

TOWN OF CORTLANDT
PLANNING AND ZONING BOARDS

PLANNING BOARD MEETING

1 Heady Street
Cortlandt Manor, New York 10567

September 5, 2023

6:30 p.m. - 8:23 p.m.

September 5, 2023

MEMBERS PRESENT:

Steven Kessler, Chairman

Thomas A. Bianchi, Vice-Chairman

David Douglas, Member

Kevin Kobasa, Member

Peter McKinley, Member

ALSO PRESENT:

Chris Kehoe, AICP, Director of Planning

Michael Cunningham, Deputy Town Attorney

Joseph Fusillo, P.E., Planning Board Engineer

1 September 5, 2023

2 (The board meeting commenced at 6:30 p.m.)

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

8 MR. STEVEN KESSLER: Thank you. Chris,
9 roll please.

10 MR. CHRIS KEHOE: Mr. Kobasa?

11 MR. KEVIN KOBASA: Here.

12 MR. KEHOE: Ms. Hildinger?

13 MS. NORA HILDINGER: Here.

14 MR. KEHOE: Mr. Kessler?

15 MR. KESSLER: Here.

16 MR. KEHOE: Mr. Bianchi?

17 MR. THOMAS BIANCHI: Here.

18 MR. KEHOE: Mr. Douglas?

19 MR. DAVID DOUGLAS: Here.

20 MR. KEHOE: Mr. McKinley?

21 MR. PETER MCKINLEY: Here.

22 MR. KEHOE: Mr. Rothfeder noted as
23 absent.

24 MR. KESSLER: Thank you. we have no

1 September 5, 2023

2 changes to the agenda this evening. Can I please
3 have a motion to adopt the minutes of the meeting
4 of July 25th?

5 MR. KOBASA: So moved.

6 MR. KESSLER: Second, please.

7 MR. MCKINLEY: Second.

8 MS. HILDINGER: Second.

9 MR. KESSLER: On the question. All in
10 favor?

11 MULTIPLE: Aye.

12 MR. KESSLER: Opposed? Alright. Onto our
13 business. First item is resolutions. We have the
14 application of Pomona Development for preliminary
15 plat approval and for steep slope wetland and
16 tree removal permits for a proposed three-lot
17 major subdivision of an approximately 16.78 acre
18 parcel of property located on the south side of
19 Revolutionary Road, 500 feet south of Eaton Lane.
20 Drawings revised April 26th, 2023. Doug?

21 MR. KEHOE: David?

22 MR. DOUGLAS: Yeah. There is a
23 resolution that's been circulated and I move that
24 we adopt that resolution.

1 September 5, 2023

2 MR. KESSLER: Second please.

3 MR. BIANCHI: Second.

4 MR. KOBASA: Second.

5 UNIDENTIFIED FEMALE: Can you speak up a
6 little?

7 MR. DOUGLAS: Is my mic working?

8 MR. KEHOE: Yeah.

9 MR. BIANCHI: Now it is.

10 MR. DOUGLAS: Okay. Well, that's, that's
11 the problem.

12 MR. KESSLER: Okay. So we have the
13 motion to adopt resolution, approving resolution
14 9-23. Did I have a second?

15 MR. KOBASA: Second.

16 MR. KESSLER: And on the question?

17 MR. KEHOE: Just on the question, it's
18 an application for preliminary approval. The
19 applicant will be required to get final approval.
20 There are 11 conditions that need to be met, as
21 your engineer knows. The, the main one is to get
22 the health department to sign off before you can
23 come back for final approval.

24 MR. KESSLER: Thank, thank you. So we're

1 September 5, 2023

2 on the question, all in favor?

3 MULTIPLE: Aye.

4 MR. KESSLER: Opposed? Okay. Motion
5 passes. Thank you.

6 UNIDENTIFIED MALE: Thank you very much.

7 MR. KESSLER: Thank you.

8 UNIDENTIFIED MALE: That was easy.

9 MR. KESSLER: Next item on the agenda is
10 the application of Bilal Ahmad for the property
11 of Ace Sport Realty Holdings Corporation for site
12 development plan approval, and for steep slope
13 tree removal and wetland permits for a proposed
14 five-story 93 room hotel for property located at
15 2054 East Main Street, drawings revised July
16 19th, 2023. Mr. Steinmetz, good evening.

17 MR. DAVID STEINMETZ: Good Evening, Mr.
18 Chairman, members of the board.

19 MR. KESSLER: So we have a resolution
20 prepared, but before we get to it, I think we'd
21 be remiss if we, if we didn't address a lot of
22 the issues. I know a lot of people are here
23 tonight about this. We received your petitions
24 and I think we should discuss the items that were

1 September 5, 2023

2 raised in those petitions, so that everybody's
3 comfortable with, well, hopefully comfortable,
4 but with what the, the responses are to those
5 issues. So I, I've made a list of them and, and I
6 think we should take them one by one.

7 The first item raised in the in the
8 positions was about the traffic island at the end
9 of Jacob Hill Road abutting Route 6. And as we've
10 discussed at the previous meetings, there will be
11 revisions made to that island. That'll be in
12 conjunction with the town and the Department of
13 Transportation, the State Department of
14 Transportation, to make sure that the entrance
15 and the egress from the site is clearly
16 delineated so that people don't go up the wrong
17 road in the wrong direction. So that is part of
18 what is being approved here, hopefully this
19 evening. There's also an issue about a light on,
20 putting a light up on Jacob Hill Road. I think
21 that was one of the issues raised, or potentially
22 putting a light on Jacob Hill Road at the
23 entrance to the hotel. We, as a board and town
24 staff do not think that is advisable to do that.

1 September 5, 2023

2 MR. KEHOE: The, the traffic volumes
3 don't warrant it. And, and I'm just the planner,
4 Joe. you know, I know you're not a traffic
5 engineer either, but I believe I'm correct.

6 MR. JOE: You're, you're correct, Chris.

7 MR. STEINMETZ: And the, and the
8 applicant's traffic engineer reviewed it, and it
9 would not meet the state required mathematical
10 analysis that warrants traffic lights.

11 MR. KESSLER: Understood. Thank you,
12 David. Third issue was one of the sight distance
13 coming out of the out of the site, out of the
14 hotel. There is a regulation in the town that
15 there has to be a minimum of 200 feet of sight
16 distance, which this applicant meets in terms of
17 coming out of that site. So there's, as long as
18 it's consistent with the town code, we see no
19 issue in terms of sight lines being insufficient.

20 The other issue, which has come up many
21 times at the past meetings, is an alternative
22 entrance onto the site from the Bear Mountain
23 Parkway. As we've discussed at the previous
24 meetings, there is significant difference in the

1 September 5, 2023

2 gradient of the Bear Mountain Parkway to the
3 site. There is a wetland that would need to be
4 crossed, but ultimately it's a DOT issue, and
5 Chris, if you could fill us in on the DOT's
6 thinking on this.

7 MR. KEHOE: Well it's mainly going after
8 the applicants are going off what the applicant's
9 traffic consultant said, but I have no reason to
10 disagree with that. These limited parkways, they
11 won't allow another access point off of that to
12 serve the hotel.

13 MR. STEINMETZ: That, that's correct. In
14 addition to which the DOT favors having the hotel
15 exit to a signaled intersection that is a full
16 movement signaled intersection on a state
17 highway, Route 6. So, DOT is well aware of it,
18 we're well aware of it. Mr. Chairman, you
19 indicated the wetlands and the grade change, and
20 even if we wanted to go out that way, I don't
21 think we would be able to physically.

22 MR. KESSLER: Thank you. The other
23 issues raised were the hours of operation of the
24 restaurant and the bar. You want to address that,

1 September 5, 2023

2 David?

3 MR. STEINMETZ: Yes. I, I think we
4 submitted some information to staff on this, but
5 the, evening hours are 5:00 p.m. to 10:00 p.m.
6 There's a hard stop and a lockup of any alcohol
7 at 10:00 p.m. This is, this is not a, much as
8 maybe some would want it, this is not a
9 destination bar for folks to go to. This is more
10 of a convenience for resident, for folks who may
11 be staying as guests in the hotel. It's not an
12 elaborate setup, nor is the restaurant. The
13 restaurant's a little bit more of a bistro. It's
14 not a full service menu. With Pike Plaza next
15 door with restaurants and, and my understanding
16 is there is a bar that is open in the Pike Plaza
17 later than 10:00 o'clock p.m., presumably that's
18 where someone in town would otherwise go.

19 MR. KESSLER: Thank you. Next issue is
20 the issue of offsite parking. We are approving
21 this, or the resolution and the applicant has set
22 aside 92?

23 MR. STEINMETZ: Ninety-three.

24 MR. KESSLER: Nineth-three?

1 September 5, 2023

2 MR. STEINMETZ: Where's Matt, 93?

3 Ninety-three.

4 MR. KESSLER: What, What's the number?

5 MR. KEHOE: Yeah, 93 spaces, and that's
6 actually short, so they need a variance, but they
7 went to the zoning board, and the variance allows
8 for greater landscaping interior to the parking
9 lot.

10 MR. STEINMETZ: Correct.

11 MR. KESSLER: And just for the record,
12 the town code requires how many?

13 MR. KEHOE: A hundred.

14 MR. STEINMETZ: I think it's a hundred
15 on the button, yes.

16 MR. KESSLER: A hundred, so variance of
17 --

18 MR. STEINMETZ: Seven, seven out of the
19 hundred --

20 MR. KESSLER: -- which will be done by
21 the zoning board?

22 MR. KEHOE: Right.

23 MR. KESSLER: The Zoning Board of
24 Appeals.

1 September 5, 2023

2 MR. KEHOE: The zoning board had a
3 public hearing, considered it. They can't vote on
4 it until you complete your process, but they
5 indicated their support for the variance.

6 MR. STEINMETZ: We received a straw poll
7 consent to that. But as Chris has indicated, we
8 did not, we could not get a vote until your board
9 adopted a SEQRA conclusion and a resolution.

10 MR. KESSLER: Right. So the, the
11 thinking here is that the 92, 93 parking spaces
12 should be sufficient for the hotel guests.

13 MR. STEINMETZ: Not only has it been
14 concluded by our client that it's sufficient,
15 it's also been concluded by the Marriott chain
16 that it is sufficient. Marriott is not permitting
17 this hotel to open if they think there's
18 insufficient parking, insufficient landscaping,
19 insufficient lighting, insufficient security.

20 MR. KESSLER: Thank you. And speaking of
21 security, the next issue, thank you, David, for
22 that, so as, as part of our public hearing there
23 was discussions about the security, and there'll
24 be cameras at all the entrances as well as I

1 September 5, 2023

2 think in the parking lot as well?

3 MR. STEINMETZ: Correct. And all the
4 doors leading from the back of the building in
5 the parking lot are obviously locked doors and no
6 one could get in without, without a hotel key.

7 MR. KESSLER: There, there was also a,
8 an issue about you know, potential of housing
9 immigrants in the, in the hotel. Chris as, as
10 part of this resolution, you've included a
11 reference to the town code as it regards that?

12 MR. KEHOE: Well, we have a, we have a
13 town code section, I think that was really
14 developed in the context of Airbnbs trying to
15 limit extended stays. Mr. Cunningham could
16 probably speak to it better than I could, but
17 you're not allowed, by the town code to stay, I
18 think it's more than 180 days.

19 MR. MICHAEL CUNNINGHAM: 180 days is
20 correct.

21 UNIDENTIFIED FEMALE: Let them all put
22 next door to you.

23 MR. KESSLER: No, Please, please.

24 [applause] So 180 days is --

1 September 5, 2023

2 MR. KEHOE: But, but 180 days in the
3 code, 180 days has to do with if you were burned
4 out of your house and you had to stay in a hotel,
5 or if you had some personal difficulty and you
6 had to stay in a hotel.

7 UNIDENTIFIED FEMALE: You said
8 immigrants.

9 MR. KEHOE: You said immigrants.

10 MR. KESSLER: No, the --

11 UNIDENTIFIED FEMALE: I didn't say it.

12 MR. KEHOE: Well, the applicant in their
13 petition has expressed concerned about immigrants
14 staying in the hotel.

15 MR. KESSLER: Right.

16 MR. STEINMETZ: Not the applicant.
17 That's not the applicant.

18 MR. KEHOE: Sorry. Sorry.

19 MR. STEINMETZ: Please, please be sorry.

20 MR. KEHOE: Yes.

21 MR. STEINMETZ: Because this hotel is
22 open to folks of any race, nationality, religion.
23 I mean, come on. Don't, don't, don't throw that
24 at the applicant.

1 September 5, 2023

2 MR. KEHOE: The neighbors have raised
3 the issue of immigrants.

4 MR. KESSLER: Yes, as part of the
5 petition, there was an issue that was raised. And
6 so again, so while the town code doesn't
7 specifically address what, quote unquote
8 immigrants, it does talk about how long people
9 can stay what, what an extended stay is in terms
10 of a hotel, and that, as we said, is 180 days.
11 Okay, thanks.

12 MR. CUNNINGHAM: And the, nobody in the
13 town, no board has any power to enforce federal
14 immigration law or any sort of social services as
15 well. The section 61 and 62 of social services
16 law, the county actually enforces any social
17 services, so if you have any questions about
18 homelessness or anything, you have to direct
19 those to the county.

20 MR. STEINMETZ: And last item, Mr.
21 Chairman, and members of the board, your counsel
22 will, can confirm this if he wishes, you don't
23 have jurisdiction to regulate the user of real
24 property.

1 September 5, 2023

2 MR. CUNNINGHAM: Right.

3 MR. STEINMETZ: You have jurisdiction to
4 regulate the use of real property.

5 MR. KESSLER: Exactly right.

6 MR. STEINMETZ: And we're here tonight
7 to get a hotel approved.

8 MR. KESSLER: Exactly right. Exactly
9 right. Um, yeah. So, you know, to, to David's
10 point, you know, whether a business is successful
11 or not is not anything that we take into account.
12 You know, and that can go for, you know, the
13 smallest business to the biggest business in
14 town. You know, whether it's, you know, a Best
15 Buy, which, you know, and which disappeared or
16 whether it's a hotel or whether it's a nail
17 salon. It just doesn't matter. If it's allowed to
18 be at -- if it, it complies with the town code
19 and the area is zoned for that type of, of use,
20 that's all we approve here. So a hotel is allowed
21 on that property. We've done a, we think our due
22 diligence here in examining all the environmental
23 issues that relate to that hotel. And, and that's
24 what we're here tonight to possibly vote on. You

1 September 5, 2023

2 know, whether it's successful, as I said, whether
3 it's successful or not is not anything that we,
4 we can concern ourselves with.

5 UNIDENTIFIED FEMALE: You know it will
6 be successful.

7 MR. BIANCHI: And I'd like to add to
8 that --

9 UNIDENTIFIED FEMALE: Why a hotel? Why a
10 hotel, there's nothing -- why are we --

11 MR. BIANCHI: This is not a public --
12 this is not a public hearing, ma'am.

13 MR. KESSLER: It's a --

14 MR. BIANCHI: I'd like to add to that,
15 that, and it's in the resolution that this is a
16 recommended use by the Envision 2016, is it?

17 MR. KEHOE: Yeah, the master plan.

18 MR. BIANCHI: Envision, town of
19 Cortlandt master plan. So it's in keeping with
20 what the town wants in this area. And we've
21 included that in the resolution.

22 UNIDENTIFIED FEMALE: The town doesn't
23 even know about it.

24 MR. KESSLER: And, and, and let me just

1 September 5, 2023

2 note something anecdotally, you know, I, I've

3 been talking to people around the town and, you

4 know, we, we have a, a golf club Hollowbrook,

5 that holds events nearly every weekend throughout

6 the year. They have very limited places where

7 they tell people to go. And, and the, and the

8 golf club itself, you know, can, has told me when

9 I spoke to them, that they could easily fill up

10 the rooms you know, 20, 30 rooms any weekend

11 because of weddings and, and events and

12 confirmations and things that take place at, at

13 the Hollowbrook as part of their structure. It's

14 not just the golf club. I mean, most of their

15 money is made through events. And also, I was

16 told that, there is a -- that hotel could also

17 easily, accommodate people from West Point, that

18 you know, there isn't a lot of places for people

19 who go to West Point, and a lot of people go to

20 West Point. There's a hotel Thayer there, there's

21 another hotel across the river there that's not,

22 not very well regarded. So there is also a need

23 for people from West Point to have a place to

24 stay also for events and football games and

1 September 5, 2023

2 graduations and things.

