

TOWN OF CORTLANDT
PLANNING AND ZONING BOARDS

PLANNING BOARD MEETING

Virtual

May 4, 2021

7:00 p.m. - 8:57 p.m.

May 4, 2021

MEMBERS PRESENT:

Loretta Taylor, Chairperson

Thomas Alright. Bianchi, Vice Chairperson

Robert Foley, Member

Stephen Kessler, Member

George Kimmerling, Member

Jeffrey Rothfeder, Member

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

3 MS. LORETTA TAYLOR: Alright, this is
4 the official meeting of the planning board, May
5 4th edition. Let's see if we can open with the
6 pledge to the flag, Mr. Kehoe, would you do that
7 please? Is he there?

8 MR. MICHAEL PREZIOSI: I'll say it, he's
9 on the phone with Bob.

10 MS. TAYLOR: Okay. Sorry.

11 MR. PREZIOSI: Okay, everyone please
12 rise for the pledge.

13 MS. TAYLOR: Alright.

14 MR. PREZIOSI: I pledge allegiance of
15 the United States of America and to the republic
16 for which it stands. One nation under God,
17 indivisible, with liberty and justice for all.

18 MS. TAYLOR: Alright. For the benefit of
19 the audience, there will be one change to the
20 agenda tonight. We will be removing --

21 MR. PREZIOSI: We just have to do roll
22 call, Loretta, if you don't mind.

23 MS. TAYLOR: Oh, sorry.

24 MR. PREZIOSI: That's okay. Chris is on

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2 the line, so I'll handle it today. Okay.

3 Chairwoman Taylor?

4 MS. TAYLOR: Here, present.

5 MR. PREZIOSI: Member Kimmerling?

6 MR. GEORGE KIMMERLING: Here.

7 MR. PREZIOSI: Member Rothfeder?

8 MR. JEFFREY ROTHFEDER: Here.

9 MR. PREZIOSI: Member Kessler?

10 MR. STEPHEN KESSLER: Here.

11 MR. PREZIOSI: Member Bianchi?

12 MR. THOMAS A. BIANCHI: Here.

13 MR. PREZIOSI: Alright. And Mr. Foley,

14 they will be joining us shortly.

15 MS. TAYLOR: Okay. Very good. As I was

16 saying, there will be one change to the agenda.

17 We will be removing PB 2020-12, which is a

18 Verizon Wireless application. We're going to

19 begin under correspondence and we'll take care of

20 the resolution when we get there.

21 PB 16-99, there's a report dated -- this

22 is correspondence.

23 MR. KESSLER: Loretta, the minutes.

24 MS. TAYLOR: I don't -- did we get them?

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2 MR. KESSLER: From February.

3 MS. TAYLOR: Yeah?

4 MR. ROTHFEDER: He sent them to us.

5 MS. TAYLOR: Oh, I'm sorry, the adoption
6 of the minutes, I'm sorry, please forgive me. The
7 adoption of the minutes of the meeting for
8 February 2, 2021, may I have a motion to adopt
9 them please?

10 MR. KESSLER: So moved.

11 MR. ROTHFEDER: So moved. Second.

12 MS. TAYLOR: Alright. Thank you very
13 much. On the question. I know Bob usually has
14 something to say. He's not here. Okay. So on the
15 question, all in favor?

16 MR. KESSLER: Aye.

17 MR. KIMMERLING: Aye.

18 MR. ROTHFEDER: Aye.

19 MR. BIANCHI: Aye.

20 MS. TAYLOR: Opposed? Very good. Okay.

21 Moving on down to correspondence PB 16-99, report
22 dated April 7, 2021 from WSP regarding the
23 Hollowbrook Golf Club, 2020 Annual Water
24 Monitoring report.

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2 MR. BIANCHI: Madam Chair, I move that
3 we receive and file this report.

4 MS. TAYLOR: Thank you. Second, please.

5 MR. KESSLER: Second.

6 MS. TAYLOR: Thank you. On the question?
7 All in favor?

8 MR. ROTHFEDER: Just on the question --

9 MS. TAYLOR: Yeah, okay.

10 MR. ROTHFEDER: As we discussed earlier,
11 in the work session, Hollowbrook is going to be
12 notified to tone down the use of those couple of
13 chemicals.

14 MS. TAYLOR: Okay. Very good. Any other
15 thing on the question? Any other idea, comment?
16 Alright, then all in favor?

17 MR. KESSLER: Aye.

18 MR. KIMMERLING: Aye.

19 MR. ROTHFEDER: Aye.

20 MR. BIANCHI: Aye.

21 MS. TAYLOR: Very good. Opposed?

22 Alright. Moving along to PB 13-05, that is a
23 letter dated April 27, 2021 from Brad Schwartz,
24 esquire, requesting the 18th 90-day time

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2 extension of final plat approval for the Mill
3 Court Crossing Subdivision located at the south
4 end of Mill Court.

5 MR. KESSLER: Madame Chair, I move we
6 adopt Resolution 10-21, approving the extension.

7 MS. TAYLOR: All rightie, second please.

8 MR. KIMMERLING: Second.

9 MS. TAYLOR: On the question? All in
10 favor?

11 MR. KESSLER: Aye.

12 MR. KIMMERLING: Aye.

13 MR. ROTHFEDER: Aye.

14 MR. BIANCHI: Aye.

15 MS. TAYLOR: Opposed? Okay. Very good.

16 The next area is the resolution that I mentioned
17 earlier, PB 2020-12. We are removing this
18 particular item from the agenda. The applicants
19 will provide additional material so we will not
20 be dealing with that tonight.

21 I'd like to move to old business please,
22 PB 2020-9, the application of CVE North America
23 Inc., for the property of Kirquel Development,
24 Ltd. and Patrick and Sharon Parr, for site

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2 development plan approval and a special permit
3 and for tree removal and steep slope permits for
4 a proposed three megawatt solar energy production
5 facility to be located on two parcels of property
6 located along Red Mill Road at the end, end of
7 Mill Court, totaling approximately 43.12 acres.
8 The latest revised drawings are dated March 20,
9 2021.

10 MR. PREZIOSI: Thank you, Loretta. I
11 promoted Carson Weinand to panelist, as well as
12 the town's consultant, Daniel Biggs. Carson will
13 be representing the applicant and Jared Lusk as
14 well will be representing the applicant. So
15 Carson, go ahead.

16 MR. CARSON WEINAND: Yes, good to see
17 the Board tonight. Thank you for having us.
18 Please let me know if the audio or video cuts
19 out. I don't have great reception right now. I'm
20 traveling. But good to see you all, we just
21 wanted to get back in front of the Board and talk
22 next steps, update the board on what we've done
23 and then talk next steps going forward for the
24 project.

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2 We submitted our biodiversity assessment
3 report that TRC helped us draft, and we're hoping
4 that Weston & Sampson can review that as part of
5 their biodiversity review for the site. So that's
6 the first big update here. Maybe I can pause
7 there if there's anything we want to talk about
8 for that.

9 MS. TAYLOR: Well, we're --

10 MR. KEHOE: Yeah, I do -- sorry,
11 Loretta.

12 MS. TAYLOR: No, there were a couple
13 concerns that people, the Board did have, so
14 members can bring them up, having to do with
15 trees and photos. They wanted to mark the site
16 for, you know, the corners or the edges of some
17 of the panels, etc. All of those things were
18 concerns. This is the time, panel, I mean.

19 MR. KEHOE: But I would think maybe
20 we'll have Daniel talk first.

21 MR. ROTHFEDER: Yeah.

22 MR. KEHOE: Can you promote --

23 MR. PREZIOSI: Daniel Biggs is on the
24 call. He's the town's consultant for biodiversity

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2 on this project.

3 MR. DANIEL BIGGS: Sure. Good evening
4 everyone. So, as Mike and Chris mentioned, we're
5 working on behalf of the Board here to review the
6 biodiversity study done by TRC. So our proposal
7 is that we will review their latest report, which
8 is April, last month, of this year and compare
9 that to Steve Coleman's report from a couple of
10 years ago. And then we would like to tag along,
11 do a site walk with the TRC biologists to get a
12 lay of the land, see what they were looking at,
13 and also make our own review of the site
14 conditions and basically truth what we have heard
15 or was described in the report. And then we'll
16 come back to the Board to describe basically what
17 are findings from that field walk, from our
18 opinion of what's in the field.

19 Past board call or meeting was
20 discussing the bog turtle survey, phase one
21 survey and also vernal pool survey. So those are
22 two specific items that we are going to be
23 looking at. I would note it's late in the season
24 for the vernal pool, the vernal pool season, so

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2 we'll be looking at the report to see how that
3 was addressed or mentioned and then look for
4 evidence of vernal pools hopefully here soon.

5 Otherwise, the field walk is going to
6 have a good review of the entire site and as far
7 as I'm aware, there's two parcels that make up
8 this entire project area, so I want to make sure
9 the biodiversity assessment includes the
10 cumulative entire project area for all of our
11 review.

12 MS. TAYLOR: Are you done?

13 MR. BIGGS: Yeah.

14 MS. TAYLOR: Okay. Alright. So the Board
15 as I mentioned, did have some concerns that they
16 might want to bring up right now.

17 MR. ROTHFEDER: So the one day in the
18 field will be enough time?

19 MR. BIGGS: Yeah, we're thinking, we'll
20 have the review, or their document is pretty
21 thorough just as a first skim surface. We've
22 reviewed Steve Coleman's reports, just skimming
23 it when we put together a scope of work. But I
24 believe a one day field walk will give us a

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2 pretty good assessment. Before we go in the
3 field, we'll have reviewed the report to have a
4 pretty good idea on the resource areas, habitats
5 that were observed and basically accessed by the
6 TRC team. And so a pretty good long day will give
7 us a good handle on what the conditions are and
8 have good eye on what we see in the field.

9 MR. JARED LUSK: Chris, we have Matt
10 Regan on the line from TRC that's here to answer
11 any questions as well. I know that we asked to
12 have him promoted so that he was able to
13 communicate with you. I think maybe is on, if you
14 have any questions for him as well.

15 MR. KEHOE: Well, one thing that the
16 board discussed at the work session is the
17 thoroughness of your submittals, you know, which
18 was the 330 page document, which they're still
19 working their way through. I did look at it,
20 today, and we talked a little bit about the
21 visual impacts and the visual assessments and I
22 sent that over, and I see that I think Laura just
23 responded. So the Board has to review that in a
24 little more in depth. But I do think that in

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2 general though that the Board is willing to move
3 to the next step to go out and do a site
4 inspection while they wait for the biodiversity
5 work to be completed and while they further
6 familiarize themselves with the visual
7 assessments and the noise assessments and things
8 like that.

9 So I think the big, one of the takeaways
10 and Jeff may want to talk some more about the
11 trees, but one of the things is to get out on the
12 site, which will help them with some of their
13 future questions about visual assessment and help
14 them get a better understanding of the forest,
15 compare it with Bartlett trees inventory, you
16 know. So I think the most important thing is to
17 get out there and take a look at it.

18 MR. ROTHFEDER: Yeah, definitely.

19 MR. KEHOE: So what they're leaning
20 towards, what they typically do is the Board will
21 go out on a Sunday morning at 9:00 o'clock, and
22 they're talking about May 23rd at 9:00 a.m.

23 MR. LUSK: That will make -- I did hear
24 that on the workshop session, so 5/23 at 9:00

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2 a.m.

