

TOWN OF CORTLANDT
PLANNING AND ZONING BOARDS

PLANNING BOARD MEETING

Town Hall
1 Heady Street
Cortlandt Manor, NY 10567

June 5, 2025

6:20 p.m. - 7:23 p.m.

June 5, 2025

MEMBERS PRESENT:

Steven Kessler, Chairperson

Thomas A. Bianchi, Vice-Chairperson

Nora Hildinger, Member

Peter McKinley, Member

Jeff Rothfeder, Member

MEMBERS ABSENT:

David Douglas, Member

Kevin Kobadsa, Member

ALSO PRESENT:

Chris Kehoe, AICP, Director of Planning

Michael Cunningham, Esq., Deputy Town Attorney

Heather LaVarnway, CNU-A, Planner

Chris Lapine, P.E., Engineer

1 June 5, 2025

2 (The board meeting commenced at 6:20 p.m.)

3 MR. STEVEN KESSLER: Welcome to the
4 meeting, planning board meeting for June 5th.
5 Please rise 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, the
12 roll, please.

13 MR. CHRIS KEHOE: Ms. Hildinger?

14 MS. NORA HILDINGER: Here.

15 MR. KEHOE: Mr. Rothfeder?

16 MR. JEFFREY ROTHFEDER: Here.

17 MR. KEHOE: Mr. Kessler?

18 MR. KESSLER: Here.

19 MR. KEHOE: Mr. Bianchi?

20 MR. THOMAS BIANCHI: Here.

21 MR. KEHOE: Mr. McKinley?

22 MR. PETER MCKINLEY: Here.

23 MR. KEHOE: Mr. Douglas and Mr. Kobadsa
24 noted as absent.

1 June 5, 2025

2 MR. KESSLER: Thank You. We have no
3 changes to the agenda this evening. Can I please
4 have a motion to adopt the minutes of our meeting
5 of May 6th?

6 MR. BIANCHI: So, moved.

7 MR. KESSLER: Second, please.

8 MS. HILDINGER: Second.

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

11 MULTIPLE: Aye.

12 MR. KESSLER: Opposed? All right. Next
13 item, correspondence. It's a letter dated May 14,
14 2025 from Judson Siebert, requesting the third
15 one-year time extension of conditional site plan
16 approval for the Cortland CSG LLC application for
17 a solar energy system located on Lexington
18 Avenue. Nora.

19 MS. HILDINGER: I'd like to make a
20 motion to grant the third year -- the third one-
21 year extension.

22 MR. KESSLER: Okay. That's resolution
23 13-25. A second, please.

24 MR. BIANCHI: Second.

1 June 5, 2025

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

4 MULTIPLE: Aye.

5 MR. KESSLER: Opposed?

6 MR. JUDSON SIEBERT: Thank you, Mr.
7 Chairman, members of the board.

8 MR. KESSLER: That was easy. Let's just
9 make sure I got everything. Next item is a
10 resolution. It's the application of Marah
11 Mackenzie on behalf of Wal-Mart Stores for
12 exterior storage of containers and pallets at the
13 rear of the store, for property located at
14 Cortland Town Center, 3133 East Main Street,
15 drawing dated April 11, 2025. Good evening. We
16 have a resolution, if you have no objection. So,
17 Peter,

18 MR. MCKINLEY: I do want to ask --

19 MR. KEHOE: You can start, you can start
20 the motion.

21 MR. MCKINLEY: Start the motion?

22 MR. KEHOE: Yeah.

23 MR. MCKINLEY: Yeah, okay. So adopt the
24 resolution for number 14-25 on behalf of Wal-Mart

1 June 5, 2025

2 Stores for amended site plan approval for
3 seasonal outdoor storage and containers and
4 pallets located in the rear of the Wal-Mart
5 store.

6 MR. KESSLER: Okay. Second, please.

7 MR. BIANCHI: Second.

8 MR. ROTHFEDER: Second.

9 MR. KESSLER: All right. So, on the
10 question, Peter, you were --

11 MR. KEHOE: Well, yeah, go ahead.

12 MR. MCKINLEY: Uh, no, in the, in the
13 pre-meeting, there was some discussion about a
14 storage of, you know, flammable, flammable or
15 items that could be of concern on these pallets.

16 MR. JUSTIN DATES: Yes.

17 MR. KEHOE: So we, we had, I had
18 originally circulated a resolution, I believe not
19 to you, but just to the planning board. And it
20 was raised to make sure we added fertilizer and
21 manure, to want you to change the note on the
22 plan, that those couldn't be stored there. That
23 because your plants had only, like, mulch and
24 soil would be stored there. So you saw that

1 June 5, 2025

2 resolution.

3 MR. DATES: I which one did I get? I'm
4 not sure which version that I -- so Justin Dates,
5 Collier's Engineering and Design. Do you know
6 which, where as --

7 MR. KEHOE: What are the conditions?

8 MR. DATES: Oh, on the conditions, I'm
9 sorry.

10 MR. KEHOE: It says add a note or change
11 the note.

12 MR. DATES: The one that I have, no,
13 does not have that.

14 MR. KESSLER: How many conditions do you
15 have on, on that one?

16 MR. DATES: I have four.

17 MR. KESSLER: Okay.

18 MR. KEHOE: Okay. So it must have come
19 after the fact. So your note says that only mulch
20 --

21 MR. DATES: And --

22 MR. KEHOE: -- mulch and soil?

23 MR. DATES: -- and soils will be stored
24 in the pallets.

1 June 5, 2025

2 MR. KEHOE: So we wanted -- right. We
3 wanted that note to be revised then to
4 specifically say that fertilizer and manure
5 cannot be stored on those pallets.

6 MR. DATES: Okay. And that's --

7 MR. KEHOE: -- and then at tonight's
8 work session, our consulting engineer brought up
9 another issue. Chris, if you want to --

10 MR. CHRIS LAPINE: Softener salt as
11 well, due to the proximity to the wetland.

12 MR. DATES: What was that again?

13 MR. LAPINE: Softener salt.

14 MR. DATES: Softener salt, okay.

15 MR. KESSLER: Oh, okay.

16 MR. DATES: So is that, is that detailed
17 in reso- or condition number five?

18 MR. KEHOE: Yes.

19 MR. DATES: Okay.

20 MR. CUNNINGHAM: Yes.

21 MR. DATES: All right. So we'll just
22 follow that and revise that note on the plan.

23 MR. KEHOE: It's just, it's just
24 tightening up your note on the plan.

1 June 5, 2025

2 MR. DATES: Sure.

3 MR. KEHOE: Okay.

4 MR. DATES: Yep.

5 MR. BIANCHI: There's also a memo from
6 Michael Preziosi, our engineer regarding other
7 conditions that you'll have to meet to get your
8 permit.

9 MR. KEHOE: Right. And we've handled
10 that by one of the conditions that he's the
11 permit issuer. So he's not going to issue the
12 permit until he's happy. But you've had some back
13 and forth and Mars had some back and forth with
14 him.

15 MR. DATES: Correct.

16 MR. KEHOE: And your, your fence has
17 been improved and you've --

18 MR. DATES: Correct.

19 MR. KEHOE: So he's pretty happy, but
20 you can't get a permit unless he's totally happy.

21 MR. DATES: Okay. So we'll submit to him
22 to get final sign off.

23 MR. KESSLER: Any more comments on the
24 motion? If not all in favor?

1 June 5, 2025

2 MULTIPLE: Aye.

3 MR. KESSLER: Opposed? Okay. Good luck.

4 MR. DATES: Thank you, everyone.

5 MR. KESSLER: All right, next item is
6 old business. It is the application of Richard
7 Williams on behalf of JAM Storage for the
8 property of Francisco Portillo for site plan
9 approval and a wetland permit for the
10 construction of an approximately 60,000 square
11 foot self-storage facility and related site
12 improvements for property located at 2059 Albany
13 Post Road, drawings dated May 27, 2025. Good
14 evening.

15 MR. BRIAN SINSABAUGH: Hi, good evening,
16 chairman, members of the board. My name's Brian
17 Sinsabaugh. I'm an attorney with Zarin and
18 Steinmetz, here on behalf of the applicant, JAM
19 Storage. As you mentioned, we had made a revised
20 submission for an alternate address-, entrance
21 based upon some of the comments that we received
22 from the board.

