

TOWN OF CORTLANDT
PLANNING AND ZONING BOARDS

PLANNING BOARD MEETING

1 Heady Street
Cortlandt Manor, New York 10567
November 8, 2023
7:45 p.m. - 8:15 p.m.

November 8, 2023

MEMBERS PRESENT:

Steven Kessler, Chairman

Thomas A. Bianchi, Vice-Chairman

David Douglas, Member

Kevin Kobasa, Member

Peter McKinley, Member

Jeffrey Rothfeder, Member

ALSO PRESENT:

Chris Kehoe, Deputy Town Planner

Michael J. Cunningham, Deputy Town Attorney

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2 (The board meeting commenced at 7:45 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: Mr. -- Ms. Hildinger?

13 MS. NORA HILDINGER: Here.

14 MR. KEHOE: Mr. Rothfeder?

15 MR. ROTHFEDER: Here.

16 MR. KEHOE: Mr. Kessler?

17 MR. KESSLER: 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. Bianchi noted as absent.

23 MR. KESSLER: Alright, we have no
24 changes to the agenda this evening. Can I please

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2 have a motion to adopt the minutes from our
3 October 3, 2023 meeting?

4 MR. MCKINLEY: So moved.

5 MR. KESSLER: Second, please.

6 MS. HILDINGER: Second.

7 MR. KOBASA: Second.

8 MR. KESSLER: And on the question, all
9 in favor?

10 MULTIPLE: Aye.

11 MR. KESSLER: Opposed? Alright, first
12 item under correspondence, the annual report
13 dated January 1, 2022 to December 31, 2022 from
14 Liberty Power regarding the Croton Solar Farm
15 located on the east side of Croton Avenue,
16 approximately 500 feet north of Furnace Dock
17 Road. Mr. Rothfeder?

18 MR. ROTHFEDER: Mr. Chairman, I move
19 that we receive and file this report.

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

21 MS. HILDINGER: Second.

22 MR. MCKINLEY: Second.

23 MR. KESSLER: And on the question, all
24 in favor -- just on -- just, it is a report

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2 that's required, annually to be given to us from
3 the, solar farm showing us the generation, what's
4 been generated at the solar farm, and various
5 other pieces of statistics in there. So, on the
6 question, all in favor?

7 MULTIPLE: Aye.

8 MR. KESSLER: Opposed? Next item, it's a
9 memo from Michael Musso, of HDR Incorporated with
10 respect to condition number 18 of the Planning
11 Board Resolution 1-23 regarding the cell tower
12 proposed for 52 Montrose Station Road. Mr.
13 Douglas.

14 MR. DOUGLAS: Okay. With regard to case
15 number 19-5, I make a motion that we receive and
16 file that memo.

17 MR. KESSLER: Okay, can I have a second
18 please?

19 MR. KOBASA: Second.

20 MS. HILDINGER: Second.

21 MR. MCKINLEY: Second.

22 MR. KESSLER: Okay. On the question, so,
23 just the issue here is that we'll now be getting
24 a report, once the cell tower is built

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2 approximately six, nine, and 12 months after the
3 cell tower is built to show us what the actual
4 coverage is, is being provided by that new cell
5 tower compared to what the existing conditions
6 are today. So we have a second, on the question.
7 All in favor?

8 MULTIPLE: Aye.

9 MR. KESSLER: Opposed? Alright, next
10 item is a resolution. It's the application of
11 Jennie Thomas of JJM Summit Realty for amended
12 site plan approval for proposed 964-square foot
13 building addition to an existing dental office
14 located at 1 Jerome Drive. Drawings dated July
15 28, 2023. Mr. McKinley?

16 MR. MCKINLEY: Yes, I'd like to make a
17 motion to adopt the resolution of 14-2-23, Jennie
18 Thomas, JJM Summit Realty for amended site plan
19 approval.

20 MR. DOUGLAS: Second.

21 MR. KESSLER: Second, thank you. On the
22 question, all in favor?

23 MULTIPLE: Aye.

24 MR. KESSLER: Opposed?

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2 MR. KEHOE: So, John, you'll be going to
3 the zoning board. You're on the agenda for next
4 Thursday's meeting, November 16.

