

TOWN OF CORTLANDT
PLANNING AND ZONING BOARDS

BOARD MEETING

[Location/Virtual]

Town Hall

1 Heady Street, Cortlandt Manor, NY 10857

February 1, 2022

7:00 p.m. - 7:20 p.m.

February 1, 2022

MEMBERS PRESENT:

Loretta Taylor, Chairperson

Robert Foley, Member

Steven Kessler, Member

Jeff Rothfeder, Member

Suzanne Decker, Member

Robert Mayes, Alternate Member

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2 (The board meeting commenced at 7:00 p.m.)

3 MS. LORETTA TAYLOR: I'll start again.

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

9 MR. CHRIS KEHOE: Mr. Rothfeder?

10 MR. JEFFREY ROTHFEDER: Here.

11 MR. KEHOE: Mr. Kessler?

12 MR. STEVEN KESSLER: Here.

13 MR. KEHOE: Ms. Taylor?

14 MS. TAYLOR: Here.

15 MR. KEHOE: Mr. Mayes?

16 MR. ROBERT MAYES: Here.

17 MR. KEHOE: Ms. Decker?

18 MS. SUZANNE DECKER: Here.

19 MR. KEHOE: Mr. Foley?

20 MR. ROBERT FOLEY: Here.

21 MR. KEHOE: Mr. Bianchi and Mr.

22 Kimmerling noted as absent.

23 MS. TAYLOR: There will be several
24 changes to the agenda tonight. They are all being

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2 removed from the agenda per the applicant. 2019-
3 1, which is Gasland, 2020-10, which is the 2.3
4 megawatt solar system. The next one is 1-16,
5 which is the Pomona Development and they have the
6 three lot subdivision on Revolutionary Road. And
7 the fourth is Hudson Wellness. May I have a
8 motion?

9 MR. KESSLER: So moved.

10 MS. TAYLOR: Thank you. Second?

11 MR. FOLEY: Second.

12 MS. TAYLOR: Thank you. All in favor?

13 MULTIPLE: Aye.

14 MS. TAYLOR: Opposed? All rightie. May I
15 have a motion to adopt the minutes of January
16 4th?

17 MR. KESSLER: So moved.

18 MS. TAYLOR: Thank you. On the question?
19 Or second, I should have said second.

20 MR. FOLEY: I'm okay. I gave Chris one
21 little thing.

22 MS. TAYLOR: You did? Okay, so let's do
23 this. Robert, you were seconding it?

24 MR. MAYES: I'll second.

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2 MS. TAYLOR: Okay, so now you were on
3 the question, Bob, please.

4 MR. FOLEY: I gave Chris a minor
5 question on the last minutes.

6 MS. TAYLOR: All rightie. All in favor?

7 MULTIPLE: Aye.

8 MS. TAYLOR: Opposed? All right. Moving
9 on to correspondence, we have a letter, PB 15,
10 excuse me, I can't see anymore with these eyes
11 that I have. PB 13-05, is a letter dated January
12 19, 2022 from Brad Schwartz, Esquire, requesting
13 the 21st 90-day time extension of final plat
14 approval for the Mill Court Crossing Subdivision
15 located at the south end of Mill Court.

16 MR. MAYES: Madam Chair I move that we
17 approve Resolution 2-22, approving the extension.

18 MS. TAYLOR: Thank you. On the question?

19 MR. FOLEY: On the question, I'll be
20 voting no to be consistent. I still, as I've said
21 in the past, have issues. Traffic is different
22 from when the this was first approved and also
23 that original drainage report, which was evident
24 the hearings when we had the solar in the same

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2 area, from what the residents were saying. Also,
3 if I could ask, I'd ask Chris, Sheber is paid up
4 on his taxes?

