

TOWN OF CORTLANDT
PLANNING AND ZONING BOARDS

PLANNING BOARD MEETING

1 Heady Street
Cortlandt Manor, New York 10567

October 3, 2023

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

October 3, 2023

MEMBERS PRESENT:

Steven Kessler, Chairman

David Douglas, Member

Nora Hildinger, Member

Peter McKinley, Member

Jeffrey Rothfeder, Member

ALSO PRESENT:

Chris Kehoe, AICP, Director of Planning

Michael Cunningham, Deputy Town Attorney

Joseph Fusillo, P.E., Planning Board Engineer

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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: Ms. Hildinger?

11 MS. NORA HILDINGER: Here.

12 MR. KEHOE: Mr. Rothfeder?

13 MR. JEFFREY ROTHFEDER: Here.

14 MR. KEHOE: Mr. Kessler?

15 MR. KESSLER: Here.

16 MR. KEHOE: Mr. Douglas?

17 MR. DAVID DOUGLAS: Here.

18 MR. KEHOE: Mr. McKinley?

19 MR. PETER MCKINLEY: Here.

20 MR. KEHOE: Mr. Kabasa and Mr. Bianchi
21 noted as absent.

22 MR. KESSLER: Thank you. We have no
23 changes to the agenda this evening, and can I
24 please have a motion to adopt the minutes from

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2 our meeting of September 5th?

3 MS. HILDINGER: I'll make a motion.

4 MR. MCKINLEY: Second. Second.

5 MR. KESSLER: Second. Thank you, on the
6 question. All in favor?

7 MULTIPLE: Aye.

8 MR. KESSLER: Opposed? Alright. First
9 item under correspondence, it's a letter dated
10 September 28th, 2023 from David Steinmetz
11 requesting the second one year time extension of
12 site development plan approval for NRP Properties
13 located at 119 Oregon Road. Good evening, Mr.
14 Steinmetz.

15 MR. DAVID STEINMETZ: Good Evening. Mr.
16 Chairman, members of the board.

17 MR. KESSLER: Anything to say?

18 MR. STEINMETZ: No. This is self-
19 explanatory. The only thing that I would note is
20 that while it was NRP as the original applicant,
21 the property has changed hands. I believe the
22 town staff is aware of that. And, uh, while the
23 new purchaser is trying to figure out what they
24 wish to do with the property, whether they wish

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2 to pursue that which was previously approved or
3 modify it, we're asking that the approvals be
4 kept in effect. Okay. Thank you. Mr. Douglas.

5 MR. DOUGLAS: Okay. I make a motion that
6 we approve the requested second one, one year
7 time extension of the, for site development plan
8 in accordance to the resolution number 11-23, the
9 draft of which has been circulated to us.

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

11 MR. ROTHFEDER: Second.

12 MR. KESSLER: On the motion. All in
13 favor?

14 MULTIPLE: Aye.

15 MR. KESSLER: Opposed? All right, next
16 item under correspondence, a letter dated
17 September 28th, 2023 from David Steinmetz
18 requesting a six-month time extension re-approval
19 for VS Construction Corporation for site
20 development plan approval, and a special permit
21 for a contractor's yard and rock crushing for
22 property located at 180 Roa Hook Road. Good
23 evening.

24 MR. STEINMETZ: Good Evening once again,

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2 David Steinmetz on behalf of VS Construction. We,
3 we spoke with you several months back about the
4 ROA Hook Road operation that Mr. Santucci has
5 been operating for some time. There is a prior
6 approval that was granted by this board several
7 years ago, and we were tasked by your board when
8 you granted us a temporary extension to work with
9 staff to address conditions that were imposed on
10 the original special permit, as well as to review
11 some materials that staff had generated quite
12 some time ago as well.

13 I want to thank Mr. Fusillo and staff
14 for being willing to work with us. We have
15 submitted a number of materials and, and answers
16 and information, and I believe I, I'm going to
17 let Mr. Fusillo speak for himself. I believe we
18 have gotten over most of the questions that were
19 raised and that is why we're asking for an
20 additional six-month extension so that we can
21 complete that review in, in accordance with the
22 town's instructions.

23 MR. KESSLER: Okay, so as you stated, so
24 it's two retroactives and a six-month review --

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2 MR. STEINMETZ: Prospective.

3 MR. KESSLER: And you'll come back on
4 time in the six months, I hope?

5 MR. STEINMETZ: I sure hope so. I, I
6 think we have some work to do with staff and
7 possibly with the town board, but we again wanted
8 to keep these approvals alive and, and this
9 facility operating.

10 MR. KESSLER: Alright, thank you. Any,
11 any questions from the board? If not, Ms.
12 Hilding?

13 MS. HILDINGER: With PB 2017-1, I make a
14 motion for a two-year retroactive time extension
15 and a six-month extension approval.

16 MR. KESSLER: Second, please.

17 MR. ROTHFEDER: Second.

18 MR. KEHOE: I think that --

19 MR. KESSLER: It's Resolution 12-23.

20 MR. KEHOE: Well, but it's also, it's a
21 typo. I think it's 2017-3 is the appropriate PB
22 number.

23 MR. KESSLER: Oh, yes.

24 MR. KEHOE: Right, not dash one.

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2 MS. HILDINGER: Okay.

3 MR. KEHOE: As Mr. Kessler pointed out
4 to me.

5 MR. MCKINLEY: Second.

6 MR. KESSLER: Second, thank you. On the
7 question? All in favor?

8 MULTIPLE: Aye.

9 MR. KESSLER: Opposed? Alright, next
10 item is a public hearing. It's a, a, a new public
11 hearing. It's the application of VS Construction
12 Corporation for preliminary and final plat
13 approval for a six-lot subdivision, five building
14 lots, for property located at 2003 Crompond Pond
15 Road, Route 202, drawing dated July 18, 2023. Mr.
16 Steinmetz, hello again.

17 MR. STEINMETZ: I promise I will leave
18 after this. David Steinitz from the law firm of
19 Zarin and Steinmetz, representing VS Construction
20 in connection with the Evergreen Manor
21 subdivision. I will attempt to be brief because
22 we have previously discussed this. We filed for
23 preliminary subdivision plat approval with regard
24 to the 28-acre Evergreen Manor site.

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2 We originally came in and showed you a
3 number of lots which made sense to our client and
4 our team for a variety of future development,
5 financing, legal and other reasons. You raised a
6 number of questions and issues, some of which we
7 thought were, were really terrific suggestions
8 about why had the surveyor labeled the road as a
9 lot rather than simply a parcel. Correct, it's
10 been corrected. Were the open space, excuse me,
11 were the wetland areas appropriately included
12 within lots? Should they be open space parcels,
13 again, something that we as a team looked at and
14 modified.

15 And most importantly, you communicated
16 your concern that you felt there were too many
17 potential lots being depicted. And I tried to
18 explain why we were doing that for potential
19 future development, particularly of the
20 residential townhouses, possibly by more than one
21 developer. We had some difficulty getting over
22 that issue with you. And, and rather than arguing
23 the point Mr. Steinberg from DTS, I and the
24 Santuccis have agreed to submit a simplified

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2 subdivision plat, which is really designed to do
3 one thing primarily. The one thing is to create a
4 lot for the assisted living at the front left
5 hand corner, lot one. That's what I would call
6 the northeast corner of the property. That is the
7 lot and the area that we have always indicated
8 there would be an assisted living residential
9 project.

10 We have a very interested assisted
11 living developer, but we have not come in with a
12 site plan yet because the assisted living
13 developer wanted to see where the lot would be.
14 And there's kind of this chicken and the egg. You
15 want to see the site plan. They want to know that
16 Mr. Santucci has a viable lot that they could
17 potentially develop. And I have said to the chair
18 and to the board, we understand that if you
19 ultimately subdivide the property and you don't
20 like the way the site plan fits on that
21 individual lot, you're going to tell us that. And
22 we may potentially have to move that or expand
23 the lot or change it. We, we got it. We
24 understand that.

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2 However we feel compelled for legal,
3 financing and the ability to advance the project,
4 we feel compelled to pursue the subdivision at
5 this time. We are allowed to pursue the
6 subdivision at this time. So what I would
7 suggest, because we had filed a subdivision
8 application for the version of the subdivision
9 that you did not like, you have the right under
10 section 276 of the New York State Town Law to
11 approve a preliminary plat with conditions.

12 I would recommend that the condition
13 that you impose, should you ultimately grant
14 preliminary approval, is you must eliminate these
15 lines and come back in when you come in for final
16 approval with a, fill in the blank, three-lot
17 subdivision is what we are recommending. That's
18 number one.

19 Number two, during the work session, you
20 were kind enough to share publicly your concern
21 about the wetland crossing. You can certainly
22 discuss that with us. The wetland crossing has
23 been shown throughout this four, five year
24 process. It has been studied by our, our team. It

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2 has been studied by the town's consultants and by
3 staff. And most importantly, it was the subject
4 of a DEIS and FEIS. And a finding statement that
5 concluded there was no significant adverse
6 environmental impact associated with that
7 crossing.

8 Number three, you raised some concern
9 about the road. The road again, or you had
10 questions, I don't want to say concern. The road,
11 there was a question. The road was located where
12 it is because it was geometrically to be aligned
13 with Conklin, so that we could have the
14 signalized intersection at Conklin servicing the
15 entrance to this project. So that's where the
16 beginning point of the road needed to be. What it
17 does horizontally and vertically after it enters
18 the property is something that I would defer to
19 Matt Steinberg to explain if you have questions.
20 But that road evolved during the process. It's
21 not just placed on a map. It's not willy-nilly.
22 It's actually engineered thoughtfully from a
23 utility grading and locational standpoint. So we
24 can answer that if you have questions about that.