3 MR. KEHOE: Right. Oh, good, if you were
4 listening to the work session, then you also
5 should have heard you've got some work to do to
6 mock up a panel. The Board would really like to
7 get an idea and I think maybe Mike Preziosi and
8 myself will have to talk to you about maybe the
9 best location for that panel markup. Maybe it's
10 closer to some of the residences off of Mill
11 Court or something like that. And then the Board
12 also wants to get a good idea of the limits of
13 disturbance when they're on the field, so they
14 know what they're looking at. So we would need to
15 coordinate that with you prior to the work, the
16 site walk on the 23rd.

17 MR. LUSK: Right. I think I heard from
18 the work session that there were concerns about
19 photos 12 and 13 and the location. Again, just to
20 clarify, I know Laura is on the line. Those, 12
21 was taken from the actual project site, not from
22 anybody's backyard, so you're actually on site
23 looking at it. And 13 is from the town property
24 located to the west. So that's not anybody's

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2 yard, it's town owned land on photo 13 and 12 is
3 actually on the project site.

4 MR. KEHOE: Well, and I may have not
5 made that clear. I wasn't really raising an issue
6 of great concern about whether you were on the
7 private property, just I couldn't fathom where
8 that picture was taken from, because if you were,
9 I am on Red Mill Road, you were like 600 feet
10 away, but it was really close. So it explains
11 that you pretty much on your own property.

12 MR. LUSK: Right.

13 MR. KEHOE: Okay.

14 MR. LUSK: So that's why it probably
15 looks -- I know there were concerns raised about
16 the visibility of it. Well, you're onsite, on the
17 actual project site, practically within the
18 fence.

19 MR. KEHOE: That might be the area maybe
20 to do the mockup for the panel. But I think Mike
21 Preziosi and myself and maybe some people from
22 TRC should talk about that in the next couple
23 days.

24 MR. LUSK: Perfect. And I know you

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2 wanted the -- I think you mentioned the flagging
3 of the boundaries or whatever, so that you would
4 have an understanding of where the site will
5 actually be on the property if possible.

6 MS. TAYLOR: Yes.

7 MR. KESSLER: Yes.

8 MR. PREZIOSI: That's something we would
9 normally require anyway, Jared. It would just be
10 what we call stakeout sketch by your surveyor. So
11 just have him place wood weights in the field
12 along the proposed limits of disturbance based on
13 your most updated site plan. And then have them
14 ribbon it and then during the walkthrough, you
15 know, if you could point them out to the planning
16 board and then also provide us a stakeout sketch,
17 a map showing those areas.

18 MR. LUSK: Okay.

19 MS. TAYLOR: And there were also a
20 request to have paper copies of the assessment
21 report?

22 MR. KEHOE: Yeah, we're hopefully
23 starting to move beyond COVID, so as you've seen,
24 it used to be 12 or 14 paper copies, but we've

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2 been going with the e-mails. But especially for
3 some of these big documents, I think the planning
4 board would like a hard copy that they can mark
5 up and move through. So we can talk about that
6 offline as well.

7 MR. LUSK: Chris, just send me an e-mail
8 of everything you need and we'll provide it.
9 Obviously, there's a lot of paper in each one of
10 these documents. So I know we're, and I'm not
11 trying to be flip, trying to save trees here.

12 MR. KEHOE: That's a constant struggle.
13 There's a feeling that the Board should move on
14 from paper but then the Board still is much
15 comfortable with all of these documents to be
16 able to open it up and work with it.

17 MR. LUSK: That's fine. So just give us
18 how many you need, and we'll get those copied.

19 MR. KEHOE: And then one thing, which is
20 also for Daniel as well, it's a bigger global
21 issue, you might have heard it, is if there's any
22 way we could get some advice and your own
23 consultants could give some advice but the
24 comprehensive overview of the fact that there's

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2 two, three, four of these projects in so close
3 proximity. Nesting birds, their flyover pattern,
4 there's just some discussion about so many of
5 these things so close to one another and maybe
6 from your point of view, they're not really
7 close. But for the planning board, this part of
8 town, and there's one over the border in
9 Yorktown. So that's just something that a board
10 member raised.

11 MR. BIGGS: Okay. We can address that or
12 make note of that in our review.

13 MS. TAYLOR: Has Bob rejoined us, Mike?

14 MR. KESSLER: Yes.

15 MR. PREZIOSI: I think he might still be
16 having trouble with audio, though.

17 MS. TAYLOR: Really? Oh, dear.

18 MR. PREZIOSI: [unintelligible]

19 [00:07:30] but he's on.

20 MR. BIANCHI: Just a question. When this
21 application was for the Mill Court residential
22 subdivision, I don't recall, but was there a tree
23 inventory performed at that time as well?

24 MR. KEHOE: Yes.

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2 MR. BIANCHI: If there was, how
3 different -- I don't remember it. But if there
4 was, how different is it from this one --

5 MR. KEHOE: The trees would all be
6 bigger.

7 MR. PREZIOSI: There would have been,
8 yeah, and the issue really becomes down to a lot
9 of the saplings would now fall under a four
10 incident tree, and then some of the trees that
11 inventoried will be quite considerably larger, so
12 there will probably be more trees being proposed
13 for removal with the solar than the Mill Court
14 Subdivision.

15 MR. BIANCHI: Alright. That's what I was
16 interested in.

17 MR. PREZIOSI: Yeah.

18 MR. LUSK: Yeah, I don't have the
19 number, but remember Mill Creek Subdivision was
20 using a whole lot more of the property,
21 particularly to the east, right. So, I think it's
22 a good question to ask, but I'm not sure that
23 it's necessarily more. I think it's a little bit
24 different, right. That was I think a larger

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2 clearing area than what we're seeing here. Again,
3 different, but similar.

4 MR. BIANCHI: Okay.

5 MS. TAYLOR: Are there any other
6 concerns?

7 MR. WEINAND: The tree survey showed
8 that there's only one or two mature trees on
9 site. It was a pretty low growth young forest.
10 Only one or two rare or endangered trees as well.

11 MR. KEHOE: Well, and that's the type of
12 information that the planning board likes to see
13 when they go out on the site inspection. That
14 will give them a flavor of the forest when
15 they're out there.

16 MR. WEINAND: Mm-hmm.

17 MR. ROTHFEDER: Yeah, but a lot of them,
18 I mean that's true, it's a young forest, but I
19 don't know why that's a problem about the forest,
20 meaning that it's young and growing. So I didn't
21 quite get that as a point that Trevor even made
22 that point in his report. But they've grown quite
23 a bit now since we first looked at a Mill Court I
24 believe because a lot of them are over four

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2 inches now.

3 MR. WEINAND: Mm-hmm.

4 MR. ROTHFEDER: And the average was
5 what, six to 20 something. So, anyway, we need to
6 see them.

7 MR. WEINAND: Yeah. Okay. I think we
8 also had some comments about next steps for a
9 public hearing. We were suggesting maybe --

10 MS. TAYLOR: Yeah.

11 MR. WEINAND: -- having the public
12 hearing at the June meeting.

13 MS. TAYLOR: Okay. Well, I think the
14 Board would be happier doing, reversing the July
15 and June meetings, okay. So we would do the,
16 sorry, I'm trying to find your suggestion in your
17 paper. You would do, we would do the biodiversity
18 report first. That's the one in June, and then we
19 would go to the public hearing in July, okay.

20 MR. WEINAND: Okay.

21 MS. TAYLOR: Alright.

22 MR. WEINAND: Yeah, just a couple more
23 notes about the trees I guess, while we're all
24 here. You know, I know we are clearing a handful

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2 of trees, it's kind of ironic to clear trees to
3 install solar, but if you were to do the math, on
4 avoided carbon basis, on a carbon basis, you're
5 avoiding much more carbon, it's much better for
6 the environment to have the solar there than the
7 trees, if you can believe it. The amount of
8 carbon that's avoided versus the amount of carbon
9 that's sequestered and removed by the trees is
10 greater.

11 You know, we're only clearing what's
12 necessary. Underneath the panels, we'll be
13 planning pollinator friendly vegetation. We think
14 it's a very low impact site to begin with. It'll
15 be grasses and flowers underneath. We're filing a
16 reforestation plan with the town, we're going to
17 make sure to fully remove the site at the end of
18 its useful life, and replant trees according to
19 your code. And we're even making a contribution
20 to your tree fund up front for any of the trees
21 that we can't replant upfront today. So
22 hopefully, we can work through the tree issue.

23 MR. ROTHFEDER: That issue about, that's
24 an interesting point about the carbon capture of

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2 the trees versus what you're getting replacing
3 with solar energy.

4 MR. WEINAND: Yeah.

5 MR. ROTHFEDER: It's been something that
6 I haven't been looking into a lot, and the value
7 of trees in terms of carbon capture. So if you
8 have any data about that, or if you guys have put
9 together anything, just send it to the Board. I
10 think we'd like to see that.

11 MR. WEINAND: Sure. Yeah, we can submit
12 a memo on that for the next, for the June
13 meeting.

14 MR. ROTHFEDER: Okay. Great, thank you.

15 MS. TAYLOR: Are there any other
16 concerns or comments?

17 MR. KIMMERLING: No.

18 MS. TAYLOR: Okay. Well, I guess we're
19 done --

20 MR. ROTHFEDER: Madam Chair, I move that
21 we set a site visit for the 23rd at 9:00 a.m. and
22 send this back to staff.

23 MS. TAYLOR: Thank you. Second please.

24 MR. KIMMERLING: Second.

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2 MS. TAYLOR: Thank you.

3 MR. WEINAND: When do Weston & Sampson
4 plan to head out?

5 MR. BIGGS: We have to coordinate, my
6 [unintelligible] [00:22:33] just actually got
7 sick late last week, so I'm going to be in touch
8 to know when we can get on the site.

9 MR. WEINAND: Okay. In May?

10 MR. BIGGS: We're hoping May, yes.

11 MR. WEINAND: That's obviously the
12 pandemic, so.

13 MR. BIGGS: Yeah.

14 MR. LUSK: And Chris, do we anticipate
15 when engineering and planning will have, and fire
16 will have comments in response to our recent
17 submission?

18 MR. KEHOE: Well, I think I've got to
19 double check. I believe we refer the latest
20 drawings over to fire because you made some
21 pretty substantial redesigns to address their
22 comments. I'll double check with Holly and
23 Martin. And then I know --

24 MR. PREZIOSI: Chris, we actually do

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2 have a fire advisory board meeting coming up in
3 which the solar applications will be discussed.
4 So that should happen with the next two weeks.
5 And then we can re-review the submissions and
6 check against the past memorandum that we were
7 provided. But we'll do a final review member
8 after the public hearing to incorporate any of
9 those public comments as well.

10 MR. LUSK: Perfect, thank you. We were
11 just trying to understand that timing as well.
12 Thank you very much. See you all on May 23rd at
13 9:00 a.m.

14 MS. TAYLOR: We'll see you then. Thank
15 you.

16 MR. WEINAND: Thank you.

17 MR. KESSLER: We have to vote don't we?

18 MR. KIMMERLING: We're still on the
19 question.

20 MR. LUSK: Oh, I'm sorry.

21 MS. TAYLOR: Alright. We were, excuse
22 me. On the question, all in favor?

23 MR. KESSLER: Aye.

24 MR. KIMMERLING: Aye.

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2 MR. ROTHFEDER: Aye.

3 MR. BIANCHI: Aye.

4 MS. TAYLOR: Opposed? Alright. There we
5 have it.

6 MR. LUSK: Have a great evening.

7 MR. KESSLER: You too. Thank you.

8 MS. TAYLOR: All rightie.

9 MR. LUSK: Thank you.

10 MR. KIMMERLING: Thanks, you too. Bye.

11 MR. KEHOE: And just, Bob is listening.
12 He's really having trouble with his audio, so he
13 is listening, but he won't be able to speak.

