

TOWN OF CORTLANDT
PLANNING AND ZONING BOARDS

PLANNING BOARD MEETING

1 Heady Street
Cortlandt Manor, New York 10567

December 5, 2023

6:30 p.m. - 7:13 p.m.

December 5, 2023

MEMBERS PRESENT:

Steven Kessler, Chairman

Thomas A. Bianchi, Vice-Chairman

David Douglas, Member

Kevin Kobasa, Member

Peter McKinley, Member

Jeffrey Rothfeder, Member

ALSO PRESENT:

Chris Kehoe, 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: Welcome to the
4 planning board meeting for, what is today,
5 December 5th. 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, roll
12 please.

13 MR. CHRIS KEHOE: Mr. Kobasa?

14 MR. KEVIN KOBASA: Here.

15 MR. KEHOE: Ms. Hildinger?

16 MS. NORA HILDINGER: Here.

17 MR. KEHOE: Mr. Rothfeder?

18 MR. JEFF ROTHFEDER: Here.

19 MR. KEHOE: Mr. Kessler?

20 MR. KESSLER: Here.

21 MR. KEHOE: Mr. Bianchi?

22 MR. BIANCHI: Here.

23 MR. KEHOE: Mr. Douglas?

24 MR. DOUGLAS: Here.

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MR. KEHOE: Mr. McKinley?

MR. PETER MCKINLEY: Here.

MR. KESSLER: We have no changes to the agenda this evening. Can I please have a motion to adopt the minutes from our meeting of November 8th?

MR. BIANCHI: So moved.

MR. KESSLER: Second, please.

MR. DOUGLAS: Second.

MS. HILDINGER: Second.

MR. KOBASA: Second.

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

MULTIPLE: Aye.

MR. KESSLER: Opposed? Our first item tonight is a letter dated November 21, 2023, from Daniel Richmond, and a memo dated November 20, 2023 from the, from the town of Cortlandt code enforcement office as required by condition two of the Planning Board Resolution 1-22 to provide an update to the planning board on the operation of the site and any substantial code violations for Yeshiva Ohr Hamier located at 141 Furnace

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2 Woods Road. Both those letters indicate that
3 there are no code, fire violations existing at
4 the facility. So Nora, can I please have a
5 motion?

6 MS. HILDINGER: I make a motion to
7 receive and file the report.

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

9 MR. KOBASA: Second.

10 MR. BIANCHI: Second.

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

13 MULTIPLE: Aye.

14 MR. KESSLER: Opposed? Next item is to
15 adopt the proposed 2024 meeting schedule for this
16 planning board, Mr. Bianchi?

17 MR. BIANCHI: Mr. Chairman, I move to
18 adopt the proposed schedule as shown in our
19 package and that's it.

20 MR. KESSLER: Second, please.

21 MR. MCKINLEY: Second.

22 MS. HILDINGER: Second.

23 MR. KESSLER: On the question, all in
24 favor?

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2 MULTIPLE: Aye.

3 MR. KESSLER: Opposed? All right, first
4 item under old business, the application of Heike
5 Schneider on behalf of 3120 Lexington LLC, for an
6 amended site plan approval and a wetland permit
7 for a proposed 2,088 square feet building
8 addition to the existing Ace Hardware Store
9 located at 3120 Lexington Avenue, drawings latest
10 revised November 1, 2023.

11 MR. KEHOE: You're going to have to take
12 that out of order.

13 MR. KESSLER: Well let's -- okay, so
14 let's move on. Next item is the application of
15 Cronin Engineering for the property of Riverview
16 Industrial Park for an amended site development
17 plan approval for modifications to the existing
18 industrial building and site located at 260 6th
19 Street, drawings latest revised November 29,
20 2023, good evening.