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2 And the only other thing that I would
3 say as a part of my opening comment, we are here
4 tonight strictly and solely with regard to lot
5 line drawing in accordance with the New York
6 State section 276 of the town law and your
7 appropriate subdivision regs.

8 We're not here to talk about the site
9 plans because as you made clear to me, we haven't
10 filed for site plan. We haven't given you fully
11 baked site plans. So we're here tonight for the
12 road, the utilities and the lot lines.

13 Understanding, all of it could potentially change
14 as we come back in the future, if things change
15 from the world of development. Right now, we have
16 an assisted living developer that wants to be on
17 lot one. We believe we have a residential
18 developer that ultimately wants to be where we
19 showed the 99 townhouses and studied the 99
20 townhouses. None of that has been finalized. So
21 we're here simply for lot lines.

22 MR. KESSLER: Alright, so just one
23 question, David. So, you said, you know, why
24 don't we approve the six and with conditions to

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2 say make it three, why not you presented us with
3 the three. Why aren't we just dealing, why aren't
4 we just dealing with like, say this amended side
5 plan?

6 MR. STEINMETZ: That's fine. I, the, the
7 answer to that is if you are comfortable doing
8 that, perfectly fine. We, I didn't want to re-
9 file a, a new application for three. Instead we
10 submitted that. If, if you will incorporate that
11 into our application, that's perfectly fine. So
12 the answer is I think we're reaching the same
13 conclusion differently, perfectly fine with us.
14 That's, Mr. Chairman, that's exactly why Matt and
15 our surveyor worked very hard in the last month
16 to give you what we thought you were asking.

17 MR. KESSLER: Okay. And, and I'm sorry,
18 I have one more question then. So why isn't it
19 just the right of way and lot one and the -- and
20 have lot three included as part of everything
21 else? With the lot, with the road coming off the
22 side there, which is its own lot, the, yeah, so
23 the, the -- the center going, you know the north
24 south there?

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2 MR. STEINMETZ: Yes.

3 MR. KESSLER: And that lot there, yes.

4 So why is that one carved out as well? I
5 understand what your needs on the assisted living
6 down in the lower right and the whole rest of the
7 property is the lot line, but you've also then
8 singled out that road right in the middle north,
9 south and that lot up above.

10 MR. STEINMETZ: And, and again, I
11 apologize, but, but the numbers have changed. By
12 lot three, we're, we're --

13 MR. KESSLER: That's lot three right
14 there.

15 MR. STEINMETZ: Okay.

16 MR. KEHOE: And, and the tail.

17 MR. STEINMETZ: That's fine.

18 MR. KESSLER: Right.

19 MR. STEINMETZ: So the, the best answer
20 I can give you is because we've been candid with
21 the town that we are holding onto that area to
22 potentially develop it in accordance with the MOD
23 if there is a use that works there which would be
24 different from the townhouses. The townhouses we

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2 know are elsewhere on the property. They've been
3 studied elsewhere on the property. So we want --
4 by, by no means did we want to put something out
5 there where it looked as if nothing would ever go
6 there. Something could potentially go there. So
7 we would like to have the lot. We could always
8 come back in and carve it later.

9 MR. KESSLER: So, when you come in with
10 a proposal for this property, are you going to
11 have something there? Or is it --

12 MR. STEINMETZ: I don't know the answer
13 to that.

14 MR. KESSLER: Oh, Okay.

15 MR. STEINMETZ: I don't, I don't have
16 something for that right now. Though I would love
17 to be able to go to market, since my client owns
18 27 acres, and my client went through a SEQR
19 process that indicated from an impact standpoint
20 that a 10,000 square foot building could go there
21 and not have a significant adverse environmental
22 impact, that building would have to now comport
23 with the zoning MOD zoning changes that occurred
24 in the final days before adoption, things

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2 changed. But I would like to be able to have Mr.
3 Santucci go to market and say, look, I've got a
4 lot over here that extends out to Lafayette and
5 maybe you could make use of it, prospective
6 purchaser. So that's why I'd like to have a lot.
7 And there's nothing unlawful about my client
8 under 276 asking the town to form a lot that
9 comports with zoning.

10 MR. KESSLER: Okay. So, before we get to
11 the public, any comments from anybody on the
12 board?

13 MR. DOUGLAS: I've got, I've got two
14 things. One, something I need, I need to have
15 clarified. And maybe it's because I'm relatively
16 new on this particular board. With regard to the
17 wetland, am I understanding correctly that it's
18 your position that because of findings by the
19 town board, we don't really have any say as to
20 wetland impacts or am I misunderstanding?

21 MR. STEINMETZ: So the, let's, let's --
22 despite your short tenure on this board, Mr.
23 Douglas, we, we both know that you've got a lot
24 of experience with SEQR and land use and --

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2 MR. DOUGLAS: Okay. As far as --

3 MR. STEINMETZ: -- how many years were
4 you on the zoning board torturing me? How many?

5 MR. DOUGLAS: It's, It's false modesty.

6 MR. STEINMETZ: Okay. Anyway, having
7 said that the nuance here is critical. I am not
8 saying your words, that you have no authority to
9 do anything. I, I never said that. Even if I
10 believed it, I know the chair too well, I
11 wouldn't say it. So I don't believe that that's
12 the case. I think you have locational capability,
13 you can move things around. You have to have a
14 rational basis for that, like on any site plan,
15 so you can't just do it because you don't like me
16 and you want me to leave. So you have to have a
17 basis.

18 What I have said to you, all kidding
19 aside, is these guys spent years studying that
20 wetland, that wetland crossing what might go
21 there. And it's not like it was done without
22 thoughtful analysis, not just by the applicant,
23 but by the guys over there in the penalty box who
24 are town employees. So we wouldn't have gotten a

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2 finding statement under SEQR, but for them
3 signing off and their outside consultants.

4 So what SEQR tells me, Mr. Douglas, is
5 there's no significant environmental -- there's
6 no significant adverse environmental impact of
7 what we designed and what we showed. So with that
8 as a, as a legal parameter and your board, your
9 board is bound into that because you're an
10 involved agency. You were noticed, we showed up
11 here, you guys, before you were on the board,
12 provided comments to the town board as lead
13 agency throughout the SEQR process. So you can't
14 ignore the SEQR process that you all participated
15 in.

16 Beyond that, we, we look forward to
17 working cooperatively with your board to locate
18 the townhouses and explain why, and let's -- I'll
19 let DTS do it. Why the roads, the drive, the, the
20 driveways, the, the ultimate townhouse lots, why
21 they work in that area or why they don't work.
22 That's not tonight's meeting.

23 MR. MICHAEL CUNNINGHAM: So, so I do
24 think at this point I might as well just read the

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2 paragraph from the finding statement, because I
3 think that would be helpful for everyone. So it
4 says, the Evergreen Manor site will require
5 approximately 0.35 acres of wetland disturbance
6 in 3.3 acres of wetland buffer modifications. It
7 includes mitigation in the form of approximately
8 0.2 acres of wetland creation slash expansion
9 along the buffer enhancement. And I think this is
10 probably the main sentence that everyone is sort
11 of -- it would help to clarify things the most,
12 confirmation of wetland disturbance and
13 mitigation measures will be finalized as part of
14 site plan approval but cannot be more than what
15 is presented in this finding or what is limited
16 by the agencies having jurisdiction.

17 So since I think -- and there are a few
18 other points there, but I think the most salient
19 point I think for tonight is since I think
20 everyone assumed originally you'd come in for
21 subdivision and site plan at the same time, I
22 think the board at this point is going to take a
23 real close look at the wetlands, just given that
24 sentence and make sure it complies with the

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2 findings statement.

3 MR. STEINMETZ: I wouldn't expect
4 anything other than that.

5 MR. KESSLER: Okay. And just to for the
6 record, David, you know, when we gave our
7 comments to the town board, it wasn't really
8 about the application itself. I mean was it, you
9 know, the, what you were planning to do there in
10 terms of our comments.

11 MR. STEINMETZ: Well, it -- I, I don't
12 want to argue the point with you, but I'll, I'll
13 respond to it.

14 MR. KESSLER: Sure.

15 MR. STEINMETZ: You -- SEQR requires us
16 to present what likely is going to happen. And in
17 this case, we didn't even, it wasn't even likely
18 we were, we had plans, thoroughly analyzed, plans
19 for more development than what we're seeking
20 today. There was originally, and I, and I have to
21 respond to you, unfortunately, for the record.

22 MR. KESSLER: Sure.

23 MR. STEINMETZ: There was originally an
24 assisted living.

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2 MR. KESSLER: Right. There was 166
3 residential rentals in an apartment building,
4 what I would call residential flats. There was
5 originally a hotel that was, because of the town
6 board's involvement, morphed into townhouses
7 because they didn't want the hotel. So you did
8 have in front of you, whether you responded or
9 not is up -- is what you chose to do. You had a
10 DEIS that we studied all of those uses. We didn't
11 just study the MOD in some ethereal fashion, just
12 a zoning change. No, we studied a 28-acre site
13 fully baked, fully -- I mean traffic. Do you have
14 any idea, Mr. Chairman, how much Mr. Santucci
15 spent paying for the town's traffic consultant
16 based upon the details?

17 So it's, it's, it's disheartening for
18 me, Mr. Chairman, to hear you say you already
19 commented on uses because, boy, he studied the
20 uses.