23 I have here with me this evening, Rich
24 Williams with Insight Engineering, who can go

1 June 5, 2025

2 through that in more detail. But just basically
3 previously we were looking at Ferris Court and,
4 um, the road that runs off of Albany, um, sorry,
5 Ferris [phonetic] Court, that runs directly to
6 the site, there's an unimproved road. We were
7 looking at improving that previously. We're now
8 looking at an alternate location that runs
9 through the town property to the north of the
10 site. Both of those would run to Albany Post
11 Road. But for additional detail, just to run
12 through some of the plans that we went through,
13 and we can open up to questions. I'll have Rich
14 Williams just run through those briefly for you.

15 MR. RICH WILLIAMS: So, good evening,
16 Rich Williams, Insight Engineering. Just to kind
17 of start at the beginning, before I get into the
18 alternate access, do you want to say anything
19 before I, before I go or?

20 MR. DAVID STEINMETZ: I thought I was
21 going to have a better opening act than that.

22 MR. KESSLER: I thought I was going to
23 get away without seeing you.

24 MR. STEINMETZ: Sorry, sorry, sorry, I'm

June 5, 2025

on time, Mr. Chairman and members of the board.

MR. KESSLER: Evidently not.

MR. STEINMETZ: Did you do at least an introduction of, of, of our team? Is our client even here yet? Not yet. Okay. David Steinmetz from the law firm of Zarin and Steinmetz here representing Jam Storage and DHIP. Tim Fisher, our client, probably will walk in, in a few minutes. Before I hand it off to, to Rich, the one thing that I wanted to make clear to your board, actually, two things.

One, this is a self-storage application and I wanted to remind you that this is here because the town board amended the HC9A zone specifically to drop this use into the zoning district. It, it did not pre-, it did not exist previously. So this was a use that the town did want to see.

But more importantly, we all did a, most of us did a site walk together several months ago. And at the suggestion of your board, you, you had recommended that we take a look at a potential alternative access to the site from

1 June 5, 2025

2 Memorial Drive.

3 What you may not know is that for the
4 last five months or so, we have looked into that.
5 We have discussed this with the Town Attorney's
6 office. And while nothing has yet been finalized,
7 we are exploring, quite seriously acquiring a fee
8 title interest to get from Memorial Drive to this
9 site. We actually think it may well be a better
10 way to get there. You all had suggested we look
11 at it.

12 So tonight, unlike the plan that you had
13 originally seen and that we first discussed and
14 that we explored on the site inspection, Rich and
15 I and our client, Tim have looked at a different
16 way to do this. And I'm going to let Rich explain
17 that.

18 MR. WILLIAMS: So again, good evening
19 Rich Williams with Insight Engineering. So what
20 we have before you is an amended set of site plan
21 drawings that not only show the new access from
22 Memorial Drive, but also respond to the previous
23 comments we received from town planner, town
24 engineer, as well as the building inspector.

June 5, 2025

We added a lot of additional detail to the site plan since you last saw them. Landscape plans, we actually did specific plantings for the mitigation plans. And I'll talk a little bit about the wetland buffer disturbance in a few minutes. We added a lighting plan, we added vehicle maneuvering plans. We updated the onsite grading, expanded the storm water pollution prevention plan, both in response to comments, as well as to address the new Memorial Drive access. And we added additional detail with respect to signage, walls and fencing.

As it relates to the site plan, and I heard some comments about wetland buffer disturbance during the work session, the site plan on the site proper is almost identical to what you saw last time in terms of proximity to the wetland, the wetland buffer and the mitigation. I heard the number of we now have 36,000 square feet of buffer. It was previously six. What you're seeing is a different table for disturbance. And what I mean by that is, last time we broke the table down based on how much

June 5, 2025

existing lawn was already disturbed in the buffer, how much we were redeveloping of that lawn as lawn, and how much we were converting of that lawn into mitigation, and how much impervious currently in the buffer was being redeveloped as impervious.

We simplified the table in this recent submission not to cause confusion. It was partly in response to some of the comments we got. And it's partly because we don't have all of the answers yet. So the access you see on Memorial Drive is based on GIS mapping and in approximate wetland boundary, that was derived from previous aerial photogrammetry when a constructed channel was built that led from the pond on our property to a road crossing under Memorial Drive.

Our wetland consultant is expected to be on site in the next week or two. He's going to delineate the offsite wetlands. We are going to have them survey located and we have to work through with your consultant to make sure the delineation is agreed to. And at that point, I can then quantify the buffer disturbance if there

June 5, 2025

is any. And I'm assuming there will be, from Memorial Drive into the property.

Regarding the access for Memorial Drive into the property, we're not proposing to disturb wooded areas. Again, it's coming off, I'm sorry, it's adjacent to the existing parking lot. It's in an area that exists as lawn. It's area that was previously disturbed. Not that that's a reason, but it, it is something that we would consider and also consider as part of adding additional mitigation, which we'll probably come back to you with in our next submission.

As it relates to Ferris court, the improvements we were previously proposing, the amount of fill, the retaining walls, the culvert work that would've actually required some wetland disturbance as well as buffer disturbance. When we resubmit to you, we'll make it very clear that between the two alternatives, this results in less overall impact.

And again, we've, we've spent some time with this board talking about wetland buffer disturbance, talking about mitigation. I know you

1 June 5, 2025

2 saw the site at the site walk, how much of it
3 does exist at lawn, some of the conditions of the
4 property. You know, while we are proposing a
5 substantial amount of buffer disturbance, we
6 believe, based on the mitigation we're also
7 proposing, the storm water treatment, there'll be
8 a net benefit to the downstream wetland, based on
9 the conditions today.

10 MR. KESSLER: So once you have the new
11 delineation of the wetlands, can you give us a
12 chart that shows the old and the new in terms of
13 the disturbance to wetland, buffer and steep
14 slopes?

15 MR. WILLIAMS: Absolutely.

16 MR. KESSLER: Comparatively between the
17 two plans?

18 MR. WILLIAMS: Absolutely.

19 MR. KESSLER: You know, with the steep
20 slopes delineated also between the 15, 30 percent
21 or whatever the, whatever the ranges are that we
22 use.

23 MR. WILLIAMS: Okay.

24 MR. KESSLER: So this is, so David, you

1 June 5, 2025

2 said this is now with you and the town to work
3 out if it, if it's feasible to come off of
4 Memorial Drive?

5 MR. STEINMETZ: That, that's correct.
6 And I, I, I can let the deputy town attorney
7 address that. But we, we have presented a letter
8 of intent to the town and think we have a, at
9 least a rough conceptual idea of, of a way to
10 make this happen, but that, that will be up to
11 the full town board.

12 MR. CUNNINGHAM: Yeah. Our office has no
13 further comments on the LOI, we'll have to
14 present it to the full town board.

15 MR. KESSLER: Okay. And, and Ferris
16 Court just stays the way it is? Is that the
17 intent?

18 MR. STEINMETZ: So Rich, are we touching
19 Ferris at all as a result of this?

20 MR. WILLIAMS: So, if we pull the screen
21 down slightly, what we've done is we've left
22 Ferris Court alone. Again, you know, some of the
23 comments we actually received were, Ferris Court
24 doesn't serve -- you're just, you know, although

June 5, 2025

you are the only person deriving access today, it's not just there for you, it's there for all the users off of it. So we've tried to stay away from Ferris Court as much as possible.

Where we enter the -- we, we think it's a good secondary access into the property for emergency vehicles. So what we've done is on the page bottom, right there, where it's being circled, we've designed a hammerhead that connects to the existing Ferris Court that is consistent with Appendix D of the fire code. So if you are the fire department, you could either choose to come down Ferris Court, come in through Memorial Drive, swing through. Or if you so choose, you can make a hammerhead maneuver at the end of Ferris Court.

MR. KESSLER: Are, are you, would you then propose to put up sort of a breakaway barrier up, up at the end of Ferris Court there?

MR. WILLIAMS: For security purposes, because this is self-storage, we would have a gate at the end. I envision it would have a Knox box on it, which is typical for fire departments.

1 June 5, 2025

2 It's a key that they have access to.

3 MR. KESSLER: Okay.

4 MR. WILLIAMS: And again, that would
5 allow them to come in either way or turn around
6 and leave the gate.

7 MR. KESSLER: Got it.

8 MR. STEINMETZ: In terms of the
9 pavement, when we walk the site together, we know
10 the pavement wasn't in great shape. We were not
11 planning on touching that. You know, as we all
12 saw, there is a significant wetland crossing
13 there. So if we don't need to touch it, we don't
14 want to. And from a utility standpoint, we don't
15 need to touch water or --

16 MR. WILLIAMS: We're not proposing it.

17 MR. STEINMETZ: Right.

18 MR. KESSLER: But you still plan on
19 cleaning up that the area? So the, the area
20 that's -- if you remember, the area at the end of
21 Ferris was really pretty bad.