3 MR. STEINMETZ: Yes.

4 MR. KESSLER: So you know, to say
5 there's no need, again, not within our purview.
6 I'm, and I'm, I'm just saying though, that there
7 is evidence that, you know, you know, people have
8 commented, you know, the hotel, you know, it's
9 not a destination and, and who wants to come to
10 Cortlandt? There's clearly a need for, you know,
11 this type of facility in the town. And as we
12 said, it's allowed, you know, you know, swim or
13 sink, it's, you know, we'll see how it goes with
14 the applicant. But again, not, not my issue, not
15 our issue here as, as part of the board. So I, I
16 think that addresses all the issues that were
17 raised in the petition, any, any further comments
18 from the board before we entertain a motion?

19 MR. BIANCHI: I have one. At the last
20 meeting there was a, a memo from the
21 architectural advisory board, I guess it is,
22 about the facade facing the parkway. Did we
23 receive anything further?

24 MR. KEHOE: That hasn't been resolved.

1 September 5, 2023

2 That's still a condition of approval --

3 MR. STEINMETZ: Conditions.

4 MR. BIANCHI: -- conditions in the
5 resolution?

6 MR. KEHOE: Yes, which is not out of the
7 ordinary. The ARC will meet with the applicant
8 and finalize the details.

9 MR. BIANCHI: Okay. As long as it's in
10 the resolution.

11 MR. STEINMETZ: It's been addressed in
12 the resolution.

13 UNIDENTIFIED FEMALE: Question?

14 MR. KESSLER: Well, it's not a public
15 hearing. A point of information I'll entertain.

16 UNIDENTIFIED FEMALE: There's an old
17 ShopRite and an old [unintelligible] [00:15:05].
18 Why didn't you move over there? Why does it have
19 to be right over here, by Jacobs Hill?

20 MR. KESSLER: We, we don't determine
21 what goes where. An applicant comes to us with a
22 proposal of what they want to put, where they
23 want to put it. You know, if it, if a hotel was
24 allowed where ShopRite is, then --

1 September 5, 2023

2 UNIDENTIFIED FEMALE: Where the old
3 ShopRite, there's two empty buildings, they could
4 have put it over there.

5 MR. KESSLER: Well, again, again, you
6 know, that's the, the applicant. I, I don't know.
7 the applicant chose this site. They thought it
8 was ideal for them, and that's what we reviewed.
9 And, you know --

10 UNIDENTIFIED FEMALE: Did they have
11 anything to do with the gas station they're just
12 building?

13 MR. KESSLER: Did they have anything to
14 do with the gas station? Not that I'm --

15 UNIDENTIFIED FEMALE: yes, the hotel.

16 MR. KESSLER: Not, that I'm aware of,
17 but I don't know.

18 UNIDENTIFIED FEMALE: Wow, what a
19 [unintelligible] [00:15:50]

20 MR. KESSLER: Well, yes, sir.

21 UNIDENTIFIED MALE: Oh, Gosh.

22 UNIDENTIFIED MALE: Point of order,

23 MR. KESSLER: Sure.

24 UNIDENTIFIED MALE: I think I saw in the

1 September 5, 2023

2 study that there's 107 spaces at the hotel, not
3 93, as I just understood earlier. I'm not sure
4 which it is.

5 MR. KESSLER: It's 93.

6 UNIDENTIFIED MALE: For security
7 coverage.

8 MR. KESSLER: It's, it's 93. We are
9 approving 93 parking spaces, five of which are
10 EV?

11 MR. STEINMETZ: Five of which, yes.

12 MR. KEHOE: Six.

13 MR. STEINMETZ: Six.

14 MR. KEHOE: Six.

15 MR. STEINMETZ: Excuse me, it's six,
16 yes.

17 UNIDENTIFIED MALE: So if there's a
18 conference, what about these people that are
19 coming in, in excess of the 93 rooms?

20 MR. STEINMETZ: So we said this last
21 time, Mr. Chairman, I'll say it again. This is
22 not a conference center oriented hotel. There is
23 not a large conference center room. There may be
24 some small continuing legal education course or

1 September 5, 2023

2 something of that nature. This is not a
3 conference center hotel.

4 MR. KESSLER: Well, what's, what's a
5 typical size of a conference room?

6 MR. STEINMETZ: Anybody help me on, on
7 the size of our, we, we, I think we concluded
8 last time --

9 MR. SINSABAUGH: I think 20 by 10. It,
10 it was like 20 by 40, 20 by 30.

11 MR. STEINMETZ: I, Brian says 20 by 10.
12 I think it was rather small, smaller than this
13 room significantly.

14 MR. KESSLER: Right, okay.

15 MR. STEINMETZ: And, and Mr. Ahmad is on
16 if you need an answer to that, but you have that
17 in the plans. Chris, you may know the answer
18 better than I. That, that's probably in the plan
19 set that was submitted by the architect.

20 MR. KEHOE: The, the, the conference
21 room in the hotel is not large enough to house a
22 conference --

23 MR. STEINMETZ: Thank you.

24 MR. KEHOE: -- that would significantly

1 September 5, 2023

2 impact parking.

3 MR. STEINMETZ: That's all we're saying.

4 MR. KESSLER: Okay. Thank you.

5 Appreciate it. Okay. So any, again any, any more
6 comments from the board? Mr. Kobasa? All right. I

7 --

8 UNIDENTIFIED FEMALE: Just, I just make
9 a statement. You said before that no one can
10 determine whether a business is successful or
11 whether it fails. Is Mr. Ahmad ready to take
12 failure if that happens on his own back?

13 MR. KESSLER: He's a businessman.

14 UNIDENTIFIED FEMALE: Okay. So he will,
15 he will absorb the failure, then. He will not do
16 anything else to make money.

17 MR. KESSLER: I, I don't know. I don't,
18 I don't understand your question, honestly.

19 UNIDENTIFIED FEMALE: You won't bring
20 the illegals in to make money from the federal
21 government. He's going to absorb the loss inside,
22 given the hotel beds.

23 MR. KESSLER: Yep. How, when's this
24 hotel going to, well, we're talking, what, two

1 September 5, 2023

2 years down the road before we see a hotel here?

3 UNIDENTIFIED FEMALE: Well what do we do
4 about it?

5 MR. STEINMETZ: Correct.

6 MR. KESSLER: Two years.

7 UNIDENTIFIED FEMALE: How you know about
8 it?

9 MR. KESSLER: A lot happens in two
10 years.

11 UNIDENTIFIED FEMALE: [unintelligible]
12 [00:18:22]

13 MR. KESSLER: Yes.

14 UNIDENTIFIED FEMALE: Does anybody here
15 live in Cortlandt? Does anybody on the board --

16 MR. CUNNINGHAM: Every, every single
17 person --

18 MR. STEINMETZ: Steve, you've got --

19 MR. CUNNINGHAM: -- on the board lives
20 in Cortlandt.

21 MR. STEINMETZ: -- [unintelligible]

22 [00:18:29]

23 MR. CUNNINGHAM: Every person on the
24 board lives in Cortlandt.

1 September 5, 2023

2 MR. KESSLER: We can't be on the board
3 if we don't live in Cortlandt. All right. This is
4 getting a little crazy la last, last question.

5 UNIDENTIFIED MALE: I'm sorry, Steve. I
6 just want to ask, is this configured as an
7 extended state motel and that means cooking
8 facilities in the room?

9 MR. STEINMETZ: No.

10 MR. KESSLER: No.

11 MR. STEINMETZ: No, that's --

12 MR. KESSLER: No.

13 UNIDENTIFIED MALE: So this is a short
14 term facility?

15 MR. KESSLER: It's, it's a, it's a
16 traditional Marriott, traditional Marriott hotel.

17 MR. KOBASA: All right, I would like to
18 make a motion to adopt resolution.

19 MR. KESSLER: Please, Please, please, we
20 -- please.

21 MR. KOBASA: I would like to make a
22 motion to adopt resolution 10-23 as modified.

23 MR. KESSLER: Second, please.

24 MR. KOBASA: We'd like to add two

1 September 5, 2023

2 conditions.

3 MR. KESSLER: Oh, I'm sorry, finish.

4 MR. KOBASA: We'd like to add two
5 conditions, condition 25, add a crosswalk to Pike
6 Plaza if agreeable to DES and condition 26, hours
7 of construction shall not or shall meet town code
8 chapter 197 and all other applicable sections.

9 MR. KEHOE: Correct.

10 MR. KESSLER: Okay. So with those two
11 additions to the resolution, can I have a second?

12 MR. BIANCHI: Second.

13 MR. KESSLER: Second, thank you. All in
14 favor?

15 MULTIPLE: Aye.

16 MR. KESSLER: Opposed? Okay, thank you.

17 UNIDENTIFIED FEMALE: Now when is this
18 supposed to start? Do we know when?

19 MR. KESSLER: Well, the, there are a
20 number of conditions in the resolution that have
21 to be met before they can start construction. And
22 that typically, Chris, help me out takes --

23 MR. KEHOE: It's, it's unknown, but
24 there are 25 conditions in the resolution that

1 September 5, 2023

2 need to be met. They need to do more detailed
3 engineering and design work. I don't know. It
4 could start in six months. It could start in a
5 year. I don't know. It's unknown.

6 MR. KESSLER: Yeah. Certainly not sooner
7 than six months?

8 MR. KEHOE: Correct.

9 MR. KESSLER: At, at best. Yes, ma'am?

10 UNIDENTIFIED FEMALE: Just --

11 UNIDENTIFIED FEMALE: Can I ask why the
12 resolution hasn't been made public? Like, why we
13 can't have a copy of it? Even as mentioned.

14 MR. KEHOE: The, the resolution's a
15 document for the planning board. It'll be, it'll
16 be it now -- it can be made available.

17 MR. KESSLER: It'll be made available on
18 the website now that it's been adopted.

19 MR. STEINMETZ: Just --

20 MR. KESSLER: Sure.

21 MR. STEINMETZ: Steve, the board should
22 state for the record that you built your SEQRA
23 determination into this resolution. So you are
24 adopting a neg dec and your site plan resolution.

1 September 5, 2023

2 I don't want the public to think that after
3 everything you've done, you ignored concluding
4 the SECRA process.

5 MR. KEHOE: Yeah. I -- that is every
6 community does it differently, but there are
7 sections of that resolution that determine that
8 your environmental review was sufficient and
9 you've analyzed all environmental impacts and
10 have determined that this project will have no
11 significant adverse environmental impacts and
12 have adapted a negative declaration requiring
13 that no environmental impact statement is
14 required.

15 MR. KESSLER: Right. And no remediation.

16 MR. STEINMETZ: Thank you, Chris.

17 MR. KESSLER: Thank you.

18 MR. STEINMETZ: You're welcome.

19 MR. KESSLER: Alright. Well, thank you,
20 okay. Moving on, next time is a public hearing.
21 It's the --

22 UNIDENTIFIED FEMALE: [unintelligible]
23 [00:21:34].

24 MR. KESSLER: -- it's the application of

1 September 5, 2023

2 NK Electric.

3 [CROSSTALK]

4 MR. CUNNINGHAM: You're going have to
5 get another minute.

6 MR. KESSLER: Well, those who want to
7 leave. Alright. But please, we want to continue
8 the meeting, so if you want to continue
9 discussions outside, please. Next item is the
10 application of NK Electric for site development
11 plan approval, and a special permit for a
12 specialty trade electrical contractor located in
13 an existing building at 465 Yorktown Road. Latest
14 revised drawings, July 19th, 2023. Good evening.

15 MR. JIM ANNICCHIARICO: Jim
16 Annicciarico with Cronin Engineering representing
17 Mr. Nick Kalyvas, NK electric --

18 MR. KESSLER: Microphone, they can't --

19 MR. ANNICCHIARICO: Sorry. So I think we
20 really only have one last issue that we need to
21 address. And that's the letter that the DEP or
22 one of the conditions, or not condition, but one
23 of the items that the DEP brought up about the
24 existing septic system being able to drive over

1 September 5, 2023

2 it and whatnot.

3 MR. KESSLER: Parking on the septic
4 system.

5 MR. ANNICCHIARICO: Parking on it, yeah,
6 I mean, we're, really not parking on the septic
7 system itself. It would be driving over a portion
8 of it.

9 MR. KESSLER: Okay.

10 MR. ANNICCHIARICO: There was never
11 really any records of what the septic system was
12 through the health department. They didn't have
13 any as-builts, so what we did was we uncovered it
14 and we've as-builted it onto the plan that -- on
15 that latest, I think Chris, maybe, is that the
16 latest plan that shows --

17 MR. KEHOE: Keep Going. I'll find it.

18 MR. ANNICCHIARICO: You zoom in, maybe.
19 So the, the system consists of a tank and two
20 other tanks, which appear to be just seepage
21 pits, you know, tanks with bottoms empty -- you
22 know, with bottomless tanks basically.

23 MR. KESSLER: Is this, is this a July
24 revision or is this something later?

1 September 5, 2023

2 MR. ANNICCHIARICO: Something I just
3 submitted to Chris recently.

4 MR. KESSLER: Oh, okay.

5 MR. ANNICCHIARICO: So you haven't seen
6 it.

7 MR. KESSLER: Yeah, we have not seen it.

8 MR. ANNICCHIARICO: Right.

9 MR. KESSLER: That's exactly right.

10 MR. ANNICCHIARICO: But, and as part of
11 --

12 MR. KESSLER: So you have to, so you,
13 you, you think you've resolved the issue, the
14 concerns of the DOT and now --

15 MR. ANNICCHIARICO: DEP.

16 MR. KESSLER: DEP, I'm sorry. And you
17 have to present that to them?

18 MR. ANNICCHIARICO: Yes.

19 MR. KESSLER: Okay.

20 MR. ANNICCHIARICO: What we've done was
21 we've -- it didn't, there was no access to the
22 tank or the seepage pits themselves, there were
23 no -- the covers were buried. So what we've done
24 is we've raised up the access, we put castings

1 September 5, 2023

2 on, so we'll have manhole covers that access the
3 tank. Two on the tank, one on each end, one on
4 each seepage pit.

5 MR. KESSLER: Alright. Well, well, we're
6 certainly going to adjourn this pending the
7 resolution of that. But this is a public hearing.
8 Is there anybody in the audience that wishes to
9 comment on this application at this time? Okay,
10 seeing no response, so Kevin.

11 MR. KOBASA: All right. I'd like to make
12 a motion to adjourn, but have staff prepare a
13 resolution for the October meeting.

14 MR. KESSLER: Second, please.

15 MS. HILDINGER: Second.

16 MR. DOUGLAS: Second.

17 MR. KESSLER: On the question.

18 MR. BIANCHI: On the question. would we
19 want prepare a resolution?

20 MR. KESSLER: He said that, he said
21 that.

22 MR. BIANCHI: Oh, he did? I didn't hear
23 him, sorry.

24 MR. KESSLER: All right, we're on the

1 September 5, 2023

2 question, all in favor?

3 MULTIPLE: Aye.

4 MR. KESSLER: Opposed? Okay.

5 MR. ANNICCHIARICO: Thank you.

6 MR. KESSLER: See you next meeting.

7 MR. ANNICCHIARICO: See you next
8 meeting.

9 MR. KESSLER: On to old business, the
10 application of Jennie Thomas of JJM Summit Realty
11 for amended site plan approval for a proposed
12 964-square foot building edition to an existing
13 dental office located at 1 Jerome Drive. Drawings
14 dated July 28th, 2023. Mr. Lentini, good evening.

15 MR. JOHN LENTINI: Good evening. Mr.
16 Chairman, members of the board and staff from
17 John Tini, architect for the doctor and his wife,
18 Dr. Marcus and Jenny. Last year, we were referred
19 to the variance board. We had a hearing, I
20 believe it went favorably but there was some
21 glitch with noticing. So, they didn't approve us
22 at that meeting, but I have every reason to
23 believe we will be approved at the next meeting.

