

TOWN OF CORTLANDT
PLANNING AND ZONING BOARDS

PLANNING BOARD MEETING

Virtual

April 6, 2021

7:00 p.m. - 10:27 p.m.

April 6, 2021

MEMBERS PRESENT:

Loretta Taylor, Chairperson

Chris Kehoe, Deputy Director of Planning

Steven Kessler, Member

Thomas A. Bianchi, Vice-Chairperson

George Kimmerling, Member

Robert Foley, Member

Jeff Rothfeder, Member

Michael Cunningham, Deputy Town Attorney

Joshua Subin, Assistant Town Attorney

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

3 MS. LORETTA TAYLOR: Very good. We're
4 calling the meeting to order on April 6, planning
5 board session, regular session. Let's see, Chris,
6 would you do the flag, the pledge to the flag at
7 this point.

8 MR. CHRIS KEHOE: Mike, do you have the
9 flag or do you just want me to go ahead.

10 MR. MICHAEL PREZIOSI: Just give me one
11 second.

12 MR. KEHOE: Okay. I pledge allegiance to
13 the flag of the United States of America, and to
14 the Republic for which it stands, one nation
15 under God, indivisible with liberty and justice
16 for all.

17 MS. TAYLOR: Thank you. Would you do the
18 roll now of course, please Chris. Thank you.

19 MR. KEHOE: Mr. Kimmerling.

20 MR. GEORGE KIMMERLING: Here.

21 MR. KEHOE: Mr. Rothfeder?

22 MR. JEFF ROTHFEDER: Here.

23 MR. KEHOE: Mr. Bianchi?

24 MR. THOMAS A. BIANCHI: Here.

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2 MR. KEHOE: Ms. Taylor?

3 MS. TAYLOR: Here.

4 MR. KEHOE: Mr. Kessler?

5 MR. STEPHEN KESSLER: Here.

6 MR. KEHOE: Mr. Foley?

7 MR. ROBERT FOLEY: Here.

8 MR. KEHOE: Mr. Cunningham?

9 MR. MICHAEL CUNNINGHAM: Here.

10 MR. KEHOE: And Mr. Subin?

11 MR. JOSH SUBIN: Here.

12 MS. TAYLOR: Okay. Excellent. We don't
13 have changes to the agenda, as far as I can tell,
14 so we can move on to the adoption of the minutes
15 of January 5th. Can I have a motion to adopt?

16 MR. KESSLER: So moved.

17 MS. TAYLOR: Thank you.

18 MR. KIMMERLING: Sorry, on the question,
19 these minutes were not the verbatim minutes. Are
20 we waiting for those minutes, or are we adopting
21 these summary minutes for our work session.

22 MR. KEHOE: My understanding from
23 Rosemary Boyle and I double checked them, they're
24 pretty close to verbatim. I mean they don't

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2 contain a lot of general conversation followed.
3 So we consider those pretty much verbatim
4 minutes.

5 MR. KIMMERLING: Okay. That's fine. I'm
6 good, thanks, just wanted to make sure.

7 MS. TAYLOR: Okay. Well --

8 MR. KIMMERLING: Second, if you needed a
9 second, I'm seconding it.

10 MS. TAYLOR: Yeah, I have a second so I
11 was on the question, then you preceded that with
12 your question, so are there any other questions
13 on this?

14 MS. TAYLOR: Okay. So, all in favor?

15 MULTIPLE: Aye.

16 MS. TAYLOR: Opposed? Very good. The
17 first area of the agenda tonight obviously is
18 correspondence and to that end, we have PB 2019-
19 7, a letter dated March 18, 2021 from Joel
20 Greenberg, R.A., requesting the first one-year
21 time extension of conditional Site Plan approval
22 for Westchester Auto, excuse me, Auto Exchange
23 located at 2311 Crompond Road, Route 202.

24 MR. KESSLER: Madam Chair, I move that

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2 we adopt Resolution A-21 approving the extension.

3 MS. TAYLOR: May I have a second on
4 that?

5 MR. BIANCHI: Second.

6 MR. ROTHFEDER: Second.

7 MS. TAYLOR: Good, alright. On the
8 question, all in favor?

9 MULTIPLE: Aye.

10 MS. TAYLOR: Opposed? Alright, very
11 good. The second item under correspondence is PB
12 2018-22, a letter dated February 26, 2021 from
13 Steven Basini, R.A., requesting the waiving of
14 certain conditions from PB Resolution 2-19 for
15 the 2nd Chance Rescue located at 260 6th Street.
16 [unintelligible] [00:03:56]. We should be
17 discussing that. I think there was some questions
18 that came up at the work session.

19 MR. KEHOE: Yeah, I believe Mr. Basini
20 is one of the attendees, right Mike Preziosi? I
21 think he can raise his hand and can be promoted?

22 MR. PREZIOSI: Yeah, I'm looking for
23 him, I don't see him on at the moment, unless
24 he's on a different name. Steve, if you want to

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2 use the raise your hand function.

3 MR. CUNNINGHAM: He just raised it. I
4 was able to promote him.

5 MR. PREZIOSI: Thanks, Mike.

6 MS. TAYLOR: Is he there?

7 MR. PREZIOSI: Yeah, he's coming.

8 MS. TAYLOR: Oh.

9 MR. STEVEN BASINI: Hi. Sorry about
10 that. Can you hear me?

11 MR. PREZIOSI: Yes.

12 MS. TAYLOR: Yes.

13 MR. BASINI: So thank you, I heard you
14 explain that the letter was there and then you
15 asked me to raise my hand. Should I begin to
16 explain the letter or how would you like to
17 proceed?

18 MS. TAYLOR: I think you should --

19 MR. BASINI: Okay. Sure.

20 MS. TAYLOR: -- talk about why you feel
21 you need those conditions removed.

22 MR. BASINI: Thank you. So a couple of
23 years ago when this was first in front of your
24 board, there was a complaint actually that came

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2 forward from one of the neighbors. It was a
3 videotape from a couple of years prior of dogs
4 barking and from their house across the street on
5 Madeline. And at the time, we stated that it was
6 not actually from the facility or from the
7 facility that was there prior on the second
8 floor, because they weren't in existence at the
9 time of the video. However, it was evident that
10 dogs barking from that yard in the back of this
11 building would cause a problem and could cause a
12 problem. And so it was agreed at the time that
13 the tenants would put a sound mat around the
14 proposed chain run in the back.

15 It was also stated at the time that as
16 far as the resolution that if there were any
17 sound complaints that there was an escrow account
18 to be put aside for an engineer to come out and
19 to assess the situation and see what could be
20 done.

21 Since then, what has happened, the
22 managers have changed, it's changed management
23 and so there was an open resolution that never
24 got resolved. But in the meantime what they also

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2 did is they limited the number of dogs that
3 actually go in those pens. Where there was
4 proposed to be there, there are actually only two
5 enclosures in that one rectangle. If I could
6 actually share the site plan for you, if that's
7 okay Mike, can I do that, so that they can see
8 the site plan while I speak?

9 MR. PREZIOSI: Yes, you have full
10 access, Steve.

11 MR. BASINI: Thank you. Okay. So if you
12 can see the site plan, that rectangle right there
13 where it says proposed dog run, this is not three
14 divisions, actually it's only two, one in the
15 middle, so there's actually fewer dogs that go in
16 there. And the plan was to only really bring one
17 or two in at a time, because the personalities of
18 the dogs, especially rescues, don't lend
19 themselves to be mixed in too much. So they tried
20 to exclude them and give them enough play time in
21 there, one or two at a time, so now there's only,
22 with the two divisions, there's only really four
23 dogs in there maybe max at a time.

24 So there have really not been any issues

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2 to my knowledge. I've checked with the town, and
3 I believe planning has not presented us with
4 anything as far as any complaints. And meanwhile,
5 however, next door in the other facility, they
6 still have a lot of dogs that they bring out
7 there because it's more of a kindergarten, it's
8 more of a daycare situation. And even with that,
9 there haven't been any complaints that I know of,
10 or that have been brought to my attention.

11 So, I believe that the reason being is
12 because we did not add anything to the sound over
13 there. Plus also, what I had argued earlier is
14 that that hillside, you can see by the topography
15 that's drawn on this, it's estimated topography,
16 but that's really sunk down in a hill and there
17 are a row of trees, oak trees there and some
18 evergreens that also buffer that hillside.

19 What's happening now as part of the
20 overall repurchase of the property, there's a new
21 owner coming in, and you'll see on this site plan
22 right there, this is sort of a partial proposed
23 site plan. They're going around and cleaning up a
24 lot of that dead brush there. If you haven't been

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2 out there in a while, there are vines killing all
3 those trees and evergreens. So right now what
4 they're doing is cutting down those. And they've
5 met with the town engineers, and they're
6 submitting plans.

7 But the proposal is as you see there, to
8 put a row of spruces along that hillside right
9 there on the property line, which is not there
10 now. There are some there, but they're very
11 unhealthy. So the proposal is to clean that up,
12 grade that a little bit right there, and put
13 those in to first of all protect the building,
14 you know, the neighbors from seeing it. But it's
15 really even going to more so lend assistance to
16 any type of noise.

17 So the fact that there's no sound mat
18 that went on there because of the change in
19 management over the last year and a half, and
20 plantings have taken place and no complaints have
21 happened, the request by the tenant is to alter
22 the conditions of the approval, especially
23 keeping in mind that the owners are coming in to
24 present something like this, which is outside of

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2 their scope, the 2nd Chance Rescue Scope, but
3 will lend to help the situation. So I'm hoping I
4 explained it well enough, and you see it our way.

5 MR. KIMMERLING: But is this -- so I'm,
6 so that makes sense. I'm a little confused. Is
7 there actually a new proposal in front of us to
8 approve this new --

9 MR. BASINI: No.

10 MR. KIMMERLING: -- dog run and trees?
11 Or, no?

12 MR. BASINI: No. What I wanted to show
13 this to you is just because I wanted to first of
14 all show how the dog run was proposed originally,
15 where the stairs were and how --

16 MR. KIMMERLING: Yeah.

17 MR. BASINI: And also just because the
18 discussion came up since, you know I've been
19 submitting this to the Board, it was actually a
20 while ago, but I knew you had a busy agenda
21 previously. So, since then we've, this has now
22 evolved into this, which is the owners have now
23 closed and they're moving forward with a
24 beautification so to speak, of the site. And so

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2 this sort of just fell into place, I think
3 nicely, with this proposal. And so taking it out
4 of the hands of 2nd Chance Rescue, putting it
5 into the owner who is really doing the full site
6 sweep anyway, it just seems to all make sense. So
7 this is not proposal in front of you right now.
8 This, as an overall site plan, still has to go
9 through engineering.

10 MR. KIMMERLING: So my, the concern I
11 have with the request is that there are two
12 things that you're asking to sort of have waived
13 or changed, right. One of them is the sound mat,
14 which was part of sort of the whereas clauses in
15 the condition, right. So, because you were
16 proposing this, we were going to grant this
17 approval. The second thing, right, was a
18 condition based on whether there were to be any
19 additional noise complaints and there weren't, so
20 I get sort of waiving that. That was a if there
21 are complaints, we would do this other thing, and
22 there weren't complaints so you shouldn't have
23 to.

24 But it does seem to me that we approved

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2 this on the basis of your putting those mats up
3 which, not you, they were never put up and now
4 we're being asked to waive that condition, which
5 is not even a condition, just remove that sort of
6 whereas. I don't know, that seems odd to me. You
7 know, we thought you were going to do it. You
8 never did it and now you're asking can we not
9 have to do it. I don't know. That seems a little
10 weird to me in terms of the logic of that. But
11 I'm interested in what my colleagues think, and
12 certainly what Mr. Cunningham thinks.

13 MR. BASINI: May I speak a minute to the
14 logic?

15 MR. KIMMERLING: Absolutely.

16 MR. BASINI: I mean initially, it was
17 the previous owners, it became cost prohibitive
18 for them, which is why they didn't do it. And
19 then the new managers came in and realized over
20 the course of nine months, or whatever it is, a
21 year, since the previous owner or management had
22 been running it, there were no complaints and
23 there were no issues, they didn't see the need
24 for it at this point. And it still is cost

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2 prohibitive. You know, every dollar that they
3 take in goes to rescuing another dog, so that was
4 really what this is all about. Every cent that
5 they take in from donations goes to saving
6 another dog. So that's why this is coming before
7 you now. That's the logic behind it. It wasn't
8 sort of just saying we would do it and then
9 realize eventually we'll just not do it. It
10 became cost prohibitive at the time, new
11 management came in and here we are.

12 MR. KIMMERLING: But in agreeing, and
13 your client proposing to use those mats to line
14 the fence, shouldn't the cost of doing that have
15 been built into the proposal? So they should have
16 known how much it was going to cost before they
17 proposed it and before we relied on that proposed
18 condition in order to grant this approval.

19 MR. BASINI: Yes, there were some
20 estimates made on some materials. And then I
21 guess now, a year later when they, you know, they
22 had some time to do the work, obviously, by the
23 time they got the fence up and everything was up
24 and running, the chain went in the ground, I

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2 think the prices went up, they realized it was a
3 little bit more expensive than they anticipated.
4 I don't run their finances, but that was what I
5 understood.

6 MR. KIMMERLING: Thank you.

7 MR. BIANCHI: Then my question is why
8 did they wait so long to tell us that? To wait
9 for the renewal.

10 MR. BASINI: It was something that, my
11 understanding was that they had resolved this.
12 The owner that has just left, Appian Way Ventures
13 is no longer part of this property anymore. Had a
14 certain other number of violations on the
15 property that we have now spent the last few
16 months clearing up, and so this was one of them,
17 it was not a violation, it was more of just an
18 open resolution that never got resolved and, you
19 know, the tenants and the owners were maybe not
20 communicating too well, and now, as part, through
21 the new owners working with me and working with
22 some other people to try and get the site up and
23 running properly, this was flagged.

24 And so I can't explain to why the early

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2 management and the current management didn't
3 address it earlier but I just know that now we
4 realize that this is, you know, we're trying to
5 make the site better basically. We're trying to
6 clear up all violations and make this building
7 and the tenant relations with the owner better.
8 So that's why it's coming up now.

9 MR. FOLEY: You know, Steve, the couple
10 or the previous owners that we had before the
11 Board a year ago, they're gone, correct?

12 MR. BASINI: The management, yeah.

13 MR. FOLEY: The management?

14 MR. BASINI: I mean there was a manager
15 there, I mean some of the management is still
16 there, but yes.

17 MR. FOLEY: The lady or two ladies?

18 MR. BASINI: Yeah, one of the ladies,
19 actually, yes, correct.

20 MR. FOLEY: Okay.

21 MR. BASINI: They are still there. One
22 of them is offsite, one of them is sort of
23 accounting. But the general manager, the
24 gentleman is not there anymore.

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2 MR. FOLEY: One was like on-call in case
3 she was needed, alright. Second, so it's
4 condition five you want wiped off here?

5 MR. BASINI: I'm sorry. I didn't hear
6 you, what was that?

7 MR. FOLEY: The condition five on the
8 last page of the proposed resolution that we had
9 that Chris sent us.

10 MR. BASINI: I don't have that in front
11 of me.

12 MR. KEHOE: Can you just read it, Bob?

13 MR. FOLEY: It says here, condition
14 five, in the event noise complaints persist from
15 this facility, and it's determined by the
16 Department of Tech Services to be at a level
17 reaching or exceeding the town's noise ordinance,
18 then an acoustical engineer or qualified noise
19 expert shall be retained at the expense of the
20 applicant to further evaluate the day-to-day
21 operations, etc. Then it mentions the escrow
22 account.

23 MR. BASINI: Correct.

24 MR. FOLEY: So that one, am I clear

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2 Chris or Mike or whoever, that's the condition
3 you're asking to be waived?

4 MR. BASINI: I am. There was a certain
5 amount of escrow that was supposed to be put in
6 for, to be evaluated over a year. And so year,
7 since the year is gone and no complaints have
8 gone in, it didn't seem to make sense at this
9 point for the tenants to put the money in if the
10 period of time has passed and it's been proven
11 not to be an issue.

12 MR. KESSLER: Just for the record, it
13 was 24 months, not a year.

14 MR. BASINI: I'm sorry, I apologize. I
15 didn't have it in front of me, yeah, 24 months.

16 MR. FOLEY: So if we waive that whole
17 condition, then what happens on the noise
18 complaint part of it? Perhaps --

19 MR. KESSLER: I guess the issue is 24
20 months have elapsed now.

21 MR. BASINI: Right.

22 MR. KESSLER: So do we relieve you from
23 the escrow because that's, the condition was 24
24 months and you're saying no complaints,

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2 therefore, relieve me of the escrow, correct?

3 MR. BASINI: That's correct, yes. And
4 then, and, you know, Chris and Mike are here. I
5 mean I don't know if there's anything come up in
6 the last month since we've filed this, but I
7 don't believe there's any complaint.

8 MR. FOLEY: My question would be,
9 suppose as you proceed, there are complaints, the
10 protocol was broken with the number of dogs that
11 are --

12 MR. KESSLER: Okay. But Bob, the
13 resolution had 24 months. You can't change the
14 resolution now.

15 MR. FOLEY: Well --

16 MR. KESSLER: Right. The resolution said
17 24 months, 24 months have elapsed so the question
18 on the table is do we relieve them of the escrow,
19 given the condition?

20 MR. CUNNINGHAM: And I think, on the
21 escrow, we're also relieving them of the
22 condition, to full condition number five.

23 MR. KEHOE: Well, and I think though
24 what Bob is asking and this is I guess for Mike

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2 and Mike, is that if there are noise complaints,
3 they would be investigated, and I think code
4 enforcement --

5 MR. FOLEY: Okay.

6 MR. KEHOE: -- would require some
7 methodology to address those noise complaints. So
8 it could be required by code.

9 MR. FOLEY: Okay.

10 MR. CUNNINGHAM: Right. They're still
11 going to be subject to any noise requirements in
12 the town code, just like any other property.

13 MR. FOLEY: Okay. Good.

14 MR. ROTHFEDER: So Chris, did anybody
15 try to get the escrow money from them over this
16 time?

17 MR. KEHOE: Well, you know, that's
18 what's been going here a little bit, is, you
19 know, I've been in touch with Steve and, you
20 know, occasionally poking him a little saying,
21 you know, we've got to get this wrapped up and
22 then it took a while, and then there was a
23 property transfer, meaning new people came in. So
24 this site plan has never actually, this site plan

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2 modification for 2nd Chance Rescue had never been
3 signed and finalized. They never met the
4 conditions of the approval from a couple of years
5 ago. It was one of those things where you had an
6 existing tenant in there and when, you know, when
7 they got quote unquote approved by the planning
8 board, it just sort of went by the wayside a
9 little bit. If they were trying to get in the
10 facility, they would have been after us.

11 MR. KESSLER: So Chris, are you saying
12 that 24 months is still operable because it was
13 never signed?

14 MR. KEHOE: Well, that could be an
15 interpretation. I mean Steve Basini's position is
16 the fact that there have been no noise complaints
17 obviates that.

18 MR. PREZIOSI: So I would caution just
19 as we were discussing at the work session to hold
20 the condition until such time as we get the
21 landscape plan. I think Steve simplified it just
22 a bit. The owner was a little overzealous and did
23 clear cut a lot of the trees, the vegetation that
24 we had discussed in our walk through prior to

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2 obtaining the proper permits from the town,
3 especially our office. So a tree permit and a
4 tree removal permit was not filed for before a
5 lot of the work was done. So I would say that
6 until such time as these plantings have been
7 installed to our satisfaction that we hold that
8 condition just to give a little leeway and
9 leverage as far as getting the plantings put
10 back.

11 MR. KIMMERLING: And what about the
12 condition of lining of the pens which is actually
13 not a condition, but in the whereas clauses above
14 the resolution part of that document?

15 MR. PREZIOSI: That should still be
16 done.

17 MR. BASINI: I'm sorry?

18 MR. PREZIOSI: That should still be
19 done.

20 MR. KESSLER: Agreed.

21 MR. BASINI: Can I ask, we're talking,
22 respectfully, I guess when you were talking, you
23 asked about logic before George, the logic behind
24 the request and I'm just wondering what -- I

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2 understand it's in a different spot of the
3 document maybe than that is something that can
4 more easily I guess be requested or forgiven, but
5 why, under the same reasons why you're saying the
6 acoustical engineer wouldn't need to be there
7 anymore, but without the mat there hasn't been
8 any complaints. So what, I'm just trying to
9 figure out what the -- is there no mechanism to
10 go back in and revise that? I mean you're saying
11 just flat out that it needs to go back, it needs
12 to go in, but it hasn't been needed I guess is my
13 point. It was to serve a purpose but the purpose
14 wasn't, isn't needed anymore. So I'm just trying
15 to determine that.