21 MR. KEITH STAUDOCHAR: Good evening,
22 Keith Staudohar, Cronin Engineering, representing
23 the applicant, Riverview Industrial Park LLC for
24 a project site located at 260 6th Street, zoned

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2 MD industrial, and it contains an existing 40,000
3 square foot building. We're here for an amended
4 site plan approval for some minor improvements to
5 the site which basically involved the creation of
6 nine contractor storage units on the northeast
7 side of the building and a little parking area
8 for the -- for the contractor vehicles.

9 We've provided storm water management,
10 additional landscaping, and we received comments
11 from staff at the last time we were here, from
12 staff as well as the consulting engineer. We
13 responded to all of those comments in our letter
14 and adjusted the plans accordingly. So we are
15 here tonight hopefully to move this to the next
16 stage, at the next meeting, public hearing and a
17 resolution.

18 MR. KESSLER: That's exactly what we
19 plan to do. Staff recommends that we have the
20 public hearing and we will ask staff to prepare a
21 resolution for that as well, so Kevin?

22 MR. KOBASA: I'd like to make a motion to
23 set a public hearing and have staff prepare a
24 resolution.

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2 MR. KESSLER: Second, please.

3 MR. BIANCHI: Second.

4 MR. DOUGLAS: Second.

5 MR. KESSLER: And on the question?

6 MR. KEHOE: Just on the question, the
7 public hearing, the next meeting is Tuesday,
8 January 9th, so in advance of that, I'll be
9 sending both Adam and Keith, although Keith will
10 probably do it, the notices that need to be sent
11 out for the public hearing. We take care of
12 preparing them all, but you've got to send them.
13 And you'll get that probably sometime just before
14 Christmas.

15 MR. KESSLER: And you give them the list
16 of the people to send it to?

17 MR. KEHOE: Yes.

18 MR. KESSLER: Okay.

19 MR. STAUDOCHAR: Great, thank you.

20 MR. KESSLER: All right, so we're on the
21 question. All in favor?

22 MULTIPLE: Aye.

23 MR. KESSLER: Opposed? All right, next
24 item is the application of Ryan Main, LLC, for

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2 site development plan approval and a residential
3 reuse special permit for steep slope, wetland and
4 tree removal permits for an additional 13 rental
5 units at Meadowbrook Commons on the Boulevard,
6 formerly known as Pondview, located on Route 6,
7 west of Regina Avenue, drawings latest revised
8 November 26, 2023.

9 MR. KEHOE: Perfect timing.

10 MR. HERNANE DE ALMEIDA: Hi, good
11 evening.

12 MR. KESSLER: Good evening.

13 MR. DE ALMEIDA: Hi, my name is Hernane
14 De Almeida. I'm the engineer for this project.
15 Since the last time I've been here, we made a few
16 changes. If you recall, the last time we were
17 here, we had an area of work that was a little
18 bit more constricted than what you see on G-1. On
19 G-1 is the area of work, and it's a big, large
20 shaded area. We increased it to bring the storm
21 water management down to a lower pond. In any
22 case, we have close ups of it. As far as --

23 MR. KEHOE: Hernane, I'm going to get
24 there. Let me just make sure we're talking about

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2 the same thing here. Let's see. Are you talking
3 about this area here --

4 MR. DE ALMEIDA: Yes.

5 MR. KEHOE: -- being enlarged, correct?

6 MR. DE ALMEIDA: Exactly. You know what
7 I'll do for, for the benefit of the board,
8 because I -- this looks like it's a lot more full
9 than the last time I was here. So let me do a
10 reintroduction of the project. I'll start from
11 the beginning, because some of you may not have
12 been here the last time I was presenting.

13 So this project is an expansion on an
14 existing development. It was previously named the
15 Pondview Commons. Now, it's Meadowbrook. This is
16 right by, geography wise, if you want to know
17 points of reference, right by Wal-Mart. It's east
18 of Wal-Mart.

