

THE REGULAR MEETING of the ZONING BOARD OF APPEALS of the Town of Cortlandt was conducted via Zoom webinar on *Wednesday, December 16th, 2020*. The meeting was called to order, and began with the Pledge of Allegiance.

David S. Douglas, Chairman presided and other members of the Board were in attendance as follows:

Wai Man Chin, Vice Chairman (absent)
Adrian C. Hunte
Eileen Henry
Thomas Walsh
Frank Franco
Cristin Jacoby
Chris Beloff, alternate board member

Also Present:

Chris Kehoe, Deputy Director for Planning
Joshua Subin, Assistant Town Attorney

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Mr. David Douglas stated Mr. Beloff is an alternate but he'll be sitting on the board this month in the place of Mr. Chin who's not going to be at today's meeting.

Mr. David Douglas stated this should be a short meeting as we don't have a large agenda this evening. We were supposed to have several other cases tonight but due to a modification to the Zoning Code those applications were mooted.

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ADOPTION OF MEETING MINUTES FOR OCTOBER 21, 2020

Mr. David Douglas stated the first item on the agenda; the adoption of the meeting minutes for October.

So, moved, seconded, with all in favor saying "aye".

Mr. David Douglas stated the October minutes are adopted.

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Mr. David Douglas stated we also have the meeting schedule for 2021 to adopt. Is there a motion? It is the revised schedule Chris circulated earlier today.

So, moved, seconded, with all in favor saying "aye".

OLD BUSINESS

A. Case No. 2019-10 Application of Hudson Ridge Wellness Center, Inc. for an interpretation related to the Code Enforcement Officer's determination(s) on the proposed wellness center for property located at 2016 Quaker Ridge Road.

Mr. David Douglas stated that this case was the subject of a court decision where the ZBA was essentially directed to issue a determination or resolution that the petitioner's proposed facility does constitute a hospital within the meaning of the Town Code so the ZBA will be adopting a resolution to that effect, exactly that. So, we will do that and also the matter will be referred back to the Planning Board and the Planning Board will take up consideration and we will sit tight in the interest of coordinated review with the Planning Board and await their determination and what gets referred back to us.

Mr. David Douglas stated, I am sorry I guess I should have paused before I started doing that, although we will not be voting on anything, I forgot that Mr. Walsh and Mr. Franco should have recused themselves but since we are not voting on anything I don't think there is any harm in them sitting and listening to what I just said but I apologize for that Frank & Tom.

Mr. Walsh asked if we should jump off now? Mr. Douglas said no, I think it is ok.

Mr. Subin stated there is really no discretion with the Court Decision & Order. So, I think it is ok that members Franco and Walsh, while recused are here.

Mr. Kehoe stated, if I could interject, based on what I understand I will be putting Chairman Douglas' words into a document which we will call a resolution which can then be forwarded on to the applicant and the applicant's attorney for their purposes.

Mr. David Douglas stated, right, that is my understanding.

Mr. Kehoe stated I just want to confirm that that does not need a vote?

Mr. Subin stated if you want to have a procedural vote then I would say Tom and Frank need to step off. There is really no discretion, you are just putting it back on the agenda...but if the members would like to vote on that ... it is in Resolution form. We were originally just going to, as you know, put it on the record as part of normal duties, but we could absolutely have the members vote.

Mr. David Douglas said Josh I defer to you if you think we need to have that vote, if you don't think it is necessary...

Mr. Subin said I don't think it I necessary but unless there is an objection, it is ok to vote.

Mr. Kehoe stated my only issue is I am producing a document that I will certify as Clerk to the Zoning Board and send out. In my opinion it might be a little cleaner if I was directed to do that.

Mr. David Douglas said ok. So, in that case Mr. Franco and Mr. Walsh since you have recused yourselves if you could disconnect from the call...

Mr. Franco asked is there anything else we need to do after this?

Mr. David Douglas said no, just a motion to adjourn the meeting. (Mr. Walsh and Mr. Franco left the meeting).

Mr. David Douglas said could someone please make a motion that we are to adopt a resolution that the applicant's proposed establishment of the proposed "OASAS" certified residential substance abuse treatment facility on the project site constitutes the operation of a "hospital" per the decision of the Court.

Ms. Hunte stated I will make the motion and incorporate what Chairman Douglas just stated are the reasons for our reinstating this because the Court has decided that this does constitute a hospital and also incorporating the additional language Chairman Douglas read.

So, moved, seconded, with all in favor saying "aye".

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ADJOURNMENT

Ms. Jacoby stated I make a motion that we adjourn the Zoning Board of Appeals meeting.

Seconded with all in favor saying "aye".

Mr. David Douglas stated the meeting is adjourned. Happy Holidays and Happy New Year. Thank you everybody.

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NEXT REGULAR MEETING WEDNESDAY, JANUARY 20, 2021