14 MR. PREZIOSI: I think if he's a phone,
15 it's maybe I think star six or star nine allows
16 him to unmute.

17 MS. TAYLOR: Can you tell if he's -- I
18 guess he's not back then.

19 MR. KEHOE: Yeah, he's still muted.

20 MS. TAYLOR: Okay. Well, I guess what
21 we're going to do, he can hear us now, so you can
22 tell him that we're going to go on and go back to
23 the, I guess the regular session.

24 MR. PREZIOSI: Okay, Loretta, you can

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2 move on to the next agenda item.

3 MS. TAYLOR: This is the public hearing
4 PB 6-15, the application of Hudson Ridge Wellness
5 Center for site development plan approval and a
6 special permit for a hospital to be located at
7 the form Hudson Institute property to provide a
8 New York State Office of Addiction Services and
9 Support, oh I'm sorry. Excuse me. To provide a
10 New York State Addiction Services and Support
11 certified 92-bed facility to treat individuals
12 with chemical dependency issues, located at 2016
13 Quaker Ridge Road. Latest revised drawings dated
14 March 20, 2019. Alright. Do we -- there are --

15 MR. ROBERT DAVIS: Yes, good evening.

16 MS. TAYLOR: Hi, how are you?

17 MR. DAVIS: Good, how are you tonight?

18 MS. TAYLOR: I'm good. Thank you very
19 much.

20 MR. DAVIS: Sure. I'm Bob Davis,
21 attorney for the applicants, and I'll be fairly
22 brief tonight and we do have a couple of speakers
23 in addition to myself.

24 MR. KESSLER: Wait.

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2 MS. TAYLOR: Bob, Bob.

3 MR. KESSLER: Bob, just wait.

4 MS. TAYLOR: We will have -- I need to
5 make a particular announcement before you begin.

6 MR. DAVIS: Sure.

7 MS. TAYLOR: So let me go ahead and do
8 that. This is for the benefit of all the
9 attendees and public, that we will be, by
10 tonight's end, we will be sending this material
11 back, this application back to the ZBA, because
12 there are certain legal issues which we have just
13 been made aware of, which would necessitate us
14 returning that back to them. Josh Subin, as our
15 legal attorney here, our legal counsel, he might
16 -- are you there? Josh?

17 MR. SUBIN: Yes, I'm here, Loretta.

18 MS. TAYLOR: So Josh can maybe explain
19 this so that it will make better sense, but it's
20 simply a matter of certain legal issues that we
21 can't move much further on tonight. So we will be
22 returning this to the ZBA at the conclusion of
23 tonight's meeting. Josh do you want to take a
24 minute to explain what the situation is?

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2 MR. SUBIN: Sure. There's been a line of
3 legal cases that suggests a zoning board of
4 appeals does not have authority to fully
5 eliminate or waive a condition on a special
6 permit. There was a case that came out in March.
7 It's Muller v. Zoning Board Appeals town of
8 Lewisboro. This is not suggesting they don't have
9 the authority or do have the authority. These
10 issues have been raised specially whether a
11 special permit condition that requires frontage
12 on a state road can be fully eliminated or
13 waived. It's the issue at large and I'm sure when
14 it gets to the zoning board and their authority
15 to either waive or modify that condition or vary,
16 would be the issue that [unintelligible]
17 [00:28:53] send it back over there.

18 MS. TAYLOR: Alright.

19 MR. DAVIS: May I be heard on that?

20 MS. TAYLOR: Well, let me just finish
21 one second. I want to let the public know,
22 because some of them will choose to stay and some
23 may choose to leave at this particular point. I
24 want to announce that the public hearing will

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2 remain open on this application. It will remain
3 open and in the interim, you can send comments or
4 questions to Chris Kehoe at the planning office.
5 And all of the comments that we receive always
6 become part of the record, so whether you're
7 actually orally delivering your comments or
8 whether you send them via e-mail, they will be
9 included. So again, the public hearing will begin
10 in a moment, the opportunity for the public to
11 speak in a few minutes. But, if you decide you
12 don't want to stay, please know that you can, you
13 know, write in anything that you have to say to
14 Chris, who will forward your materials to us.
15 Okay, Mr. Davis, you wanted to say something?

16 MR. ROTHFEDER: You want to give the
17 ground rules for the public meeting, Loretta?

18 MS. TAYLOR: Yeah. Well, it is a public
19 meeting. I'm sorry.

20 MR. ROTHFEDER: Yeah, but do you want to
21 give the ground rules, that we're running until
22 9:00 o'clock and --

23 MS. TAYLOR: Oh, thank you for reminding
24 me. Thank you so much. This is the public hearing

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2 for PB 6-15. This is the application for Hudson
3 Ridge Wellness Center. This part of the hearing,
4 the applicant will make the first remarks, as an
5 opening presentation and he may or may not have a
6 consultant to follow if he needs further
7 explication. Then the public will be permitted to
8 speak.

9 If you are using Zoom, please use raise
10 your hand function to speak and you will be
11 promoted to speaker in the order in which your
12 hand is raised. Please be as brief as possible to
13 allow time for others to speak. Wherever
14 possible, avoid repeating comments that have been
15 already been made and keep your comments to
16 specific issues that are related to this
17 application.

18 Don't expect questions to be answered by
19 the applicant or the planning board at this
20 particular meeting. They will be responded to by
21 the applicant at subsequent meetings. Please
22 avoid heated exchanges, the public hearing is not
23 a location for debate or back and forth
24 exchanges. It is to get your questions or issues

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2 into the record.

3 The hearing tonight will end at about
4 9:00 o'clock, if not before. And as we mentioned
5 earlier, will be adjourned until it returns from
6 the ZBA. Alright. So, at this point, I think Mr.
7 Davis needed to speak, so let's have you speaking
8 at this point, Mr. Davis, please.

9 MR. DAVIS: Thanks, Ms. Taylor. I'll
10 give the presentation I was going to make and
11 I'll have some particular focus on the comments
12 the Board made about the ZBA referral for sure,
13 because I was going to address that.

14 First of all, we have received the
15 latest letter from Mr. Schwartz, where is which
16 this supposed issue, which is a nonissue arises.
17 The fact that we refrained from responding to
18 everything he says in deference to the request of
19 the Board and staff, that we avoid back and forth
20 correspondence should not be deemed any admission
21 of its validity. As agreed with the Board, we'll
22 respond in writing to pertinent comments at the
23 end of the hearing.

24 In that regard, I note Mr. Schwartz's

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2 initial comment that he's pleased the Board will
3 allow the public to review and comment on the
4 applicant's responses, I'm not sure the Board
5 actually agreed to that as he states. But once
6 again, I point out that just as provide in SEQRA,
7 with respect to final environmental impact
8 statements, where an applicant responds to public
9 comment and that's the end of the process. It is
10 the applicant that gets the last word on his own
11 application, and in short, neighbors don't get to
12 keep commenting on the applicant's response to
13 comments because obviously that would go on
14 forever.

15 Otherwise, I'll respond briefly to a
16 couple of legal points raised by Mr. Schwartz in
17 his letter, including the one you alluded to.
18 First, and yet again questioning the applicant's
19 credibility, he cites the case of Green v. Weiss.
20 In that case, the court said that a zoning board
21 can consider the lack of candor and good faith of
22 an applicant who operated a cabaret business
23 because in that case, he had intentionally misled
24 the Board with respect to his intended use of the

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2 premises.

3 First, unlike that case, notwithstanding
4 the accusations to the contrary, about false
5 representations, the applicants are not
6 misleading the Board with respect to their intent
7 of use of the property or in any other way. And
8 second, the cited case involves zoning board
9 proceedings which are quasi-judicial in nature
10 where the credibility of witnesses is an issue.
11 This planning board proceeding is such a quasi-
12 judicial proceeding.

13 I'm just going to switch to my gallery
14 view here. Furthermore, we have pointed out time
15 and again, that the investors in this specialty
16 hospital, of which there are a number, not just
17 one, will not be directing its operations.
18 Experienced management people will be retained.
19 There will be an experienced board of directors.
20 The regulations themselves require a medical
21 director who must be a physician. And at the
22 outset, there will be a staff of at least 40
23 professionals, doctors, nurses, and other
24 licensed professionals.

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2 Now, getting to Mr. Schwartz's case,
3 that the chairperson alluded to, he cites another
4 case in his letter of Muller v. the Zoning Board
5 of the Town of Lewisboro for questioning whether
6 the zoning board has the power to grant relief to
7 the applicants from the state road frontage
8 requirement.

9 Now, this is the third time that Mr.
10 Schwartz, on behalf of his clients has raised a
11 spurious issue of interpretation before the
12 zoning board that has costs years in this
13 application.

14 First, we had to determine whether the
15 variance granted from the state road frontage
16 requirement was an area variance or a use variance.
17 That case went to the Supreme Court Westchester
18 County. The zoning board ruled in favor of the
19 applicant on that. That it was an area variance
20 in accordance with clear existing law. And since
21 then, two courts at least, as Mr. Schwartz knows,
22 have ruled. One, the Appellate Division, Second
23 Department and one the Supreme Court Westchester
24 County, in a case involving the Sunshine Home in

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2 Newcastle, which you've heard about, both of
3 which held that an area variance is what one does
4 to vary a state road frontage requirement, the
5 exact same requirement.

6 Now, all the case that he cites, Muller
7 v. Town of Lewisboro does is re-cite the existing
8 law. Of course, special permit requirements may
9 not simply be waived or disregarded. The law is
10 clear on that. But what the law is also clear
11 about, starting with the Court of Appeals in
12 numerous cases that we cited in that other zoning
13 board case that he initiated, have held that one
14 gets an area variance or seeks an area variance
15 to vary a special permit requirement.

16 That is the clear law of the State of
17 New York, and there's no reason in the world why
18 that being understood by the town attorney's
19 office has to be sent to the zoning board to
20 waste yet more months in this process. The law is
21 100 percent clear. The case in Muller v. ZBA only
22 supports the applicant. It clearly discusses in
23 that case, although they denied it in that case,
24 upheld the denial in that case, that one can vary

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2 a special permit requirement. It's provided right
3 in the statute of state law. It's provided in
4 dozens of cases and one seeks an area variance.
5 And the applicant has sought such an area
6 variance.

7 The case cited is 100 percent irrelevant
8 to this case, and there's no reason in the world.
9 This is a travesty to refer this back to the
10 zoning board. So that's all I'm going to say on
11 that. It's an absolute outrage and it's certainly
12 going to subject the town unnecessarily to legal
13 action.

14 I'll just finish up by talking about
15 another legal point Mr. Schwartz raised,
16 including about possible unlawful segmentation
17 under SEQRA, claiming that the Board can't rely
18 on the applicant's representation that they have
19 no plans other than those in their application.
20 The Board has recognized that it's addressing
21 only the application before it, which is the
22 proper thing to do. And as you know, improper
23 segmentation only occurs when an applicant has
24 definitive plans for the property, which is

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2 before the Board. No such plan exists in this
3 case.

4 To prevent his baseless speculated
5 segmentation, Mr. Schwartz calls for the Board to
6 require a conservation easement on the
7 applicant's affiliates' 48-acre property in
8 Newcastle. The applicants have stated from the
9 onset they've put a restrictive covenant on that
10 property to keep it in its existing state so long
11 as the Cortlandt property is used as a hospital.
12 So there's no basis whatsoever to put a
13 conservation easement on the Newcastle property
14 to prohibit its use in perpetuity, even if
15 there's no hospital, or the hospital use ceases.

16 And by the way, the board has no legal
17 authority to impose such a conservation easement
18 on the applicant's property or on its affiliates'
19 property in Newcastle.

