

TOWN OF CORTLANDT  
PLANNING AND ZONING BOARDS

PLANNING BOARD MEETING

Town Hall  
1 Heady Street  
Cortlandt Manor, NY 10567

April 2, 2024

6:30 p.m. - 7:43 p.m.

April 2, 2024

MEMBERS PRESENT:

Steven Kessler, Chairperson

Thomas A. Bianchi, Vice-Chairperson

David Douglas, Member

Nora Hildinger, Member

Kevin Kobadsa, Member

Peter McKinley, Member

Jeff 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 MR. STEVEN KESSLER: Yeah, the Cortlandt  
4 Planning Board meeting of April 2nd. Please rise  
5 for the pledge.

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

11 MR. KESSLER: Thank you. Chris, roll  
12 please.

13 MR. CHRIS KEHOE: Mr. Kobadsa?

14 MR. KEVIN KOBADSA: Here.

15 MR. KEHOE: Ms. Hildinger?

16 MS. NORA HILDINGER: Here.

17 MR. KEHOE: Mr. Rothfeder?

18 MR. JEFFREY ROTHFEDER: Here.

19 MR. KEHOE: Mr. Kessler?

20 MR. KESSLER: Here.

21 MR. KEHOE: Mr. Bianchi?

22 MR. THOMAS BIANCHI: Here.

23 MR. KEHOE: Mr. Douglas?

24 MR. DAVID DOUGLAS: Here.

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2 MR. KEHOE: Mr. McKinley?

3 MR. PETER MCKINLEY: Here.

4 MR. KESSLER: Okay. We have no changes  
5 to the agenda this evening. Can I please have a  
6 motion to adopt the minutes of our meeting of  
7 March 5th?

8 MR. BIANCHI: So moved.

9 MR. MCKINLEY: Second.

10 MR. KESSLER: Thank you. On the  
11 question, all in favor?

12 MULTIPLE: Aye.

13 MR. KESSLER: Opposed? All right, first  
14 item under correspondence. It's a letter dated  
15 February 7, 2024 from John Bevegna, transmitting  
16 the Holbrook Golf Club 2023 Annual Monitoring  
17 Report. We had this on the agenda last week. We  
18 received and filed it, and we're here tonight to  
19 have a further discussion about it. We have, I  
20 think on Zoom, Mr. Bevegna, our, the town  
21 consultant. And representing the applicant we  
22 have -- please identify yourself.

23 MR. EUGENE PETERSON: Good evening. my  
24 name's Eugene Peterson, and I'm the club manager

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2 over at Holbrook.

3 MR. KESSLER: Welcome.

4 MR. KEHOE: John, can you hear us?

5 MR. JOHN BEVEGNA: Yes, I can and, and I  
6 am here. Can you hear me?

7 MR. KEHOE: Yep.

8 MR. KESSLER: Very well. So where do we  
9 start? So this, this has been -- so when, when  
10 the golf course was first approved, there was,  
11 along with the approval was an annual monitoring  
12 report of the wells and the Holbrook. Is that  
13 correct?

14 MR. PETERSON: That's correct.

15 MR. KESSLER: And over time, there have  
16 been modifications to the protocols for that  
17 monitoring. And we're back here again to see if  
18 there are any further changes that need to take  
19 place to the monitoring. And John, you wrote a, a  
20 report to us. And just for the record, you know,  
21 the report showed that there are no issues  
22 currently --

23 MR. BEVEGNA: That, that's correct.

24 MR. KESSLER: -- with any of the testing

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2 that's been done. And so your recommendation,  
3 John, going forward is what?

4 MR. BEVEGNA: Well to follow the plan  
5 going forward. But I, I believe Eugene wants to  
6 make a request to make a change, which is not  
7 anticipated in the, in the environmental  
8 management plan. The environmental management  
9 plan said that the monitoring is supposed to go  
10 on in perpetuity. And I, I, I believe Eugene  
11 would like to request a change to that and, and  
12 then we can respond to, to his request.

13 MR. KESSLER: Okay.

14 MR. PETERSON: That's correct, thank  
15 you. That's correct. The, the monitoring program  
16 has been going on since the club opened and  
17 during the construction process and basically the  
18 modifications that have been made to the plan  
19 prior to COVID were all in the original  
20 construction of the plan that it was the club's  
21 responsibility to request the modifications where  
22 they were testing things from the construction as  
23 the years went on. And we have made some  
24 modifications prior to COVID, and then when COVID

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2 came, the town and myself and John, we all kind  
3 of worked together to come up with a plan during  
4 the COVID that worked for everybody. Which was  
5 basically, we were still doing the two tests that  
6 we're required to do, the sampling protocols,  
7 which is a summer and fall event. And there is a  
8 storm event that they would come and test after a  
9 certain amount of rain would fall.

10 The way that the storm protocol is  
11 written is a little bit confusing. John can  
12 definitely explain it a little bit better than  
13 me, but it's based on a volume of rain within a  
14 12- or a 24-hour period of rain. And really the  
15 way that the protocol is written from the  
16 beginning, the, almost the only time we would've  
17 ever met the protocol the way it's written, was  
18 that storm last July where we got like those nine  
19 inches in that 24 hours kind of thing.

20 So what I'm here tonight to say is that  
21 since the club opened, since the construction,  
22 there has never been one detection of anything in  
23 the Hollowbrook itself, which is really the point  
24 of the entire program, to protect the drinking

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2 source for Peekskill. And there have been what  
3 are considered to be the term used amongst Chris  
4 and myself and Michael and John, is that there  
5 have been some detections or some hits which are  
6 stated in the annual report that's presented  
7 every year in some of the wells, which is  
8 basically emphasizes that the construction of the  
9 course, all the work that was put in with the  
10 environmental prior to, with the wells and the  
11 way that the drainage is pushed, that basically  
12 any of these areas that the wells catch the  
13 water, it's a catch basin area that's designed  
14 not with plumbing or with sewer grates. It's a  
15 little bit more that it's into low lying areas  
16 and whatever's in there permeates through the  
17 ground before it goes into the water table.

18 And those detections not one time,  
19 again, since the course was opened, was it to be  
20 deemed what they call a toxicological event,  
21 where it would be somewhat, would raise a concern  
22 of a potential hazard. And right now, I had  
23 reached out to the town two years ago, Chris, I  
24 think, give or take, and the town said, okay, we

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2 are open to hearing this and working with  
3 Michael.

4 And we hired a consultant that was  
5 basically going to be here at some point back in  
6 February or March to try to speak on my behalf.  
7 And he unexpectedly passed away only about six or  
8 eight weeks ago. And I met with John and Michael  
9 and Chris again, and we spoke the other day. And  
10 what -- to simplify it is we're being tested for  
11 basically a summer, a fall, full blown on tests  
12 for multiple chemicals and pesticides in multiple  
13 locations on the property. And it's not just, you  
14 know, one cup of water. I mean, it's very  
15 detailed with the amount of science that goes on,  
16 which I am not really capable of explaining in a  
17 way that would be beneficial.

18 But the business side of it is saying,  
19 based on our really excellent results over the  
20 entire 20 plus years with never a detection in  
21 the Holbrook and never a toxicological event to  
22 eliminate -- well, what, what, what we would like  
23 to go down to just one test. But when speaking  
24 with Michael and Chris again and, and John, and

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2 they really aren't necessarily okay with that.

3 So I'm here tonight to say I would like  
4 to just reduce it then from three to two in an  
5 effort to be fiscally responsible for the club  
6 but at the same time, by no means attempt to  
7 minimize the importance that we put on the  
8 testing to make sure that we're doing our due  
9 diligence with protecting the water source.

10 MR. KEHOE: So then I, I think I want  
11 John to, because I can never remember all these  
12 things, but I think the, the, the thought process  
13 was maybe the storm test was important, but then  
14 I think John, you, you actually were less  
15 interested in necessarily, that might not be the  
16 right phrase, in the storm test than the summer  
17 and fall testing.

18 MR. BEVEGNA: Sure. So let, let me just  
19 make a clarification. First, Eugene's right. You  
20 know, it's been, and it's hard to believe, but  
21 it's been 20 years that we've been monitoring the  
22 course. And while there have been some minor  
23 detections in the wells which are groundwater  
24 samples, none have been above a standard or what

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2 we consider toxicologically significant levels,  
3 something that would be considered harmful. And  
4 there's never been anything that's lasted any  
5 period of time. We might get a detection and then  
6 it goes away. And that's not unusual to see in  
7 golf courses. And there have never been any  
8 detections in the Holbrook.

9 So what Eugene's asking for is not  
10 unreasonable. I unfortunately, work for the town.  
11 I don't work for Eugene, I can't advocate for  
12 Eugene and that's why we had advised him to hire  
13 his own consultant to make his case for him.  
14 Eugene does a pretty good job though. He's been  
15 around it for long enough to make his case.

16 And I think what Eugene's really asking  
17 for is to reduce the number of monitoring points.  
18 Right now we sample three points, two groundwater  
19 points, two wells and the Holbrook, oh, sorry,  
20 and, and then we do a storm event. So we sample  
21 the wells and the Holbrook twice a year. And then  
22 the storm event is supposed to happen annually  
23 once a year.

24 That's the issue where there's been

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2 conflicting language in the original  
3 environmental monitoring plan. You're never able  
4 to agree on a trigger event and so Eugene is in,  
5 in, in, in trying to compromise, is willing to  
6 continue with the testing and, and the plan,  
7 management plan does stipulate that it is  
8 supposed to be in perpetuity.

9 You know, we could have a separate  
10 discussion about whether that's fair and  
11 reasonable or not, but assuming it's going to go  
12 forward, it certainly is reasonable based on what  
13 we've seen and we've been involved for the entire  
14 time monitoring the course to, to reduce the  
15 frequency and well, we could reduce -- so  
16 reducing the frequency would be meaning reduce  
17 the number of times we sample. I don't think  
18 Eugene's asking for that. What he's asking for, I  
19 believe is to reduce the number of points we  
20 sample or, and/or eliminate the storm sampling  
21 event. Is that right, Eugene?