5 MR. JOHN LENTINI: Thank you.

6 MR. KEHOE: Yep.

7 MR. LENTINI: We'll be there.

8 MR. KEHOE: Okay.

9 MR. LENTINI: On behalf of Dr. Marcus
10 and myself, thank you very much.

11 MR. KESSLER: You're very welcome. One
12 second. Alright, next item is a public hearing.
13 It's an adjourned public hearing from our
14 previous meetings. It's a public hearing. It's
15 the application of VS Construction Corporation
16 for preliminary and final plat approval for a
17 two-lot subdivision for property located at 2003
18 Crompond Road, latest drawings, dated October 1,
19 2023. Mr. Steinmetz, good evening.

20 MR. DAVID STEINMETZ: Good evening, Mr.
21 Chairman, members of the board, David Steinmetz
22 from the law firm of Zarin & Steinmetz here this
23 evening, representing Val and Mandy Santucci, VS
24 Construction. I'm joined, by, by my friend and

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2 colleague here from DTS, Matt Steinberg and I'll
3 be quite brief. We've been here a number of
4 sessions for this public hearing. We have
5 attempted to be responsive to concerns and issues
6 that your board has raised and that staff has
7 raised.

8 We originally submitted a subdivision
9 application for the Evergreen Manor Project. It's
10 a 20-acre -- a 28-acre site. We had proposed
11 dividing it into a number of lots for a variety
12 of reasons, largely for business, financing and
13 potential conveyancing. At this time, as the
14 board knows well, we have not submitted, or begun
15 processing any site plan applications. So we are
16 not here to begin development of any of the lots.
17 We know we will be coming back on all of that.

18 However, in, in an attempt to comply
19 with the request that we discussed and debated at
20 the last session, we have now re-filed a two-lot
21 subdivision. The purpose of this was to create
22 the front lot or the northeast corner of the
23 property at 6.03 acres, which is designed to be
24 the lot that we anticipate will be developed as

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2 an assisted and independent living residence.
3 That was what was reviewed and studied by the
4 town board as lead agency.

5 So, what we have done in response to
6 your request is left the balance of the property,
7 with the exception of a road parcel as the second
8 lot. So we have a 6.03-acre lot one, we have a
9 21.4-acre lot two, and we have a 0.96-acre parcel
10 for the road.

11 No development approvals are being
12 sought on either lot. We will be back hopefully
13 for lots one and two. Lot one, as I just
14 indicated, would be the assisted living lot. Lot
15 two was studied for and approved under SEQRA for
16 a 99-unit townhouse project. We will be back with
17 some version of that. And the balance of the
18 property was also studied for a 10,000-square
19 foot commercial building on the western side of
20 the property towards Lafayette.

21 In terms of the road, the road was
22 studied during the SEQRA process. You discussed
23 it briefly in your work session, but I want the
24 record to be clear, the road, the location of the

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2 road and the implications of the road was studied
3 during the SEQRA process. We will comply with the
4 SEQRA findings that have already been mandated by
5 the, the, the town board as lead agency. We will
6 comply with the town's tree law, which we are
7 required to, and we will comply with all wetlands
8 mitigation that was also set forth in the
9 findings.

10 We have reviewed the draft resolution
11 that staff prepared. We appreciate the fact that
12 we had an opportunity today to take a quick look
13 at it. And I made a couple of minor comments to
14 Chris, but other than that, Mr. Chairman and
15 members of the board, we have no further comments
16 on the proposed resolution.

17 We fully understand that there's a lot
18 of work between my clients, my engineering team,
19 and the town's professional staff on the details
20 of the utilities, et cetera. We will be working
21 with DOTs and the planning department before any
22 road construction were to commence.

23 And the last comment, were the board,
24 um, to ultimately grant subdivision approval,

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2 again, so the public and the record are clear, we
3 have work to do with the, with the Westchester
4 County Department of Health before we can even
5 come back to your board for the plat map to be
6 signed.

7 So, with that having been said, Mr.
8 Chairman, I remind you and the board, tonight's
9 public hearing is narrowly constrained to the
10 subdivision. Nothing else.