24 MR. KEHOE: Well, John, they can't

1 September 5, 2023

2 approve you. It's similar to the hotel, until the
3 planning board completes their process.

4 MR. LENTINI: Right.

5 MR. KEHOE: But the zoning board has
6 indicated their support for your variance.

7 MR. LENTINI: That's what I meant to
8 say. In any event this extension, I just wanted
9 to explain how we arrived at the bulk of the
10 development. It, to -- to quote a phrase of Louis
11 Sullivan, an architect, the form follows
12 function. And we've created this to meet all the
13 needs of the doctor and the space he requires. We
14 kept the orientation of the building. And it's a
15 little odd that it's crooked and that was part of
16 our hardship to the variance board so that it, it
17 still remains the same orientation. We wanted to
18 conceal the stark contrast between our addition
19 and the existing building, which is largely
20 residential from Route Six. However, we maintain
21 a residential appearance from Jerome Avenue. The
22 colors we're picking are the existing building,
23 and then shades of that color where the windows
24 are going to be featured. And they also are a

1 September 5, 2023

2 function of, they're going to be just opposite
3 operatories. And above the window, a little
4 darker and below the window, and then the parapet
5 is going be lighter, which would've, even if it
6 was the same color, it would look lighter,
7 because it's higher and it's projecting.

8 And we'd have to come back with a sign
9 application. I don't have the sign. I'm not sure
10 they even have the name settled yet. I originally
11 called it Gentle Care Pediatric Dentistry. That
12 was their old business.

13 But in any event the landscaping, which
14 was an issue I, I took drone pictures. I don't
15 know if you could show them on, on the screen --
16 one of the overall sites. Yeah, that one. Um, if
17 you could see to the left of that view, that's
18 half of our, let me see, where are we? Well,
19 again, to the left of the view is the town
20 center. And you can see how dense the landscaping
21 is there. We're not doing anything to touch that.
22 There's an assortment of trees. To the right
23 bottom of the view, we have of several plants. We
24 have [unintelligible] [00:27:58] that, that

1 September 5, 2023

2 border it. And into the rear of the view, the top
3 of the page, there are like four mature trees
4 that we're not touching that provide a certain
5 amount of screening already from the, the
6 residential neighborhood. I'm not proposing to
7 include any more landscaping, because when we're
8 finished taking down these shrubs in front of the
9 building, the lawn that's left isn't that
10 extensive. In fact, some of the shrubs that are
11 in front of the building, I'm told are invasive
12 species. One of the more colorful one is barberry
13 and it should be taken down anyway, I'm told.

14 But essentially it's a very
15 straightforward design. And we're available to,
16 to address any comments that anybody might have.

17 MR. KESSLER: Mr. Lentini, you're aware
18 that the architectural review, you know, which we
19 referred this to took a look at your proposal and
20 they were not enamored, let's say, with the
21 design.

22 MR. KEHOE: Yeah, John, I, I mentioned
23 to the board and, and I was a little surprised
24 that I hadn't heard from you. So I'm not, I I'm

1 September 5, 2023

2 not exactly sure I sent that to you. I apologize.
3 But recently the ARC commented that they had
4 concerns with the elevations.

5 MR. LENTINI: Okay. I didn't see it. It
6 might be also that I didn't see it. You might
7 have sent it, but I get 50 emails before lunch.

8 MR. KEHOE: Right. But we talked about
9 it at the work session. And you know, the ARC
10 would be willing to meet with you to discuss.

11 MR. LENTINI: Certainly, yeah.

12 MR. KEHOE: But that would be the next
13 step, is that the planning board received the ARC
14 comments, and I apologize if you didn't get them,
15 but they would like to talk to you about
16 modifying the building elevations.

17 MR. LENTINI: I'll modify them within
18 the extent of our approvals and setbacks and
19 needs. You know, there's very little we could do
20 to the bulk of it. But in the windows, if they
21 have a problem with too many or too few, or --

22 MR. KEHOE: Do you think you could turn
23 around the revised building elevation in the next
24 couple weeks?

1 September 5, 2023

2 MR. LENTINI: Well, I think what I did,
3 I'm standing behind. I have a purpose for
4 everything I did there. I spent a lot of time
5 looking at it. And my, I have a 3-D program that
6 allows me to sit in a car and look at it, to walk
7 down the street and look it.

8 MR. KEHOE: Okay. Because the reason I'm
9 asking is I don't think there'll be significant
10 public comment on this application. So if there's
11 a way that you can meet with the ARC and, and
12 revise something quickly, I would have no
13 opposition to a public hearing in October to move
14 it along. I thought we were not needing a public
15 hearing the last time we were here.

16 MR. KEHOE: Oh.

17 MR. LENTINI: Mr. Cunningham, I think
18 you said a public hearing wasn't required.

19 MR. KEHOE: That, that, that, rings a
20 bell.

21 MR. CUNNINGHAM: It's a, it's a minor
22 side plan amendment. I don't, I don't think we
23 actually need a public hearing.

24 MR. KEHOE: All right, so that's fine.

1 September 5, 2023

2 We'll just come back after you meet with the ARC.

3 MR. KESSLER: Okay. So, so what -- who
4 contacts whom?

5 MR. KEHOE: I'll I, I, I'll set it up
6 with John.

7 MR. LENTINI: Okay.

8 MR. KESSLER: Okay.

9 MR. KEHOE: It'll be my responsibility.

10 MR. LENTINI: I'm available. I'm not
11 that busy these days.

12 MR. DOUGLAS: Mr. Lentini, just, I've
13 got the ARC memo in front of me and it's just so
14 you, if you haven't seen it yet, the, the areas
15 they're concerned with is the flat roof, the
16 fascia and synthetic stucco. Those are the three
17 elements that they have concerned with.

18 MR. LENTINI: The flat roof.

19 MR. DOUGLAS: That's what it says.

20 MR. LENTINI: Well, again, that's why I
21 oriented it the way I did that. It doesn't look
22 like a flat roof from the residential side. And
23 then the commercial boulevard there, all of
24 Kohl's and, you know, the bank and the, the

1 September 5, 2023

2 Dunkin Donuts, they're all flat roofs. I mean, we
3 want to look like we're part of the commercial
4 strip.

5 MR. CUNNINGHAM: So John, you may be
6 able to convince the ARC when you meet with them.
7 So I think the next step will be for Chris to set
8 up a meeting with you and the ARC.

9 MR. LENTINI: I will be delighted to do
10 that.

11 MR. KESSLER: Okay, Mr. McKinley?

12 MR. MCKINLEY: Okay. I'd like to make a,
13 excuse me, I'd like to make a motion to refer
14 back to staff for the review of the application
15 of PB 2023-2 of the existing dental office.

16 MR. KESSLER: Second, please.

17 MR. BIANCHI: Second.

18 MR. KESSLER: On the question. All in
19 favor?

20 MULTIPLE: Aye.

21 MR. KESSLER: Opposed?

22 MR. KEHOE: So John, I'll be in touch in
23 the next day or two.

24 MR. LENTINI: Thank you very much. Thank

1 September 5, 2023

2 you.

3 MR. KESSLER: Alright, next item under
4 old business, the application of VS Construction
5 for preliminary and final plat approval for a six
6 lot subdivision, Five building lots for property
7 located at 2003 Compond Road, drawings dated July
8 18, 2023. Mr. Steinmetz, good evening again.

9 MR. STEINMETZ: Good Evening, Mr.
10 Chairman, members of the board, David Steinmetz
11 from the law firm of Zarin and Steinmetz here
12 representing VS Construction, once again in
13 connection with Evergreen Manor and the MOD, the
14 medical oriented district. I'm going try to be
15 brief and hand it off to colleagues on the team.
16 I'm joined tonight by my associate Brian
17 Sinsabaugh, by Matt Steinberg and Peter Gregory
18 from DPT Provident Engineering and Planning, as
19 well as by Val and Mandy Santucci.

20 As we tried to explain last meeting, we
21 have filed with you at this point a preliminary
22 subdivision application. The preliminary
23 subdivision application is designed to take this
24 28-acre parcel and divide it into lots. Those

1 September 5, 2023

2 lots ultimately will be developed in accordance

3 with the MOD. And in fact, in the intervening six

4 weeks, we have sent you some conceptual site

5 plans of what we believe ultimately will be

6 perfected and filed as site plan applications.

7 One being an assisted living, an independent

8 living residence for upwards to 120 units on

9 parcel one or the first lot on the left, the

10 other being 99 fee simple townhouse lots. And I

11 say 99 townhouse lots because the town MOD code

12 provision requires that those townhouses not be

13 sold in the condominium form of ownership, but

14 they be sold in the fee simple form of ownership.

15 It's a technicality. I don't want to take you too

16 far into it, other than to remind you we can only

17 create fee simple lots by filing a subdivision in

18 front of your board.

19 So tonight, we're here, because as you

20 discussed at your work session, it is in the

21 applicant's interest to have different lots. Why?

22 Different developers may develop different

23 portions of the property. And the applicant has

24 every legal right under New York State law and

1 September 5, 2023

2 under your town code to begin to process and chop
3 up the property into lots.

4 So tonight we have an application in
5 front of you for five development lots and a
6 sixth parcel or a road parcel. Under New York
7 State Town Law Section 276, this is a two-part
8 process. The first part is preliminary
9 subdivision approval. The second part is final
10 subdivision approval. As you all discussed in
11 your work session, in between the two, we have to
12 go to the Westchester County Health Department
13 and have them review our utilities, et cetera.

14 So that's why, knowing we have quite a
15 bit of time down in White Plains with the Health
16 Department, we're trying to get a jump on the
17 creation of the lots. So we're here tonight to
18 present to you our subdivision. The subdivision,
19 and I think this responds, Mr. Bianchi, maybe to
20 one of your questions in the work session, the
21 subdivision has the lots, the drainage, the
22 utilities, the road, and the things associated
23 with the road. What the subdivision doesn't have
24 is exactly what's going to go on lott one, what's

1 September 5, 2023

2 going to go on lot two, three, four, and five.

3 So tonight I'm going to turn it over to
4 Matt Steinberg to walk us through the preliminary
5 plat that you have in front of you, the road
6 network that we've got, or the road that we've
7 got, the utilities and where they are and why
8 they're there. And we would then, at the
9 culmination of tonight, we're happy to answer
10 questions and discuss this, we would simply like
11 to open at the earliest possible date, if
12 possible in October, a preliminary subdivision
13 public hearing. New York State Town Law Section
14 276 and your own town code requires a mandatory
15 public hearing on the subdivision. So we want to
16 do that.

17 Last comment from me, as the chair
18 reminded the board during the work session, you
19 have already, you, the town, the town of
20 Cortlandt has already been through the New York
21 State Environmental Quality Review Act process.
22 For over four years, this project and its various
23 components have been studied, analyzed, and
24 mitigated. We got a finding statement last year.

1 September 5, 2023

2 We're now kind of on the final lap of this
3 approval process.

4 MR. BIANCHI: Mr. Steinmetz, just as
5 your colleagues talk about the application -- the
6 subdivision I should say, I'd like to hear the
7 rationale as to why they chose the configuration
8 that we have in front of us.

9 MR. STEINMETZ: Absolutely.

10 MR. BIANCHI: A little bit more, because
11 I, to me, I, I don't know why it's that way.

12 MR. STEINMETZ: Some of it, Tom,
13 honestly, is purely contractual. Remember, Val
14 and Mandy started this five, six years ago and
15 entered into contracts with purchasers who wanted
16 to buy certain portions of the property. So when
17 people contract to buy a certain portion of the
18 property and there are descriptions or
19 illustrations of it, that's what you have to sell
20 them.

21 MR. BIANCHI: Okay.

22 MR. STEINMETZ: And it will behoove us
23 to make sure that when we file our site plans,
24 they work within the confines of those lots,

1 September 5, 2023

2 because you've already told us and we didn't need
3 to be told, they have to work within the confines
4 of those lots. Otherwise we either have to reduce
5 the scope of the site plans or modify the lot
6 lines.

7 MR. BIANCHI: Okay.

8 MR. STEINMETZ: So that's the easiest
9 answer Tom, is contractually, I got a 6.03 acre
10 lot on the front left. I got a 5.46 lot behind it
11 and I got a six acre lot behind that. And that's
12 all contractually driven.

13 MR. BIANCHI: So those are previously
14 drawn lines is what you're saying --

15 MR. STEINMETZ: In effect, yes.

16 MR. BIANCHI: -- contractual lines?

17 MR. STEINMETZ: Because this is tabula
18 rasa. I got 28 acres that I can paint lines on
19 and process, so the lines are dictated by the
20 Santuccis, not by the planning board. They have
21 to meet code. Your staff will make sure I meet
22 lot area, I have adequate frontage and the lots
23 function, but I can do the lot, I have 28 acres.
24 I can chop the lots up the way I want to for

1 September 5, 2023

2 market, financing and development purposes.

3 MR. BIANCHI: Alright, but what you're
4 saying, I just want to be clear that these lot
5 lines preexisted this application. Is that what
6 you're saying?

7 MR. STEINMETZ: Yes. Yes.

8 MR. BIANCHI: There are contracts in
9 place somewhere that show --

10 MR. STEINMETZ: They're either are or
11 the --

12 MR. BIANCHI: -- this lot line
13 subdivision the way it's presented to us?

14 MR. STEINMETZ: They're either are or
15 were contracts in place. And those lines evolved
16 over time.

17 MR. KESSLER: So they were conceptual up
18 to this point?

19 MR. STEINMETZ: Absolutely. But, but
20 conceptual --

21 MR. KESSLER: And now you want to
22 formalize them?

23 MR. STEINMETZ: Correct. They were --
24 but I want, when I don't, I don't want anyone on

1 September 5, 2023

2 the board to think that they were willy-nilly
3 conceptual. A lot of time and a ton of money has
4 been spent on making sure those lots made some
5 sense. So the size and the location of the lots
6 have all been as, as staff ought to be able to
7 tell you, analyzed in the DEIS -- analyzed for
8 for functionality, storm water, visibility,
9 fiscal impacts. All of these things are built
10 into the DEIS, the FEIS and the findings
11 statement, so.

12 MR. KESSLER: When the town board
13 reviewed this, the MOD, they did not see any of
14 the lot lines?

15 MR. STEINMETZ: Totally saw all of the
16 lot Lines.

17 MR. KESSLER: Oh, they did? So they,
18 they saw what you are proposing here?

19 MR. STEINMETZ: Yeah, It's, it's
20 evolved. We've been through multiple iterations
21 as a result of the town board changing its
22 desires, but they've definitely seen an earlier
23 iteration as this evolved. This, this last one is
24 probably what culminated after the town adopted

1 September 5, 2023

2 their final approval and then made some changes
3 in the final week before adopting the MOD. I made
4 mention of the fee simple townhouses. That was
5 something that arose at the final moments of
6 approval. There's a 100-foot setback buffer or
7 buffer from the Tamarack side of the development.
8 That too was a legislative change in the
9 culmination of the MOD and SEQRA process.

10 So answering your question, Mr.
11 Chairman, the lot lines are essentially what they
12 were, but they definitely had to respond to the
13 town board's wishes.

14 MR. BIANCHI: The last question -- I
15 just --

16 MR. MCKINLEY: I've got one more.

17 MR. BIANCHI: Just one more, and maybe
18 it's a question for staff, but can we change the
19 lot lines if we feel that they're not
20 appropriate? Are we in a position not to change
21 them? We can't change them or can we change them?

22 MR. STEINMETZ: So, I'm happy to answer
23 if, or whatever you want.

24 MR. CUNNINGHAM: Well, I mean, in short,

1 September 5, 2023

2 yes. You still have review authority over
3 whatever they're proposing.

4 MR. STEINMETZ: Yeah.

5 MR. KEHOE: But you're, but once, once
6 the subdivision gets perfected, you've created
7 the six or seven lots.

8 MR. BIANCHI: I understand that, but
9 it's --

10 MR. KEHOE: So then it's harder to
11 change that.

12 MR. BIANCHI: But I'm talking about now
13 though, I mean during this process we're
14 reviewing this site plan and subdivision plan, I
15 should say. Do we have a flexibility to change
16 any of these lot lines?