16 MR. CUNNINGHAM: The only mechanism
17 would be for the Board to vote on an amendment to
18 their prior resolution.

19 MR. KEHOE: So I guess is what Mike
20 Preziosi is saying is that given the change in
21 ownership of this facility, and given apparently,
22 you know, code enforcement and engineering have
23 met people out at the site, the new owners coming
24 in, cleaning up, removing some dead trees, you

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2 know, some site maintenance that didn't need to
3 go to the planning board. Maybe what Mike is
4 saying have these row of trees planted, get the
5 site in order, hold this request in abeyance
6 until a certain amount of time passes and see if
7 that landscaping is sufficient for the Board.
8 Maybe Steve Basini would come back in a couple of
9 months. I don't know if the Board is agreeable to
10 that.

11 MR. BIANCHI: I would agree to that.

12 MS. TAYLOR: No, I am, I'm definitely
13 agreeable to that.

14 MR. KIMMERLING: I'm fine with that as
15 well.

16 MR. ROTHFEDER: I think, see I think
17 it's interesting, we're separating out the
18 baffling from the escrow part essentially. And
19 so, what you were just saying George before was
20 that, you know, the baffling part should be done
21 because that's part of the agreed upon site plan.
22 And so maybe, I mean my suggestion would be that
23 Basini comes before us with a proposal to amend
24 this in a few months, and then we can make the

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2 decision about both things, about the escrow and
3 the baffling.

4 MR. KIMMERLING: Yeah. And I think a few
5 months is smart, especially with the warmer
6 weather, more neighbors would be outside. I think
7 part of the complaint was, you know, I'm out on
8 my deck and I can hear the noise. So I think the
9 timing is good too for that as well.

10 MR. ROTHFEDER: Right. And I meant as a
11 real proposal, rather than just --

12 MR. KIMMERLING: Yeah, yeah, yeah.

13 MR. ROTHFEDER: -- asking us to waive
14 something, yeah.

15 MR. BASINI: Okay. So, in other words, a
16 planning board application, like a revision to a
17 site plan approval, is that what we're talking
18 about? I guess Chris, I can talk to you about
19 that after.

20 MR. KEHOE: Well, I think that could be
21 handled via correspondence.

22 MR. BASINI: Okay.

23 MR. KEHOE: But you would do up another
24 little revised site plan and attach it with a

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2 cover letter and come back in a couple months and
3 say the landscaping is in and we hereby request,
4 you know, similar to what you requested this
5 time.

6 MR. BASINI: Okay.

7 MR. KEHOE: And then the planning board
8 could actually approve that revised drawing and
9 then get signatures and wrap it up.

10 MR. KIMMERLING: Right.

11 MR. BASINI: Okay. Is there a day that,
12 yeah, sorry, Tom.

13 MR. BIANCHI: What we're saying is that
14 the reconsideration of the matter also subject to
15 that two month period of time, to see if they're
16 really needed, and we, if we choose, we could
17 then eliminate that condition. Is that what Jeff
18 is saying?

19 MR. KEHOE: I think so. I think --

20 MR. ROTHFEDER: We could approve
21 essentially an amendment to the site plan that
22 eliminates that, right.

23 MR. BIANCHI: Okay.

24 MR. ROTHFEDER: Yeah.

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2 MS. TAYLOR: Now, I'm a little confused.
3 I'm sitting here listening and, you know, being
4 quiet purposefully. What exactly would this
5 amendment be?

6 MR. ROTHFEDER: The site plan would be
7 changed to remove the noise baffling as well as
8 the escrow.

9 MR. KIMMERLING: So, Jeff, do you mean -
10 -

11 MS. TAYLOR: Well that, that's an
12 amendment to the site plan, right.

13 MR. ROTHFEDER: Yeah, yeah.

14 MS. TAYLOR: Okay. Should he then
15 present it more formally as an amendment to the
16 site plan?

17 MR. ROTHFEDER: Yes.

18 MS. TAYLOR: He's getting rid of two
19 things there, you know.

20 MR. ROTHFEDER: Yeah, in a couple --
21 come back in a couple months --

22 MS. TAYLOR: I mean that's what we want
23 [unintelligible] [00:23:45].

24 MR. ROTHFEDER: -- and do that.

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2 MS. TAYLOR: Yeah.

3 MR. KEHOE: Yeah, it will be an
4 amendment to the site plan, but it can be handled
5 via correspondence rather than a new fee and a
6 new planning board number and a number case
7 number, unless you wanted to do it that way.
8 That's your call. But we typically handle things
9 like that via correspondence.

10 MR. BASINI: Yeah, that's fine.

11 MR. ROTHFEDER: Great.

12 MR. FOLEY: So back to my original
13 question then, on condition five, when Jeff
14 mentions the baffling, you're talking about the
15 acoustic part in condition five?

16 MR. KIMMERLING: No.

17 MR. FOLEY: No?

18 MR. KIMMERLING: We're talking about the
19 whereas clause that --

20 MR. FOLEY: Oh, in the whereas.

21 MR. KIMMERLING: -- it at the top of
22 page two.

23 MR. FOLEY: Okay. Got it.

24 MR. KIMMERLING: I believe.

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2 MR. BIANCHI: Okay. If we're done, I'll
3 take it.

4 MR. ROTHFEDER: Yeah.

5 MS. TAYLOR: Yes, please, thank you.

6 MR. BIANCHI: Okay. Madam Chair, I move
7 that we, I guess the word is refer this back to
8 staff for resolution of the issue of the
9 violation and the trees and the new plantings
10 that we discussed and have this come back to us
11 in a couple of months with a revised site plan.

12 MR. KESSLER: Second.

13 MS. TAYLOR: On the question, all in
14 favor?

15 MULTIPLE: Aye.

16 MS. TAYLOR: Opposed? Okay. Thank you so
17 much.

18 MR. BASINI: Thank you for your time.
19 Have a good night.

20 MS. TAYLOR: Alright, the next area will
21 be a new public hearing, this is for the
22 audience, of PB 2021-2. It's a public hearing,
23 excuse me, on the application of Martin Stejskal,
24 AIA, of Architectural Visions, on behalf of

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2 Jaqueline Millar, for approval of an Accessory
3 Apartment for property located at 58 Old Oregon
4 Road, with drawings dated February 18, 2021.

5 Now this is a public hearing. I, let me
6 just first find out from Mike, Mr. Cunningham,
7 I'm sorry, why am I going crazy here today. Do we
8 have anybody in the audience who will be speaking
9 on behalf of whatever, either the application or
10 people in the audience who want to make comments
11 against this?

12 MR. CUNNINGHAM: We have Martin Stacy
13 out here. I'll promote him first.

14 MS. TAYLOR: He's in?

15 MR. PREZIOSI: Yeah, we're promoting
16 him.

17 MS. TAYLOR: Okay. Well, let me, before
18 you do that, would you please just, can you tell
19 whether there are other people who want to --
20 because I want to read the --

21 MR. PREZIOSI: There are, Loretta. Do
22 you want Chris or myself to state the proceedings
23 --

24 MS. TAYLOR: Yeah, I want to do the

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2 guidelines.

3 MR. PREZIOSI: -- on how public hearings
4 work?

5 MS. TAYLOR: Just so everybody will be
6 clear.

7 MR. PREZIOSI: Yeah.

8 MS. TAYLOR: Okay. Just that's why I
9 wanted to know, if there's nobody there, no sense
10 in reading all this out. Anyway, let me just say,
11 for the public's benefit, that this is a public
12 hearing, excuse me, for the application of an
13 accessory apartment for property at 58 Old Oregon
14 Road. This is the first public hearing. Usually
15 they run, these kinds of applications, run fairly
16 short. They usually only just need one public
17 hearing. But certainly if you're here this
18 evening and you have some issues or you want to
19 just sort of agree with whatever is being
20 proposed here, you have an opportunity to speak
21 tonight. And only one person, obviously is
22 allowed to speak at a time.

23 The applicant will first, you know,
24 present a little introduction of what the

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2 application is and then after that, the people
3 who wish to speak to this application can raise
4 their hands and they will be then promoted to
5 speaker in the order in which the hand was
6 raised. We're asking that you be as brief as
7 possible to allow time for others to speak. And
8 we're asking you also not to repeat comments that
9 have already been made multiple times and to keep
10 those comments as specific to the issues related
11 to this particular matter.

12 Do not expect questions to be responded
13 to by the applicant or the planning board at this
14 meeting. They will be responded to at subsequent
15 meetings by the applicant. The public hearing is
16 not the time for public debate or back and forth.
17 The public hearing is to get questions and issues
18 on the record.

19 So, I'm sorry. We can begin now with Mr.
20 Stejskal.

21 MR. MARTIN STEJSKAL: Hi, good evening,
22 Martin Stejskal. I'm going to share my screen if
23 that's okay. So, what I'm sharing here is the
24 cover sheet, which shows the existing house. This

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2 house was built back, I think 2003, 2004. It's on
3 sewer and there was a basement that was finished
4 as part of the original house and a previous
5 owner set that up as an apartment by adding a
6 stove into the space.

7 So my client purchased the house not
8 knowing that it was an illegal apartment and now
9 wants to legalize it. So we are going through the
10 process and basically, he's the floor plan, there
11 was a bedroom there, a living room and then
12 there's a kitchen there now. The stove was added
13 from the original approved. This was the original
14 approved drawing. That was when they finished the
15 basement. And so we're going to add some fire
16 graded walls based on discussions with Martin
17 Rogers and we're going to follow all his
18 requirements as soon as you guys have your
19 comments addressed. So I guess I'm done, unless
20 you guys have any questions of me.

21 MS. TAYLOR: Well, we're going to go to
22 the audience first.

23 MR. STEJSKAL: Sure.

24 MS. TAYLOR: Mm-hmm.

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2 MR. CUNNINGHAM: Okay. So if you'd like
3 to speak on this application, we know there are a
4 lot of speakers on the next one. But if you'd
5 like to speak just on this application, please
6 raise your hand or hit star 6 if you dialed in. I
7 see no hands raised.

8 MS. TAYLOR: Okay. Then I guess we need
9 to just move on forward to the Board. Board
10 members, do you have questions for this
11 applicant?

12 MR. KESSLER: No.

13 MR. KIMMERLING: No.

14 MS. TAYLOR: Okay, well I suppose then
15 we're ready for a vote.

16 MR. ROTHFEDER: Yeah.

17 MS. TAYLOR: Jeff, would you take care
18 of that? Thank you.

19 MR. ROTHFEDER: Yeah. Madam Chair, I
20 move that we approve resolution is it 9-21?

21 MR. KESSLER: We're going to close the
22 public hearing first.

23 MS. TAYLOR: You're going to close the
24 public hearing first.

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2 MR. ROTHFEDER: Oh, I'm sorry.

3 MS. TAYLOR: Yeah.

4 MR. ROTHFEDER: Madam Chair, I move we
5 close the public hearing.

6 MR. FOLEY: Second.

7 MS. TAYLOR: Do you want go ahead and do
8 a second, I heard someone coming up with it, so
9 you might as well go, you might as well do that.
10 Hello?

11 MR. ROTHFEDER: Well, Steve just did a
12 second, so should we vote on this?

13 MS. TAYLOR: Did he do it? I thought I
14 heard someone.

15 MR. ROTHFEDER: Yes.

16 MR. FOLEY: That was me.

17 MR. ROTHFEDER: Oh.

18 MR. FOLEY: I was muted, but, I'm sorry.

19 MS. TAYLOR: Okay. We have a second for
20 that, okay, we have a second. On the question --

21 MR. FOLEY: On the question --

22 MS. TAYLOR: -- all in favor?

23 MR. FOLEY: On the question.

24 MS. TAYLOR: On the question?

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2 MR. FOLEY: It's Foley, on the question.

3 MS. TAYLOR: Okay. Go on.

4 MR. FOLEY: I'm sorry. I was muted
5 before. According to what I read in Chris' memo,
6 so when this house was built with a basement,
7 just as a finished basement, then it became an
8 occupied accessory apartment illegally. So I
9 understand what they're, trying to make it legal.
10 This, is this similar to the one we had last year
11 next door, the large house that was built? Chris,
12 do you know?

13 MR. KEHOE: Yes, I think it's similar,
14 because both the one, pretty much next door to
15 this and this one had existing apartments in them
16 already that were just being legalized either
17 through property transfers or some activity by a
18 prior owner.

19 MR. FOLEY: Okay. Alright. I was
20 concerned because of these large houses on that
21 little street. Alright. Go ahead.

22 MS. TAYLOR: All in favor?

23 MULTIPLE: Aye.

24 MS. TAYLOR: Opposed? Alright.

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2 MR. ROTHFEDER: Madam Chair, I move that
3 we approve resolution 9-21, approving the
4 application.

5 MS. TAYLOR: Thank you.

6 MR. KIMMERLING: Second.

7 MS. TAYLOR: Second, please.

8 MR. KIMMERLING: Second.

9 MS. TAYLOR: Alright. Thank you. On the
10 question, all in favor?

11 MULTIPLE: Aye.

12 MS. TAYLOR: Opposed? All rightie. So
13 Mr. Stejskal, you're done.

14 MR. STEJSKA: Great. Thank you.

15 MS. TAYLOR: All rightie. We're moving
16 to an adjourned public hearing for the PB 6-15,
17 the application of Hudson Ridge Wellness Center,
18 for Site Development Plan approval and a Special
19 Permit for a hospital to be located at the former
20 Hudson Institute property to provide a New York
21 State Office of Addiction Services and Support
22 certified 92-bed facility to treat individuals
23 with chemical dependency issues located at 2016
24 Quaker Ridge Road, and as shown on an eight-page

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2 set of drawings entitled Hudson Ridge Wellness
3 Center Town of Cortlandt, Westchester County, New
4 York, latest revision March 20, 2019.

5 Now, again, I will be reading the
6 guidelines for this public hearing. This is one
7 for the Hudson Wellness Center, it's PB 6-15.
8 This is the second meeting on this, or I should
9 say the second public hearing on this
10 application. We will have the hearing tonight and
11 we will then continue this hearing into a special
12 meeting to be held on Thursday April 22nd at 7:00
13 p.m. The special meeting, in the case of a
14 special meeting, this will be the only case on
15 that agenda, so it's entire, that evening is
16 entirely devoted to Hudson Wellness Center. To
17 tonight will not be the last opportunity for
18 anyone to speak.

19 The applicant will start the meeting and
20 then make an opening presentation. And then after
21 that point, the public will be permitted to
22 speak. We will ask that you raise your hand
23 function to speak or use the raise your hand, I'm
24 sorry, use the raise your hand function to speak

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2 and be recognized in the order in which your hand
3 is raised.

4 Please be as brief as possible to allow
5 time for others to speak. Please do not repeat
6 comments that have already been made multiple
7 times. Please also keep your comments to specific
8 issues related to this application. Do not expect
9 questions to be responded to, either by the
10 applicant or the planning board at this meeting.
11 They will be responded to at subsequent meetings
12 by the applicant. The public hearing is not a
13 time for debate or back and forth. It is a time
14 to get questions and issues on the record.

15 We have decided we would probably have
16 to conclude the hearing at 10:00 o'clock, or
17 earlier, if it should end, people are finished up
18 earlier, but there are other items that we still
19 need to be discussing after this case, so I think
20 with that, we are done with the guidelines. Mr.
21 Davis.

22 MR. BOB DAVIS: Yes?

23 MR. PREZIOSI: Loretta, I just want to
24 interject real quick that there a few individuals

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2 that have already begun to raise their hand. If
3 you're on Zoom and you want to speak, use the
4 raise your hand function and/or star 6 if you're
5 on a cell phone. I will be writing down your
6 names in the order in which you are raising your
7 hand. So please, everyone be patient, and we'll
8 try to get to as many individuals as specified by
9 Chairwoman Taylor.

10 MS. TAYLOR: All rightie then, Mr.
11 Davis, you're on.

12 MR. DAVIS: Yes, good evening, Madam
13 Chairperson. I'm Bob Davis, attorney for the
14 applicants. I just have some brief comments
15 tonight, mercifully, I will be brief. I'm sure
16 you can agree. As agreed with the Board at the
17 March meeting, we will mainly listen to public
18 comment tonight. And as previously noted, and as
19 mentioned in my March 23rd cover letter to our
20 submission for this meeting, we'll respond to all
21 public comment in writing at the conclusion of
22 the hearing. And as provided in the SEQRA
23 process, the applicants are entitled to the final
24 response, the last word, if you will, on their

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2 own application, not the opposing parties.

3 Our March 23rd submission responded to
4 the February pre-hearing letter of the neighbor's
5 counsel and also to some unfounded accusation and
6 innuendos at the March meeting. We've since
7 received the March submission of the neighbor's
8 counsel of over 200 pages, over 100 pages of that
9 was a letter from one neighbor from March of
10 2018, which we had refuted three years ago. We
11 don't know why that was resubmitted, but as you
12 know, we've gone through a long and exhaustive
13 review process with your board and the zoning
14 board, so many, if not most of the other comments
15 in counsel's March submission have been
16 previously addressed also.

17 At the April 1st session, work session,
18 it was mentioned that we would be making further
19 presentation at the hearing about our application
20 but in fact, as you know, we've already made many
21 public presentations before this board since
22 2015, so we want to avoid burdening the Board
23 with repetition to the extent possible. We do
24 feel somewhat prejudiced through no fault of

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2 yours, through the long delays between some of or
3 presentations, so that they may not be as fresh
4 in the Board's mind as some of the opponents
5 comments at this point.

6 But with respect to this public hearing,
7 we did make a presentation in January, we did
8 make one in March. The latter was a bit
9 truncated, but you do have my full outline to
10 both, as well as those of all of my other prior
11 applications. As I referenced in January and
12 March, I would specifically refer your attention
13 to the PowerPoint presentation of our hydro-
14 geologist back in December and that of our
15 traffic engineer in January 2019. You also have
16 had a number of presentations by your own
17 professional experts and we would submit that
18 they essentially agree with and validate our
19 experts.

20 We've also had, it's been a while, but
21 we've also had numerous meetings with your
22 professional staff to go over every detail of
23 this application, especially the site plan and to
24 make many refinements. Everything we've presented

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2 and our response to public comment as of that
3 date is encompassed in our March 2019 four volume
4 consolidated expanded environmental assessment
5 report, which he have mentioned before, and in
6 particular, I'd draw your attention to our SEQRA
7 non-significance analysis in Appendix 31 and our
8 list of stipulated mitigative conditions in our
9 Appendix 37, also the executive summary is a
10 handy way to see the main points of our
11 application.

12 And then our February 2021 submission
13 updated you with all of the submissions since we
14 filed those volumes in March 2019. So, at this
15 point, we've said everything we needed to say we
16 feel and more. We've done everything asked of us
17 by the town, we feel, and more. And we fully
18 addressed substantial public comment through the
19 first six years of this process up until this
20 hearing. Now we'll just await and address the
21 hearing comments at the conclusion. Of course, we
22 do reserve the right to make any presentation
23 during the hearing that we may feel is necessary.

24 Finally, in view of some of the

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2 insinuations about the applicants made at the
3 last hearing, I would like to share one piece of
4 information about the opposition that we've kind
5 of faced throughout. I'm sure tonight you'll be
6 hearing many different things about environmental
7 concerns, water, traffic and the like, which we
8 have addressed at great length already.

9 We know from their social media, which
10 we monitor, that the opposition has advised its
11 constituents of the Americans with Disabilities
12 Act, which as you know, is applicable to this
13 matter. And accordingly has essentially asked
14 people to be politically correct and told them
15 what they should say to this board. It's been
16 very orchestrated in that regard.

17 That's been their approach really since
18 the initial public meetings on this matter five
19 or six years ago, where certain people at the
20 outset, for example, stated, quote, they were
21 concerned about men running through the woods at
22 night and the safety of their children.