11 MR. KESSLER: So with that, this is a
12 public hearing. Anybody wish to comment on the
13 subdivision application? So please come up. State
14 your name and address for the record.

15 MR. MICHAEL PARISH: My name is Michael
16 Parish. I live at 204 Lafayette. I have two
17 borders along this project, adjacent. My first
18 question is the border or the buffer zone that is
19 going to be, set up for the north and west edges
20 of my property I understand are 30 feet. Is that
21 correct?

22 MR. KESSLER: The, again, the town board
23 was the lead agency for this application and they
24 established the buffer zones. I can't speak to --

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2 MR. PARISH: Okay, so let me, let me put
3 my concern on --

4 MR. KEHOE: Yeah, 30 feet is correct.

5 MR. KESSLER: Thirty feet.

6 MR. PARISH: Okay. Let me put my concern
7 on the record. I don't think it's enough. I'd
8 hate to have a commercial building put it up
9 there 30 feet off my property line. It's a very
10 narrow property line to begin with.

11 MR. KESSLER: So, so you on this map are
12 sort of on the upper center there?

13 MR. PARISH: I am the first house off
14 Lafayette coming from 202.

15 MR. KEHOE: I think this is it, if you
16 look at the TV screen.

17 MR. PARISH: Yes.

18 MR. KESSLER: Okay.

19 MR. KEHOE: That's Lafayette there.

20 MR. PARISH: Yes.

21 MR. KEHOE: That's the supposed
22 commercial parcel.

23 MR. PARISH: Yes.

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2 MR. KEHOE: And I believe this is Mr.
3 Parish's lot right here.

4 MR. KESSLER: Okay.

5 MR. PARISH: And I'm wondering why I
6 didn't get the a hundred foot buffer like they
7 did at Tamarack or they did it with the other
8 project across the way.

9 MR. KESSLER: Again, the town board was
10 the one that determined that --

11 MR. PARISH: Okay. So I'd like to
12 petition now that maybe somebody look at it and
13 we get it worked out. Maybe since the property,
14 the lot lines, the plat lines are not completed
15 yet and they're going to reissue and they're
16 going to re-plan the construction --

17 MR. KESSLER: Well --

18 MR. PARISH: -- maybe we can work that
19 in to, to make it a little easier on me.

20 MR. KESSLER: Yeah, when, when we get a
21 formal application as to what they want to do on
22 that property, that, that certainly will be part
23 of the discussion.

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2 MR. PARISH: I would appreciate that.
3 Thank you. My second issue is the northwest
4 corner of my piece of property. There's a well.
5 It's a hand stone-lined well, handmade. It's
6 about 20 feet -- 23 feet deep and it holds about
7 17 feet of water in it at any given time when you
8 measure it. You're talking about your watershed
9 abatement, not abatement, but --

10 MR. KESSLER: Wetland mitigation?

11 MR. PARISH: Yes. How's that going to
12 affect my well? You're going to dig on these
13 properties and lower the grade line on the
14 properties. That's also going to lower the
15 waterline going through that area. You going to
16 drain my well? Or are you going to guarantee that
17 it's going to stay, I'm going to, I'm going to
18 have water in it?

19 MR. KESSLER: Again, I, I've got to say
20 that the, the town board as lead agency looked at
21 all the environmental impact.

22 MR. PARISH: I don't think it's fair to
23 me that you say that because I have written
24 letters to the town on this.

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2 MR. KESSLER: Yeah.

3 MR. PARISH: And I consider it all the
4 town. When we go to court and have a problem,
5 it's all going to be the town against whoever.

6 MR. KESSLER: Yeah. But the, the, you
7 know, I --

8 MR. PARISH: Okay.

9 MR. KESSLER: -- I appreciate what
10 you're saying sir. But, you know, the process is
11 that the town was the lead agency on the
12 application to assess the environmental impacts.
13 And they've issued a findings statement as to
14 what they thought or, or more appropriately they
15 did not see significant environmental impacts. I
16 assume that they took that into account when they
17 reviewed that. But, you know, that was not this
18 board that did that process.