21 MR. KESSLER: Well they were, they were
22 the lead agency. All I'm saying is they were the
23 lead agency. We were not.

24 MR. STEINMETZ: But you had every right

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2 as an, as an involved agency to comment on
3 anything you wish.

4 MR. KEHOE: Well, but, but I, I think
5 you're saying the exact opposite. You're saying
6 that you commented on the uses, you commented
7 more globally.

8 MR. KESSLER: Right.

9 MR. KEHOE: It wasn't more like that
10 road might impact that wetland. Now, whether they
11 should have or shouldn't have, at the time they
12 were reviewing it, it was like chess pieces on a
13 board. Well, we don't think the hotel should go
14 here or we don't think that should go here.
15 Because I think if they would've said, we don't
16 like the 0.2 acres of wetland impact, I think
17 might -- the response might have been, well it's
18 premature to worry about that level of detail at
19 this time. So it's sort of a circular --

20 MR. STEINMETZ: A catch 22?

21 MR. KEHOE: Yes.

22 MR. STEINMETZ: So look. We, we know we
23 need a wetland permit from this board. We know
24 that. So we're going to process the wetland

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2 permit with you once we have the site plan. My --
3 our consulting team believes that we're confident
4 that we can explain why we got the, the positive
5 finding statement. But if you have questions and
6 you want to go into that, ask them. Matt
7 Steinberg will do his best to answer them. Mr.
8 Santucci can supplement that if need be.

9 There's wetlands on the property. We
10 know it. We told the town that. The town verified
11 that. We agreed to mitigate the wetland impact.
12 The town studied that, concluded we had
13 adequately mitigated that. And here we are.

14 MR. KEHOE: But I, I guess that, that
15 was one of the issues though, right. With this
16 line here, if the, if the planning board is
17 approving this plat with this line here, which,
18 which I know we could undo later I guess. But if,
19 if, if, if they analyze it and they decide that
20 it would be better from a wetland perspective if
21 it was moved, then we've gone through a
22 subdivision process that created this metes and
23 bound tail here where it could be 50 feet in one
24 direction or another. That was our only concern.

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2 MR. STEINMETZ: Okay.

3 MR. ROTHFEDER: Right. And it feels to
4 me like we're, we're sort of where we were back
5 then too because it's, it's so speculative like
6 what you're going to end up building. So how can
7 we, how can we really, really make a decision
8 about that?

9 MR. STEINMETZ: So nobody is asking you
10 to make a final decision on that between now and
11 final approval. I'm hoping that, we'll --

12 MR. ROTHFEDER: But as Chris just
13 pointed out, we we're not making a final
14 decision, but we are making decisions about where
15 the road's going in regards to something that,
16 that you don't even have a proposal for.

17 MR. STEINMETZ: Okay. So I suspect what
18 Mr. Santucci is thinking and he'll tell me if I'm
19 predicting incorrectly. If you ultimately
20 conclude that you can't create the third lot
21 because you're still concerned about that, that
22 wetland area and the possibility of shifting that
23 line, then you will have the ability either when
24 you grant final approval with condition -- excuse

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2 me, when you grant preliminary approval with
3 conditions or when you grant final approval with
4 conditions, you can eliminate that lot and tell
5 us to come back in later. My primary goal is to,
6 to reiterate it again, is to get the assisted
7 living lot formed. And if you all decide sorry
8 Santucci, just do two lots --

9 MR. ROTHFEDER: And what -- it feels to
10 me like we should just be focusing on that then.

11 MR. STEINMETZ: Tonight is the first
12 time, Jeff, that I'm hearing serious concern from
13 the board about the wetland issue. Had we heard
14 that a month ago, Matt and I might've said, Val,
15 let's eliminate the third lot. Forget the
16 marketing of the third lot, let's wait until we
17 satisfy the board. But nobody told us that. Your
18 consultants, so again, I don't want to, I don't
19 want -- I, I appreciate that you're kind of still
20 catching up on the details. Maybe we were wrong
21 in assuming that the planning board and staff
22 were kind of fully up to speed after five years.
23 And I mean, no disrespect, but I'm being honest
24 guys. This guy's been through five years and

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2 hundreds and hundreds of thousands of dollars of
3 going through a process. So the frustration's
4 probably evident and I will try to tamp it down.
5 We want to work cooperatively with the planning
6 board. We waited a long time to get the MOD
7 adopted, the findings state adopted, and to get
8 back to your board.

9 MR. ROTHFEDER: Understood. You have a
10 right to be frustrated, but we're still where we
11 are today.

12 MR. STEINMETZ: Agreed. So you have, so
13 look, Mr. Rothfeder, if you are concerned about
14 the third lot as seems to be others, I have a
15 feeling Mr. Santucci is not here for the third
16 lot. There are reasons why we would like it. But
17 understand, we're not surrendering our
18 development rights back there. You know that. And
19 let the record reflect several heads nodding. So
20 we're not surrendering our development rights. We
21 really would like to locate our road for the
22 assisted living provider. We'd like to locate our
23 lot for the assisted living provider. And what
24 you all need to remember is we've got to go to

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2 the health department and that, that's -- one of
3 the reasons I've been, we, that Mr. Santucci has
4 been pushing. We have no idea. Westchester County
5 Health Department has been, I'll be careful
6 because maybe they watch the meeting. They've
7 been delayed in some of their reviews recently.
8 So we have a real process. I've got to get into
9 that queue.

10 MR. KESSLER: I, I think we're, I think
11 we're with you, David --

12 MR. STEINMETZ: Cool.

13 MR. KESSLER: -- in terms of, I, we
14 understand your concern about lot one and we,
15 we'd like to expedite that as well.

16 MR. STEINMETZ: Good.

17 MR. KESSLER: Yeah. So here, here's my
18 question then. So if you were to say eliminate
19 the lot three and that road, where would you want
20 the road to be approved up to so that we can
21 dispose of lot one and get that taken care of?

22 MR. STEINMETZ: I, I would, look, Matt,
23 help me here. because I would like the road to
24 prove the way you designed it. But if, if we

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2 don't need that and I'm fighting for something we
3 don't need, I need help on that.

4 MR. KESSLER: I mean would you, would
5 you want, yeah, up to the end of, you know, the,
6 uh, the metes and bounds of lot one there? Or do
7 you want it all the way up to the cul-de-sac?

8 MR. STEINMETZ: So let, let me try this
9 on everyone, including my own team. I would
10 respectfully request that you entertain,
11 ultimately because we're not at the moment of
12 approval, it's months and months away. I would
13 ask that you ultimately approve the cul-de-sac as
14 designed with the applicant acknowledging on the
15 record that when we come back with further site
16 plans, we are coming back at our own risk that
17 you may say, why the heck did you guys put the
18 cul-de-sac there?

19 MR. KESSLER: Okay. Okay. Okay. I'm, I'm
20 good with that. I think -- you comfortable with
21 that?

22 MR. ROTHFEDER: Yeah.

23 MR. KESSLER: So any more questions
24 before we get to the public?

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2 MR. STEINMETZ: I think David had a
3 second one, which we --

4 MR. DOUGLAS: Well my second, my second
5 one, my second one isn't really a question.

6 MR. KESSLER: Dave had the filibuster
7 duty.

8 MR. STEINMETZ: I tried so hard to make
9 him forget the second question. Thanks Chris.

10 MR. DOUGLAS: No, actually the second,
11 the second thing is not really necessarily
12 directed at you, David and I defer to Mr. Kessler
13 on this. It seems to me that since what was on
14 for a public hearing today was a six-lot
15 subdivision, at a minimum we should be keeping
16 the public hearing open so that other members of
17 the public can come in and talk about the three-
18 lot subdivision if that's what's now proposed, or
19 or a two-lot subdivision what's now proposed.
20 That's, but I'll defer, I'll defer to --

21 MR. KESSLER: Okay. Well, let's see. Why
22 don't we see -- good segue. So, it's a public
23 hearing. Is there anybody that wishes to comment
24 on the subdivision application?

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2 MR. STEINMETZ: On the lot lines,
3 correct Mr. Chairman?

4 MR. KESSLER: On the lot lines. Well,
5 yeah, it's a subdivision of just lot lines.
6 There's no proposed development going on here.

7 MS. MIRIAM WEINBERGER: And yeah, that
8 my comments are --

9 MR. KESSLER: Please come on up and
10 state your name and address for the record and --

11 MS. WEINBERGER: Okay.

12 MR. KESSLER: -- speak your piece.

13 MS. WEINBERGER: This has been very
14 interesting so far.

15 MR. KESSLER: Please, your name and
16 address.

17 MS. WEINBERGER: I'm sorry, Miriam
18 Weinberger, 3 Birchwood Lane, which is directly
19 off of -- it's the first left off of Tamarack
20 Drive. I've learned a lot already in this meeting
21 regarding -- I had no idea that you had any input
22 into any of this before it went to the board. No
23 idea. Now it's nice to know. Okay. And thank you
24 for clarifying exactly what that input was,

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2 because at first it was --

3 MR. KESSLER: So, so when an application
4 comes to us, you know, typically we are the lead
5 agency, meaning that we handle the whole process
6 in terms of the review and, and the approval. On
7 this particular application, the town board
8 decided to be lead agency. So they completed the
9 whole environmental review process, all the
10 studies, all the impacts, and they're the ones
11 that ultimately approved the application subject
12 to conditions, but also subject to the approval
13 of this board. There, as, as David said, we have
14 to give some permits for the wetlands and other
15 things. But we also have site plan approval as
16 well, as to where things may or may not go --

17 MS. WEINBERGER: Right.

18 MR. KESSLER: -- on, on the, on the, uh,
19 on the site.

20 MS. WEINBERGER: Okay. So I'm going to
21 give you my prepared remarks and then I have a
22 few questions perhaps. The town board obviously
23 approved the MOD. I believe that several of those
24 town board members really struggled with their

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2 decision, but in the end it seemed politically
3 expedient that there was a unanimous vote and
4 that's what happened. That was disappointing. But
5 here we are. You, the planning board should be
6 aware if by some chance you aren't by now, that
7 the long established and stable community
8 surrounding the project remain opposed to it.