22 MR. PETERSON: Yes, that's, yes. I mean,  
23 we, we, we are, we will, we, we will be hopeful  
24 that we could reduce what, what we're currently

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2 doing in some way that obviously it's hard to put  
3 it into perspective and, you know, kind of just  
4 put it about money. But it, it, the, the, the  
5 fiscal aspect of what it costs to, to do this you  
6 know, is overwhelming. But we do understand that  
7 it's part of doing business and we get it. So by  
8 eliminating some of this would be helpful.

9 And then we really are just kind of  
10 proud of what we've done with never having a  
11 detection that was deemed toxicological in, in  
12 any hazardous way. And, and the research that  
13 we've done with other clubs that have been under  
14 -- other golf clubs that have been under this in  
15 Westchester and John has worked with some of  
16 them, most of the time these programs eventually  
17 go away. But we're rather unique with the  
18 Hollowbrook, so we don't feel that we're asking  
19 for anything.

20 And I, I, I would eliminate a storm, I  
21 would eliminate testing points. We don't advocate  
22 eliminating the protocol completely, but a  
23 reduction would be something that we would be  
24 hopeful you would consider.

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2 MR. ROTHFEDER: Does eliminating testing  
3 points eliminate an entire test once a year? I, I  
4 don't, I didn't quite get --

5 MR. PETERSON: No.

6 MR. BEVEGNA: So there's, there's,  
7 there's locations that we collect samples from.  
8 So right now we collect samples from two wells on  
9 the course, and the Holbrook. Three points, two  
10 groundwater samples, one surface water sample,  
11 and we do that twice a year.

12 MR. ROTHFEDER: Mm-hmm.

13 MR. BEVEGNA: And then in addition to  
14 that, separately from those two events, there's  
15 also supposed to be a storm water event when a  
16 qualifying storm event occurs. And --

17 MR. KESSLER: John, is the storm order  
18 event well-defined? I'm hearing that it's kind of  
19 vague.

20 MR. BEVEGNA: Yeah. No, there's,  
21 unfortunately there's conflicting language in the  
22 environmental monitoring plan, and that's why  
23 we've always -- there's been back and forth  
24 between us and the course with, with what is

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2 actually a triggering event.

3 MR. KESSLER: Well, how, how --

4 MR. BEVEGNA: Just quickly, there's,  
5 there's one place in the environmental monitoring  
6 plan where it says that the storm the, the storm  
7 event is considered any event in which there's an  
8 excess of one inch per hour of precipitation. And  
9 then another place --

10 MR. PETERSON: That generates discharge  
11 into the irrigation lake on pond three. So it's -  
12 -

13 MR. BEVEGNA: Correct.

14 MR. PETERSON: It becomes very specific  
15 and, and minute in that -- and then it's the  
16 ability for John to process the, the, the actual  
17 test within a reasonable amount of time for when  
18 the storm ends as well. So I'm, I'm sorry to  
19 interject John.

20 MR. BEVEGNA: That's okay.

21 MR. PETERSON: And then the other one --  
22 the other one is the, is the amount of water.  
23 Which again, I'm, I have that here too. I'm  
24 looking through it, but go ahead, John.

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2 MR. BEVEGNA: Yes.

3 MR. KESSLER: Well, John --

4 MR. BEVEGNA: The other place is, it's a  
5 half an inch, an hour over a 24 hour period. Now,  
6 if you, if you take that literally that means  
7 you'd be getting 12 inches of rain. And that  
8 just, that just doesn't happen that often, so.

9 MR. KESSLER: In the 20 years, John, how  
10 many storm events have you tested?

11 MR. BEVEGNA: I'd have to say maybe  
12 half, ten, somewhere between five and ten. It's  
13 also part of the issue is it's difficult to be,  
14 you have to, to respond.

15 MR. KESSLER: Right.

16 MR. BEVEGNA: This is the kind of thing  
17 where we never, you know, we have some idea in  
18 advance if there's going to be a large storm  
19 event, but we really don't know for sure. We have  
20 to rely on rain gauges and precipitation  
21 monitoring. You know, if it happens at three  
22 o'clock in the morning, we're not going running  
23 out there. So it has to have be a qualifying  
24 storm event that happens in the right time. So

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2 sometimes it's just for reasons of Mother Nature  
3 that we're unable to get out there.

4 MR. PETERSON: And the, the only other  
5 thing that just what kind of what, what you were  
6 mentioning is that there are monitoring these  
7 multiple areas, but within each area, I mean,  
8 there is a tremendous amount of testing for  
9 certain chemicals and compounds. So it's not  
10 just, you know, one thing that they're  
11 determining because of the variety of herbicides  
12 and pesticides that the course uses, they need to  
13 basically test for what is deemed to be  
14 potentially a health hazard with -- I, I would  
15 hate to give a wrong number of how many, but when  
16 you read the report, it's, it's relatively  
17 overwhelming unless you're somebody like John  
18 that it's pretty much, you know, a second  
19 language to.

20 MR. KEHOE: And, and that is the lab  
21 cost. I mean, that's water that is sent somewhere  
22 and then all of those things have to be tested.

23 MR. PETERSON: All of those things. And  
24 then obviously --

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2 MR. KEHOE: And that's where the cost  
3 is.

4 MR. PETERSON: -- it's, it's the, it's  
5 John's time as well, that not only does John have  
6 to analyze it, and then John prepares all the  
7 reporting, which there's monthly charges to the  
8 club for just John to basically review whatever  
9 is going on. And the process of me saying  
10 something and being billed for time, but then  
11 there's the technicians that come and actually  
12 take it, and then there's the time that they need  
13 to read the findings from the laboratory. So the,  
14 you know, it very much reminds us of, you know,  
15 anytime you're dealing with, you know, from, with  
16 the different levels in a law firm that the  
17 billing process goes from, where there's the tech  
18 and then there's the next level, and then there's  
19 John. Where again, we're not disputing or  
20 questioning the fees or the rates that come along  
21 with it, we understand the complexity of it.  
22 We're just asking, based on the statistics, of a  
23 reduction in some way that we would all be  
24 willing to agree on, as obviously John's input

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2 is, is vital here.

3 MR. ROTHFEDER: So it sounds like  
4 there's two things here though. One is the storm  
5 issue and whether we need to change the language  
6 a little bit to make it --

7 MR. PETERSON: Well, we're asking to  
8 eliminate it completely.

9 MR. KEHOE: Well, but, but before you  
10 get off that topic John, didn't, didn't you say  
11 that, that the storm event, while it seems  
12 important, it's always going to wash away  
13 something, and if you had to give something up,  
14 you would be okay with giving up the storm, the  
15 storm event?

16 MR. BEVEGNA: Yes. I, I think we can  
17 kill two birds with one stone here, resolve our  
18 issue.

19 MR. KESSLER: I think we're getting  
20 somewhere.

21 MR. BEVEGNA: Yeah. With the qualifying  
22 event --

23 MR. KESSLER: So excuse me --

24 MR. BEVEGNA: -- the storm event is more

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2 of a point in time and whereas the groundwater to  
3 me is more important.

4 MR. ROTHFEDER: Right. Okay. So the  
5 groundwater would still be twice a year?

6 MR. BEVEGNA: Correct.

7 MR. ROTHFEDER: And the storm -- and we  
8 get rid of the storm water?

9 MR. KESSLER: So twice a year, two wells  
10 and the Holbrook?

11 MR. BEVEGNA: That's correct.

12 MR. PETERSON: That's correct.

13 MR. KESSLER: Okay.

14 MR. ROTHFEDER: And the storm water you  
15 only did ten times anyway, or half --

16 MR. KEHOE: A storm, storm event.

17 MR. ROTHFEDER: I'm sorry, the storm  
18 event.

19 MR. KEHOE: Right.

20 MR. PETERSON: That's right.

21 MR. ROTHFEDER: Half of the, the years.

22 MR. KESSLER: Okay. So it --

23 MR. ROTHFEDER: That makes sense.

24 MR. KESSLER: Is this something then

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2 that we can put to writing that we can then take  
3 up at the next meeting?

4 MR. KEHOE: Right. Because John, your,  
5 your February report has as its last sentence  
6 criteria for triggering a storm sampling event  
7 need to be determined prior to beginning the  
8 testing of the 2024 season. So rather than  
9 determining the criteria for triggering a storm  
10 event, it may be eliminated.

11 MR. KESSLER: Right.

12 MR. KEHOE: But I think what the board  
13 is saying is you would put together another page  
14 or another memo or something --

15 MR. BEVEGNA: Sure.

16 MR. KEHOE: -- agreeing with the new  
17 plan.

18 MR. KESSLER: Right.

19 MR. BEVEGNA: Yep. Yep.

20 MR. KESSLER: Okay, two wells  
21 Hollowbrook twice a year.

22 MR. BEVEGNA: Yeah.

23 MR. ROTHFEDER: Right.

24 MR. KESSLER: John, one last point.

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2 MR. BEVEGNA: Absolutely.

3 MR. KESSLER: Do we know if Peekskill  
4 does testing of the Holbrook, and have you ever  
5 seen any of those reports?

6 MR. BEVEGNA: I have not. I think that,  
7 I'm sure they do. I don't -- I think it's  
8 unlikely they're testing for what we are testing  
9 for.

10 MR. PETERSON: That, that's my  
11 understanding that they don't do -- they don't  
12 test really anything that we are using. They're  
13 not testing for compounds from a landscaper or  
14 from a golf club. They're testing more for again,  
15 layman's terms --

16 MR. KESSLER: Bacteria --

17 MR. PETERSON: -- chlorine and basic  
18 bacteria into the drinking water and it's our  
19 responsibility to --

20 MR. KESSLER: Got it.

21 MR. PETERSON: -- not contaminate it  
22 prior to arrival down there at pump house.

23 MR. KESSLER: Okay.

24 MR. BIANCHI: Do we provide these

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2 reports to Peekskill?

3 MR. KEHOE: Yes.

4 MR. BIANCHI: We do. Okay.

5 MR. KESSLER: Yeah, they're copied,  
6 right?

7 MR. KEHOE: Yep.

8 MR. KESSLER: John, John copies them.

9 MR. KEHOE: Right, John, do you have --

10 MR. BEVEGNA: Yes.

11 MR. KEHOE: -- a relationship with Dave  
12 Rambo?

13 MR. PETERSON: Yes.

14 MR. BEVEGNA: Yeah. Well, I don't know  
15 if I have a relationship, but I do copy him.

16 MR. KESSLER: Okay.

17 MR. PETERSON: They, they, they received  
18 them all -- and there's been a handful of times  
19 that a representative from the water department  
20 has come on property and just basically asked if  
21 they could walk around and --

22 MR. KESSLER: Okay.

23 MR. PETERSON: -- that's really all they  
24 -- that's, as far as I know, that's all they've

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2 done.