19 MR. PARISH: Well I --

20 MR. KESSLER: Maybe the applicant can
21 talk to that better than I can, but --

22 MR. PARISH: I haven't seen it written
23 anywhere in any of all the paperwork that's been
24 submitted, all the tests and all the reports

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2 anything about what's going to happen to that
3 well. So I can't tell. But I'd hate to have you
4 guys come in here and do all the work and then I
5 have no water.

6 MR. KESSLER: From an elevation
7 perspective, are you higher up or --

8 MR. PARISH: I am higher up.

9 MR. KESSLER: You're higher up?

10 MR. PARISH: Yes. When I -- there's a
11 little, there's a little, structure out there.
12 When I went three feet down on the structure, I
13 hit water. So that's how you, how I know it is.

14 MR. KEHOE: Well, your board will in
15 some respects be reviewing that when you review a
16 future subdivision application for the maximum of
17 99 lots on there, you'll be seeing where the
18 units are proposed in that corner, how close
19 they're to Mr. Parish's property line. And you
20 would be, you know, discussing water tables. I
21 mean, those things can still be discussed. I
22 would expect the applicant would be referring
23 back to the DEIS and FEIS to give you

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2 information. But you can ask questions about
3 that.

4 MR. PARISH: Well, as soon as you put
5 that road in, you are going to affect the water
6 table because you're going to have all your
7 mitigation done. Correct? I mean, that's a
8 logical thought.

9 MR. KESSLER: When they put the road in,
10 they'll be dealing with the drainage that will be
11 --

12 MR. PARISH: Where do you think my
13 water's coming from?

14 MR. KESSLER: -- as a result of that
15 road.

16 MR. PARISH: Yes.

17 MR. KESSLER: They're dealing with the
18 drainage as a result of that road.

19 MR. PARISH: But they, if they're going
20 to dig deep, deeper than it is now, because when
21 we were originally told, they're going to take
22 and build the buildings, they're going to,
23 they're going to lower the grade that's there
24 now. So you lower that grade 10, 15 feet from

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2 what it is now, it's going to have a problem with
3 my water. So you better consider, yeah, you
4 should consider that, just as -- that's all I'm
5 thinking about.

6 MR. KESSLER: Well, you know, the, the
7 road construction will go to our engineering
8 department.

9 MR. PARISH: I'd appreciate that.

10 MR. KESSLER: And they will be looking
11 at all aspects of the construction and the
12 utilities and the drainage resulting from that
13 construction.

14 MR. PARISH: Okay. Now the other, the
15 last thing I have is there was an emergency road
16 going to be, be put in off Lafayette Avenue. Is
17 that still in, in the plan?

18 MR. KEHOE: Well, that was one of the
19 issues that was shown on previous plats. And
20 since there -- there is no development proposed
21 on lot one at this time or lot two or that parcel
22 way over there, which the emergency road would go
23 through, the planning board didn't want it shown
24 at this time, so the applicant removed it. So

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2 they're not approving anything. But I do think as
3 part of the overall plan, there will be a road
4 that has to go in that direction.

5 MR. PARISH: What have they submitted on
6 for buildings to date? Do you have an idea what
7 they're going to build back here?

8 MR. MICHAEL CUNNINGHAM: They haven't
9 submitted anything on their building -- they --

10 MR. PARISH: So nobody knows what's
11 going to go in. But you let them --

12 MR. CUNNINGHAM: Well --

13 MR. PARISH: -- you're going to let them
14 come in and put a road in and then they're going
15 to start --

16 MR. KEHOE: No.

17 MR. PARISH: What's going to happen?

18 MR. KEHOE: The town board approved 120-
19 bed assisted and independent living facility I
20 understand.

21 MR. PARISH: Okay. I understand.

22 MR. KESSLER: And 99 townhomes.

23 MR. KESSLER: Maximum.

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2 MR. KEHOE: Maximum of 99 town homes.
3 But, but they didn't approve the exact location
4 of those. That's up to the planning board. And
5 the planning board could shift things around and
6 move things around. But we know what's been
7 approved. The town board approved it.