22 MR. KESSLER: Right.

23 MR. STEINMETZ: That, that comes out. We
24 clean all that up as a result of this project.

1 June 5, 2025

2 That, that's obviously been there, that blue
3 house and the debris has been there for decades.
4 Some of it's probably in slope and wetland
5 conditions. We'll clean that up.

6 MR. KESSLER: Okay. And our wetland
7 consultant is going to go and look at this?

8 MR. KEHOE: Yeah. I just notified him
9 today that, because you had mentioned that your
10 guy was going to go out, so as soon as they
11 delineate it, our guy will confirm the
12 delineation.

13 MR. KESSLER: So he'll, he'll give us
14 his recommendations on what could be done to
15 clean up that Ferris Court wetland area?

16 MR. STEINMETZ: Yes.

17 MR. KESSLER: Okay.

18 MR. KEHOE: Yeah, he, he'll confirm the
19 delineation and also comment on any mitigation
20 plans they come up with.

21 MR. KESSLER: Okay. Perfect.

22 MR. ROTHFEDER: Wait, have we done a
23 wetland study on this before?

24 MR. KEHOE: Yes. Michael Young is our

1 June 5, 2025

2 wetland consultant on this. He was out there
3 twice.

4 MR. ROTHFEDER: Oh, okay.

5 MR. KEHOE: So you should have those in
6 your file somewhere.

7 MR. ROTHFEDER: Okay.

8 MR. BIANCHI: Could you --

9 MR. KESSLER: Any more comments from the
10 board or staff?

11 MR. BIANCHI: -- could you review the
12 status of the trees removal and then new trees
13 coming, being, I'm sorry, being planted. What's,
14 what's the summary on that with this with this
15 new access?

16 MR. WILLIAMS: So, we are -- I don't
17 have the answer for you tonight, because we're in
18 process of getting you a good answer. We're
19 engaging an arborist. We are going to, per town
20 code, survey locate all trees that are regulated
21 within 50 feet of the limited disturbance. And
22 then he's going to come in and give us an
23 assessment. I don't believe the tree removal will
24 be significant between the two options. But we

1 June 5, 2025

2 need to do our homework to get you a good answer.

3 MR. BIANCHI: Okay. You'll be developing
4 that information. All right.

5 MR. KEHOE: Well, what I would -- Rich,
6 what I would suggest, it's up to you, but if you
7 haven't already delineated the trees, what
8 happens a lot of times is a surveyor delineates
9 them and then it goes to our arborist. It may be
10 a cost issue. I'll leave that up to you, but our
11 arborist wouldn't mind being the one that
12 actually goes out and finds them. It sort of
13 makes it an easier process. So rather than
14 sending a guy out, maybe we'd just send our guy
15 out to both locate them and then provide that
16 information to you, so you can locate him on a
17 plan.

18 MR. WILLIAMS: Okay.

19 MR. STEINMETZ: Tom, just so that I'm
20 clear, is your question as to the entire site or
21 as to the Memorial access versus --

22 MR. BIANCHI: Both. Actually both.

23 MR. STEINMETZ: Okay.

24 MR. BIANCHI: The entire site, which is,

1 June 5, 2025

2 the access is part of the entire site, so --

3 MR. STEINMETZ: Clearly.

4 MR. BIANCHI: -- it's the entire site.

5 MR. STEINMETZ: Got it. Okay.

6 Understood.

7 MR. BIANCHI: And, and just remind me

8 how many --

9 MR. STEINMETZ: Storage units?

10 MR. BIANCHI: No, no, the activity. How
11 many cars you expect for -- I mean, is it, it's
12 not even a daily thing, I would imagine?

13 MR. STEINMETZ: It's, yeah. I mean I,
14 this will probably be the sixth or seventh self-
15 storage I've done. This, this is about as low a
16 traffic use as you, you can get it. ITE, I'm, I'm
17 -- we, we can submit a letter to that effect if
18 you want it.

19 MR. BIANCHI: Okay.

20 MR. STEINMETZ: But I think you probably
21 could take notice of the fact this is not a high
22 intensity use. The ITE manual demonstrates --

23 MR. BIANCHI: I'm trying to remember the
24 one that we did up on, what the traffic

1 June 5, 2025

2 estimation was, up on the one that we did on 202.

3 MR. STEINMETZ: On 202, that --

4 MR. KEHOE: I'd have to find that. But
5 they did a little letter type thing as well.

6 MR. STEINMETZ: That's what we did. You
7 know, Brian and I submitted that data on that
8 other one.

9 MR. SINSABAUGH: You're, you're lucky to
10 get ten cars a day at a climate control facility.

11 MR. STEINMETZ: Yeah.

12 MR. MCKINLEY: Is there any signage or
13 any sort of placards? And where would they be
14 located?

15 MR. STEINMETZ: There'll certainly be
16 signage up at 9A. Presumably, it's going to have
17 to be somewhere at Memorial Drive. That's a
18 detail to, to be worked out later. I think we're
19 going to want to make sure that people know
20 that's where they need to go down. And maybe
21 there'd be a secondary sign at the turnoff on
22 Memorial. We'll come back to you on that. We'll -
23 - once we know we're definitely using Memorial, I
24 think we will finalize that.

1 June 5, 2025

2 And the only other thing that I could
3 think of, Michael, that probably would helps us
4 all, if the planning board decides to send some
5 kind of communication to the town board that you
6 would like to see this other access, I would
7 suspect that you'd rather not do that until we
8 give you the comparative chart.

9 MR. KESSLER: Thank you.

10 MR. STEINMETZ: Bingo. So I, I realize
11 that. So we, we will, we will get to that, that
12 comparative chart as quickly as possible. And if,
13 and if for no other reason, we may want to be on
14 that, on that July agenda to try to get you to
15 help us --

16 MR. KESSLER: Okay.

17 MR. STEINMETZ: -- get the town board
18 over the hump and, and, and make this happen.

19 MR. KEHOE: Right. Because you were, you
20 correctly noted it Richard, we were the ones that
21 asked you to redo your calculations for the
22 wetland buffer impacts because I found it a
23 little confusing. So, when you'll update the
24 chart, and hopefully it won't seem -- maybe the

1 June 5, 2025

2 numbers will be more in line.

3 MR. WILLIAMS: I'll, I'll work with you
4 on this.

5 MR. KEHOE: Okay.

6 MR. MCKINLEY: The intention of the
7 turnaround, that extends into the town right of
8 way, correct? So would that require permission
9 from the town board for that turnaround in the
10 right of way?

11 MR. STEINMETZ: I would suspect it
12 would, yeah, some kind of --

13 MR. MCKINLEY: Because it --

14 MR. STEINMETZ: -- a license agreement.

15 MR. CUNNINGHAM: It's in the town right
16 of way.

17 MR. KESSLER: Right.

18 MR. STEINMETZ: Yeah. Good point.

19 MR. LAPINE: And there, there are, you
20 do have water connections also in Ferris Lane as
21 well, that's where you're tapping the water. So
22 you'll be in there doing work.

23 MR. STEINMETZ: Yeah.

24 MR. LAPINE: I mentioned in December

1 June 5, 2025

2 about the DEC's, you know, whether or not they
3 would take jurisdiction or anything. Has there
4 been any communications with the DEC on this
5 particular wetland?

6 MR. WILLIAMS: Our, our wetland consult
7 is on that.

8 MR. LAPINE: Okay.

9 MR. WILLIAMS: And filing the
10 jurisdiction determinations.

11 MR. LAPINE: All right.

12 MR. STEINMETZ: Have we filed or are we
13 getting ready to file that? That 90-day clock may
14 be underway already, Chris.

15 MR. KESSLER: Any further comments from
16 the board or staff? If not --

17 MR. MCKINLEY: I'll, I'd like to just
18 make one more comment, just, just because I want
19 to put something on the record, record that I, I,
20 I'm sure you're aware of, that the town of
21 Cortlandt is, this is in the transportation-
22 oriented district and we saw a master plan of,
23 you know, potential options and community
24 crowdsourcing of what's going to happen. Just

June 5, 2025

bringing that to your attention that this, this is also, you know, being discussed about what to bring to the community. This is a nice addition of course, but it, it seems like it's not considered in, in a community involvement where we're bringing in museums and other things, you know, transportation, housing developments, walking paths. So I just want to acknowledge it. Nora and I were just talking about it. It's, I just don't want it to feel like a [unintelligible] [00:21:27] action.