3 MR. KESSLER: Okay.

4 MR. DOUGLAS: Should, should somebody  
5 reach out to, to Peekskill before and say we're  
6 considering eliminating the storm event?

7 MR. KEHOE: Well, we can --

8 MR. KESSLER: The Hollowbrook's still  
9 going to be tested.

10 MR. DOUGLAS: Right, no, but just --

11 MR. KEHOE: Right. But, but I can  
12 forward the letter that John writes --

13 MR. DOUGLAS: Mm-hmm.

14 MR. KESSLER: Okay.

15 MR. KEHOE: -- codifying our new idea,  
16 and as a courtesy, more a courtesy --

17 MR. DOUGLAS: Right.

18 MR. KEHOE: -- send it to Peekskill.

19 MR. DOUGLAS: Right. And if they have an  
20 objection, then they can make it. And if, if they  
21 don't, then --

22 MR. KEHOE: Right.

23 MR. ROTHFEDER: And we're going to have  
24 to vote on that, right?

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2 MR. KEHOE: Yeah.

3 MR. KESSLER: Yeah.

4 MR. KEHOE: So it'll come back next  
5 month as long as it's worked out.

6 MR. KESSLER: So, so I guess staff and  
7 John and Eugene will get together and codify  
8 this?

9 MR. KEHOE: Yeah, I would think John  
10 would put together a pretty quick memo, I think.

11 MR. BEVEGNA: Yeah, sure.

12 MR. KEHOE: And then we'll take a look  
13 at it.

14 MR. KESSLER: Okay.

15 MR. KEHOE: And get it to Peekskill.

16 MR. KESSLER: Excellent.

17 MR. ROTHFEDER: Okay.

18 MR. KESSLER: All right, let's -- all  
19 right, Kevin.

20 MR. PETERSON: Thank you.

21 MR. KESSLER: Thank you.

22 MR. PETERSON: Thanks, John.

23 MR. BEVEGNA: Yeah, thank you.

24 MR. KOBADSA: I'd like to make a motion

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2 to refer back after the consultant and the  
3 applicant have finalized the agreement.

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

5 MR. ROTHFEDER: Second.

6 MR. KESSLER: On the question. All in  
7 favor?

8 MULTIPLE: Aye.

9 MR. KESSLER: Opposed? All right, next  
10 item -- next item under correspond a transmittal  
11 from the planning department to -- from the  
12 planning department of the proposed Indian Brook  
13 Overlay Zone. Chris, anything you want to say  
14 about this?

15 MR. KEHOE: Well, again, as we discussed  
16 at the work session, we're working with four  
17 other communities with a grant from the New York  
18 State DEC to develop an additional set of  
19 regulations called an overlay zone to cover the  
20 Indian Brook Watershed and the Croton Gorge  
21 Watershed. It's the two Ossinings, Newcastle and  
22 Croton. We've been working for several, several  
23 years. You have the draft. It's basically some  
24 added levels of protection for the watershed.

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2 However, our portion of the watershed is wholly  
3 residential. It does have some vacant parcels and  
4 horse farms or things like that. And the overlay  
5 contains enhanced wetland buffers, the  
6 requirement that future subdivisions be designed  
7 as conservation subdivisions, and then the  
8 prohibition about certain activities that can't  
9 really happen there anyway. The town board is  
10 holding a public hearing on this on April 16th.

11 MR. KESSLER: Okay.

12 MR. KEHOE: It would just be a receive  
13 and file.

14 MR. KESSLER: All right.

15 MR. KEHOE: But if you have any comments  
16 or questions, you can email them to me.

17 MR. KESSLER: Okay, will do. Mr.  
18 Douglas?

19 MR. DOUGLAS: Okay. I make a motion. I  
20 move that we receive and file the proposed Indian  
21 Brook Overlay Zone.

22 MR. KOBADSA: Second.

23 MR. KESSLER: Second. Any -- on, on the  
24 question?

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2 MR. BIANCHI: Do we have a date that we  
3 need comments by? Or just, is this still in the  
4 very formative stages of --

5 MR. MICHAEL CUNNINGHAM: Well, this, I  
6 think this language is pretty standardized  
7 throughout every municipality that's going to  
8 going to adopt it. So, I don't think there would  
9 probably be a ton of change to it.

10 MR. KEHOE: But, but if you, if you take  
11 time and look at, read it, yeah, just send me  
12 some comments.

13 MR. BIANCHI: All right.

14 MR. KEHOE: But I would need them  
15 probably by the latest, the middle part of next  
16 week to be able to get them to the town board.

17 MR. BIANCHI: Okay.

18 MR. KESSLER: All right. So we're on  
19 question. All in favor?

20 MULTIPLE: Aye.

21 MR. KESSLER: Opposed? All right, on to  
22 old business, the application of Heike Schneider,  
23 on behalf of 3120 Lexington, LLC for amended site  
24 plan approval and a wetland permit for a proposed

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2 exterior storage racks and a concrete pad at the  
3 existing Ace Hardware store located at 3120  
4 Lexington Avenue, drawings latest revised March  
5 13, 2024. Heike, good evening.

6 MS. HEIKE SCHNEIDER: Hello. Good  
7 evening. I hope this time we have a proposal  
8 that, you know, meets everybody's expectations,  
9 let's put it that way. So I did, I did put  
10 together a reduced, a kind of a small narrative,  
11 which I would like to read. So it's under reduced  
12 scope of storage for the Ace Hardware store.  
13 Given the proximity of the wetlands and the  
14 concern of the planning board, we went back to  
15 the drawing board. We seriously investigated all  
16 options like adding storage space in the front of  
17 the building, which was suggested by Paul  
18 Jaehnig. Unfortunately, it would really reduce  
19 the available parking spaces drastically, and we  
20 only have the minimum number of spaces to begin  
21 with. Also, the truck unloading area would be  
22 eliminated completely, which does not work for a  
23 viable hardware store.

24 So we finally decided to forego a

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2 building addition altogether. We're proposing to  
3 continue the existing outdoor storage racks  
4 currently only on the northeast side of the  
5 storage building. The proposed outdoor storage  
6 racks are only four feet deep and will be mounted  
7 to the existing steel building and supported by  
8 an eight-inch deep concrete slab. The concrete  
9 slab will need to be between 18 and 20 feet deep  
10 for forklift to access the storage racks.

11 We're also proposing to pitch the slab  
12 towards several drains, which will be  
13 interconnected and leading to an oil and water  
14 separator, like the one that has been installed  
15 under the parking lot in 2018.

16 Also, at this point, I would like to say  
17 that the overall footprint also has been reduced  
18 because we used to go kind of midway towards the  
19 retail building, but we are really just staying  
20 outside of the, the metal building, the storage  
21 building.

22 So furthermore, we are proposing to  
23 continue the guardrails that are currently  
24 keeping anyone from going closer to the wetlands

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2 or from storing material in the wetlands. The  
3 wetlands would be clearly delineated and it would  
4 be protected from any further disturbance. We  
5 would be clearly staying away from the flagged  
6 wetlands as shown on our site plan. The existing  
7 storage building has already an overhead door,  
8 which leads out to the northwest side of the  
9 storage building.

10 Pouring the concrete slab and installing  
11 the storage racks would all be coordinated and  
12 staged from the existing overhead door. We're  
13 proposing a 2,400 square foot mitigation and  
14 wetlands buffer improvement area, which has been  
15 drawn up and detailed by Ben Truitt, right here.  
16 We believe that this proposal has a minimal  
17 effect on the wetlands buffer and shows avoidance  
18 and reduction of impact to wetlands and wetland  
19 buffer area.

20 MR. KEHOE: I have the drawing up on the  
21 screen. It's hard to see.

22 MS. SCHNEIDER: Oh okay, good, yes.

23 MR. KEHOE: It's hard to see, but --

24 MR. KESSLER: Can you reduce that?

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2 MR. KEHOE: I guess what you're saying,  
3 this is the continuation of the wooden guardrail?  
4 Because if you look on the back, this is the back  
5 and I, I don't know if that is the guardrail that  
6 comes like this.

7 MS. SCHNEIDER: I think it's -- is it  
8 upside down? Something is --

9 MR. BEN TRUITT: That dashed line that  
10 you're indicating --

11 MR. KEHOE: Yeah.

12 MR. TRUITT: -- that is the currently  
13 existing retaining wall, which is only visible by  
14 about six inches or so. That would be relocated  
15 to the perimeter of the new footprint.

16 MR. KEHOE: So, and, and this --

17 MR. TRUITT: The guardrail would be at  
18 the perimeter of the footprint.

19 MR. KEHOE: So this is the oil water  
20 separator?

21 MR. KESSLER: Where, where --

22 MR. TRUITT: That would be a drainage  
23 grade leading to the separator. The separator  
24 would be located by an engineer that's not

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2 currently --

3 MR. KEHOE: So, is the, is the wooden  
4 fence beyond that?

5 MR. TRUITT: Yeah, it would be right at  
6 the --

7 MR. KEHOE: Right.

8 MR. TRUITT: -- edge of the retaining  
9 wall, yes.

10 MR. KESSLER: So the slab is tilted  
11 towards the wetland towards that? It's a --

12 MR. TRUITT: That's the way it's  
13 proposed here, to be tilted towards the drain.  
14 The retaining wall would be going up above the  
15 slab so that we're capturing all the water in the  
16 drain. The drain would lead to the separator.

17 MR. KESSLER: Are, are the slabs on the,  
18 on the top and the bottom tilted also so that  
19 they flow to the middle to the drain?

20 MS. SCHNEIDER: Yes. Yeah, we would  
21 definitely make sure that we could -- yes.

22 MR. KESSLER: It's like that and then it  
23 goes that way?

24 MS. SCHNEIDER: Yes. Like in a shower

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2 stall basically.

