

TOWN OF CORTLANDT
PLANNING AND ZONING BOARDS

BOARD MEETING

Town Hall
1 Heady Street
Cortlandt Manor, New York

July 12, 2022

6:45 p.m. - 7:30 p.m.

July 12, 2022

MEMBERS PRESENT:

Loretta Taylor, Chairperson

Thomas Bianchi, Vice Chairperson

Suzanne Decker, Member

Robert Foley, Member

Stephen Kessler, Member

1 July 12, 2022

2 (The board meeting commenced at 6:45 p.m.)

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

7 MR. CHRIS KEHOE: Mr. Kessler?

8 MR. STEVE KESSLER: Here.

9 MR. KEHOE: Ms. Taylor?

10 MS. LORETTA TAYLOR: Yes.

11 MR. KEHOE: Mr. Bianchi?

12 MR. THOMAS BIANCHI: Here.

13 MR. KEHOE: Ms. Decker?

14 MS. SUZANNE DECKER: Here.

15 MR. KEHOE: Mr. Foley?

16 MR. ROBERT FOLEY: Here.

17 MR. KEHOE: Mr. Rothfeder noted as
18 absent.

19 MS. TAYLOR: We have, excuse me, we have
20 only one change to the agenda tonight. That's the
21 removal of PB 2022-3, the Connolly application.
22 This is by the request of the applicant. So that
23 will not be covered tonight.

24 MR. KESSLER: Madam Chair, I move that

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2 we remove that from the agenda tonight.

3 MR. BIANCHI: Second.

4 MS. TAYLOR: Alright. On the question,
5 All in favor?

6 MULTIPLE: Aye.

7 MS. TAYLOR: Opposed? Alright. We have
8 a, we have a letter.

9 MR. KESSLER: Minutes, minutes.

10 MS. TAYLOR: Oh, sorry. Yeah, I missed
11 that again. The adoption of the minutes, thank
12 you.

13 MR. KESSLER: So moved.

14 MS. TAYLOR: Thank you.

15 MR. BIANCHI: Second.

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

17 MR. FOLEY: Nothing on the question.

18 MS. TAYLOR: Pardon me?

19 MR. FOLEY: Nothing.

20 MS. TAYLOR: Oh, great, wonderful. Okay.
21 On the question, all in favor?

22 MULTIPLE: Aye.

23 MS. TAYLOR: Opposed? Okay. Moving along
24 to correspondence, a letter dated July 5, 2022,

1 July 12, 2022

2 from Brad Schwartz, Esq., requesting the 23rd 90-
3 day time extension of final plat approval for the
4 Mill Court Crossing subdivision located at the
5 south end of Mill Court.

6 MR. KESSLER: Madam Chair, I move that
7 we adopt Resolution 7-22, approving the
8 extension.

9 MR. BIANCHI: Second.

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

11 MR. FOLEY: Yeah, on the question, I
12 will be voting no, as I have in the past for the
13 reasons I've stated in the past. And I hope it
14 does move forward to some kind of conclusion, but
15 I will be no.

16 MS. TAYLOR: Alright. On the question,
17 all in favor?

18 MULTIPLE: Aye.

19 MS. TAYLOR: Opposed?

20 MR. FOLEY: No.

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. Bianchi?

3 MR. BIANCHI: Aye.

4 MR. KEHOE: Ms. Decker?

5 MS. DECKER: Aye.

6 MR. KEHOE: Mr. Foley?

7 MR. FOLEY: No.

8 MR. KEHOE: Motion is carried four to
9 one.

10 MS. TAYLOR: Okay. Excellent.

11 MR. BRAD SCHWARTZ: Thank you.

12 MS. TAYLOR: Alright. You're welcome.

13 The next item, still under correspondence is a
14 letter, PB 2020-14, a letter received by the
15 planning department on June 30, 2022 from Rebecca
16 Policello of Teatown, transmitting the Cliffdale
17 Meadow Revegetation Report, as required by
18 Planning Board Resolution 4-21.

19 MR. FOLEY: Madam Chair, I make a motion
20 that we receive and file.

21 MR. KESSLER: Second.

22 MS. TAYLOR: Thank you. On the question,
23 all in favor?

24 MULTIPLE: Aye.

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2 MS. TAYLOR: Opposed? Alright. Very
3 good. Alright. To the next area of the agenda,
4 resolutions, PB 2020-10, the application of
5 Cortlandt CSG, LLC, for the property of 202
6 Cortlandt for site development plan approval and
7 for tree removal and steep slope permits for a
8 proposed 2.3 megawatt community solar power
9 system, located on an approximately 33.86 acre
10 parcel of property located on the north side of
11 Route 202, west of Lexington Avenue, drawings,
12 the latest drawings, revised drawings, May 2021.