17 MR. KEHOE: Well, when you're talking
18 lot lines, are you talking the pink lines? Only
19 the pink lines?

20 MR. BIANCHI: I think those are the lot
21 lines, right?

22 MR. STEINMETZ: Right, yes.

23 MR. BIANCHI: Yes.

24 MR. KEHOE: Yeah.

1 September 5, 2023

2 MR. BIANCHI: Yes, the answer is --

3 MR. STEINMETZ: So I'm going to answer
4 the question as definitively as I can. Under
5 section 276 of the New York State Town Law, this
6 board has the authority to a, grant approval, b,
7 deny or c, modify. So if you had, Tom, a
8 legitimate reason why my 6.03 acre parcel one for
9 the assisted living has to be five or seven
10 acres, you're going to have to have a defensible
11 reason to reject my 6.03. But, and I said to you
12 in July, I am going to say it again, I got a team
13 of consultants, as well as buyers who are pretty
14 sure that the lot lines that we're showing you
15 work for a variety of reasons. The ball and the
16 burden is on this team. And give us a chance
17 during the process to explain that. Having said
18 that, and I don't want to go too far, although
19 I'd love staff to follow and maybe help explain
20 it. I don't have to have users, I don't have to
21 have uses. I do. But I could come in here and
22 say, I have 28 lot -- 28 acres, I want to market
23 it. You folks don't know how to market real
24 estate. Val Santucci does. And he's determined

1 September 5, 2023

2 this is the best way to market it.

3 All your code tells me is they have to
4 have certain minimum bulk requirements. Tom, I
5 could draw those lines and not tell you anything
6 about my uses. I'm not doing that. But I, I want
7 to answer you intellectually, Tom. I could do
8 that. You would have, in my legal professional
9 opinion, unquestionably no legal basis to deny
10 me.

11 MR. BIANCHI: Okay.

12 MR. STEINMETZ: You could watch me crash
13 and burn and as the chair told me, be
14 unsuccessful in a land use application if I
15 wanted to. But I can chop up real estate any way,
16 as long as it's in accordance with law.

17 MR. BIANCHI: I, I understand that. But
18 I, I'm just saying that, I'm not saying we're
19 going to do that or I'm going to do that. But I I
20 just think that there's a lot of high density
21 usage in certain of the lots and not in the
22 elders. And I'm, I just want to know what my
23 options are.

24 MR. STEINMETZ: Understood.

1 September 5, 2023

2 MR. BIANCHI: That's all.

3 MR. STEINMETZ: Okay.

4 MR. BIANCHI: That's all.

5 MR. STEINMETZ: Got it. Got it.

6 MR. KESSLER: So I think what Tom's
7 getting to, you have, here 99 townhouses proposed
8 conceptually. Let's, let's keep, we don't have an
9 application yet, we just have the lot -- a
10 subdivision application, we don't know what's
11 going on them except conceptually with what
12 you've given us. If, if we thought there needed
13 to be a reconfiguration of those, the lot lines
14 would not prohibit that from being done.

15 MR. STEINMETZ: No. The only -- no, and
16 I, and I hope during this process, since we, we
17 were I think good enough to share the conceptual
18 stuff with you as early as possible, if there's
19 something that's troubling you in terms of
20 layout, density, wetland setback, all of that is
21 -- DTS Provident has spent months and months,
22 maybe years analyzing this. The SEQRA process has
23 already been concluded and the SEQRA process
24 revealed --

1 September 5, 2023

2 MR. KESSLER: I understand.

3 MR. STEINMETZ: -- 99 townhouses in or
4 about this general 11ish, 12ish acre section of
5 the site. So I don't know how you would undo that
6 easily, but maybe there's something the planning
7 board knows that staff, its outside consultants
8 and the town board didn't know.

9 MR. BIANCHI: Well, I would hope that we
10 have some say in it because I don't know why it's
11 in front of us otherwise. Because it, you do have
12 some say in it, and I'm, I'm, I'm not here to be
13 disrespectful of the planning board. But the lead
14 agency was determined and they went through --
15 Tom, they went through four and a half, five
16 years of process. So under New York State Law,
17 you're the only ones that get the chop lots. Town
18 board doesn't have that authority because they
19 delegated that to you. So I have no choice but to
20 be here to get that from you, because I can't get
21 that from the town board.

22 MR. BIANCHI: Right.

23 MR. STEINMETZ: So, you're right.

24 Between you and me, you don't have a lot of

1 September 5, 2023

2 authority. There's not a lot to do here. But
3 we're going to be, Val Santucci has been here for
4 40 years throughout, throughout his career. We're
5 going to do this thing the right way. You're
6 going to have your review. We want this project
7 to be successful. It's going to be. But the, the
8 -- we're, we're on as someone who many years ago
9 used to run track, we're on like the second half
10 of the final lap of this race.

11 MR. BIANCHI: Okay, thank you.

12 MR. KESSLER: And, and just to again, to
13 just for the record, I, again, it's conceptual.
14 But the expectation is that there's one person
15 that's building all those 99 across the three
16 lots?

17 MR. STEINMETZ: So at the present time,
18 that's the most likely scenario. That's not
19 something that has to happen.

20 MR. KESSLER: Okay.

21 MR. STEINMETZ: There could be more than
22 one developer of those.

23 MR. KESSLER: Okay.

24 MR. STEINMETZ: It's not unusual with,

1 September 5, 2023

2 with upwards of 99 units for there to be more
3 than one builder. In Mr. Santucci's history of
4 doing many different development deals, that's
5 extremely unlikely to happen here.

6 MR. KESSLER: Okay.

7 MR. STEINMETZ: But as a result of the
8 site, some legal issues involved involving the
9 site that relate to prior purchasers, we, we
10 needed to draw the lines the way that we have.
11 I'm, I'm happy to go into that in greater detail
12 if needed. Staff has been apprised of that. The,
13 the town attorney's office is well apprised of
14 some of those legal issues. But we're here to
15 subdivide.

16 MR. KEHOE: But, but one thing, I did
17 show this to Martin Rogers in code enforcement
18 and he has some access questions, turnaround
19 questions, things like that.

20 MR. STEINMETZ: That's tonight. Let's,
21 so let's do that.

22 MR. KEHOE: So that's the type, you
23 know, that you'll need to talk with Martin about
24 to, to, you know, because that may tweak a little

1 September 5, 2023

2 something here or there. Then the other question
3 that I had, which might be a typo, is up here
4 where it says proposed lot four, it says 1.1
5 acres, but it seems to be drawing to all of those
6 townhouses.

7 MR. KESSLER: Yeah.

8 MR. STEINBERG: Yeah, it's --

9 MR. KEHOE: That, is that 11?

10 MR. STEINBERG: I will have to check on
11 the size of that loss.

12 MR. KESSLER: It's a typo.

13 MR. DOUGLAS: It looks like 11.12.

14 MR. KEHOE: And then David, we had
15 discussed the idea of whether the road, the
16 public, because these will be public roads in
17 here, whether they need to be their own lots.

18 MR. STEINMETZ: Public road, one road.

19 MR. KEHOE: Well, is the road going over
20 towards the pharmacy for lack of a better term?

21 MR. STEINMETZ: Yeah, I'm going to let
22 Matt answer that.

23 MR. KEHOE: Okay.

24 MR. CUNNINGHAM: And, and just to

1 September 5, 2023

2 summarize, because that that was a good ten
3 minute discussion that, you know, went, that was
4 in depth. So, just in short to summarize, the
5 applicant believes they made a well reasoned
6 plan. The planning board can still review and
7 comment and there could be modifications to the
8 plan. So.

9 MR. STEINMETZ: Did I say that in ten
10 minutes?

11 MR. KESSLER: You should have.

12 MR. STEINBERG: I'm Matt Steinberg with
13 --

14 MR. STEINMETZ: Anyone who thinks he's
15 nice to me has never really seen what goes on
16 here.

17 MR. STEINBERG: Matt Steinberg with DTS
18 Provident Design Engineering. That was a typo,
19 that should read, lot four should read 6.1 acres.

20 MR. KEHOE: Okay.

21 MR. STEINBERG: So we, we'll have that
22 corrected. So in answering, I guess I'll, I'll
23 take that first question with the roadway. So
24 the, the main roadway down the center, that

1 September 5, 2023

2 center spine, that is the one that is intended to
3 be a public, public right of way. That's how it
4 was studied in the DEIS. That'd be the only
5 public roadway including --

6 MR. KESSLER: Up, up through the cul-de-
7 sac?

8 MR. STEINBERG: Up through the cul-de-
9 sac, correct.

10 MR. KEHOE: So, so you call that
11 proposed lot seven, right of way 9.58 acres. I,
12 I, I believe that that should be metes and
13 bounded and, and should be shown, but it wouldn't
14 be its own lot.

15 MR. STEINMETZ: Correct.

16 MR. KEHOE: So it shouldn't say lot
17 seven technically, but I'd like to hear you
18 explain that.

19 MR. STEINBERG: Correct. We can, we can
20 change the terminology. Obviously until the,
21 until the town were to I guess --

22 MR. KEHOE: Take it over?

23 MR. STEINBERG: -- accept it, it, you
24 know, it would, it would remain a private road.

1 September 5, 2023

2 MR. KEHOE: But I think the board would
3 want to know how big it is, but it's, it's not
4 another lot in the subdivision.

5 MR. STEINBERG: It's not another
6 buildable lot. Correct, it is not another
7 buildable lot. It is just under an acre and it
8 represents either initially a private roadway,
9 hopefully dedicated to the, to the town.

10 MR. KEHOE: So that might be another
11 typo. It says 9.58 acres for the road.

12 MR. STEINBERG: Yeah, that should be
13 0.9.

14 MR. KEHOE: Okay.

15 MR. STEINBERG: Sorry about that.

16 MR. KEHOE: That's fine.

17 MR. BIANCHI: Point nine. I think, yeah,
18 I think we should call that something different
19 because I thought that -- I'm looking at that, I
20 said where's the lot. And I guess it's the road.

21 MR. STEINBERG: We can, we can --

22 MR. BIANCHI: It doesn't sound like it
23 should be a lot.

24 MR. STEINBERG: Mm-hmm.

1 September 5, 2023

2 MR. STEINMETZ: We, we, we can call that
3 the roadway parcel. In some municipalities, they
4 like to refer to it as a lot. In others, it's not
5 a lot for all the reasons Chris has explained.
6 The interesting thing is, I didn't look, Chris,
7 the last time I did a subdivision with you in the
8 town was probably Cortlandt Ridge, where we had a
9 road that became a public road. I don't recall on
10 that plat whether we called it a, a lot or not.
11 So the nomenclature, whatever makes you guys
12 happy.

13 MR. KEHOE: So if you could start with
14 the assisted living parcel, then sort of go
15 around.

16 MR. STEINBERG: Sure, certainly. Well,
17 let me just start actually with the -- so the,
18 the orientation of this, so north is actually at
19 the bottom of the page. This is as if you're
20 standing on, on Crompond Road. So it's, it's
21 slightly -- it's not turned around where north is
22 up. But if you're standing on Crompond Road,
23 you'll actually see a strip that kind of shows up
24 in gray. That is a, a future dedication strip to

1 September 5, 2023

2 New York State Department of Transportation for
3 roadway improvements. So right off the bat, that
4 area, it's a little less than 0.2 acres overall
5 would be a part of a future dedication. So that,
6 that is coming off the, off the total lot area.

7 On the left side of the page, that's the
8 assisted independent living site that is as, as
9 David explained, that's a proposed 120 units of
10 assisted and independent living. You can see that
11 obviously we're constrained. The, the town, the
12 town code for the MOD requires that 100 foot
13 buffer area. So that is a constraint on that left
14 side. The roadway, the roadway itself has been
15 situated so that it is across from Conklin. It
16 lines up with the existing intersection signal.
17 So that's, that's kind of that constraint of why
18 that's put where it is. It happens to be kind of
19 the center of the site, so it works out, but
20 that's essentially the, the rationale for that.

21 And then obviously that's the, you know,
22 that's the building with the parking around it.
23 It's comprised of, you know, parking lots that,
24 that don't wrap all the way around the building,

1 September 5, 2023

2 but they have turnarounds so that emergency
3 vehicles and, and vehicles can turn and head back
4 out to that main spine road. That's kind of our
5 main roadway where all traffic enters and exits
6 this site.

7 On the, on the right side, I'll, I'll,
8 I'll go right to the right side of the main
9 roadway, that lot six is also not technically a
10 buildable lot. That is comprised of an existing
11 wetland. So that would have a wetland. And then
12 between the roadway and the wetland would be
13 infrastructure, essentially storm water
14 management, a basin, a storm water management
15 facility. That is designated as its own parcel
16 primarily because if the roadway were to be taken
17 by the town, the town obviously would not want to
18 control the wetland or that storm water basin. So
19 it's set aside as its own lot. This way, it's not
20 actually owned by any of the other users. It
21 would be owned collectively potentially, you
22 know, as a master homeowners association, if you
23 will.

24 MR. KESSLER: They'd be responsible for

1 September 5, 2023

2 the wetland, the homeowners association, is that
3 what you're saying?

4 MR. STEINBERG: Yeah, the owner, the
5 owner of the site is responsible for that, for
6 that maintenance. So eventually, you know, it
7 might be owned collectively or, or some kind of a
8 maintenance agreement between all of the
9 individual property owners.

10 MR. STEINMETZ: Just a quick
11 interjection on that one as well. Same kind of
12 issue there, if the town and staff want that
13 referred to as open space parcel, that's what it
14 is. It, it's been denoted as a, as a lot here,
15 but it, it's not a development parcel, it's not a
16 development lot, it's nomenclature. It is
17 designed to be and intended to be open space
18 undevelopable and it will be subject to some form
19 of a common storm water maintenance, wetland
20 protection covenant when we get to that point.

21 MR. BIANCHI: Which lot number were you
22 talking about again?

23 MR. STEINBERG: So that is lot six. It's
24 designated lot six on the map.

1 September 5, 2023

2 MR. BIANCHI: Oh, oh, Okay. Okay. I'm
3 sorry.

4 MR. STEINBERG: So I, I jumped out of
5 order a little bit just because those are kind of
6 the, the first things that you see, you know,
7 when you're looking as if you're entering the
8 site. If I go clockwise from the from the
9 assisted living parcel, so we move up the site on
10 that, essentially the east side, that's where we
11 start seeing the, the townhomes.

12 So again, those are constrained by the
13 100 foot buffer that's required under the MOD, so
14 that provides, you know, a substantial buffer
15 between the property line closest to Tamarack and
16 those units. Those would be accessed off of the
17 roadway that you can see. It's essentially an
18 access roadway, a private roadway off of the end
19 of the cul-de-sac that would be located on those
20 parcels.

21 You can see, we, at the moment we've got
22 a property line. So essentially there's 41 units
23 on the, the lower half or lower portion, and then
24 another 20 at the, the further end. Essentially

1 September 5, 2023

2 as David said, this is, you know, based on the
3 way that these parcels were set up during the
4 DEIS process. It provides an opportunity for
5 phasing. It provides an opportunity to sell these
6 individually. Even if it's the same potential
7 builder, they may want to purchase them as, you
8 know, individual lots for phasing purposes.

9 MR. DOUGLAS: Can I ask a question?

10 MR. KESSLER: Go ahead.

11 MR. DOUGLAS: It says 61 market rate and
12 affordable townhouses. How many are, are
13 envisioned to be affordable?

14 MR. STEINBERG: So ten percent, ten
15 percent would be affordable.

16 MR. DOUGLAS: Ten percent?

17 MR. STEINBERG: Yep. And that's required
18 by the, the law.

19 MR. KESSLER: A question. What's the
20 thinking of why one wetland is a lot and the
21 other wetland is not?

22 MR. STEINBERG: It was, I mean,
23 essentially, the one in the front was a little
24 harder to, to attach to one of the other lots. I

1 September 5, 2023

2 mean, it, it could have been part of lot, I think
3 it's --

4 MR. KEHOE: Five?

5 MR. STEINBERG: -- five. So it could
6 definitely be part of lot five as well. I mean,
7 it's really just a matter of, because that one's
8 also going to have some storm water
9 infrastructure on it and it's essentially serving
10 that purpose, ultimately receiving storm water.
11 It also receives water off of Crampon Road, so
12 the idea was that that was its own parcel.