3 MR. KESSLER: Got it.

4 MR. KOBADSA: The depth that you need is  
5 for the forklift to turn around, right?

6 MS. SCHNEIDER: Exactly.

7 MR. KOBADSA: Okay.

8 MS. SCHNEIDER: Yes. That's why we are  
9 showing the forklift there just to see that if  
10 you, if it's loaded, you know, you need to still  
11 turn around to, to --

12 MR. KOBADSA: Yeah. My question is, is  
13 can you trim how close you are to the wetland?  
14 There's like, from the corner of the building out  
15 to that corner of that -- to the corner of the  
16 concrete pad, does it need to be that deep? It's  
17 not turning there, it's just going around a  
18 corner. It's not like going in and out of the  
19 storage rack. You have those on either side. Can  
20 that around the corner, can that be reduced so  
21 you're not directly on top of the wetland?

22 MR. TRUITT: For a forklift to traverse  
23 with palletized material that will extend wider  
24 than the forklift, it's got to have that

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2 maneuverability to turn 90 degrees and then load  
3 into a rack. That's why --

4 MR. KEHOE: Ben, Ben, you need to speak  
5 into the mic.

6 MR. KOBADSA: No, yeah, that I  
7 understand. My point is though, there's no rack  
8 right in front of either of that, right. Like  
9 where that corner, if you go straight off the  
10 corner of the building to the corner of the turn  
11 there, there's no rack. So it doesn't, it just  
12 needs to be able to turn a corner basically. That  
13 -- do we need to be that close to the wetland for  
14 a forklift to turn a corner?

15 MS. SCHNEIDER: In that, in that  
16 particular corner, you're just talking about that  
17 corner?

18 MR. KOBADSA: Yeah. I, like I understand  
19 the depth from the front of the rack, right when  
20 it's in front of the rack, you would then load.

21 MS. SCHNEIDER: Right.

22 MR. KOBADSA: But to turn the corner  
23 around the building, why do we need to be all the  
24 way on top of the wetland?

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2 MS. SCHNEIDER: I mean, we could  
3 probably cut the corner even a little more  
4 because I mean, even if the, the forklift is, is,  
5 is loaded and you're going around the corner, our  
6 guardrail is probably going to be about two feet  
7 and it, I don't know, that should work, right?

8 MR. TRUITT: It would be the realistic  
9 anticipated path of travel for the forklift,  
10 right. So it, it's a little bit difficult to  
11 assume that they're going to hug into the corner  
12 and then traverse back out. So we can shave that  
13 corner off to a point and we can look at it  
14 again. Maybe we can gain a little bit more or  
15 reduce a little bit more at that corner. But I  
16 think if we go too far, it becomes unrealistic  
17 for maneuverability while it's loaded with  
18 material. Does that make sense?

19 MR. KOBADSA: It does. I'm just looking  
20 at that circle. And if I took that circle and put  
21 it, if I moved it at, like if I was playing with  
22 this on a piece of paper, like I'd want to see  
23 how far, how close you can get that to the  
24 building. My point has always been you're putting

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2 something directly on the edge of a wetland,  
3 right. You're not doing a building, but you're  
4 still building a giant concrete slab that has to  
5 go there now. And unless the wall, and I mean I  
6 would recommend it when you look at for  
7 engineering, that that wall is integral to the  
8 slab and there's not an expansion joint between  
9 those two somehow, because that's a point of  
10 failure. And especially if you're pitching all  
11 the material --

12 MS. SCHNEIDER: Which, which wall are we  
13 talking about?

14 MR. KOBADSA: The curb that you're going  
15 to be pitching everything to where the oil  
16 separators are against.

17 MS. SCHNEIDER: That's not, it's not a  
18 wall. It is a curb that is probably --

19 MR. KOBADSA: But is it integral to the  
20 slab is my question? Or is it going to have an  
21 expansion joint between the slab and the curb?

22 MS. SCHNEIDER: So, do you want to say  
23 anything to the --

24 MR. TRUIT: So those, those particular

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2 wall units that are installed there, they have a  
3 lip that extends up and then a, an H that runs  
4 all the way back underneath it. The slab would be  
5 up above that. It's a technical question that we  
6 would have to refer back to the manufacturer.

7 MR. KOBADSA: Yeah, and that's fine.  
8 Okay.

9 MR. TRUITT: To answer that question to  
10 you, my instinct is that it will be difficult to  
11 do that, but there are ways to seal a joint.

12 MR. KOBADSA: Yeah. And that's what I'd  
13 want you to look at.

14 MR. TRUITT: Yeah. And sealing the joint  
15 rather than making it integral would be probably  
16 more appropriate.

17 MR. KOBADSA: Okay.

18 MR. TRUITT: But that's a technical  
19 question we can look at.

20 MR. KESSLER: Okay. So on, on that, so  
21 on the back there, you say proposed storage racks  
22 on the back as well, but they're already there.  
23 This is just to clean up what's already there?

24 MR. KEHOE: No, they're, they're, oh,

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2 the storage racks are on the back. But they're  
3 proposing storage Racks on side.

4 MR. KESSLER: No, but on the plan it  
5 says proposed storage racks on the back there, if  
6 you it says existing.

7 MR. KEHOE: Yeah, they're there.

8 MS. SCHNEIDER: So the northeast side has  
9 already storage racks.

10 MR. KESSLER: Right, right there it says  
11 proposed storage racks, which is on the back of  
12 the building, but I thought they were already  
13 there.

14 MR. TRUITT: That I think is just a  
15 typo. Those are existing --

16 MR. KESSLER: Okay.

17 MR. TRUITT: -- as you round the corner,  
18 they are proposed.

19 MR. KESSLER: Right. I understand, the  
20 ones on the on the right side there are new. I  
21 just didn't understand why it said proposed on  
22 the back as well.

23 MS. SCHNEIDER: Yeah, those are --

24 MR. KESSLER: And so your guard -- you

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2 say guardrail here on the other side --

3 MS. SCHNEIDER: So, so it is correct  
4 what's saying what, what we are saying here. So  
5 if you, if I don't know if you can zoom in -- out  
6 a little so we see it all. A little, a little  
7 more.

8 MR. KESSLER: Yeah.

9 MS. SCHNEIDER: So, because then you see  
10 that this part is existing here. If you, so I  
11 don't know if you can zoom out enough to show --

12 MR. KEHOE: What, so you're saying this  
13 area here --

14 MR. KESSLER: Is existing.

15 MS. SCHNEIDER: That's --

16 MR. KEHOE: Okay.

17 MS. SCHNEIDER: -- the existing part.

18 MR. KEHOE: That's the only existing?

19 MS. SCHNEIDER: Yes.

20 MR. KESSLER: I thought there was more  
21 than that.

22 MS. SCHNEIDER: And it stops right,  
23 right there where you see the, the vertical dash  
24 line exactly. So yes, this will be proposed and

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2 it goes to the corner and then it turns the  
3 corner --

4 MR. KESSLER: And more proposed.

5 MS. SCHNEIDER: Yes.

6 MR. KESSLER: Is there a concrete slab  
7 in the back also?

8 MS. SCHNEIDER: Yes. So the, the  
9 concrete slab is needed under the, the new, the  
10 new storage rack.

11 MR. KESSLER: So both on the side and on  
12 the back will be a concrete slab that'll be  
13 tilted like a shower, as you said, Heike, so that  
14 the water runs to the separator.

15 MS. SCHNEIDER: Yes.

16 MR. KESSLER: The runoff runs to the  
17 separator?

18 MS. SCHNEIDER: Yes, exactly.

19 MR. KESSLER: And then you have a  
20 guardrail on the other side of the separator, it  
21 says. And that's what, is that like a two foot  
22 high guardrail or what is that?

23 MS. SCHNEIDER: So the guardrail is  
24 going to be very similar to the one that we

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2 already have, which is -- you want to describe  
3 it?

4 MR. TRUITT: It's a heavy timber  
5 guardrail. It's roughly two feet --

6 MR. KESSLER: Timber?

7 MR. TRUITT: That's what's currently on  
8 the other side of the site. We would match that  
9 for continuity.

10 MR. KESSLER: Okay.

11 MR. KESSLER: I, I was getting a map  
12 when you were making your initial comment, so I  
13 may have missed it, but can you just explain  
14 again why this is better than the building?

15 MS. SCHNEIDER: Yes, because this is  
16 really minimal construction. I mean, we are  
17 talking about an eight inch slab, which is really  
18 the only construction that's going to happen  
19 because the storage racks already come basically  
20 in pieces and they're mostly hanging on the  
21 building. And we already, we have the overhead  
22 door, which is in the back of the storage  
23 building. So we are using that overhead door to  
24 pour the slab and also then to erect the, the,

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2 the storage units, which are only four feet deep.

3 And I personally think it's important  
4 that we protect the gravel area in the back  
5 there. And to me, a, a concrete slab that has an  
6 oil water separator is better than just the, the  
7 gravel that we have there right now. Because we  
8 still have the overhead door and we cannot  
9 control at all times who's going out to the  
10 gravel patch and who's -- and what's happening  
11 there. And I think this way I feel that we're  
12 actually protecting the wetlands more. And also  
13 having that guard rail also makes it really clear  
14 that it's not just grass there, but that is, it  
15 is something to be protected. So that's how I see  
16 it.

17 MR. KEHOE: Could the the, the drain  
18 that drains to the oil and water separator, which  
19 is that, that could be on a bad storm, it could  
20 be underwater, couldn't it?

21 MS. SCHNEIDER: Do you want say  
22 something to that?

23 MR. TRUITT: Well, to my knowledge, to  
24 date we have not seen that underwater.

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2 MR. KEHOE: But if it, if it were to be  
3 underwater, that's a problem?

4 MR. TRUITT: Potentially, yes, depending  
5 on the, the oil water separator and the technical  
6 aspects of it.

7 MS. SCNHEIDER: But we'll also have a  
8 curb, right, going around our slab. So the  
9 likelihood of the water really, I mean, it's  
10 probably going to go into the building first  
11 before it really then would get to the slab,  
12 wouldn't it?

13 MR. TRUITT: Yeah, it would, the water  
14 would have to overtake the floor level of the  
15 building. So our --

16 MR. KEHOE: And has it done that?

17 MR. TRUITT: To our knowledge since 2018  
18 and the, the renovation was done, it has not

19 MR. BIANCHI: Does the -- how effective,  
20 well, two things. One, just to remind everybody,  
21 we're still working on building something in a  
22 buffer area. It's not getting away from that with  
23 --

24 MR. TRUITT: Correct.

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2 MR. BIANCHI: Anything over there is the  
3 buffer.