MR. STEINMETZ: So you -- totally appreciate that, Peter, and the only thing I would say in response in, in my experience as areas increase the density of residential housing throughout the county, the need for this use increases exponentially. Which is why we, we probably behind assisted living, this seems to be the, the topic that I, I, other than standard residential, that I, that I get more calls on. So as Cortlandt now has possibly exploring TOD and additional housing density, especially TOD oriented housing, which tends to be smaller,

1 June 5, 2025

2 apartment type uses, having this capability of
3 storage, obviously inures to the benefit of, of
4 the surrounding area.

5 MR. MCKINLEY: Of course. Yep.

6 MR. KESSLER: Yeah. Anything else? If
7 not, Jeff.

8 MR. ROTHFEDER: I move that we refer
9 this application back to staff.

10 MR. KESSLER: A second please.

11 MS. HILDINGER: Second.

12 MR. BIANCHI: Second.

13 MR. KESSLER: And on the question. All
14 in favor?

15 MULTIPLE: Aye.

16 MR. KESSLER: Opposed?

17 MR. STEINMETZ: Thank you all.

18 MR. KESSLER: Thank you. Next item,
19 under new business, it's the application of PSW
20 Realty for property of A.J. Picarello for site
21 plan approval and a special permit for a
22 specialty trade electrical contractor, for
23 property located at 2015 Albany Post Road,
24 drawings dated May 22, 2025. Good evening.

1 June 5, 2025

2 MR. JIM ANNICCHIARICO: Good evening,
3 Jim Annicchiarico, with Cronin Engineering
4 representing PSW Realty, the applicant. So we are
5 seeking site, site plan approval and a special
6 permit for their electrical contracting business,
7 which is Switch Inc. Electrical. They're a small
8 electrical contracting business.

9 And you may recall back in 2002, I had
10 obtained approval for A.J. Picarello for his
11 Downcycle Bicycle Sales and, and maintenance
12 business at the site. That site plan included the
13 -- a steel building that was up in the back of
14 the property, storm water for that, and so on.
15 That never was never built. And A.J. is now
16 retiring and selling the property to my client.

17 And they want to use the property for,
18 like I said, their electrical contracting
19 business. There'll be an office in the existing
20 one story building. The vans, their, you know,
21 electrical vans would come to the site. Not every
22 day, but sometimes and, you know, leave from the
23 site to go to jobs. We are proposing some
24 additional parking for the vans up in the back in

1 June 5, 2025

2 case that's needed. Right, thank you for circling
3 that. We --

4 MR. KESSLER: Will he himself have vans
5 there or is this just for --

6 MR. ANNICCHIARICO: I'm sorry?

7 MR. KESSLER: Will he have the -- is
8 this for vans that are coming to pick things up
9 or vans that he has that --

10 MR. ANNICCHIARICO: Oh, they're
11 electrical contracting business vans.

12 MR. KESSLER: Okay.

13 MR. ANNICCHIARICO: Right. I think Chris
14 might have mentioned in the work session that as
15 part of A.J.'s approval back in 2002, '22, there
16 were, there's a trailer up in the back corner of
17 the property that was required to be removed.
18 There are also some temporary structures to the
19 right of the building up front. And those were
20 also required to be removed. Those will, those
21 will be removed as part of our site plan. We're
22 still proposing that, obviously. But other than
23 that it's a fairly simple site plan.

24 We've given you the requirements for

1 June 5, 2025

2 specialty trade contractors, per section 307-65.6
3 in the, in the town code, eight through 11. We've
4 provided that in the package for you. I think
5 you'll find that, you know, their, their business
6 does not, you know, go against any of the
7 requirements that are, that are there, laid out
8 there.

9 We do -- the first, one of the first
10 requirements is that the rear of the property, if
11 it, if it abuts a residential district, that'd be
12 twice the, the, the setback, which in this zone
13 is 30-foot for the rear setback, which would
14 require a 60-foot setback. But our, our building
15 is 109 and-a-half feet away. Other than that, I'd
16 be happy to answer any questions anybody has.

17 MR. KESSLER: So outside of removing
18 things and fixing up the building, you're really
19 -- no new paving, nothing?

20 MR. ANNICCHIARICO: No, no impervious,
21 no additional impervious area. Same as we were
22 proposing for the bike shop, same parking, you
23 know, a handicap spot close to the building,
24 striping to delineate the spots. That's it.

1 June 5, 2025

2 MR. KESSLER: Any, any comments?

3 MR. ROTHFEDER: I, I didn't quite
4 understand what you meant. The, the parking, the
5 area up higher was intended to build on it at one
6 point?

7 MR. ANNICCHIARICO: Right. for the, the
8 application for A.J. Picarello back then, in
9 2022. That proposed a fairly large metal
10 building back there.

11 MR. ROTHFEDER: Okay.

12 MR. ANNICCHIARICO: That was going to be
13 used to, so we can eliminate what the violation
14 that he had gotten for the trailer on the site,
15 where he was storing bike parts and things.
16 Because he, you know, he really didn't have any
17 room in the building itself. So that building is
18 not going to happen as part of this application,
19 obviously.

20 MR. ROTHFEDER: Not now either?

21 MR. ANNICCHIARICO: Right.

22 MR. KESSLER: Anything?

23 MR. ROTHFEDER: And, and Chris, you had
24 a question about the -- Chris Lapine, about the

1 June 5, 2025

2 parking, and the EV spots?

3 MR. LAPINE: Yeah, up on the top of the
4 hill, are you going to be extending that roadway
5 to get to it or will there be a --

6 MR. ANNICCHIARICO: No, we wouldn't
7 propose to do that. The driveway, that's just
8 existing asphalt that just ends there.

9 MR. LAPINE: Okay.

10 MR. ANNICCHIARICO: So, and it's fairly
11 flat now, so you could drive up there and --

12 MR. LAPINE: So that'll be a gravel
13 surface, right?

14 MR. ROTHFEDER: And those spots are for,
15 are, are the trucks electric vehicles or --

16 MR. ANNICCHIARICO: Oh, no, no, I didn't
17 -- they're electrical contracting trucks.

18 MR. ROTHFEDER: Oh, all right.

19 MR. KEHOE: They're, they're panel,
20 they're like panel vans --

21 MR. ROTHFEDER: Oh, okay.

22 MR. KEHOE: -- that electrical guys take
23 out to the job sites.

24 MR. ROTHFEDER: I see. Okay.

1 June 5, 2025

2 MR. KESSLER: Okay. Anything, any more
3 comments? Staff, board?

4 MR. LAPINE: I, I do have one other
5 question. So is the parking along the front
6 within the right of way?

7 MR. ANNICCHIARICO: Some of them are,
8 yes. That's the way it's always existed.

9 MR. KEHOE: They exist.

10 MR. ANNICCHIARICO: It's the way it's
11 always existed. Right.

12 MR. LAPINE: Is there an existing user
13 permit for that parking?

14 MR. ANNICCHIARICO: I am not aware of
15 any.

16 MR. LAPINE: Could you look into that?

17 MR. ANNICCHIARICO: Sure.

18 MR. LAPINE: So I can confirm the
19 validity of those parking spaces.

20 MR. ANNICCHIARICO: So you mean through
21 the town board, with the town board?

22 MR. LAPINE: Correct.

23 MR. KEHOE: Well, and it might involve
24 the state DOT as well because it's a state

1 June 5, 2025

2 highway.

3 MR. ANNICCHIARICO: Okay.

4 MR. KESSLER: Okay. Last call. If not,
5 Tom?

6 MR. BIANCHI: Mr. Chairman, I'll move
7 that we refer this case back to staff for review.

8 MR. KESSLER: Second please.

9 MR. MCKINLEY: Second.

10 MR. KESSLER: And on the question. All
11 in favor?

12 MULTIPLE: Aye.

13 MR. KESSLER: Opposed?

14 MR. ANNICCHIARICO: I would ask the --
15 do you plan on doing a, making a site inspection?

16 MR. KESSLER: Yeah. Once we get the
17 review memo --

18 MR. ANNICCHIARICO: You would do that
19 after that?

20 MR. KESSLER: -- after that point, yeah.

21 MR. ANNICCHIARICO: So there is no
22 August meeting, right?

23 MR. KESSLER: Correct.

24 MR. KEHOE: We'll, We'll do our best to

1 June 5, 2025

2 get the review memo out to you and you respond,
3 so --

4 MR. KESSLER: Right.

5 MR. KEHOE: -- you can be on the July
6 agenda and we'll do a site inspection sometime
7 over the summer.

8 MR. ANNICCHIARICO: Great. Okay. Thank
9 you very much.

10 MR. KESSLER: Thank you. All right, the
11 final item this evening. It's the application of
12 Dakota Recycling Services and Dakota Concrete
13 Services for the property of Briga Enterprises
14 and Bilotta Realty of Westchester for an amended
15 site plan approval for the existing Dakota
16 Recycling Services and Dakota Concrete Services
17 for property located at 2099 Albany Post Road,
18 drawings dated May 27, 2025, big night for Albany
19 Post Road.