9 Throughout this journey of many years,
10 as we all know, perhaps in some way to reassure
11 us, we in the directly affected neighborhoods, so
12 that would be off of Lafayette, Buttonwood,
13 Tamarack, and across the street even to Conklin,
14 et cetera. We, in the, those effective
15 neighborhoods who were here at these meetings
16 were frequently told by the town supervisors, the
17 town board, the town attorneys, that plans would
18 be subject to modifications and approval by the
19 planning board. It was essentially, no worries,
20 the planning board will take care of it.

21 We were told there would be public
22 hearings before the planning board. I've
23 discovered with this first public hearing,
24 apparently your requirement is only to notify

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2 owners of the directly adjoining properties of
3 the plans before you. The community interest in
4 this MOD is well known to all town officials.
5 Yes, there is a difficult to read while driving
6 and pedestrian risky sign posted in a high
7 traffic area without sidewalks.

8 As this is clearly not a plan to build a
9 shed or a carport, directly notifying so few
10 residents can only be viewed as an attempt to
11 limit further input from residents. Here we are.
12 We've heard statements to the effect of, after
13 all the planning board are all volunteers and
14 that is not lost on me. However, much of the
15 enormous project with the associated huge
16 ramifications has been left for your review,
17 adjustments and approval.

18 I'm requesting a clear and detailed
19 explanation of your processes and procedures
20 moving forward with this mod, specifically now,
21 Evergreen. What comes next? When are our
22 opportunities to see what is coming before you
23 for review and approval? Where and how do we find
24 that information? How do we submit comments and

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2 concerns to you, if not by email? And how do we
3 know that you have received them?

4 And I would ask that you as individuals
5 in a voting group, realize that we as taxpayers
6 and constituents of our elected officials have
7 very real legitimate concerns. This has not only
8 been a long process, but even as this evening,
9 truly an eye-opening one for me and an emotional
10 journey. Too many of our neighbors saw the
11 writing on the wall and left. Those of us who
12 have chosen to stay, or were unaware of this
13 project when they joined our neighborhood, will
14 have our quality of life diminished by this
15 project, forever diminished by this project. And
16 with all due respect and with no offense
17 intended, I do sincerely hope that you will care
18 about our concerns and give us at least equal
19 weight in your deliberations and decisions.

20 My further questions regarding this,
21 which perhaps will be addressed, it would appear
22 that the assisted living lot is much larger than
23 the prior drawing. So perhaps if there's another
24 hearing, I don't -- I confess I don't understand

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2 the difference between the six and the two or the
3 three. And it would appear from what I'm hearing,
4 that the assisted living folks want a bigger
5 spot. What does that do to the rest of it would
6 be my question.

7 And what, what are the ramifications for
8 us residents and for the town? And I can, if you
9 point me in the right direction, what are the
10 benefits or the detriments and when do you, vote
11 on this? When do you vote on this subdivision as
12 stated, or the three? And because we do, our
13 neighbors speak with us, they know we show up.
14 That would be helpful and thank you for your
15 time.

16 MR. KESSLER: Chris, you want to just
17 talk about the process a little bit?

18 MR. KEHOE: Well --

19 MR. KESSLER: In terms of notification
20 and things of that sort?

21 MR. KEHOE: Well, I, I, you know, I
22 don't think the notification is going to be
23 satisfactory. I mean, I notify who the code tells
24 me to notify, which is all adjacent and

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2 immediately across the street property owners and
3 then we post the orange sign. That's different
4 than what the town board did. The town board sent
5 out hundreds of notices, you know.

6 MS. WEINBERGER: To their credit.

7 MR. KEHOE: Right. But I, I, you know,
8 if the planning board wants me to send out
9 hundreds of notices, I will. But until so
10 directed I do what the code tells me to do.

11 MS. WEINBERGER: May I, may I respond?
12 You know, when you send --

13 MR. KESSLER: Can you come back to the,
14 can you come back to the microphone?

15 MR. KEHOE: Yeah. If you don't speak
16 into the mic, they can't pick you up.

17 MS. WEINBERGER: I'm sorry. When you
18 send them to the properties across the street,
19 say on Tamarack, there are quite a few houses,
20 their address is not Tamarack, even though that
21 property is on Tamarack. Because of where their
22 front door is, it's Birchwood Lane, because of
23 where their front door is. it's, I forget the
24 name of the streets, Magnolia or, or whatever.

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2 There's a bunch of those properties. And we are
3 like a hundred, couple hundred feet from those
4 people. So to say that those direct properties,
5 I'm just going to speak to Tamarack, it's not
6 that many houses. And to say that they're not
7 affected by this, maybe the town board chose to
8 do that. They did something right, otherwise they
9 kicked it all down the road to you. But clearly -
10 -

11 MR. KEHOE: Well, so, so that's
12 something that the planning board can take under
13 advisement, but --

14 MS. WEINBERGER: Yes, Exactly.

15 MR. KEHOE: Right.

16 MS. WEINBERGER: And if your procedures,
17 if, if this is something that I should make an
18 appointment with you for so that we under-, so
19 that I know what's going, I'm happy to do that
20 rather than take time here.

21 MR. KEHOE: Well, well, no, there's not
22 too much time. But that, but what, what they're
23 talking about now is the underlying subdivision,
24 whether it's two lots, three lots or six lots. So

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2 we talked briefly before the meeting --

3 MS. WEINBERGER: Right.

4 MR. KEHOE: -- the implication of simply
5 creating the big lots where future things are
6 going to happen. So that's the subdivision. At
7 some point, the applicant will make a new
8 application and yet another orange sign will go
9 out there for the assisted living facility. That
10 would be a site plan application. There'll be
11 drawings specific to that. They'll be showing
12 landscaping. They'll show renderings of the
13 building. They'll show all the parking lot.

14 MS. WEINBERGER: Just as they did with -
15 - before?

16 MR. KEHOE: In, in more detail than
17 probably what they did with the town board. But
18 yes. And then the planning board will review
19 that.

20 MS. WEINBERGER: Okay.

21 MR. KEHOE: In one month, six months,
22 nine months, however long it takes.

23 MS. WEINBERGER: Got it.

24 MR. KEHOE: There'll be a public hearing

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2 on that. Then, ultimately they'll close the
3 public hearing and make a decision. The
4 townhouses would be on another parcel. And --

5 MS. WEINBERGER: So that's another
6 process and decision and --

7 MR. KEHOE: Right. They now, in theory,
8 they could submit those, I guess at the same
9 time, I don't think they will. But there'll be an
10 application for it,

11 MS. WEINBERGER: Got it.

12 MR. KEHOE: So what -- the, the
13 important thing to know now is the planning board
14 is not approving any construction on this site.

15 MS. WEINBERGER: That I understand.

16 MR. KEHOE: If they approve the
17 subdivision.

18 MS. WEINBERGER: That I understand.

19 MR. KEHOE: But then the other thing
20 that you touched upon, which is always the
21 elephant in the room, is that the town board did
22 a lot of work on this.

23 MS. WEINBERGER: I know.

24 MR. KEHOE: And I was at those meetings,

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2 but the planning board is somewhat limited in
3 what the planning board can do.

4 MS. WEINBERGER: Because of what the
5 town board did.

6 MR. KEHOE: The town board has approved,
7 They've created MOD and they've approved the
8 project, subject to site plan approval. Now, the
9 one thing that you've, I think mentioned, that
10 was made quite clear is that the 99 townhouses is
11 the top end number.

12 MR. KESSLER: It's an upper limit.

13 MR. KEHOE: Upper limit. That was made
14 clear numerous times. And then the other things,
15 but to be honest, the assisted living, once you
16 see the layout, you know, you can tweak the
17 layout. But, but we're past --

18 MS. WEINBERGER: That I know.

19 MR. KEHOE: -- if we're doing to deny
20 the assisted living, you know.

21 MS. WEINBERGER: No, I, that I --

22 MR. KEHOE: Right.

23 MS. WEINBERGER: I know all of that.

24 MR. KESSLER: Yeah. We'll with parking,

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2 we'll deal with landscaping, we'll deal with
3 lighting and those kinds of issues.

4 MS. WEINBERGER: It's -- that I, that
5 part I understand and I'm not here to argue about
6 anything. You know, any of the buildings the town
7 board did, maybe with all due respect their due
8 diligence, so far as some other things. They did
9 finally, after a lot of requests, did expand the
10 list of who you notify after there was, I don't
11 know what year that was, what meeting that was,
12 whatever. And they did. The project was scaled
13 down. The hotel, thank God, was gone, et cetera,
14 et cetera. Okay.

15 MR. KEHOE: Right. So the plan --

16 MS. WEINBERGER: I'm not looking to
17 redo this --

18 MR. KESSLER: No.

19 MR. KEHOE: -- and the planning board
20 does have experience, similar to your -- like if
21 I'm only notifying on the west side of Tamarack
22 and not notifying on the east side of Tamarack as
23 an example, the planning board in the past has
24 said you might as well notify everyone on

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2 Tamarack.