8 MR. PARISH: There again, when you go to
9 shift, I'd appreciate if you could increase my
10 buffer.

11 MR. KESSLER: Sure.

12 MR. PARISH: That's all I have for
13 tonight. Thank you.

14 MR. KESSLER: Thank you.

15 MR. PARISH: Thank you very much.

16 MR. KESSLER: Anybody else wish to
17 comment?

18 MR. DAVID WEINBERGER: David Weinberger,
19 3 Birchwood Lane. I want to thank the planning
20 board tonight for the opportunity to provide some
21 comments this evening. And related to this
22 planning process and the approval process
23 specific tonight to the, the request that has
24 been discussed and in general some things came up

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2 at the last meeting on October 3rd. Mr. Steinmetz
3 noted that after all this time, only one family
4 was present to offer their thoughts.

5 In effect, he made the argument that the
6 number of residents present at the meeting or
7 providing comment is reason to minimize or
8 perhaps pay attention to the -- and give weight
9 to the remarks. I think that logic needs a little
10 bit of work.

11 As we've been reminded, this complicated
12 project started with the planning board, then
13 moved to the town board as lead agency and
14 recently has been handed back to you, the
15 planning board, for additional steps. This
16 progression is important because it highlights
17 the continuity of the MOD as a project and points
18 to the relationships of the issues, decisions and
19 concerns.

20 While unspoken here, at least so far,
21 are the comments submitted in the review of the
22 MOD documented in the FEIS. There were 147
23 separate organizations or individuals that
24 submitted or spoke. A few business councils or

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2 union leadership looking for a paycheck for
3 members that don't even live here were the rare
4 exceptions. The vast majority of the 147 are
5 Cortlandt residents who remain opposed to the MOD
6 composition, density and tenuous connection to
7 medical.

8 So, if the standard of measure is the
9 number of comments or the number of residents
10 providing thoughts and concerns, then the issues
11 go to the community and not to the developers.
12 But maybe the standard of measure goes beyond the
13 community concerns to what are the right
14 decisions. Bypassing the record of concerns of
15 residents will not get you to your best decision
16 making.

17 So again, I urge you to consider the
18 comments and the concerns to make the best
19 decisions. The arguments, the various concerns
20 that were raised during the planning board
21 reviews leading to the findings statement did
22 concern a lot of the things, did concern a lot of
23 the issues, people with specific property
24 concerns, general concerns about the size and

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2 scope of the project. And frequently and
3 continuously through the process, we heard the
4 details will be addressed by the planning board.

5 So they set a boundary condition, but
6 handed the scope and the details to you guys. So
7 it seems to me that what we just heard is another
8 good example of that. The details are up to you
9 working within the boundary of the assisted
10 living and the 99 max townhouses and 10,000 foot
11 retail.

12 But as Dr. Becker frequently said, you
13 could decide less if it doesn't fit, if it
14 doesn't seem to work, granted all the
15 considerations in planning, you could change
16 that. It could be moved around. It could be less.
17 That's what I think we've heard so far tonight.
18 Thank you.

19 MR. KESSLER: Yes. And, and when we get
20 an application --

21 MR. WEINBERGER: Understood.

22 MR. KESSLER: -- there will be public
23 hearings and you'll be invited to comment on that
24 application.

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2 But again, you're dealing with a
3 subdivision this evening, not a full development
4 of the site.

5 MR. WEINBERGER: Understood, understood.
6 But continuity and context are important
7 throughout. And that's essentially what my
8 comment is.

9 MR. KESSLER: Okay.

10 MR. WEINBERGER: Thank you.

11 MR. KESSLER: Appreciate it, thank you.
12 Yes, ma'am.

13 MS. MIRIAM WEINBERGER: I hadn't planned
14 to say anything, but when you have further --

15 MR. KESSLER: Please, just your name and
16 --

17 MS. WEINBERGER: Miriam Weinberger,
18 Birchwood Lane. Please do the notifications. We
19 knew about this meeting tonight because we were
20 at the last one. I kept watching for the orange
21 sign to change to tonight's date. It did not. No
22 one was notified the, the people on the
23 surrounding properties, of which we are directly,
24 not. So we knew about it. I happened to be in

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2 touch with Mr. Parish and a few other people. So
3 moving forward that's got -- that has to happen.