23 So it came as no surprise to use when
24 our client received a message recently, just

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2 since the last meeting, from one of the
3 neighbors. I don't know if it's one of Mr.
4 Schwartz's clients or not, we don't know who all
5 of his clients are. But it stated in pertinent
6 part, and I quote, we certainly don't need a
7 bunch of drunks and drug addicts roaming our
8 narrow roads and streets. These types of
9 businesses don't belong here anymore than the
10 yeshivas. They would just attract garbage of many
11 kinds, end quote.

12 So while certain people have the right
13 to make -- everyone has the right to make
14 reasonable comments and to ask reasonable
15 questions and they certainly have asked many and
16 we've tried to respond to them at length, the
17 comment that I just read, unfortunately, seems to
18 be the crux of the matter for some lying just
19 beneath the surface of their purported
20 environmental concerns. And I honestly think it
21 underlies some of the high end, low end
22 discussion we had at the last meeting.

23 Certainly, it's at odds with the town
24 supervisor's letter to the editor in *The Examiner*

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2 last week praising the town for being such a
3 welcoming community. I'm sure that's true in very
4 large part. But sadly, that's not been our
5 experience in this particular matter. So thank
6 you for your consideration. That's all we have to
7 offer tonight, and we'll listen to what everyone
8 has to say. Thank you.

9 MS. TAYLOR: Alright. Mr. Preziosi,
10 would you call the first commenter.

11 MR. PREZIOSI: Absolutely. So the first
12 is going to be Brad Schwartz and David Steinmetz,
13 representing the citizens, and then I have
14 currently about 15 residents that have raised
15 their hands. As I stated before, we're going to
16 try to get through everybody up until 10:00 p.m.
17 tonight, and then follow up with the next
18 scheduled public hearing in April on the 22nd.

19 MR. KESSLER: Representing some
20 citizens, as far as we know, right, Mike.

21 MR. PREZIOSI: Right. And I would stress
22 that Mr. Schwartz and Steinmetz represent and
23 state who they are and are not representing. Just
24 give me a second. Mr. Davis, I'm just going to

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2 mute you, if you don't mind, and you can feel
3 free to unmute yourself.

4 MR. DAVIS: Thank you, I welcome it,
5 Mike, thank you.

6 MR. PREZIOSI: Okay.

7 MR. SCHWARTZ: Good evening, Madam
8 Chair, members of the Board. Just for the record,
9 Brad Schwartz from Zarin & Steinmetz, here
10 representing the Citizens for Responsible Hudson
11 Institution Site Development, joined by my
12 colleagues David Steinmetz and Max Mahalek. As
13 the residents and members of CRHISD speak
14 tonight, they will identify themselves as members
15 of CRHISD, so that will be mentioned on the
16 record as the folks from CRHISD do speak.

17 There are several members from CHRISD on
18 the Zoom call, as well as a number of
19 professional consultants representing the group.
20 For the record, Steven Forneris, an architect
21 from Perkins Eastman, Bernie Adler, traffic
22 engineer from Chazen Engineering, Ed Larkin, co-
23 consultant also from Chazen and Caren LoBrutto,
24 our planning consultant, also from Chazen.

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2 We observed the work session the other
3 night. We're pleased that the Board has scheduled
4 a site visit. We think that's really going to
5 help bring to life all the issues that have been
6 raised in our submissions at the last hearing as
7 well as tonight. Logistically, CRHISD's members
8 are amenable to the applicant accompanying the
9 Board on its resident properties as long as that
10 courtesy is reciprocated. We think it would
11 benefit everyone to walk these sites together and
12 see the same views and perspectives. So I'll
13 defer to the Board on how they want to conduct
14 that, but I wanted to put that out there as an
15 overture.

16 We also heard the Board's comments about
17 trying to shorten the length of these hearings.
18 Clearly Mr. Davis did as well. So we are also
19 going to endeavor tonight to keep our comments
20 focused and limited on those that pertain to the
21 upcoming site visit. We think there are certain
22 matters that we'd like the Board to consider in
23 advance of the site visit and while you're
24 walking the properties that morning, and while

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2 you're out there, we would encourage you not just
3 the sites, but also spend some time walking the
4 roads or driving around and really taking in and
5 absorbing the look and feel of this residential
6 community. It's so essential to this application.

7 And when we come back for the special
8 meeting in April, we're also going to show you
9 the location of other high end rehab facilities
10 and we'll compare and contrast it to this site
11 and to this residential neighborhood.

12 So what we'd like to do tonight is have
13 the four consultants speak whether Madam Chair,
14 we could do it in the order that we're prepared
15 or Mr. Preziosi is going to respond based upon
16 how they raised their hand, I defer to the Board.
17 But before we turn to our consultant team, there
18 are four matters that I would like to briefly
19 address, if I could share my screen.

20 MR. PREZIOSI: Yeah, Brad, you have full
21 control.

22 MR. SCHWARTZ: Right. Thank you. So the
23 first matter or issue is that, it looks like I
24 froze. There I am, okay. So the applicant

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2 continues to bring up CRHISD's claim that this
3 proposed wellness center is not a hospital, and
4 the applicant in its letter to the Board in March
5 probably called that claim spurious no less than
6 15 times. And it's all from the implication that
7 all of our claims are spurious and all of the
8 claims and comments that we're bringing to the
9 Board's attention now, on SEQRA and site plan and
10 special permit all lack credibility. Why? All
11 because the lower court disagreed and ruled that
12 this facility is a hospital.

13 So look, our credibility has been
14 questioned, so we felt compelled to bring to the
15 Board's attention that just a couple of months
16 ago, in October, OASAS, right, the agency that
17 certifies these kinds of programs, opined in a
18 guidance document, that these kinds of facilities
19 that the applicant is proposing is emphatically
20 not a hospital.

21 So clearly our claim isn't spurious.
22 Again, we get this is not to be litigated before
23 your board, we felt compelled to raise it. This
24 will be dealt with on appeal, an appeal I should

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2 remind you all the applicant tried to knock
3 CRHISD out of. The town had no problem with
4 CRHISD appealing. But the applicant brought a
5 motion to dismiss. The court said no, CRHISD go
6 ahead and submit papers, and we'll be doing that
7 shortly.

8 So the point of all this is nothing the
9 lower court did or decided has in any way
10 undermined all this serious environmental and
11 other concerns that we're bringing to the board's
12 attention as part of this process.

13 Second, community character, we have
14 provided a number of citations in our materials
15 reminding the Board that community character,
16 quality of life in a neighborhood, those are key
17 considerations as part of any SEQRA analysis.
18 Some of the sites are up on your screen now and
19 Caren LuBrutto, our planner will address this
20 further during her presentation in a few minutes.

21 As far as the site visit goes, we urge
22 the Board to keep in mind while you're walking
23 the properties in the area, we are 80 zoning, the
24 frontage on a state road requirement. We think

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2 while you're walking the area, it will come to
3 light why the town decided to enact that state
4 road frontage requirement.

5 We also urge you to look at the pattern
6 of development in the area. Look at how close the
7 adjoining homes are to this site, as well as
8 properties that are right across the street on
9 this narrow roadway. Also visualize and think
10 back to what the site and the area might have
11 been like in the '20s and '30s and '40s, in the
12 1900s, right, when Dr. Lamb was operating the
13 facility here, and think of all the farmland and
14 how it contrasts with what you're going to see in
15 just a few weeks. Alright, just because a
16 hospital facility might have been acceptable
17 planning wise a century ago does not make it
18 acceptable and appropriate today, given how
19 dramatically the area has changed and morphed
20 over time to this highly established residential
21 neighborhood.

22 Mr. Davis made reference to the
23 environmental assessment report and is relying
24 upon that primarily for the applicant's ask of

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2 this board to issue a neg dec. We remain adamant
3 that there are several misstatements and false
4 representations in that document. We will
5 document everything in writing. But there are two
6 that we want to call the Board's attention to
7 tonight, again as it pertains to the site visit.

8 The first one is on page 29, the
9 applicant, and again in the SEQRA documents makes
10 the statement that the area roadways, including
11 Quaker Ridge, are not heavily utilized by
12 bicycles and pedestrians. You will hear tonight
13 testimony from folks who live right in this
14 immediate area, right next to the site, that that
15 is absolutely not the case, these roadways are
16 enjoyed for all kinds of recreational purposes,
17 joggers, runners, walkers, cyclists, both by
18 folks who live in the area, as well as those who
19 come to Teatown to visit on the weekend and enjoy
20 this serene atmosphere.

21 There are hiking trails nearby, the
22 Croton Aqueduct trail is nearby and hopefully, if
23 there's good weather during the site visit in a
24 couple of weeks, your board will see it

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2 firsthand.

3 The second comment that we want to bring
4 to the Board's attention was a response in the
5 applicant's March 23rd letter to the Board. We
6 have taken the position repeatedly that locating
7 a commercial hospital deep in a residential
8 district on a local road is not supported by the
9 town's zoning or planning documents.

10 The applicant responded that no one
11 should be surprised that a hospital would be
12 entrenched among residential homes. Again, why?
13 Because the town had some special permit
14 requirement allowing hospitals in residential
15 districts. But this response omitted, and it's a
16 material omission, was anything about the state
17 road requirement. That's a key limiting factor.
18 And as Caren will show in a few minutes, the
19 state roads in Cortlandt, none of them run deep
20 in a residential district. So the answer is no,
21 no one would expect a hospital to be located in
22 this kind of a residential district because the
23 town enacted the state law requirement. And state
24 roads don't run through residential neighborhoods

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2 in the town.

3 The last point I want to address is
4 about process and it came up in Mr. Davis's
5 opening. He again made the comment that the
6 applicant will respond in writing to all the
7 comments. He mentioned the applicant typically
8 will get the last word. And we get that. And at
9 some point, the back and forth will come to an
10 end. But we're very early in this process. And
11 our ask of the Board is that you please keep the
12 public hearing open long enough so that we the
13 community have a chance to review those responses
14 and comment on them.

15 The applicant, what the applicant is
16 proposing is that the Board is going to keep this
17 hearing open for a couple of sessions, close it
18 and then respond in writing and that's the end of
19 the dialogue. And we're asking the Board to not
20 do that. That's not what your board typically,
21 how the Board typically runs your processes. And
22 if the applicant here is truly going to respond
23 in writing to all the comments, there's going to
24 be quite a bit of material information that's

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2 submitted that we should be responded to and
3 opining on, including where generators are going,
4 information about lighting and a photometric
5 plan. What is the use of each of these buildings,
6 as well as a realistic and updated shuttle
7 program. Those are all material elements of this
8 application that the public ought to have a right
9 to review and comment on as the process evolves.

10 And frankly, that's why we have pushed
11 for an environmental impact statement, putting
12 aside that we believe this project satisfies the
13 low legal threshold, an EIS would bring a sense
14 of formality and order to this process.

15 So that concludes my opening remarks.
16 Again, Mr. Preziosi and the Board, I would defer
17 to you how you want to conduct the rest, but our
18 consultants are ready and lined up to go in a
19 certain order but I defer to you, with Mr.
20 Ferneris, the architect being the first speaker
21 on behalf of the group.

22 MS. TAYLOR: I think you can present in
23 the way that makes you feel comfortable.

24 MR. SCHWARTZ: Great. So, Michael, if

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2 you could please promote Mr. Forneris.

3 MR. STEVEN FORNERIS: Okay. Here we go.
4 Okay, good evening and thank you for taking your
5 time this evening. And I'll keep, as Brad said,
6 I'll keep my comments rather brief, because I've
7 already submitted a document to you and got a
8 chance to speak to you about the crux of what we
9 were talking about last week. But I understand
10 that you're going to be visiting the site in two
11 weeks, so I just wanted to share a document that
12 came along with my piece and give a chance to
13 just review that, because I do appreciate that
14 oftentimes drawings are a language of architects
15 and sometimes easy to miss.

16 And really, the crux of the piece comes
17 down to analyzing the size of the facility sited
18 by the applicant and one quoted by the applicant,
19 which was the Hazelton Betty Ford Clinic,
20 similar, similar in terms of only eight beds
21 apart for a size of clinic. And what the metrics
22 of that site would be, and you can see on the
23 left, it's about 1,372 square feet per bed. And
24 that's a real typical metric.

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2 We always look in different fields how
3 many square feet per bed are you talking about
4 for a facility. And sadly, it's always my first
5 conversation with a client. When they look at a
6 facility, it's usually well how much space do we
7 have and what are you going to be able to fit.

8 So you're looking on the right of the
9 proposed Hudson Ridge Wellness Center and the
10 buildings have been grayed out to give you an
11 idea. They're both similar sized pieces of land,
12 about 20 acres each. And, but very different
13 sized buildings.

14 So the next drawing in the piece here
15 that's in your package shows you all the land
16 blocked out and just given as the buildings in
17 one and on the second, those buildings are
18 superimposed on the Hudson Ridge site. So when
19 you're out there, you can see the orange pieces
20 are the Hudson Ridge existing buildings and the
21 program necessary to get that similar type of
22 facility that's being quoted by the applicant on
23 the spot, onto that space.

24 So it's a big difference. It's something

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2 that again, from an architect's perspective, we
3 would say hey, you know, there's a big decision
4 you've got to get to. This is not a ten percent
5 mix, this is a threefold difference in terms of
6 your space.

7 So I'll leave it at that, and I'm
8 available of course for any questions if you have
9 them, but want to be considerate of everyone's
10 time and give the public a chance to speak.

11 MR. KESSLER: Steven, I have a question.

12 MR. FORNERIS: Sure.

13 MR. KESSLER: Is there a regulatory
14 authority that opines on what the appropriate
15 square footage should be for an institution such
16 as this?

17 MR. FORNERIS: You know, the
18 requirements are quite, in terms of regulatory
19 requirements, they tend to be quite minimal, in
20 terms of, you know, it's just what are the
21 minimum requirements to get for a space.
22 Therefore, there are minimum requirements. The
23 issue here is that everything being sited within
24 this is of a facility significantly larger than

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2 what they're talking about in terms of -- these
3 are the facilities that are being referenced. And
4 without a set of plans, you look at those
5 facilities being referenced and said okay, based
6 on that facility, what type of building spaces,
7 what's the staffing and that'll give an idea of
8 what the impact on the site would be.

9 MR. KESSLER: Are there other facilities
10 that you feel are adequate facilities or good
11 facilities that operate at 419 square feet per
12 bed?

13 MR. FORNERIS: No. That's a very small
14 number. You know, within, I mean just to give
15 you, just to rattle off some square footage
16 values, your regular, just even going general
17 health care community hospital, that's about
18 1,770 square feet per bed. A teaching hospital
19 gets up to 2,400 square feet per bed.

20 Our firm is doing hospitals in India and
21 China at about 90 square meters per bed, so
22 that's about 968 square feet per bed.

23 MR. KESSLER: Are these very specialty
24 hospitals or just general hospitals?

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2 MR. FORNERIS: Specialty and general. So
3 it's a small number. It's a type of number that
4 when I was discussing this with my partners, the
5 first reaction was that's not possible, it's just
6 not possible. And this was a conversation I'd
7 actually had with Brad Perkins, our founding
8 partner. He said how do you get that in that
9 amount of space. And that's for not just this
10 type of specialty hospital, senior living, acute
11 care. It's just, it's way outside the general
12 look, which is like I said, from an architect's
13 perspective, I'd be raising up a flag and saying
14 hey you really have to revisit this, because
15 facilities don't operate at this scale.

16 MR. SCHWARTZ: And the best evidence we
17 have of that, Steven is that the other facilities
18 that the applicant has sited, their metrics are
19 far off, right. They're operating in much smaller
20 facilities.

21 MR. FORNERIS: Yeah, that's, I mean the
22 other metrics, I gleaned over the other metrics
23 that the applicants that have come through.
24 They're all over a 1,000 square feet per bed. So

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2 it just gives you an idea of the amount of space.

3 MR. KESSLER: And so, do I infer that
4 instead of 92 people, if it was 46 people, you
5 would be comfortable with that square footage?

6 MR. FORNERIS: Yeah, you would have to
7 go down significantly in terms of the number of
8 people or make the piece go up. The critical part
9 there is now you get into the other magic numbers
10 of any development of healthcare, which is that
11 you need a certain -- it's like an airplane -- a
12 certain number of seats sold to take off. And
13 that's again, at that lower level.

14 MR. KESSLER: That's the economics. I
15 understand that.

16 MR. FORNERIS: Yeah. And it's like doing
17 a ten room hotel.

18 MR. KESSLER: I understand.

19 MR. FORNERIS: Hilton is not going to go
20 after it.

21 MR. KESSLER: Thank you.

22 MR. FORNERIS: Sure.

23 MS. TAYLOR: You have completed your
24 presentation?

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2 MR. FORNERIS: Yes, yep, yep, all done.

3 MS. TAYLOR: Okay. Thank you. I guess,
4 Mike you can --

5 MR. SCHWARTZ: Madam Chair, if Mr.
6 Preziosi could please promote Mr. Adler next.
7 Thank you.

8 MR. PREZIOSI: No problem. If he could
9 just raise his hand, I'll search for him on the
10 list. I just lost him. He should be all set.

11 MR. BERNARD ADLER: Alright. Good
12 evening, members of the planning board. It's a
13 pleasure to be back before you, just to recount
14 for the record, my name is Bernard Adler. I am a
15 licensed professional engineer in the State of
16 New York. I have been practicing traffic
17 engineering now for over 50 years, and I'm the
18 former commissioner of traffic for the city of
19 White Plains. I will leave you to read the rest
20 of my credentials as contained in my piece that
21 was delivered on March 28th.

22 I just wanted to address a few
23 comments, because I also understood in the
24 interest of brevity that I'd like you to just to

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2 concentrate on some of these comments as you do
3 your site visit on the 18th.

4 The first issue is roadway width. While
5 it has been expressly stated that the roadway
6 width of Quaker Ridge is 20 feet, I was out at
7 the site and before and after the site, I
8 measured the roadway width, and I found that it
9 was almost 18-and-a-half feet at most, at most
10 locations. I recommended that there be additional
11 verification of that, but what was important is I
12 wanted you as the members of the planning board
13 to look at the site with respect to the roadway
14 and to get a feel for the activity that is being
15 proposed on Quaker Ridge.

16 The next comment and this is will be my
17 last for the evening, has to do with emergency
18 services and specifically access and circulation
19 for fire vehicle, especially the fire vehicle
20 that the town has that the fire department of
21 Croton-on-Hudson has been using a 47 foot power
22 ladder, an articulated vehicle will traverse the
23 site, which is linear, as compared to some of the
24 other sites that you've seen, the Betty Ford

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2 specifically. And access as well as articulation,
3 the return trip that is impeded by necessity to
4 make a K turn for that fire vehicle to be able to
5 return to Quaker Ridge.

6 Those are the two comments that I was
7 concerned about that I think would be viewed by
8 the members of the Board and I wanted you to look
9 at those with respect to the activity that is
10 being proposed, during the site visit. And that's
11 all I really wanted to say tonight.

12 MS. TAYLOR: Alright. Thank you very
13 much.

14 MR. SCHWARTZ: Mr. Larkin next please.
15 Thank you, Bernie.

16 MR. PREZIOSI: Okay. Mr. Larkin has been
17 promoted to panelist.

18 MR. EDWARD LARKIN: Good evening. For
19 the record, I'm a senior director of building
20 systems at the Chazen Companies. I'm a
21 professional engineer in the State of New York.
22 I'm also a New York State certified code
23 enforcement official. In my role, I manage our
24 building code and life safety and services group.

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2 And we work for over a dozen municipalities
3 across New York State, helping consult on
4 building code and regulatory compliance, as well
5 as represent private sector clients.

6 Our role on this project started back
7 when the evaluation of an I1 versus I2 took
8 place, which is a very code specific comment and
9 we've continued to work with the CHRISD as the
10 process has unfolded.

11 But a background on their building code
12 enforcement and code compliance, our focus, and
13 the focus of the document that I have submitted
14 to you and that you will have an opportunity to
15 review in detail, it is focused on the code
16 aspects, which do come later in the process
17 during the building permit.

18 But I think the overarching message of
19 that document once you get a chance to read it is
20 that this is a very unique project, it's a very
21 challenging project and there is detail that is
22 necessary at this time to accurately evaluate the
23 SEQRA impacts and assess the site plan
24 application.