20 Further, with respect to the access
21 easement on the other affiliates' property, as we
22 stated in my letter of April 7th, the applicant
23 would likewise place a restriction as a condition
24 of approval on that property, on the easement on

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2 that property, so that it would never be used in
3 connection with the hospital.

4 Of course, if somebody it's not used, or
5 if it's never used for a hospital, then that
6 issue would be revisited. Of course, as the Board
7 noted, they would have approval authority in any
8 event.

9 But I must tell you, that Mr. Schwartz
10 sort of raised this matter parenthetically in his
11 last letter. He said it raises a question. He
12 didn't argue any of the case law that I've cited.
13 It is absolutely absurd that this matter should
14 be referred to the zoning board.

15 It's a basic issue of New York law that
16 every zoning lawyer knows about, knows the answer
17 to. I'm 100 percent certain of that and I would
18 certainly respectfully ask the town attorney's
19 office to revisit that case so we don't go down
20 another road that everyone will be extremely
21 sorry for. I can promise you that. So at this
22 point, and I'm sorry but that, I'm shocked by
23 that. So I apologize for my tone, but I feel very
24 strongly about what has just happened here.

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2 So at this point, what I'm going to do,
3 since we have two speakers, what we wanted to do
4 was refresh the Board's recollection, as most of
5 the impacts cited have something to do with
6 traffic in one way or another, we're going to
7 have our first speaker, Rich Pearson, update his
8 PowerPoint that he gave to the Board in January
9 2019. And he'll take you through those issues and
10 answer any questions. And then we have one of the
11 consultants who appeared ironically before the
12 zoning board on the last issue of whether this
13 was a hospital or not.

14 Brian Baldwin, who is an expert
15 consultant testified and made submissions to the
16 zoning board, which you have copies of, and he's
17 a former employee of OASAS. So he's an expert on
18 the regulations and he's one of our management
19 consultants we've been working with for a number
20 of years now. So first I'll turn the floor over,
21 if I may, to Mr. Pearson.

22 MR. ROTHFEDER: Could I ask you one
23 question before you do that?

24 MR. DAVIS: Yes.

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2 MR. ROTHFEDER: You're going to need to
3 get an area variance anyway, right.

4 MR. DAVIS: Correct.

5 MR. ROTHFEDER: So, why not just do it
6 now?

7 MR. DAVIS: We've been through this for
8 a long time, Mr. Rothfeder. We were before the
9 zoning board, we won that case of whether we can
10 get an area variance or not, whether that's an
11 area variance is appropriate to vary this
12 particular special permit requirement. And the
13 town attorney at that point, we started a public
14 hearing before that board on the issue back in
15 April 2017, four years ago, and we were referred
16 to your board appropriately by Town Attorney
17 Wood, because your board is lead agency under
18 SEQRA, to do your SEQRA analysis. The zoning
19 board cannot render an action on the variance
20 until you make a SEQRA declaration. So that's the
21 main reason. I would suggest you consult with
22 Attorney Wood on that, he gave proper advise on
23 that.

24 In the middle of our proceeding before

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2 your board, as if déjà vu, we had yet another
3 instance of the issue being raised to the
4 building inspector of whether this was a hospital
5 or not. So we ended up losing another year or
6 more having that out and litigating that
7 proceeding, where Judge Cacace ruled in our
8 favor.

9 So, here we go once again, back to the
10 zoning board, not for a variance, because they
11 don't have the lawful authority to grant it
12 without a SEQRA determination, which is what you
13 were working on and what we assumed we would have
14 in the next few months, and we'd submit
15 everything on that and respond to public comment.
16 But once again, it appears we're headed,
17 wrongfully, in my very strong view, back to the
18 zoning board for an interpretation on a question
19 that's been resolved by the courts of New York
20 definitively for at least 20 to 30 years at this
21 point. So I hope that answers your question.

22 MR. ROTHFEDER: It does.

23 MR. DAVIS: Thank you. So if we can hear
24 from Mr. Pearson, he should be available to join

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2 us.

3 MR. RICHARD PEARSON: Good evening,
4 Richard Pearson with JMC. Michael, I'm hoping you
5 can also have Kevin Masciovecchio from our office
6 be able to show a PowerPoint that we have. Most
7 of that PowerPoint was presented to your board,
8 as Bob said, on January 2019.

9 MR. PREZIOSI: So, Rich, Kevin has been
10 promoted, and for any presentation material
11 that's provided, please make sure it gets sent
12 over to Chris Kehoe for the record.

13 MR. PEARSON: We will, thank you. Next
14 screen please, next slide. So the first nine or
15 ten slides or so are slides that we previously
16 presented essentially to you back in January of
17 2019. I'll go over those items relatively
18 quickly. I know you've spent a lot of time on
19 this project, but it has been more than two years
20 since we made our presentation and most of what
21 you've been hearing recently is from the
22 residents and the representatives.

23 So, as far as an overview, there would
24 be no potential for any significant and adverse

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2 traffic impacts on the neighborhood. There would
3 be no impacts on historic road character. The
4 site generated traffic would be staggered over
5 four scheduled off-peak shifts and there would be
6 two shuttle vans that would be provided to
7 transport the employees and the clients.

8 The proposed use would generate less
9 traffic than other uses permitted as of right,
10 such as religious uses, schools, government
11 office buildings and would generate traffic
12 similar to a 20 or 24 lot residential
13 subdivision, which could be developed on the
14 applicant's property combined with the adjacent
15 affiliates for the roughly 48 acres of property.
16 Even with the ultra conservative assumptions and
17 analysis that we have as part of our study, which
18 we've been working on since 2014, the traffic
19 would not cause any discernible delays on the
20 area roadways.

21 The levels of service are rated similar
22 to a report card, and level of service A is the
23 best, level of service F is the most undesirable.
24 All of the intersections that we studied operate

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2 at the best possible level of service A.

3 The traffic generated by the site is
4 well below the existing excess capacity to absorb
5 the traffic and there's ample onsite parking that
6 would be provided. We have the parking
7 anticipated and we have more parking that could
8 be provided if ever needed in the future.

9 As part of this review, the town hired a
10 traffic expert, Carlito Holt, with Provident
11 Engineering, and he did a very thorough review of
12 the application, there were a number of letters
13 back and forth between Carlito's firm and my
14 firm. And we had meetings with the town staff and
15 the planning board to work through these issues.
16 As part of that, we developed a traffic
17 management plan, which would continue upon
18 approval and completion of the project to ensure
19 that the proposed mitigation and improvements
20 would be implemented.

21 The applicant, we have addressed all of
22 the town's traffic consultant comments to his
23 satisfaction as of April 2019. And the project
24 has not been modified since that time. Next

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2 slide, please.

3 MR. KESSLER: Can I ask a question
4 first? How do you decide who shuttles and who is
5 allowed to go -- which employees are allowed to
6 drive onto the property?

7 MR. PEARSON: That would be done as part
8 of the operations of hiring the employees. It
9 would be something that they would be aware of at
10 the beginning of the process. The thought was
11 more that some of the people coming in, some of
12 the doctors and things like that, would not be
13 taking the shuttle, but some of the various staff
14 positions would be. So this, it's all in an
15 operations plan that they would have in advance
16 and we could give you specifics on that.

17 MR. KESSLER: Are you going to restrict
18 any employees from being able to drive onto the
19 property?

20 MR. PEARSON: At certain -- yes, I mean
21 as part of that, part of how they get hired is
22 they would have an understanding that they would
23 not be driving to the property, certain
24 employees, yes.

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2 MR. KESSLER: Good luck.

3 MR. PEARSON: So one of the big
4 questions, when we were going through the process
5 with your traffic consultant was the width of
6 Quaker Ridge Road. Based on the existing traffic
7 volumes as well as the anticipated volumes with
8 our project and other projects in the area, it
9 was determined that a 20 foot wide roadway would
10 be appropriate for the traffic volumes and what
11 we've done over the last couple of years is
12 looked at the existing pavement widths. It's
13 actually, the actual pavement along the vast
14 majority of Quaker Ridge Road along our frontage
15 is 20 feet wide, yet there is an overburden of
16 dirt and grass and other vegetation, which has
17 encroached slightly into the roadway. So the
18 intention is to remove that overburden similar to
19 what the town of Newcastle did when they did a
20 resurfacing project a couple of years ago just
21 south of the property. We would remove that
22 overburden and then if there's certain areas
23 where the pavement is broken up or if there was a
24 minor widening that would be needed to achieve

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2 the 20 feet, then we would provide that. And we
3 did provide a plan showing those proposed
4 improvements.

5 It was actually Ralph Mastromonaco's
6 office, part of the team, who had submitted that
7 plan previously. And with that, there would be an
8 excess capacity of about 800 additional daily
9 vehicles, even with our traffic. So the 20 foot
10 roadway would be sufficient for the proposed use.

11 And there would be, as part of the
12 improvements also, there would be improvements to
13 the site driveway. We would be improving the
14 angle of the driveway to make it a 90 degree
15 angle and we would be widening the radii at the
16 driveway to accommodate the fire truck apparatus,
17 which we coordinated with the Croton-on-Hudson
18 Fire Department, which serves the area. Next
19 slide, please.

20 Regarding the site generated traffic, we
21 would have two 15-passenger vans to take the
22 employees to pick up points outside of the area,
23 including a park and ride facility at the
24 Roosevelt Park and then the Croton train station

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2 as well. The existing peak hours on the road are
3 from 7:00 to 8:00 a.m. and 3:45 to 4:45 p.m. The
4 shift hours for this project would be 6:00 a.m.
5 would be the first shift, from 6:00 a.m. to 2:00
6 p.m., and then what we call shift 1A is 9:00 a.m.
7 to 5:00 o'clock p.m. and shift two is 2:00
8 o'clock p.m. to 10:00 o'clock p.m. and shift
9 three is 10:00 o'clock p.m. to 6:00 o'clock p.m.

10 The visitation for each patient would be
11 limited to one weekend day per month with only 25
12 percent of the patients having visitation on any
13 weekend. The patients would not be permitted to
14 have vehicles on site or use vehicles during
15 their stay. And there would be no outpatient
16 emergency services.

17 The estimated supplies to the hospital
18 are five to six per week, weekdays only as well
19 as a once-a-week garbage and laundry service,
20 daily UPS vehicles, some of which would already
21 be driving within the area. Delivery vehicles
22 would be directed to arrive via routes 9 and 9A
23 for Crotonville, tractor trailer trucks would be
24 prohibited.

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2 Daily site generated traffic volumes
3 will be approximately 60 entering and 60 existing
4 vehicles spread over 24 hours with the use of the
5 proposed shuttles. Approximately 95 percent of
6 the traffic travels to the south of the site in
7 Newcastle and working their way to the other
8 roadways, as mentioned, 120 trips, far less than
9 the 800 trips of surplus capacity along Quaker
10 Ridge Road, based on the American Association of
11 State Highway and Transportation Officials,
12 ASHTO, guidelines which Carlito Holt had used as
13 part of his analysis of our project. And there
14 would be no significant impact on
15 [unintelligible] [00:53:39-00:53:49].

16 The, this table is a comparison of our
17 proposed development as compared to other uses
18 which could be provided. I won't spend a lot of
19 time on the comparison but, but as you can see is
20 our project would be similar to or less than
21 other potential uses such as a school or place of
22 worship, a medical or dental office building and
23 the presently approved 225 employees of an office
24 building, which previously was at the site. Next

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2 slide, please.

3 As I mentioned before, the levels of
4 service for traffic now sees [unintelligible]
5 [00:54:37] being the best with the shortest
6 delays to F, and all the intersections operate
7 out of the level of service A. And when we did
8 the analysis, we didn't take any credit for the
9 shuttle vans, so in reality, I guess you can't
10 get better than an A, because there's no A pluses
11 to traffic, unfortunately. But all the
12 intersections operate well within their
13 capacities.