4 MR. KESSLER: All right.

5 MS. WEINBERGER: All right?

6 MR. KESSLER: Absolutely.

7 MS. WEINBERGER: All right. And if it
8 won't happen to an expanded area, we'll set up
9 something that we will know as a community
10 because they're contrary to how many people are
11 here, there's a huge amount of interest still out
12 there. Okay. So --

13 MR. KEHOE: I, I just think for the
14 record, you know, you were very involved in the
15 town board process.

16 MS. WEINGBERGER: Yes.

17 MR. KEHOE: We're all, we're all part
18 of the same organization.

19 MS. Yes.

20 MR. KEHOE: But different boards have
21 different processes. So the planning board cases
22 -- this isn't a really good example because the
23 town board case on the MOD lasted forever as
24 well.

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2 MS. WEINBERGER: Yes.

3 MR. KEHOE: But planning board cases
4 last a really long time. So we put the orange
5 sign up to notify and, and then it's, that's
6 considered the notification. So we don't put up a
7 new orange sign each time. And as you mentioned
8 that you're aware and you come to each meeting
9 because you're aware. We will, I think, and maybe
10 we should put it on the record, that you will
11 have me notify greater people than normally are
12 required to be notified the next time we have the
13 public hearing. It -- we're only --

14 MS. WEINBERGER: Are you saying that you
15 put that -- so October 3rd is up there. So is
16 that posted for now on forever?

17 MR. KEHOE: That, that, that sign could
18 be taken down actually. It notifies the public of
19 the first hearing. But our -- right or wrong, our
20 code does not tell me to go out each and every
21 month, because sometimes public hearings go 12,
22 14, 16 months. So it's considered proper
23 notification to notify of the initial hearing and
24 then the hearing goes on and on and on.

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2 MS. WEINBERGER: That's fine. Proper by
3 the code, but not proper by what is going on in
4 this project.

5 MR. KEHOE: Well, But I don't think the
6 orange sign is going to change regularly, but we
7 will notify a greater number of people when the
8 public hearing comes up.

9 MS. WEINBERGER: Okay.

10 MR. KEHOE: I think we discussed, and
11 don't forget, we're only talking about the VS
12 construction property here. We're not talking
13 about the Gyrodyne yet.

14 MS. WEINBERGER: Yeah. That didn't even
15 --

16 MR. KEHOE: Right.

17 MS. WEINBERGER: -- nothing happened
18 with that, right.

19 MR. KEHOE: So we're going to enlarge
20 the area to Tamarack and to Cyprus and Nancy and
21 the roads and, and do and -- and I do that if the
22 planning board tells me to do that, which I
23 believe they are telling me to do that.

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2 MS. WEINBERGER: Well, I hope you, I
3 hope you will because this isn't just a garage
4 going up.

5 MR. KESSLER: No, no.

6 MS. WEINBERGER: This is a big deal to
7 us --

8 MR. KESSLER: We'll make sure that
9 notification goes out to --

10 MS. WEINBERGER: -- for years,

11 MR. KESSLER: -- a number of the
12 adjoining property --

13 MS. WEINBERGER: Okay.

14 MR. KESSLER: -- not just the adjoining
15 property owners, but people within the immediate
16 location.

17 MS. WEINBERGER: Those little
18 neighborhoods.

19 MR. KEHOE: Yes.

20 MS. WEINBERGER: Okay. Thank you very --
21 thanks.

22 MR. KESSLER: Thank You. Any other
23 comments from the public? All right, any,
24 comments from the board on, on the, two lot

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2 subdivision or, on the resolution itself? So,
3 alright. So let's close the public hearing then.

4 MS. HILDINGER: We are going to --

5 MR. KESSLER: Well, let's, let's --
6 first, let's close the public hearing close.

7 MS. HILDINGER: I make a motion on PB
8 2023-5 to close the public hearing.

9 MR. KESSLER: Second please.

10 MR. MCKINLEY: Second.

11 MR. ROTHFEDER: Second.

12 MR. KESSLER: On the question.

13 MR. KEHOE: So on the question, you're
14 only closing the public hearing -- well, you're
15 closing the public hearing, but it's only on the
16 subdivision. There will be additional public
17 hearings on future developments.