5 MR. KEHOE: I, yes. I checked on Hudson
6 Wellness, Mike Sheber, and on the gas station and
7 everyone is up to date.

8 MR. FOLEY: There was a note about
9 something was standing as of the 31st.

10 MR. KEHOE: That was respect to the gas
11 station, not to Mike Sheber.

12 MR. FOLEY: Okay. Okay, thank you. So
13 that's it. I'd be voting no on this. Thank you.

14 MS. TAYLOR: All right. All in favor?

15 MULTIPLE: Aye.

16 MS. TAYLOR: Opposed?

17 MR. FOLEY: Opposed.

18 MR. KEHOE: I've got to poll the board.
19 Mr. Rothfeder?

20 MR. ROTHFEDER: Aye.

21 MR. KEHOE: Mr. Kessler?

22 MR. KESSLER: Aye.

23 MR. KEHOE: Ms. Taylor?

24 MS. TAYLOR: Aye.

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2 MR. KEHOE: Mr. Mayes?

3 MR. MAYES: Aye.

4 MR. KEHOE: Ms. Decker?

5 MS. DECKER: Aye.

6 MR. KEHOE: Mr. Foley?

7 MR. FOLEY: No.

8 MR. KEHOE: Motion passes five to one.

9 MS. TAYLOR: Okay. The next item on our
10 agenda, we're skipping over a couple, and then we
11 moved, is the application of -- excuse me, I'm
12 sorry, we forgot to do the report.

13 MR. KESSLER: What report?

14 MS. TAYLOR: Yeah, I need someone to
15 make a motion to adopt the annual report, please.

16 MR. MAYES: Madam Chair, I move that we
17 receive and file the 2021 annual report.

18 MS. TAYLOR: Thank you.

19 MR. KESSLER: Second.

20 MS. TAYLOR: Thank you. All right, on
21 the question, all in favor?

22 MULTIPLE: Aye.

23 MS. TAYLOR: Opposed? Okay, very good.

24 The next item on the agenda is the application of

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2 Palisades Enterprises, LLC for site plan
3 approval, a special permit and for tree removal
4 and steep slope permits for a proposed, excuse
5 me, 2,940 square foot gas station and convenience
6 store with six fuel pumps on an approximately
7 1.7-acre parcel of property located at 2058 East
8 Main Street, Cortlandt Boulevard, latest revised
9 drawings, you were mentioning Steve they were in
10 January, right?

11 MR. KESSLER: On January 21, 2022.

12 MS. TAYLOR: On January 21, okay. All
13 right, thank you.

14 MR. JOHN CANNING: Good evening, Madam
15 Chair, members of the board. Good to see
16 everybody again. I'm glad everybody is healthy.
17 We received your consultant's comment, AKRF's
18 comments from, in their January 12th memorandum.
19 We provided the board with a response to those
20 comments indicating that we agree with everything
21 in their memorandum, and we revised the latest
22 site plan, I believe dated January 21st to
23 reflect the recommendations. So really, my role
24 here today is to answer any remaining questions

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2 you may have in that regard. Thank you.

3 MS. TAYLOR: Are there any questions?
4 Okay.

5 MR. FOLEY: I think I said it at, I
6 think we addressed this last week at the work
7 session. I still have an issue. I wish you would
8 go down two pumps. I know you pleaded financials,
9 which is really not for us to be deciding on
10 that. You've done a lot of good work. It's safer,
11 the circulation is better, there's a few little -
12 - as I read through the minutes, again, this
13 afternoon, at least I still have a doubt. And
14 then some statements were made at the last
15 meeting by other board members. So it's still,
16 it's still at the maximum amount of pumps,
17 fueling stations, whatever you want to call them.
18 I still feel it would be better if two of those
19 at the top were knocked off.

20 I have a question. When you exit and
21 maybe this has been addressed. When you exit, if
22 someone wants to exit out and go back, can they
23 go back across Route 6 and reenter the Bear
24 Mountain Parkway?

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2 MR. CANNING: Yes, they can.

3 MR. FOLEY: So they would be coming out?

4 MR. CANNING: So the traffic light will
5 stop traffic on Route 6 and they can proceed
6 straight across, make a right turn, or yield to
7 opposing traffic and then make a left turn, just
8 like if you get off the parkway, you can go
9 straight ahead, you can make a right turn, or you
10 can yield to traffic coming out of the gas
11 station, then make a left turn. Pretty much --

12 MR. FOLEY: So, in other words, it would
13 be controlled, any exit out to go back across
14 Route 6 to get on the ramp is controlled by the
15 traffic light?