14 We added the peak hour traffic to the
15 existing roadway traffic, even though our traffic
16 is out of phase with the actual peak hours of the
17 roadway traffic. So we did a conservative
18 analysis and overlaid our peak on the roadway
19 peak even though they do not coincide.

20 We also combined shifts one and 1A, even
21 though they are three hours apart. Again, just to
22 be conservative with our analysis. And there was
23 some question of whether or not we included the
24 Sunshine Home expansion as part of our analysis

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2 and we did include Sunshine Home. Ninety-five
3 percent of our traffic, as I mentioned before,
4 goes to and from the south on the site, with only
5 about five percent traveling to the north on
6 Quaker Ridge Road.

7 The town of Ossining hired Frederick P.
8 Clark Associates to review the project and Mike
9 Galante from Frederick P. Clark Associates
10 reviewed this for the town of Ossining. And as
11 part of Mike's review memo, it said it's our
12 opinion that the proposed use of the site in
13 Cortlandt will have an insignificant, if any
14 impact on the overall operation of roadways and
15 intersections within the town of Ossining.
16 Results of the analysis indicate levels of
17 service would not change, which they agreed with.
18 Next slide, please.

19 This is a table showing the
20 intersections analyzed and that without getting
21 into all the details, as you can see, they are
22 all operating at level of service A for all the
23 various turn movements that we analyzed during
24 both the weekday a.m. hour and weekday p.m. hour.

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2 Next slide.

3 The traffic management plan, as I
4 mentioned, we coordinated with your traffic
5 expert, the town's traffic expert to develop the
6 traffic management plan. Some of the measure I've
7 already described, but to go through them
8 quickly, the patients will not be permitted to
9 have vehicles on site, or use vehicles during
10 their stay. The employee arrival and departure
11 times will be scheduled outside of existing peak
12 traffic hours on area roads. Staffing will
13 consist of four shifts, two shuttle vans will
14 transport a substantial number of employees from
15 picked up points outside the area.

16 The estimated supply deliveries to the
17 hospital are five to six a week, weekdays only,
18 as well as once a week garbage and laundry
19 service and daily UPS vehicles. Delivery vehicles
20 will be directed to arrive via Route 9 and 9A
21 through Crotonville. Tractor trailer trucks will
22 be prohibited.

23 The existing security gate will be
24 relocated and remain open during the day. The

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2 existing entranceway will be improved to prevent
3 any queuing on Quaker Ridge Road. The driveway
4 slope will be reduced as part of the proposed
5 project improvements.

6 Visitation for each patient is limited
7 to one weekend day per month, with only 25
8 percent of patients having visitation on any
9 weekend. Snow removal and grounds maintenance
10 will be handled on site. There will be more than
11 adequate parking on site, much is already
12 existing. The specialty hospital will require
13 much less parking than a general hospital or a
14 nursing home because it will have much fewer
15 people coming to the site than those users --
16 than those uses, excuse me.

17 There is no emergency room or outpatient
18 treatment, visitation is very limited, many
19 employees will use the shuttle vans. There will
20 be an ongoing parking utilization monitoring
21 program which will require reporting to the town
22 with similar reporting on traffic along Quaker
23 Ridge Road and the site driveway.

24 The applicant has sought a parking

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2 waiver as part of the application, whereby 65
3 spaces are provided. There's 33 existing spaces
4 today. And we would have the ability to provide
5 up to 129 spaces associated with the hospital
6 parking requirements. Next slide please.

7 MS. TAYLOR: Excuse me, Mr. Pearson?

8 MR. PEARSON: Yes?

9 MS. TAYLOR: Do you plan to go through
10 all 22 of these slides?

11 MR. PEARSON: Yes, but I'll be quicker.
12 Those are the long ones.

13 MS. TAYLOR: We -- pardon me?

14 MR. PEARSON: Those were the long ones.

15 MR. KESSLER: Yeah, but a lot of it's
16 redundant. I mean you're saying things
17 [unintelligible] [00:59:31].

18 MS. TAYLOR: Yeah, a lot of it is
19 repetitious and we do have to get the public on.

20 MR. PEARSON: Okay. Alright.

21 MS. TAYLOR: Those of them who want to
22 speak.

23 MR. PEARSON: Understood. So I will go
24 quickly through these. In fact, this slide, I've

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2 already said much of which is already on the
3 slide and I'll try to be as quick as possible.
4 Next slide, please.

5 This relates to the comments from
6 Chazen. They submitted their letter dated March
7 23, 2021. Their comments are shown in black and
8 the original question regards the roadway width.
9 They were of the opinion that it's about 18-and-
10 a-half feet wide and that the roadway should be
11 surveyed. The roadway was surveyed by a licensed
12 surveyor as part of our team and it is 20 feet
13 wide in almost all the areas that I mentioned.
14 And it would just be minimal widening. Next
15 comment, next slide please.

16 Chazen also questioned the traffic data
17 and said that it should be updated. So we did do
18 some counts recently and those counts along our
19 frontage show that the current volumes are
20 essentially similar or less than the volumes
21 counted in 2017. We also did a comparison of the
22 volumes in 2014, during the peak hours, as shown
23 as Table A in the lower left corner and the
24 volumes today and in 2017 are lower than the

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2 volumes we used in our 2014 traffic analysis,
3 which had everything at level of service A.

4 Chazen also requested that, or suggested
5 that there be pedestrian and bicycle counts. We
6 did do those counts recently along the frontage
7 and as you can see on Table B, there's very low
8 pedestrian and bicycle volumes along the areas.
9 Those represent the number of pedestrians and
10 bicycles during one hour increments on a Saturday
11 and on a weekday. Next slide, please.

12 The traffic generation Chazen commented
13 on and again, just reminding the Board that the
14 applicants had this all reviewed by your planning
15 board traffic consultant. And Chazen had said
16 there should be some counts of an existing
17 similar facility and we had provided counts from
18 the High Watch Recovery Center in Kent,
19 Connecticut that was included in our original
20 report. Next slide, please.

21 Truck activity, Chazen had talked about
22 the trucks and said that there's no
23 substantiation of these estimates and so the
24 actual truck activity is based on discussions

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2 with the consultants' experience in the operation
3 of numerous similar facilities that's been part
4 of our team. Next slide.

5 The credit for the shuttle usage, I've
6 spoken about this and the shuttle service will be
7 condition of site plan approval and will be
8 monitored as part of the traffic management plan.
9 Next slide.

10 The staging for the shuttle service, the
11 Chazen comments, look for some more specific
12 information from FDR Park, and some guarantees
13 and we have had discussions with FDR Park
14 representatives and in the event that the Park
15 and Ride is not available in the [unintelligible]
16 [01:03:07], would secure another facility as
17 required and other public transportation hubs
18 would be utilized by the shuttle service as well,
19 bus stops, train facilities, etc. Next slide.

20 The location relative to a major roadway
21 saying in a Chazen comment that these facilities
22 are, you know, always suggesting somewhat that
23 they're always on major roadways and that there
24 would be issues if we were not. The High Watch

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2 Recovery Center that I mentioned earlier in Kent,
3 Connecticut is situated on a very similar road.
4 The patients required lesser amount of level of
5 care than as a general hospital, and we do have
6 alternate routes to the proposed facility in the
7 event that there was a closure south of the
8 project driveway. Next slide.

9 Chazen also questioned the fire
10 department access. We do have our design based on
11 the meeting with the Croton-on-Hudson fire
12 department, including the fire chief, and there
13 was no issues raised at the onsite meeting.
14 Chazen also suggested that the return trip for a
15 fire truck would have to use a K-maneuver as it
16 left the property at the end of our driveway and
17 suggested that was unusual. But, as we have shown
18 here, circled in red in the lower right corner,
19 the K-turn maneuver, it's a standard maneuver,
20 which is contained in the New York State fire
21 code, Appendix D. So it's very typical. Next
22 slide, please.

23 There was a question about town of
24 Newcastle and town of Ossining review. As I

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2 mentioned before, the town of Ossining had their
3 consultant, Frederick P. Clark Associates review
4 the project and concluded that we would not have
5 an impact. The town of Newcastle, the town board
6 recently questioned whether there had been
7 coordination regarding the project. The applicant
8 had submitted a detailed letter, dated January
9 18, 2018, which addressed all the comments from
10 the town of Newcastle dated November 14, 2017.
11 Again, the project has not changed since the
12 letter was submitted. Next slide.

13 Just briefly on landscaping, I know that
14 came up at the last meeting. We do have extensive
15 landscaping proposed primarily along the northern
16 side of the property adjacent to the residential
17 properties. We have a mixture of predominantly
18 evergreen trees proposed in that area and also,
19 so there's a total of 66 new trees that are being
20 proposed to be planted. In addition, there was
21 131 trees, a variety, to provide basically a
22 hedge screen along Quaker Ridge Road and those
23 have already been planted a few years ago.

24 Very quickly, the next two slides

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2 please. I just wanted to reemphasize the
3 applicant's care of the property since its
4 purchase. We have a couple of before and after
5 photos of buildings, before when they purchased
6 the property you can see the holes in the roof,
7 and the after pictures are vastly improved for
8 both that, and go to the next slide, please. And
9 so the first one was building two and then this
10 is what's known as building three on the site.
11 Again, holes in the roofs, broken windows. I
12 remember being at the site and seeing a lot of
13 graffiti, and all of that has been cleaned up.

14 And that would conclude our
15 presentation, and I thank you for your time.

16 MS. TAYLOR: Thank you very much. Mr.
17 Davis, are you there?

18 MR. DAVIS: Yes, I am.

19 MS. TAYLOR: So have you finished your
20 presentation at this point?

21 MR. DAVIS: We have one more speaker,
22 Madame Chairperson. I think we've been very
23 efficient and considerate of the Board's time and
24 I would just suggest that we should at least be

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2 afforded the same deference that the public has
3 had to speak, and they've certainly had untold
4 hours to do that. We've tried to avoid that. But
5 again, by dent of the type of situation we've
6 heard about tonight, it's been a long time since
7 we made any factual presentation and we just
8 wanted to make a presentation on two of the
9 issues.

10 MR. KESSLER: Mr. Davis, the public
11 hearing is for the public. You respond to it from
12 their comments. It's not for you to make the
13 presentations at this point. You've made your
14 presentations as to what you want to do. It's for
15 the public to have their input and inform this
16 board.

17 MR. DAVIS: Understood, Mr. Kessler. My
18 initial presentation was kept to ten minutes, as
19 you know.

20 MR. KESSLER: You've now spent 45
21 minutes of what we said was going to be an hour-
22 and-a-half and we have not heard from the public.

23 MR. DAVIS: I really can't help that. We
24 have to make our presentation. We'll be very

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2 brief.

3 MR. KESSLER: But everything that you
4 just present is what's going to be in your
5 responses to the public's comments. All you're
6 doing is presenting your answers prior to issuing
7 it later on. Am I missing something here? What's
8 going to be the different between what you just
9 presented and what you're going to provide to us
10 in response to the public?

11 MR. DAVIS: I think it makes more sense
12 when the consultant is here and you can ask
13 questions as you did. But if you want us to skip
14 our presentation, we have about at most a ten
15 minute presentation from our consultant who is
16 going to answer some questions you yourself have
17 raised or alluded to with respect to OASAS, we
18 can do that.