3 MS. WEINBERGER: Okay.

4 MR. KEHOE: So we can --

5 MS. WEINBERGER: That would be
6 wonderful.

7 MR. KESSLER: We can.

8 MS. WEINBERGER: And, and the adjoining
9 streets, we're a little dead end place.

10 MR. KESSLER: We, we will put that in
11 under consideration.

12 MS. WEINBERGER: Okay. Thank you. Okay.
13 Is that it, Chris? For now?

14 MR. KEHOE: Yes.

15 MR. KESSLER: Anybody else wish to
16 comment? Yes, sir.

17 MR. DAVID WEINBERGER: David Weinberger,
18 3 Birchwood Lane. I'd like to start this evening
19 by thanking you, the planning board, for the
20 opportunity to present my thoughts and make known
21 some of my concerns about the project. Actually,
22 I should extend my appreciation to Chris and to
23 Supervisor Becker as well. After the July 25
24 meeting, Chris and I had a brief conversation

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2 afterwards, at which point he made clear that
3 you, the planning board will not readdress that
4 which has been settled by the town board. That
5 makes sense.

6 To cover the same ground is not a good
7 use of time and attention for the planning board,
8 the planning department, the developers or
9 residents of our community. Repetition of settled
10 decisions will not produce any meaningful or
11 perhaps any differences in the project.

12 As residents, we recognize the
13 components, the maximums and the minimums
14 represented by the town board approval. There
15 will be assisted living, not to exceed 120 units,
16 if I've got my numbers right, a maximum of 99
17 townhomes, retail space not to exceed 10,000
18 square feet, a height limit of two and a half
19 stories, or 35 feet for the townhomes and a
20 minimum setback of retained, undisturbed wooded
21 areas for distance of a hundred feet for
22 residents of Cyprus, Nancy Ridge and Tamarack.
23 Fine.

24 Rather, and here is my thanks to

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2 Superintendent Becker, for his explicit and
3 repeated identification of continuity between the
4 town board and the planning board attention to
5 MOD issues. And it came up again, thank you,
6 Chris, in the work session beforehand, on the
7 handoff from the town board to the planning
8 board. He repeatedly assured the community that
9 the planning board would have significant impact,
10 his words, on decisions as the process goes
11 forward. There are a variety of time code
12 identifications I could give you in the videos as
13 to where he made those statements. That's not for
14 tonight.

15 His assurances were in response to a --
16 specifically in response to a range of comments
17 and concerns that include, but were not limited
18 to, green space, the loss of it and how much will
19 remain, adverse effects of development, in
20 particular this development, light, noise and air
21 pollution, water runoff, wetlands and related
22 issues, ensuring that the development is
23 sensible, density of the project, impact of that
24 density on the character of the adjacent

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2 community and on the residents in those adjacent
3 communities, impact of that density on traffic,
4 climate issues such as anticipating and meeting
5 the Climate Leadership and Community Protection
6 Act targets for the reduction of fossil fuel use
7 and electrification, LEAD certification,
8 pedestrian safety and specifics such as building
9 elevations, specifically the differential impact
10 on neighborhood residents, such as along
11 Tamarack, as the land contours of the adjacent
12 properties along Tamarack change with respect to
13 the land contours of the Evergreen housing
14 project elevations.

15 So the sample that was shown in the one
16 of the meetings showed it essentially at the high
17 point of Tamarack. And when I talked to the
18 supervisor, I think it was electronic
19 communication, about the change, if you go to
20 different parts of Tamarack and how that
21 beautifully identified example that we saw
22 graphically at the meet at the town board
23 meetings, that it was dramatically different at
24 different places on Tamarack. There too was

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2 assurance of that, yes, you -- that's an
3 appropriate question. You will get answers and
4 the residents of Tamarack will get those answers,
5 but that will come later.

6 So it was a variety of things that came
7 up at the town meetings and in email and other
8 communication. If it seems that my list is rather
9 extensive, it is. This has been a long process by
10 necessity and appropriately so for a project of
11 this size, scope, duration and impact. There has
12 been extensive and longstanding community
13 reaction with concerns that remain even after all
14 of the town board attention. That would appear to
15 be the basis of the clarification by
16 Superintendent Becker as well as town board
17 members, town attorney, Chris tonight, and at
18 other times, made to the community that you, the
19 planning board would be taking up these issues
20 when handed off from the town board. As I said at
21 the outside, thank you and welcome to the
22 discussion.

23 MR. KESSLER: Thank you.

24 MR. WEINBERGER: I did reference

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2 efficiency and repetition, a rather obvious way
3 to increase the former and decrease the latter
4 rest in the public meeting and document record of
5 the town board. If you have not already done so,
6 I urge you to listen to community questions,
7 comments, concerns, and issues while viewing the
8 public hearing videos. Read the documents and the
9 comments submitted.

10 I'm going to venture a guess that we may
11 soon hear that such an action is not your
12 procedure, it's not required, it's not done, not
13 surprising, but I refer you to the size, scope,
14 project duration, review duration, size, and
15 duration of the impact on the community and the
16 remaining widespread community dissatisfaction
17 with the Evergreen housing project.

18 We will all come out ahead if you take
19 the shortcut of listening to the MOD public
20 hearing videos and read or reread the
21 submissions.

22 There is a parallel cache of unresolved
23 issues as part of the transition from town to
24 planning board. Despite repeated assurances that

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2 all questions would be answered in the town board
3 process, at least 120 of the 691 responses in
4 second section three of the FEIS received a sole
5 answer of, quote, comment noted, end quote. There
6 were dozens, if not hundreds of more low quality,
7 barely relevant or not relevant boilerplate
8 responses that do not constitute an answer to the
9 questions posed there. These also do not rise to
10 the level of an answer in any literate universe.

11 These two are the issues that remain
12 unresolved and will continue to emerge. Better
13 just to deal with it directly and transparently.
14 Neither the questions nor the community are going
15 away.

16 Finally, there's another important
17 concern about the planning board process for me
18 and others who are ramping up our familiarity
19 with how this is going to work and how the
20 process will affect the outcomes. Starting at the
21 July 25th '23 meeting and continuing tonight,
22 there's a clear structure to limit what will be
23 included or excluded on the agenda and at the
24 meeting, namely the six lot, now three lot,

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2 possibly two lot subdivision.

3 At least in July, the presentation of
4 the master plan and project history were
5 expressly excluded. Please make no mistake. I
6 state this not as a complaint, but simply as an
7 observation. If representative, this process is a
8 compartmentalized approach to a large complicated
9 process -- project with an extended
10 implementation timeline. Such an approach may be
11 necessary and in many ways beneficial. I will add
12 the caution that I expect you are well aware that
13 compartmentalizing the project components can
14 obscure the overall consequences and sometimes
15 contribute to unintended consequences.

16 Your conversation and the comments about
17 preliminary approval, coming back to make final
18 approval, recognition, recognition in any
19 decision tonight or upcoming, that things may
20 change seems to be a recognition again of those
21 consequences, unintended and otherwise.

22 A decision on project component A, such
23 as dividing the project into a sub, any number of
24 subdivisions, can be consequential for project

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2 component B, C, D, or Z that you will address and
3 decide on in the future. Clearly, you know this.

4 We as residents ask for balance between
5 necessary and appropriate compartmentalized
6 decisions and the overall impact of the project
7 on residents, the community, on traffic, on the
8 environment, on nature, and on our neighborhoods.

9 We ask your assistance and assurance
10 that we will not lose sight of the forest while
11 considering the necessary details of the trees.
12 Both are important. We ask for your attention to
13 both the forest and to the trees. Thank you.

14 MR. KESSLER: Anybody else in the
15 audience wish to comment? David, you have any
16 responses to anything that you wish to say?

17 MR. STEINMETZ: Anyone else? Is that it?

18 MR. KESSLER: Yeah, I don't see anybody
19 else. Again, this is just, you know, the
20 subdivision and not --

21 MR. STEINMETZ: Right.

22 MR. KESSLER: -- not an application.

23 MR. STEINMETZ: So, appreciate the fact
24 that the Weinbergers spoke and, and pleased that

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2 after three months before your board in the
3 follow up to the town board four and a half year
4 process, those are the only speakers here tonight
5 at the subdivision hearing.

6 The comments were beyond the
7 subdivision, but I'm going to respond very
8 briefly. Chris already said it. We, the notice, I
9 just as the board knows, the notice was handled
10 by the town in, in accordance with the with the
11 town law. The assisted living lot, Mrs.
12 Weinberger is actually correct. There is a slight
13 change in the assisted living lot. It's actually
14 a little bit larger. And I want the board to be
15 aware of this. At the final moment of the, prior
16 to the adoption of the MOD, the town board as
17 lead agency, at the urging, at the urging of the
18 Tamarack neighbors imposed a 100-foot buffer.
19 There had been discussions throughout the process
20 about a 50 foot, 75 foot. And supervisor Becker
21 in his wisdom, as was indicated, ultimately
22 imposed, and the town board imposed a 100-foot
23 buffer.

24 As a result of that 100-foot buffer, the

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2 only way to fit the assisted living building and
3 the parking and the landscaping that we suspect
4 you will require and to still potentially yield
5 the 120 units was to make the lot, I don't know,
6 0.2, it's effectively the -- it, there was a
7 minuscule change, but there was a slight change.

8 The lot itself is effectively the same
9 as it has always been depicted. But if, if you
10 compare the, the lot originally it was -- it's
11 now 6.03. It might have been 5.8 or 5.9.