16 MR. CANNING: Yes.

17 MR. FOLEY: Okay.

18 MR. CANNING: That's one of the benefits
19 of the project, I think. I would also just like
20 to thank the board. It's been a long time, but
21 we've worked hard and well together to, to get to
22 this point. So I do appreciate everybody's input.

23 MS. TAYLOR: All right, well we have
24 decided to go ahead and move this along, so -

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2 MR. KESSLER: Yeah, Madam Chair, I move
3 that we direct staff to prepare a resolution
4 approving the gas station.

5 MS. TAYLOR: It would be for the next
6 meeting?

7 MR. KESSLER: Yeah.

8 MR. FOLEY: In the resolution, can you,
9 can staff include something about historical, it
10 was addressed early on in this long process and
11 whether it's an indication in the convenience
12 store with a plaque or a little something to
13 explain about not Popeyes, the old schoolhouse
14 from, from the last -

15 MR. KEHOE: Come on, Bob.

16 MR. FOLEY: What?

17 MR. KEHOE: We won't commemorate the
18 bar, we'll commemorate the building.

19 MR. FOLEY: No, I'm talking about the
20 old -- I gave Chris an article about the old
21 schoolhouse that was in an historical key. I
22 didn't write it. I just hate to see these things
23 lost.

24 MR. CANNING: Thank you, yes.

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2 MS. TAYLOR: All right, so we will --
3 what's your question? Yes.

4 [OFF-MIC]

5 MR. FOLEY: [unintelligible][00:08:51]
6 personal matter in [unintelligible][00:08:53]

7 MS. TAYLOR: Okay, good. All right,
8 then. All in favor?

9 MULTIPLE: Aye.

10 MS. TAYLOR: Opposed? All right.

11 MR. CANNING: Thank you, everybody.
12 Until we meeting again.

13 MS. TAYLOR: Okay, thank you.

14 MR. CANNING: Which is next month again.
15 [laughter]

16 MS. TAYLOR: Okay. All right, there are
17 a couple more items and then we should be
18 finished. We have new business. And they, there
19 are two of these items. For the first for PB
20 2022-1, is the application of New York SMSA
21 Limited Partnership, dba Verizon Wireless for SBA
22 Communications. This is for the renewal of
23 Verizon Wireless' existing special permit for the
24 existing public utility wireless

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2 telecommunications facility at 51 Scenic Drive,
3 as described in a letter from Michael P.
4 Sheridan, Esquire, dated January 4th. Good
5 evening, Mr. Sheridan.

6 MR. MICHAEL P. SHERIDAN: Good evening.
7 Good to see everyone. As was just stated, I'm
8 here tonight in connection with a request to
9 recertify the special permit for the existing
10 wireless, Verizon Wireless' existing wireless
11 telecommunications facility at 51 Scenic Drive.
12 My understanding is that you have the application
13 and that it is expected to be referred back
14 tonight to staff for review. I would request that
15 the board authorize staff if they don't see any
16 issues, to prepare a resolution for the next
17 meeting.

18 MS. TAYLOR: We can do that. Okay.

19 MR. SHERIDAN: Thank you.

20 MS. TAYLOR: All right.

21 MR. KEHOE: Madam Chair? And just for
22 the record, this was an interesting one in that
23 Steve sort of remembered, but you have already
24 issued a recertification of this special permit

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2 at 51 Scenic Drive back in 2019, because AT&T
3 applied for it and at that time, Mike Preziosi
4 spend a lot of time getting engineering reports,
5 making sure the tower was in good shape. So it
6 begs the question, does each individual carrier
7 continually have to come back for
8 recertifications? I'm going to clear that up with
9 the legal staff. Because you don't want next
10 month or six months from now Sprint to come back,
11 or maybe you do. But we've got to figure that
12 out. But in any event, this has already been
13 investigated, so we believe it's prime for
14 resolution.