13 MR. STEINMETZ: One other, Matt, correct
14 me if I'm wrong because it's a great question.
15 The wetland in the south end, in the townhouse
16 area is also kind of part of the townhouse
17 community. There is a walking trail around that
18 wetland. So that is intended to be some of the
19 common element of that residential section of the
20 site as opposed to a common element for everybody
21 being the storm water basin at the front.

22 MR. STEINBERG: No, that is correct,
23 David. That's, I mean, that's, it's, you know,
24 it's serving a function with a walking trail

1 September 5, 2023

2 around it that is an open space use for, for the
3 townhomes. Although, you know, there will be
4 sidewalks that go through the development, you
5 know, it's accessible by anyone else that lives
6 there.

7 MR. BIANCHI: So going back to my
8 original comment about where the lot lines are,
9 why was the proposed lot three townhomes
10 separated in terms of their lot from the rest of
11 the -- I don't know if the 61 refers to all of
12 them, or just the once in lot three.

13 MR. STEINBERG: It refers to all of the
14 townhomes, yes.

15 MR. BIANCHI: Okay. So Why, why are
16 about 80 of them in lot three and the rest of
17 them in lot two?

18 MR. KEHOE: That'll be 41 in the front
19 and 20 --

20 MR. STEINBERG: Right. So it's 41 on,
21 yeah, so it'd be 41 on lot two, 20 on lot three,
22 and then 38 on lot four.

23 MR. BIANCHI: I just, the question is,
24 why are they not all in the same lot? I guess

1 September 5, 2023

2 that's --

3 MR. STEINBERG: And they could be. I
4 mean, we can, you know, we can continue to have
5 that discussion. You know, at the, at this
6 moment, obviously there's not, there is not a, a
7 known buyer that says that they want them all,
8 you know, together.

9 MR. BIANCHI: Because lot three also
10 includes I think, the wetlands, right?

11 MR. DOUGLAS: Yeah.

12 MR. STEINBERG: Lot three would have the
13 majority of the wetlands.

14 MR. BIANCHI: The other question is why
15 is the wetlands down here separated and not up
16 here into separate lots? But, okay.

17 MR. KESSLER: And why do you have a lot
18 line through the wetland? Why don't you have the
19 lot line --

20 MR. BIANCHI: Yeah.

21 MR. KESSLER: -- up on -- the one up on
22 top? Why wouldn't the lot line just be on the,
23 you know, the whole wetland within, within one
24 lot?

1 September 5, 2023

2 MR. STEINMETZ: Which line is he
3 referring? I'm not following --

4 MR. KESSLER: The one up on top.

5 MR. STEINBERG: The lot line that goes
6 through the wetland. Yeah.

7 MR. KOBASA: So between lot three and
8 lot seven.

9 MR. STEINMETZ: Got it.

10 MR. MCKINLEY: This one.

11 MR. KESSLER: Yeah.

12 MR. STEINMETZ: Without taking you guys
13 all too far into the weeds, but I'll go there.

14 MR. KESSLER: That's what a wetland's
15 all about, the weeds.

16 MR. STEINMETZ: It's the reeds, not the
17 weeds. There was a contract with a buyer for 5.46
18 acres. That's what I think you have in front of
19 you is lot two. There was right of first refusal,
20 right of first offer option for an additional six
21 acres behind the 5.46. For contractual purposes,
22 the lines that we've drawn and legal purposes
23 were trying to match what occurred in those
24 transactions.

1 September 5, 2023

2 MR. BIANCHI: In terms of the acreage?

3 MR. STEINMETZ: Precisely. And so our
4 engineers, our planners and our surveyors drew
5 the lines in a fashion that they felt was most
6 appropriate, given the constraints that Val,
7 Mandy and I gave them, which was for, for some
8 legal reasons and, and staff and certainly your,
9 your planning board attorney could explain this
10 to you. We had very good, clear reason why we
11 drew lots with these sizes. We explained that to
12 the town before we even filed this subdivision.
13 We want to process it this way at, at present
14 because we are hoping that we can create these
15 lots and extricate ourselves from some legal
16 proceedings that relate to those contracts.
17 Simple as that.

18 Quite frankly, and, and I think either
19 Chris or Michael said this in the work session,
20 while we're doing this and I have to do this
21 because I have to get to the health department. I
22 am simultaneously, nobody's hiding the ball on
23 this, I'm going to your tax assessor and I'm
24 trying to see if I can create tax lots that will

1 September 5, 2023

2 accomplish largely what I need to accomplish that
3 I can get done more rapidly than the subdivision.
4 That may help in the legal proceedings that we're
5 involved in. But I mean, Tom, you asked the
6 question so I'm answering it. You probably wish,
7 you know I wasn't answering it, but --

8 MR. BIANCHI: No, it's okay.

9 MR. STEINMETZ: -- I have no choice but
10 to do this. I've explained this to the town
11 attorney, to the deputy town attorney, to the
12 planning commissioner. They all know why we're
13 doing it. So you can look over there. Maybe
14 they'll help answer the question for you. We're
15 allowed to do this. By the time we get to the end
16 of the final subdivision, the lines may -- by, by
17 that time, maybe we can eliminate the line going
18 through the wetland. At, at present. I can't do
19 that.

20 MR. BIANCHI: Okay. Thank you.

21 MR. KESSLER: And if it's one builder,
22 you may eliminate all the lines.

23 MR. STEINMETZ: Exactly.

24 MR. STEINBERG: They may wish to,

1 September 5, 2023

2 correct.

3 MR. STEINMETZ: Although just to -- just
4 for fun, the builder may not want to finance it
5 all at once. And there is value in having lot
6 lines, so that they don't have to place a
7 mortgage on the entire thing. They, there are
8 builders that buy things in sections and mortgage
9 them in sections.

10 MR. KEHOE: But, but, but we discussed
11 this. There is a chance that doing all of this
12 to, in part to get the assisted living parcel on
13 its own lot, may mean that you'll need to re
14 subdivide some of this residential stuff in the
15 back.

16 MR. STEINMETZ: Absolutely.

17 MR. KEHOE: Right. So, yeah.

18 MR. STEINMETZ: Absolutely. And if
19 tonight shows us anything, it's really so much
20 fun coming here, that I would definitely want to
21 come back to do that.

22 MR. KESSLER: And, and a small point,
23 the lower wetland, so you're saying that part of
24 that wetland is not part of the property? Is that

1 September 5, 2023

2 which is why the lot line is drawn?

3 MR. STEINBERG: So no, no, sorry. I,
4 the, the wetland -- the majority of the wetland
5 is on the property.

6 MR. KESSLER: The majority. But you have
7 a little --

8 MR. STEINBERG: Yes.

9 MR. KESSLER: -- you have a little
10 section that's outside of a lot.

11 MR. STEINBERG: There's a, yeah, there's
12 a small section that's technically in the, in the
13 right of way.

14 MR. KESSLER: That's what I'm asking,
15 okay.

16 MR. STEINBERG: DOT, right. And some of
17 that is, is based on an earlier dedication, or an
18 earlier taking from New York State DOT for that
19 side. That's why there's not really that gray
20 strip. That, that side was already dedicated to
21 DOT and that wasn't required this time.

22 MR. KESSLER: Okay.

23 MR. STEINBERG: So wetland, so that
24 lower wetland, you can see that, that -- there's

1 September 5, 2023

2 a portion that was studied in the EIS that would
3 be, it would be filled in. It's a little darker
4 on that, that plan. There was an extensive review
5 as far as the, the mitigation. Obviously that,
6 that's what this board will also be doing. Under
7 your purview is the, the expansion of the wetland
8 in the south side, the one that's at the end --
9 at the top of the page, that would be expanded as
10 mitigation for the portion of the wetland that's
11 being filled in the front. And that --

12 MR. KESSLER: What's the, what's the
13 ratio of the mitigation?

14 MR. STEINBERG: It is, I believe it is
15 two -- it'll be two to one, the replacement.

16 UNIDENTIFIED MALE: That was part of
17 AKRF's review?

18 MR. STEINBERG: Yes. Yeah, I mean it
19 was, right. AKRF is the town's consultant that
20 did the review of the EIS. So you, you can see in
21 the, in the wetland at the top of the page,
22 there's that hatched area. That, that represents
23 that mitigation, that expansion of the wetland.

24 MR. BIANCHI: Okay. So last question, at

1 September 5, 2023

2 least for me. So, the lower right, which you
3 haven't gotten to, which is the commercial
4 property, I presume?

5 MR. STEINBERG: Yes.

6 MR. BIANCHI: What's that little gray
7 squiggly line there?

8 MR. STEINBERG: So that's a -- it
9 represents a, essentially a pocket park that
10 still needs to be designed further.

11 MR. BIANCHI: A what?

12 MR. STEINBERG: A pocket park. So one of
13 the things that the town, the town board had
14 asked for during the review was to, to see if
15 there would be some kind of public space.

16 MR. KEHOE: So the circle is the park
17 and the other thing is a walking path?

18 MR. STEINBERG: Right, it is a walkway
19 that heads out.

20 MR. BIANCHI: I see.

21 MR. STEINBERG: There's a grade change.
22 So, you know, it get --

23 MR. BIANCHI: So the commercial building
24 is going to have a, like a public space next

1 September 5, 2023

2 door?

3 MR. STEINBERG: It, it would have a,
4 right, a public space.

5 MR. BIANCHI: So people go to a CVS,
6 they can go hang out in the public space.

7 MR. STEINBERG: You know, it's an option
8 to be able to, you know, it's a sidewalk. So it'd
9 be a, a different way to get there. It already,
10 because of the grade change needs, you know, a
11 little bit longer of a walkway.

12 MR. KEHOE: You already, you, you
13 already designed one where they, they go to the
14 ShopRite and they can go to a gazebo and picnic
15 tables behind the ShopRite.

16 MR. BIANCHI: Right.

17 MR. KEHOE: So there's precedent.

18 MR. BIANCHI: Right.

19 MR. STEINBERG: So I'll admit that, you
20 know, that obviously needs additional design.

21 MR. BIANCHI: So they can go take their
22 medicine outside on the bench, okay. Right.

23 MR. DOUGLAS: I have a, I have a
24 question. You started to explain a little bit of

1 September 5, 2023

2 the simple fee townhouses on the left hand side.
3 Can you explain a little bit about the age
4 targeted town townhouses? They seem to be larger
5 in size, the lot size.

6 MR. STEINBERG: They are, yeah. So they
7 are intended to be larger, the idea being that
8 they would have the main bedroom, the master
9 bedroom on the lower level, which generally
10 increases the footprint size because now you've
11 got that extra room on that first level. That's
12 why they're age targeted. They, you know, they
13 meet the needs of somebody that might want to be
14 able to do all their living on the, on the first
15 level.

16 MR. DOUGLAS: Okay.

17 MR. STEINBERG: That lot five, the
18 commercial use, so that is accessed -- that's why
19 it has that, essentially that little tail to get
20 to the, to the main, the main spine road that
21 crosses that wetland. But that lot also has the
22 emergency access out to Lafayette, but that's
23 emergency access only.

24 MR. DOUGLAS: Could you explain whether

1 September 5, 2023

2 the tail was private or public? I missed that.

3 MR. STEINBERG: So the, the tail would
4 also be part of that same lot. It'd be private.

5 MR. KESSLER: The what would be?

6 MR. STEINBERG: The tail leading to the
7 commercial lot across the wetland, that'd be a
8 private access way.

9 MR. KEHOE: See, those are the types of
10 things though, right. We don't have to decide
11 them now. So what you're saying though is our
12 plow truck will go up the main road, but not take
13 a right and plow that road?

14 MR. STEINBERG: Right, correct.

15 MR. KEHOE: That might become an
16 operational issue and problem, but that doesn't
17 have to be solved now necessarily. But if we go
18 in and plow and that doesn't get plowed, we're
19 going to get phone calls about why we didn't plow
20 that. And the answer will be, well, it's not
21 ours. And then it gets confusing.

22 MR. STEINBERG: Yeah, I mean I, you
23 know, I assume that could happen on, you know, on
24 a subdivision or a, a, a roadway that is

1 September 5, 2023

2 dedicated, then had condos off of it or, you
3 know, I, I assume that there's situations like
4 that that have, that have popped up throughout,
5 not, maybe not in Cortlandt alone, but other,
6 other municipalities.

7 MR. KESSLER: Then to Chris's point, so
8 the townhomes can't get plowed until the town
9 comes and plows the cul-de-sac?

10 MR. STEINBERG: Which would be the same,
11 I guess, for any public road in the town. If the
12 town maintains the road leading to a development,
13 I think that'd be the same situation.

14 MR. KESSLER: Do we have many of those
15 where they -- I don't know.

16 MR. DOUGLAS: I live on one.

17 MR. KESSLER: You live on one?

18 MR. DOUGLAS: I live on a private road
19 and if they don't plow [unintelligible]
20 [01:08:00] Road, we can't get plowed.

21 MR. KESSLER: But it's a --

22 MR. CUNNINGHAM: Our Director of the
23 Department of Environmental Services would review
24 ahead of time anyway before any subdivision's

1 September 5, 2023

2 approved.

3 MR. KESSLER: Right.

4 MR. DOUGLAS: I, I guess there's one --

5 MR. STEINMETZ: Just one, I just want to
6 go back on --

7 MR. DOUGLAS: Please, sure.

8 MR. STEINMETZ: -- I, my, my
9 understanding, I asked the Santuccis, you all
10 would probably know better, I think Valeria, as
11 you all approved it, is approved with private
12 roads inside. So the only way to get to the
13 plowing of Valeria is for the town to plow its
14 public roads that lead up to it. So I just wanted
15 to give that as an example.

16 MR. KESSLER: Yeah, I mean you're
17 talking, you're talking Furnace Dock Road, which
18 is a fairly major road as opposed to a road
19 that's inside of a development basically.

20 MR. STEINMETZ: It's a --

21 MR. KESSLER: Okay.

22 MR. STEINMETZ: It's a public road.

23 MR. MCKINLEY: I, I'm interested in the
24 road too. I just, when I see it, so it's a

1 September 5, 2023

2 roundabout. Is there, are there other options
3 that were considered? I just think it's a very,
4 very large area plot to have one single road. Is
5 that because we're landlocked that other
6 entrances couldn't be considered?

7 MR. STEINBERG: Well, yeah, I mean
8 obviously we, you know, we were -- during the
9 DEIS process, obviously there was a sensitivity
10 to any connections to any of the adjacent
11 neighborhoods.

12 MR. MCKINLEY: Of course.

13 MR. STEINBERG: So that wasn't, wasn't
14 considered by the town board.

15 MR. MCKINLEY: Sure.

16 MR. STEINBERG: The emergency access to
17 Lafayette is there, so that there is that second
18 means of access. It also allows for if there's
19 something at that intersection, trucks, you know,
20 fire trucks could still get around to Lafayette
21 using the site.

22 MR. MCKINLEY: Sure.

23 MR. STEINBERG: But the idea being that
24 the main access is only through that off of

1 September 5, 2023

2 Crompond Road, which obviously is designed to
3 handle that traffic.

4 MR. KESSLER: Is that like a breakaway
5 gate there or --

6 MR. STEINBERG: Yeah, I mean that I
7 don't know if all the [unintelligible] [01:09:46]
8 have been designed, but it'd be some kind of a
9 breakaway that the fire department and that the
10 building inspector would, would find appropriate.
11 Yeah. It wouldn't be just open to access.