13 MR. KESSLER: Okay. Do you have anything
14 to say?

15 MR. KIERAN SIAO: Sure. Well, good
16 evening, Chairperson Taylor and members of the
17 board. Kieran Siao, director of development with
18 Dimension Energy. I think you've heard me talk
19 enough about this project over the past two
20 years, so just wanted to provide a brief update
21 to say that last month, our storm water engineer
22 Alan Pilch was here. I understand he walked the
23 planning board through the storm water updates
24 that he's made to the plan set. Since that last

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2 meeting, we have received correspondence from the
3 DEP that says they received our SWPPP and
4 determined it to be administratively complete and
5 they're moving forward with their technical
6 diligence.

7 So unless the planning board has any
8 other questions, I just want to say thank you for
9 all your consideration over the past two years.

10 MR. KESSLER: Thank you. Madam Chair, I
11 move that we adopt Resolution number 8-22,
12 approving the application.

13 MR. BIANCHI: Second.

14 MR. FOLEY: Second.

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

16 MR. KEHOE: Just on the question, a
17 minor thing to correct the agenda. The latest
18 drawings are actually revised through June 1,
19 2022. They're correctly referenced in the
20 resolution, but it's just wrong on the agenda. I
21 just wanted to point out that a lot of work has
22 been going on in the past year with respect to
23 storm water.

24 MS. TAYLOR: Alright. So all in favor?

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2 MULTIPLE: Aye.

3 MS. TAYLOR: Opposed? Okay. You're good.

4 MR. SIAO: Thank you very much.

5 MS. TAYLOR: Alright. The next item is
6 PB 2022-6, the application of Albert Picarello
7 for site development plan approval for a proposed
8 35' x 70' metal building located behind the
9 existing Down Cycle building, a property located
10 at 2015 Albany Post Road. The drawings are, the
11 latest drawings are May 25, 2022.

12 MR. KEHOE: I did add, just had a text
13 with the engineer, and he can't make it tonight,
14 but it is, I did say that I would take care of it
15 for him. As you saw, it's a bureaucratic
16 resolution more or less for a storage shed, so I
17 don't think there are any issues with it.

18 MS. DECKER: Motion to adopt Resolution
19 9-22, approving the application.

20 MR. KESSLER: Second.

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

23 MULTIPLE: Aye.

24 MS. TAYLOR: Opposed? Alright.

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2 MR. KEHOE: I think we would want to
3 skip the next one, because I do think our
4 telecommunications consultant, he doesn't have
5 any comments necessarily, but he's going to be
6 here for that as one of the items, so if we could
7 skip that one.

8 MS. TAYLOR: Alright. We'll come back to
9 it, then. The next area is old business. PB 2021-
10 4, a letter from Michael Sheridan, dated August
11 6, 2021, requesting the required five-year
12 recertification of the special permit for an
13 existing cell tower located at 1065 Quaker Bridge
14 Road East. Alright.

15 MR. MICHAEL SHERIDAN: My name is
16 Michael Sheridan, I'm an attorney with Snyder &
17 Synde, attorneys for New York SMSA Limited
18 Partnership DBA Verizon Wireless in connection
19 with the request for recertification of the
20 special permit for another five years. The
21 certification of completion has been issued on
22 this project from the building department and we
23 would request that this board approve the
24 recertification.

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2 MS. TAYLOR: Well, we have a resolution.

3 MR. FOLEY: Okay. I make a -- that's
4 mine I believe. I make a motion that we approve
5 resolution number 11-2022.

6 UNIDENTIFIED FEMALE: Can I ask a quick
7 question?

8 MS. TAYLOR: I'm sorry?

9 UNIDENTIFIED FEMALE: Was the as-built
10 survey ever provided to the community?
11 [unintelligible] [00:08:41] community members
12 have been asking for [unintelligible] [00:08:44].

13 MR. KEHOE: You'd have to check with the
14 building department. They certified it at
15 complete as of today. I wasn't aware that they
16 owed the as-built survey to anybody.

17 UNIDENTIFIED FEMALE: Can you hold off
18 the vote until we confirm that the as-built
19 survey --

20 MR. KEHOE: Alright. Well --

21 MR. MICHAEL CUNNINGHAM: It received a
22 certification of completion, so I think in our
23 building department's view, the matter is
24 complete.

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2 MS. TAYLOR: You, uh --

3 MR. FOLEY: So I --

4 MS. TAYLOR: -- yeah, go forward this.

5 MR. FOLEY: -- I make the motion that we
6 approve Resolution 11-22.

7 MR. KESSLER: Second.

8 MS. TAYLOR: Alright. On the question,
9 all in favor?

10 MULTIPLE: Aye.

11 MS. TAYLOR: Opposed?

12 MR. SHERIDAN: Thank you.

13 MS. TAYLOR: Alright. Moving along,
14 sorry, I'm losing my place. Yeah.

15 MR. KEHOE: But Mike, I'm curious. There
16 might be some members of the public that are
17 interested in the Gurdjieff Foundation that might
18 try to join via zoom, and since it's not even
19 7:00 o'clock yet. I, you know, we're struggling
20 for --

21 MS. TAYLOR: You want to come back to
22 that?

23 MR. KEHOE: Yes, so I would go to MCAS,
24 even though MCAS isn't going to take that long. I

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2 would go on to that one.