20 MR. KEHOE: It's a busy place.

21 MR. KESSLER: Yeah. Good evening.

22 MR. SINSABAUGH: Good evening, Chairman,
23 members of the board. My name is Brian
24 Sinsabaugh, attorney with Zarin and Steinmetz.

1 June 5, 2025

2 Here with me this evening, I have Jeff Manganello
3 on behalf of the applicant. He's here with me in
4 person on the front row. I also have Peter
5 Loyola, who is the engineer of record for this
6 application. He's on Zoom. In a little bit, he'll
7 be going through the application in a little more
8 detail for you.

9 I believe this, this whole entire board
10 was recently involved with the other portion of
11 this site. The site is split zoned. It's HC9A on
12 the western portion. And then also you have M1
13 district on the easterly portion. We in April,
14 received amended site plan approval with regard
15 to the HC9A portion of the site.

16 As a condition of that approval, we had
17 to submit an application for the remaining
18 portion of this site. And that's what this
19 application is before you this evening. We went
20 through an extensive review. I know that we've
21 also had site visits on this site and, I sat
22 through the work session. I can tell you that
23 there are no major changes between what was
24 previously approved on the original site plan as

1 June 5, 2025

2 opposed to this. But as was discussed, the
3 original site plan is pretty bare bones. So the
4 purpose of this is to bring a little more detail
5 to the site, try to put something on the record
6 as to what the operations are, where the
7 operations are and the equipment machinery that's
8 there. So it's the benefit of the town as well as
9 future use of the site.

10 At this point, I'm just going to turn
11 this over to Pete Loyola. He may want to take
12 control of the screen as well, so he can walk
13 this through -- this through with you. But he'll
14 go through each of the application documents.

15 MR. KEHOE: Do we let other people take
16 over our screen? Emma? All right. All right.

17 MR. KEHOE: Is he trying to connect to
18 audio?

19 MR. STEINMETZ: Peter, can you speak? So
20 we know you hear us?

21 MS. LAVARNWAY: He's talking, but we
22 can't hear him.

23 MR. PETER LOYOLA: Hello? Oh, can you
24 hear me?

1 June 5, 2025

2 MS. LAVARNWAY: Try again.

3 MR. LOYOLA: Hello, can you hear me?

4 MR. STEINMETZ: Peter, we hear, we hear
5 you now. The screen is yours. The floor is yours,
6 Peter.

7 MR. LOYOLA: Okay. Can you hear me now?

8 MR. STEINMETZ: Yes.

9 MR. LOYOLA: Okay. Yeah, sorry about
10 that, Peter Loyola, CLA Site representing Dakota
11 Recycling of Dakota Concrete. What you have in
12 front of you is, is just an overall location map.
13 I know there's been some confusion that, that's
14 been mentioned that where this site actually is,
15 in relationship to the Cortlandt train station.
16 And I just want to point out that the, the site
17 that's right next to the Cortlandt train station
18 is Peckham Materials. It's not our property. So
19 we are one over from that, so I just wanted to
20 point that out and make that clear.

21 We are currently in the same
22 configuration as was in 2003 with a couple of
23 exceptions. I'll, I'll point to the next -- Do I
24 have control over the next slide? Let's see.

1 June 5, 2025

2 Sorry.

3 MS. LAVARNWAY: He doesn't have control
4 over the slides?

5 MR. CUNNINGHAM: No.

6 MR. LOYOLA: Chris, Can you, can you go
7 to the next, next slide? I don't, there we go.
8 Okay. So in red, down below here, we have the
9 concrete facility. In the blue is the recycling
10 facility. And in the green area is just buffer
11 area that is dedicated to just buffer and storm
12 water management. The configuration back in 2003
13 didn't really highlight any of this. There's an
14 actual lease line that's here that runs through
15 the property. If you can see my mouse, we are
16 completely in a M1 zone. And as Brian mentioned,
17 there's very little change that has, has happened
18 out here with regard to the facility.

19 The primary improvements and primary
20 changes have been with regard to just updating
21 new equipment. We're continuing to handle
22 material in the recycling area. The, the concrete
23 facility, as you all know, went through a bit of
24 a fire, but we're locating and relocating the

June 5, 2025

concrete facility and any of the new, new upgrades to the plant in the exact same location. So there's not going to be any significant changes there with regard to the concrete plant.

I think what you -- what we show in the package is a complete breakdown and inventory of the of all the plant equipment. You know, as you go through the drawings, you'll see that we've, we've specified the equipment that's on site. We are currently covered under two, two SWPPPs. We have a notice of intent and a SWPPP for Dakota Concrete. And also an NOI submitted to DEC for industrial sector permit, general permit for the recycling facility. So, we are covered under storm water.

We have all our air permits in order with regard to the recycling through Westchester County. And we are, we are going through all the paperwork now as a, as a recent facility being taken over by Dakota Recycling. We are, we're in compliance with regard to the state. So I'll open it up for questions.

MR. KEHOE: Well, one, one thing that I

1 June 5, 2025

2 just want to make clear, which they were
3 attempting to make clear, is that from the train
4 station, you can always see that rundown, sort
5 of, that's not theirs.

6 MR. ROTHFEDER: Right.

7 MR. KEHOE: So the, the one that was in
8 the fire is in the bottom corner of that pink
9 area.

10 MR. KESSLER: Again, say that again,
11 Chris.

12 MR. KEHOE: Well, there's two sort of
13 industrial structures out there. One they wanted
14 to make clear to you is in that white area on
15 that map that is not theirs. It's owned by
16 Peckham. And then the concrete plant that burned
17 is in the very back corner of their property in
18 that pink area. Yeah

19 MS. LAVARNWAY: So this is Peckham.

20 MR. KEHOE: Yeah. So that's Peckham,
21 which is not subject to this application.

22 MS. LAVARNWAY: This is where.

23 MR. STEINMETZ: And Steve, I just want
24 to kind of follow Chris on that because it's

1 June 5, 2025

2 important. We were surprised when we met with
3 staff, that it was clear that some folks in the
4 town, even some town officials, weren't exactly
5 sure what was part of the Bilotta, Briga, Dakota
6 site. And so that's why you heard it from us in
7 our initial comments. And, and I really
8 appreciate Chris doubling down. There is this
9 other property owner proximate to the train
10 station, I just want to make sure the board is
11 aware of that.

12 MR. KESSLER: And --

13 MR. MCKINLEY: Is that the structure
14 that leads up, it's like a triangle, it's a, a
15 conveyor belt of systems. Is that, is that the
16 one that we're talking about?

17 MR. STEINMETZ: The Peckham structure,
18 how would you describe it? I can't answer that.

19 MR. JEFF MANGANELLO: I'm not sure which
20 one they're referring to.

21 MR. STEINMETZ: Peter, I'm not --

22 MR. MCKINLEY: It's the biggest thing
23 that you can see from the, from the rail -- the
24 biggest structure you can see from the railroad.

1 June 5, 2025

2 MR. KEHOE: Yeah. That, that's Peckham.

3 MR. MANGANELLO: That's, that's the
4 asphalt plant.

5 MR. LOYOLA: Yeah, that's, the Peckham
6 Asphalt, yeah.

7 MR. MCKINLEY: Thank you.

8 MR. STEINMETZ: Peter, I thought so I
9 just, once you said triangular, I was concerned
10 that I --

11 MR. MCKINLEY: The conveyor belt that
12 goes up --

13 MR. STEINMETZ: Got it.

14 MR. MCKINLEY: -- a hundred feet. Yeah.

15 MR. STEINMETZ: Got it.

16 MR. BIANCHI: Okay. Well, can I go?

17 MR. KESSLER: Yeah, sure. Go ahead. I'm
18 trying to get my thoughts together.

19 MR. BIANCHI: I realize that this was
20 submitted as a result of the resolution under
21 phase one.

22 MR. STEINMETZ: Correct.

23 MR. BIANCHI: So you're, you're doing
24 what you were required to do. But my, I'm trying

1 June 5, 2025

2 to struggle to find out what really is different
3 in this phase two. Is it totally, completely
4 different or is it just a matter of getting the
5 actual state of affairs there approved?