4 MR. TRUITT: Yes.

5 MR. BIANCHI: How effective is the oil  
6 water separator under normal circumstances? Let's  
7 say you were to have a spill of gasoline or oil  
8 or whatever, how effective is that oil separator?

9 MR. TRUITT: So in, in layman terms,  
10 within the volume, the engineered volume of those  
11 separators, the oil spill would be contained  
12 within the separator.

13 MR. BIANCHI: Okay.

14 MR. TRUITT: We would have to dig  
15 farther into the technical aspects of the units  
16 that are specified and that sort of thing. But  
17 speaking broadly, they're captured within the  
18 unit. There is a maintenance program for those  
19 units. They're cleaned out.

20 MR. BIANCHI: I was going to ask about  
21 that. What is the -- how do you clear out the  
22 captured oil or gasoline that's in the separator?

23 MR. TRUITT: They're pumped out much  
24 like a septic pump truck would do, same sort of

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2 concept. They're vacuumed out. The, within the  
3 unit, the oil or the contaminants are separated,  
4 that is sucked out and brought offset.

5 MR. KEHOE: But did --

6 MR. BIANCHI: And how often is that  
7 done?

8 MR. TRUITT: That's a program that is  
9 done, a maintenance program that is specified by  
10 the engineer drawing that. My experience is  
11 yearly, yearly, two years, it depends on the  
12 anticipated volume and or after a storm event.

13 MR. KEHOE: So that, that's, that what  
14 you're seeing there is the drain and I, I don't  
15 have the right plan up, but where are the actual  
16 separators proposed?

17 MR. TRUITT: Well, that's, that's  
18 something that we would have to get further into  
19 engineering to specify. My instinct is that it  
20 would be towards the back of the building.

21 MR. KEHOE: Oh, so --

22 MR. TRUITT: Where a collection point  
23 would be.

24 MR. KEHOE: When you say to the back of

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2 the building?

3 MR. TRUITT: So if you move the cursor  
4 just to the right towards the, the, on the long  
5 wall of the building, towards that center door,  
6 somewhere in that current asphalt paving area is  
7 where I would anticipate an engineer to be  
8 putting that. It's not something that I'm  
9 specifying or Heike is, that would be done  
10 further into it.

11 MR. KEHOE: And it's a system of pipes  
12 that gets you from the drain in this direction?

13 MR. TRUITT: Yes. So those, the drains  
14 in the slab would capture the water. The water  
15 would be brought to the separator, where it's  
16 separated. The clean discharge of that separator  
17 would then be overflowing into the wetland in  
18 just the same way that the other oil water  
19 separator functions.

20 MR. KESSLER: For the shelving, the  
21 intent is for lawnmowers to go on the shelving  
22 solely? Or is it other things as well?

23 MS. SCHNEIDER: I mean, I personally, I  
24 think the lawnmowers should not be on those

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2 shelves. I think they should be in the building.  
3 There is, you know, for a hardware store, we have  
4 wood that needs to be stored. We have all sorts  
5 of things that could be in that area and that  
6 could be part of the resolution.

7 MR. KESSLER: Well, because we, that's  
8 exactly where I'm going. Is it possible, since we  
9 were there, I believe they said that a number of  
10 them are electric mowers as well as gas powered  
11 mowers?

12 MS. SCHNEIDER: Gas, yes.

13 MR. KESSLER: Is it possible that the,  
14 we can have a resolution where the gas goes  
15 inside and the electric stay outside?

16 MS. SCHNEIDER: I, I think so,  
17 absolutely. Yes. I, I'm fully in agreement with  
18 that resolution.

19 MR. KESSLER: Any more comments?

20 MR. DOUGLAS: My, my only I, since I  
21 think we're, we, we're ultimately referring this  
22 back to staff before our next meeting, I think  
23 would be nice to get the CAC's view on this, this  
24 plan since they --

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2 MR. KEHOE: Yeah.

3 MR. DOUGLAS: -- they weighed in, they  
4 weighed in on the last plan.

5 MR. KEHOE: Yeah.

6 MR. DOUGLAS: And I see Mr. Buckout is  
7 here.

8 MR. KEHOE: Yeah, and this has been sent  
9 to them. Yep.

10 MR. DOUGLAS: So.

11 MR. KEHOE: And I know Paul's here.

12 MR. KESSLER: Right.

13 MR. KEHOE: And then Wendy had I, I  
14 don't know if she's Zooming in, but she said she  
15 was going to listen in. So we have a CAC meeting  
16 next week.

17 MR. KESSLER: Good.

18 MR. DOUGLAS: Okay. Great.

19 MR. BIANCHI: This is a question for  
20 staff or for legal. Have we, I don't recall, but  
21 have we previously approved any kind of a similar  
22 structure or installation in a buffer area?

23 MR. CUNNINGHAM: As far as sort of a  
24 concrete slab in there? Not that I recall, but

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2 it, but it could have, it could have been done. I  
3 just wouldn't have known about it.

4 MR. KEHOE: So Joe had mentioned at the  
5 work session that he hasn't really dove into a  
6 technical review. I don't know much about oil  
7 and water separators, but from what I've heard --

8 MR. KESSLER: [unintelligible]  
9 [00:41:52].

10 MR. KEHOE: -- but from what I've heard,  
11 they're a maintenance problem and there are  
12 issues and I think our staff engineers have  
13 concerns with them. So I think Joe should now  
14 dive in. If you, if you want Joe to do a real  
15 technical review of this proposal, I think that'd  
16 be critical.

17 MR. KESSLER: Does it mitigate things if  
18 we limit what goes outside versus what's inside,  
19 in between gas powered versus electric?

20 MR. JOE FUSILLO: Mr. Chair, we'll,  
21 we'll take a look at that all from the  
22 environmental aspects.

23 MR. KESSLER: Okay.

24 MR. FUSILLO: You know, fertilizers --

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2 MR. DOUGLAS: Can you monitor can you  
3 monitor their performance in some way? That the -  
4 - the separators? Like, I mean, you said every  
5 year or two, but I mean, if we had in the  
6 resolution that some monitoring of it?

7 MR. FUSILLO: There, there is equipment  
8 out there.

9 MR. DOUGLAS: Okay.

10 MR. FUSILLO: It's, it's, I guess keep  
11 it less technical, it's, it's like, oh, Kevin,  
12 what are those things called where you check the  
13 water levels in there?

14 MR. KOBADSA: A float?

15 MR. DOUGLAS: Float? That sounds good  
16 enough to me.

17 MR. FUSILLO: It's sort of like, I know  
18 I'm trying to, trying to keep it --

19 MR. DOUGLAS: Is he asking you?

20 MR. FUSILLO: -- less technical here,  
21 but, but Kevin, I, I know he was kind of alluding  
22 to it a little earlier when we had talked. But  
23 you could put almost leak detection monitors  
24 inside --

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2 MR. BIANCHI: I was just going to say is  
3 there a way to --

4 MR. FUSILLO: -- and at certain levels  
5 then they can send a signal back to a panel that  
6 would be inside the building.

7 MS. SCHNIEDER: Mm-hmm.

8 MR. KESSLER: Right.

9 MR. FUSILLO: And that would give them  
10 an indication to you know, have, have the  
11 maintenance performed.

12 MR. BIANCHI: Monometers you're talking  
13 about, manometers?

14 MR. FUSILLO: It's sort of like a  
15 manometer.

16 MR. BIANCHI: Yeah. Okay.

17 MR. DOUGLAS: That'd be something  
18 probably we want to add on, yeah.

19 MR. TRUITT: I would also suggest a  
20 regular pump schedule or a cleaning schedule for  
21 these things. That they, on the onset they're  
22 done every three months or six.

23 MR. KESSLER: I would think we'd want  
24 that, yeah.

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2 MR. TRUITT: Some such thing. And you'll  
3 have reports coming back from that saying what  
4 was found. Right, and over time, if you're not  
5 finding anything, you can certainly reduce the  
6 frequency of it. That would be my suggestion. But  
7 it's --

8 MR. KESSLER: Right.

9 MR. KOBADSA: Where's the current oil  
10 water separator? You said there's one there now?

11 MR. TRUITT: On that plan, if you look  
12 all the way to the right of the screen, there's a  
13 semi-circular object and right in the corner  
14 along the curb line. That's it. Yep.

15 MR. KOBADSA: Okay. So that one is  
16 located outside of the wetland buffer, or it's in  
17 the wetland, yeah, it's in the wetland buffer.

18 MR. TRUITT: That is within the wetland  
19 buffer.

20 MR. KOBADSA: Okay.

21 MR. TRUITT: And it, if you could scroll  
22 back up there in, in very much the same  
23 situation, that dash line, that heavy dash line  
24 that's a few feet away is the current wetland

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2 buffer.

3 MR. KOBADSA: Is the current buffer.

4 MR. DOUGLAS: Right.

5 MR. TRUITT: So all of the parking lot  
6 water runs down to that trench drain that is  
7 extending between the curb and the building, is  
8 funneled to that separator and then discharges  
9 into the wetland, some small number of feet away.

10 MR. KOBADSA: Okay.

11 MR. BIANCHI: How's the, how is the  
12 forklift fueled? Is it propane or is it --

13 MR. TRUITT: There are different  
14 forklifts of course, but I believe the ones they  
15 are running are propane.

16 MR. BIANCHI: And that's also another  
17 benefit, and having spills from that.

18 MR. KEHOE: It, it, I guess it's sort of  
19 your call, but Steve Marino is on the Zoom and  
20 he's raised his hand and wants to speak. That's -  
21 -

22 MR. TRUITT: Sure.

23 MR. KEHOE: Because Steve Marino is  
24 their wetland consultant.

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2 MR. TRUITT: So, go ahead.