3 MR. BIANCHI: Under new business, we'll
4 go to new business.

5 MR. KESSLER: You're screwing me up
6 here.

7 MS. TAYLOR: Alright. Here we go. Under
8 new business, we have PB 2022-7, the application
9 of MCAS Roofing and Contracting for the renewal
10 of a special permit for a specialty trade
11 contractor, located at 2006 Albany Post Road, as
12 shown on a drawing entitled amended site plan for
13 MCAS Roofing and Contracting, Inc., prepared by
14 Joseph C. Riina, P.E., dated October 7, 2020.

15 MR. KESSLER: Madam Chair, I move we set
16 a public hearing on this application for
17 September 6th.

18 MS. TAYLOR: Alright.

19 MR. BIANCHI: Second.

20 MS. TAYLOR: Thank you. On the question?
21 All in favor?

22 MULTIPLE: Aye.

23 MS. TAYLOR: Opposed? Alright. We have a
24 public hearing for that. Alright. Now, we're --

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2 MR. KEHOE: If we have to prioritize, I
3 think the Crown Castle collocation is relatively
4 simply, even though Mike Musso, our
5 telecommunications consultant will be here I
6 think that's just a simple resolution, although,
7 oh, you were waiting for counsel for that one
8 too, weren't you?

9 MR. CUNNINGHAM: I recommend we just
10 wait five minutes on all of these remaining,
11 we'll wait until 7:00, which is another three
12 minutes.

13 MR. KEHOE: Okay, so take a little time
14 out?

15 MS. TAYLOR: Yeah.

16 MR. KEHOE: Okay.

17 MS. TAYLOR: Okay. We'll call a brief
18 time out.

19 [OFF THE RECORD]

20 [ON THE RECORD]

21 MS. TAYLOR: Okay. We're going to go
22 back into session now and begin with the last
23 resolution, which is PB 2022-5, the application
24 of Crown Castle, Inc., for site development plan

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2 approval and a special permit for a collocation
3 with, excuse me, for a collocation for Dish
4 Wireless at an existing town cell tower located
5 at 3105 East Main Street, Courtlandt Town Center.
6 The latest drawings are May 18, 2022. The
7 resolution, you going to handle it?

8 MR. KEHOE: Well, I know we were sort of
9 waiting for the attorney for the applicant is
10 from Cuddy & Feder, Alec Gladd. He did request a
11 copy of the resolution earlier today and I did
12 share it with him. I don't believe he's in the
13 audience. Mike Musso, our telecommunications
14 consultant is here. I don't know if you had any
15 conversations with Alec recently. But the, it's a
16 relatively straightforward resolution for the
17 collation, Mike. I don't know if you want to add
18 anything?

19 MR. MICHAEL MUSSO: No, nothing to add.
20 Thank you for having me back tonight, Madam
21 Chair, members of the board. This is for a
22 collation Town Center monopole. We still need a
23 couple deliverables on this. One was an inventory
24 and request for supplemental information,

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2 clarifications. We had received what, the
3 requested information. We then submitted a
4 technical memo, on June 7th, I believe, the day
5 of the last meeting.

6 There were some responses to that that
7 came in, mainly with regard to the future
8 building permit, which would need to be issued if
9 this board approves what's being asked on site
10 plan. We do feel everything is in order with this
11 collocation as far as meeting the code and
12 meeting the requirement of the planning board.

13 MR. KESSLER: Alright. So, Madam Chair,
14 I move that we adopt Resolution 10-22, approving
15 cell tower.

16 MS. TAYLOR: I need a second on that.

17 MR. BIANCHI: Second.

18 MS. TAYLOR: Thank you. On the question?
19 All in favor?

20 MULTIPLE: Aye.

21 MS. TAYLOR: Opposed? Alright. Now, do
22 you want to go to Gurdjievff?

23 MR. CUNNINGHAM: That's fine.

24 MS. TAYLOR: Yeah, okay. Going back into

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2 old business now, PB 2022-4, the application of
3 the Gurdjieff Foundation of New York for the
4 property of the Danish Home for the Aged, Inc.,
5 for site plan approval and a special permit for a
6 non school curriculum program use of the property
7 located at 1065 Quaker Bridge Road East. The
8 latest revised drawings are April 20, 2022. Okay.

9 MS. KAREN HAGSTROM: Good evening, I am
10 Karen Hagstrom, and I'm from Stenger, Diamond &
11 Glass. We are the attorneys for the Gurdjieff
12 Foundation. I did have the pleasure of meeting
13 several of you at the site inspection. So you
14 have, I know you're in receipt of my letter dated
15 July 8th, this past Friday, where after further
16 consultation with town staff and after having
17 reviewed Mr. Schwartz' letter, we really feel
18 that our use fits in the church or other place of
19 worship and religious instruction category in
20 your code. So this, and, and there's another
21 independent basis that we feel that the use
22 should be permitted, which is under the prior
23 nonconforming use, which actually would mean we
24 wouldn't even need to appear before this board.

