

THE REGULAR MEETING of the ZONING BOARD OF APPEALS of the Town of Cortlandt was conducted via ZOOM at 7:00 p.m. on *Wednesday, April 15th, 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
Adrian C. Hunte
Eileen Henry
Thomas Walsh
Frank Franco
Cristin Jacoby

Also Present

Chris Kehoe, Deputy Director for Planning
Joshua Subin, Assistant Town attorney
Mr. Chris Beloff – Alternate Member

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ADOPTION OF MEETING MINUTES FOR FEBRUARY 19, 2020

Mr. David Douglas asked did people get the minutes from last month?

Mr. Chris Kehoe stated I think you should have gotten those February meeting minutes in a packet because it was in preparation for the March meeting that never happened.

Mr. David Douglas stated that's right.

So you would have gotten those minutes eight weeks ago.

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

Mr. David Douglas stated the minutes for February are adopted.

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ADJOURNED PUBLIC HEARINGS:

- A. Case No. 2019 – 13 Application of Elizabeth Holloway of Station Glo of New England,** for the property of Ibrahim Jamil, for an area variance for additional signage at the existing Mobil Gas Station located at 2225 Crompond Road (Route 202).

Mr. David Douglas stated Mr. Kehoe I understand that the applicant wishes that to be adjourned.

Mr. Chris Kehoe stated yes. Ms. Holloway is no longer with the company and then the person that's been coming to the meetings, Mr. Leclerc; he's no longer involved. Those were both sign expeditors. The cases have now been taken over by a representative of the owner of the gas station. We met with him and went over the same stuff we've been going over with the other people. It's very complicated. He and I did speak within the past week or two and he claims he's making progress and will be ready for the May meeting.

Mr. Wai Man Chin stated hopefully.

Mr. David Douglas asked if somebody wants to make a motion. Unfortunately, I don't have my notes from before. I know this is either Mr. Walsh's case or Ms. Henry's case.

Mr. Thomas Walsh stated this is mine. I make a motion for case #2019-13 to be adjourned until the May public hearing.

Seconded with all in favor saying "aye".

Mr. David Douglas stated case #2019-13 is adjourned until May.

- B. Case No. 2019-14 Application of Elizabeth Holloway of Station Glo of New England, for the property of GTY NY Leasing, Inc.** for an area variance for additional signage at the existing Mobil Gas Station located at 2072 E. Main St. (Route 6).

Mr. David Douglas stated Mr. Kehoe, I assume this is the same situation.

Mr. Chris Kehoe responded yes.

Ms. Eileen Henry stated I'll make a motion on case #2019-14 to adjourn that until the May meeting.

Seconded with all in favor saying "aye".

Mr. David Douglas stated case #2019-14 is adjourned until May.

C. Case No. 2016-24 Application of Hudson Ridge Wellness Center, Inc. for an Area Variance from the requirement that a hospital in a residential district must have frontage on a State Road for property located at 2016 Quaker Ridge Road.

Mr. Joshua Subin asked David, shouldn't that be off because of vote?

Mr. David Douglas responded that's exactly right. On the agenda it's indicated that it's going to be adjourned and removed from the agenda until further notice.

Mr. Chris Kehoe stated I believe we actually had this exact discussion. I don't know if we made it to the work session before the March meeting but we were ready to do this exact thing at the March meeting and then it just didn't happen.

Mr. David Douglas stated that's exactly right. I guess we need a motion to do that, technically, so if somebody could make that motion. Anybody?

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

Mr. David Douglas stated that case is adjourned and removed from the agenda until further notice.

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NEW BUSINESS:

A. Case No. 2020 – 2 Application of Lewis Sign, for the property of Lordae, LLC, for additional signage to be located on the existing freestanding sign at 2141 Crompond Road.

Mr. David Douglas asked is anybody here from the applicant? If they are, I believe, if I understood how it works here, there's a "raise your hand", some icon that you could click that and think then Mr. Preziosi will then be able to have you join the meeting. Mike, is there anybody here?

Mr. Michael Preziosi responded there's nobody on as an attendee for the applicant.

Mr. Chris Kehoe stated now just as a little bit of background I was dealing with a woman named Renee who was putting this all together and then I think she said -- I think the person's name is Chris, Chris Lewis was actually going to be joining the meeting. I did reach out to him probably sometime last week and he implied he was up-to-speed with the Zoom technology and would be joining us.

Mr. David Douglas stated since I guess what we were going to do with regard to this application is what we usually do is hear from the applicant. Should we adjourn this until next month?

Mr. Chris Kehoe responded I overheard when I first got on the call some of what Cristin was asking about and obviously, as you all know with these relatively simple Zoning Board cases they typically go straight to public hearing, but with the Town Board canceling all public hearings in April, in discussion with the applicant, we decided to at least put it on as a new business item. One could ask if that was really necessary or not. If the applicant were here we would have the general discussion which isn't too complicated on a case like this and then just go ahead and schedule the public hearing for the May meeting. I believe I got my math right on the percentages so if you take this from what is permitted underlying in the zoning district it's a relatively large percent increase but if you're going from what they received on the previously issued variance, it's not extremely substantial.

Ms. Adrian Hunte asked Chris, is this a CD or a CC or HC?

Mr. Chris Kehoe responded it's a CC zone.

Ms. Cristin Jacoby asked and Chris they have the variance for that. I drove by and I saw the base of the sign. That's what's covered under the original variance and it's just the additional orange they want to put on top. That's this new application.

Mr. Chris Kehoe responded correct.

Ms. Cristin Jacoby asked should I go through my opinion on the five factors or wait?

Mr. Chris Kehoe stated I heard a ding.