3 MR. KESSLER: From Tim Miller, right?  
4 That's from Tim Miller's?

5 MR. KEHOE: Yes.

6 MR. KESSLER: Yeah.

7 MR. STEVE MARINO: Good Evening. Can you  
8 hear me?

9 MR. KEHOE: Yep.

10 MR. MARINO: All right, great. Yeah, I  
11 just wanted to just chime in. You know, I have  
12 reviewed the plan with Heike. Heike and Ben I  
13 think have laid out why this is important to the  
14 hardware store to be able to have this expanded  
15 storage area. Certainly, you know, the whole site  
16 is within the wetland and wetland adjacent area,  
17 so, you know, no matter what they do out there,  
18 there's going to be an issue with buffers. So in  
19 terms, it's not really a habitat issue that we're  
20 talking about here or any of the other issues  
21 that usually go along with a wetland, but really  
22 a water quality issue. So I think once the  
23 engineers get together and, and sort out the  
24 question of the oil and water separator, I think

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2 that'll certainly mitigate that part of the, of  
3 the problem -- that part of the concern regarding  
4 the new, the new concrete pad.

5 The other thing I wanted to mention is  
6 that Ben has put together a, a wetland buffer  
7 enhancement plan for areas of the site that are  
8 currently mowed as lawn right up to the edge of  
9 the building, up to the edge of the wetland. I  
10 think that's an important consideration too, once  
11 we get past the, the water quality issue, is to  
12 see what else can be done to make any kind of a  
13 vegetated buffer, strip between the building and  
14 the new curb and the wetland, improve that to the  
15 extent we can. As I mentioned, right now, a lot  
16 of that area is mowed. Most of that area on the,  
17 I guess that's the east side of the building is  
18 mowed right to the ground. There are mitigation  
19 plantings that were done previously, and the  
20 plantings are, are there and are healthy, but the  
21 under anything under those plantings is mowed.

22 So I think you know, a consideration for  
23 a no mow area or, or something that's only done  
24 once or twice a year to keep the brush down, but

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2 to provide a little bit more of a vegetative  
3 buffer strip would certainly be something I would  
4 recommend.

5 And again, Ben's plan uses all native  
6 plantings, a good quantity of them. It's a, it's  
7 a good planting plan. So I think, you know, that,  
8 that should be considered too once we get past  
9 the, the oil and water, storm water management  
10 portion of this.

11 MR. KESSLER: Okay. You got any last  
12 comments?

13 MR. BIANCHI: Just one more. Joe, when  
14 you delve into this, into your analysis, could  
15 you also consider whether it's wise to do any  
16 monitoring of the wetlands itself right outside  
17 that area?

18 MR. FUSILLO: Yes. We can.

19 MR. BIANCHI: See if these separators,  
20 because I, I just don't feel comfortable with.

21 MR. TRUITT: I would just bring up that  
22 if we're going to begin monitoring in the  
23 wetland, there are discharges that are coming  
24 from the surrounding roadways --

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2 MR. KESSLER: The road, the roadway. I  
3 realize that.

4 MR. TRUITT: And we would want to be  
5 mindful of not crossing impacts here.

6 MR. KESSLER: Yeah, I thought we were  
7 going to, when we, I thought we were going to  
8 have somebody look at that, what was exactly  
9 happening off the roadway, as well.

10 MR. KEHOE: Oh yeah. That would be our  
11 engineering or highway department. I'll check.

12 MR. KESSLER: Yeah, please. Okay. Last  
13 call?

14 MR. KEHOE: Well, one other thing that I  
15 want, which I just noticed that I want to make  
16 sure everyone is aware of is -- let's see, to  
17 make sure I understand it, so this is the  
18 landscape plan. So that's the back of the  
19 building. So, I guess what we're saying here are  
20 the existing racks in the back of the building  
21 and this is the existing asphalt area.

22 MR. KESSLER: Right.

23 MR. KEHOE: And then, you know, we were  
24 sort of standing over here on the site

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2 inspection, you know, you can come around the  
3 corner like this. But what you're saying is right  
4 here is an existing wall and for this plan to  
5 work, you're proposing to relocate that concrete  
6 wall, a certain number of feet out in that  
7 direction closer to the water, correct?

8 MR. TRUITT: Yes.

9 MR. KESSLER: And all the materials and  
10 equipment that we saw next to the wetland is  
11 going to be coming back onto the shelving, right?  
12 So basically there's going to be nothing between  
13 the shelving and the wetland except for asphalt  
14 and concrete. Is that --

15 MS. SCHNEIDER: Yes. Because otherwise,  
16 the forklift wouldn't be able to really go around  
17 and, and have access.

18 MR. KESSLER: I, I think we need, unless  
19 we have it here, and I don't know, but I think we  
20 need a plan that shows the locations of the oil  
21 water separators, the pitches of the concrete,  
22 which direction they're going and --

23 MR. TRUITT: That level of engineering -  
24 -

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2 MR. KESSLER: -- and, and we just talked  
3 about the guardrail or the fence or whatever you  
4 want to call it.

5 MR. TRUITT: Yep.

6 MR. KESSLER: Clearly on a drawing,  
7 because I don't, I don't think I see it on any of  
8 these.

9 MR. TRUITT: Is, it is not. That that  
10 site engineering has not happened yet. We were  
11 trying to get past the broader strokes of this  
12 before we delve into that and expend more time  
13 and money and et cetera on that portion of the  
14 engineering.

15 MR. KESSLER: Makes sense.

16 MR. TRUITT: Which is, in my view, is  
17 really more of a technical matter that is  
18 probably more surmountable with staff.

19 MR. KESSLER: Right. As you work with  
20 Joe, I'd like to see that at the next  
21 [unintelligible] [00:50:19].

22 MR. KEHOE: But, but, but, but also I  
23 want to be -- I want to understand here. Is your  
24 plan showing that you have additional wetland

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2 buffer disturbance now?

3 MR. TRUITT: Additional buffer,  
4 additional to what?

5 MR. KEHOE: I think to move this wall,  
6 if I'm understanding the drawing right, you have  
7 two arrows here that say displaced wetland buffer  
8 area.

9 MR. TRUITT: Yeah. So that, that is  
10 indicating the entirety of the slab area, which  
11 is at its perimeter, the wall, so that is all of  
12 that area.

13 MR. KEHOE: Which, when you relocate the  
14 concrete wall outwards right there now is sort of  
15 just bleeding down into the wetland. It's a grass  
16 mucky area?

17 MR. TRUITT: So where the, the inner  
18 line, the more, the lighter line is the existing  
19 wall location.

20 MR. KEHOE: Yes.

21 MR. TRUITT: At the edge of that wall  
22 and out is current mitigation area as per the  
23 2018 plan.

24 MR. KEHOE: Okay.

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2 MR. TRUITT: So I'm taking that entire  
3 displaced area, all of it, the entirety of the  
4 slab, including that existing mitigation area and  
5 accounting for that in the expanded mitigation  
6 area.

7 MR. KESSLER: You okay Chris?

8 MR. KEHOE: Yeah.

9 MR. KESSLER: All right, any last  
10 comments?

11 MR. KEHOE: Well, but the big takeaway  
12 is that we needed some clarity either to end this  
13 now or not end it. And based on this  
14 conversation, you're sort of suggesting --

15 MR. KESSLER: It goes back to  
16 engineering now.

17 MR. KEHOE: Like, like yeah, money gets  
18 spent not to [unintelligible] [00:52:03], but  
19 yeah, you, you've got more work to do. Joe's got  
20 a lot of work to do, which is going to cost money  
21 and, you know, with no guaranteed result at the  
22 end.

23 MR. TRUITT: Yeah, yeah, we understand  
24 there's no guarantee. We're very much willing to

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2 carry this forward.

3 MR. KESSLER: Right.

4 MR. TRUITT: We just would like the  
5 feedback from you, should we stop here or can we  
6 --

7 MR. KESSLER: Yeah, I think the sense is  
8 to move forward.

9 MR. BIANCHI: Yeah.

10 MR. MCKINLEY: I don't know whether I  
11 back it or not. Okay. So I don't know what, I  
12 don't know what the sense of everybody is. I'm  
13 not sure I, I'm not sure.

14 MR. TRUITT: Understood there. As I  
15 said, there's no guarantee, but based on what has  
16 come up to this point, we just want to be  
17 judicious in spending our client's money.

18 MR. KESSLER: Right, Right. I think what  
19 we're saying is it's worth spending the money to  
20 get finer details to the plan.

21 MR. TRUITT: Okay.

22 MR. KESSLER: To move this forward  
23 potentially.

24 MR. TRUITT: Thank you.

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2 MS. SCHNEIDER: Okay. Thank you.

3 MR. KESSLER: Yes, sir.

4 UNIDENTIFIED MALE: Can I add some  
5 information about the storm water infrastructure  
6 that's there?

7 MR. KEHOE: Well --

8 MR. KESSLER: We're not --

9 MR. KEHOE: If you could send it in an  
10 email, it's not a public hearing now.

11 UNIDENTIFIED MALE: Understood.

12 MR. KEHOE: Okay. Do -- you can just go  
13 to the planning department page and track me down  
14 and send me the email and I'll get all the  
15 information to the planning board.

16 UNIDENTIFIED MALE: Sure.

17 MR. KESSLER: Okay. And, and, and to the  
18 engineer to put that into consideration, yeah.  
19 So let's see, Mr. McKinley?

20 MR. MCKINLEY: I'd like to make a motion  
21 to refer back to staff of PB 2023-6 ACE Hardware  
22 store located on 3120 Lexington Avenue.

23 MR. KESSLER: Second please.

24 MR. BIANCHI: Second.

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

4 MULTIPLE: Aye.

5 MR. KESSLER: Opposed? Okay, thanks.

6 MS. SCHNEIDER: Thank you.

7 MR. KESSLER: All right. Final item this  
8 evening is a new business item. It is the  
9 application of KPB Properties for site  
10 development plan approval and a referral from the  
11 town board of a petition for a zoning text  
12 amendment for proposed four story 75,000 square  
13 foot self-storage facility located at 3 Locust  
14 Avenue, drawings dated March 22, 2024. Good  
15 evening.

16 MR. BRIAN SINSABAUGH: Hi, good evening  
17 chairman, members of the board. My name is Brian  
18 Sinsabuagh. I'm an attorney with Zarin and  
19 Steinmetz, here on behalf of both the applicant  
20 and the owner, applicant being 3 Locust Avenue  
21 LLC and owner being KPB properties LLC. We filed  
22 a petition seeking a zoning tax amendment with  
23 the town board. We last appeared before the town  
24 board on February 26th on that matter. And at

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2 that time, the town board referred the matter to  
3 your board for comment and referral back. We also  
4 will be seeking a site plan approval from your  
5 board in connection with this application.