12 MR. STEINMETZ: Matt, just explain that
13 We did look at connecting [unintelligible]
14 [01:09:58].

15 MR. KESSLER: Okay. What do we do here?

16 MR. STEINBERG: Yes. Yeah. There was a
17 point during the DEIS process of looking at
18 connecting all the way through Lafayette. There
19 was even at one point, discussions of routing
20 Lafayette or, or at least that right of way
21 through the site. Based on topography, the
22 distance to the neighbors, just how much land
23 that would take to put a public right of way
24 through it just took up too much land and it

1 September 5, 2023

2 didn't, it didn't really accomplish what you
3 know, the town staff was looking for. But we had
4 studied it. You know, there were multiple studies
5 of, of other ways to get in and out of the site.

6 MR. KESSLER: And, and you don't show
7 the homes on the right side here off of
8 Lafayette, I assume those are all residential.
9 They are residential. And we could add those to a
10 future plan. They're, they're much closer to
11 Lafayette. They've got obviously, a much larger
12 backyard.

13 MR. KESSLER: And a different --
14 elevation I imagine is different also?

15 MR. STEINBERG: It is. It's a little bit
16 closer in elevation, but because of the distance
17 and, and vegetation there's a kind of a different
18 dynamic between those. But we can, we can show
19 you that. We did some sections for the town
20 board. We could certainly present those to you.

21 MR. KESSLER: Okay. I appreciate that.
22 Thank you.

23 MR. KEHOE: But, but, I think what we've
24 discovered here is what are you going to show on

1 September 5, 2023

2 the subdivision plat?

3 MR. KEHOE: None of the proposed
4 improvements? Just the utilities, the storm water
5 and the lots?

6 MR. STEINBERG: Right. Well, so as part
7 of our July submission, or was it --

8 MR. STEINMETZ: Can you bring it up,
9 Chris? Maybe that, that would be easy if you
10 showed. You have it.

11 MR. STEINBERG: Right, so we submitted a
12 subdivision plat, which just showed the, the lot
13 lines. And then we submitted an engineering
14 drawing set, which shows the design of that
15 roadway. And as Chris pointed out, you know,
16 there would be discussions with, you know, town
17 staff, the town engineer, environmental services
18 the building inspector and the fire department as
19 far as what that layout ultimately looks like.
20 And we will get their comments and respond. Um,
21 you know, but there's a full engineering set of
22 drawings on how that roadway, you know,
23 ultimately will work within that subdivision.

24 MR. KEHOE: But this is what we're

1 September 5, 2023

2 talking about, right?

3 MR. STEINBERG: That's the plat,
4 correct.

5 MR. KESSLER: That's the --

6 MR. KEHOE: But for the purposes of the
7 preliminary subdivision approval public hearing,
8 this would be the only thing that would be
9 discussed?

10 MR. STEINMETZ: Correct.

11 MR. KESSLER: So it's just the utilities
12 and the infrastructure along the road?

13 MR. STEINBERG: Along the roadway.

14 MR. KESSLER: Up to the cul-de-sac?

15 MR. STEINBERG: Right.

16 MR. KESSLER: That's it? On, on your
17 proposed lot seven or whatever it was.

18 MR. STEINBERG: Right.

19 MR. STEINMETZ: We went through, and and
20 I would ask staff to do it before the hearing, we
21 went through your subdivision regulations as a
22 team. There are like 15 subsets under, and I
23 don't have the citation in front of me. I can
24 grab it if you need it. And we, we wanted to make

1 September 5, 2023

2 sure that our plat would show everything that's
3 required by the town subdivision regulations.
4 That's what's there. There is a final, I think
5 the last item is that the planning board has the
6 right to ask for a conceptual future development
7 plan. Hence the conceptual site plans we've
8 shared with you. But for subdivision purposes,
9 it's lot lines, it's roads, it's utilities, it's
10 storm water basins.

11 MR. CUNNINGHAM: And so we'll, between
12 now and the next meeting we'll have Joe's team
13 take a look at it and make sure that it complies
14 with the preliminary --

15 MR. STEINMETZ: That's great.

16 MR. CUNNINGHAM: -- regulations there.

17 MR. STEINMETZ: There's been some back
18 and forth with Joe on this. I think Joe knew we,
19 we, what we were trying to achieve here.

20 MR. KEHOE: But as I said, I sent it to
21 Martin and he had some thoughts.

22 MR. STEINMETZ: But sounds like Martin
23 has thoughts about the conceptual site plan
24 turnarounds.

1 September 5, 2023

2 MR. KEHOE: Well, he had to do with, I
3 don't know, connection to Lafayette, the radius
4 of the cul-de-sac. He had a variety of things
5 that he thought impacted the subdivision, but --

6 MR. STEINMETZ: Fair enough. Please
7 share that with us, because we're, I mean, that's
8 exactly the kind of feedback we would like to
9 get.

10 MR. KESSLER: I, I think you should
11 have, because eventually we're going to have a
12 public hearing on this, maybe next month, I don't
13 know. But I think the public is going to look at
14 this other map that we had up there and they're
15 going to focus on the townhomes and how many
16 there are. And that's not really our objective
17 right now.

18 MR. STEINMETZ: Correct.

19 MR. KEHOE: Well that's, that's what I
20 was sort of getting at. This should be the map
21 that is the one that's shown.

22 MR. KESSLER: So we -- exactly.

23 MR. KEHOE: But you, you --

24 MR. BIANCHI: So we should less

1 September 5, 2023

2 [unintelligible] [01:14:21] meeting.

3 MR. KEHOE: -- have been explained to
4 you the other map, which has caused all sorts of
5 questions --

6 MR. KESSLER: Right.

7 MR. KEHOE: -- that should be available
8 in case it needs to be shown.

9 MR. BIANCHI: Right.

10 MR. KEHOE: But this would be the one
11 that would be shown.

12 MR. BIANCHI: I Agree.

13 MR. KESSLER: Right. Again, I mean it's
14 conceptual. What you have there is conceptual,
15 there's no application for the sub --

16 MR. STEINMETZ: Exactly.

17 MR. KESSLER: -- for the development of
18 that property.

19 MR. STEINMETZ: Agreed.

20 MR. KESSLER: We're just dealing with a
21 seven lot subdivision.

22 MR. STEINMETZ: This is --

23 MR. KESSLER: -- basically a seven lot
24 lot.

1 September 5, 2023

2 MR. STEINMETZ: I'm going to fall on the
3 sword here because I'll take the blame. I'll
4 never blame anything on Matt. I should have
5 insisted that Matt --

6 MR. KEHOE: You just did.

7 MR. STEINMETZ: -- did this map first
8 and not the conceptuials, because this is what we
9 filed. And we did it the other way because we, we
10 knew -- we'd gotten a lot of questions from your
11 board about that site plan. We know that. You,
12 you've communicated that effectively to us that
13 you wanted to understand the conceptual site
14 plan. The chair and I talked extensively in July
15 about would our site plan things fit within the
16 lots. So we started with that because we thought
17 that was kind of what you wanted, but our
18 application is for this and all the information
19 that's contained on this plat map and that's what
20 we're going to start the public hearing with.

21 MR. KEHOE: Right. But at some point,
22 someone in the public is going to say, well,
23 what's going on lot six or what's going on lot
24 two. And we know that.

1 September 5, 2023

2 MR. STEINMETZ: And, and our answer's
3 going to be, we're not certain yet. We can tell
4 you conceptually, but this is what we are here
5 for.

6 MR. KESSLER: That's it. Conceptually is
7 the key word. Okay. Any more comments from staff,
8 board? If not, Ms. Hildinger?

9 MS. HILDINGER: I'd like to make a
10 motion to hold a public hearing in October for PB
11 2023-five, the application of VS Construction
12 Corp --

13 MR. MCKINLEY: Seconded.

14 MS. HILDINGER: -- for a six lot
15 subdivision.

16 MR. BIANCHI: Second.

17 MR. KESSLER: Second, so do we need
18 anything before that or --

19 MR. KEHOE: Well, no, I just want to
20 make sure, there seemed to be some transposition
21 numbering errors on what I would call the
22 improvement plan.

23 MR. STEINBERG: Right

24 MR. KEHOE: This -- just confirm that

1 September 5, 2023

2 all the lot sizes and everything are right on
3 this one, which I assume that they are. And they
4 just got sort of twisted around when they got
5 moved to the improvement plan.

6 MR. STEINBERG: Yes.

7 MR. KEHOE: Because it says here the
8 right of way is 0.95 acres.

9 MR. STEINBERG: That is correct.

10 MR. KEHOE: It was 9.5 acres, you know,
11 some of those things, but as long as this is
12 right, this will be the drawing that's
13 advertised.

14 MR. KESSLER: Right.

15 MR. KEHOE: I don't know. We'll see what
16 Martin and Joe say about this between now and
17 October. You can still open the public hearing.
18 They may tweak it a little bit.

19 MR. KESSLER: Okay. Fair enough. Okay,
20 we're on the question. All in favor?

21 MULTIPLE: Aye.

22 MR. KESSLER: Opposed? Okay.

23 MR. STEINMETZ: Thank you.

24 MR. KESSLER: See you next month. Thank

1 September 5, 2023

2 you. Alright, onto new business. The first item
3 is the application of Ryan Main for site
4 development plan approval and a residential reuse
5 special permit for a steep slope wetland and tree
6 removal permits for an additional 13 rental units
7 at Meadowbrook Commons on the Boulevard, formerly
8 known as Pond View, located on Route 6 west of
9 Regina Avenue. Drawings dated August 23, 2023.
10 Huh? Business is good.

11 MR. STEINMETZ: Note for the record,
12 the, it was, was it a grunt or a -- I don't --
13 good evening, Mr. Chairman and members of the
14 board. David Steinmetz from the law firm of Zarin
15 and Steinitz here representing Ryan Main. The
16 good news for you, I'm pinch hitting for Brad
17 Schwartz tonight. This is really his matter and
18 his application. I don't know a ton about it,
19 other than I got the original Ryan Main project
20 approved with your board several years ago. And
21 we are back tonight, as the chair indicated
22 during the work session, to discuss 13 additional
23 apartment units that are all in accordance with
24 recently adopted town board amendments. I'm

1 September 5, 2023

2 joined tonight by Steve Marino from Tim Miller
3 and Hernani de Almeida, our project engineer.
4 Hernani is going to walk us through a
5 presentation of the units and Steve is here to
6 answer any questions about wetlands,
7 biodiversity, and environmental impacts. And we
8 are here to begin reviewing the site plan on
9 these 13 apartments.

10 MR. KESSLER: Right. Ultimately we'll
11 refer this back to the staff for them to review,
12 but --

13 MR. STEINMETZ: No discussion of lot
14 lines, I promise.

15 MR. HERNANI DE ALMEIDA: Hi, good
16 evening. My name's Hernani de Almeida. I'm the
17 project engineer for this, these additional units
18 at Meadowview. So to bring you up to speed, this,
19 this development is on Route 6, 3195, Route 6.
20 And if we go through the first slide there I'll
21 go through the prior approvals really quick. Back
22 in 2011, the board approved the, the lot to be
23 developed for 56 units. And then in 2017, the
24 town board granted the site plan approval for

1 September 5, 2023

2 wetland steep slopes and tree removals. And then
3 in 2021, sorry, 2020 we came to the planning
4 board with an amendment to the site plan for some
5 garages, two garages to be exact. Next slide.

6 So in 2021, May of 2021, the development
7 opened up to the, to the residents. I don't know
8 if you've been by it since it's been open. It's
9 easily accessible. It's right by the Wal-Mart and
10 that area, the general area over there. Next
11 slide. Here's a couple of shots of the interior.
12 So it's, it's a well made product and it's fully
13 occupied. Next.

14 Okay. So what we'd like to do is develop
15 13 additional units. There are two buildings each
16 with six units. They are to mimic what's out
17 there already. So as far as trying to visualize
18 what's what we're talking about to be
19 constructed, you could go out there, you have a
20 full scale model of what's going to go out --
21 what's being proposed, both in style, color,
22 textures, plantings, everything. So the two, two
23 buildings that you can see on this mock up here
24 on the right, there's six units each. And then on

1 September 5, 2023

2 the left is two garages, each with 12 parking
3 spots. Next. And here's a view another view of
4 the same units. This is from the uphill side
5 looking down. If we were flying in the air like a
6 drone, we'd be right over the roofs of the
7 warehouse right across the street. And we'll see
8 the relationship of the warehouse in a future
9 slide to the development.

10 This is the 13th unit that we'd like to
11 discuss as well. this is the existing clubhouse,
12 that blue structure you see there. On the second
13 floor, we'd like to put a studio apartment. Right
14 now there's nothing there, no apartment, nothing.
15 It's just empty. But, the clubhouse at the bottom
16 is available to the residence.

17 MR. KESSLER: In the existing space
18 upstairs, you want to put in an apartment, is
19 That what you're saying?

20 MR. DE ALMEIDA: Correct. It's again,
21 for a caretaker. So the property is, is owned and
22 maintained by one owner and no plans on selling
23 it or anything else. They obviously take very
24 good care of their properties. And it's also

1 September 5, 2023

2 illustrated here by them wanting to put in a
3 caretaker to take care of this property full time
4 as opposed to just coming whenever there's a
5 complaint, you know. Next slide.

6 So if you could see the site here, on
7 the top of the screen, you have Route 6 and you
8 enter through the little side road there that's
9 shared with the shopping center and you go
10 through the existing development. And where we're
11 talking about the, the new development is down on
12 the south, southeast side there. And I blew it up
13 on the, the inset right there. That's, yeah,
14 that's the blown up version. That outlying line
15 bounding everything is our limited disturbance.
16 It's approximately about 41,000 square feet. We
17 have a road that comes in off of an existing
18 road, and then we have a fire truck turnaround,
19 as per town standards, along with three visitor
20 parking spots. And as you can see to the west,
21 which is on the left is all the townhouses and to
22 the right are the two garages.

23 If, if you were, if we had a bigger view
24 here, you'd see even further to the right of the

1 September 5, 2023

2 property line is where the, the warehouses are.
3 And again, we'll see those in an aerial view
4 later on. Next, thank you. That is the colored
5 line version. It's a little easier to see than a
6 black and white. It's the same thing. I rotated
7 it, so this way we could blow it up a little bit.
8 And those are the two garages there that the
9 pointer is over, and across the street again, are
10 the six units in each building.

11 MR. BIANCHI: Are there are there two
12 garage units dedicated to each unit?

13 MR. DE ALMEIDA: Yes.

14 MR. BIANCHI: Is that why you have --

15 MR. DE ALMEIDA: It's two spaces per
16 unit. That's why you have --

17 MR. BIANCHI: Is that the way it is on
18 the other part of the property as well?

19 MR. DE ALMEIDA: The other, the other
20 part of the property has both outside parking
21 spots and 11 parking spots in a garage, so that
22 not everybody has an inside parking spot, just a
23 few.

24 MR. BIANCHI: Alright. But ones that

1 September 5, 2023

2 have garages, are they one or two garage
3 dedicated to one living unit.

4 MR. DE ALMEIDA: They're each
5 individual. I don't believe they're in the
6 existing ones. They're not dedicated like two,
7 like a pair to a, to a unit.

8 MR. BIANCHI: So, but here they will be?

9 MR. DE ALMEIDA: Yes.

10 MR. KESSLER: The entrance, how, how do
11 we get into the townhouse?

12 MR. DE ALMEIDA: They're townhouses,
13 they're attached homes.

14 MR. KESSLER: And what's the entrance
15 you said, through the shopping center?

16 MR. DE ALMEIDA: Yeah, it's the same
17 exact entrance. We're not proposing a new
18 entrance. There's negligible impact to traffic. I
19 mean, we're talking about 13 additional units
20 coming out onto Route 6, which is already an
21 existing road, a very busy road.

22 MR. KESSLER: So they travel through all
23 the other units to get to their unit, is that
24 Right?

1 September 5, 2023

2 MR. DE ALMEIDA: Correct. Through the
3 private roads within the development, yeah.

4 MR. KESSLER: Right. But they'll pass
5 all the other units to get to the new units?

6 MR. DE ALMEIDA: Yes.

7 MR. KESSLER: Okay.

8 MR. DE ALMEIDA: So this is at the, at
9 the very end of the project. This slide will show
10 you the -- oh, go back one. This shows you the
11 extension of the water and sewer. The green is
12 sewer. There is an existing manhole where we're
13 going to, we're going to we're going to jump off
14 from and go up the hill to a dead end manhole at
15 the end of, of this road. The water line is to go
16 up and loop around to an existing water main
17 that's on the neighboring property where the --
18 where the -- it's not really a warehouse, it's
19 one of those, those storage facilities that
20 people rent out.