Ms. Adrian Hunte stated hold on. Hello?

Mr. David Douglas asked did somebody join? Or maybe they left.

Mr. Michael Preziosi stated there's still only one attendee on the waiting list but is not associated with this application.

Mr. David Douglas stated Chris, my gut reaction, and if people disagree that's fine, is that I think it might be more useful for us to put this over until next month, hear from the applicant and then ask any questions. Otherwise we're going to end up repeating ourselves. That's my gut reaction.

Mr. Chris Kehoe stated I don't necessarily disagree. The whole process with these types of sign variances, they really can be taken care of in one meeting which is the public hearing. This is unique. I suppose if the applicant were here, there could be some discussion but in the absence of the applicant and since we have to have a public hearing next month it's fine with me to carry everything over.

Mr. David Douglas asked are people in agreement with the approach?

Members agreed.

Mr. Wai Man Chin stated I have no problem with that.

Mr. David Douglas stated Cristin if you could make a motion to adjourn it, that would be great.

Ms. Cristin Jacoby responded I make a motion to adjourn.

Mr. Chris Kehoe stated but I would also move to schedule a public hearing for the May meeting.

Ms. Cristin Jacoby stated and I make a motion to schedule a hearing for the May meeting.

Seconded.

Ms. Adrian Hunte stated for case number? What's the case number? Let's put the case number on the record.

Mr. Frank Franco stated for 2020-2.

Seconded, with all in favor saying "aye".

Mr. David Douglas stated case 2020-2 is adjourned to the May meeting for us to consider it and also for there to be a public hearing.

Ms. Cristin Jacoby asked are there going to be public hearings in May?

Mr. Chris Kehoe responded Josh you may have more to say on that than me.

Mr. Joshua Subin responded one of our attendees says Thomas Wood. He would probably have more to say than even I but I think we're – from my understanding it's going to be a public meeting and we're going to advertise it as such, right Chris?

Mr. Chris Kehoe responded my understanding is that I don't think that we – I think there's some leeway. If it was an extremely big complicated case where we expected dozens, if not hundreds of people to attend we might not hold the public hearing in May but we have a simple accessory apartment on the Planning Board agenda and a case like this, I believe the Town Attorney and Town Supervisor are okay with scheduling relatively minor public hearings for May but I believe large scale public hearings will still be held over until June.

Mr. Joshua Subin stated makes sense.

Ms. Cristin Jacoby stated and May is on Zoom though?

Mr. Chris Kehoe responded most likely it will still be on Zoom. We need to make some of those decisions because when I send out the public hearing notices to adjacent property owners, the information about the Zoom sign will be on that notice. I suppose for the May meeting, we'll put that Zoom information on the notice and then obviously if we go ahead and have the live meeting I can get back in touch with the six or seven neighboring properties and let them know.

Mr. Joshua Subin stated I think Tom is about to speak too because I see his hand raised.

Mr. Thomas Wood stated I finally got through, good evening everyone. I just wanted to confirm that the governor's order was modified to say we can have public hearings if we have Zoom capability to allow the public access. Yes, you can go forward with the public hearing in May because I guess I'm proof tonight. I came in as a member of the public and hopefully you can hear me.

Members stated yes.

Mr. Thomas Wood stated it is working well for, as Chris said, smaller and, you know, four or five hundred people but we can go ahead as long as Zoom is working well. On a side note, I hope everybody is well and safe.

Members stated you too.

Mr. Chris Kehoe and Cristin Jacoby stated thank you Tom.

Ms. Adrian Hunte stated thank you.

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ADJOURNMENT

Mr. David Douglas stated that's it on our agenda for this month so if somebody would like to make a motion to adjourn.

Ms. Cristin Jacoby stated move to adjourn.

Mr. Joshua Subin stated I do have one question. Our work session is also going to, I assume, be handled by Zoom and we will have the ability, if needed, I doubt we will, to do an executive session. I just want to make sure. That's more of a Preziosi question but it's relevant to all of you guys.

Mr. Michael Preziosi stated yes, I can schedule what's called a breakout room through the webinar option and only the panelists, which would be the Zoning Board members and appropriate staff would join that meeting.

Mr. Joshua Subin stated very good.

Mr. Chris Kehoe stated I do think that – we skipped the work session this month mainly because there was only one case and I guess when we had to plan for – at least I personally was a little leery with all of the Zoom stuff but since we're in pretty good shape, I see no reason why we wouldn't just have our regularly scheduled work session.

Mr. David Douglas stated I'm making a prediction next month we will not get a ton of applications new applications coming in. I just can't imagine you're going to be bombarded with new applications between now and then.

Mr. Chris Kehoe stated the one interesting one is Chipotle put up code-compliant signs I believe for an opening but has immediately submitted some paperwork to Ken about trying to get variances. There's a small chance they may try to get on. But I think you're right. Either just this one sign and maybe the Chipotle sign but that would be it.

Mr. Thomas Walsh asked could Chipotle pull their application completely?

Mr. Chris Kehoe responded yes, it's strange sometimes. They made an application, paid the fees, and then all of a sudden realized that it might take a while for them to get their signs up. Lo and behold they just put code-compliant signs up. They may still be back at a later date. But, yes, that case still exists. We took in a fee but will just never be processed.

Seconded with all in favor saying "aye".

Mr. David Douglas stated the meeting is adjourned. Good seeing all of you, at least on...

Mr. Wai Man Chin stated hope everybody stays healthy. That's all that counts.

Ms. Cristin Jacoby stated yes, agreed.

Members stated thanks Mike.

Mr. Michael Preziosi stated you're welcome all. Have a good night.

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NEXT REGULAR MEETING WEDNESDAY, MAY 20, 2020