19 In any case, this was once a campgrounds
20 and it was redeveloped into the townhouses that
21 you have out there now. What they want to do now
22 is add 13 additional units and keep the rest of
23 the site completely opened, as, as shown. Twelve
24 of the units are additional townhouses and each

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2 of those units will have a garage, a garage space
3 for the resident. And the 13th unit is for a
4 caretaker to be on premises at all times and
5 that's to go on the second floor of the existing
6 clubhouse.

7 So that's the application in front of
8 you, is to construct these 12 units and garages,
9 plus add the unit about the clubhouse, which very
10 little modification has to be done to the
11 structure itself. It's all interior on that
12 clubhouse. There will be no change to the
13 outside, unless we find out we have to do a
14 dormer or something like that. But I'm not sure
15 at this point.

16 So, again, for the benefit for those who
17 weren't here last time, if you look at sheet P-1,
18 which is the second sheet in your packet, it's
19 just a rendering. I don't know if you have a
20 color version or black and white, but it's a
21 rendering of what the street would look like on
22 the left hand side by the roofs of the 12 units.
23 On the right hand side are the 12 car garages,
24 and then you have three visitors spots, along

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2 with the fire turnaround there.

3 And again, I don't know if you have the
4 color version, can you go back to the P-1 on the
5 screen? Just so you guys can have a sense of
6 scale, at the very top of this page, on the right
7 hand side, you have the existing aerial view
8 versus the proposed site with the development
9 superimposed. And you're going to see here on
10 your screen now, so just -- can you go to get
11 both images at the same time, like slide over?
12 The other way. So you can see there, I don't know
13 if you can see those two big white splotches
14 that's the existing warehouse that's across the
15 street from the development we're talking about.
16 And you can see where the new development is
17 superimposed. So a sense of scale, what we're
18 talking about that new development versus the
19 entire property which is being left as open
20 space. It will help you appreciate what we're
21 trying to do here.

22 The next two images below it are just a
23 close up view of exactly what I'm talking about.
24 If you just scroll down a little. And there you

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2 go, before and after, side by side. And then as
3 far as the bottom view, we put a GIS topo overlay
4 so we could see as far as distance is to the
5 nearest residences. You can see it's very far. So
6 the surrounding neighbors, actually the closest
7 neighbor is a warehouse, the self-storage, or
8 public storage, or I don't know what it's called.
9 It's a storage facility where people rent out
10 space. So then the next page are the renderings
11 of the units.

12 For those of you who haven't been out
13 there, what we're proposing to built is exactly
14 what's out there now, the color scheme, size,
15 everything, no different. Following the same
16 schematic, so you couldn't ask for a better
17 visual than what's already built out there. It's
18 at 100 percent scale.

19 In any case, if we go on to the next
20 page, this is the landscaping plan. Well, the
21 beginning of the landscaping plan. This starts
22 with the tree removal. Now, what I had provided,
23 what I was given, was the trees that were
24 demarked during the Pondview Commons phase of the

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2 project. Nothing's really changed much. Trees may
3 have grown a couple of inches, but not much more.
4 However, the town wanted to have it reevaluated
5 by the arborist. And the arborist went out there
6 and they came up with the list that's on the
7 right hand side of this page.

8 Now, we're having some technical issues
9 with the consultant's map of the tress of the
10 list he gave us and we're working with him right
11 now to try and get that. But, so this -- I don't
12 know which tree number goes to which X over here,
13 but we're working with the arborist right now to
14 figure that out.

15 MR. KEHOE: And along those lines, the
16 planning board knows, and I think you probably
17 know that the purpose of this, and you already
18 showed the sum of the trees X'ed out is that
19 you'll provide a report, and you already have the
20 inventory and once you get the trees overlaid,
21 you'll provide a report of the total amount of
22 disturbance necessary to construct these and the
23 total number of trees that are going to be
24 removed. Any new trees or shrubs, you'll give us

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2 an analysis of that. And then the board will use
3 that to determine, first of all, if you're
4 removing any incredibly important or specimen
5 trees, which rarely happens. But if that does
6 happen, you may have to shift something a little.
7 But then they'll use that to determine the
8 replanting requirements or the contribution to
9 the Environmental Restoration Fund.