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2 Specifically, in responding to an
3 applicant's statement and their documentation
4 that this hospital, this facility, excuse me,
5 functioned as a hospital back in the early 1900s,
6 while that is applicable to the site plan process
7 and zoning application, it is irrelevant as it
8 pertains to the building code and construction
9 impacts.

10 There was no recognized code for
11 hospitals back in the 1920s. In fact, it wasn't
12 until 1944, and the New York State building code
13 didn't formalize until '54, and for 30 years, it
14 was a voluntary code. So the amount of energy and
15 effort in construction that's going to be
16 necessary to bring this facility up to current
17 compliance and current code is expensive and I
18 just want to make sure that this applicant is
19 able to provide sufficient detail and acknowledge
20 those impacts to this body so that it can be
21 assessed.

22 As you visit the site later this month,
23 I would ask you to focus on two things, one being
24 the emergency generators. Given the layout of the

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2 site, right, not just the main building, right,
3 which will be a large industrial model generator,
4 but all the smaller outbuildings, think about
5 generators, where they'd be located and the noise
6 impacts and visual impacts as they run on a
7 recurring basis as required by code.

8 And the second thing I would ask you to
9 think about is the topography of the site. We
10 talk about shielded light fixtures, darkness
11 based light fixtures. They're great, they shield
12 to 180 degrees to the ground. Think about the
13 topography because as light fixtures are mounted
14 on elevated areas, right, on hills, what does
15 that do to the effectivity of that shielded light
16 fixture and how will that impact the feel of the
17 neighborhood.

18 So I would encourage you to consider
19 those two when you're on site, and certainly, as
20 you have a chance to review my report in more
21 detail, I will be happy to comment again. Thank
22 you.

23 MS. TAYLOR: Thank you.

24 MR. SCHWARTZ: Thank you, Edwin.

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2 MS. TAYLOR: Michael, do we have anybody
3 else? Is there anybody else --

4 MR. SCHWARTZ: Madam Chair, our next and
5 final consultant is Caren LoBrutto, also from
6 Chazen.

7 MS. TAYLOR: Okay.

8 MR. SCHWARTZ: This one is going to be a
9 little bit longer, just because it's going to
10 relate a lot to community character, state road,
11 historic road and again, it's so pertinent to the
12 site visit. So Ms. LoBrutto is going to spend a
13 few minutes longer than Ed and Bernie on
14 community character issues.

15 MS. CAREN LOBRUTTO: Good evening. Let
16 me share my screen. Good evening. My name is
17 Caren Lobrutto, I'm a senior planner with the
18 Chazen Companies. I'm here tonight on behalf of
19 CRHISD. I've been working as a planner since
20 2008, I have a master's degree in urban planning
21 from Hunter College in New York City and I worked
22 for AECOM and the New York City Economic
23 Development Corporation prior to moving upstate.

24 I began working for the Chazen Companies

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2 in 2015 and I work as a municipal planner and on
3 private development projects with the majority of
4 my work involving land use applications under
5 municipal board review and state environmental
6 quality review analysis.

7 Tonight, I will speak about the proposed
8 specialty hospital redevelopment at the former
9 Hudson Institute site. This presentation will
10 describe the unique residential character of the
11 area surrounding the project site and discuss the
12 town's public policy on land use and zoning as it
13 pertains to the site and the overall area.

14 In 2016, the town of Cortlandt adopted
15 Envision Cortlandt, which contemplated the future
16 of land use, of residential land uses and housing
17 in the town and set policies to guide land use
18 decisions. For Cortlandt's rural areas, the
19 strategies recommended in part to preserve large
20 lot residential uses within the R-80 zone and to
21 incorporate walkability as a goal and to
22 encourage neighborhood and community design that
23 actively promotes pedestrian and multimodal
24 connectivity.

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2 The zoning for the site reflects this
3 policy as it is R-80, minimum 80,000 square foot
4 lot, or two-acre area. The area's walkability and
5 connectivity to open space areas including Croton
6 Aqueduct, Croton [unintelligible] [01:12:18],
7 Teatown and trails is well demonstrated.

8 The use of the Quaker Ridge area for
9 these purposes encourages community interaction
10 and has positive health implications. In the 2016
11 plan, chapter three, key challenges and
12 opportunity facing residential land use in
13 housing areas in the town, included in part
14 improving and enhancing neighborhood character
15 and strengthening a sense of place and
16 maintaining the rural residential character in
17 the areas of the less developed portions of the
18 town. Chapter seven describes what constitutes a
19 sense of place and relates how community
20 character is critical to making a community a
21 desirable place to live.

22 This map shows state roads that are
23 located north of the site. In 2004, the town
24 recognized the importance of protecting

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2 residential character and sought to reduce
3 incompatible uses in residential zones.

4 Accordingly, a 2006 zoning text amendment
5 requires that hospitals are located on state
6 roads.

7 Note that the site is located in the
8 southeast corner of this map and that there are
9 no state roads in residential areas in this part
10 of the town.

11 As you can see in the two photos, there
12 has been a dramatic change over time from an area
13 that was mostly farmland to an area that is
14 predominantly rural residential development
15 today.

16 The hospital was built in 1920 in an
17 altogether different environment. The fact that
18 the buildings remain does not make it suitable
19 for a hospital today. The proposed specialty
20 hospital use is an institutional use. In the town
21 of Cortlandt, hospitals are allowed on state
22 roads only.

23 So what does the town zoning say? It
24 says that residential districts are intended to

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2 be free from uses other than residential uses
3 except those which are both compatible with and
4 convenient to the residents of such districts.
5 For these reasons, institutional use proposed for
6 residential districts require careful
7 consideration because they can adversely change
8 the character of the community. Change in
9 character is experienced in ways that are not
10 always measureable. it's how we feel about things
11 too. More truck and vehicular traffic, lights
12 used in an institutional setting, noise that is
13 not residential in character and constant
14 activity.

15 State roads are more suitable for
16 institutional uses for reasons related to higher
17 intensity uses, as in utilities, emergency
18 access, convenience to related goods and
19 services.

20 The applicant claims that there are
21 other nonresidential commercial uses in the
22 neighborhood. Let's stake a look. Rolling Stone
23 Farm is an existing, closed to the public, horse
24 farm. This use is consistent with the rural

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2 residential character of the neighborhood. The
3 Danish Home is closed. A future nursing home use
4 at the site would require a special use permit,
5 including consideration of the state road
6 location requirement.

7 Let's talk about the neighborhood. This
8 neighborhood is home to many families. This is a
9 place to bike, walk, push a stroller, learn to
10 ride a bike, catch great views and see friends.
11 In 2007, Quaker Ridge Road was recommended for
12 designation as a scenic road. If you look at the
13 town's public policy from that time, it says to
14 limit truck traffic on local roads and protect
15 scenic roads to improve pedestrian safety. As you
16 can see from the photo, there are multiple users
17 of the road. And the car is preparing to travel
18 in the opposite lane to safely pass the biker.
19 Additional traffic will make the situation much
20 more dangerous.

21 As you are probably aware, Quaker Ridge
22 Road is used and enjoyed by area residents and
23 visitors who descend upon greater Teatown to
24 enjoy its scenery and natural setting, including

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2 the nearby Aqueduct Trail. The Teatown trail map
3 shows multiple open space resources in close
4 proximity to Quaker Ridge Road.

5 The 2016 comprehensive plan includes as
6 a goal, walkability and connections to open
7 space. People are making these connections and
8 using the resources available to them to do it. A
9 change in the traffic will affect their use of
10 this area, as it begins to feel more congested
11 and less safe for pedestrians, cyclists, etc.

12 Again, the zoning ordinance states that
13 residential districts are established in order to
14 meet the housing needs of the present and future
15 population of the town and the region and to
16 promote the stability and desirability of
17 residential neighborhoods.

18 For the residents located at 2022 Quaker
19 Ridge Road, the proposed specialty hospital will
20 have a dramatic affect on their everyday life as
21 the nearest building is approximately 169 feet
22 from the home. I am showing the access easement
23 here too, to suggest that the uncertainty of this
24 proposed use and the potential change in use of

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2 this land from residential to institutional
3 affects the stability of this neighborhood.

4 This is the view from 2022 Quaker Bridge
5 Road. Imagine here an active specialty hospital
6 with 92 beds. Remember that the town acknowledged
7 the rural character and quality of life in 2004
8 when the parcel was rezoned from one dwelling
9 unit per 5,000 square feet, to R-80, one dwelling
10 unit per two acres.

11 Furthermore, the town acknowledged that
12 the rural character and quality of life in this
13 area needed to be protected in 2006, when a
14 zoning text amendment was passed requiring
15 hospitals to be located on state roads.

16 There is no objective criteria for
17 measuring community character. Assessments are
18 subjective, but in this instance, there is
19 concrete guidance provided in the town's
20 comprehensive plan, zoning ordinance, the
21 existing pattern of development and the
22 protection of scenic and historic resources. The
23 town recognizes that a specialty hospital in the
24 R-80 zoning district could result in adverse

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2 impacts to the neighborhood. Accordingly,
3 Cortlandt's zoning ordinance requires a special
4 use permit and a location on a state road for
5 hospitals. In the town's special permit standards
6 and conditions for hospitals, it states that the
7 purpose of this section is to allow for the
8 provision of hospital and nursing home facilities
9 and accessory buildings and uses, including
10 dwellings for staff members to serve the needs
11 for medical care of residents of the town and to
12 ensure that such facilities are provided in a
13 manner that is not disruptive to surrounding
14 property or the neighborhood.

15 The DEC citizens' guide to SEQR clearly
16 states that citizens have an important role in
17 the environmental review of proposed projects.
18 CRHISD is a group of residents and neighbors that
19 are providing important information about
20 community character and local resources that
21 would be impacted by the proposed action. SEQR
22 guidance says a moderate to large impact is when
23 a project introduces a land use that is
24 inconsistent, or in short, contrasts with

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2 surrounding land uses, or if the project
3 introduces odors, lights, noise or traffic to an
4 area in a way that is different than currently
5 exists.

6 For the proposed action to develop a
7 specialty hospital on the site, the planning
8 board is the lead agency responsible for
9 conducting a single integrated environmental
10 review of the proposed action. As the lead
11 agency, the planning board is responsible for
12 assessing the potential impacts of the entire
13 action, including the requested variance by the
14 applicant to allow a hospital on a road that is
15 not a state road.

16 The 2006 text amendment adding the state
17 road location requirement was meant to limit the
18 siting of hospitals to the area and roads that
19 are better suited for such uses. The hospital's
20 special permit criteria were enacted specifically
21 to ensure that such facilities are provided in a
22 manner that is not disruptive to surround
23 property or the neighborhood. The SEQRA review
24 needs to address the potential adverse impacts of

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2 granting a variance from this requirement.

3 In closing, I ask that you listen to the
4 people that live here, walk here, ride their
5 bikes here, and to abide by the town's zoning.
6 Keep hospitals where they belong, on state roads.
7 If the application fails to meet the special
8 permit standards, denial should be considered.

9 Alternately, consider issuing a positive
10 declaration on your SEQRA. This project meets the
11 low threshold. The lead agency only needs to
12 identify a single potential significant adverse
13 impact, which could be potential for significant
14 adverse impacts to community character.

15 An environmental impact statement or EIS
16 process will formalize the review, providing an
17 established, predictable process for applicant
18 submissions, public review and comment, including
19 by other agencies, in an orderly fashion and with
20 clear timeframes. Thank you for your time.

21 MS. TAYLOR: Thank you.

22 MR. SCHWARTZ: Thank you, Caren. Madam
23 Chair and members of the board, just to, I just
24 want to emphasize one of the points that Caren

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2 made. And that is community character is defined
3 in many ways. And here, it's defined by the R-80
4 zoning, the frontage on a state road special
5 permit requirement, the special designation of
6 the local historic scenic character of the road
7 and the pattern of development in the area.

8 So it may not be your traditional impact
9 area that you can measure or quantify, but those
10 are all tools that boards use, planners use, to
11 measure and study impacts to community character.
12 So, Caren, thank you for bringing that up, I just
13 wanted to emphasize that point for the Board. So
14 that completes our consultant presentation. Mr.
15 Preziosi, if you could please promote Bill
16 Greenstein, who is the chair of CRHISD. There are
17 four CRHISD speakers and then our presentation
18 will be totally completed. Thank you, Michael.

19 MR. PREZIOSI: I don't see a Bill, but I
20 do see a Jill Greenstein, so I'm sure that's the
21 same.

22 MS. JILL GREENSTEIN: Okay. Good
23 evening. My name is Jill Greenstein and with my
24 husband, Joel Greenstein, reside at 83 Quaker

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2 Hill Drive in Croton. I am the chairperson of
3 Citizens for Responsible Hudson Institute Site
4 Development. Before I begin remarks, I have to
5 tell you. I am still shaking. I am horrified by
6 the comment that the attorney read to us that he
7 received. These hateful comments are nothing,
8 they are not part of who we are, nor would
9 anybody in our group, myself or anybody, ever
10 make such a comment. Again, I am horrified.

11 I'm equally horrified that the attorney
12 might imply that somebody from our group might do
13 such a thing. This is just not the case. It is
14 not what we stand for nor what we believe in. So
15 I had to say that. It was very upsetting.

16 Now, let me go on. The Hudson Institute
17 property is adjacent to the rear of my property.
18 In fact, one of their buildings is six feet from
19 my property line, which would never be allowed
20 now with new construction. I invite you to visit
21 during the site walk and seek how close it is.
22 And as Brad mentioned, we welcome anyone to
23 attend the visit, including the applicant, as
24 long as that offer is reciprocated.

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2 Speaking of the applicant, I want to
3 first say a few things about the attorney's March
4 23rd letter. He accused us of submitted a
5 misleading photo. We hope the Board sees right
6 through this. No matter how the applicant tries
7 to slice and dice measurements and elevations,
8 the fact is that our home and property are
9 extremely close to the Hudson Wellness site and
10 buildings, with direct views from our deck and
11 windows.

12 And no, we did not clear a substantial
13 number of trees, as the applicant wrongly says.
14 In fact, we did not clear any trees. Quite the
15 opposite, we have planted thousands of dollars
16 worth of evergreen trees to aid screening.

17 I couldn't believe when I read in the
18 attorney's letter that our alleged tree clearing
19 was a self created hardship. This is not the
20 truth. The applicant bought the property on
21 speculation before getting any approvals, before
22 talking to the town, OASAS, before talking to
23 neighbors and six years after the town adopted
24 the state road requirement for hospitals.

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2 The applicant could have chosen a
3 different site in town that adheres to the
4 special permit requirements and fits in with
5 other surrounding uses.

6 The attorney also made it seem like the
7 main hospital building is far, far away in the
8 distance, when it says that this building is,
9 quote, on the other side of the property and
10 adjoins the vacant parcel in Newcastle. The Board
11 will see for itself during the site visit how all
12 the buildings are centrally located on the site
13 and toward my property line and other neighbors.

14 Again, the closest building, building
15 number five, is a mere six feet away from our
16 property line. We will, without question, be
17 impacted by noise from generators and lighting.
18 It is also not even clear what this building will
19 be used for. The 2019 site plan says group
20 activities. The attorney says in his letter,
21 office and meetings. And the 2018 OLA report says
22 patient quarters and offices. Which is it? We
23 cannot begin to understand how this building will
24 truly affect us until we know for certain its

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2 use.

3 Now, for some background about us. We
4 have lived here for more than 21 years and prior
5 to that, have lived in the Croton area since
6 1977. When we first started looking for a home,
7 we were immediately drawn to the Croton community
8 and eventually the Teatown area. When we first
9 moved here, we knew the site was not being used,
10 and also knew it was zoned for two acre
11 residential. It was the bucolic nature, the quiet
12 of the neighborhood, the wakeup call of the
13 chirping birds, the wildlife, the friendliness of
14 neighbors, the ability to in effect, commune with
15 nature through our walks in the area, including
16 the Croton Aqueduct Trail and Teatown and just
17 all the roads in the area, often having to stop
18 as a gaggle of geese walk and walk by or a turtle
19 is crossing the road, and the need is to protect
20 it from oncoming calls, or watching the turkeys
21 scurrying along or the deer bounding over the
22 road, my vegetable garden and the overall sense
23 of quiet, peace and harmony and beauty.

24 With this as background, I have a number

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2 of issues and concerns with the Hudson Ridge
3 Wellness proposal. One, this proposal will harm
4 our quality of life in our quiet, residential
5 neighborhood. Everything I just described would
6 be forever changed. All the new cars and truck
7 trips alone would disturb our recreational use of
8 Quaker Ridge Road for walking and wildlife
9 sightings. I was shocked to read in the
10 applicant's SEQRA report that the local roads
11 have a low recreational use. You just saw some
12 pictures. These roads are used all the time by
13 residents for walking, biking, running, birding,
14 you name it. And we also get visitors from down
15 county who want to escape to the country for a
16 few hours. We have wonderful hiking trails and
17 roads and the old Croton Aqueduct Trail right
18 nearby.

19 Our sense of belonging in the community
20 would also be affected, knowing there is an
21 institutional use immediately next door. There
22 will be outbuildings and employee parking lots on
23 the other side of my property line. Rather than
24 backyard BBQs and impromptu gatherings, we will

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2 be next to a commercial use that is secluded from
3 the rest of the neighborhood. That's not what a
4 residential community is all about.

5 Second, water is a critical issue, since
6 wells provide the water for all residents in this
7 area. According to New York State standards, a
8 typical hospital would use 175 gallons per bed
9 per day, plus for this proposed facility, about
10 an additional 7,000 gallons per day for 86
11 hospital employees and food service. At that
12 rate, the facility would use about 23,000 gallons
13 of water per day, as much water as about 50 four-
14 bedroom homes using 110 gallons per day per
15 bedroom. This does not include water for
16 irrigation or water used by visitors.

17 Can the local aquifer support that
18 drawdown year after year? I am not confident that
19 the well water issue has been resolved. On August
20 20, 2018, a well test was done. During that test,
21 my well, along with my neighbor at 78 Quaker Hill
22 Drive, were impacted. The neighbor on my other
23 side, 81 Quaker Hill Drive, was not included in
24 the test, although it could have been and should

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2 have been.

3 Although the Hudson Ridge people
4 reported little impact, my well, with only two of
5 us living in the house at that time, showed a
6 drop of 18 feet in just three days. I'm happy to
7 share with you the scale sent to us by the Hudson
8 Ridge people. What will happen when there are 92
9 residents and many employees working in the
10 facility using water? Who will provide me, my
11 neighbors and the surrounding community, which
12 will eventually be impacted, with water? Is this
13 something the applicant will do? Or are they
14 intending to make it the town's responsibility?

15 It seems odd to me that the applicant
16 insists there are no impacts, yet recommended to
17 continue to monitor my well after construction.
18 It also seems odd to me that the applicant says
19 it will come on to my property and dig my well
20 deeper or perform other mitigation on my
21 property. I thought applicants are required to
22 propose projects that do not cause impacts to
23 neighboring properties. I did not think they
24 could rely on fixing their own problem on someone

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2 else's property.

3 And by the way, how are we assured that
4 the applicant would fulfill its promise? Would an
5 escrow be set aside to cover the cost of a new
6 well? But this issue is not just about one house,
7 but about a community that uses water in respect
8 to the [unintelligible] [01:31:00] through wells.
9 I do not want the Teatown Croton community to
10 begin to worry about loss of water.

11 With all of these concerns, we are
12 asking DOH to revisit this issue and ask the
13 planning board to wait on making any decisions
14 until this very serious concern is resolved. One
15 of the key issues that our consultant has
16 highlighted for DOH is whether the applicant has
17 grossly underestimated the water demand of this
18 specialty hospital. This is separate from the
19 magnitude of drawdown in my well, documented
20 during the well test in 2018.

21 I am concerned that the project would
22 need, under both dry conditions and during normal
23 hospital functioning, a lot more water than what
24 the applicant has represented. The applicant used

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2 the assumption of 110 gallons per day per bed for
3 its analysis. This is the standard used for
4 nursing homes. The Hudson Ridge proposal is not a
5 nursing home, but rather it is purporting to be a
6 hospital. The applicant should use the hospital
7 standard of 175 gallons per day per bed, or at
8 the very least provide the actual water demand
9 from other comparable specialty hospitals to
10 eliminate the guesswork from a very serious issue
11 about the project's water demand. We have asked
12 DOH to carefully examine this issue.