18 MR. KESSLER: Yes.

19 MR. KEHOE: Yes.

20 MR. KESSLER: Once we get an
21 application.

22 MR. KEHOE: Yes.

23 MR. KESSLER: Alright, so we're, on the
24 question. All in favor?

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2 MULTIPLE: Aye.

3 MR. KESSLER: Opposed? Okay. So, you
4 want to make another motion on the resolution?

5 MS. HILDINGER: Are we going to adopt
6 it?

7 MR. ROTHFEDER: Yeah. Make a motion to
8 adopt and we'll see how people vote, but --

9 MS. HILDINGER: I make a motion on PB
10 2023-5 to adopt the resolution to create two lots
11 and one road parcel.

12 MR. KESSLER: Okay.

13 MR. ROTHFEDER: Resolution 15-23.

14 MR. KESSLER: Good, thank you, 15-23.
15 Second please.

16 MR. ROTHFEDER: Second.

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

19 MULTIPLE: Aye. Aye. Opposed?

20 MR. STEINMETZ: Thank you all. We will
21 be back with future site plan applications. We
22 appreciate your time and your patience.

23 MR. KESSLER: Thank You. Last item of
24 business this evening is old business, the

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2 application of Heiki Schneider on behalf of 3120
3 Lexington, LLC for amended site plan approval and
4 a wetland permit for a proposed 2088-square foot
5 building addition to the existing ACE Hardware
6 store located at 3120 Lexington Avenue, drawings
7 latest revised November 1, 2023. Good evening,
8 Mr. Schneider. How are you?

9 MS. HEIKI SCHNEIDER: Good evening. I'm
10 good. How are you?

11 MR. KESSLER: Good, good, thanks. So, I
12 believe -- so we received some correspondence
13 from our wetland consultant and I believe they
14 forwarded that to you.

15 MS. SCHNEIDER: Yes, they did.

16 MR. KESSLER: So I think there needs to
17 be some discussion that takes place, to resolve
18 some of the issues.

19 MS. SCHNEIDER: Yes.

20 MR. KEHOE: Right. And I, and I do think
21 as was discussed at the last meeting, you have
22 made progress, you've shrunk the addition, you've
23 pulled it out of the wetland directly. Although
24 Paul shared some of my concerns that you're so

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2 close to the wetland that he needs a better
3 explanation of how construction impacts won't get
4 in there. You know, he did talk about some of
5 your plantings which it would seem to me to be a
6 two-step process though, because then, you're not
7 the wetland consultant for your team, you're the
8 landscape architect. Have you retained a wetland
9 consultant?

10 MS. SCHNEIDER: We spoke to Steve Moreno
11 and I think Jack and him are working things out,
12 so --

13 MR. KEHOE: Okay.

14 MS. SCHNEIDER: -- yes, I would say yes.

15 MR. KEHOE: I would suggest that if you
16 get a wetland consultant who can talk directly to
17 Paul.

18 MS. SCHNEIDER: Okay.

19 MR. KEHOE: But then Ben would also be
20 talking in the context of the, of the mitigation
21 plantings. And then I know you've sent a lot of
22 information to DEC a couple times and they still
23 haven't -- they haven't responded to your second
24 request yet.

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2 MS. SCHNEIDER: No, it has been about a
3 week.

4 MR. KEHOE: Right.

5 MS. SCHNEIDER: So I -- hopefully
6 they're going to respond soon.

7 MR. KEHOE: Right.

8 MS. SCHNEIDER: But, so my question to
9 you, should we reflag the wetlands and who would
10 be doing this? Would it be Paul Jaehnig or would
11 it be somebody that we retain?

12 MR. KEHOE: It, it, it might be better,
13 you're getting up against the clock, is we don't
14 really permit wetland delineations after November
15 30.