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2 The use would just be permitted as of right
3 because we're not making any changes to the site.

4 So, on the religious use, there would be
5 required site plan approval. Now, I'm here to
6 request that you schedule a public hearing on the
7 site plan approval. I know that the code
8 enforcement officer has not yet issued a written
9 opinion as to our letter as of yet. And we've
10 requested that in this letter. I would think that
11 would be forthcoming in the next week or two. I
12 don't think it'll be that long for him to issue
13 that opinion. And that, if there is a proceeding
14 before the ZBA, which we can't assume that there
15 will be. But if there is, then that can run
16 coterminous with your, you know, in conjunction
17 with your proceedings at the same time. The
18 public hearing can always be opened and adjourned
19 or, you know, to, to run with that ZBA proceeding
20 that we're speculating may or may not occur.

21 So, I also know your next meeting isn't
22 until September, so that gives us time between
23 now and then to ferret out where we are with
24 this. But, you, you have our submission. I'm not

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2 going to repeat it. It's all in writing as to why
3 we really feel we fit into that use category and
4 also why we think we fit in under independent
5 basis of a prior existing nonconforming use of
6 the property. If anybody has any questions, I'm
7 happy to answer them.

8 MS. TAYLOR: Well, I don't know, does
9 anybody here have any questions for Ms. Hagstrom?

10 MR. KEHOE: Well, it was discussed at
11 the work session procedurally what you want to do
12 next. And at the time, it made perfect sense to
13 hold it over to have that discussion on the
14 record. So you have to decide if you're in
15 agreement to a public hearing in September, if
16 you prefer to wait.

17 MR. KESSLER: So really, the point is
18 that site plan approval, which is our purview,
19 has nothing to do necessarily with whatever the
20 zoning board, no, not the zoning board, code
21 enforcement is going to decide here.

22 MS. HAGSTROM: The site plan will not
23 change.

24 MR. KESSLER: Right, right.

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2 MS. HAGSTROM: The use is, you know,
3 exactly what's been described to you in
4 connection with the site plan, so there's not
5 going to be any changes to the site plan, so that
6 -- there's nothing holding you back from moving
7 forward with that. You know, you can always, if
8 the ZBA is still deciding, you can always adjourn
9 or keep it open. But there's not going to be any
10 change to the site plan.

11 MR. CUNNINGHAM: I would agree with
12 counsel. The issues are distinct.

13 MS. TAYLOR: Uh, I don't know --

14 MR. BIANCHI: I guess my only concern --

15 MS. HAGSTROM: I don't, I'm sorry, I
16 just don't see any harm in scheduling the public
17 hearing, because you can always adjourn it or
18 cancel it at a later time. We're just requesting
19 that you schedule it at this point, for the
20 September 6th.

21 MR. BIANCHI: My only concern is that
22 the public may focus solely, but at least a
23 majority of them may focus on the use rather than
24 the, comments on the use rather than the site

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2 plan, which is our responsibility, before any
3 determination is made by the director of code
4 administration and enforcement. That's my only
5 concern.

6 MS. TAYLOR: I know.

7 MS. HAGSTROM: Well, the public hearing
8 really should be limited to the site plan when
9 it's only for site plan approval.

10 MR. BIANCHI: It should be, but the
11 public may not understand that.

12 MR. KESSLER: It's our job and the
13 chair's job to --

14 MS. HAGSTROM: Correct.

15 MR. BIANCHI: If we, if we limit them to
16 the discussion as appropriate, that's fine.

17 MS. HAGSTROM: Right. I respectfully
18 submit that that's how -- it should be limited to
19 the site plan, because that's what you would be
20 deciding.

21 MS. TAYLOR: I still have some
22 misgivings about it.

23 MR. BIANCHI: So, you want me to take
24 it?

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2 MS. TAYLOR: Parson?

3 MS. KAREN WELLS: Can I raise a quick
4 concern. The Danish Home --

5 MR. KEHOE: You need to speak into the
6 microphone.

7 MR. BIANCHI: It's not a public hearing.

8 MS. TAYLOR: Yeah, it's not --

9 MS. WELLS: Hi, Karen Wells, 28 Applebee
10 Farm Road. I'm concerned about the timing in part
11 because the Danish Home sent out a letter that
12 implied that it's slowing down the process. The
13 town was giving up money and I think really to
14 make this look as clean as possible, we should
15 answer the use question first. And also, it is
16 very difficult to go into a site plan until we
17 know what the use is going to be because the
18 arguments are different. And finally, I do want
19 to address something that was brought up during
20 the work session, that our community would not
21 approve of anything. In fact, we have been quite
22 clear, residential, absolutely fine. Something
23 within the code within the code, without a
24 variance, we're happy to work with people. But

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2 when it's something that's not allowed within the
3 code, under the use, we're very concerned. So
4 thank you.