15 MR. KESSLER: How many carriers are on
16 the tower?

17 MR. KEHOE: I think there's five on it.
18 I think that's what we found on the AT&T drawings
19 that Mike spent so much time. There's either four
20 or five on there.

21 MS. TAYLOR: Well, how many more would
22 go [unintelligible][00:11:31]?

23 MR. KEHOE: None.

24 MS. TAYLOR: There's no more.

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2 MR. KEHOE: I think five is the most
3 that can be on there.

4 MS. TAYLOR: That's it, okay.

5 MR. SHERIDAN: But that is the question,
6 if you want every single carrier to come back or
7 just --

8 MR. MAYES: But the new carriers, when
9 the carriers come back up, what do you do with
10 it? I mean is it something you need to look at?

11 MR. KEHOE: Well, see, this is the first
12 time it's happened. But, but once the planning
13 board took this over and Mike Preziosi got
14 involved, some, like Mr. Sheridan would come in
15 and want to recertify Verizon. But what we would
16 find is that numerous things had been added to
17 that tower over the years, and all were permitted
18 through the code enforcement office. But no one
19 necessarily said that the tower had been
20 investigated and was still in good shape. But
21 that's what was just done on Scenic Drive. But
22 also I think each one of these carriers provides
23 a radio frequency certification saying that it is
24 still doing what it's supposed to be doing, the

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2 actually carrier, correct? That's part of the
3 recertification.

4 MR. SHERIDAN: Right. Part of the
5 recertification is from the RF consultant, but
6 because of the way the technology moves, we, the
7 carriers, and I don't want to speak for all of
8 them, but certainly Verizon comes in and replaces
9 antennas, replaces equipment at these towers all
10 the time. And that is, you know, when everything
11 is reviewed in connection with the carriers, the
12 antennas and if the radio frequency report is
13 requested by the town, it's something that's
14 provided. So, there are reviews of this. And I
15 think, you know, even there's a couple of
16 applications that we have and at least one
17 application we have in the town for an upgrade at
18 one of Verizon's facilities.

19 MR. KEHOE: And those are all done
20 through the code enforcement office outside of
21 your purview.

22 MR. SHERIDAN: Right. And those are all
23 done -- code enforcement, they review everything,
24 the town engineer, Mike Preziosi reviews

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2 everything, or has been his practice. And so the
3 question is do you need every carrier to come
4 back and to recertify even though they've already
5 been through the process of upgrading their
6 equipment.

7 MR. KESSLER: Yeah, so I guess what
8 you're saying Chris, do they all reinitialize
9 with this recertification?

10 MR. KEHOE: Well, that's why I was so
11 surprised, that it refreshed my memory. We went
12 through all of this with AT&T, with Cuddy &
13 Feder.

14 MR. KESSLER: Right.

15 MR. KEHOE: And now we're doing it all
16 over again with Verizon. I've never been through
17 this before, I haven't had a chance with Mike
18 Cunningham about it. But every tower has got two,
19 three, four carriers on it, so I want to figure
20 out a system, whether we have to do this each
21 time or whether we don't. At some point, we have
22 to get the tower certified. And then maybe to
23 your point, if you're changing out panels and
24 things in the course of business, maybe they each

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2 should be recertified. I don't know. We'll
3 confirm -- that's what we want to talk about as a
4 staff before it comes back next month.

5 MS. TAYLOR: Okay.

6 MR. KESSLER: How long is the special
7 permit for?

8 MR. KEHOE: Five years.

9 MR. KESSLER: Five years. Okay.

10 MR. SHERIDAN: My point was the exact
11 opposite though. Because they would be reviewing
12 everything, is there a need to go back and
13 recertify is they're already reviewing everything
14 for these upgrades?

15 MR. KEHOE: Our points are usually the
16 exact opposite. [laughter] At least Mike Preziosi
17 sometimes. So, you know, we'll try to get the,
18 we're working, we're getting the system in place
19 pretty good, so we'll figure it out.