21 We are going to be talking to your, your
22 department of environmental services regarding
23 the existing location of that water main. I
24 believe they're waiting on as-builts because it

1 September 5, 2023

2 was built recently. And then once we have those
3 as-builts in hand, we'll have a precise location
4 where it's going to tie in. But where it ends
5 right now on the other side of the property line
6 is where there's a fire hydrant. So I know
7 there's definitely water there. But it's probably
8 going to be further down, closer to where I make
9 that, that 45 degree.

10 Now the water and sewer is being
11 designed by another engineer, Brian Hildenbrand.
12 This is just concept right now. And he will be
13 presenting it to the Board of Health. Next one.
14 And here you see the impacts to wetlands. And the
15 blue circle there is where there's a flagged
16 wetland. Steve Marino, you know, I'm going to
17 give it up to Steve Marino on this, on this
18 slide, and then he'll turn it back to me.

19 MR. STEVE MARINO: Good evening
20 everyone. Steve Marino, Tim Miller Associates.
21 Back in 2017, Steve Coleman flagged the wetlands
22 on this property on behalf of the town. In all
23 honesty, the area he, he flagged that impacts
24 this development is -- has changed over the

1 September 5, 2023

2 years. It was originally flagged as a seepage
3 point coming out of the hill, which flowed down
4 the slope, as you can see, forming a narrow
5 channel till it reached the actual flat
6 topographic, larger wetland and a better
7 functioning wetland at the bottom of the slope.
8 But Steve did identify that there was a point in
9 the hillside where water was seeping out and that
10 met the criteria for the town to be flagged as
11 wetlands. So that was flagged.

12 So as part of this project, then a small
13 portion of the wetland, about 1,600 square feet
14 would be filled in to accommodate the
15 construction of the, of the residences. Chris, if
16 I can have the next one. And that green arrow
17 that, oh, there you go. The green arrow you see
18 there, that's a an area where we can do two to
19 one wetland mitigation in the actual wetland at
20 the bottom of the slope.

21 As you can see, that wetland kind of
22 goes off to the west, south and a little bit to
23 the north towards Route 6. There was mitigation
24 that was done as part of the original project for

1 September 5, 2023

2 the road construction. This would be additional
3 mitigation related only to the, the development
4 to the additional units. And we'll, as we move
5 forward through the process, there'll be a more
6 specific wetland mitigation plan with planting
7 and grading, et cetera, presented to the board as
8 a -- as mitigation for this, for that impact.

9 MR. MCKINLEY: So how would you actually
10 access that area?

11 MR. MARINO: There are storm water
12 basins. There are some rough roads essentially
13 created for maintenance of the, of the existing
14 storm water basins so that a, a machine would be
15 able to get down there and do some --

16 MR. MCKINLEY: Be able to get back
17 there? Okay.

18 MR. MARINO: Yeah. I have photographs of
19 the area. I have all kinds of stuff that we'll be
20 presenting as we move forward.

21 MR. MCKINLEY: Okay.

22 MR. KEHOE: I believe if Coleman
23 delineated that wetland back in 2017, we'll have
24 to have it re-delineated as per our code. You

1 September 5, 2023

2 know --

3 MR. MARINO: Yes.

4 MR. KEHOE: -- and that the applicant
5 has prefunded an escrow account. I believe the
6 trees have also been located. We'll have to get
7 our arborist out there to confirm the tree
8 location. But we'll get someone out there to re-
9 delineate the wetland and work with Steve.

10 MR. MARINO: Yep.

11 MR. DE ALMEIDA: Thank you. Okay, next
12 slide. So here we have the visual impacts. If you
13 look at the bottom right -- if you can move the
14 cursor over to where the, where the houses --
15 warehouses are, this public storage, public
16 storage, yeah -- so those two right there are the
17 storage facilities I was talking about earlier.
18 And directly across the street is where we're
19 looking to, to develop right there.

20 And if you look to the image on the
21 right, that's the new development superimposed
22 onto that aerial image. As you can see, it's a
23 minimal impact, both for the site as a whole and
24 to surrounding neighborhoods. Let's go to the

1 September 5, 2023

2 next slide and show a close-up of it. So there
3 you go to the before and after to the left and
4 right. And the warehouses there are those, those
5 white roofs.

6 MR. KESSLER: Are they on the same
7 elevation? The warehouses in the --

8 MR. DE ALMEIDA: No. This, this is
9 roughly, I believe 20 feet lower than the
10 warehouses on that side of the street. The next,
11 next slide will show some topographic changes. So
12 here what we're showing is to where the
13 development's going to be, the nearest
14 residences, as far as I could tell. The one to
15 the top of the screen there is 310 feet away and
16 24 feet higher than where we're looking to
17 develop. Again, that's not exactly the nearest
18 neighbor. The nearest neighbor is the storage
19 facility. And the next nearest residence is 445
20 feet away at an elevation difference of 110 feet.
21 So it's quite significant. And that's pretty much
22 it.

23 Now what we're looking to do here
24 tonight is give you guys an introduction to the

1 September 5, 2023
2 project, offer you to please come out, take a
3 look at the site and you'll see what we're
4 talking about. Everything's developed right up to
5 where we want to connect a paved road right up to
6 it. And you might even see a little bit of the
7 land clearing there that was still left behind
8 from the last development, because I think that
9 was where their, their storage yard or, you know,
10 their, that was their, where they, they stored
11 their, their gravel, their materials.

12 MR. KESSLER: We didn't discuss the site
13 visit.

14 MR. KEHOE: We typically, after you get
15 the review memo.

16 MR. KESSLER: After the review member,
17 that's what I was going to ask. Okay.

18 MR. STEINMETZ: And I, and I think Mr.
19 Chairman also, we were hoping that your board
20 would designate your intent to declare yourselves
21 lead agency.

22 MR. KESSLER: That is our intent.

23 MR. STEINMETZ: I wanted to remind the
24 board of that and, and just simply state one

1 September 5, 2023

2 thing. One of the reasons that the town board in

3 its wisdom decided to adopt the recent zoning

4 text amendment that allowed for this to proceed,

5 we spent a lot of time on, on the RUSP [phonetic]

6 and on Pond View, the original project. Only

7 Steve and Tom and I and Chris were around for

8 that. But we spent a lot of time taking a section

9 of the town immediately east of the Cortlandt

10 Town Center that was really a blight on Route 6

11 and its burgeoning into Cortlandt Boulevard. We

12 were really proud to, to get that thing through

13 pursuant to the RUSP and even more pleased that

14 the town was happy with how it turned out, how it

15 was absorbed into the community rather rapidly.

16 And that set the stage for doing something else.

17 So we're pleased that this developer took a

18 section of the town that that was calling for

19 some attention, did it, did it in accordance with

20 the planning board's approval and presumably with

21 the admiration of the town board resulting in

22 the, in the amendment.

23 So we look forward to moving these 13

24 units ahead and think it'll be an excellent

1 September 5, 2023

2 addition to Pond View Commons.

3 MR. CUNNINGHAM: And, and just a point
4 of clarification. So, the applicant right now has
5 proposed further changes to the code. There,
6 there have been changes in the past, but there's
7 still the changes that this board already
8 commented on. Those are still hanging out there.

9 MR. STEINMETZ: Got it.

10 MR. CUNNINGHAM: So they've not been
11 approved yet.

12 MR. KESSLER: Alright, any preliminary
13 comments from the board? if not Mr. Bianchi?

14 MR. BIANCHI: Okay, Mr. Chairman, I'll
15 move to first of all declare the planning board
16 as lead agency and second to refer -- to refer
17 this back to staff.

18 MR. KESSLER: Thank you. Second, please.

19 MR. KOBASA: Second.

20 MS. HILDINGER: Second.

21 MR. KESSLER: Thank you, on the
22 question. All in favor?

23 MULTIPLE: Aye.

24 MR. KESSLER: Opposed? Okay. See you

1 September 5, 2023

2 soon.

3 MR. STEINMETZ: Good night. Thank you
4 all.

5 MR. KESSLER: Alright, final item this
6 evening. It's the application of Heike Schneider
7 on behalf of 3120 Lexington, LLC for amended site
8 plan approval and a wetland permit for a proposed
9 2,700 square foot building addition to the
10 existing ACE hardware store and for an
11 approximately 800 square foot temporary fabric
12 building located at 3120 Lexington Avenue.
13 Drawings dated July 20 -- July 1, 2023, and
14 August 25th, 2023. Good evening.

15 MR. BEN TRUITT: Good Evening. Ben
16 Truitt, I'm standing in for Heike. She was unable
17 to attend this evening. You have before you, as
18 she outlined, two parts, a temporary structure
19 and the permanent addition to the building, the
20 2,700 square foot addition with exterior access.

21 MR. KEHOE: Can we start with the
22 permanent one?

23 MR. TRUITT: Sure.

24 MR. KEHOE: So that's what I have up on

1 September 5, 2023

2 the screen.

3 MR. TRUITT: Okay. So, as you'll see up
4 there a little bit to the -- there we go. Yes. So
5 that shaded area up there is the addition area.
6 It will be attached to the existing metal frame
7 building, which is the rear portion of the, the
8 two adjoined buildings there. It does encroach
9 into the wetland. You can see the wetland
10 boundary aligned out there. It's a 2,700 square
11 foot single story. It would be used for storage
12 only, storage of materials for the hardware
13 store. Our clients there, the, the business
14 operating there, really needs additional storage
15 space to maintain the viability of that
16 operation, thus the need for this.

17 Every effort that we can conceive has
18 been made to minimize the encroachment on the
19 wetland. This is the sort of smallest version of
20 a structure that my client feels would be viable
21 for him. That is, that is the gist of it.

22 MR. KESSLER: Is the height the same as
23 the existing building?

24 MR. TRUITT: It is lower.

1 September 5, 2023

2 MR. KESSLER: Lower?

3 MR. TRUITT: It is. So, the front
4 building is lower than the rear building
5 slightly. This, this is a single story, so it
6 stands lower than the rear building, but it is
7 fairly close to the height of the front building.

8 MR. KESSLER: Okay. Wait, wait. So which
9 is the front? The front is?

10 MR. TRUITT: The one-story frame
11 building.

12 MR. KESSLER: And it's front?

13 MR. TRUITT: Yep.

14 MR. KESSLER: The back is, you said
15 higher?

16 MR. TRUITT: The metal frame building
17 that roof line stands slightly higher than the
18 front building.

19 MR. KESSLER: And the proposed is?

20 MR. TRUITT: Roughly the same as the
21 front building.

22 MR. KESSLER: The front is the lower?

23 MR. DOUGLAS: If, if you made the, the
24 proposed structure the same height of the front

1 September 5, 2023

2 building, could you lessen the impact on the
3 wetland?

4 MR. TRUITT: No. Realistically no. The,
5 the -- height wise?

6 MR. DOUGLAS: No, I'm just thinking --

7 MR. TRUITT: Which is more if we shifted
8 --

9 MR. DOUGLAS: -- iff you make it higher,
10 then you can make it less wide.

11 MR. TRUITT: That presents some
12 difficulties for the inside because of the need
13 for racking and, and forklift access and that
14 sort of thing. So, while additional height is
15 beneficial, that square footage is more
16 important.

17 MR. KEHOE: But I think Mr. Douglas has
18 touched upon, I mean, it's in a wetland.

19 MR. TRUITT: Mm-hmm.

20 MR. KEHOE: Not just a buffer, a
21 wetland. And I see Mr. Marino is here in the
22 audience. So options of changing the location or
23 shape will be something that the planning board
24 will be talking about with our own wetland

1 September 5, 2023

2 consultant, as this process goes through.

3 MR. KESSLER: And so why wouldn't you
4 shift it down so that it's, you know, it's, even
5 with the building?

6 MR. TRUITT: Primarily as it relates to
7 attachment to the buildings, we felt that we're
8 going to -- if -- even if we shift down, we're
9 going to be abutting the wetland as it approaches
10 the, or impacting the wetlands as it approaches
11 the front building. This alignment gives us
12 greater access in the rear so that we can have an
13 access door.

14 MR. KEHOE: The, the rear of the
15 building is the storage area more so, and the
16 front of the building is the hardware store.

17 MR. TRUITT: Correct.

18 MR. KEHOE: Right.

19 MR. TRUITT: And, and that additionally,
20 you know, we we're increasing storage, so we want
21 to add storage to storage, rather than storage
22 onto retail space. I, I do see your judgment
23 there though.

24 MR. KEHOE: Alright, so that'll, that'll

1 September 5, 2023

2 be something to think about, you know, as, as you
3 talked to Heike and, and the owner to see. But I,
4 you know, I wouldn't necessarily jump into it
5 right away until we've done a review memo and
6 thought about it a little bit, but those might be
7 some issues about how to rearrange that.

8 MR. KESSLER: But this is not a marginal
9 wetland we're talking about here.

10 MR. KEHOE: Well, it connects into
11 Mohegan Lake, you know, over in Yorktown.

12 MR. MCKINLEY: You mentioned heavy
13 equipment like forklifts. So you've, you've
14 considered that on, on the, on the site though.

15 MR. TRUITT: Absolutely.

16 MR. MARINO: Good evening. Steve Marino
17 again. As was pointed out, the, there is an
18 existing path behind the building, which is used
19 for material storage and access to the back of
20 the of the existing warehouse building. So the
21 idea of having the, the building pushed back
22 further into the site is, is also access for a
23 forklift, etc. There'll be a door leading into
24 that building from that pathway around the back,

1 September 5, 2023

2 rather than coming through the maintained lawn
3 and landscape of the front of the building, you'd
4 be able to come straight into that from, from the
5 back lot, from the back storage area, back
6 pathway area back there.

7 MR. KESSLER: And where's the entrance
8 to the storage area?

9 MR. MARINO: The entrance to the new
10 storage will be --

11 MR. KESSLER: No, the old, the existing
12 storage area.

13 MR. KEHOE: Well, I think you can, you
14 can come in this way, can't you?

15 MR. MARINO: Yeah, you can come in right
16 through that way. Yeah. And then there is a door
17 further.

18 MR. KEHOE: Is it to the back or --

19 MR. MARINO: Just a little, a little
20 down, close to the street there, Chris, along
21 that north -- right along, right about there,
22 there's access, there's the other access into
23 the, into the building.

24 MR. KESSLER: So you'd be able to go

1 September 5, 2023

2 from one storage area to the other, to the
3 proposed?

4 MR. MARINO: Right. Yeah.

5 MR. DOUGLAS: But you would still be
6 able to do that if you moved it.

7 MR. MARINO: That's a gravel, a gravel
8 pad all the way around that side of the building.
9 Now just as a point of fact, also, this is a DEC
10 wetland, as pointed out, it attaches to Mohegan
11 Lake. DEC, DEC staff has been out to the site
12 just for a first look and we're starting
13 discussions with DEC as well on it.

14 MR. KESSLER: Have they said anything to
15 this point?

16 MR. MARINO: Nothing yet.

17 MR. KESSLER: Nothing yet.

18 MR. MARINO: Sometimes it's hard to get
19 them to commit at first. You know, you have to,
20 but no, nothing yet from them. But they have seen
21 the site, so that's good.

22 MR. KESSLER: But it's definitely
23 something we'll have to do a site visit on. Yeah.

24 MR. KOBASA: There's going to be

1 September 5, 2023

2 forklifts going in this part of the building,
3 right?

4 MR. MARINO: Inside the building, yeah.

5 MR. KOBASA: Inside the building, so --

6 MR. TRUITT: Yes, inside and/or
7 accessing along that path in the rear, but
8 primarily inside the building.

9 MR. KOBASA: Okay, so what is the
10 reasoning why you can't go taller to eliminate
11 the footprint and do storage on racks?