6 The petition is seeking a zoning tax  
7 amendment, which would permit by planning board  
8 special permit self-storage facilities within the  
9 community's, the community commercial district,  
10 which is the CC district. We've tried to limit  
11 certain circumstances under which this would be  
12 permitted by establishing certain bulk and  
13 architectural criteria and ultimately I'd like to  
14 go through those items with you this evening, see  
15 what comments you may have.

16 I do understand there has been an issue  
17 that was raised to the board with regard to tax  
18 and I can assure you that that will be addressed.  
19 We have been in correspondence with the town as  
20 to the specifics of this. It will be paid by  
21 April 30th regardless, so.

22 MR. KESSLER: Okay.

23 MR. SINSABAUGH: I just want to make  
24 sure the board's aware of that. I know that's

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2 prior to your next meeting on May 7th. With me  
3 tonight, I have Sean Barton and Michael Humphrey  
4 on behalf of the applicant and the owner. Also by  
5 Zoom, Mark Pilotta of Key Civil Engineering is  
6 on, Joseph Neitzel of JMN Architecture and  
7 Richard D'Andrea of Collier's Engineering.

8 So, as I mentioned, the petition does  
9 propose zoning tax amendment to permit self-  
10 storage facilities in the CC district with bulk  
11 criteria. What we proposed was a new section 307-  
12 65.11. We also established a definition for self-  
13 storage facility and added parking requirements  
14 for the self-storage facility, which do not exist  
15 currently.

16 MR. KEHOE: And, and is that the one to  
17 10,000?

18 MR. SINSABAUGH: Correct. We did try to  
19 seek to limit the visual impacts of these uses by  
20 prohibiting outdoor storage of boats and  
21 vehicles, limiting the location to abutting major  
22 roadways, being US Route 202 and US Route 6 and  
23 prohibiting drive up or otherwise outdoor  
24 accessible units. So you won't see the units that

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2 have that the garage on the exterior. This is a  
3 climate controlled facility. That's what we're  
4 trying to propose, so all the units are  
5 accessible only by the interior.

6 Because of that, we have been able to  
7 propose a design that is similar to what  
8 currently exists in the property, this property  
9 being at the corner of Locus Avenue and Crompond  
10 Road, it is the location of the former Toddville  
11 Elementary School. This is now a vacant building  
12 that's on the site. Also in the rear of that  
13 property, you do have a Little League field that  
14 is still utilized by the public. We, that is also  
15 part of our proposal this evening, with regard to  
16 the site plan. The areas you need to --

17 MR. KESSLER: I'm sorry, you would  
18 continue to own the baseball field in this  
19 proposal?

20 MR. SINSABAUGH: Correct. We would  
21 continue to own it, but we would lease it back  
22 to, to the municipality so that the public can  
23 continue to utilize that. That would require  
24 obviously some discussion with the Parks and Rec

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2 commission.

3 MR. KESSLER: Right.

4 MR. SINSABAUGH: But that's something  
5 that we will be going forward with.

6 MR. CUNNINGHAM: And right now too, just  
7 for the board's information, just informally it  
8 seems Cortlandt American Little League uses the  
9 field. The town does not run any specific  
10 programs on the field. We don't have a lease for  
11 it, but I think what the applicant's proposing is  
12 some improvements to the recreational area and  
13 then they would lease it back to the town, who  
14 could then go and lease it to other outside  
15 sports agencies to run programs for the youth in  
16 the town.

17 MR. SINSABAUGH: Certainly. So yeah,  
18 I'll just jump into that real quick and then go  
19 back to the remainder of the petition. But the  
20 improvements that we're proposing here we are  
21 proposing, proposing improvements to the field  
22 itself where we can. I know there is a cutoff  
23 point where we do have underground aquifer area  
24 that we, we cannot work on that's outside of our

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2 area. So the ball field actually extends beyond  
3 the boundary line at a certain point. But where  
4 it is fall, fall within our boundary, we are  
5 proposing concessions, a new concession stand,  
6 new stands and then in the far rear area of the  
7 lot, so the far interior corner, we are proposing  
8 rec space, which we previously discussed as being  
9 a playground area, possibly for utilization  
10 during ball games, as well as a dog park area.  
11 But we are open to comment because we did receive  
12 some comments back from the town board as to the,  
13 the dog park use.

14 MR. KEHOE: So just to be clear on this  
15 plan, that's the, that's the ball field, that's  
16 the property line. And then this is sort of the  
17 outfield. And the outfield is on New York City  
18 Aqueduct property. It always has been.

19 MR. SINSABAUGH: Correct.

20 MR. CUNNINGHAM: Right.

21 MR. SINSABAUGH: So the improvements  
22 that we're proposing would be solely to the  
23 interior portion of it, so the infield area as  
24 well as the areas outside of the field that are

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2 on our property.

3 MR. KEHOE: Yeah, because this tail here  
4 is not part of the Aqueduct property, that's your  
5 property.

6 MR. SINSABAUGH: Correct. So we do feel  
7 that this is a good transitional use for this  
8 particular property. This is the westernmost  
9 point of the CC district, it -- the Western  
10 boundary, as well as the northerly boundary and  
11 the northeasterly boundary, all but the R20  
12 district. There is a gas station that's across  
13 the street, off of Route 202. There's also retail  
14 and office space that's in the proximity of the  
15 area. But this is a low impact use that doesn't  
16 require a significant amount of traffic, doesn't  
17 require significant amount of parking, thus the  
18 parking requirements we did propose. So we feel  
19 that this would be a good use to have next to the  
20 residences. It does also maintain the ball field  
21 area based on the improvements that we are  
22 proposing.

23 The architectural design, we did choose,  
24 we tried to keep that institutional look

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2 consistent with what is currently on the  
3 property. So we do have that faux, the faux brick  
4 façade or EIFS brick I should say. And then we  
5 also have full windows throughout that do give it  
6 that more institutional feel. We also included  
7 gooseneck lighting, other residential, more  
8 residential type components that would be with  
9 community character.

10 The, as I mentioned this, this is a  
11 unique spot in terms of the fact that it is split  
12 zoned. So the self-storage building and the  
13 parking are located within the CC district. The  
14 little league field is within the R20 district. I  
15 know during the work it was mentioned, there's  
16 discrepancy as to the lot areas that we proposed  
17 this. This is a significant larger size lot. So  
18 originally we were proposing a hundred thousand  
19 square feet because of the code, which is I  
20 believe it's section 307-7.6D that, that  
21 particular code provision only allows us to  
22 utilize a portion of the property that's within  
23 the CC District, so, and then 30 feet into the R  
24 20 district. That's the reason why we reduced the

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2 lot area requirement to 60,000. We still feel  
3 that 60,000 is adequate though to minimize the  
4 number of areas where this would be permitted  
5 within the town, so that you wouldn't have a  
6 proliferation, you wouldn't have a large number  
7 of self-storage facilities being located within  
8 the town in a short period of time.

9 The parking of the area, the parking  
10 that we are proposing is one to 10,000 square  
11 feet as well as one for each employee during max  
12 shift. The employee figure is consistent with the  
13 current code as to how they apply to retail. But  
14 the one to 10,000 is based on IT standards. We  
15 believe that that will be sufficient for this  
16 use. We did provide parking calculations for this  
17 particular project and that showed that the  
18 maximum amount on the site at any given time  
19 would be between five and six vehicles.

20 With, with regard to the parking though,  
21 we do provide 38 spots. It's a, a reduction of  
22 five spots of what's currently on the site. The  
23 rationale for this is that we do want to continue  
24 to provide a public benefit with the ball field.

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2 So there are no other parking areas in the area  
3 for the ball field, so by allowing the additional  
4 parking here, this wouldn't be utilized by the  
5 self storage facility itself, but it would be  
6 utilized by the ball field. Within the parking  
7 spot, we do have two handicap spots. We are also  
8 proposing EV charging stations. So there will be  
9 electronic vehicle charging stations on the site.

10 Getting more into the text amendment, I  
11 do want to get, hopefully get some feedback from  
12 the board on that. So we, we did go through, we  
13 did define certain criteria within the partition  
14 itself, some of which increases what's permitted  
15 in the CC district, some of it which decreases.  
16 We did increase the, increase the minimum lot  
17 area to 60,000. We did a decrease the lot  
18 coverage from 25 percent to 15 percent. The  
19 purpose for that is that we are proposing an  
20 increase in FAR in reducing the lot coverage  
21 requirement. It does hopefully prohibit the  
22 amount of development that can take place on a  
23 parcel. So the bulk will appear less than what it  
24 would be permitted if it was 25 percent.

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2 The landscaping, I do understand that  
3 there is discrepancy with the landscaping. We did  
4 file this petition initially under a conceptual  
5 site plan. The conceptual site plan was included  
6 in that petition. Any resubmission to the town  
7 board would have clarification based on the full  
8 build out, but we tried to provide a more  
9 complete site plan to you in this meeting.

10 One of the particular items I do want to  
11 note is that previously we showed landscaping as  
12 being 18 percent where 30 percent is required in  
13 a CC District. We're now showing it on that site  
14 plan as 39 percent, so we have increased that so  
15 it does exceed what is currently required of the  
16 CC district.

17 And what we're proposing in the --  
18 within this code, in zoning text amendment would  
19 be 39 percent. That's up to the board if we want  
20 to put that specifically to that number. But we  
21 feel that the additional landscaping and reduced  
22 lot coverage will make this more amenable in  
23 terms of being a, a community character type  
24 build out.

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2 The other piece we do have is the  
3 increase in the building height. So we are  
4 proposing an increase in building height from 35  
5 feet, which is permitted in CC to 50 feet. The  
6 existing building that is on the site is actually  
7 38 feet itself. The building that's being  
8 proposed is not 50 feet, but it is 47.13 feet. We  
9 put 50 feet in the code just to provide the  
10 additional amounts that would be permitted. I  
11 guess additional amounts should build out in  
12 grading, decide what the actual elevation's going  
13 to be. But that obviously -- I want to point that  
14 out for the board so that they are aware that we  
15 aren't proposing a 50 foot building.

16 MR. KESSLER: What, what was your  
17 thinking on 50 feet when the town allows 35 feet  
18 unless you get a variance?