20 MR. KESSLER: Yeah, I guess we'll just
21 stop the clock again.

22 MR. MAYES: Yeah, I mean our
23 [unintelligible][00:14:36] point was that
24 obviously the reviews won't change, it just won't

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2 come before us every single time. But you still
3 do the extensive review that you have to do?

4 MR. KEHOE: Yes. That's what we've got
5 to figure out. At some point, the tower needs to,
6 the actual physical tower needs to be inspected
7 and recertified. And my mistake was I thought
8 that that's all that we were doing each time,
9 until I found out that the individual carriers
10 apparently come back too.

11 MR. ROTHFEDER: So we're going to have
12 to get clock on the tower as well as the
13 individual carriers?

14 MR. KEHOE: I think so, but that's
15 complicated, but we've got to figure that out.

16 MR. ROTHFEDER: Okay, anyway, Madame
17 Chair I move that we refer this back to staff
18 for, to prepare an approving resolution for the
19 next meeting.

20 MR. KESSLER: Second.

21 MS. TAYLOR: All right. On the question?
22 All in favor?

23 MULTIPLE: Aye.

24 MS. TAYLOR: Opposed? Good. All right,

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2 the final item is another of these applications.
3 This one, PB 2022-2, the application New York
4 SMSA Limited Partnership, dba Verizon Wireless
5 for the property of the Consolidated Edison
6 Company of New York Inc., for the renewal of
7 Verizon Wireless' special permit for the existing
8 public utility wireless telecommunications
9 facility at the Con Edison Tower known as Hudson
10 River Tower East, as described in a letter from
11 Michael P. Sheridan, Esquire, dated January 4,
12 2022.

13 MR. SHERIDAN: Yes, good evening again.
14 Michael Sheridan from Snyder & Snyder in
15 connection with the application of New York SMSA
16 Limited Partnership dba Verizon Wireless, to
17 recertify the special permit for their wireless
18 telecommunications facility at Hudson River Tower
19 East. I would again request, my understanding,
20 it's going to be referred back to staff and
21 request that the board authorize staff to prepare
22 a resolution, assuming that they find everything
23 acceptable.

24 MR. ROTHFEDER: Madam Chair, I move that

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2 we refer this back and have staff prepare a
3 resolution if everything works out.

4 MS. TAYLOR: Okay.

5 MR. FOLEY: Second.

6 MS. TAYLOR: Thank you. On the question?

7 MR. FOLEY: On the question, is it
8 located on the old Con Ed property or
9 [unintelligible][00:16:55]? The actual tower in
10 Verplanck?

11 MR. SHERIDAN: It's the large tower
12 right along the water on the Con Ed property.

13 MR. FOLEY: So it's on the old Con Ed
14 property?

15 MR. SHERIDAN: That's my understanding,
16 yeah.

17 MR. KEHOE: Yeah, I don't think any of
18 the, I think Con Ed retained all of those towers.
19 We own, that's what the meeting was about last
20 night. We were talking about the quarry property
21 in Verplanck, but the land around it is owned by
22 the town, but they've retained where their actual
23 towers are.

24 MS. TAYLOR: Okay. All in favor?

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2 MULTIPLE: Aye.

3 MS. TAYLOR: Opposed. Very good. Okay,
4 at this point, I guess we will entertain a motion
5 for adjournment.

6 MS. DECKER: Madam Chairman, I move that
7 we adjourn at 7:20 p.m.

8 MS. TAYLOR: All right.

9 MR. FOLEY: Second.

10 MS. TAYLOR: Did you want to say
11 something?

12 MR. FOLEY: Second.

13 MS. TAYLOR: Oh, I'm sorry. [laughter]

14 MR. KESSLER: You don't need a second on
15 an adjournment.

16 MS. TAYLOR: You don't need a second,
17 right. The meeting is adjourned.

18 (The public board meeting concluded at
19 7:20 p.m.)

CERTIFICATE OF ACCURACY

I, Ryan Manaloto, certify that the foregoing transcript of the board meeting of the Town of Cortlandt on February 1, 2022 was prepared using the required transcription equipment and is a true and accurate record of the proceedings.

Certified By



Date: February 14, 2022

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