12 MR. TRUITT: Well, it's not that we
13 cannot go taller, but maintaining that footprint,
14 you know, ground level storage versus rack
15 storage, my client feels that he needs that
16 minimum footprint to make it viable for him to
17 entertain something like this.

18 MR. KOBASA: What's the difference
19 between it being on the ground versus vertical
20 storage?

21 MR. TRUITT: Weight, all the racking
22 requirements, the dimensional size, if he's -- I
23 don't know all of the items that he's going in
24 there, but I'm assuming if you're manipulating

1 September 5, 2023

2 large bundles of lumber, you want them lower. I,
3 I could get back to you on the specifics of that
4 if you'd like, but --

5 MR. KOBASA: I just want to consider it.
6 I mean, you can go in any big box store and
7 they've got lumber racked pretty high. So you're
8 putting into a wetland, when if he has the option
9 to go vertical, why not be able to go vertical?
10 It's one thing if you're saying it wasn't going
11 to be operated with a forklift, and that's not
12 his intention, but he's going to be using a
13 forklift in there and forklifts can lift very
14 high and you can reduce your footprint by going
15 vertical.

16 MR. TRUITT: Yeah, I certainly follow
17 you --

18 MR. KESSLER: And you have a forklift in
19 the current storage area?

20 MR. TRUITT: Yeah.

21 MR. MARINO: But that's a significantly
22 larger building. The aisle ways are larger.
23 There's more room to move around. I mean, there
24 is, there's the size of the forklift and there's

1 September 5, 2023

2 the size of the forks and there's the material on
3 the end of the forks, obviously.

4 MR. KOBASA: I understand that, yeah.

5 MR. MARINO: And it's, it's all stuff --
6 wee will, we hear what you're saying and, and
7 we'll talk about that.

8 MR. KESSLER: Okay.

9 MR. MARINO: You know, they have, they
10 are in the unenviable position of being between
11 Home Depot to the east -- to the west and Lowe's
12 to the east. And they're trying to maintain their
13 business.

14 MR. KOBASA: No, I understand that.

15 MR. KESSLER: I think the point is it's
16 got to be very compelling to us --

17 MR. MARINO: Understood.

18 MR. KESSLER: -- to, to, you know,
19 infringe upon a very meaningful wetland.

20 MR. MARINO: Understood. And we will go
21 back and see if there are any other options that
22 can be explored.

23 MR. KEHOE: But I wouldn't race back,
24 you know. We'll, we'll put together a review memo

1 September 5, 2023

2 and raise these issues and respond to it.

3 MR. MARINO: There will be no racing.

4 MR. KEHOE: Right.

5 MR. MARINO: No race.

6 MR. KEHOE: But there's no need to,
7 don't spend a lot of time modifying the drawings
8 before there's some comments. But the other issue
9 was the request for a temporary storage building?

10 MR. KESSLER: Oh, that's right.

11 MR. TRUITT: Yes. A temporary tent
12 structure, we've, we've shown two options there.
13 Option A, which would be on the, on the Lexington
14 Avenue side of the building in that, in -- within
15 the lawn area there. And then option B, within
16 what is also a lawn area along the, the backside
17 of the, the front building. Option B does
18 encroach into the flagged wetland, although that
19 is primarily lawn area.

20 MR. KESSLER: The wetland or the wetland
21 buffer?

22 MR. TRUITT: That dark line is the
23 wetland.

24 MR. KESSLER: Oh, it is buffer, okay.

1 September 5, 2023

2 MR. TRUITT: Both, both of them are
3 within the buffer.

4 MR. KESSLER: Okay.

5 MR. TRUITT: There's sort of no escaping
6 that.

7 MR. KESSLER: And what, what kind of
8 material is this building?

9 MR. TRUITT: Fabric. A temporary metal
10 structure, think of a, a, a tent for an event,
11 that type of thing staked into the ground, no
12 permanence to it. It's intended to essentially
13 buy my client some time to get this more
14 permanent structure.

15 MR. KESSLER: So it goes away once the
16 permanent structure is built.

17 MR. TRUITT: Yeah.

18 MR. KEHOE: I'm trying. I, I thought
19 there were some images of it. And I'm sure there
20 are, but I just can't happen to find them now.

21 MR. TRUITT: There were, there was a
22 section showing it. But it's a very simple tented
23 --

24 MR. KEHOE: Oh yeah, hang on, here it

1 September 5, 2023

2 is.

3 MR. TRUITT: -- structure, it stands
4 about 16 feet tall at its highest point. There
5 you go.

6 MR. KEHOE: But I, I don't think I, I
7 talked with Haike about this and I know the
8 intent was to separate this from the overall
9 application and see if it could be accelerated.
10 But I discussed this with the code enforcement
11 director and he had some issues with it. And it
12 just strikes me as more of a building. I mean, I
13 -- and, and I'm not saying one's better than the
14 other, but if there was a tent and he rolled some
15 snow blowers under the tent for the month of
16 November, sort of a sidewalk sale.

17 MR. TRUITT: Mm-hmm.

18 MR. KEHOE: That was something that I
19 was thinking Heike was asking about. And maybe
20 that would be something that the planning board
21 would be willing to pull out. But this just this
22 -- and this will be part of the review memo. It
23 almost seems like this is very close to touching
24 the permanent addition there. I mean, they're,

1 September 5, 2023

2 they line up with one another, so why not make it
3 all one bigger building or, I mean, this almost
4 seems a semi-permanent temporary structure. So
5 it's not staff's recommendation to pull this out
6 and treat it separately.

7 MR. KESSLER: But you said it does go
8 away once the other building is built.

9 MR. TRUITT: Yes. What, what we're
10 trying to achieve with this is the expediency of
11 getting my client immediate storage or as close
12 to immediate is, is practical, while we can get a
13 permanent structure aligned.

14 MR. KESSLER: And are there code issues
15 about putting this in the front?

16 MR. KEHOE: There was some
17 miscommunication I think at the beginning about a
18 prohibition. I think the, the applicant was
19 considering this a pod, one of those portable
20 storage units. And we have a prohibition against
21 those in the front yard. But a pod is sort of a
22 corporate name. It defines those things. This
23 would not be considered a pod. So in checking
24 with code enforcement, this could exist in the

1 September 5, 2023

2 front yard. It's not prohibited. But Martin had
3 concerns about the septic area and its impact on
4 the easement. And he also had concerns, I, I
5 think he was considering it a structure versus a
6 tent, which he needed to talk in further detail
7 with Haike about.

8 MR. TRUITT: Yeah, I mean, if there are
9 technical aspects to this that we can adjust so
10 that we can conform and make this expedient,
11 we're certainly open to that.

12 MR. KEHOE: But when you're -- so you
13 define temporary by being up permanently until
14 the other addition is completed?

15 MR. TRUITT: In, in this situation, yes.
16 It, you know, we may propose some sort of -- and
17 if it's something has to be renewed every year or
18 six months or whatever the timeframe is that,
19 that you feel is appropriate, but I'm referring
20 really to temporary in terms of the structure.
21 It's fabric and stakes. It's intended to be taken
22 up and down quickly. There's no permanent
23 foundation, there's no grading associated with
24 it. That's my intention of temporary.

1 September 5, 2023

2 MR. MCKINLEY: What would they store in
3 it and how would they access it? And would it be
4 secure?

5 MR. TRUITT: So option A would be
6 primarily accessed on the parking lot facing
7 side. There would be a, a fabric door that you
8 would open and close.

9 MR. MCKINLEY: Okay.

10 MR. TRUITT: Option B would be accessed
11 from the rear. There's a garage door out of the
12 rear metal building and you would walk across the
13 grass to get at it. Both of these, or either one
14 are intended only for staff, they're not for
15 public and therefore the, again, temporary
16 storage of seasonal items like barbecue grills,
17 wheelbarrows, lawnmowers, things of that nature.

18 MR. KEHOE: This says asphalt parking
19 area. But isn't this -- is this a grass area?

20 MR. TRUITT: Yes, that's lawn. And where
21 you've got the cursor is roughly the area of the
22 septic that Martin was concerned about. We would
23 have to look very carefully at option A to ensure
24 that we're not over top of the, the septic fields

1 September 5, 2023

2 there. Option B would be well clear of it.

3 MR. KEHOE: But option B is in the
4 wetland.

5 MR. TRUITT: Yes. Option A encroaches on
6 the easement which you can see that lower line
7 there. Option B does not.

8 MR. MCKINLEY: So currently an existing
9 tree where option A is?

10 MR. TRUITT: Just there's a black walnut
11 tree just off the corner of option A, so it would
12 have to be cited pretty carefully in relation to
13 that, yes.

14 MR. BIANCHI: And what again, what's the
15 flooring in the temporary structure?

16 MR. TRUITT: No floor.

17 MR. BIANCHI: No floor. What's the
18 possibility moving option B further up so it
19 avoids any interference with the wetlands?

20 MR. TRUITT: Further back? Towards the
21 metal frame building?

22 MR. BIANCHI: Towards, yeah.

23 MR. KOBASA: Further east.

24 MR. KEHOE: No, the other way.

1 September 5, 2023

2 MR. BIANCHI: The other way.

3 MR. MCKINLEY: Toward option A.

4 MR. KOBASA: Down?

5 MR. BIANCHI: No, toward -- opposite
6 with the metal, metal --

7 MR. KOBASA: Plan north.

8 MR. BIANCHI: -- frame building abuts,
9 abuts it doesn't it?

10 MR. TRUITT: Yep.

11 MR. KEHOE: Well you're talking about
12 moving option B closer to Lexington Avenue?

13 MR. BIANCHI: No, the other way. Is that
14 where the other building is going to be?

15 MR. MARINO: Yeah, the other building is
16 being --

17 MR. TRUITT: Yeah.

18 MR. BIANCHI: Abuts it, yeah. I didn't
19 see it on this one, okay.

20 MR. MARINO: Yep. it would be during the
21 construction of the other building, it would
22 create a hindrance. But second to that, that dark
23 line there is a curb and there's some grade
24 change there.

1 September 5, 2023

2 MR. BIANCHI: I, I forgot about the
3 other building on there.

4 MR. KESSLER: That's why you've got to
5 take them together, really.

6 MR. BIANCHI: Yeah.

7 MR. KEHOE: That's our recommendation. I
8 mean we, you know, Martin will have to talk to
9 the architect or maybe you Ben, and figure out
10 something between now and the next meeting. And
11 if he can be convinced at least code wise, that
12 it's possible for you to consider it a temporary
13 structure, he'll let you know. It would still be
14 your call whether you wanted to pull it out or
15 not. But it needs to be reviewed more by staff
16 between now and the next meeting.

17 MR. KESSLER: But to be clear, it sounds
18 like it's a temporary structure in construction,
19 but meant to be there permanently.

20 MR. TRUITT: I -- permanently meaning
21 once the, the permanent edition is in place, it
22 would remain?

23 MR. KESSLER: Yeah.

24 MR. TRUITT: I -- no.

1 September 5, 2023

2 MR. KESSLER: I heard you say maybe an
3 annual renewal.

4 MR. TRUITT: Well, I -- that's in light
5 of, I don't know the timeframe of when we can get
6 approvals, get through the construction process,
7 etc., so --

8 MR. KESSLER: I see.

9 MR. TRUITT: So my suggestion was that
10 if you wanted to give us some limitation of
11 having to renew permission for this on three
12 months, six month annual basis --

13 MR. KESSLER: I see.

14 MR. TRUITT: -- whatever it is.

15 MR. KESSLER: So the intent is it will
16 come down once the other permanent edition is
17 completed?

18 MR. TRUITT: Yes.

19 MR. KEHOE: But given the -- given the
20 way you operate in the building now, it doesn't
21 do you any good to just make the 2,700 square
22 foot building bigger. It doesn't work just to
23 make that one bigger and make the bigger
24 permanent structure.

1 September 5, 2023

2 MR. TRUITT: I, I think the, the
3 direction from Jack, the owners was trying to
4 minimize all of the impact. So this is sort of
5 the minimum square footage that he feels he can
6 do this with. Would we love to get a bigger
7 building? Yes, absolutely. But that, a bigger
8 building would be more impact.

9 MR. KESSLER: Not if it's higher.

10 MR. KEHOE: But I believe the temporary
11 structure is in the wetland.

12 MR. TRUITT: option B would be.

13 MR. KEHOE: Right.

14 MR. TRUITT: Yeah.

15 MR. KEHOE: So if, if it's going with
16 option B, you'd need a wetland permit for that.

17 MR. TRUITT: Yes.

18 MR. KEHOE: And you'd have to go through
19 the entire wetland process to even place it
20 there. So it doesn't seem like that's happening
21 anytime quick.

22 MR. TRUITT: The only comment I would
23 make about that, Chris, is that it's wetland and
24 honestly it's wetland name only because it's

1 September 5, 2023
2 maintained as grass and there's some leaf litter
3 there, but it's not, it's not wet. I'm sure that
4 when Paul Jaehnig flagged that portion of the
5 wetland for the town, he found wetland soils in
6 that area and that's what was flagged. But as
7 it's currently maintained, that area is
8 relatively dry. It's grass, it's maintained
9 essentially, weed whacked and whatever as, as
10 just a way of getting around that side of the
11 building.

12 MR. KESSLER: So you don't expect there
13 to be any, any flooding?

14 MR. TRUITT: There's not going to be
15 flooding or anything of that nature, no, there
16 isn't. And I think, I think what they have in
17 mind with this building, I don't know if you guys
18 have ever been to Harbor Freight. It's one of my
19 favorite places to go. They have these metal
20 frame buildings. It's basically four or five
21 arches of metal pipe and then they wrap a, a
22 canvas cloth over it. And there's a zipper door
23 on one end that you go in and out of. I mean,
24 that's the kind of building we're talking about.

1 September 5, 2023

2 It's not, it may look almost like a Quonset hut
3 or a, or a metal building on, on the drawing as
4 it is there now. But it's essentially a, a canvas
5 building, a canvas frame -- a metal frame with a
6 canvas wrapping around it. So I, I'm certain it's
7 an easy, an easy material to take down, to put up
8 and certainly would just be temporary as far as
9 And how do you secure that?

10 MR. TRUITT: They're staked into the
11 ground. There's, you know, you, the, the kit
12 comes with a, a nine inch metal nail, essentially
13 a stake, and you stake it into the ground and
14 there are ways of anchoring it there. It comes
15 with ropes. You can, there's these twisty curly Q
16 things that you twist into the ground and you tie
17 it off to, to that.

18 MR. KESSLER: But how are you protected
19 from theft?

20 MR. TRUITT: That would be an issue, a
21 security issue for the owners to deal with.
22 That's -- it's not the most, I had one in my yard
23 for a number of years. It's not the most secure
24 structure in the world for sure.

1 September 5, 2023

2 MR. KEHOE: So the, the, the ask was to
3 approve this tonight and the response is that it
4 can't be approved tonight. So we'll refer it back
5 and maybe based on discussions with Martin and
6 Heike and, and Joe and Mike Preziosi, maybe
7 there's a way to get it back in front of the
8 board in October for further discussion. But at
9 this point it needs a little more review.

10 MR. TRUITT: Yeah. We would certainly be
11 appreciative of anything you can do.

12 MR. KESSLER: Okay. Any more comments?
13 If not, Mr. Douglas?

14 MR. DOUGLAS: Okay. I make a motion that
15 we refer on case number 2023-6, that we refer it
16 back to staff.

17 MR. KESSLER: Second, please.

18 MR. BIANCHI: Second.

19 MS. HILDINGER: Second.

20 MR. KESSLER: On the question? All in
21 favor?

22 MULTIPLE: Aye.

23 MR. KESSLER: Opposed? Alright, Mr.
24 Kobasa?

1 September 5, 2023

2 MR. KOBASA: All right, the time is
3 8:23, the meeting is adjourned.

4 MR. KESSLER: Thank you, sir.

5 (The public board meeting concluded at 8:23.)

CERTIFICATE OF ACCURACY

I, Ryan Manaloto, certify that the foregoing transcript of the Planning Board Meeting of the Town of Cortlandt on September 5, 2023 was prepared using the required transcription equipment and is a true and accurate record of the proceedings.

Certified By



Date: September 18, 2023

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