10 MR. DE ALMEIDA: No problem.

11 MR. KEHOE: So that's what we're working
12 towards with the trees.

13 MR. DE ALMEIDA: Yeah, and just like our
14 client the last time, no issues with complying
15 with whatever the recommendations are, whether it
16 be contributing to the fund or replanting. We
17 tried to keep the area of disturbance as tight as
18 possible. So when it comes to replanting within
19 the area of disturbance, it will be very
20 difficult. I mean if we had to, I mean I guess we
21 can go a little bit larger and do more management
22 of trees and spacing them out and just basically
23 clear cut and do planned planting. But I think a
24 more natural look is better and then we'll figure

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2 out what the compensation is going to be.

3 So on this page is also a nice close up
4 on the area of disturbance. And that little let
5 on the upper left hand corner of the disturbance
6 area, that's the increase of an existing pond to
7 manage the storm water management for this new
8 development and that connector there is so that
9 we can run a pipe or a swale to that location. I
10 have it shown on the drawing, storm water plan
11 and when you get to it, it has a pipe.

12 MR. KEHOE: And I think before you move
13 off that, we did have our wetland consultant go
14 out and investigate the wetlands and everyone's
15 gotten that report. And I'm paraphrasing the
16 report, but he said that the wetland was really
17 functioning as a drainage channel and that as
18 long as your new plan didn't significantly change
19 the way the drainage currently works, you know,
20 that it might be okay. And I think that's what
21 you're trying to accomplish here.

22 MR. DE ALMEIDA: Exactly. So, the
23 wetlands are downhill of this development and as
24 nature does it, it pushes whatever we develop,

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2 it's going to head towards the wetlands anyway,
3 so there's no impedance to the flow of the water.

4 MR. KEHOE: But there are some direct
5 impacts on the site to wetland. That's what we --

6 MR. DE ALMEIDA: Well, no, there's -- if
7 you look at the report, there's a section, a
8 blurb there, that the wetland consultant said
9 that the impact to the wetland might be from
10 groundwater seepage that feeds the wetland,
11 right, underground seepage. So just by the nature
12 of construction, you build any kind of structure
13 with a foundation or basement to it, you put a
14 perimeter drain around it, your footing drain,
15 and that'll catch the groundwater. And that gets
16 day lit towards the wetland. So whatever water
17 went to the wetland through groundwater seepage
18 is going to continue going to the wetland through
19 groundwater seepage. We actually catch it through
20 pipes in this way and send it that way.

21 So the contribution to the wetland from
22 our impact is mitigated with those pipes, which
23 is part of standard procedure anyway. But yeah,
24 there's minimal impact to the wetlands.

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2 So, going on to the following pages, we
3 have the proposed site plan. Again, we have it in
4 farther out 50 scale. And on the right hand side,
5 that's an error. That should be I think a 20
6 scale. And that gives you the dimensions, the
7 dimensional requirements, how wide the road is,
8 the layout of the lot, the buildings, and where
9 we're going to put the snow stockpiles, where the
10 refuse enclosure is, that's what this page
11 addresses, which are some of the comments that we
12 had from the review.

13 On the next page, we have the setback
14 compliance. It's pretty simple. It just shows the
15 zoning requirements and how we meet those. And we
16 meet all of them without variance. And then next
17 to that is the grading plan. It shows the
18 medications we have to do to the topography and
19 the retaining wall that we have to put in. And
20 the retaining wall is roughly about four feet
21 high, not a big retaining wall at all.

22 And then there are some details that
23 they requested during the site plan, through the
24 comments on the following pages. Lastly, we're

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2 going to the utilizes that you'd be reviewing.
3 And the utilities, this is more of a conceptual
4 plan. We have another engineer who is going to
5 handle the application to the Board of Health for
6 the water and the sanitary sewer. But what we've
7 showed here for now proof of concept that we were
8 able to meet the minimal design pitches of two
9 percent and connect to the existing sewer on
10 site.