13 As they gloss over the water issue, they
14 seem to take that approach with any other
15 legitimate concerns raised by the community.
16 Briefly, when concerns were raised about traffic
17 on the non-state roads of Quaker Ridge Road,
18 Glendale, Allapartus, Quaker Bridge, etc., they
19 proposed that employees would not be allowed to
20 drive to the location, but rather would have to
21 park at a predetermined spot. They mentioned FDR
22 Park, and be brought by vans to the location.

23 Can anyone truly see this as a viable
24 idea? There is a snow day, and an employee's

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2 child's school has a two-hour delay, so they
3 cannot make the van and have to drive themselves.
4 There's traffic on the highway and an employee is
5 late for the van. The roads are once again
6 blocked by falling trees, snow, etc. The list can
7 go on and on. And most importantly, how can their
8 proposal of transportation by the van be verified
9 and enforced?

10 I mentioned 81 Quaker Hill Drive, my
11 neighbor. While talking about the property at 81
12 Quaker Hill Drive, which should have been
13 included in the well testing, I don't believe
14 that the planning board was aware of the
15 connection between the applicant and the property
16 until it was mentioned at the previous planning
17 board meeting. At various times, over the past
18 four years, the applicant, Kevin Cassidy, and a
19 related LLC, Chrichton House Holdings, have paid
20 the real estate taxes on this property.

21 Last August, Quaker Hill Drive, LLC
22 granted an easement to the applicant. Recently,
23 all three related entities, that is 81 Quaker
24 Hill Drive, 2016 Quaker Ridge Road and 35 Quaker

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2 Ridge Road were in arrears in real estate taxes.
3 This can be easily verified by looking at
4 publicly available Town of Cortlandt records.

5 At one point, there had been a tax lien
6 on the applicant's property at 2016 Quaker Ridge
7 Road. The owners of 81 Quaker Hill Drive are
8 clearly connected to the Hudson Wellness Center.
9 I am concerned that 81 Quaker Hill Drive will be
10 used as an annex for the applicant. I wonder what
11 is the relationship between this home and the
12 Hudson Wellness project?

13 Along with this easement we discovered,
14 a path has been created from this site to the
15 Hudson Wellness site. There is a pool at this
16 home. Is the intention to allow residents at the
17 project to swim here, or perhaps use it as an
18 outpatient house? Might they want access to
19 Quaker Hill Drive for an alternate means of entry
20 or exist for employees, residents and/or
21 equipment? Many questions about this. Will the
22 planning board looking into the serpentine
23 ownership of 81 Quaker Hill Drive and the
24 easement?

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2 I also find it curious that this
3 property and the one to the south have been
4 listed together for sale for 26.5 million. Now, I
5 suppose any owner can always test the market. But
6 this only adds to the mystery surrounding the
7 application. As others have mentioned, the
8 applicant has been very secretive about who the
9 operator will be and it is strange that they have
10 not had significant talks with OASAS. The
11 property listing only raises further questions
12 about what is really going on here.

13 I also encourage you, during the site
14 visit, as has been mentioned, to consider where
15 the commercial generators will be located and how
16 they will affect us and other neighbors. How
17 noisy will they be? Will they be screened? It
18 seems like we always lose power during storms due
19 to down wires and trees. This should not be
20 overlooked. The same goes for lighting concerns.
21 How will all the new lights affect neighbors and
22 change the feel of our community?

23 I know Mr. Larkin submitted a report on
24 these issues and I encourage you to please read

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2 it before the site visit. There are just too many
3 questions. The Board and the public do not have
4 enough information. I do not see how the
5 applicant can keep asking the Board to complete
6 SEQR with all of these unanswered questions.

7 You are our guardians over this
8 beautiful resident community. How can we preserve
9 the character of our community? We are counting
10 on you, relying on all of you to maintain this
11 quiet, residential community and keep commercial
12 development out, as it says in the town's zoning.
13 It is just a small piece of the greater Cortlandt
14 community, but how sad it would be for everyone
15 if we lose this.

16 I want to thank the planning board for
17 listening to me and taking a serious look into
18 all of these concerns and problems a facility
19 such as this on a non state road will create.
20 Again, thank you for all you do and I look
21 forward to your site visit.

22 MS. TAYLOR: Thank you very much.

23 MR. SCHWARTZ: Madam Chair and Mr.
24 Preziosi, if you can please promote Mr. Michael

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2 Shannon.

3 MR. PREZIOSI: I think we should go in
4 the order in which individuals raised their hand
5 now, at this point, Brad. Because there was a lot
6 of people on the call waiting to discuss and Mr.
7 Shannon did not raise his hand first. So if it's
8 possible, Loretta and the rest of the board, if I
9 can go through the order in which the individuals
10 raised their hands?

11 MS. TAYLOR: Okay. The only reason I
12 thought that it would be helpful if they had
13 actually planned for four speakers, I think
14 that's what he said, right?

15 MR. PREZIOSI: We are at the eighth
16 speaker now.

17 MR. SCHWARTZ: No, right. There were
18 four consultants and then four speakers that were
19 going to speak on behalf of the CRHISD group, so
20 four residents Michael.

21 MR. PREZIOSI: Okay. If that's okay,
22 then I'll promote Mr. Shannon.

23 MR. SCHWARTZ: Thank you.

24 MS. TAYLOR: Yes, please.

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2 MR. PREZIOSI: Mr. Shannon, if you can
3 just unmute yourself, then you can speak.

4 MR. MICHAEL SHANNON: Can you hear me
5 now?

6 MR. PREZIOSI: Yeah, you came I slightly
7 broken up. If you can just state your name and
8 your address for the record.

9 MR. SHANNON: My name is Michael
10 Shannon. I live at 2022 Quaker Ridge Road.

11 MR. PREZIOSI: Mr. Shannon, if you have
12 any other speakers or headset on, if you can
13 remove that and start from the beginning.

14 MR. SHANNON: I do not have anything
15 else on. My name is Michael Shannon. I live at
16 2022 Quaker Ridge Road. Did that come through
17 okay?

18 [CROSSTALK]

19 MR. PREZIOSI: I'm going to suggest that
20 we mute Mr. Shannon and promote the next speaker
21 and then go back to Mr. Shannon.

22 [CROSSTALK]

23 MR. PREZIOSI: I'm sorry, Mr. Shannon,
24 you're coming in extremely broken up. Brad, if

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2 you can indicate the name of the next speaker.

3 MS. TAYLOR: Please.

4 MR. SCHWARTZ: Steven Hampton, please.

5 MR. PREZIOSI: Mr. Hampton, if you can
6 raise your hand. Okay, Mr. Hampton, you've been
7 promoted. Just unmute your speaker. Mr. Hampton,
8 you've been promoted to speaker, if you can just
9 use the unmute tool on the Zoom screen, bottom
10 left corner. Okay. Mr. Hampton, if you're there,
11 we'll give you another minute.

12 MR. DAVID STEINMETZ: Michael, can you
13 unmute him from your end?

14 MR. PREZIOSI: I can only ask him to
15 unmute. It should pop up. Brad, if you --

16 MR. SCHWARTZ: Michael Arkin is next.

17 MR. PREZIOSI: Okay. So we'll put Mr.
18 Hampton back on mute, and you said it was Michael
19 Larkin?

20 MR. SCHWARTZ: Arkin, A-R-K-I-N.

21 MR. PREZIOSI: Arkin, okay. Okay. Mr.
22 Arkin, you are promoted to speaker.

23 MR. MICHAEL ARKIN: Hi. Can everybody
24 hear me?

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2 MR. PREZIOSI: Yes, go ahead.

3 MR. ARKIN: Yes.

4 MR. PREZIOSI: Just state your name and
5 address for the record.

6 MR. ARKIN: Yeah, my name is Michael
7 Arkin. I live at 2007 Quaker Ridge Road. I am a
8 member of CRHISD, I lived directly across the
9 street from the site that we're all speaking of.
10 I don't have something as eloquent as Jill
11 prepared. She covered a lot of the topics so I'm
12 going to keep it short, as the Board will be
13 thankful for.

14 The area we live in, as you will see
15 when you come out here, a beautiful area. The
16 street is used more than a typical residential
17 street is used. There are bike and running groups
18 that use it from all over Westchester. When we
19 have company, it's always astonishing to folks
20 how many bike tours go through the neighborhood.
21 It feels like the Tour de France. I'm not
22 exaggerating. COVID has put a little bit of a
23 damper on the groups. It's been more individuals,
24 as you saw in some of the pictures, but when you

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2 come out here, I'm pretty sure you'll probably
3 see a tremendous amount of folks using the
4 street.

5 My kids have always used it. We have,
6 some of them have best friends down the street.
7 They've ridden their bikes their whole lives.
8 They're teenagers now. They learned to ride their
9 bikes on this street. There's an older gentleman
10 that we see every single day throughout the
11 pandemic. You know, we've named him -- I don't
12 know what his name is, but he walks at least two
13 times a day. He's probably in his early eighties.
14 So it's not -- it's beyond the typical
15 residential road as far as the use it gets. I
16 have friends coming from the village. They know
17 where I live because I'm on their bike route.

18 So it's truly an area that exists beyond
19 the folks that live here. Partially also because
20 of the trails, I mean the reason I moved here was
21 many of the reasons that Jill spoke to, but I
22 don't know if you've frequented Teatown and
23 hiking trails that are there, or the Aqueduct
24 Trail, but I can walk from my house to these, you

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2 know, loops that are a mile, mile-mile-and-a-half
3 loops and a tremendous amount of folks come up
4 here to use that, to use these trails. So it's
5 truly a part of our community.

6 Given the nature of these roads, Jill
7 also touched on the storms. Just to go in a
8 little bit more depth, and there's some pictures
9 that I think Brad has of, that I've taken
10 throughout the years. You know, these storms are
11 pretty crazy. I mean we've had, we've lost power
12 for two weeks at a time. And power here when
13 you're on wells isn't just lighting and Wi-Fi,
14 it's water. So you don't have toilets, you don't
15 have sinks. You just, you don't have water.

16 That would affect the facility, I'm sure
17 with generators. My neighbor has a generator.
18 It's incredibly loud. So I can't imagine what
19 this facility would provide. These truck right
20 here, were these Canadian company who came down
21 on one of or two week power losses to help Con
22 Ed, because Con Ed just couldn't handle the
23 situation. This is directly in front of the site,
24 on the final night of fixing one of the towers.

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2 But this happens frequently. Christmas Day this
3 past year, we had no power. I woke up, no power,
4 came on about 9:00 o'clock at night.

5 The road blockage from the trees,
6 there's times when I can't leave my home. There's
7 been many times where I can't get to my home,
8 because it's just Quaker Ridge, so if there's a
9 tree down by the little bridge and there's a tree
10 down, which you'll see on your visit, or a tree
11 down by my house, I can't get out at all. These
12 are all on Quaker Ridge. Two of them were right
13 here, in front of my home, three of them actually
14 of these pictures were right in front of my home.
15 So, you know, it's always been astonishing to me
16 that there's an idea of having a facility of this
17 size, a 24/7 facility of this size in the area
18 that I've struggled to live in from an
19 environmental perspective and the storms that
20 occur here.

21 So, most of everything else that I had
22 to say, Jill covered. I think you guys get the
23 point. The last thing I'll say is, you know,
24 given the record of this applicant and the lack

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2 of a realistic plan, you know, our board and the
3 community, we just can't understand what the real
4 environmental impacts would actually be. Nor I
5 think can we expect the applicant to stick to any
6 of the accommodations and assurances that they've
7 been giving us throughout the year, as they've
8 shape shifted quite frequently as to what they're
9 going to do and not do. As Jill mentioned the
10 shuttle vans, and things that just seem absurd
11 after a certain point.

12 So, you know, I'm hoping that you guys
13 see some of this when you come out to the site
14 plan and recognize that this isn't about some of
15 the things that they want you to think this is
16 about. This is about the things that we're
17 bringing up. So, I welcome you to my home when
18 you come and thank you for listening. I
19 appreciate it.

20 MS. TAYLOR: Alright. Thank you very
21 much.

22 MR. SCHWARTZ: I know that Mr. Shannon
23 existed and rejoined, Michael, if you want to try
24 him again.

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2 MR. PREZIOSI: Okay. If Mr. Shannon is
3 on, if he could just use the raise your hand
4 function. I don't see his name on the list. Oh,
5 there you go, thank you. Okay, Mr. Shannon,
6 you've been promoted to panelist. Mr. Shannon, if
7 you can use the unmute button on the bottom left
8 of your screen. Mr. Shannon, it looks like you
9 are muting and unmuting yourself. Just hit the
10 button once and you should unmute.

11 MR. SHANNON: Do you have me now?

12 MR. PREZIOSI: Yes.

13 MR. SHANNON: Okay. I don't see a video,
14 but I apologize for the technical glitches and
15 let me start by thanking you all very much. I
16 understand that you have agreed to come for a
17 site visit of the applicant and the adjoining
18 properties, which is what I was asking for when
19 we ended last time.

20 I think seeing the properties and seeing
21 the perspective that we have will add immensely
22 to the facts that you are considering. One of the
23 consultants earlier said that my house was 169
24 feet from the applicant's building. I think that

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2 was sort of a diagonal. We measured it at 139.
3 Their building number two and number five are
4 just on the other side of our fence, and that's
5 proposed to be their parking and garage areas.
6 They are proposing 12-foot lights, not counting
7 the headlights in that area. So we appreciate
8 that you will be coming here and walk the
9 properties and get your own perspective.

10 I'm concerned about many issues. I'm
11 concerned about wells, I'm concerned about
12 traffic, I'm concerned about noise. On wells, I
13 know we had the studies in the prior years in one
14 of the rainiest years in our history. And when
15 those studies were completed, I asked one of the
16 consultants to the planning board what happens if
17 the opinion that it's okay doesn't work out. He
18 said well, you'll probably have to drill another
19 well.

20 I'm hoping that you ultimately reach the
21 decision that is a permanent one that doesn't
22 leave people regretting what floodgates they've
23 opened up. I'm concerned about traffic. I've
24 heard other speakers talk about Quaker Ridge

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2 Road. If you come on a weekend, when the weather
3 is nice, or sometimes even during the winter, and
4 you go down the end of Quaker Ridge Road, you'll
5 see a triangle there. There's a fork in the road.
6 Almost every weekend, both Saturday and Sunday,
7 you'll see cases of water left there for the
8 runners and the bikers. I don't know who puts
9 them there, but they get a lot of use. There's a
10 lot of biking traffic and pedestrian traffic on
11 this road.

12 We talk about a change in noise levels.
13 My wife and I have been enjoying part of this
14 pandemic having our morning coffee sitting
15 outside early in the morning. We can hear the
16 Metro North train every faintly. You hear the
17 whistle. It sounds pleasant. In the summertime,
18 we can hear a mile away when the children are
19 playing at the nearby ball field, you know when
20 there's a home run.

21 My adjoining neighbor on the other side,
22 several years ago, with the Board's permission,
23 put in a generator. We talk about when we lose
24 power. His generator is loud. I understand the

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2 need for it. I'm concerned that when we talk
3 about a generator or generators for facilities
4 that are planned next door with Hudson Wellness,
5 there'll be a lot more noise.

6 But let me talk tonight briefly about a
7 few other points. The residential character of
8 the site, where exactly it is, how close it
9 really is to the facility and the impact it'll
10 have on us, secondly parking and vehicle
11 movement, lighting, fourth, the state road
12 requirement, five, promises of mitigation that
13 give us real concern.

14 Now, if you pull up my first slide,
15 Brad, this is Cortlandt and if you go to the very
16 bottom of it, you'll see what we're talking about
17 here. I've circled the site. I can throw a rock
18 out of Cortlandt and into Ossining, we're that
19 close. The road changes, the texture of the road
20 changes just between the properties that are
21 owned by the applicant now, the property that
22 they plan to keep dormant and the applicant's
23 property that they operate on.

24 Going to the next slide, you see the

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2 border at the blue line being the northern side
3 of the applicant's property, and then you have
4 the four adjoining residential homes with one at
5 the left hand side being mine.

6 Again, the only thing separating us is a
7 white fence. And in fact, when we talk about how
8 close we are, an actual detailed survey shows
9 that there are about two inches encroaching on my
10 property in one of their buildings.

11 This is a, just a schematic of the four
12 properties that adjoin this fence, and the next
13 slide is an aerial of the properties. The house -
14 - to the left, you see Quaker Ridge Road, and the
15 house with the X on it and hand written notation
16 is my house. Directly below it is one of the
17 hoses that they're planning as a garage and if
18 you move the hand to the left, you get to the
19 second area they plan as a garage with parking in
20 between the two of them.

21 In terms of proximity, the next slide
22 shows you what I see when I stand on my deck. I
23 have a sunroom and an upper deck. This is what I
24 look at. So the idea that the main building is

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2 far removed is not depicting an accurate picture.
3 The next slide shows the view from the fence of
4 our properties. And the next slide, excuses me,
5 shows me that on the jet span and I can get very
6 close to the building that they're talking about.

7 So when you consider things such as the
8 lighting plans, their parking plans, I ask that
9 you really think about these when you walk around
10 on your site visit and it's not based solely on
11 the whole site plans and the sketches, but you
12 put yourselves in my shoes, you put yourselves in
13 my neighbor's shoes and you ask yourself how are
14 things going to change? Will we be hearing all of
15 the trucks, all of the car traffic, all of the
16 van traffic? Will we be hearing the deliveries
17 coming and going? Will 12-foot lights be entirely
18 blocked by a six-foot fence? I think not.

19 Turning to parking, their plans indicate
20 right now 52 parking spots for employees, 13 for
21 visitors, 64 available, a total of 129. Here is
22 their site plan on the next slide. You can see
23 that in it, the areas that are shaded are where
24 they're planning the parking. And to the tope

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2 left, you see building number two, and then over
3 further to the right, you see building number
4 five. That's a lot of cars coming in with their
5 headlights facing my house.

6 The slide nine gives you a better sense
7 of this again. The parking areas I've circled
8 according to their site plans, and you can see
9 that they are right up next to the fence.

10 Now, there was comments made earlier
11 about land being cleared. I suspect the
12 accusation was addressed to my wife and I,
13 because last summer, we did have some trees taken
14 down. In the last couple of storms, we've lost a
15 number of trees, one that took out our fence. And
16 we've had them taken down, so this past summer,
17 we removed a couple of dead trees and some vines
18 that were growing on everything. I don't want the
19 trees that are dead crashing through the house.
20 And I think that we cannot be criticized for
21 taking town these dangerous dead trees.

22 Let me talk about lighting for a second.
23 Slide 10 shows their lighting plan. And they
24 acknowledge that they are planning over 50

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2 lights, some of them four feet tall, some of them
3 12 feet tall. That's a lot of lighting. The red
4 areas are supposed to represent, in their view,
5 the illuminated area. What I find remarkable is
6 that if you look to the lower right hand corner,
7 you see that their 12-foot light stops dead at
8 the fence. I don't think that's realistic. I
9 think that what we're talking about here is a
10 real stadium effect.

11 Now, in their submissions, they say,
12 well it's going to be lights out at 10:30. I
13 think that refers to the residents' rooms. I
14 don't think they're talking that the lighting for
15 the parking for the people coming there is going
16 to be shut off. I think I'm looking at a stadium
17 next door 24 hours a day.

18 The next slide shows you a little bit
19 more closely the larger lighting areas and the
20 bottom line, the horizontal line there is the
21 fences that separates us. So we're looking at
22 four, five, six, seven, eight, nine, of the
23 smaller lights, two of the larger lights within a
24 couple of feet of our property.

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2 And what type of lights are we talking
3 about? They gave us specifics. Slide 12 shows
4 what they call the luminaire light, or the 12-
5 foot light, and it is -- they also in the
6 schematic that follows show us that it is indeed
7 12 feet high, on slide 13. And then we get the
8 information about the four foot lights on slide
9 14, and on slide 15, we get the information about
10 the wattage. And I admit, I had to do some
11 research to find out what we were talking about
12 in terms of the wattage.

13 The larger lights are 12,476 lumens
14 each, for actually 13 of them. The smaller
15 bollard lights are 2,546 lumens for the 40 of
16 those. Together, we're talking about 264,028
17 lumens. A 100-watt bulb is 1,600 lumens. So we're
18 talking about them putting up right next door,
19 the equivalent of 165 100-watt bulbs.