19 MR. SINSABAUGH: Well, we do have, in  
20 this particular case with the increased lot, lot  
21 area and the -- that we're requiring as well as  
22 the reduced lot coverage, we feel that even with  
23 the increased height, it would be in keeping with  
24 community character. We do have certain design

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2 standards that we are trying to put forward. And  
3 we feel that with that increased lot area, that  
4 impact would be lessened, as opposed to if you  
5 had to reduce lot area, I believe it's 12,000  
6 square feet I could be wrong, for the CC  
7 district. So the 50 feet does allow for -- for  
8 self-storage, there is a minimum that needs to be  
9 met in terms of getting that return. But the 50  
10 feet here, like I said, we tried to reduce what  
11 the lot coverage would be. Increasing the height  
12 does allow for that.

13 MR. KEHOE: So you're saying 38 is there  
14 now?

15 MR. SINSABAUGH: Thirty-eight is  
16 currently there now, I believe.

17 MR. KEHOE: You're proposing 47,  
18 actually 47.3.

19 MR. SINSABAUGH: 47.13 I think, yeah, 47  
20 and change.

21 MR. KEHOE: And you wrote into the code  
22 50 just for some wiggle room?

23 MR. SINSABAUGH: Correct.

24 MR. KEHOE: So your argument would be

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2 you're proposing a building nine feet taller than  
3 what's there now?

4 MR. SINSABAUGH: Exactly. And there's  
5 also, I mean, if you look in the area, I know the  
6 hospital's significantly higher, MOD another area  
7 that would be abutting residential that also has  
8 higher increased building heights.

9 MR. KESSLER: But, but with a variance.  
10 There's nothing that allows that without a  
11 variance right now.

12 MR. KEHOE: Well, the underlying MOD  
13 zoning -- well, I think the, I think they did  
14 keep the height in the MOD zoning.

15 MR. KESSLER: Okay. So I don't  
16 understand why it's not 35 feet, but you know,  
17 you go, go to the ZBA for, for an exception. I  
18 mean, that's the way everything else works.

19 MR. SINSABAUGH: Well, what we're  
20 proposing here in terms of the code now, since we  
21 are changing the code, we're, we're trying to  
22 work with what would be amenable for this  
23 location as well as other locations knowing that  
24 self storage does have a minimum req- --

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2 MR. KESSLER: But the reality is there  
3 probably aren't any other locations. Let's be  
4 honest. The way you've narrowed it down, there  
5 probably aren't. Can you name of any other  
6 locations where this would apply?

7 MR. SINSABAUGH: Not, not offhand, but  
8 I'll take a look, it's something we will provide  
9 you.

10 MR. KESSLER: Like, like many things  
11 it's constructed so that it fits your parameters  
12 and probably prevents anything else from  
13 happening in a comparable CC district.

14 MR. SINSABAUGH: Understood.

15 MR. KEHOE: Well, I think that the  
16 hospital exists under a special permit and the  
17 height for the hospital special permit may be  
18 higher. So the construction of the hospital may  
19 not have needed a variance. But I think I'm  
20 seeing over Mike's shoulder, I think we kept the  
21 MOD at 35.

22 MR. CUNNINGHAM: MOD, it depends what  
23 structure the, the highest standing structure  
24 could be is 45 Feet.

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2 MR. KEHOE: Forty, so we raised it in  
3 the MOD. When, when they wrote the zoning for the  
4 mod, they permitted additional height.

5 MR. CUNNINGHAM: The residential would  
6 still have to be 35 feet. But, but if it was a  
7 medical use --

8 MR. KESSLER: And most commercial is 35  
9 feet, right?

10 MR. CUNNINGHAM: Yes. Most of it would  
11 be, I think only -- I would've to take another  
12 look again, but I believe it was mainly for just  
13 for medical uses.

14 MR. KESSLER: I mean, here's town  
15 center, everywhere, it's 35 feet.

16 MR. CUNNINGHAM: Right.

17 MR. KESSLER: I'm sorry.

18 MR. SINSABAUGH: The other area that we  
19 do have is the building floor area. So, currently  
20 the CC district has certain, require certain  
21 items that do permit increase floor area. One of  
22 those, I believe being a grocery store 12,000  
23 square feet is permitted. We're proposing 75,000  
24 square feet of floor area. This particular

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2 application here would have that 75,000 square  
3 feet. It does include a cellar level. So one of  
4 those levels would be below grade, as what we're  
5 proposing here. So the 75,000 square feet, again,  
6 we tried to cap this by also reducing the lot  
7 coverage that's permitted in the CC district.

8 MR. KESSLER: So is it, is your building  
9 proposed at 50 feet, with the basement below  
10 ground? Is that what you're still --

11 MR. SINSABAUGH: Correct, yes. So the  
12 proposed building that we're showing, I guess  
13 versus petition versus petition says 50. What  
14 we're proposing here on our site plan is 47.13  
15 and that's with the average grade. And we have  
16 one level below ground.

17 MR. KESSLER: And one level below, got  
18 it. Okay.

19 MR. SINSABAUGH: And that's, I mean  
20 that's, that really covers --

21 MR. KESSLER: Okay.

22 MR. SINSABAUGH: -- a lot of the changes  
23 that we are proposing within the, the petition  
24 itself. I'd like to open up to any questions you

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2 have may ask.

3 MR. KESSLER: Have you met with any of  
4 the neighbors on this or any plans to do so?

5 MR. SINSABAUGH: We have not met with  
6 any neighbors. It's something that we could do if  
7 the town were to require it or request it.

8 MR. KESSLER: I mean, when we get to the  
9 actual application, I guess something we should,  
10 yeah, they'll certainly be notified, but still.

11 MR. ROTHFEDER: And also as we get  
12 closer to the application, consider some sort of  
13 renewable energy for the building, whether it's  
14 solar or even recyclable water, something like  
15 that. And, and of course you'll be more precise  
16 about the number of EV stations that you're  
17 planning.

18 MR. SINSABAUGH: Yeah. So we're  
19 currently, we're showing two EV stations on the  
20 site.

21 MR. ROTHFEDER: Two?

22 MR. SINSABAUGH: Yes.

23 MR. ROTHFEDER: Okay.

24 MR. KESSLER: So since you said there's

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2 no rush to the town board because things are  
3 happening concurrently can we, you know, take the  
4 month, bring it back next month and we can have  
5 our comments on the zoning amendment that we  
6 think we want to see that we would recommend back  
7 to the town board?

8 MR. CUNNINGHAM: That timing's fine.

9 MR. KESSLER: Okay.

10 MR. KOBADSA: Can I ask one question?  
11 And it doesn't actually have to do with the  
12 building, but you're putting in a giant paved  
13 area north of the ball field?

14 MR. SINSABAUGH: Yes.

15 MR. KOBADSA: North or, yeah, I guess it  
16 -- what's that for?

17 MR. SINSABAUGH: The area to the north,  
18 you're talking about that small sliver that's in  
19 the upper area?

20 MR. KOBADSA: Yeah. I mean, but that's a  
21 fairly sizable area of pavement that you're  
22 putting? It's --

23 MR. SINSABAUGH: It's permeable.

24 MR. KOBADSA: -- Almost equivalent of

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2 your -- I understand it's permeable.

3 MR. SINSABAUGH: Yeah.

4 MR. KOBADSA: But that's all, there's  
5 nothing catch capturing any of that storm water?  
6 You're just shedding it all down and I understand  
7 how permeable pavers work.

8 MR. SINSABAUGH: Mm-hmm.

9 MR. KOBADSA: But in rain events like  
10 we've had nowadays, they're not really that  
11 effective.

12 MR. SINSABAUGH: Okay.

13 MR. KOBADSA: With sheet flow. I just,  
14 what's the purpose of that? I guess, that it  
15 doesn't exist now, right?

16 MR. SINSABAUGH: Yes.

17 MR. KOBADSA: So what is the reasoning  
18 for putting that in?

19 MR. SINSABAUGH: Well, without that --  
20 we're trying to do improvements to the ball  
21 field. So without that area, that area just is a  
22 dirt area around the ball field. So we're trying  
23 to improve that for any of the patrons and  
24 parents or any, anyone else viewing the game.

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2 MR. KOBADSA: Got you.

3 MR. SINSABAUGH: So there is a  
4 concession stand that's up there. We have the  
5 other stands there. What we previously had shown  
6 in those areas were we had a play area, so  
7 there'd be like a playground that was in that  
8 particular location. The other item that we had  
9 was a dog park that was fenced in. We are getting  
10 some mixed feedback as to like what the  
11 particular rec pieces should be up there. So what  
12 we're showing now is just permeable pavement in  
13 that area that may or may not be turf, it may be  
14 some other item. But it all depends on what the  
15 actual rec item is that's being located in that  
16 space.

17 MR. KOBADSA: Okay.

18 MR. KESSLER: Any other comments? So,  
19 who's got this, Nora?

20 MS. HILDINGER: I'd like to make a  
21 motion to declare the planning board as lead  
22 agent --

23 MR. KESSLER: Intend to be lead agent.

24 MS. HILDINGER: Intent to.

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2 MR. KESSLER: Second please.

3 MR. KOBADSA: Second.

4 MR. BIANCHI: Second.

5 MR. KESSLER: And on the question. All  
6 in favor?

7 MULTIPLE: Aye.

8 MR. KESSLER: Opposed? And Nora? One  
9 more. Refer back.

10 MS. HILDINGER: I'd like to make a  
11 motion to refer back.

12 MR. KESSLER: That's good. Second,  
13 please.

14 MR. KOBADSA: Second.

15 MR. KESSLER: And on the question. All  
16 in favor?

17 MULTIPLE: Aye.

18 MR. KESSLER: Mr. Kobas?

19 MR. KOBADSA: The time is 7:43. The  
20 meeting has adjourned.

21 MR. KESSLER: Thank you. Thank you all.

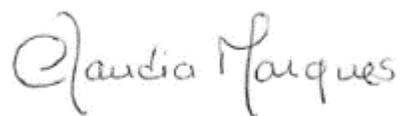
22 (The public board meeting concluded at  
23 7:43 p.m.)

24

CERTIFICATE OF ACCURACY

I, Claudia Marques, certify that the foregoing transcript of the Planning Board meeting of the Town of Cortlandt on April 2, 2024 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: May 1, 2024

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