19 MR. KESSLER: The OASAS I would like to
20 hear, yes.

21 MR. DAVIS: Well, that's the sole topic
22 that basically he's going to speak to.

23 MR. KESSLER: Okay. I'm fine with that,
24 thank you.

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2 MR. DAVIS: So I'd like to call if we
3 can, we have Brian Baldwin here. Mr. Baldwin was
4 our consultant before the zoning board, one of
5 them, and he's a former employee of OASAS, he has
6 vast experience in the field and we've been
7 consulting with him on the management issues for
8 several years now.

9 MR. BRIAN BALDWIN: Good evening,
10 members of the board. I'm Brian Baldwin, just a
11 little bit about myself, my 50 year career as a
12 social worker, I've been a mental health and
13 substance abuse treatment clinician in both
14 inpatient and outpatient settings, program
15 director in New York State Office of Mental
16 Health and New York State Office of Addiction
17 Services and Supports quality assurance regulator
18 and for the last 22 years, a consultant,
19 assistant healthcare organizations in developing
20 mental health and substance use treatment
21 programs, and maintaining excellent clinical
22 quality and compliance with New York State
23 regulations.

24 My credentials have been previously

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2 submitted to the town in the zoning board
3 proceeding and I have been advising Hudson Ridge
4 Wellness for several years for Cicero Consulting
5 Associates.

6 I'm going to speak briefly regarding the
7 matters of prior consultation in the OASAS
8 process and also the regulatory process as it
9 pertains to ensuring programmatic and
10 architectural quality. First, with respect to the
11 prior consultation process, the official record
12 of hearings before the town shows that Hudson
13 Ridge has reached out on multiple occasions to
14 OASAS and they are already aware of this
15 potential project.

16 We are certain, based on those contacts
17 that OASAS was already aware of the local issues
18 that this project was encountering, specifically,
19 as a result of contact from the opposition. And
20 OASAS wanted us to do our best to resolve these
21 local issues before conducting the prior
22 consultation process. So, we feel that for the
23 opposition to say that we've done something
24 abnormal by not reaching out to conduct the prior

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2 consultation process, first it is a self-
3 fulfilling prophecy. The opposition prevented us
4 from doing so by its own devices. So to make
5 things clear in this matter, let me say that the
6 prior consultation process with the OASAS field
7 office and the local governmental unit, which is
8 the Westchester County of Community Mental Health
9 has always been set up to occur after local
10 issues have been resolved, if possible, so that
11 the state and county bodies don't spend their
12 time on a project that won't be able to proceed
13 locally.

14 MS. TAYLOR: Excuse me, Mr. Baldwin, I'm
15 sorry, would just repeat what you just said? I
16 want to make sure I'm following exact -- what you
17 just said about the state and the municipality
18 getting, they have to come together or something?
19 I'm not sure what you said.

20 MR. BALDWIN: Well, what I said was that
21 the prior consultation process with the OASAS
22 field office and the local governmental unit,
23 which is the Westchester County Department of
24 Community Mental Health, has always been set up

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2 to occur after local issues have been resolved if
3 possible so the state and county bodies do not
4 spend their time on a project that won't be able
5 to proceed locally.

6 In other words, the first step is this
7 pre-consultation process that involves the OASAS
8 field office and the Westchester County
9 Department of Community --

10 MS. TAYLOR: And you guys have done that
11 already? Everything regarding --

12 MR. BALDWIN: No, that can't -- what I'm
13 saying is that cannot occur until this process is
14 resolved.

15 MS. TAYLOR: Okay.

16 MR. KESSLER: [unintelligible]

17 [01:14:00]

18 MS. TAYLOR: Okay. I've got it.

19 MR. KESSLER: As part of your submission
20 here, I would like to see all the correspondence
21 that has taken place between you the applicant
22 and anybody connected with the project with any
23 and all the regulatory authorities, e-mail, text,
24 phone calls, chronologically, okay.

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2 MR. BALDWIN: Okay. We can provide that.

3 MR. KESSLER: Fine.

4 MR. BALDWIN: So --

5 MR. DAVIS: I think, in essence, Mr.
6 Kessler, if I may just interject just for one
7 moment, in essence, due to the knowledge of OASAS
8 of the controversy about this particular project
9 --

10 MR. KESSLER: Fine. I want to see that
11 correspondence, that's great. I, I --

12 MR. DAVIS: Well, some of it is verbal
13 as well, but you can have the correspondence.

14 MR. KESSLER: Okay. So why don't you
15 note the phone calls that you had where those
16 things came up.

17 MR. DAVIS: We actually had someone
18 consulting with us in Albany who was a former
19 member of OASAS who was helping guide that
20 process, so --

21 MR. KESSLER: Okay. Well, give me the
22 chronology of when you started, all the
23 conversations that have taken place as it relates
24 to this issue. I hear what you're saying, there

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2 must be some correspondence that says hey guys,
3 leave us alone until you get this thing settled
4 with the town, right?

5 MR. DAVIS: In essence, that's what
6 occurred. We needed approval first.

7 MR. KESSLER: Alright. Well, I want to
8 see that. Fine, fine. I hear what you're saying.
9 Show it to me.

10 MR. BALDWIN: Okay. Sure.

11 MR. DAVIS: It's also the under board's
12 jurisdiction though. You know that as well, as
13 you pointed out before, the OASAS --

14 MR. KESSLER: You're raising, you are
15 presenting here what your conversations have
16 been. All I'm asking for is okay, I believe you.
17 Now show me, so that I can believe you even more.

18 MR. DAVIS: Will do.

19 MR. BALDWIN: Sure. And that's exactly
20 how we are proceeding. We are attempting to
21 secure local town approval first. When this
22 process is resolved, we'll follow the logical
23 path to the prior consultation process and then
24 to the formal application to OASAS. So our

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2 feeling is that for the opposition to claim that
3 we've not followed the normal process when
4 they're aware of our prior contacts with OASAS
5 and almost certainly, were the cause of the delay
6 in our ability to seek a prior consultation,
7 that's, you know, we feel that's not quite fair.

8 MR. DAVIS: Why don't we move on, Mr.
9 Baldwin to your [unintelligible] [01:16:18].

10 MR. BALDWIN: Yeah, okay. We also wanted
11 just to reiterate the regulatory authority of
12 OASAS and the things that they have the authority
13 to regulate. They have the legal authority over
14 all chemical dependence services in New York
15 State and that is authorized by Section 1907 of
16 the New York State Mental Hygiene Law.

17 One of their authorities is the
18 establishment, incorporation and certification of
19 providers of substance use services. They have
20 the authority to issue operating certificates to
21 new programs and the authority to inspect and
22 regulate those programs once they are
23 established. The Hudson Ridge residential program
24 will have to comply with all applicable codes in

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2 order to be issued a license and once issued,
3 will have to continue to comply with all
4 applicable codes as it operates the programs.
5 They'll be required to have to have a medical
6 director who is a physician and a staff of
7 qualified professionals.

8 The ownership of Hudson Ridge Wellness
9 will be required to include at least ten percent
10 ownership by a person with experience operating
11 an OASAS licensed program, or a program licensed
12 in another state.

13 There will be periodic inspection of
14 OASAS licensed programs. All OASAS licensed
15 programs are regularly inspected, at least two
16 times a year by OASAS licensing staff. And the
17 proposed Hudson Ridge Program will be subject to
18 this oversight.

19 MS. TAYLOR: Do you get -- is that
20 oversight random, or do they have to notify you
21 when they're coming.

22 MR. BALDWIN: That's a very good
23 question. That was my next point. Recertification
24 reviews, which are unannounced and which occur at

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2 least every three years include the following
3 areas of review. So the answer to your question
4 is yes, some of the visits, including the
5 recertification visits, are unannounced. And some
6 of the other regular visits are unannounced as
7 well.

8 And it didn't always used to be that
9 way. But I would say at least for the last five
10 to ten years, they have unannounced visits. And
11 so these visits include the inspection of the
12 facility appearance, general safety, evaluation
13 of the governing authority, review of patient
14 records, interviews with staff and clients,
15 examination of the staffing pattern, analysis of
16 statistics, a review of compliance with the
17 reporting requirements of OASAS, verification of
18 staff credentials, compliance with the
19 requirements of Part 836, which is incident
20 review and the regulations of the Justice Center,
21 which is that state agency that offers protection
22 to clients in the Office of Mental Health
23 facilities, the Office of Addiction Services and
24 Supports facilities, as well as OPWDD.

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2 And finally, OASAS has the authority to
3 establish general facility requirements for
4 chemical dependence services, Part 814 governs
5 the square footage requirements for sleeping
6 areas and for program space. OASAS will be the
7 one to decide if the floor plan is adequate for
8 92 beds, which is the maximum number that Hudson
9 Ridge Wellness will apply for. So OASAS will take
10 a look at the facility and determine whether it's
11 large enough to hold 92 beds. Okay, so that's,
12 those are the points we wanted to make this
13 evening. I appreciate your attention, and a very
14 good question by Ms. Taylor.

15 MS. TAYLOR: Thank you very much. I'd
16 like to get started with the attendees, the
17 residents in the area. Mike Preziosi, are you
18 there?

19 MR. PREZIOSI: Yeah, I'm here. So we're
20 going to go into the public comment period at
21 this point?

22 MS. TAYLOR: Right, please, because the
23 time is really getting shorter here.

24 MR. PREZIOSI: So we did have a request

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2 from Brad Schwartz, who is representing the
3 applicant, or the residents' opposition group, to
4 speak with a few of his clients, if you would
5 like to give them preference, or if you would
6 like to do first come, first served.

7 MS. TAYLOR: I don't know how many
8 people he has to make presentations. We did --

9 MR. PREZIOSI: He has himself, he's
10 represented himself and four residents of the
11 community.

12 MS. TAYLOR: Now, I don't know, we did
13 this, that particular pattern last time at the
14 special meeting, himself and four additional
15 people, plus the residents of the area. So maybe
16 we could, I don't know, because we're going to
17 eat up all the time. We weren't planning on
18 having another three hour special meeting
19 tonight.

20 MR. PREZIOSI: Right now, Mr. Schwartz
21 and Maggie DeSilva are the only two that are
22 using the raise your hand function. So why don't
23 we allow Ms. DeSilva to talk first and then
24 anybody else please use the raise your hand

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2 function and I'll do it first come, first serve.
3 Please state your name and address for the
4 record.

5 MS. MAGGIE DESILVA: Hi. I'm Maggie
6 DeSilva and I live at 79 Glendale Road. So my
7 family has lived here since 1965. Prior to that,
8 we lived across the river, you know, across the
9 bridge, right on the river. So we have concerns
10 and we have valid concerns as long time
11 residents.

12 There are a couple of things in these
13 presentations that seem off to me. The first is
14 that it's quite obvious that the shuttle schedule
15 is not based in reality. That's not going to
16 happen. I mean it's like complete imaginary
17 thinking that that shuttle plan is going to
18 happen. The second thing is this overburden idea.
19 We're out in the country. Everything on the sides
20 of the road could be considered overburden. It's
21 widening the road, which is changing the historic
22 nature of this area.

23 I think that comparison to places of
24 worship and schools is strange. Isn't this a

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2 hospital? It's a 24 hour operation. I also don't
3 know what these alternate routes are going to be.
4 We're out in the middle of the country. Is it a
5 helicopter, like alternate routes coming down
6 Allapartus and crossing Glendale Road, coming
7 across the bridge, coming up through Crotonville,
8 there aren't unlimited alternate routes out here.

