

20 MR. KEHOE: And that's what you need to
21 get to the zoning board. But I guess what Michael
22 is saying is we can get you to the zoning board
23 as soon as possible.

24 MR. LENTINI: So we couldn't go ahead

1 June 6, 2023

2 and apply for, for zoning?

3 MR. KEHOE: You've got to check with
4 Martin because until I get the denial letter from
5 Martin, you can't apply.

6 MR. LENTINI: Okay.

7 MR. KESSLER: Okay. Any other issues if
8 not, Tom?

9 MR. BIANCHI: Okay. Mr. Chairman, are
10 you move that we refer this back to staff for
11 review and comment.

12 MR. KESSLER: Second, please.

13 MR. LENTINI: Pardon me. Could we
14 request a public hearing on this or that would be
15 too premature?

16 MR. CUNNINGHAM: I, I don't even believe
17 you'll need a public hearing on this.

18 MR. LENTINI: Oh, you don't think you
19 need one?

20 MR. CUNNINGHAM: No.

21 MR. LENTINI: Oh, okay.

22 MR. KESSLER: We'll do it --

23 MR. LENTINI: Fabulous. I'm sorry,
24 forget it.

1 June 6, 2023

2 MR. CUNNINGHAM: Unless, unless you
3 really want one. Do you really want one?

4 MR. LENTINI: No. [laughter]

5 MR. KESSLER: We're on the -- is that a
6 second?

7 MS. HILDINGER: Second.

8 MR. KESSLER: Thank you. On the
9 question. All in favor?

10 MULTIPLE: Aye.

11 MR. KESSLER: Opposed? Thank you.

12 MR. LENTINI: Thank you very much.

13 MR. KESSLER: All right. You're welcome.
14 All right. Last item tonight, new business
15 application of NK Electric for site development
16 plan approval, and a special permit for a
17 specialty trade electrical contractor located in
18 an existing building at 465 Yorktown Road.
19 Drawings dated May 30, 2023.

20 MR. KEHOE: They were both here. It was
21 Jim Annicchiarico from Cronin and the NK
22 Electric. They might be out in the hall.

23 MR. KESSLER: Oh, okay.

24 MR. KEHOE: I, I still think I see some

1 June 6, 2023

2 people there.

3 MR. KESSLER: Couldn't take it anymore.

4 MR. ANNICCHIARICO: Yep. Yep.

5 MR. KESSLER: You're on.

6 MR. ANNICCHIARICO: Hi. Sorry.

7 MR. KESSLER: Okay. So.

8 MR. ANNICCHIARICO: All right. Jim

9 Annicchiarico with Cronin Engineering, here to
10 represent NK Electric LLC, Nick Kalyvas, for a
11 site plan approval and special permit which is
12 required for a specialty trade contractor in this
13 zone, which is the HC Zone, Highway commercial.
14 The parcel is just under 12,000 square feet, a
15 quarter of an acre, just over a quarter of an
16 acre. It's triangular in shape. Uh, it fronts on
17 just the, I guess the end of Mount Airy Road East
18 and Route 129. A specialty trade contractor is
19 allowable, permitted by special permit, in this
20 zone. I've listed, or in my letter, I listed to
21 you the chapter which lists some criteria for the
22 specialty trade contractor.

23 We are not proposing any new buildings.

24 It's the existing structure that was there that

1 June 6, 2023

2 was once residential. It's being cleaned up or
3 will be cleaned up by Mr. Kalyvas, and renovated
4 as his office for his business, his electrical
5 contracting business. We are looking to park six
6 trucks, vans on the site and we've provided four
7 parking spaces in the front for employees in the
8 office. The property has an existing well that
9 provides portable water for it. And it has an
10 existing onsite sewage wastewater treatment
11 system which is, you know, as old as the
12 building, I suppose. I tried to get some
13 information from the health department on it, but
14 none was available. Although we were able to --
15 Chris, through Chris, we were able to get a site
16 plan that Mr. Mastromonaco had proposed at the
17 site years ago. And somehow he was able to locate
18 some seepage pits and the septic tank on the
19 property, which we've shown.

20 MR. KESSLER: And what and what's there
21 now?

22 MR. ANNICCHIARICO: Right now it's just
23 a vacant building.

24 MR. KESSLER: Just a vacant building.

1 June 6, 2023

2 MR. ANNICCHIARICO: So it, it, as we, as
3 I had mentioned, you know, we propose it to be
4 his office for his electrical contracting
5 business. We will store materials, electrical
6 materials for, for the jobs in the basement. You
7 know, they're not materials that would ever be
8 stored outside as, you know, the elements would
9 negatively impact them. That's one of the
10 criteria for the specialty trade contractor, that
11 there is no outdoor storage or materials. And we
12 are well aware of that and we are fine with that.

13 MR. KESSLER: And, and Chris, you
14 mentioned we have to get DEC involved here?

15 MR. KEHOE: New York City, DEP, it's in
16 the watershed. And then New York State, DOT
17 because you did mention -- one, one of the things
18 you're going clean up the site because it's, you
19 know, it's been more or less derelict for years
20 and years. Additional landscaping and there is
21 this landscape bed out here, but that's not on
22 your property.

23 MR. ANNICCHIARICO: Correct.

24 MR. KEHOE: That's the New York State

1 June 6, 2023

2 DOT right away. So we'd have to check with them
3 about that and so --

4 MR. KESSLER: Okay. All right. So we're
5 going have to refer this back and get this moving
6 it along.

7 MR. KEHOE: Yep.

8 MR. ANNICCHIARICO: Understood.

9 MR. KESSLER: So there's no state
10 involvement here on the DEC? Or you say the city,
11 sorry.

12 MR. KEHOE: It's New York City because
13 it's in the watershed.

14 MR. KESSLER: Is this a CEA, Critical
15 Environmental Area?

16 MR. KEHOE: It probably is. Yeah, so
17 that's why you, you know, there's a coordinated
18 review for this and I'll figure out who the
19 interested and involved agencies are.

20 MR. KESSLER: But that's okay. Alright.
21 Any other comments from the board? If not, Peter?

22 MR. MCKINLEY: So we're not --

23 MR. KEHOE: Yes, You're going do that
24 too, intent, yeah.

1 June 6, 2023

2 MR. MCKINLEY: Okay. I move for PB 2023-
3 3, that be referred back to staff for next steps.
4 And the planning board would declare to be lead
5 agency on the site plan submitted by NK Electric,
6 located at 465 Yorktown Road.

7 MR. KESSLER: Second, please.

8 MR. ROTHFEDER: Second

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

11 MULTIPLE: Aye.

12 MR. KESSLER: Opposed?

13 MR. MCKINLEY: Meeting is adjourned.

14 Time is 8:15.

15 MR. ANNICCHIARICO: Thank you very much.

16 MR. KESSLER: Thank you.

17 (The public board meeting concluded at
18 8:15 p.m.)

CERTIFICATE OF ACCURACY

I, Ryan Manaloto, certify that the foregoing transcript of the Planning Board Meeting of the Town of Cortlandt on June 6, 2023 was prepared using the required transcription equipment and is a true and accurate record of the proceedings.

Certified By



Date: June 21, 2023

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