5 MR. CUNNINGHAM: I believe the person
6 who wrote the letter is here. Do you have any
7 comments for the record?

8 MS. HAGSTROM: Well, if I can just
9 clarify first, the use is a permitted use, the
10 religious use that we're seeking. It is
11 permitted, so it does not require a variance. It
12 is a permitted use.

13 UNIDENTIFIED FEMALE: [unintelligible]
14 [00:21:29] permitted use.

15 MS. HAGSTROM: And we're not here for a
16 public hearing this evening. With all due
17 respect, your comments would be welcome at the
18 public hearing and could be considered at that
19 time. That's why I'm saying, I don't see the harm
20 in scheduling

21 MS. TAYLOR: Personally, I have
22 misgivings, as another board member, I have some
23 misgivings about getting ahead of this. I really
24 do think we ought to examine the use. What, how

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2 is this property now going to be used and --

3 MS. HAGSTROM: It's going to be used
4 exactly how it has been described to you up to
5 this point, exactly the same. There's no change
6 to what the use will be. It's just what you call
7 the use, if you will.

8 MR. KESSLER: So, it's the number of
9 people, --

10 MS. HAGSTROM: The number of people, the
11 activities, none of that is changing. There is no
12 change.

13 MS. KESSLER: I see it as a parallel
14 path with the code enforcement, but --

15 MS. TAYLOR: I don't know, what about,
16 are there any comments from other members of the
17 board about this?

18 MS. DECKER: I have no objection to
19 scheduling a public hearing.

20 MR. BIANCHI: Again, as I stated, as
21 long as the discussion is limited to the
22 appropriate subject, I don't have a problem with
23 it.

24 MS. TAYLOR: Uh, well --

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2 MR. BIANCHI: It's got to be actively
3 monitored.

4 MS. TAYLOR: Why don't we just do this,
5 we'll just take a quick vote among us about
6 whether we're going to have a public hearing,
7 whether we're going to schedule a public hearing
8 or not.

9 MR. CUNNINGHAM: You can just take a
10 vote on it too, because if there aren't four
11 votes, then it's just going to be referred back.

12 MS. TAYLOR: But that's what I'm just
13 saying. We'll take a vote on whether to have --

14 MR. CUNNINGHAM: Right, you can take an
15 official vote. A motion and a second, and then
16 however the votes go.

17 MR. BIANCHI: Okay. I'll do the motion
18 then.

19 MS. TAYLOR: Okay.

20 MR. BIANCHI: Madam Chair, I move that
21 we schedule a public hearing for this application
22 on September 9th?

23 MR. KEHOE: It's the 6th.

24 MR. FOLEY: No, September.

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2 MR. KESSLER: I believe it's the 7th,
3 6th, you're right, 6th.

4 MR. BIANCHI: 6th, okay.

5 MR. KESSLER: Second.

6 MS. TAYLOR: Alright. On the question,
7 all in favor?

8 MULTIPLE: Aye.

9 MS. TAYLOR: Opposed? No.

10 MR. KEHOE: Mr. Kessler?

11 MR. KESSLER? Aye.

12 MR. KEHOE: Ms. Taylor?

13 MS. TAYLOR: No.

14 MR. KEHOE: Mr. Bianchi?

15 MR. BIANCHI: Yes.

16 MR. KEHOE: Ms. Decker?

17 MS. DECKER: Yeah.

18 MR. KEHOE: Mr. Foley?

19 MR. FOLEY: Yes.

20 MR. KEHOE: The motion passes four to
21 one.

22 MS. TAYLOR: Okay.

23 MS. HAGSTROM: Thank you for your time,
24 I appreciate it.

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2 MS. TAYLOR: Alright.

3 MS. HAGSTROM: Alright. Okay. So who are
4 we waiting for now, at this point?

5 MR. BIANCHI: Yeah, what are we up to?

6 MR. CUNNINGHAM: We on Homeland Towers.

7 MS. TAYLOR: Do what?

8 MR. CUNNINGHAM: We're on C.

9 MS. TAYLOR: No, no, I'm saying is
10 everybody here?

11 MR. CUNNINGHAM: Everybody is here for
12 this one.

13 MS. TAYLOR: Okay. Good. Alright. Okay,
14 we're going -- we're still in old business. We're
15 going to go to PB 2019-5, the application of
16 Homeland Towers, LLC and New York SMSA Limited
17 Partnership, DBA Verizon Wireless, for the
18 property of Bezo Enterprises, LLC for site
19 development plan approval and a special permit
20 for a proposed public utility personal wireless
21 facility on a portion of a six-acre parcel of
22 property located at 52 Montrose Station Road. The
23 latest revised drawing April, excuse me, August
24 5, 2021.