9 I also think that Mr. Davis and Mr.
10 Baldwin somehow blaming us for the delay here is
11 ridiculous. We care about this area. My family
12 has lived here for over 55 years. We care about
13 our neighbors. And I don't even live right next
14 to there, but I care about my neighbors who live
15 over there. We care about our children. I have
16 three school aged children. Now maybe they
17 weren't out on their bikes when that evaluation
18 was done on those two days, whenever that was.
19 But, and we care about all the little kids around
20 here too. And we care about the natural beauty of
21 this area. This is a very quiet, dark country
22 area. Comparing it to Sunshine Home is not going
23 to help their cause either because that just has
24 brought so much light pollution to this area. So

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2 that's all I want to say. Thank you.

3 MS. TAYLOR: Thank you.

4 MR. PREZIOSI: This is a public hearing
5 so those individuals who would like to speak,
6 please use the raise your hand function. Right
7 now, I have Mr. Brad Schwartz, I'll promote you
8 to speaker.

9 MR. BRAD SCHWARTZ: Good evening. Thank
10 you, thank you Michael. Good evening, Madam
11 Chair, members of the Board. For the record, Brad
12 Schwartz from Zarin and Steinmetz, representing
13 CRHISD, yes we did raise a number of legal
14 questions in our letter, and we appreciate that
15 the planning board is contemplating them
16 seriously and we look forward to participating in
17 the ZBA process.

18 Tonight is not the forum to get into the
19 merits of those questions that we raised, but I
20 do want to remind everyone that this is not a
21 bulk zoning criteria that is dimensional in
22 nature, right. The issue that we're confronted
23 with is a special permit requirement that
24 mandates that hospitals in residential districts

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2 must be located on a state road. And we all know
3 that this project cannot satisfy that
4 requirement.

5 So in light of everything that we have
6 heard tonight, we have asked the CRHISD speakers
7 to refrain from further commenting. We may put in
8 a letter to touch upon some of the OASAS comments
9 that were raised, but we won't belabor that any
10 further this evening and that's all we have
11 tonight. Thank you.

12 MS. TAYLOR: Thank you very much. Okay.
13 Mike, is there anyone else there who needs to
14 speak?

15 MR. BIANCHI: Mike, you're muted.

16 MR. PREZIOSI: Sorry about that. I have
17 one other speaker, Mr. Cameron Smith was on.
18 There you go.

19 MS. TAYLOR: I'm sorry?

20 MR. PREZIOSI: Jean Cameron Smith, I'm
21 sorry, promoted to panelist. Okay. Please state
22 your name and address for the record.

23 MS. JEAN CAMERON SMITH: Is my picture,
24 can I, can anyone hear me?

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2 MR. KESSLER: Yes.

3 MR. PREZIOSI: Yes, Ms. Smith. Please
4 state your name and address for the record.

5 MS. SMITH: Jean Cameron Smith, I live
6 at 1375 Journey's End Road. I'm a local resident.
7 I've lived here since 1997. I'm also a practicing
8 real estate agent, which most of my business in
9 Teatown. My personal opinion is that this is
10 going to forever change the landscape of Teatown.
11 I think it's -- you know, I think the water in
12 the wells is going to be impacted, all of us. We
13 have low water anyways in our wells. Some of the
14 people ran dry over the summer. It was a bit of a
15 scare.

16 I think that whoever, whenever they did
17 the traffic report, I mean there are kids and
18 people riding their bikes and running on Quaker
19 Bridge Road, Quaker Ridge Road every day. It's
20 treacherous driving. And I can't imagine adding
21 to that traffic load. So, anyway, and it's, like
22 I said, it's going to impact our community a lot.
23 And it's not going to be easy selling real
24 establish in Teatown with this hospital because

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2 people will do their due diligence and they'll
3 read about the community and anyway, that's all I
4 have to say.

5 MR. PREZIOSI: Thank you. Okay. I'm
6 going to promote the next speaker, Ms. Lauren
7 Fogelman.

8 MR. KESSLER: You're on mute.

9 MS. LAUREN FOGELMAN: Sorry. I am Lauren
10 Phillips Fogelman and I live at 7 Quaker Hill
11 Drive here in Croton. And I spoke at the last
12 meeting about some more specific concerns, but I
13 want to just raise the general point of I'm in
14 the business of building community. I'm a member
15 of the clergy here in the area, and I will say
16 that the one good thing to have come out of this
17 whole discussion is that it has really brought
18 the neighbors of the Teatown area together and
19 many of us have giving up, just like you as the
20 planning board, have given up many evenings to
21 listen to us discuss this issue, we are here
22 because we really care about the community and we
23 care about this area and we care about
24 maintaining this as a peaceful, residential area.

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2 And you as the zoning board, one of your
3 jobs is to represent the best interests of the
4 town of Cortlandt. And here you have all of these
5 neighbors who are really strongly opposed to this
6 project for a number of reasons, and you have
7 this outside for profit agency that's trying
8 really hard to change the character of the
9 neighborhood by building a for profit hospital
10 that doesn't really belong in this natural
11 setting. And we all feel very, very strongly
12 about preserving our neighborhood. So I want to
13 through that out as something for you to
14 consider.

15 I also, I know Mr. Davis mentioned the
16 idea of the easement to Quaker Hill Drive, but he
17 kind of, he keeps glossing over it. He keeps on
18 saying oh yes, the easement will not be used for
19 purposes of the hospital. Okay, so why does he
20 need the easement in the first place? I mean his
21 word about not using the easement in association
22 for the hospital, to me is not enough of a
23 guarantee that Quaker Hill Drive, the street that
24 we chose to live on because we wanted our kids to

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2 bike around the cul-de-sac, we're worried about
3 what's going to happen to our street if this
4 hospital gets built.

5 And finally, just in reference to some
6 of the traffic studies that were made. I noticed
7 that the bicycle study started at 12:30 p.m. and
8 only went through the afternoon, when I happen to
9 know, especially because I take my kids to school
10 early in the morning, and I've been out early and
11 also on the weekends, I see the cyclists are all
12 out 7:00, 8:00 o'clock in the morning. So if you
13 want to do another traffic study and count the
14 riders then, I think there's definitely a lot
15 more recreation going on these roads than the
16 study accounted for.

17 And I just want to check my notes and
18 see that I made -- those are the bulk of my
19 points there, and I thank you for your time and
20 consideration. I'm glad that I've gotten a chance
21 to know my neighbors through this process, and I
22 hope that the zoning board will really think
23 about preserving the greater Teatown community
24 and area. Thank you.

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2 MS. TAYLOR: Ms. Fogelman, you're
3 speaking to the planning board.

4 MS. FOGELMAN: Yes, the planning board,
5 thank you, thank you.

6 MS. TAYLOR: Thank you. Alright. Thank
7 you very much.

8 MR. PREZIOSI: We'll promote our next
9 speaker. C. Mano, please state your name, a full
10 name and address for the record.

11 MS. CYNTHIA MANCHURIAN: There we go.
12 Can you see me and hear me now?

13 MR. KESSLER: yes.

14 MS. MANCHURIAN: Okay, great. Hi, it's
15 actually Cynthia Manchurian at 100 Glendale Road.
16 Number one, I want to thank Chairwoman Taylor for
17 being so patient with all of us and everyone in
18 fact. Number two, I spoke last time, and I
19 misspoke about the hydrologist. I used the name
20 Langen as opposed to Leggett and it was Leggett
21 who was hired by both Sunshine Home and the
22 Hudson Ridge folks, not Langen. And I questioned
23 whether there isn't some issue with the fact that
24 the same hydrologist was hired by both developers

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2 for the same neighborhood.

3 Number three, I would love it if the
4 numbers for the added impacts for Sunshine Homes
5 Development could be presented very specifically
6 to the community, because I don't believe that
7 they even know what those impacts are going to be
8 until Sunshine is open, but Sunshine is going to
9 be open long before they ever get a chance to
10 open.

11 Originally, they applied first and
12 Sunshine was behind. Sunshine is now ahead of
13 them, and I really don't believe their numbers
14 properly reflect Sunshine's impacts on these same
15 roads.

16 And anyone who's living on Glendale is
17 living literally between the possibility of these
18 two hospitals in the same neighborhood. I've had
19 conversations with many Cortlandt residents and
20 with several officials of the various
21 municipalities. What we really are after is an
22 inter-municipal agreement for district overlay
23 for environmental protection. Exactly at that
24 corner where the developer owns both on the

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2 Newcastle and on the Cortlandt side, all sides
3 meet. And then you have Yorktown a little
4 further, but you have Ossining right there down
5 the road.

6 And we've spoken with Westchester
7 officials about getting some sort of a
8 consistency because it's very hard for you to
9 take into account, for instance, Sunshine Home.
10 But everyone who lives on Glendale Road, it's
11 like Mickey Mouse ears or something, we've got
12 these very large developments on both sides. And
13 there are no -- all of these boundaries are
14 imaginary. The municipal boundaries in terms of
15 our actual experience in the woods, they're just
16 imaginary.

17 So perhaps you might want to consider
18 helping us look at this idea of inter-municipal
19 cooperation and a district overlay for this area,
20 because you're going to hear this community beg
21 every single municipality, every single board, to
22 try to protect what we call the greater Teatown
23 area. It's a thing. It's not all these different
24 locations. We are a community, even if we pay our

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2 taxes to the different municipalities.

3 And finally, while I know my address in
4 Chappaqua to send all my comments to send all my
5 comments to the Newcastle various boards, you've
6 mentioned several times to send letters to Chris
7 Kehoe?

8 MS. TAYLOR: Kehoe.

9 MS. MANCHURIAN: But could you also give
10 us the actual address to everyone, because not
11 all of us are Cortlandt residents.

12 MR. KEHOE: I can do that, you guys.

13 MS. MANCHURIAN: Where are we sending
14 all the things you want us to send?

15 MR. KEHOE: You can either send it to my
16 email, which is my first name, last initial,
17 ChrisK@townofcortlandt.com or you can do hard
18 copy to 1 Heady H-E-A-D-Y Street.

19 MS. MANCHURIAN: Say it again. H?

20 MR. KEHOE: E-A-D-Y, Heady Street,
21 Cortlandt Manor, 10567.

22 MS. MANCHURIAN: And does your planning
23 board prefer, you know, we're all in a new world,
24 but I overheard for the prior applicant a

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2 question of paper versus digital mail. Where do
3 you think you're going with this in the next
4 couple of months? What do you prefer?

5 MR. KEHOE: Well, if you e-mail
6 something to me, I will copy it for the Board.
7 And they're going to start getting hard paper
8 copies again.

9 MS. MANCHURIAN: Okay. And that's fine
10 with you to be that person?

11 MR. KEHOE: That's what I'm here for.

12 MS. MANCHURIAN: Okay. Thank you so
13 much, thank you everybody.

14 MR. KEHOE: And I just wanted to mention
15 one other thing. The town and the town of
16 Ossining and the village of Ossining and the town
17 of Newcastle and the village of Croton have
18 received a \$50,000 grant from the New York State
19 DEC to study an overlay zone in the Indian Brook
20 watershed and the Croton Gorge watershed. So
21 we're actually at the very beginning process of
22 undertaking exactly the study of what you're
23 speaking of.

24 MS. MANCHURIAN: Yes, I actually

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2 listened in on the town of Newcastle planning
3 board meeting where Sabrina was discussing this
4 and also the town board meeting. And they seemed
5 very excited to get in there and I recommended in
6 fact, they're worried that they won't even boots
7 on the ground. And here we are, greater Teatown,
8 ready to be the boots and help you navigate all
9 the square footage of this area, which is part of
10 that study on the Croton River. So we're ready to
11 get in the woods with you and help you out to
12 assess the environmental standards of the area.
13 So thank you for bringing that up.

14 MS. TAYLOR: Thank you very much.

15 MR. PREZIOSI: We have one other
16 speaker. Laurie, I'm going to promote you to
17 panelist, please state your name and address for
18 the record.