20 Putting aside the question of what type
21 of facility may ultimately operate there someday,
22 I would like to think that if I went to the other
23 side of my property and tried to string 165
24 lights that the town would stand up for my

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2 neighbor and say no, you can't do that on
3 residential property. That's intrusive, it's
4 inappropriate.

5 Here, they're really can be no doubt
6 that there would be a detrimental impact from the
7 lighting and from the parking alone. It has
8 nothing to do with whether this is a drug rehab
9 facility or some other type of facility. It has
10 to do with the impact of the lighting, the impact
11 of the cars and trucks, the impact of the noise.

12 Now to talk for a moment for the state
13 road requirement, it makes a lot of sense when
14 you come and visit Quaker Ridge Road. You will
15 see that it is narrow. You will see, if you drive
16 up from Route 9, which I recommend you do, that
17 many people in the Ossining area not far away
18 don't have garages and they park half onto the
19 street, for at least for their overnight parking,
20 on both sides. You can't stay in your lane
21 completely.

22 As you get closer to 2016 Quaker Ridge,
23 the road is very narrow. There is not much room
24 when there is two-way traffic. And fortunately,

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2 there is not much two-way traffic. The
3 troublesome times are when the school buses are
4 coming and going, when sanitation trucks are
5 coming and going, you have to stop. It's not set
6 up for considerable vehicle traffic.

7 Now, when we go to the zoning code, the
8 proposed hospital cannot satisfy the special
9 permit locational requirement, which says that it
10 only be permitted in a residential zone which
11 fronts a state road. Quaker Ridge Road is a
12 narrow country road.

13 And as it was mentioned earlier by
14 another speaker, in 2004, before the applicant
15 started this whole process, the town focused on
16 the situation and in an affidavit submitted by a
17 town supervisor in 2017, she addressed that in
18 the change in 2004, slide 16A, in particular, she
19 said one of the principle concerns underlying the
20 2004 zoning amendment was the preservation of the
21 town's residential character and the reduction of
22 incompatible, non-residential uses within
23 residential areas. Our reading is that this
24 provision alone should stop the applicant from

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2 proceeding.

3 A lot of what has happened in the last
4 couple of years, a lot of the comments that have
5 been submitted have been responded to by the
6 applicant with promises, promises of how it would
7 mitigate, how it would not do the things that the
8 residents feared would happen. It clearly is not
9 up to individuals to do as they please, it's up
10 to the town planning board to see that the whole
11 community is benefited by what is going on.

12 We believe that we residents have been
13 pretty open with you. We want you to come and
14 visit. We don't believe that the applicant has
15 been candid with you. When my wife and I moved
16 here in 2004, we checked to see what the zoning
17 was, and we saw that it was zoned residential,
18 and on that basis, we moved in.

19 The applicant complains, at time, that
20 this public hearing process has been going on
21 since 2015 or so. What the applicant has been
22 doing, and this does go to the question of
23 operation, has been going on longer than that.

24 If you go to slide 17, you see that the

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2 original purchase on this timeline that was
3 submitted previously, shows that the property was
4 purchased in 2010. Going to the next slide, slide
5 18, it was purchased by L&G in 2010, it was sold
6 to Hudson Ridge in 2012. Go to slide 19, who was
7 L&G? L&G, the managing member, according to the
8 deed, signed at the bottom, was Kevin Cassidy.

9 I recognize that the issue is not who is
10 the applicant. But the real issue here is can we
11 rely upon the promises of mitigation, can we rely
12 upon it being operated in accordance with any
13 conditions you may require when we don't even
14 know the operator.

15 Earlier, one of the board members was
16 asking questions about an applicant who had not
17 complied with certain conditions and what were
18 the ramifications of that There were 27
19 conditions or promises put forth by the applicant
20 in one piece of correspondence to the board. I
21 don't know if they're allowed to proceed whether
22 I will run out of water, I don't know whether
23 they will put up more 14, 15-foot lights. This is
24 a decision of changing the character of our

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2 residential area, which is really in your hands.
3 It shouldn't be for us neighbors, who came here
4 for a residential community, hoping that perhaps
5 with the town's code of enforcement, we can make
6 them meet those conditions. They're not entitled
7 to have what they're looking for.

8 Going to the next slide, the man behind
9 the 2010 acquisition of the property, has a
10 string of fraud convictions, all financial
11 frauds. Tax evasion, wire fraud, he served time
12 in prison, credit card fraud, a much larger fraud
13 brought by the CFTC and in 2011, a securities
14 fraud. The way I look at the schedule, I believe
15 this process of acquiring this land for this
16 purpose was started while he was in jail.

17 Now, what else is going on that makes us
18 wonder. Ms. Greenstein mentioned concerns on the
19 next slide, about 81 Quaker Hill Drive. That
20 property was indirectly acquired by an affiliate
21 of the applicant. It suddenly had an easement on
22 it. There were, at prior public hearings, denials
23 about involvement with that property. Cassidy's
24 name, again shows up in the LLCs involving that

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2 property. What is going on with the real intent
3 behind 2016? One of the things I would love to
4 see and I believe you can ask, is if any
5 investors were given materials about the plans
6 for 2016? There have been stories flying about
7 what they intend to do with the pool, the tennis
8 court, or whatever. One must wonder though, when
9 the operator has not been identified, what is
10 really going on here.

11 If you look at the next slide, it's very
12 it. They bought the property for I believe one or
13 two million dollars in 2010, 2012, and then they
14 put it on the market for 23.5 million in 2016.
15 And then when it didn't sell, they raised the
16 price to 26.5. Now that's curious that one puts
17 property on, it doesn't sell, so you raise the
18 price.

19 The next series of slides, 23, 24, 25,
20 26, are a series of LLCs that get difficult to
21 connect the various dots that have Mr. Cassidy's
22 fingerprints all over them, and the properties
23 acquiring both the land next door, acquiring the
24 property on Quaker Hill. If you note, all of

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2 these addresses are the same, 72 North State
3 Road, where Mr. Cassidy apparently receives his
4 business mail.

5 What are their real plans for this
6 property? Go to the next slide. Slide 27, that
7 talks about a health, beauty and fitness support
8 and vocational services hospital, medical
9 services and dental services center. You go to
10 that website, you think this property is already
11 operating.

12 I'm asking that when you come by, that
13 you ask yourselves might there be problems with
14 water, might there be problems with traffic, does
15 this really have a potential for change in the
16 environment, can we rely on the promises that we
17 have been hearing from LLCs whose members are not
18 fully disclosed to us, can we, should we be
19 concerned about the inconsistencies.

20 If we do grant it, what is the magnitude
21 of the escrow we should require so that the
22 conditions of any grant are met? Are they just
23 seeking a special permit to flip it for \$26
24 million? Will everything run with the land? This

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2 is not about doing good for people who are
3 suffering from substance abuse. This is an
4 enterprise being pursued by an individual with
5 multiple convictions for monetary frauds. It's a
6 for profit venture.

7 This is the, if you turn to slide 29,
8 this is the area now. This is my back yard right
9 now. I like the animals that come around. I give
10 them names, I don't chase them away, if you show
11 them the next two slides. And finally, at the
12 end, looking out the front of my house, in the
13 evening, you'll see what I think captures the
14 idyllic residential nature of where I live.

15 MR. KESSLER: Can we just do a time
16 check here please? I mean it's been now and hour,
17 45 minutes, and the homeowners group has spoken,
18 yet the independents have not yet spoken?

19 MR. SHANNON: I'm ending right now.

20 MR. KESSLER: I appreciate that, thank
21 you.

22 MR. SHANNON: Okay. I just refer you to
23 Section 307.42, which does ask you to consider
24 the intensity of operation in both subdivisions

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2 one and subdivision four. So all of those
3 provisions talk about the intensity and I'm
4 asking that when you proceed, you do make
5 findings that address all of the points that we
6 have been raising, because the impact of your
7 decision will either preserve our residential
8 community or permanently change it for the worse.
9 And I thank you and I apologize for being so
10 long.

11 MS. TAYLOR: Thank you. There was one
12 other person. I don't know whether he still wants
13 to speak, Steven Hampton.

14 MR. SCHWARTZ: Madam Chair, we're happy
15 to have Mr. Hampton speak at the special meeting,
16 so that way we can turn to the independents as
17 Mr. Kessler referred to them.

18 MS. TAYLOR: Okay, very good.

19 MR. KESSLER: Thank you.

20 MS. TAYLOR: Mike, are there speakers?

21 MR. PREZIOSI: Yes, I have, it's
22 approximately, it's 9:17 p.m. I think the Board
23 was going to go to 10:00 with this public
24 hearing, so we have 13 other speakers that have

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2 requested an opportunity to speak. I'm going to
3 promote the first person, Jamie Black.

4 MS. TAYLOR: Okay.

5 MR. PREZIOSI: Please use the unmute
6 function or you can use [unintelligible]
7 [02:17:06] on your keyboard to unmute.

8 MS. JAMIE BLACK: Thank you. Okay. Am I
9 unmuted now?

10 MR. KESSLER: Yes.

11 MS. BLACK: Yes, nice, good evening
12 everyone. Thank you for taking the time to host
13 all of us and listen to our concerns about the
14 applicant that's before you. You know, the
15 applicant talks about this being sort of a long
16 and arduous process, but I've owned my house at
17 35 Quaker Bridge Road for over 25 years, and
18 we're very dependent on Cortlandt and the
19 planning board members for the decisions that you
20 make, in that we're the town outside. We are the
21 abutting municipality. We are the densely
22 populated residential neighborhood that has a
23 five-ton weight limit on Quaker Bridge Road in
24 order to support the needs and the safety of our

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2 community.

3 It's been established, because we've had
4 so many incidents of people being run off the
5 road, people having sort of near accidents on the
6 road because we do have on-street parking in a
7 very small basically what was an old carriage
8 road. And then additionally, we have the S turn.
9 The S turn is an area that has come to the sort
10 of vehicle challenged to many people and
11 unfortunately, Croton lost one of their pumper
12 trucks in that same turn. It turned over, it went
13 down the hill. Additionally, that area is very
14 important for us, because it's where our pump
15 station is for our sewer as well.

16 And in terms of the arduous process
17 here, as people in Cortlandt will recognize,
18 we've been experiencing the challenges of
19 development on our municipal border, at this
20 point, for 30 years. If you do recall, on the
21 property that was diagonally located across from
22 the proposed site of the wellness facility, you
23 had a resident who owned 104 acres who wanted to
24 increase the density of his property by

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2 establishing multiple houses on that property.

3 And what Cortlandt did was, you know,
4 mandatory, evaluate the site, evaluate the
5 requirements to be able to support multiple
6 houses and Cortlandt came back to the applicant.
7 Time and time again, over a ten year period, with
8 the applicant constantly threatening to sue
9 Cortlandt and said look, you don't have municipal
10 water, you don't have municipal sewer, you have
11 the watershed right below you. You don't have
12 access, you don't have egress, you don't have
13 what you require in order for us to approve what
14 you're asking for.

15 So they finally denied it. And then in
16 finally denying it, it turned into Rolling Stone
17 Farm, a single family residence, 140 acres open
18 space.

19 So here we go, yet again, we're in a
20 situation where we're dependent on the team in
21 Cortlandt to make best decisions on our behalf.
22 And one of the critical things that the elephant
23 in the room here is that Newcastle also has a
24 weight limit on their road. The Quaker Bridge has

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2 a weight limit on that. The passage over the
3 reservoir has been stopped because of concern
4 over terrorism. You literally cannot get a truck
5 from our surrounding areas to that property with
6 any type of efficiency or any type of success.

7 Additionally, we're in a situation where
8 what you don't recognize in Cortlandt that's
9 absolutely critical for us is that we were
10 established in order to basically be a cash cow
11 for the sewer system as well as a lot of the
12 services that support the village. The school,
13 the police, the fire department, senior services,
14 so on and so forth. Our highest value
15 neighborhood is 900 feet from where this person
16 is applying, these investors are applying to
17 create a drug rehabilitation facility.

18 Studies have been conducted. It is
19 documented that there's a 17 percent reduction in
20 the property value of the homes that are located
21 within proximity to these facilities. So you're
22 in a situation where this is our most valuable,
23 you take a look at 96 homes that are in the donut
24 surrounding this property. We have an assessed

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2 property value of \$16 million. We are the
3 greatest concentrated value in all of the town
4 outside. And our money is so needed. And thanks
5 to the pandemic, our money is now needed more. We
6 help support the village of Ossining.

7 So I just find it to be absolutely brain
8 numbing that we went down this path with 99
9 Quaker Bridge Road. We're in a situation now
10 where we have the most valued properties in our
11 area, potentially having a physical impact and a
12 financial impact for the lifetime of our
13 community. We're looking to potentially lose \$10
14 million in appraised property value every single
15 year. We, as a community, literally cannot afford
16 this to happen.

17 And additionally, these same studies say
18 even if the facility changes, you know, it
19 becomes a mansion again. They call it a scarring
20 effect. They say that the scarring effect of that
21 type of facility on a community lasts well beyond
22 its elimination.

23 So we're in that situation where we have
24 this applicant that nobody really knows or

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2 understands. The neighboring property was
3 acquired by somebody whose house burned down in
4 Croton because he had an illegal pot growing
5 operation. He went in front of the team at
6 Newcastle, their planning board and said I want
7 to build a house, I want to build it rectangular,
8 I want to build it out of cement, and I want it
9 to not have any windows. And they said guess
10 what, we don't want you to do any of this.

11 So we're in a situation where our roads
12 have weight limits on them, our roads have
13 signage on them. Everything we've done as a
14 community to try to protect the health and safety
15 of the people who live here and the financial
16 health of our municipality, our ability to
17 subsidize and support our seniors and our people
18 in our community who need a helping hand and here
19 we have some investors who say that they want to
20 do something that would potentially help people
21 who are in a state of, you know, sort of distress
22 because of addiction and we're the community that
23 is financially responsible for helping states of
24 distress for people who are low and in some

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2 instances, no income in the village.

3 So you can't have it both ways. You
4 know, so that's where we have these challenges
5 when we have these border applicants where you
6 have one set of conditions where it's very sort
7 of residential and rural. Right on the other side
8 of the property line, we have one of our most
9 valuable, densest physical developments.

10 So we're talking about 96 residents in
11 the surrounding area, in the town outside, who
12 have lived in this established, bucolic community
13 that has been in existence for over 60 years now
14 being in a situation where we're being asked to,
15 you know, just hold our breath while this
16 appellant who nobody really even knows who they
17 are is trying to leverage a past physical use for
18 what was a mansion, which was one of the hunting
19 lodges. And when you drive around the
20 neighborhood, you'll see, our area ended up being
21 the home, because it was so bucolic, to a number
22 of very significant, quote unquote hunting
23 lodges. Rolling Stone Farm is one of the hunting
24 lodges. Michael on 134, his property was one of

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2 the hunting lodge. There's another hunting lodge
3 on the corner of Spring Valley Road and
4 Allapartus. That's why these houses came into
5 existence in the first place, is for people from
6 the city to be able to get away and to be able to
7 experience the country.

8 So now, we're in a situation where an
9 applicant is before you, not on a state road,
10 trying to have a facility established, creating
11 kind of a completely synthetic value for their
12 property, so then that way they can shove it down
13 your throat through a bunch of attorneys and say
14 we're going to sue for this, this and this
15 because we've determined that this property is of
16 this value and now you're not letting us use it
17 that way.

18 So we went through this whole
19 conversation with the applicant at 99 Quaker
20 Bridge Road. We're now listening to echoes of it
21 here and everybody is talking about, you know,
22 trying to preserve our neighborhood. We're trying
23 to preserve the financial stability of the
24 village of Ossining. We're trying to preserve the

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2 safety of everybody who basically lives on what
3 was a carriage road. We're trying to preserve our
4 property values, because on the other side of
5 this border here, it is our most valuable
6 investment.

7 So for the people in Cortlandt who might
8 have this as something that's important to them
9 for their emotional wellbeing and their physical
10 enjoyment, everybody that's just a hundred feet
11 away, these are our most valuable assets that we
12 have in our life portfolio.

13 So we need your help, we need you to put
14 on the same rational logic hat that you used when
15 the applicant was basically down your throat for
16 99 Quaker Bridge Road with all the ridiculousness
17 in terms of the traffic study, and you know, it
18 won't, the water won't run downhill and don't
19 worry, you know. So sanity has to eventually rule
20 and Cortlandt is always what we've looked to as
21 the gold standard for reasonable, rational
22 members of planning boards and zoning board to
23 have the ultimate sanity check when an applicant
24 is there with attorneys and threats with things

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2 that are not consistent or acceptable within a
3 surrounding neighborhood.

4 So, for everybody from town of Ossining,
5 which is a breadth away, we're asking you to do
6 what you guys do best and that is be wise and
7 respectful of what the community needs are and
8 support the residents who are fully established
9 in the area who would be incredibly compromised
10 by a group of investors with these grand ideas
11 who have found a little area of opportunity that
12 they can manipulate and exploit at the cost of,
13 in our instance, 96 other home owners who have
14 this as their most valuable asset.

15 So thank you very much and we need your
16 continued wisdom and your continued support
17 because we are now facing the same set of
18 challenges that we were facing with 99, with the
19 addition of any time anybody in that facility
20 would flush a toilet and the sewer fails, then
21 we're in a situation where we've then exposed, in
22 our only drinking water supply to having residual
23 drugs permanently tainting our drinking water
24 supply, so it gets worse.

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2 MR. PREZIOSI: Ms. Black, thank you. If
3 you could just state your name just for the
4 record, and then we can move on to the next
5 speaker.

6 MS. BLACK: It's Jamie Black. I own the
7 home at 35 Quaker Bridge Road. I've owned it for
8 over 25 years. I'm basically like 1,500 feet down
9 the road from where they want to establish a
10 wellness facility.

11 MR. PREZIOSI: Thank you.

12 MS. TAYLOR: Okay. Before you, before
13 you call the next speaker, I'd just like to
14 remind the speakers to come that there will be
15 another opportunity for you to speak at the next,
16 well, on April 22nd when we have the special
17 meeting. Please try as hard as possible to keep
18 the comments brief. There are a lot of things
19 that people are beginning to repeat and we have
20 heard them, you know, not just tonight, but
21 previously and they're also in many of the
22 documents. So in order that all the other
23 remaining speaking maybe, and I doubt it, can
24 speak tonight, because it's already 9:30, try to

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2 keep your comments as brief as possible. We would
3 really appreciate it. Thank you.

4 MR. PREZIOSI: I'm going to promote Mark
5 Barth to speaker. When you join us just state
6 your name and address for the record. And I also
7 just want to stress there's a couple of chats
8 going on in the chat function. You can also e-
9 mail over comments to the town or put a regular
10 standard mail. If you want to e-mail, it will go
11 to ChrisK, that's C-H-R-I-S-K as in Keith, at
12 townofcortlandt.com. Written comments will be
13 addressed in the same manner that verbal comments
14 are being proposed and processed tonight. Mr.
15 Barth, just unmute yourself, then state your name
16 and address for the record.

17 MR. MARK BARTH: My name is Mark Barth.
18 I live at 8 Quaker Hill Court East, which is just
19 off Quaker Hill Drive. Good evening, and thank
20 you for giving me this opportunity to speak. I
21 will try to keep this brief. I should say that
22 I'm not a member of CRHISD, and I'm not
23 represented by their counsel.

24 I've lived at 8 Quaker Hill Court East,

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2 just off Quaker Hill Drive, for over 34 years.

3 Quaker Hill Drive has always been a quiet, no

4 outlet road, with access only for residents of

5 the 30 something homes on the drive.

6 Consequently, it attracts families with young

7 children. Over 34 years, I've seen various groups

8 of children and adults walk, run and bike on the

9 drive, including my children, other families'

10 children and my grandchildren.

11 Currently, we have a new crop of small

12 children in the neighborhood. Quaker Hill Drive

13 has always been quiet and dark at night, no

14 street lights. I walk my dogs most evenings at

15 10:00 p.m., and we normally don't see another car

16 on the road. On clear nights, the stars are out.

17 I'm describing this to you because there

18 is a potential feature of the Hudson Wellness

19 Center that could change all this and severely

20 affect the ambiance of the neighborhood. And

21 easement has been granted to the Wellness Center

22 by an affiliated property owner at 81 Quaker Hill

23 Drive. The easement runs from Quaker Hill drive

24 to the wellness center, and the grant is for any

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2 and all purposes.