12 MS. WEINBERGER: Thank you for that. I
13 thought it was way bigger in looking at it.

14 MR. STEINMETZ: So it -- no problem, no
15 problem. We shouldn't, but, but I, I appreciate
16 the comment and I wanted you to -- you, you, you
17 were right and I, and I wanted the record to be
18 clear.

19 Compartmentalizing, I'm not exactly sure
20 what Mr. Weinberger was referring to, but what we
21 are doing right now is precisely what New York
22 State law allows us to do. This is not an issue
23 of segmentation. All of that has been reviewed as
24 part of the SEQOR process.

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2 So in any event, I, I want to conclude
3 because I don't want to waste your time. We look
4 forward to coming back and answering any
5 questions you've got. If you've got more
6 questions and you want to talk about road or
7 wetlands tonight, Matt's here. We would very much
8 like the public hearing to be closed for one very
9 simple reason, it was properly noticed. There is
10 one family here after four and a half, five, six
11 years. We'd like the public hearing to be closed.
12 We're happy to continue the discussion with your
13 board and move on.

14 UNIDENTIFIED MALE: [unintelligible]
15 [00:52:47] one family.

16 UNIDENTIFIED FEMALE: [unintelligible]
17 [00:52:50]. Yeah. Thank you. Thank you.

18 MR. STEINMETZ: We'd like the public
19 hearing to be closed. If not, we will return next
20 month and continue the discussion with your board
21 and we look forward to processing the subdivision
22 and ultimately coming back at the earliest
23 possible date with the site plan.

24 MR. KESSLER: Thank you. Yeah, Chris, go

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2 ahead.

3 MR. KEHOE: Well, it was six lots and
4 then, you know, based on comments, it's now three
5 lots. I just want to be clear, do you want it to
6 be two lots next time? I mean, you've got to
7 decide that, but, you know, before we end.

8 MR. KESSLER: That's exactly what I was
9 going to ask Mr. Steinmetz. You know, are you
10 going to come back? Or do you want this to be
11 what we're considering? Or do you want to come
12 back with a two-lot proposal with your cul-de-sac
13 with everything else part of a different lot? So
14 it would be lot one for your assisted living, lot
15 two, which is everything else and what you're
16 calling a right of way parcel with your cul-de-
17 sac, as you proposed it here with what you've
18 stated, what we all understand to be the
19 possibility that it may change once we get a full
20 blown application with exactly what you want to
21 do on the entire property beyond the assisted
22 living?

23 MR. STEINMETZ: So if the board is going
24 to adjourn, which it, which my sense is your

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2 inclination is to do so, then we'll make that
3 decision and we'll -- in sufficient time within
4 your submission requirements, we'll submit
5 something if Mr. Santucci and Mandy Santucci
6 decide to do so.

7 So I, I'd rather not make that decision
8 on the fly this evening right here. We hear you
9 loud and clear. You've heard me already say what
10 we were trying to do in, in holding onto the
11 third lot, and you, you've made your points this
12 evening. I've heard them. I want to, I want to
13 allow the Santuccis to process that.

14 MR. KESSLER: Yeah, I, I just think it'd
15 be helpful if, if, if we do come to some
16 agreement, that at least at the next meeting
17 where we, when we continue the public hearing, we
18 discuss what we're actually going to approve
19 rather than making a resolution that makes all
20 sorts of modifications to --

21 MR. STEINMETZ: That's fine. And, and I
22 would like you to do that because I know you'll
23 be more comfortable, but I'm just going to remind
24 you, and I would ask you either with me here or

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2 privately or whenever to confer with your
3 counsel. New York State Law, Mr. Chairman, allows
4 you to do exactly what you just talked about. You
5 don't, you don't need my client to consent to
6 three lots. You could say, I'm going to grant
7 preliminary approval, but it's going to be two
8 lots. You're going to eliminate that third lot.

9 MR. KESSLER: Okay, but ultimately --

10 MR. STEINMETZ: And that would be a
11 condition.

12 MR. KESSLER: -- you're going to have to
13 come with a plan for them to review. So do it now
14 or do it later. I mean, what's -- that's --

15 MR. KEHOE: Well, I, I guess one of the
16 things though, it, it's pretty clear right, that
17 you don't like lot three at this time is shown on
18 the plan.

19 MR. ROTHFEDER: Right.

20 MR. KEHOE: Maybe, right. So if that's,
21 if that's the case maybe, then he doesn't have to
22 agree to it now but you could say you'd really
23 like to see a two lot plan next time.

24 MR. STEINMETZ: And if you give us a

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2 couple of days, unless Mr. Santucci, you want to
3 be put on the spot right now and make that
4 decision, and you don't look like you do. So Mr.
5 Chairman, I respectfully request and I'm, I'm,
6 I'm dead serious. We heard your request. Don't
7 force the decision right here, right now on the
8 record.

9 MR. ROTHFEDER: Yeah.

10 MR. KESSLER: Okay.

11 MR. ROTHFEDER: Because we can adjourn.

12 MR. KESSLER: Yeah, we, we, we will
13 adjourn and you'll talk with staff and see.

14 MR. STEINMETZ: Perfect. We'll, we'll
15 make the submission and --

16 MR. KEHOE: That's fine.

17 MR. KESSLER: Alright. I appreciate
18 that.

19 MR. STEINMETZ: And most likely you'll
20 see two lots.

21 MR. KESSLER: Okay. I appreciate that.
22 Thank you. So any more comments from the board or
23 staff? Last call for the public. Again, the
24 public hearing's going to be adjourned, so you'll

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have an opportunity next time to come again and -
-

MR. WEINBERGER: Thank you. We will.

MR. KESSLER: Okay. We, we like to have company. So with that, Mr. McKinley?

MR. MCKINLEY: I'd like to make a motion to adjourn the public meeting and refer back to staff for further instruction.

MR. KESSLER: Second please.

MR. KOBASA: Second.

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

MULTIPLE: Aye.

MR. KESSLER: Opposed? Thank you.

MR. STEINMETZ: Thank you all. We'll see you next month.

MR. KESSLER: All right. Thank you. Alright. Our next item is an adjourned public hearing. It is the application of NK Electric for site development plan approval and a special permit for a specialty trade electrical contractor located in an existing building at 465 Yorktown Road, Route 129, latest drawings

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2 September 26, 2023. Good evening.

3 MR. JIM ANNICCHIARICO: Good evening.
4 Jim Annicchiarico with Cronin Engineering. So we
5 received a draft resolution from staff.

6 MR. KESSLER: Well, first we have to
7 have the public hearing.

8 MR. ANNICCHIARICO: Sure, sure, sure,
9 sure.

10 MR. KESSLER: Any, anything, anything
11 that we need to say about this?

12 MR. KEHOE: Well, no, the, the, the hang
13 up as you recall last time, was the issue with
14 the DEP and the applicant got concurrence from
15 the DEP that the drawing as revised was fine.
16 That was the only outstanding issue why we kept
17 the hearing open.

18 MR. KESSLER: Okay. So this is a public
19 hearing. Is there anybody that wishes to comment
20 on this application? Oh, come on. Any, any
21 comments from the board? If, if not, uh, Mr.
22 Rothfeder?

23 MR. ROTHFEDER: Mr. Chair, I, I move
24 that we approve Resolution --

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2 MR. KESSLER: Well, by the way, we've
3 got to close the public hearing.

4 MR. ROTHFEDER: Oh, I'm sorry. I move
5 first that we close the public hearing and, and
6 we approve resolution 13-23.

7 MR. KESSLER: Second please.

8 MS. HILDINGER: Second.

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

11 MULTIPLE: Aye.

12 MR. KESSLER: Opposed? Alright, good
13 luck.

14 MR. KEHOE: It'll be nice, nice to see
15 that building in use.

16 MR. ANNICCHIARICO: Yes. Thank you very
17 much.

18 MR. KESSLER: Alright, onto old
19 business, it's the application of Jennie Thomas
20 of JJM Summit Realty for amended site plan
21 approval for a proposed 964-square foot building
22 addition to an existing dental office located at
23 1 Jerome Drive, Drawings dated July 28, 2023. Mr.
24 Lentini, good evening.

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2 MR. JOHN LENTINI: Good evening.

3 MR. KESSLER: So we've, we've heard, I
4 know you've met with the architectural review
5 committee and they have no issues.

6 MR. LENTINI: Well, actually we
7 communicated, but they were, were unable to meet
8 and I believe we resolved the issue.

9 MR. KESSLER: Yes, I -- we, we got, we
10 received a memo from them dated September 27th,
11 where they recommend the approval of the project
12 that's proposed.

13 MR. LENTINI: And I'm here wishing that
14 you would also and refer me back to the zoning
15 board, because I believe we still have to, with
16 your blessings, and I believe I have to still
17 come back here another time.

18 MR. KEHOE: Well, let me just ask our
19 attorney, the zoning board has already held the
20 hearing and intimated that they have no problem
21 granting the variance. But the planning board was
22 sort of, not, sort of -- the planning board was
23 lead agent. So does Mr. Lentini need to wait
24 until the planning board approves this in

1 October 3, 2023

2 November and then go to the November zoning board
3 meeting? Or can he go to the October zoning board
4 meeting?

5 MR. CUNNINGHAM: Is this a -- did we
6 determines this is a type two action under SEQR.

7 MR. KEHOE: I'd consider it unlisted.

8 MR. CUNNINGHAM: If it's unlisted, then
9 the town --

10 MR. KEHOE: I think he's got to wait
11 till November.

12 MR. CUNNINGHAM: Then if the town board
13 is the lead agency then the town board going to
14 have to issue some sort of negative --

15 MR. KESSLER: Even if we authorize
16 approval of the resolution this evening?

17 MR. KEHOE: Well, that's sort of what I
18 was getting at. If they authorize an approving
19 resolution for November, but that you're not
20 technically completing SEQR until you adopt --

21 MR. CUNNINGHAM: [unintelligible]
22 [01:00:08] is actually completing SEQR rather
23 than --

24 MR. KEHOE: That's what I explained to

1 October 3, 2023

2 Mr. Lentini. I just, it be, you come back here in
3 November, Mr. Lentini, then you go to the
4 November zoning board meeting and then you would
5 be done.