19 MS. LAURIE LECHTHALER: Yes, can you
20 hear me?

21 MR. KESSLER: Yes.

22 MS. LECHTHALER: Yes, my name is Laurie
23 Lechthaler. I live at 25 Apple Bee Farm Road in
24 Croton. And I've spoken before, but I just wanted

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2 to address the issue of this proposed medical
3 facility being sited on this tiny country road
4 out here, as opposed to a state road. I have the
5 unfortunate situation here, on Apple Bee Farm
6 Road where a family member had a stroke during a
7 snow storm, and it actually took an ambulance one
8 hour to arrive at our house and then was quite
9 confused as to how to get out of here. But I just
10 wanted to reiterate the fact that these roads are
11 not maintained as well as a state road.

12 Obviously, there is more plowing activity going
13 on in the state road, which is obviously one of
14 the reasons these facilities are supposed to be
15 situated on a road like that.

16 So I always wanted to address the fact
17 that they make it sounds like 120 more cars a day
18 out here would not be an impact. Well, I think it
19 really would be and I think most people in this
20 area would, 120 cars is a lot of cars. If any of
21 you were on the site visit and wound your way
22 through Crotonville on the narrow road that
23 snakes around in a very small area, I think 120
24 cars going back and forth on a road like that

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2 would certainly be detrimental to the area and to
3 the people that, especially the people that live
4 very close to the road. So that's just one thing
5 I wanted to bring up. Thank you for your time.

6 MS. TAYLOR: Thank you.

7 MR. PREZIOSI: We have one additional
8 speaker, Carol Evans, I've promoted you to
9 panelist. Please state your name and address for
10 the record.

11 MS. CAROL EVANS: Hi, I'm Carol Evans
12 and I live at 21 Allapartus Road. And I wanted to
13 mention on the road situation that Allapartus is
14 a very winding, beautiful road, but it is
15 bordered on each side by stone walls that were
16 built in the '20s after the construction of the
17 Croton Dam. And they're very historic and very
18 beautiful, but very dangerous. And what happens
19 on Allapartus is that Google Maps and Waze send
20 people down Allapartus because it might save them
21 1.5 minutes, or 50 seconds on their route. And
22 even in terrible weather it sends people down
23 this road. There have been many accidents in
24 winter where people just can't navigate and crash

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2 into the stone walls and I've had to have people
3 in my house during these kinds of things because
4 they're no way for them to get up or back. What
5 I've seen since Sunshine Home has been being
6 constructed is a tremendous increase in traffic
7 and in heavy trucks. And they're not supposed to
8 come here. There's a two ton limit and it doesn't
9 seem to matter.

10 And I believe that this is not only is
11 it a historic area, but it's a remarkably
12 beautiful area that is a sanctuary for a lots of
13 what we're trying to save in terms of species and
14 birds. And what we don't need at all is more
15 traffic on these roads, 120 vehicles a day is
16 shocking to me, absolutely shocking to even think
17 of how Glendale and Allapartus and any of the
18 Spring Valley, how any of these roads could take
19 that. The houses were built a long time ago, many
20 of them sit extremely close to the road. Like
21 because they're old, they sit very close to the
22 road, and this is just a nightmare to think
23 about. And to think that the, to compare this
24 with the traffic of UPS trucks delivering

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2 packages is just remarkably silly in my mind,
3 because those trucks come when they need to.
4 They're not here to go to work and to go to a
5 facility every day. It's just appalling to make
6 that comparison.

7 So I am very concerned, and I think the
8 overlay area for Teatown is remarkably important
9 but if we have to wait for that to save this
10 region, if we have to wait for that overlay to be
11 studied to save this region from dual
12 developments within a very short span of road,
13 this will be a tragedy in the making.

14 MS. TAYLOR: Are you finished, Ms.
15 Evans?

16 MS. EVANS: Yes, thank you.

17 MS. TAYLOR: Oh, okay, thank you very
18 much.

19 MR. PREZIOSI: Our next speaker is Jamie
20 Black.

21 MS. TAYLOR: Can you tell me how many
22 more speakers we have at this point, because each
23 time we're adding one more, one more, one more.

24 MR. PREZIOSI: They're using the raise

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2 your hand function, Loretta, as we go, so
3 speakers are popping up typically one at a time.

4 MS. TAYLOR: Okay. It's now ten minutes
5 to 9:00.

6 MR. PREZIOSI: I just wanted to note
7 that as well we're going to have a cutoff at 9:00
8 p.m.

9 MS. TAYLOR: All rightie.

10 MR. PREZIOSI: So please keep your
11 comments concise, there's a few other individuals
12 wanting to speak.

13 MS. JAMIE BLACK: Hi, it's Jamie Black.
14 Again, thank you very much for all of your focus
15 and efforts on this important issue. I just
16 wanted to speak to Carol at Allapartus. My car
17 was actually run off the road by a garbage truck
18 and it ended up in a rock outcropping, so that
19 really reinforces exactly what Carol is saying
20 about Allapartus being extremely narrow,
21 extremely dangerous.

22 To Cynthia's point about kind of
23 overlay, what you may not be aware of is Sally
24 Swope has been really instrumental in founding

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2 Teatown and aggregating the land to basically
3 have a contiguous greenway. And what you probably
4 are not familiar with is as part of her legacy,
5 they established a whole set of walking paths
6 that's right off Spring Valley Road in an effort
7 to kind of honor her contribution to the area and
8 support people's ability to be physically well
9 and mentally well.

10 And I think that that's a really
11 critical point here in that our area with the
12 Aqueduct Trail, with Sally Swope's walking paths,
13 with Teatown, our whole area is really designed
14 and as I said, our comprehensive plan underscores
15 this and you can have it as a documented form,
16 that this area is a recreational area. So when we
17 talk about the roads here, we're really talking
18 about paved surfaces that allow people to enjoy a
19 recreation experience.

20 And that's absolutely essential, because
21 we're talking about drug rehab facility. And one
22 of the ways to support wellness and to avoid
23 potentially addictive behavior is to be able to
24 be physically well and to be connected with

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2 something bigger than the person themselves.

3 So, again, I just find it ironic that
4 this area is really looked at as a respite, and
5 that's the whole reason why GE created their
6 entire facility at GE Crotonville. It's set up
7 for an opportunity to invite people from not only
8 this area, not only this country, but from around
9 the world to be able to be part of an experience
10 that is promoting out of the box thinking.

11 So you have GE Crotonville that selected
12 this location for people to come from around the
13 world. You have Sally Swope, the founder of
14 Teatown creating all of these walking paths, you
15 have the town of Ossining comprehensive plan
16 illustrating that our Aqueduct Trail and the
17 Aqueduct experience is one of the most valued
18 assets that have in our community.

19 So I think what everybody is inviting
20 you to do is to understand that these municipal
21 boundaries, they exist on paper, and in many
22 instances, they exist to provide access to the
23 Croton River, because that's how these
24 municipalities were set up, to allow people to

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2 have access to the Croton River, because that was
3 the highway.

4 So I know that your endeavor is a
5 difficult one. I know that the applicant, as
6 always, and we've seen this at this point, you
7 know, 20 times, aggressive in their ideals and
8 suggesting that it will be a zero impact and
9 create great benefit. But for those of us who
10 live here, and we've seen this again with, as
11 I've said 99 Quaker Bridge Road when Kyola
12 [phonetic] wanted to convert his property into
13 high density housing.

14 We're imploring slash begging you to
15 look at what our needs are, look at what this
16 area is really supporting in terms of wellness
17 for a huge community and make your decisions
18 accordingly. Thank you very much.

19 MS. TAYLOR: Thank you.

20 MR. PREZIOSI: Okay. Our next speaker is
21 Jennifer Schantz.

22 MS. JENNIFER SCHANTZ: Hi. I'm actually
23 her child. My name is Alec. I would just like to
24 say that I am a 17-year old high school student,

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2 and having the 120 more cars, more traffic coming
3 into our area will already decrease the amount of
4 sleep that I already get, which will actually
5 probably ruin my grades more than they probably
6 are already, which means that I will get into a
7 worse college, which means that my future will go
8 down the drain. So, yeah, that's all I want to
9 say. Please don't do this, mostly because like I
10 kind of want to have a future, just a little bit,
11 so yeah. Thank you.

12 MR. PREZIOSI: Thank you. We have,
13 that's every speaker. Anybody else, it's 8:54,
14 it's the last call. If you would like to raise
15 your hand, use the raise your hand function. We
16 do have Ms. Cynthia Manchurian raising her hand
17 again.

18 MS. MANCHURIAN: Hi. Alec, I feel for
19 you wherever you are. So, I wanted to add, based
20 on Jamie's comments and I forget this at the last
21 meeting. The last meeting was actually Earth Day
22 and it reminded me that, and I forgot to mention
23 it, that as per George Lattimer, during the
24 shutdown rules, literally got on one of the talk

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2 shows to talk about Earth Day 2020 and
3 recommended that everybody in the county should
4 go to the greater Teatown area, it's wonderful,
5 you can be outdoors and it's a great resource for
6 Westchester County. And I wanted to share that
7 with you and I would recommend, he's come and
8 visited our area a few times. He's gone to the
9 Teatown Center and have meetings with the locals.
10 And maybe you'd like to get his opinion also as
11 to what kind of resource the greater Teatown area
12 is, not only for Westchester County, but a little
13 further north and also for people who come up
14 from the city to hike and so forth, all
15 providing, you know, tremendous benefit to
16 visitors and the current residents of the area.
17 And I forgot to mention that last week. So thank
18 you very much for letting me back on to mention
19 it this time. Thank you.

20 MS. TAYLOR: Okay. Thank you. Alright.

21 MR. PREZIOSI: Okay. That is everybody.

22 MS. TAYLOR: Alright. Then I guess we're
23 done. Other board members? No? Okay. Great, then
24 I can entertain a motion to adjourn, if you will.

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2 MR. KESSLER: Madam Chair, I move that we
3 adjourn the public hearing, first motion.

4 MR. KIMMERLING: Second.

5 MS. TAYLOR: Thank you.

6 MR. BIANCHI: Question, do we need to
7 specify we're referring it back to the Board?

8 MR. KESSLER: That was going to be my
9 second motion.

10 MR. BIANCHI: Sorry.

11 MR. KESSLER: Do them separate, I can do
12 them together if you'd like. I amend my motion to
13 adjourn the public hearing and refer this matter
14 back to the ZBA for their determination.

15 MS. TAYLOR: All rightie, thank you very
16 much. On the question, all in favor?

17 MR. KESSLER: Aye.

18 MR. BIANCHI: Aye.

19 MR. KIMMERLING: Aye.

20 MR. FOLEY: Aye.

21 MS. TAYLOR: Opposed? All rightie, so
22 then.

23 MR. KESSLER: George?

24 MR. BIANCHI: George?

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2 MS. TAYLOR: Right.

3 MR. KIMMERLING: Oh, yes, it's -- we're
4 ending early at 8:57. Thank you.

5 MS. TAYLOR: Yeah, okay. Thank you very
6 much George.

7 MR. BIANCHI: Good night.

8 MR. KESSLER: Thanks everybody, thank
9 you.

10 MS. TAYLOR: Good night everybody.

11 MR. SABIN: Good night.

12 MR. PREZIOSI: Goodnight everyone.

13 MS. TAYLOR: All rightie.

14 (The public board meeting concluded at
15 8:57 p.m.)

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CERTIFICATE OF ACCURACY

I, Claudia Marques, certify that the foregoing transcript of the board meeting of the Town of Cortlandt on May 4, 2021 was prepared using the required transcription equipment and is a true and accurate record of the proceedings.

Certified By



Date: June 17, 2021

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