6 MR. STEINMETZ: So it's, I, I'm going to
7 answer sort of. It's getting the state of affairs
8 memorialized on a plan.

9 MR. BIANCHI: Memorialized. All right,
10 that's what I meant to say.

11 MR. STEINMETZ: So the, our position,
12 folks is that the site is approved. It, it is
13 lawful. There is no violation as to the use of
14 this property. But as a result of coming in, as
15 Brian and I did for Bilotta on the front of the
16 site, for the masonry yard, that triggered
17 questions and comments from at least one member
18 of the public. And your board ultimately thought
19 it was prudent, and I believe staff agreed, that
20 we would bifurcate the analysis.

21 So Tom, you're right. We had phase one,
22 stage one was the masonry yard, and now we're
23 here on phase two, which is just to make sure
24 it's in everybody's interest to have a site plan

1 June 5, 2025

2 that illustrates where everything is today.

3 MR. BIANCHI: Okay. So nothing is
4 changing here, basically. It's what it is, is
5 what it is.

6 MR. STEINMETZ: The same operation has
7 been in existence for, for a couple of decades.

8 MR. KESSLER: So just some, there are
9 distinct operations here. So there's a Dakota
10 Concrete facility, a Dakota recycling facility,
11 and, or is that it?

12 MR. STEINMETZ: Dakota Recycling, Dakota
13 Concrete.

14 MR. MCKINLEY: And the retail.

15 MR. STEINMETZ: And, and the --

16 MR. MANGANELLO: Masonry yard.

17 MR. LOYOLA: And the Dakota, Dakota
18 Supply Corp., which was phase one, which just got
19 approved.

20 MR. STEINMETZ: Right.

21 MR. BIANCHI: Okay.

22 MR. STEINMETZ: I -- so the, the reason
23 we have three colors again, Peter on the back,
24 which is why I think the chairman asked. We have

1 June 5, 2025

2 three operations, one of which is on the front.
3 But we have the three colors because one of them
4 is buffer, correct?

5 MR. LOYOLA: That's, that's correct. The
6 green area is just a buffer area that, that we --
7 was, is designated for storm water management
8 and, and just buffer area.

9 MR. KESSLER: Oh, the, the --

10 MR. STEINMETZ: There are really only
11 two operations at the back of the property.

12 MR. KESSLER: The upper, the upper right
13 hand corner. Okay. And you said the fire was in
14 the lower right down there? Your concrete plant?

15 MR. LOYOLA: The concrete plant is,
16 yeah, at the lower right.

17 MR. KESSLER: Okay.

18 MR. LOYOLA: And then the recycling is
19 up above on the hill. And then to the left is
20 white on opposite of the lease line is Dakota
21 Supply Corp.

22 MR. KESSLER: Okay. And the --

23 MR. LOYOLA: So they --

24 MR. KESSLER: -- and the pink in the

1 June 5, 2025

2 middle?

3 MR. STEINMETZ: That's the concrete --

4 MR. LOYOLA: That is the concrete
5 facility. So those are the bins that are
6 associated with the concrete facility.

7 MR. KESSLER: Okay. What, what, give me
8 more, what does that mean? The bins associated?

9 MR. LOYOLA: So for, so in order to
10 supply the, the concrete, there's different
11 grades of aggregate that are used to feed the
12 hopper that feeds the, the concrete for different
13 mixtures. And up at the top of that hill is where
14 the bins are for the aggregate material storage
15 area.

16 MR. KESSLER: There, there, it looks
17 like there are three bins. Is that how I'm
18 reading this?

19 MR. LOYOLA: No, there's actually no,
20 there's actually right there, there's actually
21 one, two, three, four, five, six bins altogether.

22 MR. KESSLER: Oh, no, I'm, I'm talking
23 about the up above, in the middle of the property
24 that, that pink.

1 June 5, 2025

2 MR. MCKINLEY: The dotted line?

3 MR. KESSLER: Yeah. Yeah. Right.

4 MR. LOYOLA: Okay. That, that is, that's
5 a truck -- that's a truck wash for the concrete
6 truck wash. That's in the facility of recycling.
7 So there's a, there's an area. So what happens
8 when the concrete trucks come back, they have,
9 might have leftover concrete. So before they pick
10 up additional concrete, they come into the
11 recycling area. And so there's a little bit of
12 crossover of activity. But they, they clean out
13 their concrete trucks, wash those into a truck
14 wash, into a, into a concrete wash.

15 MR. KESSLER: Got it.

16 MR. LOYOLA: And that's recycled within
17 the facility.

18 MR. KESSLER: And, and that equipment to
19 the left of that concrete wash facility, what is
20 that?

21 MR. LOYOLA: Processing equipment for
22 crushing and processing aggregate material that
23 comes in, recycle, recyclables that are coming
24 into the site.

1 June 5, 2025

2 MR. KESSLER: So that, that is the only
3 place on the site where all the rock crushing
4 takes place?

5 MR. LOYOLA: That's, that's -- well
6 there's two plants there. You can see that one
7 and the one to the left that are down to the left
8 there.

9 MR. KESSLER: Right. And you said the
10 one above that, which one? The --

11 MR. LOYOLA: Nope, just two plants.

12 MR. KESSLER: The one in the middle. And
13 I'm sorry, where was the other one?

14 MR. LOYOLA: Just to the top. I'm sorry.
15 Yep, right there.

16 MR. KESSLER: Okay, got it.

17 MR. LAPINE: Peter, I know the building
18 permits for the new concrete plant haven't been
19 submitted, but I just want to confirm I heard it
20 correctly. You're going to occupy the same
21 footprint, is that correct?

22 MR. LOYOLA: That's correct. No, no
23 bases are, are going to be adjusted. It's, it's
24 really just the interior parts of the plant that

1 June 5, 2025

2 were damaged by the fire.

3 MR. LAPINE: Okay, thank you.

4 MR. BIANCHI: A question on the, with
5 our, with the materials we received, there were a
6 lot of air emissions permits from Westchester
7 County and Department of Health and the permit to
8 transfers -- application for permit transfer,
9 yeah. But there's one item that seems not to be
10 finished, and that's the bulk storage, petroleum
11 bulk storage application. It looks like it's an
12 application here, but I don't see that it's been
13 approved or issued. Is that something that's in,
14 in practice right now? I mean in transition?

15 MR. SINSABAUGH: Yeah. So I believe that
16 there was a petroleum bulk storage permit that as
17 part of the phase one was relocated off the phase
18 one site out of the HC9A and put into the M1
19 district, M1 area. So what was already on the
20 site is just being relocated to a different
21 portion. And I believe that's part of that
22 permit.

23 MR. BIANCHI: Oh, this is an application
24 that we have here. This is an application, not a

1 June 5, 2025

2 permit.

3 MR. SINSABAUGH: I'd have to confirm and
4 take a look at that document -- without the deck
5 in front of me.

6 MR. STEINMETZ: Peter, do you know the
7 answer?

8 MR. SINSABAUGH: Peter, do you?

9 MR. LOYOLA: Yeah, I'm just, I'm trying
10 to look at the submission.

11 MR. LAPINE: So the, the, the bulk
12 storage on the retail site is a 750 gallon bulk
13 storage tank. I think that's the one you're
14 referring to, Brian?

15 MR. STEINMETZ: Yeah, we, we believe
16 Chris, that that's correct. And that, and then
17 Brian, that was the one you said was relocated to
18 that site?