6 MR. LENTINI: Okay.

7 MR. KESSLER: Alright. So, Mr. Douglas?

8 MR. DOUGLAS: Okay. I'm not, I'm not
9 sure I was total clear on the procedure there.

10 MR. KEHOE: Well, just --

11 MR. DOUGLAS: Should we be, are we
12 directing you to prepare a resolution of
13 approval?

14 MR. KEHOE: Yes.

15 MR. DOUGLAS: For, for the next meeting?

16 MR. KEHOE: Yes.

17 MR. KESSLER: That's it.

18 MR. DOUGLAS: Okay.

19 MR. KESSLER: That's, that's, the
20 motion.

21 MR. DOUGLAS: That's my motion.

22 MR. KESSLER: That's a good motion.

23 MR. DOUGLAS: Right.

24 MR. KESSLER: Second please.

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2 MR. ROTHFEDER: Second.

3 MR. KESSLER: On the question. All in
4 favor?

5 MULTIPLE: Aye.

6 MR. KESSLER: Opposed? Alright.

7 MR. LENTINI: Okay. Thank you very much.

8 MR. KESSLER: Thank you. All right,
9 final item this evening under old business is the
10 application of Heike Schneider on behalf of 3120
11 Lexington, LLC for amended site plan approval and
12 a wetland permit for a proposed 2,700-square foot
13 building addition to the existing ACE Hardware
14 store and for an approximately 800 square foot
15 temporary fabric building located at 3120
16 Lexington Avenue, drawings a revised September
17 27th and 28, 2023. Ms. Schneider, good to see you
18 again.

19 MS. HEIKE SCHNEIDER: Good evening, yes.
20 Now, all of a sudden, it's going really fast.

21 MR. KEHOE: Yes. Oh you got to use the
22 mic. He's yelling at you from behind.

23 MS. SCHNEIDER: Yes, I will. My name is
24 Heike Schneider and I'm the architect for 3120

1 October 3, 2023

2 Lexington Avenue, the Ace Hardware store.

3 MR. KEHOE: Can, can we go backwards for
4 a second? Maybe to take care of the tent, the
5 temporary structure, I think Martin Rogers had
6 reached out to you that you needed to provide him
7 a zoning table for him to review because he
8 thinks that needs a variance. Have you had that
9 discussion yet?

10 MS. SCHNEIDER: I saw his comment and I
11 actually put it on the latest plans. I don't know
12 if you have it on your plan set, but the tent,
13 the only place we can put it means it's going to
14 be five foot one inches from the property line.
15 So yes, we will need a variance.

16 MR. KEHOE: Right. So I think you had
17 mostly satisfied Mr. Rogers with all the building
18 code issues --

19 MS. SCHNEIDER: Yes.

20 MR. KEHOE: -- with the underlying
21 easement. Everything was good and then at the
22 last minute --

23 MS. SCHNEIDER: I know.

24 MR. KEHOE: -- it was decided that you

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2 might need to go to the zoning board.

3 MS. SCHNEIDER: Yes.

4 MR. KEHOE: So I would think that -- I
5 mean, it'd be up to the planning board, but they
6 can't decide on the tent tonight. But you can at
7 least give some comments, I guess. But whatever
8 you say, you should go to the zoning board.

9 MS. SCHNEIDER: So, but the way I
10 understand it, why can't the -- couldn't the
11 planning board approve our application and then
12 we move to the zoning board? How or how does it -
13 - that's how I thought the process is.

14 MR. KESSLER: And so, to be clear, the
15 tent is going to only exist until such time as
16 the other structure is built?

17 MS. SCHNEIDER: Yes. I mean, I would
18 like to have an overlap, so basically built and
19 usable, that's, yeah, yeah, mm-hmm.

20 MR. KESSLER: I don't know if that's a
21 CO or what would that be?

22 MS. SCHNEIDER: The CO I would think,
23 yes.

24 MR. KESSLER: So once the CO is issued,

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2 the tent comes down?

3 MS. SCHNEIDER: Yes, we are definitely,
4 I mean, I'm sure my client would like to keep the
5 tent as long as it's standing, but I would say
6 that's definitely something we could agree on.

7 MR. KEHOE: No, that would be a
8 condition.

9 MR. KESSLER: Yes.

10 MS. SCHENIDER: Yes.

11 MR. KEHOE: Yes. I mean, if, if you're
12 treating it as a temporary structure, you would
13 condition when it needed to come down.

14 MR. KESSLER: Okay.

15 MR. KEHOE: But I guess for coordinated
16 review purposes, Mike, what, what's your opinion?

17 MR. CUNNINGHAM: I, I think generally
18 speaking, it would probably advantageous for you
19 to go to the zoning board sooner rather than
20 later. If this is part of one SEQR action,
21 they're going to be an involved agency because
22 they're going to have to issue a variance. So I
23 think you would make an application there sooner
24 rather than later.

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2 MS. SCHNEIDER: Right. But, so then
3 could we get the approval already of the planning
4 board? For, for --

5 MR. CUNNINGHAM: You could, yeah. You
6 get --

7 MS. SCHNEIDER: Okay.

8 MR. CUNNINGHAM: Yeah, you could get it
9 subject to the zoning board granting a variance.

10 MS. SCHNEIDER: Okay, sure, mm-hmm.

11 MR. KEHOE: That's okay with -- I, I
12 didn't really have too many issues with it.
13 Martin Rogers had a lot, but you straightened
14 Martin out.

15 MS. SCHNEIDER: Yes, yes.

16 MR. KEHOE: Or he straightened you out?
17 I don't know.

18 MR. KESSLER: So as far as --

19 MS. SCHNEIDER: Yeah, I guess.

20 MR. KESSLER: -- the tent goes, so we
21 can direct staff to write the ZBA to -- that we
22 have no issue with the tent for them to then
23 proceed with their variance?

24 MR. CUNNINGHAM: Right. So that could be

1 October 3, 2023

2 noted in the record. Chris can issue some sort of
3 memorandum and then --

4 MR. KEHOE: Well --

5 MR. KESSLER: We'll make motion --

6 MR. CUNNINGHAM: -- and then you could,
7 you would also get a denial letter from Martin.

8 MR. KEHOE: Yeah. But, but hang on.

9 MS. SCHNEIDER: Yes.

10 MR. KEHOE: Hang on, hang on.

11 MR. KESSLER: Okay.

12 MR. KEHOE: The zoning board meeting is
13 too soon. You can't meet the public notification
14 requirements. I think the zoning board meeting's
15 October 19th.

16 MS. SCHNEIDER: Oh, Okay.

17 MR. KEHOE: And you've, you've got to
18 have the sign up 20 days beforehand and it's
19 already 16 days beforehand, so you can't get to
20 the zoning board meeting in October anyway, so
21 that's sort of moot.

22 MS. SCHNEIDER: Okay. So, then November?

23 MR. KEHOE: Yes.

24 MS. SCHNEIDER: Is it.

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2 MR. KEHOE: They can still do what you
3 want them to do, but it doesn't help you getting
4 to the October zoning board meeting.

5 MS. SCHNEIDER: Right. Yeah, yeah.

6 MR. KEHOE: So , sorry, that was just
7 having to do with the tent.

8 MS. SCHNEIDER: Sure, yeah. No, no,
9 absolutely, yes.

10 MR. KESSLER: Okay. So let's move on to
11 the proposed structure.

12 MS. SCHNEIDER: Okay.

13 MR. KESSLER: Well take, you can take
14 the microphone with you if, if you want to take,
15 pull the microphone out.

16 MS. SCHNEIDER: Yeah, I guess I could do
17 that, yes, mm-hmm. So would you like me to yeah,
18 you know what, let me just introduce the new
19 revised footprint here. So I'm just going to
20 read, I think what I wrote you kind of just to
21 reiterate and maybe fill in with some extra
22 comments.

23 So based on the last planning board
24 meeting on September 5th, we have revised the

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2 site plan and the architectural plan application.
3 The members of the planning board had asked for a
4 smaller footprint and to possibly go higher to
5 get the same storage space. Therefore, so now we
6 are proposing a building that is --

7 MR. KEHOE: You've got to keep the mic
8 close to your mouth or he is going to yell again.
9 Sorry.

10 MS. SCHNEIDER: Sorry. So now we're
11 proposing a building that is 25 foot deep and 90
12 feet long and is the highest part of it will be,
13 I believe, 22 feet, but I need to check my plans
14 here. So, we came up with that dimension in using
15 the, basically the, the reach of a forklift and
16 also the turning radius of a forklift so that we
17 would have really just kind of the minimum space
18 to have storage on both sides and to still be
19 able to turn the forklift and have a most
20 economical way of storing, you know, all the, the
21 extra equipment and storage for, for that area.

22 So what I would like to emphasize here
23 is that now that we moved it forward, we can
24 completely avoid the wetlands and that's really

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2 what I think is the biggest achievement. And, so
3 yeah, so the, let's see, what else.