3 To assess the potential impact of the
4 easement, we must assume that it will be used for
5 vehicular traffic to and from the wellness
6 center, in effect creating a thoroughfare along
7 Quaker Hill Drive for traffic to and from the
8 wellness center. This would constitute a
9 substantial impact to the wellness center
10 development on our neighborhood. Further, the
11 wellness center will, understandably, need to be
12 well lighted. Would this include lighting along a
13 road constructed along the easement, ending our
14 peaceful night darkness along the drive?

15 We know little about the easement, other
16 than the few details provided by the public and
17 nothing about the reasons for it or its intended
18 use. However, if the easement is an integral part
19 of the wellness center, and is used for
20 operations or the convenience of its patients and
21 staff, then the wellness center itself
22 constitutes a substantial impact on the ambiance
23 and character of our neighborhood and a
24 significant safety concern, given the large

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2 number of small children in our neighborhood.

3 I would hope that you would not accept
4 glib assurances about the intended use of the
5 easement and instead view it in light of the
6 potential for what it could become.

7 Recently, someone has put up some signs
8 in front of the wellness center about healthcare
9 being a human right. That's certainly a worthy
10 aspiration. But platitudes like this don't excuse
11 everything. Perhaps maintaining the 34-year
12 character of a quiet residential street could
13 also be considered. Thank you for hearing me out.

14 MR. KESSLER: Thank you.

15 MS. TAYLOR: Thank you.

16 MR. PREZIOSI: Alright, our next speaker
17 was Melissa London, your hand went down. If you
18 still want to speak, please use the raise your
19 hand function.

20 MS. TAYLOR: Perhaps she's not there,
21 Mike, I don't know.

22 MR. PREZIOSI: I just promoted her,
23 she's joining us in a second.

24 MS. TAYLOR: Okay.

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2 MR. PREZIOSI: Just state your name,
3 state your name and address for the record. You
4 can use the alt then A keys to unmute yourself or
5 use the unmute button on the Zoom screen. Ms.
6 London, if you can hold down alt and A at the
7 same time on your keyboard, it'll unmute you.
8 Alright, for the sake of time, I'm going to move
9 to the next speaker, which is Dan Fogelman.

10 MR. DAN FOGELMAN: Hello, I'm on unmute.
11 Can you guys hear me?

12 MS. FOGELMAN: I'm going to turn it off.
13 There we go.

14 MR. FOGELMAN: One second, please.

15 MS. FOGELMAN: There we go.

16 MR. FOGELMAN: Thank you, guys.

17 MR. PREZIOSI: Please just one speaker.

18 MS. FOGELMAN: Yeah, we know, we got it.

19 MR. FOGELMAN: We got it. So, I want to
20 just piggyback on what Mark said. He took a lot
21 of my arguments, but to be honest with you, I'm
22 one of the families that he's referring to. You
23 know, my name is Daniel Fogelman. I live at 7
24 Quaker Hill Drive. I'm speaking on behalf of my

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2 wife, of myself and my wife Lauren. I've lived
3 here for three years. I moved into the
4 neighborhood August 2018. My wife and I love the
5 Teatown area. We love the access to nature and we
6 love the quiet pace of life here. We can sit on
7 our porch and gaze at the stars, which is not
8 impeded by [unintelligible] [02:38:59] pollution.
9 When the comet Neowise was visible in the sky
10 last summer, we had a front row seat here in
11 Teatown.

12 And one of our favorite activities,
13 especially during the pandemic, is to take our
14 small children Alex, aged three, and Evan, aged
15 one, on a walk around the neighborhood. As was
16 said, Quaker Hill Drive is a street with no
17 outlets, only one way in and only one way out. We
18 chose our house in part because the street was
19 perfect for raising a young family. We imagined
20 our children learning how to ride bikes to the
21 end of the street and back, and are proud to see
22 Alex beginning to do so on his tricycle.

23 Although there's some regular traffic on
24 the streets, we feel relatively safe bringing our

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2 kids along with us on walks and bike rides. When
3 cars come, we have to be very careful in order to
4 protect our children. The street cannot handle
5 any more traffic than it already has and maintain
6 the family friendly environment that the many
7 young families on the street need.

8 So we're concerned that this easement
9 that was just spoken about at 81 Quaker Hill
10 Drive might change this. The residential street
11 is no place for potential traffic that might come
12 with the proposed facility and we're deeply
13 distressed that the building will have an access
14 point on our road. And I'd also like to add that
15 Quaker Hill Drive is very narrow, since it's
16 boulevard style street and trucks have difficulty
17 seen pedestrians, especially children at corners.

18 By approving this drug rehab facility,
19 complete with the easements, traffic on our
20 street would increase. That puts our children at
21 greater risk to be hit by cars due to an increase
22 in traffic. We might not be able to take the
23 evening strolls that have become a vital part of
24 our day to day life. Further, it could create, it

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2 could increase the number of trucks going up and
3 down our streets, which would create noise
4 hazards.

5 Finally, if lights were added to our
6 streets, or if lights were added in this
7 facility, it would increase the light and it
8 would increase light pollution and lessen our
9 ability to stargaze.

10 In short, as was stated by so many
11 speakers beforehand, and even me, this project
12 would destroy the character of our streets. And
13 so, for this reason, we ask you not to approve
14 this drug facility, rehab facility. So many
15 people are coming across to you saying we don't
16 like this idea, we think this is a bad idea.
17 Maybe there is some wisdom in the masses that
18 many people together come together and say this
19 is not going to work for us. That's all. Thank
20 you very much.

21 MS. TAYLOR: Thank you. Alright. Thank
22 you so much, Michael.

23 MR. PREZIOSI: Okay, we're going to go
24 to the next speaker Samm Sacks, if you can just

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2 state your name and address for the record.

3 MS. SAMM SACKS: Hi, my name is Samm
4 Sacks. I live at 31 Quaker Hill Drive. We moved
5 in last June, we have two children, ages seven
6 and four. I am not a member of CRHISD, I am not
7 represented by counsel. And I have become very
8 distressed in learning about the easement and the
9 safety concerns related to our children in the
10 neighborhood. I'm not sure if you all are aware,
11 but we've already sought the town's help in
12 putting up additional signage for a stop sign and
13 for cutting back shrubbery. The neighborhood is
14 quiet, but there are blind curves. And I am
15 already very troubled about the safety of my
16 children. We moved here so they could ride their
17 bikes and walk in a peaceful residential area.
18 There are already safety concerns in the
19 neighborhood.

20 And so now, when I hear that there's
21 been an easement granted for a facility for any
22 purpose, I am really distressed and worried about
23 my children, from a safety, from a traffic
24 perspective. What is the purpose of this

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2 easement? Is Quaker Hill Drive going to become
3 part of a commercial facility? What kind of --
4 will there be trucks, will there be other kinds
5 of vehicles?

6 I completely agree with the comments
7 that were made about the traffic implications
8 here. If the applicant is able to do a traffic
9 assessment, what will the traffic implications
10 be? How will we be able to verify that that's
11 actually the truth? We have young children whose
12 safety and whose lives are at stake.

13 I should say I don't really have
14 problems with this facility. I think the comments
15 that were made about a yeshiva are odious. We are
16 part of the local synagogue. I know that Dan
17 Fogelman's wife is the cantor at our synagogue.
18 So I want to completely distance from whatever
19 those comments were made.

20 But there are serious traffic and safety
21 implications for the children on Quaker Hill
22 Drive. And I really, I am begging the Board for
23 the safety of our family, please look into what
24 this easement is. It's really alarming and

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2 distressing for young families in this
3 neighborhood to be affected by it. We need
4 answers and accountability about traffic that
5 would be coming into this neighborhood, by an
6 applicant who I've heard maybe other information
7 is really concerning. So, thank you, I really
8 appreciate your taking the time to look into
9 this.

10 MS. TAYLOR: Thank you very much.

11 MR. PREZIOSI: Thank you. Our next
12 speaker is going to be Jennifer Schantz.

13 MS. JENNIFER SCHANTZ: Hi. My name is
14 Jennifer Schantz. I live at 30 Quaker Hill Drive.
15 I have many of the comments that were mentioned
16 before, so I will not go over them again. But I
17 just wanted to mention my own personal story.
18 That my family and I moved here -- well, I grew
19 up on Croton actually, and then moved to the city
20 but we sold our apartment and invested all of
21 savings in this home. And our, we've lived here
22 for now since 2008. And we live here with our
23 teen kids and with our dog. And we spend a great
24 deal of time walking the neighborhood, watching

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2 young children, including Samm's children wander
3 the streets. And we too are very concerned about
4 the safety of children. Often, we notice that
5 cars speed down the road and whip around corners
6 and kids on bikes, you now, we're hoping can
7 continue to ride safely. But we fear with this
8 easement that the traffic will greatly increase
9 and will hinder the safety of the children.

10 I also just wanted to mention too that
11 there is a house that burned down across the
12 street from us just prior to the time that we
13 moved here. And the reason it burned down was
14 because there was an ice storm and it was
15 impossible for the fire trucks to get here on
16 time. And so I just wanted to mention, just in
17 terms of the roads, that when there is an ice
18 storm or when trees fall, that it is difficult to
19 get the fire truck somewhere quickly. So I just
20 want you to consider that also in terms of
21 considering the application. We urge you to deny
22 the application. Thank you.

23 MS. TAYLOR: Thank you very much. I just
24 want to make a note, it is now a quarter of

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2 10:00. I don't know how many people are remaining
3 but we will be concluding the hearing at 10:00
4 and anyone who didn't get a chance to speak
5 tonight is encouraged to send their comments in
6 to the office or and/or come on our April,
7 Thursday, April 22nd meeting. It'll start at 7:00
8 o'clock.

9 MR. PREZIOSI: Our next speaker is Megan
10 Zilis, state your name and address for the
11 record.

12 MS. MEGAN ZILIS: Hello, can I be heard?

13 MR. PREZIOSI: You're good, yeah.

14 MS. ZILIS: Okay. Thank you. I will be
15 brief. I did not hear much, if anything about
16 what the site is really for and I think at the
17 end of the day, it is about saving lives in the
18 community, in a community where it is so very
19 much needed. Personally, I can't help but to
20 support what I believe to be a very worthy cause,
21 and I envy those who have had no encounter with
22 anyone with addiction and are blessed enough to
23 be able to oppose it. And that's all I have to
24 say.

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2 MR. PREZIOSI: Thank you.

3 MS. TAYLOR: Thank you.

4 MS. ZILIS: Thank you.

5 MR. PREZIOSI: Our next speaker is going
6 to be, just indicates that her name is Laurie.
7 Just state your full name and address for the
8 record.

9 MS. LAURIE LECHTHALER: Yes, my name is
10 -- can you hear me?

11 MR. PREZIOSI: Yes, we can hear you.

12 MS. TAYLOR: Yes, yes.

13 MS. LECHTHALER: Good evening, my name
14 is Laurie Lechthaler and I live at 25 Apple Bee
15 Farm Road in Croton. I've lived in this area for
16 nearly my entire life, having grown up in the
17 immediate area. I rode horses, bicycles and drove
18 cars by the said site hundreds of times. During
19 those times, I can never remember ever seeing any
20 activity or traffic near this site. The roads
21 were quiet and bucolic and exactly why my husband
22 and family and I decided to stay in the area.

23 The increased traffic that would result
24 if a hospital is placed on this site would be

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2 detrimental to our safety and the quiet nature of
3 our neighborhood. I have listened to the
4 applicant at nearly every meeting discuss how
5 there will be minimal deliveries and staff
6 traffic for this hospital.

7 Having worked as a nurse in several area
8 hospitals for the past 40 years, I certainly
9 understand the myriad of services needed to
10 safely run a hospital of any size. I find it very
11 difficult to believe that all staff or the
12 majority of the staff will be arriving via
13 shuttle van for many reasons previously mentioned
14 by other folks commenting tonight.

15 In addition to the staff, trucks for
16 food service, medications, refuse disposal, and
17 medical equipment will have to frequently use our
18 narrow country roads.

19 I would also like to address what the
20 impact on our local wildlife would be. I
21 understand that Teatown Reservation is currently
22 undertaking projects to improve nearby land to
23 facilitate movement of wildlife. What would the
24 impact of perimeter fencing, institutional

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2 lighting and greatly increased vehicular traffic
3 have on our wildlife? I believe a biodiversity
4 study should be implemented as the diversity of
5 wildlife in our area contributes to the character
6 of our neighborhood and could be jeopardized by
7 this project.

8 Let me finish by saying that no one has
9 told me what to say tonight. They are truly my
10 own feelings and beliefs on this matter. I, like
11 many other neighborhood residents urge the Board
12 to carefully consider recommending this project
13 take place in the MOD area developed specifically
14 for these types of facilities. Thank you and good
15 night.

16 MS. TAYLOR: Thank you.

17 MR. PREZIOSI: Okay. Our next speaker is
18 going to be Javier Picayo.

19 MR. JAVIER PICAYO: Hi, sorry about
20 that. Hey everybody. My name is Javier Picayo. I
21 live at 7 Teatown Road. It's the first house just
22 off of Quaker Ridge, just down the street from
23 the proposed project. And Ms. Taylor and all the
24 members of the board, I just want to say thanks

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2 for letting me speak. You know, my family moved
3 into this house when I was two years old and I've
4 been here for 30 years. I really love this
5 neighborhood and this community.

6 But I'm also, I've been sober for about
7 ten years now. And so sobriety and recovery is
8 something that are very important to me. I work
9 with people in these types of institutions, I
10 volunteer at them, and I appreciate the work they
11 do. And all that being said, I opposed this
12 project so strongly. You know, everybody has
13 talked about the impact it'll have in the future
14 on our community, but I think you can all see
15 that it's already had such a tremendous negative
16 impact on who we are and the lives that we're
17 living. I mean I think about this every day.

18 And, you know, because it was mentioned
19 earlier, I find it so -- I'm so deeply disturbed
20 that the representative for the proposed project
21 would say that our environmental concerns or
22 community concerns are some veiled attempt at
23 anti-Semitism or bigotry against alcoholics or
24 drug addicts. I can tell you that I person don't

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2 care if there are recovering addicts in the area.
3 They're already here. I'm here.

4 But I do have a problem with the
5 misinformation and the lies that they have been
6 giving. And, you know, I think that they're going
7 to say that it's not going to have any impact on
8 the community and we're going to say that it is.
9 But last meeting, I heard one of you question a
10 solar panel project and say that you were
11 concerned about the environmental impact. And I
12 thought it was such a reasonable concern to have.

13 And so I'm not an expert on anything
14 that has to do with this project. But I do
15 occasionally have common sense, and I just feel
16 like how could a project of this magnitude not
17 have any impact on our community, which it
18 already has, or on the environment? I think the
19 fact that they're saying that should be such a
20 huge red flag to all of us, and that this project
21 should be denied.

22 You know, it's already impacted our
23 community. I'm not too proud to beg about this. I
24 really, really beg that you deny this project and

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2 think about the people who have lived here for
3 decades. And as a sober person, as a resident of
4 this community, I think that there are places
5 that are suitable for this kind of work. And it's
6 something that's so important. But it is not
7 right to do it. And so I thank you for letting me
8 speak and I hope I haven't taken too much of your
9 time. Thank you.

10 MS. TAYLOR: Thank you very much. Mike,
11 do we have anybody else?

12 MR. PREZIOSI: Yeah, we have a few,
13 three more speakers right now. The next person is
14 Josh Marks. Just state your name and address for
15 the record.

16 MS. TAYLOR: Okay. It is now five of
17 10:00 and we do, we do still have a couple of
18 other things that we have to do tonight on other
19 cases.

20 MR. KESSLER: It's only three more
21 speakers. Loretta. Why don't we just have the
22 three go.

23 MR. JOSH MARKS: Hello, how you doing?

24 MS. TAYLOR: Hello.

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2 MR. MARKS: My name is Josh Marks. I'm
3 here with my wife, Jennifer. We live at 7 Quaker
4 Hill Court East, which is the cross cul-de-sac on
5 Quaker Hill Drive. We moved here a couple years
6 ago from lower Westchester, because it was very
7 crowded down there and we wanted to be in the
8 area that is a little more spread out and have
9 some privacy in the backyard and live on a cul-
10 de-sac where the kids are able to ride their
11 bikes in the street, ride their scooters. If you
12 come up here on any beautiful day, you may see
13 dozens of kids out on the street going back and
14 forth through the cul-de-sac.

15 As someone mentioned earlier, we already
16 have concerns and we've requested stop signs
17 because of all the kids that are out there
18 playing all the time. We also wanted to come up
19 here to listen to nature, be surrounded by
20 nature, and not hear traffic, road noise and
21 potentially delivery trucks.

22 At nighttime, it's dark here. The only
23 light is from the moon and the stars, which is a
24 beautiful thing. And we were not looking to see

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2 hundreds of lights from a complex and a parking
3 lot.

4 Most concerning for us is we border 81
5 Quaker, Quaker Hill and the easement goes along
6 the side of our property, along the entire side
7 of our property. It's a massive concern for us,
8 it's 30 feet wide. I can't see what it would be
9 used for except for vehicle access. I'm concerned
10 about what kind of lighting is going to be on
11 that. You know, I moved here to look out at the
12 woods and look at the animals. And I'm very
13 concerned I'm going to have a thoroughfare for
14 delivery trucks or fire trucks or EMTs or
15 employees or whatever.

16 Another concern that I have is the
17 drainage. The drainage from Quaker Hill Drive,
18 which floods often, goes right through this
19 easement. I'm curious how this easement affects
20 the drainage from our area. It drains down to the
21 pond below and I'm curious how that, how they
22 cover that in the environmental study.

23 On a personal level, my leech field is
24 below the easement. Is the drainage from the

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2 street and this easement going to go into my
3 leech field? Is that going to cause a problem for
4 me?

5 I'm worried about the noise, how often
6 it's going to be used and really if any other
7 traffic is coming through this street, which is a
8 cul-de-sac which is why we moved here in the
9 first place, that's a major, major concern for
10 me.

11 This is all new to me. I've only been
12 here for a couple of years, and the last meeting
13 is the first time I've ever heard about this
14 easement, which was surprising and I'm also
15 concerned about what other surprises are coming
16 up.

17 In the end, our biggest concern here is
18 that the neighborhood is quiet, safe and kid-
19 friendly. That's why we're here. And this
20 easement seems like it might be a slippery slope
21 in the wrong direction. Thank you for listening
22 and thank you for your time.

23 MS. TAYLOR: Thank you very much. Okay.

24 MR. KESSLER: Two more, right Mike?

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2 MR. PREZIOSI: Yes, we have two more, if
3 we can keep it relatively quick, and again,
4 there's no need to restate or repeat any previous
5 comments. They're all entered into the record and
6 are addressed in the same manner. Our next
7 speaker will be Peter Valentine.

8 MS. TAYLOR: I'm sorry, I didn't get the
9 name.

10 MR. PREZIOSI: Peter Valentine.

11 MS. TAYLOR: Thank you.

12 MR. PREZIOSI: Just please state your
13 name and address, please.

14 MS. MAGGIE DESILVA: Hi. I'm Maggie
15 Desilva and this is my husband, Peter Valentine.
16 We live at 79 Glendale Road. My family has lived
17 here since 1965. We're not going to restate what
18 everyone else has said. We do want to say that on
19 Glendale Road, there are a lot of children. We
20 have a new generation of children here. And then
21 Pete had something specific he wanted to mention.

22 MR. PETER VALENTINE: Yeah, there's just
23 something unique about Teatown Road where I think
24 Josh said he, or one of the previous speakers

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2 says they live. Teatown Trails actually merge
3 with and share the road for part of that, for
4 part of the trail, which is kind of unique.

5 There's also bicycle and pedestrian
6 walkway below the site on Quaker Bridge Road,
7 that where the bike route crosses the road. Which
8 I think is kind of unique and it says something
9 about just kind of the character of this area,
10 that the planners felt like that was appropriate,
11 and it is appropriate in the way things are set
12 up now, to have nature trails merge on with
13 roads. People walk back the old stone walls and
14 whatnot.

15 My wife and I often take that trail and
16 instead of continuing on to the other Teatown
17 trails, we just walk down Quaker Ridge Road and
18 then down to Glendale Road and back to our house
19 on a loop. So the proposed plan is definitely not
20 in line with that kind of lifestyle, or that kind
21 of flavor. That's all.