11 None of this project has to go out onto
12 a public road. Everything will be constructed and
13 connected within the existing site. With the
14 exception of the water, the water we are grabbing
15 from the existing site, and then we're going to
16 loop it around to a water main that is also
17 existing on the property of the warehouse. So
18 there's a water main back there. Usually, water
19 departments don't like to have dead ends on their
20 mains. So that's why we're connecting to the next
21 door water main on the site of the storage
22 facility. And a couple of details on connections,
23 generic details.

24 And then the last page we have here is

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2 the drainage plan, which was the cause for the
3 increase in limits of disturbance. With the
4 increase in the limits of disturbance, from the
5 last time, we were under an acre, which just a
6 regular storm water plan. Now, we are over an
7 acre of disturbance, which kicks off a SWPPP to
8 the state, the DEC, with a notice of intent and a
9 whole big fat booklet to go with it. The booklet
10 wasn't prepared in time for the meeting. However,
11 the calculations are completed, and provided to
12 the town for review. That's really the meat and
13 potatoes of it all.

14 And then the rest of it is about
15 maintenance and background and hydrology, which
16 is not an issue. This is a pretty simple project,
17 as far as size, and giving you a real world
18 example of what we're trying to do is already
19 built out there. So what we're hoping to get
20 today here are any feedback from the board. If I
21 have to change anything, do it now, early on, and
22 we would love to have the board out there to do a
23 site visit and see the impacts.

24 MR. KESSLER: So our plan is to go on

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2 January 7th to do a site visit.

3 MR. DE ALMEIDA: Oh, that's excellent.

4 MR. KESSLER: We'd like you to stake out
5 the corners of the buildings and perhaps the
6 center line of the road.

7 MR. DE ALMEIDA: Okay.

8 MR. KESSLER: The driveway. I think that
9 should be sufficient. Since the design is the
10 same as the other buildings, do we need to send
11 this to architectural review for their review?

12 MR. KEHOE: Yeah, I'll take care of
13 that.

14 MR. KESSLER: Okay. Any, any questions
15 from the board?

16 MR. BIANCHI: Just a minor point, or
17 question point whatever. On the area of work on
18 drawing G-1.0, why did you not show in the area
19 of work the outline of the buildings in there? It
20 would have been helpful.

21 MR. DE ALMEIDA: I was just trying to
22 show the impact of the site as it is today.

23 MR. BIANCHI: Well, it's difficult to
24 follow, for me anyway. You don't have any section

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2 names or anything on the --

3 MR. DE ALMEIDA: Yeah, on page C-1, you
4 have the limit of disturbance with the buildings
5 in there, on the grading plan.

6 MR. BIANCHI: C-1?

7 MR. DE ALMEIDA: C-1, yes.

8 MR. BIANCHI: Okay. But that's an
9 enlarged view of it.

10 MR. DE ALMEIDA: Yes. You want to see it
11 as -- so --

12 MR. BIANCHI: Well, I -- I mean it's a
13 minor point, but I --

14 MR. DE ALMEIDA: No, I could --

15 MR. KESSLER: If you could hand that out
16 maybe at the --

17 MR. DE ALMEIDA: -- do that.

18 MR. KESSLER: -- when we do the site
19 visit, if you can have that with you.

20 MR. DE ALMEIDA: Yeah, yeah.

21 MR. BIANCHI: The draft plan usually
22 shows the outline of the buildings on it.

23 MR. DE ALMEIDA: No problem, yeah, it's
24 just a little checkbox, to show the layer, turned

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2 it on.

3 MR. KESSLER: Yeah, bring it with you
4 and hand it out at the site visit.

5 MR. DE ALMEIDA: Okay.

6 MR. KEHOE: Now, one thing that you and
7 I talked about a little Hernane, is that Joe is
8 our consulting engineer, so Joe and myself and
9 you, we'd like to meet. We might bring Mike
10 Preziosi in with respect to the sewer and water
11 connections, because he's the town engineer, just
12 to sort of flesh out a little details. Hopefully
13 we'll do that in advance of the site inspection.