4 So yeah, so we are hoping that with
5 having moved it forward and being completely out
6 of the wetlands, that we now have basically an
7 ideal solution and that you agree with me and
8 that we could move forward.

9 So there is also one more comment that I
10 would like to make, and that is because it's
11 really just a storage addition, we don't need
12 extra parking because we will not need additional
13 employees or, you know, staff for the Ace
14 Hardware store and therefore it's really just
15 this footprint that we're looking at. And we were
16 also thinking we could put it on piers, the
17 building, meaning this way basically we are
18 minimizing the footprint even more. So that's --

19 MR. KEHOE: Well, that, that's subject
20 to review and confirmation with Martin.

21 MS. SCHNEIDER: Of course. And also,
22 yeah, and also --

23 MR. KEHOE: Well be, because if you're
24 going to go to the zoning board, I, I'd have to

1 October 3, 2023

2 confirm, I know with like restaurants, we don't
3 count dead space. We don't count coolers or
4 spaces behind counters. There's a formula about
5 how we determine how many parking spaces you
6 need.

7 MS. SCHNEIDER: Oh, I already talked to
8 Martin about that.

9 MR. KEHOE: So he's saying that, that --

10 MS. SCHNEIDER: So he, he agreed. Yeah.

11 MR. KEHOE: So that's fine.

12 MS. SCHNEIDER: Yeah.

13 MR. KEHOE: Okay.

14 MS. SCHNEIDER: Yeah. So I already did,
15 yeah.

16 MR. KEHOE: Okay.

17 MS. SCHNEIDER: Mm-hmm. Thanks for
18 bringing it up. So, and also we would like to
19 propose a green roof for that addition. And I
20 think that, you know, would be very advantageous
21 for the wetlands because we have less water
22 runoff so --

23 MR. KEHOE: Meaning a grass roof more or
24 less for lack --

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2 MS. SCHNEIDER: Yeah. I mean, only
3 extensive, not intensive, meaning it's sedum,
4 it's basically -- it low maintenance, a low
5 maintenance.

6 MR. KEHOE: It would, we would soak up
7 the water and stop it from just going into a
8 downspout?

9 MS. SCHNEIDER: Exactly. It would, yes,
10 it reduce, yeah, and also clean it.

11 MR. KEHOE: Okay.

12 MS. SCHNEIDER: Yeah. So do you have any
13 questions for me?

14 MR. KEHOE: Well, the biggest question
15 is did you get the email? I, I sent you the email
16 from the DEC. Now the DEC saw your original plan
17 and she didn't like it.

18 MS. SCHNEIDER: I, I know that, yes.

19 MR. KEHOE: Right. So what we're going
20 to need to do, and then we have to get Paul
21 Jaehnig out there. And I've contacted him, but he
22 hasn't contacted me back yet.

23 MS. SCHNEIDER: Right.

24 MR. KEHOE: But what I would prefer to

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2 do is that typically we're the agency referring
3 this to the DEC and then they're interacting with
4 us. And I know that you got ahead of the game and
5 you sent it directly to them, but as you could
6 see, some of her questions back were, you know,
7 is the town aware of what's going on with.

8 MS. SCHNEIDER: Right.

9 MR. KEHOE: So I'd like to sort of take
10 over responding back to her. I'll keep you
11 informed and I'll send the new plans.

12 MS. SCHNEIDER: Sure.

13 MR. KEHOE: And the revised plans to
14 her.

15 MS. SCHNEIDER: I would like that. Thank
16 you, mm-hmm, sure.

17 MR. KESSLER: Are, are there any
18 questions? As Chris said, so we'll probably
19 declare ourselves lead agency and we'll refer
20 this back to staff.

21 MR. KEHOE: Yes, because that was
22 another one of her comments. She needs -- she
23 wanted to know if they declared their intent to
24 be lead agent because she wants to be involved in

1 October 3, 2023

2 the SECR process.

3 MS. SCHNEIDER: Right. Right.

4 MR. KESSLER: So we'll Refer this back
5 to review with the staff and we'll also get that,
6 uh, memo over to ZBA.

7 MR. KEHOE: Okay. So -- I'm sorry?

8 MS. SCHNEIDER: Just for me to, to
9 understand what the, the order of things is. So
10 when, so once the DEC sees the revised --
11 revision, I mean the revision and they approve of
12 it or would like to move forward, so does that
13 mean we can then get your approval for it and --

14 MR. KEHOE: Well --

15 MS. SCHNEIDER: -- how, what's, what's
16 coming next?

17 MR. KEHOE: Well, we'll have to talk
18 because when I say I want take over the process,
19 I want take over the mailing and, and that. She
20 asked specific questions that you have to answer.

21 MS. SCHNEIDER: I saw that.

22 MR. KEHOE: Such as, you know,
23 justifying --

24 MS. SCHNEIDER: Yeah. We'll take care of

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2 that, yes.

3 MR. KEHOE: Right. So you provide me
4 those answers and I'll send. Then our wetland
5 consultant would concur with the DEC.

6 MS. SCHNEIDER: Okay.

7 MR. KEHOE: but, but I think to be
8 honest, I mean it may, it may not seem like a big
9 addition and a green roof is definitely a good
10 idea. But this is probably going to take a couple
11 months to wind its way through our wetland
12 process and the DEC wetland process and then it
13 would be up to the planning board. I think
14 Yorktown might have an interest in it. I've got
15 to refer it to them. Then it would be up to the
16 board whether you wanted to have a public hearing
17 or not. I know it's just an addition to an
18 existing building, but I just want to put it on
19 the record that this may take --

20 MR. KESSLER: Is it required?

21 MR. KEHOE: I don't think a public
22 hearing is required. It's required on special
23 permits, which I forget sometimes, that's why NK
24 Electric had to have the public hearing. I don't

1 October 3, 2023

2 think it's required on this one, but I sort of
3 want to see if DEC has an opinion or it really
4 touches Yorktown's border. I'm going to refer it
5 to Yorktown. I don't think they're going to
6 require a public hearing per se, but --

7 MR. KESSLER: Okay. Well, we're going to
8 refer this back anyway. We'll bring it back next
9 time under old business again and we'll see where
10 we are.

11 MR. KEHOE: With Paul and with the DEC.

12 MR. KESSLER: And to see whether we need
13 a public hearing or not.

14 MR. KEHOE: Okay.

15 MR. KESSLER: We can decide that at the
16 next meeting, I guess, right.

17 MR. KEHOE: Okay. But you want me to
18 draft a memo to the ZBA that you are okay with
19 the proposed location of the temporary tent?

20 MR. KESSLER: Are we going to prepare a
21 resolution for that, for the tent for the next
22 meeting, or how do we do that?

23 MR. KEHOE: Yes, I think it might be
24 good to have a resolution tracking that.

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2 MR. KESSLER: Okay.

3 MR. KEHOE: Because we'd want to put in
4 there that this tent has to come down when the CO
5 is issued for the addition. And the best way to
6 track that is in the resolution.

7 MR. KESSLER: Okay.

8 MR. KEHOE: So we're going to send it to
9 the ZBA without a resolution.

10 MR. KESSLER: We don't have one.

11 MR. KEHOE: But we don't --

12 MR. KESSLER: But even so, yes, because
13 that way we can make sure it gets on the agenda
14 for the November meeting?

15 MR. KEHOE: Yeah, because your November
16 meeting might be too late to get on the November
17 agenda for the ZBA. So we'll take care of that
18 now.

19 MR. KESSLER: Okay.

20 MS. SCHNEIDER: Okay.

21 MR. KEHOE: And I'll, I'll draft
22 something up and send it back.

23 MR. KESSLER: Okay.

24 MR. KEHOE: So you can take a look at

1 October 3, 2023

2 it.

3 MS. SCHNEIDER: Thank you.

4 MR. KESSLER: Alright. You got to be --
5 you got all that Nora?

6 MS. HILDINGER: I'd like to make a
7 motion to, to declare intent to be the lead
8 agency and refer back to staff.

9 MR. KESSLER: And second?

10 MR. KOBASA: Second.

11 MR. KESSLER: And I guess on the
12 question, and also as we said, Chris will write
13 to ZBA telling that our intent to approve the
14 tent. And I think that's everything. So, we're on
15 the question. All in favor?

16 MULTIPLE: Aye.

17 MR. KESSLER: Opposed? Who's got the
18 honors --

19 MS. SCHNEIDER: Thank you and good
20 evening.

21 MR. KOBASA: You too.

22 MS. SCHNEIDER: Bye.

23 MR. KOBASA: That's it?

24 MR. KESSLER: -- to adjourn. Who's got

1 October 3, 2023

2 the honor to adjourn?

3 MR. KOBASA: Oh, I don't, I have the
4 honors to adjourn?

5 MR. KESSLER: No, no.

6 MR. KEHOE: I think David would have the
7 honors.

8 MR. KESSLER: Oh, David has the honors.

9 MR. DOUGLAS: I have the honors? Okay.
10 Sorry, I didn't, I didn't know that it was my
11 honors. Okay. I moved to adjourn the meeting.

12 MR. KESSLER: All right.

13 (The public board meeting concluded at
14 7:45 p.m.)

CERTIFICATE OF ACCURACY

I, Ryan Manaloto, certify that the foregoing transcript of the Planning Board Meeting of the Town of Cortlandt on October 3, 2023 was prepared using the required transcription equipment and is a true and accurate record of the proceedings.

Certified By



Date: October 19, 2023

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