19 MR. SINSABAUGH: I believe that that's -
20 -

21 MR. LAPINE: Correct. And that, that's
22 the one that I think the permit is under review
23 for that particular site, is how we, is what
24 George Mattarello --

1 June 5, 2025

2 MR. STEINMETZ: George Mattarello says?

3 MR. LAPINE: Yes. Had, had indicated
4 that's what's currently on his plans.

5 MR. STEINMETZ: Okay. Okay. Is there,
6 are there two separate?

7 MR. KESSLER: It's hard to figure this
8 out?

9 MR. LAPINE: Yes, it's filed, I think
10 it's under review.

11 MR. JAY BILOTTA: Good evening, Jay
12 Bilotta. That tank during our, the site
13 inspection we had --

14 MR. KESSLER: Can you identify yourself?

15 MR. BILOTTA: Jay Bilotta.

16 MR. KESSLER: Identify yourself please.

17 MR. BILOTTA: I, I said Jay Bilotta
18 three times.

19 MR. KESSLER: Oh, did you?

20 MR. BILOTTA: I'll make it a fourth. Jay
21 Bilotta. Good evening, everybody. That tank was -
22 -

23 MR. STEINMETZ: They know each other. We
24 apologize.

1 June 5, 2025

2 MR. BILOTTA: Well, I used to be there.

3 MR. KESSLER: He used to sit --

4 MR. BILOTTA: That tank in particular
5 was a tank, was a non-functioning tank. We use it
6 for job sites and Preziosi, the engineer wanted
7 it -- if it's sitting there, it has to have a
8 permit. So we put in there to be permitted.

9 MR. BIANCHI: Correct.

10 MR. BILOTTA: So, right. So right now we
11 have, everything has been filed in with the
12 application. We have a work permit for it. It's
13 installed and now we're just waiting for the
14 final approval. Everything was submitted to
15 Westchester County Board of Health.

16 MR. BIANCHI: Alright. So you're not
17 using it right now, but you filed for a permit to
18 use it?

19 MR. BILOTTA: We filed because we had to
20 use, we have to, because of if it's sitting,
21 there has to be --

22 MR. BIANCHI: You were requested to do
23 that.

24 MR. BILOTTA: Right. Exactly, exactly.

1 June 5, 2025

2 That's where we're at with that.

3 MR. STEINMETZ: The answer to the
4 question you --

5 MR. BIANCHI: Because I was getting to
6 why do you file for it now if you're using it
7 already?

8 MR. LAPINE: Yeah, we have --

9 MR. BIANCHI: And that's not the case.
10 All right.

11 MR. LAPINE: Tom, we had a comment in
12 our letter to the applicant that the tank could
13 not be used until the permit is issued.

14 MR. BIANCHI: Okay.

15 MR. LAPINE: For that.

16 MR. STEINMETZ: And that is being
17 complied with.

18 MR. KESSLER: What, let me name these
19 things, so in this Dakota Recycling facility
20 area, all, all the way to the left towards the
21 end of the M1 zone, it's called, it says, I don't
22 know what it says. Wait a second. The, what,
23 what, what are the, what are those, are those
24 bins over there? Yeah, right there, thank you.

1 June 5, 2025

2 MR. LOYOLA: Yes.

3 MR. KESSLER: Storing what?

4 MR. LOYOLA: Finished, finished recycled
5 material and product that goes, that goes out of
6 the facility.

7 MR. KESSLER: So different bins for
8 different types of materials?

9 MR. STEINMETZ: Different products.

10 MR. KESSLER: Different products?

11 MR. LOYOLA: Different product.

12 MR. STEINMETZ: Different sized stone
13 materials that are, that have been there for
14 decades.

15 MR. KESSLER: You know what would be
16 helpful for me if, if, you know, with these three
17 areas, if you just, you know, a little list of
18 just what activities are taking place --

19 MR. STEINMETZ: Fine.

20 MR. KESSLER: -- in each of those
21 defined areas.

22 MR. STEINMETZ: Just, just, I want to
23 make sure --

24 MR. KESSLER: Just, you know, bullet

1 June 5, 2025

2 items. I don't --

3 MR. STEINMETZ: I want to make sure that
4 Peter knows exactly what, when you said the three
5 areas. Which, so the, the bins that we just
6 talked about, right at the east line --

7 MR. KESSLER: Well, the, the, what's
8 happening in the, let me make sure I get this
9 right, the Dakota Recycling Facility, which is
10 the big area in the middle, right?

11 MR. STEINMETZ: Correct. Yes.

12 MR. KESSLER: And then there's the code
13 of concrete facility in, in the pink.

14 MR. STEINMETZ: Correct.

15 MR. KESSLER: There's nothing happening
16 up in the upper right, right? That --

17 MR. STEINMETZ: That's the storm water
18 basin area.

19 MR. KESSLER: There's no, there's no, no
20 activity, no storage, no trucks, no parking, no
21 nothing, right?

22 MR. LOYOLA: Well, no, there's some,
23 there's some truck parking on the other side of
24 the building, just to the north of the building.

1 June 5, 2025

2 So that's why that's all kind of operational area
3 is in blue. Okay. So there are some trucks in
4 that area.

5 MR. KESSLER: In, in what area are we
6 talking?

7 MR. LOYOLA: Just beyond the building.

8 MR. KESSLER: Oh, no. Okay. No, I'm
9 talking beyond that line. You have that, that,
10 that heavy dark green line.

11 MR. STEINMETZ: Peter, I think the
12 question from the chair was, is there any
13 activity occurring in the green area on the side?

14 MR. KESSLER: That, that lighter green
15 area, the upper right hand corner, up there,
16 yeah.

17 MR. BIANCHI: Oh, where detention basin
18 is?

19 MR. KESSLER: Right?

20 MR. BIANCHI: Yeah.

21 MR. LOYOLA: We have the detention
22 basin, we have the septic field and we have then
23 slopes going down and buffer area.

24 MR. KESSLER: Okay.

1 June 5, 2025

2 MR. LAPINE: I think what was -- when we
3 had our pre-application meeting, there was a
4 discussion that any tools or machines that were
5 stored in that area were going to be removed for
6 the benefit of the septic system that sits there.

7 MR. KESSLER: Okay.

8 MR. STEINMETZ: Okay. So we will add,
9 Mr. Chairman, we will add some further
10 identification and clarification on the plan as
11 you just asked.

12 MR. KESSLER: Yeah, those are the three
13 areas. Thank you.

14 MR. STEINMETZ: Got it.

15 MR. LOYOLA: And I'd like to also, I'd
16 like to also point out that we do show the
17 incoming rock concrete mix loads in purple.
18 There's a, there's a stockpile that's in purple.
19 And then the processed aggregate and sub-base
20 materials are kind of outlined and dashed in
21 blue, dashed blue lines within the facility. So
22 we do identify, you know, the incoming materials
23 and then the, the outgoing processed aggregate
24 sub-base materials in the bins. I just want to

1 June 5, 2025

2 point that out.

3 MR. KESSLER: The, the, the blue dot,
4 you're talking the blue --

5 MR. LOYOLA: Right. The blue dashed
6 areas within the -- within this blue area are
7 stockpiles. And, and those, those move around
8 during the operation. The bins are staying where
9 they are. That --

10 MR. KESSLER: Oh, I see.

11 MR. LOYOLA: -- those are, those are
12 permanently placed. Sometimes they move those
13 based on, you know, the processing. But, it's the
14 incoming pile that moves, moves around based on
15 what they have for projects coming in, loads that
16 are coming into the site.

17 MR. KESSLER: So that's where most of
18 the material is being stored up in that area, in
19 the upper, upper left there? Is that what you're
20 saying?

21 MR. LOYOLA: Processed material,
22 processed material there and processed material
23 in the bins.

24 MR. KESSLER: Got it. Okay.

1 June 5, 2025

2 MR. LOYOLA: So those, those stockpiles
3 change, you know, daily. They, they get a little
4 bigger, they get a little smaller, but they stay
5 within that area.

6 MR. KESSLER: Peter, do you have a
7 question?

8 MR. MCKINLEY: I, I was just going to
9 ask for clarification. So is it fair to say too
10 that when a consumer comes in to purchase some
11 supplies, they're going to use the shared access
12 road? There's no change in that?

13 MR. SINSABAUGH: That's correct.

14 MR. MCKINLEY: Okay. And you would go in
15 through the shared access and make a left and
16 that's where you would go buy supplies. But
17 everything else is commercial and not to be --
18 people would --

19 MR. SINSABAUGH: Correct.

20 MR. MCKINLEY: -- not go to the right at
21 all, correct?

22 MR. SINSABAUGH: Yeah. They, they access
23 to the area where people would typically drive in
24 if they're individuals would be right where that

1 June 5, 2025

2 lease line.