16 MS. SCHNEIDER: Oh.

17 MR. KEHOE: So maybe you should have
18 your own person do it and then our person would
19 confirm that delineation. Now you're not starting
20 from scratch. I mean, it's already been
21 delineated. The flags are probably still there,
22 so it wouldn't be a problem.

23 MS. SCHNEIDER: Are they still there?

24 MR. BEN TRUITT: I'd have to check.

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2 MR. KEHOE: Well, but what, but I -- the
3 point being, it, it's been delineated recently.
4 It, it's not totally starting from scratch.

5 MS. SCHNEIDER: So five years ago is, is
6 recently enough?

7 MR. KEHOE: It needs to be re-
8 delineated.

9 MS. SCHNEIDER: Okay.

10 MR. KEHOE: But I'm just saying that
11 you're not totally starting from scratch. You can
12 go from Paul Jaehnig's original delineation. Give
13 that to your -- or maybe Steve Coleman. I think
14 Paul's always been the consultant on this one.

15 MS. SCHNEIDER: Right.

16 MR. KEHOE: Give that to your consultant
17 so it won't take as long.

18 MS. SCHNEIDER: To be honest, it might
19 even be in our advantage to reflag certain areas.

20 MR. KEHOE: Yes.

21 MS. SCHNEIDER: Especially the ones
22 where we only have a couple feet to the wetlands.
23 And --

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2 MR. KEHOE: Right. But I would do that,
3 as soon as you can.

4 MS. SCHNEIDER: Yeah, okay, sure. Mm-
5 hmm. Did you want to say anything to the
6 landscape plan or --

7 MR. TRUITT: Only if there's any
8 questions. I think it'll be covered in the
9 review.

10 MR. KEHOE: Yeah, because he did say
11 the, the area of the mitigation was large enough,
12 but I think Paul wanted the plants to be a few
13 more of them or something, so.

14 MR. TRUITT: Yeah, there was a comment
15 about possibly having more, more plants --

16 MR. KEHOE: Could you, could you
17 introduce yourself? Sorry.

18 MR. TRUITT: Ben Truitt. Sherwood &
19 Truitt. There was a comment about possibly having
20 more plant material, that's perfectly fine.

21 MR. KEHOE: Alright.

22 MS. SCHNEIDER: But you should also say
23 that it was very generous to offer 5,000 square
24 feet.

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2 MR. TRUITT: Well, yes. There, there,
3 there was quite -- 5,000 square feet is
4 relatively large as, even as Paul Jaehnig noted.

5 MR. KEHOE: Right.

6 MR. TURITT: We felt a, a lighter touch
7 was warranted on a larger area.

8 MR. KEHOE: Right. So that's the type of
9 discussion that you and your wetland consultant
10 and Paul will have together.

11 MR. TRUITT: Yeah. We can go through
12 the, the details of that. My opinion is that
13 adding a few more plants in is not a noteworthy
14 topic.

15 MR. KEHOE: Okay. And the code does not
16 require a public hearing on this, and it is
17 really just a lot of details. I, I don't think
18 staff is recommending the necessity of a public
19 hearing. So, once you get this worked out and get
20 it presented back to the board and satisfy the
21 board, you could move towards an approval.

22 MS. SCHNEIDER: That'd be good.

23 MR. KESSLER: Any, any comments or
24 questions from the board? No? If not, Mr. Kobasa?

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MR. KOBASA: I'd like to make a motion to refer back to staff.

MR. KESSLER: Second please.

MS. HILDINGER: Second.

MR. ROTHFEDER: Second.

MR. KESSLER: Okay. On the question. All in favor?

MULTIPLE: Aye.

MR. KESSLER: Opposed?

MR. KOBASA: The time is 8:15, meeting's adjourned.

MS. SCHNEIDER: Okay. Thank you. Goodnight.

MR. KESSLER: Thank you.

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

CERTIFICATE OF ACCURACY

I, Claudia Marques, certify that the foregoing transcript of the planning board meeting of the Town of Cortlandt on November 8, 2023 was prepared using the required transcription equipment and is a true and accurate record of the proceedings.

Certified By

A handwritten signature in cursive script that reads "Claudia Marques".

Date: November 29, 2023

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