22 MS. DESILVA: That's all. Thank you.

23 MR. VALENTINE: Thanks.

24 MS. TAYLOR: Thank you much.

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2 MR. PREZIOSI: Okay. And our last
3 speaker for tonight will be Jacqueline Brabants

4 MS. JACQUELINE BRABANTS: Hi, Jackie
5 Brabants, 23 Quaker Hill Drive. You know I can
6 sit here and reiterate pretty much what everyone
7 has said here tonight about the detrimental
8 effects, especially of the easement. I just want
9 to relate a couple personal stories about my
10 family and why we chose to live here.

11 First, I do want to dispel the fact that
12 those of us that are fighting this have not been
13 touched by addiction, mental illness. I don't
14 think anybody has the right to claim what someone
15 has and has not been affected by and why we are
16 against this facility.

17 Moving forward, I want to relate two
18 stories around my children and this neighborhood
19 and why we love living on Quaker Hill Drive.
20 Earlier this, or I guess it was late 2020, my
21 child came home from her sixth grade class.
22 They're learning about the moon and the stars and
23 astronomy, and it was the night where Jupiter,
24 Saturn and Mars could all be seen at the same

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2 time.

3 We would not have been able to see that
4 if we had these lights blaring up in the sky.
5 Part of the reason we like living here is because
6 we can go out, I can show her the constellations
7 and we can look and wonder at what is above us.

8 Additionally, we've talked a lot about
9 my kids bike and skateboard on this street all
10 the time. And the community aspect of this
11 street, my child ran into another family and
12 ended up being their mother's helper because they
13 ran into each other on the street during their
14 walks and their bike rides. That happens because
15 we have the safety of being on the street and
16 being on a one-way in, one-way out road where
17 mostly the traffic is the residents that live
18 here.

19 And lastly, I just want to add another
20 thing where I find it amazing that this type of
21 development can be considered when in the past I
22 have asked to build a fence on my property and
23 have been denied that privilege. So if I can't
24 build a fence, I do not understand why this is

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2 even being considered and how this has not been
3 shut down already. Thank you very much for your
4 time and I appreciate your support and look
5 forward to you fighting for this community and
6 all of our families.

7 MS. TAYLOR: Thank you very much. Okay,
8 I just want to remind everybody we do have
9 another session, a special meeting for this
10 particular application. In fact it will be the
11 only application on the agenda for that evening.
12 And that evening will be Thursday, April 22nd,
13 7:00 p.m. So you can join us then if you would
14 like to continue this conversation, if some of
15 you are here but haven't spoken, you'll have a
16 chance to speak that night and we again to ask
17 everybody to think about the comments that
18 they're making and try as much as you can to
19 avoid a lot of repetition that we are very much
20 aware of at this particular point. So with that -
21 -

22 MR. KIMMERLING: Madam Chair, I make a
23 motion to adjourn the public hearing until the
24 special meeting on April 22nd.

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2 MS. TAYLOR: Very good, thank you.

3 MR. KESSLER: Second.

4 MR. KIMMERLING: And for setting the
5 site visit for Sunday, April 18th.

6 MS. TAYLOR: Oh.

7 MR. KIMMERLING: I imagine at 9:00 a.m.,
8 although we haven't talked about that, but that's
9 the typical time.

10 MS. TAYLOR: Yeah.

11 MR. KEHOE: Did you want to discuss the
12 particulars of that at all? Just quickly, 9:00
13 a.m. do you want to go directly to the site
14 first?

15 MS. TAYLOR: I think that's usually what
16 we do first, you know, go to the site first.

17 MR. KESSLER: The site, I'd like to also
18 walk the easement and I'd love to see where the
19 generators are going to be placed as well.

20 MR. KEHOE: Okay.

21 MS. TAYLOR: George.

22 MR. KIMMERLING: So the motion is on the
23 table and looking for a second.

24 MR. KESSLER: Second.

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2 MR. FOLEY: Okay.

3 MS. TAYLOR: On the question?

4 MR. FOLEY: On the question, on the site
5 visit, to get to the easement portion, we'd have
6 to get back in our cars, or can we walk it from
7 the main gate, or the main part of the site? I've
8 been in the area, I know there's a distance
9 there.

10 MR. KEHOE: We'll have to figure that
11 out. I'll get you that information.

12 MR. FOLEY: Okay. Thank you.

13 MS. TAYLOR: Alright. So that's the only
14 one the question issue, right? Very good. All in
15 favor?

16 MULTIPLE: Aye.

17 MS. TAYLOR: Opposed? Thank you much,
18 everybody. Then we can move on.

19 MR. KESSLER: Thank you all.

20 MS. TAYLOR: Okay. Alright. The final
21 portion of the agenda is ascribed to old business
22 and the first item in that regard is PB 2020-9,
23 the application of CVE North America, Inc., for
24 the property of Kirquel Development Limited and

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2 Patrick and Sharron Parr for sight development
3 plan approval and a special permit and for tree
4 removal and steep slope permits for a proposed
5 three MW solar energy production facility to be
6 located on two parcels of property located along
7 Red Mill Road and at the end of Mill Court,
8 totally approximately 43.12 acres. The drawings,
9 or the latest ones, revised as of March 2021. Is
10 there anybody here to handle that? Chris?

11 MR. KEHOE: Yeah, I think Mike Preziosi
12 is getting ready or Michael Cunningham. Carson, I
13 saw was here from the applicant and the attorney.

14 MR. CUNNINGHAM: Right. So I just
15 promoted the attorney Jared Lusk and Carson
16 Weinand, who is one of the principals.

17 MR. CARSON WEINAND: Hello. Can you hear
18 me?

19 MS. TAYLOR: Yes.

20 MR. WEINAND: Great. It's good to see
21 you all. There's Jared Lusk as well, our Counsel
22 from Nix & Peabody. Thanks for having us tonight.
23 I know it's late. I know that was just a lengthy
24 hearing. We just want to be, we wanted to be

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2 succinct here and keep it brief. We just wanted
3 to check in to talk about our resubmission to the
4 town in response to planning and engineering and
5 fire inspector comments we received last year.

6 We just worked through those comments
7 and resubmitted a full detailed site plan
8 package, making revisions to the sites. So this
9 is the five megawatt solar farm at the end of
10 Mill Court off of Red Mill Road. And yes, just
11 some high level quick benefits, you know, we
12 redesigned the layout to meet the fire
13 inspector's standards of 150 feet maximum hose
14 pull length. So the site has a totally different
15 look. It offers much greater access and meets the
16 fire inspector's comments.

17 MR. PREZIOSI: Carson, you can share the
18 screen if you'd like, or I can pull up these in
19 the middle, it's up to you.

20 MR. WEINAND: Okay. Yeah, we weren't
21 planning on sharing anything, just wanted to talk
22 about it and be brief, maybe five minutes. But
23 that's one of the biggest benefits of our
24 revision is better access for fire and emergency

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2 vehicles. There's a slightly reduced limit of
3 disturbance. We decided to move, as part of this
4 site layout redesign, we moved the permanent
5 access road from the secondary Parr parcel to the
6 end of Mill Court. And so that the ongoing
7 maintenance will access through Mill Court and
8 we'd also like to use that access road for
9 construction. So we're moving the permanent road
10 and the construction road off of Mill Court. We
11 thought this provided a handful of benefits with
12 regards to a reduced footprint, a reduced limit
13 of disturbance. There's less trees we have to
14 remove, less trees we have to replant. It frees
15 up traffic during construction on Red Mill Road
16 as well. And there's less noise behind the homes
17 on the east side of Mill Court. So those are two
18 big benefits.

19 We've also added biodiversity measures.
20 With this resubmission, we included a
21 biodiversity enhancement set. It includes details
22 on a pollinator friendly seed mix underneath the
23 array and surrounding the array. It includes
24 elevated fences surrounding the array, about six

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2 inches off the ground, so that we don't impact
3 the existing wildlife corridor. We've added bird
4 boxes, a handful of bird boxes throughout the
5 site and felled trees, sort of nested felled
6 trees to provide habitats on site.

7 There were a handful of other requests
8 from the town in response to the comments we
9 received last year. You know, we've submitted
10 updated visual impact assessments. We added about
11 a half dozen locations, specifically the ones the
12 town was requesting. We've covered very
13 thoroughly all sides of the project that have an
14 impact on the nearby community. So the northern
15 perimeter, the southern perimeter and the western
16 perimeter, we've added locations for visual photo
17 simulations, for photo snapshots and simulations.

18 We updated our noise assessment because
19 we redesigned the layout. We had to move some of
20 the energy storage equipment and the inverters
21 and the transformers. They are a little bit
22 closer to the property line with the updated
23 layout, but the noise assessment shows that we
24 are still underneath the New York State

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2 requirement, their threshold, and so, we're well
3 under the town of Cortlandt's requirement as
4 well, during the day and during the night.

5 We've included a decommissioning plan
6 that includes a tree mitigation and reforestation
7 plan for when we do remove the site. We included
8 a landscaping plan. This is new, that will cover
9 the perimeter along the southern, western and
10 northern edges of the site to shield it from the
11 homes nearby.

12 We included a steep slope analysis. This
13 is something that the town was asking for. The
14 impacts to steep slope are pretty minimal,
15 there's about four-and-a-half acres of slopes
16 over 15 percent. Two-and-a-half of those four-
17 and-a-half acres are below 20 degrees, the 20
18 percent grade. So minimal, pretty minimal impacts
19 on the very steep slopes, only 165 out of the
20 proposed 3,300, 3,400 trees are on those steep
21 slopes. Of the trees that we're removing, roughly
22 3,400, only 165 are on steep slopes.

23 That segues into updating the tree
24 survey. So we are actually reducing our impact by

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2 about 400 trees with this updated layout. And
3 that's captured in the site plan set we're
4 proposing. Yeah, so maybe I'll stop there, see if
5 you have any questions. That was a lot, that was
6 a long list. But those were some of the high
7 points in our resubmission. But we're looking
8 forward to receiving comments from the town and
9 reappearing and responding over the next month or
10 two, as well.

11 MR. KEHOE: Yeah, and we had mentioned
12 at the work session that Steve Coleman is no
13 longer able to provide the biodiversity. Staff is
14 working on talking to at least two or three other
15 firms, sending them your information that you
16 provided to us your idea for a scope for a
17 biodiversity study, or your idea that you've
18 already more or less done one. We want them to
19 comment on that. So I apologize for not working
20 out with Steve Coleman what. We'll get after
21 that. We're already working on it, and we'll get
22 you something in the next few days. Hopefully, a
23 firm will quickly be able to take up that
24 proposal.

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2 MR. WEINAND: Yeah, that'd be great.
3 We're looking forward to that. In the meantime,
4 we went ahead and drafted our own intermediary
5 biodiversity study, well, we mentioned at the
6 last planning board meeting what we outlined in
7 the memo that we shared with the town. So we've
8 performed that work, in addition to an onsite bog
9 turtle study, so we'll have that ready to share
10 with the town soon enough and then we can
11 supplement with whatever the consultant is
12 suggesting.

13 MR. KEHOE: And then I think the biggest
14 takeaway, which Carson had mentioned was I
15 believe you're still showing your interconnect
16 through the Parr property, so there will be trees
17 removed in there, but fewer trees, so that's good
18 to know, because that impacts the amount of
19 biodiversity. I mean they still have to study
20 that parcel, but it is a different impact than if
21 the construction road was proposed through there.
22 So that is a benefit, however, that's one thing
23 that staff went back and forth with the
24 applicants on, balancing the impact to the Parr

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2 property versus the impacts to all of the
3 residents on Mill Court. So I know you've been
4 back and forth on that a little bit.

5 MR. JARED LUSK: Yeah.

6 MR. WEINAND: That was one of the
7 biggest changes with this submission. We think
8 that it's a better layout. We think it'll be
9 better for construction and during the long term
10 if we avoid installing a road on the Parr parcel.

11 MR. LUSK: The road would be right
12 behind the residential homes. We felt like they
13 were getting impacted on the front and the back
14 by removing the trees that all in all from a
15 neighborhood perspective, it probably made sense
16 to keep those trees behind the house.

17 MR. FOLEY: So there wouldn't be any
18 service road access onto Red Mill from the
19 property? That's eliminated?

20 MR. WEINAND: There would be a short
21 access road onto the park property off of Red
22 Mill Road only for the utility company.

23 MR. FOLEY: And that would only be two
24 trucks a month or whatever you had said in the

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2 Peabody [unintelligible] [03:18:50] --

3 MR. WEINAND: Yeah.

4 MR. FOLEY: -- in the Peabody Report?

5 MR. WEINAND: So the ongoing maintenance
6 of the PV system itself would happen off of Mill
7 Court. But if there's any issues with the
8 interconnection, at the interconnection point,
9 the short access road for that.

10 MR. KEHOE: It's totally different in
11 scope than the access road that was originally
12 proposed?

13 MR. WEINAND: Correct.

14 MR. LUSK: Yes, it's more like a
15 driveway.

16 MR. FOLEY: Less impact onto Red Mill?

17 MR. LUSK: Yes.

18 MR. FOLEY: A dangerous road, okay.

19 MR. WEINAND: Yeah, yeah, and you're
20 moving all of the construction traffic further
21 down Red Mill Road at a straighter point of Red
22 Mill Road --

23 MR. FOLEY: Right.

24 MR. WEINAND: -- onto Mill Court, you're

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2 avoiding construction, big construction trucks
3 having to turn right by that S in Red Mill Road.

4 MR. FOLEY: I understand. It's better.

5 MR. WEINAND: More visibility.

6 MR. FOLEY: I also have another question
7 if I could, real quick. In reading through the
8 Nix & Peabody and the other, TRC, on the visuals
9 where the -- you mentioned slopes and the arrays.
10 Is there a better way to show, you don't have to
11 go into it now, the impacts visually to the
12 existing houses on Mill Court and Red Mill.
13 That's something for the next meeting maybe.

14 And next to last question, on the last
15 page of that report from Con Edison, maybe this
16 is just boilerplate or something could explain,
17 what do they mean by Con Ed service date of
18 October 6, 2021? Does Mike know that?

19 MR. WEINAND: Service date?

20 MR. FOLEY: Yeah. There's a letter here
21 from customer project manager at Con Ed. It's in
22 your packet.

23 MR. WEINAND: Uh-huh.

24 MR. FOLEY: Does that mean that's when

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2 you expect to be in operation?

3 MR. WEINAND: In 2021?

4 MR. FOLEY: Yeah.

5 MR. WEINAND: October 6, 2021?

6 MR. FOLEY: Correct.

7 MR. WEINAND: I'm not sure. That's
8 looking out.

9 MR. FOLEY: Alright. Maybe Mike could
10 check it out. And last question maybe for staff
11 as this moves along, because of a development
12 just over the border, I know it's in Yorktown, on
13 Lockwood Road, a half-mile from this site,
14 another large solar farm is proposed. Could we do
15 an interagency Chris, and enter a municipal type
16 thing on this?

17 MR. KEHOE: Well, and Bob, you and I
18 talked about this briefly.

19 MR. FOLEY: Yes.

20 MR. KEHOE: David Douglas, from the
21 conservation board has written to the town board,
22 asking them to think about modifying the solar
23 ordinance moving forward, you know, not impacting
24 projects that are currently in the system.

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2 MR. FOLEY: Yeah.

3 MR. KEHOE: And then, and he cc'd only
4 Loretta on that memo, you know, sort of chairman
5 of the CAC to the chairperson of the planning
6 board. So Loretta asked at some point if the
7 planning board, obviously not tonight, might want
8 to think about, you know, whatever. I mean one
9 idea is to also maybe recommend the town board
10 contemplate prioritizing location of solar farms,
11 trying to move them away from wooded areas. I
12 mean that's up to the planning board to discuss
13 at a later date.

14 But I think Bob's point there is a
15 proposal in Yorktown. There's also a proposal on
16 the Yorktown portion of the Hemlock Hill farm,
17 there's this proposal, there's the proposal on
18 Lexington, there's the one that's constructed on
19 Croton. So there was just an issue of whether
20 we're getting saturated with [unintelligible]
21 [03:22:20].

22 MR. FOLEY: It becomes more than intra,
23 it becomes inter, is that the right term? Where
24 you have two municipalities and we would have to

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2 have some communication on it. And this one is
3 close. We just found out it in the neighborhood
4 up here with a letter from Yorktown. Thank you.

5 MS. TAYLOR: Alright. Are there any more
6 questions at this point, because Bob you could
7 actually refer, take this to, move to refer this
8 back to --

9 MR. FOLEY: Alright. I make a motion
10 that we refer this back.

11 MS. TAYLOR: Can I get a second, please,
12 thank you.

13 MR. BIANCHI: Second.

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

16 MULTIPLE: Aye.

17 MS. TAYLOR: Opposed? Okay.

18 MR. WEINAND: Thank you.

19 MR. KEHOE: Thank you.

20 MS. TAYLOR: Alright, the final item
21 tonight is PB 2021-1, the referral from the town
22 board for the request of NRP Group for a
23 recommendation to the town board on a proposed
24 zoning text amendment for a proposed 135-unit

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2 active adult residential community, to be located
3 at 119 Oregon Road, and that is Colonial Terrace,
4 as we all know. Alright.

5 MR. KEHOE: I, I know we had a lot of
6 back and forth and confusion about the Google
7 Drive, but somewhere you would have gotten a copy
8 of the draft memo from you to the town board
9 regarding the zoning text amendment. And that's
10 for you guys to take a look at, and you don't
11 have to do it right now, but if you have any
12 additional comments you want to make on that, I
13 can try to revise it and get it over to the town
14 board for their consideration.

15 And I think David Steinmetz. This has
16 been shared with the applicant, you know, I
17 shared it with you and then I sent it to David
18 after the fact. So I don't know if he has any
19 comment.

20 MR. STEINMETZ: We did receive it. We
21 had about ten speakers that we were going to have
22 address you this evening. But we will refrain. We
23 will refrain. It's good to see you're all awake
24 enough to laugh at this point.

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2 MR. KESSLER: You've used up your
3 allotted time tonight, David.

4 MR. STEINMETZ: I didn't say a word,
5 Steve, come on, I didn't say a word.

6 MR. KESSLER: Your minions.

7 MR. STEINMETZ: Alright. Anyway, thank
8 you, Chris for sharing it. We appreciate the
9 memo. We have no comments, we would ask that your
10 board forward it on to the town board. Our team
11 is present if you have questions for us.
12 Otherwise, we look forward to coming back on an
13 evening when you have plenty of energy to advance
14 the project.

15 MR. KEHOE: Just briefly one thing, you
16 did fund the escrow account to begin some funding
17 of the necessary environmental work, but, and I
18 know we can do this at another time, but we
19 haven't assigned a PB number to it yet. You
20 haven't given us an application form. Obviously,
21 that would be the next step.

22 MR. STEINMETZ: That's fine. Understood.
23 And I'm not to hide from you. Preziosi won't let
24 me show face here, Steve.

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2 MR. KESSLER: That's good. Madam Chair,
3 I move that we refer this back and instruct the
4 planning board to provide the comments to staff
5 for the memo.

6 MR. KIMMERLING: Second.

7 MS. TAYLOR: On the question --

8 MR. KEHOE: Sorry, just do that quickly,
9 if you have any comments because we've got to get
10 it to the town board for their meeting next week
11 I think.

12 MR. KIMMERLING: Got it.

13 MS. TAYLOR: On the question, all in
14 favor?

15 MULTIPLE: Aye.

16 MS. TAYLOR: Opposed? Okay.

17 MR. FOLEY: George.

18 MR. KEHOE: 10:26, we're adjourned.

19 MR. KESSLER: Good night everyone.

20 MS. TAYLOR: Good night.

21 MR. KIMMERLING: Good night, Loretta.

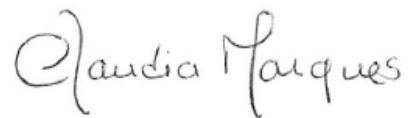
22 MS. TAYLOR: Good night everyone.

23 (The public board meeting concluded at
24 10:27 p.m.)

CERTIFICATE OF ACCURACY

I, Claudia Marques, certify that the foregoing transcript of the board meeting of the Town of Cortlandt on April 6, 2021 was prepared using the required transcription equipment and is a true and accurate record of the proceedings.

Certified By



Date: June 4, 2021

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