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2 MR. SHERIDAN: Good evening. My name is
3 Michael Sheridan, attorney with Synder & Snyder,
4 the attorneys for Homeland Towers and New York
5 SMSA Limited Partnership DBA Verizon Wireless. As
6 was just stated, we're here in connection with
7 the location of a public utility wireless
8 telecommunication facility consisting of a
9 monopole tower with equipment within a fenced
10 compound at the base thereof at 52 Montrose
11 Station Road. We're here tonight for, to get a
12 couple of things done.

13 One is we just want to mention that we
14 did receive a report memo from HDR, the town's
15 consultant, from Mr. Mike Musso, who is here
16 tonight. One of the things mentioned in that
17 report was scheduling a balloon test and the date
18 suggested is Saturday, July 23rd. We are
19 agreeable to that date and would like to schedule
20 the balloon test for that date. We would also
21 like to schedule the public hearing for your next
22 meeting in September. That should give us enough
23 time to conduct the balloon test and get in a
24 report from that balloon test well in advance of

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2 that meeting.

3 The third thing we'd like to do tonight
4 is make sure you schedule that September member,
5 because there is a shot clock requirement in
6 connection with this application, which is 150
7 days. It started in April when we submitted the
8 application and that time will be running out
9 right around the date of the September meeting,
10 around September 9th, I believe it is.

11 So speaking to my client, we're willing
12 to extend that to the end of October, which will
13 give this board the opportunity to hold the
14 public hearing in September, come back in October
15 if there's any comments that need to be addressed
16 and hopefully make a resolution at that time.

17 MS. TAYLOR: Is that time, does that
18 timeline seem okay with you?

19 MR. KEHOE: I believe that we, that we
20 could get that date extended in case of
21 emergency.

22 MR. BIANCHI: Sure.

23 MR. KEHOE: As long as we're making good
24 progress. That's up to the lawyers. I don't think

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2 they have to commit to that now, but it's --

3 MR. CUNNINGHAM: I mean that initial
4 schedule that Mr. Sheridan just proposed makes
5 sense to the town from a legal perspective.

6 MS. TAYLOR: Okay.

7 MS. DECKER: Madam Chair --

8 MR. BIANCHI: Oh --

9 MS. DECKER: Oh, do you have a question,
10 I'm sorry.

11 MR. BIANCHI: Yeah, I'm sorry. When was
12 the last test performed?

13 MR. SHERIDAN: That was, I believe it
14 was --

15 MR. BIANCHI: Do you recall?

16 MR. CUNNINGHAM: May of 2020.

17 MR. BIANCHI: May?

18 MR. SHERIDAN: Yeah.

19 MR. BIANCHI: My only concern is that
20 it's, you know, with the foliage on the leaves
21 right now, it's going to compromise --

22 MR. SHERIDAN: Right.

23 MR. BIANCHI: -- you now, in the fall
24 and wintertime when there's no leaves on the

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2 trees, the view might be different.

3 MR. SHERIDAN: Right. And the original
4 test was performed in what was an essentially a
5 leaf off condition, so you could see where the
6 balloon was. The balloon is not going to be
7 located much different than where it was
8 previously. This balloon test and my
9 understanding, and Mr. Musso can speak on it, is
10 really just to give people an opportunity to see
11 where it's going to be located above the trees.
12 This is not something it's necessarily, in our
13 opinion, necessarily needed since the last
14 balloon test was leaf off conditions and it was
15 essentially the same location and the tower
16 itself was not visible from -- was barely visible
17 from any locations around, you know.

18 So I think this balloon test is just to
19 give this board, whoever wants to come out and
20 see the balloon test and any neighbors who didn't
21 have a chance to see it, just to see -- an
22 opportunity to see where the balloon is going to
23 be floating, which again, will be in that many
24 locations because of the location of the tower

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2 setback up on Montrose Station Road, away from
3 the main thoroughfare down at the bottom.

4 MR. BIANCHI: Is the board invited to
5 that?

6 MR. SHERIDAN: Mm-hmm.

7 MR. BIANCHI: Would it be like a site
8 visit I guess? We'll be --

9 MR. KEHOE: Well, I think what we, I
10 think what we did last time is you're notified
11 that the balloon will be up, whenever, 10:00 in
12 the morning on Saturday. We'll also keep you
13 posted, because even if it doesn't seem windy, a
14 lot of time they get moved because of the wind,
15 the next date will be Sunday. But we'll let you
16 know, and then I think what some of you did last
17 time is you drove around and tried to take a look
18 for it.

19 MR. KESSLER: And were others notified?

20 MR. KEHOE: We are required to put an ad
21 in the newspaper. But don't forget, also, you're
22 going to have to have a public hearing, and when
23 you get to the public hearing, there's definite
24 notice requirements. There's not particular

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2 notice requirements for the balloon test, but we
3 can put it on our website, we can put it in *The*
4 *Gazette*. And I know some people have been keeping
5 in touch with me out there, so I can email those
6 particular people.