3 MR. MCKINLEY: Landscapers --

4 MR. SINSABAUGH: Yeah.

5 MR. MCKINLEY: -- you know, homeowners
6 can go in and buy stuff on the left.

7 MR. SINSABAUGH: Correct, correct.

8 MR. MCKINLEY: Okay.

9 MR. KESSLER: Got it. Okay, any other
10 comments, questions? So next step is --

11 MR. LAPINE: I just have two questions.

12 MR. KESSLER: Oh, sure.

13 MR. LAPINE: One is I know at our last
14 meeting you indicated you met with the fire
15 department on the retail section. Did you show
16 them this plant at the same time for the
17 recycling facility to get their input as to
18 whether or not everything was adequate?

19 MR. LOYOLA: I believe we coordinated
20 with the fire. I think Scott from our office
21 actually coordinated and we showed the, kind of
22 the Hall Road area. I don't know if they were out
23 on site though.

24 MR. LAPINE: Okay.

1 June 5, 2025

2 MR. STEINMETZ: CLA, CLA did conduct
3 that, yes.

4 MR. LAPINE: Okay. And, and the last
5 thing was at that at our last pre-app meeting,
6 there was a discussion about they were working
7 with George on some, confirming the size of the
8 waterline to the plant. Has that been worked out?
9 The department [unintelligible] [00:54:38]?

10 MR. LOYOLA: Yeah, those are, those are
11 on the utility plans that are in your package.

12 MR. LAPINE: All right.

13 MR. STEINMETZ: Thank you for reminding
14 us about that, Chris. That, we did answer that.

15 MR. BIANCHI: I'm assuming there are no
16 outstanding violations or any issues with the
17 town with, with regards to this property right
18 now, are there?

19 MR. STEINMETZ: Not that, not that we're
20 aware of, no.

21 MR. BIANCHI: Okay.

22 MR. STEINMETZ: There were no, no
23 violations.

24 MR. BIANCHI: I just want to ask.

1 June 5, 2025

2 MR. STEINMETZ: So Mr. Chairman,
3 procedurally I think we would request that -- I,
4 I don't know whether your board needs to re-
5 designate yourselves as lead agency for the
6 second phase of this application.

7 MR. CUNNINGHAM: The board probably
8 should.

9 MR. KESSLER: Okay.

10 MR. STEINMETZ: So you may wish to do
11 that. And to the extent that you require a public
12 hearing on the kind of the reconfirmation of the
13 site plan, we would ask that you schedule the,
14 the site -- the public hearing, so that we
15 conduct and address that.

16 MR. KESSLER: Well, staff has to do a
17 review, memorandum first, circulate, and then
18 we'll schedule the public hearing. But certainly
19 we can entertain the lead agency. Anything else
20 before we do that? If not, Nora, you want to take
21 that?

22 MS. HILDINGER: I make a motion to
23 declare intent of the planning board to be lead
24 agent.

1 June 5, 2025

2 MR. KESSLER: Second, please.

3 MR. MCKINLEY: Second.

4 MR. KESSLER: On the question, please.

5 All in favor?

6 MULTIPLE: Aye.

7 MR. KESSLER: Opposed?

8 MR. STEINMETZ: Just point of
9 information. Are you, you are or not meeting in
10 August?

11 MR. KESSLER: Are not, no.

12 MR. STEINMETZ: So I, out of a courtesy.
13 I'm simply making a request. Don't jump on me. I
14 would ask that you consider scheduling a public
15 hearing, subject to staff telling you whether
16 it's got to be adjourned until September. Why do
17 I ask that? We're here literally to create a
18 paper record of something that's currently in
19 operation, has been in operation for decades, is
20 not currently in violation and the only reason
21 we're doing this is because we received an
22 objection during the time that we were simply
23 trying to put up and get confirmation of a
24 storage shed that you all had already approved

1 June 5, 2025

2 that we had to do twice. So as a courtesy, to my
3 clients, I'm asking if you would consider not
4 making us wait until September to kind of do the
5 rubber stamp application that we're doing as a
6 courtesy to the town. So that's the only reason
7 I'm asking.

8 To me, I'm glad we're doing this because
9 I want to eliminate some of the unfortunate back
10 and forth that the town has had to encounter over
11 the last several years. So I, I personally think
12 this is a good thing, not just for the town, but
13 for my client. However, making us wait until
14 September to do a public hearing. I, I would hope
15 we don't have to do that. Thank you for listening
16 to that.

17 MR. KEHOE: I would suggest you do that.

18 MR. KESSLER: You would?

19 MR. KEHOE: Wait to the public hearing
20 until September.

21 MR. KESSLER: Wait until September?

22 MR. KEHOE: Yes. We, we need to review
23 it. You can do a site inspection.

24 MR. KESSLER: Yeah.

1 June 5, 2025

2 MR. KEHOE: I think there are a lot of
3 cases that in July and August you could do site
4 inspections. Whether you want to do two separate,
5 I mean, I think David's representing three or
6 four clients where that would be the time that
7 would we do the site inspections.

8 MR. STEINMETZ: This is the most
9 important one. Don't tell the others.

10 MR. KESSLER: It's already, it's already
11 on tape, David.

12 MR. KEHOE: But I do think we, we do
13 need to do our review memos.

14 MR. KESSLER: Yeah.

15 MR. STEINMETZ: I tried.

16 MR. KESSLER: Yeah, I know.

17 MR. STEINMETZ: We'll see in September.

18 MR. KESSLER: Write a song. It's the
19 summer.

20 MR. STEINMETZ: Hey.

21 MR. KEHOE: You, you know, I, I don't
22 know the procedure. If you want to schedule a
23 site inspection for this, maybe David can write a
24 memo, we could put it on under correspondence. Or

1 June 5, 2025

2 you, I mean, I'm not ready to pick a date to
3 schedule the site inspection, but if he's not
4 going to be on the agenda in July --

5 MR. STEINMETZ: Well, Are we going to be
6 on for, for a lead agency designation?

7 MR. KEHOE: Not enough time.

8 MR. STEINMETZ: Oh, we're not going to
9 have 30 days?

10 MR. KEHOE: It's not a 30 day clock for
11 that to have happened.

12 MR. STEINMETZ: Are there any other --
13 who are you going to circulate to?

14 MR. KEHOE: I would imagine DEC, which I
15 got county, Westchester County Health

16 MR. STEINMETZ: Yeah, and the county
17 under 239M.

18 MR. KEHOE: Yes.

19 MR. KESSLER: What about MTA, would they
20 get this too?

21 MR. KEHOE: Michelle in my office is our
22 SEQR expert and we go back and forth about
23 interested versus involved, who really needs to
24 get it. MTA may have an interest in it, but

1 June 5, 2025

2 they're not involved agency.

3 MR. STEINMETZ: No permitting. They're
4 not issuing, they're not taking an action.

5 MR. BIANCHI: [unintelligible]
6 [00:58:47] oh.

7 MR. KEHOE: But I, I just think that we
8 would like to go out to the site sometime in the
9 summer. And if you're all right with him not
10 being on the agenda in July, but scheduling a
11 site inspection -- he'll, I imagine he'll be in
12 the room in at the July meeting.

13 MR. STEINMETZ: Is that a problem?

14 MR. CUNNINGHAM: I think he can just get
15 a letter saying when the site inspection is or an
16 email.

17 MR. KESSLER: So we can put it back on
18 the agenda to set a site inspection? Is that what
19 you -- are you suggesting we put it on the agenda
20 to set a site inspection?

21 MR. STEINMETZ: That's fine.

22 MR. KESSLER: Okay.

23 MR. STEINMETZ: Well, we, or even under
24 correspondence, I could write a letter saying,

1 June 5, 2025

2 would you consider scheduling a site inspection?
3 I'll be here for something else and we'll discuss
4 it under correspondence. Great idea. Don't forget
5 to circulate to the county. Thank you. We will
6 see you in July.

7 MR. ROTHFEDER: We have to refer this
8 back.

9 MR. KESSLER: Yeah.

10 MS. HILDINGER: I would like to make a
11 motion to refer this back to staff for further
12 review.

13 MR. MCKINLEY: Second.

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

16 MULTIPLE: Aye.

17 MR. KESSLER: Opposed?

18 MR. STEINMETZ: Goodnight, everybody.

19 MR. KESSLER: Nora, it's yours.

20 MR. SINSABAUGH: Thank you.

21 MS. HILDINGER: It is 7:23. The meeting
22 is adjourned. Thank you.

23 (The public board meeting concluded at
24 7:23.)

CERTIFICATE OF ACCURACY

I, Claudia Marques, certify that the foregoing transcript of the Board meeting of the Town of Cortlandt on June 5, 2025 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: June 20, 2025

GENEVAWORLDWIDE, INC

228 Park Ave S - PMB 27669

New York, NY 10003