7 MR. BIANCHI: So it just stays for the
8 day?

9 MR. KEHOE: Mr. Musso can --

10 MR. SHERIDAN: Yeah, it'll stay up for I
11 believe four hours is, is the time frame. And
12 it'll probably be up a little longer than that,
13 but I think the requirement is four hours, if
14 that's what --

15 MR. MUSSO: Yeah, if I may, the code
16 does not have requirements specifically for a
17 balloon test, or nor does it lay out timeframes
18 and whatnot. I misspoke. The first balloon test
19 was May 2019.

20 MR. BIANCHI: Yeah, that sounds about
21 right.

22 MR. MUSSO: And it was at the very end
23 of leaf off season. So we looked at those
24 simulations that were provided. Part of our info

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2 request, it's not just the balloon test, but
3 there's a good amount of information the
4 applicant has been asked to provide or clarify.
5 But we did look at the move of this tower. It has
6 been retooled, the design. It was a lattice
7 tower, if you remember, sort of like the
8 mimicking the Con Ed transmission towers in our
9 region. It's now a monopole design. It was moved
10 slightly to the north lower elevation, same 140
11 foot of the structure. We thought it was a good
12 idea to do a follow on balloon test.

13 In looking at the photos and the view
14 shed map, yes, we're in full bloom, we're having
15 a very lush summer to say the least. I still
16 think it would add value. The idea would be for
17 HDR on behalf of the town to be a liaison with
18 the applicant team. They have a firm called
19 Saratoga Associates that does the visual test.
20 They do all the logistics of floating a balloon.
21 We're usually on site to make sure that it's up,
22 that it's measured correctly, that it's at the
23 correct location. We would start a phone chain
24 and probably speak to the planning department to

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2 stay updated. Saturday, the 23rd would be the
3 first day. I did prepare a draft notice if that
4 would be elected to go up on the website, or if
5 the applicant would want to post it in *The*
6 *Gazette* I think is the paper, right, that comes
7 out on Thursdays. I think it's a good idea to
8 notice.

9 MR. KEHOE: Yeah, I'll take care of
10 that.

11 MR. MUSSO: So you would be, you would
12 be informed. The board, the board will be aware
13 of that.

14 MR. FOLEY: The date is again Saturday,
15 July?

16 MR. MUSSO: July 23rd.

17 MR. FOLEY: You're going to have time to
18 put in the legal or put --

19 MR. KEHOE: Well, it's not a legal
20 notice and it's not required by the -- well, the
21 notice might be required, but it will be in
22 before the 23rd.

23 MR. KESSLER: Why don't you put it in
24 the newsletter also?

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2 MR. KEHOE: We could. We could check
3 into that.

4 MR. KEHOE: And, and --

5 MR. FOLEY: There wouldn't be any
6 notification to [unintelligible] [00:32:17]

7 MR. KESSLER: I mean because I don't
8 think that many people read, get *The Gazette*
9 these days, you know.

10 MR. KEHOE: It's a great paper.

11 MS. DECKER: I read it cover to cover.

12 MR. KEHOE: Yeah, so do I.

13 MR. KESSLER: It takes three minutes to
14 read it?

15 MR. FOLEY: Yeah, because his deadline
16 [unintelligible] [00:32:29].

17 MR. KEHOE: But don't forget the balloon
18 test, I think what Mr. Musso was starting to say,
19 it's not just floating the balloon. Saratoga
20 Associates is hired by the applicant who will
21 then provide a visual assessment report. If you
22 recall what they did last time, it's a certain
23 number of pictures from all around which they're
24 put into a book which you will receive, which

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2 will memorialize that balloon test, so it's not a
3 case that you have to be there Saturday to see
4 the balloon, so.

5 MR. FOLEY: And you're talking about
6 10:00 a.m. you said? What time?

7 MR. SHERIDAN: Well, I think we can come
8 to a time that's agreeable. I think usually
9 during the morning is a better time to float the
10 balloon.

11 MR. KESSLER: I thought you said four
12 hours.

13 MR. SHERIDAN: I think we can have it up
14 for, we can have it up for a minimum time, two
15 hours, four hours, to the extent, but it will be
16 up while we're taking pictures, so we'll --

17 MR. MUSSO: What I have drafted and this
18 is used elsewhere, yes, a.m. is typically better
19 because winds are lower, maybe not a big issue in
20 July. The balloon shall be flown for at least
21 four consecutive hours, sometime between 7:00
22 a.m. and 4:00 p.m., weather permitting. And
23 there's news about a weather day if the 23rd is
24 just awful with rain storm or winds, it would

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2 roll into the next day, and if Sunday is bad,
3 etc.

4 MR. BIANCHI: That's a wide window, 7:00
5 a.m. to 4:00 p.m.

6 MR. SHERIDAN: If I could --

7 MR. MUSSO: Do you want to --

8 UNIDENTIFIED MALE: Yeah. Generally, we
9 try to take the balloon down by 12:00 o'clock,
10 because once the ground heats up, you get the hot
11 air rising and that's what makes the balloon
12 wiggle more. So generally, we do these things
13 from about 9:00 to 12:00. If you wanted four
14 hours, we could either do 9:00 to 1:00 or 8:00 to
15 12:00. I wouldn't want to leave just a window
16 there, because if we're going to do it that day,
17 it's going to be done in the morning. We usually
18 cancel the day before so it's not like well, the
19 morning is bad, let's wait for the afternoon. We
20 would know the day before. So we would set it for
21 the morning time, and it's either good in the
22 morning, or we cancel it.

23 MR. MUSSO: The only caveat is and this
24 happens sometimes, is if there's a problem with

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2 the balloon, your visual resource team will track
3 that. So if it's down for an hour, you make sure
4 we have four hours of float. But, but I would
5 agree --

6 [CROSSTALK]

7 MR. MUSSO: -- that window can be
8 narrowed.

9 UNIDENTIFIED MALE: I can commit to it,
10 I'll be there myself, yeah. Yeah, we've never
11 been down for an hour. We have had balloons pop
12 before, but usually we have extra helium, we get
13 them right back up.

14 MR. MUSSO: Right.

15 UNIDENTIFIED MALE: And made sure, we
16 tracked the time and made sure it's up for those
17 four hours.

18 MR. MUSSO: And those are the logistics
19 that we'll talk about ahead of time.

20 UNIDENTIFIED MALE: Sure.

21 MR. MUSSO: And if there is a
22 cancellation, the board will be notified of that.

23 MS. TAYLOR: So you are essentially
24 looking at 9:00 to 1:00 at this point?

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2 UNIDENTIFIED MALE: If that's what you
3 prefer, yeah, that's fine.

4 MS. TAYLOR: Okay.

5 MR. KEHOE: And that time is somewhat
6 critical too, because your Saratoga Associates
7 team is going to be out there taking pictures in
8 that four hour window.

9 UNIDENTIFIED MALE: Correct.

10 MR. SHERIDAN: Correct.

11 MR. KEHOE: Right.

12 MR. MUSSO: Twenty-nine viewpoints, HDR
13 added a couple more near one of the viewpoints.

14 UNIDENTIFIED MALE: Well, we actually
15 brought a revised analysis that shows some
16 proposed additional viewpoints.

17 MR. MUSSO: Great.

18 MR. SHERIDAN: We received it late
19 today. I don't know if you can use a stick to put
20 them up on the screen. Is that possible, Chris?

21 MR. KEHOE: We don't have to. I mean
22 have a couple of suggestions of modifications of
23 locations that Mr. Musso wanted?

24 MR. SHERIDAN: Correct

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2 MR. KEHOE: I mean if the board wants,
3 we can --

4 MR. BIANCHI: Can we get a copy of that?

5 MR. KEHOE: Sure. I, I don't know, I
6 would prefer that you work out the particular
7 locations and reach an agreement and I'll share
8 it with the planning board.

9 MR. SHERIDAN: We can do that.

10 MR. KEHOE: Okay. But it was 29 was your
11 number, Michael?

12 MR. MUSSO: Yeah, 29 was the, what was
13 initially done. I think that was thorough,
14 looking at the view shed of the area. We did a
15 couple more points around viewpoint 28 I think.

16 MR. SHERIDAN: Right, we have a few
17 suggestions for those points, which I think
18 answered your question.

19 MR. MUSSO: And I think, I'll say this
20 too. I think this is important, if it's myself or
21 somebody else from HDR in the field that day,
22 you'll have my number. You could always get in
23 touch with me or the applicant to say hey, did
24 you check out this area, is this one of the

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2 viewpoints and we could confirm that thing.

3 MR. KEHOE: Well prior to that, you'll
4 have the list of where all the viewpoints are.

5 MR. SHERIDAN: Yeah.

6 MS. TAYLOR: Okay.

7 MS. DECKER: Madam Chair?

8 MS. TAYLOR: Yes?

9 MS. DECKER: I move that we schedule the
10 public hearing for, or a public hearing for
11 September 6th.

12 MS. TAYLOR: Alright.

13 MR. BIANCHI: Second.

14 MS. TAYLOR: Thank you. On the question?
15 All in favor?

16 MULTIPLE: Aye.

17 MS. TAYLOR: Opposed? Okay.

18 MR. SHERIDAN: Thank you for your time.

19 MS. TAYLOR: Alright.

20 MS. DECKER: I believe we're adjourned.

21 It's 7:25 p.m.

22 (The public board meeting concluded at
23 7:25 p.m.)

24

CERTIFICATE OF ACCURACY

I, Ryan Manaloto, certify that the foregoing transcript of the board meeting of the Town of Cortlandt on July 12, 2022 was prepared using the required transcription equipment and is a true and accurate record of the proceedings.

Certified By



Date: July 28, 2022

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