14 MR. DE ALMEIDA: Okay.

15 MR. KEHOE: You'll have the site
16 inspection. Then when you come back on Tuesday,
17 January 9th, which is the next meeting. You know,
18 hopefully, the drawings will be revised and then
19 we'll see what the next step is whether the board
20 wants to have a public hearing or not.

21 MR. DE ALMEIDA: So the other -- so what
22 I'll do is I'll also have the other consulting
23 engineers taking care of the water and sewer --

24 MR. KEHOE: Sure.

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2 MR. DE ALMEIDA: I'll have -- Brian
3 Hildenbrand, I don't know if you know who he is,
4 he's going to be the engineer.

5 MR. KEHOE: Okay. And we can decide
6 whether we want that in person or Zoom. It might
7 be better in person so you can lay out the plans.
8 But we'll figure those details out.

9 MR. DE ALMEIDA: Yeah.

10 MR. KOBASA: I have a question.

11 MR. KESSLER: Sure.

12 MR. KOBASA: The sewer, the drainage
13 that you're running for the storm sewer, did you
14 ever look at running that out, straight out the
15 road --

16 MR. DE ALMEIDA: To the road?

17 MR. KOBASA: -- and tying in to the main
18 road?

19 MR. DE ALMEIDA: We can't hit the
20 elevation. I was, I was trying to hit the pond
21 that's across the street, that's upper level, we
22 couldn't hit the elevation.

23 MR. KOBASA: But what if you just ran
24 down and tied to the drainage line that runs from

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2 that pond to the outfall that's coming down?

3 MR. DE ALMEIDA: The way the road
4 profile is, I would have to raise the road
5 considerably on the dead end portion of it. We're
6 talking about, to get that done and we did look
7 at that.

8 MR. KOBASA: Okay.

9 MR. DE ALMEIDA: I'm talking to the
10 magnitude of --

11 MR. KOBASA: All right.

12 MR. DE ALMEIDA: -- maybe 18 feet I'd
13 have to fill in, raise the property 18 feet. So
14 we're trying to work with the natural contours of
15 the land and minimize the grading.

16 MR. KOBASA: Okay.

17 MR. DE ALMEIDA: So the way we have it
18 done now is you come off the main road.

19 MR. KOBASA: Yeah, I get it. You're
20 coming down into the middle on each way.

21 MR. DE ALMEIDA: Yeah, exactly.

22 MR. KOBASA: Okay. Alright. I just
23 wanted to ask.

24 MR. DE ALMEIDA: But we did, we did

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2 explore that. And that was -- that would have
3 been the easier way to construct it. And that was
4 the intent with the under an acre plan. But when
5 we started running numbers and pitches, we just
6 couldn't get the flows right.

7 MR. KOBASA: Okay.

8 MR. KESSLER: Any other comments?

9 MR. DOUGLAS: Yeah. I've got a question.
10 It's not an engineering based question. My
11 question is, is it intended that any of the new
12 units be affordable?

13 MR. DE ALMEIDA: From what I understand,
14 that was discussed between the client's attorney
15 and the town. And I, I believe it is not. But
16 that was discussed prior to my involvement in the
17 project. And that's more, again, it's not an
18 engineering question, I can't answer that.

19 MR. DOUGLAS: Okay.

20 MR. DE ALMEIDA: But I believe not.

21 MR. MICHAEL CUNNINGHAM: Hernane, your
22 understanding is my understanding as well.

23 MR. DE ALMEIDA: Yeah.

24 MR. KEHOE: But Mr. Douglas wanted that

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2 on the record.

3 MR. DOUGLAS: Yeah, I mean I find that,
4 and I know you're the engineer, and I'll probably
5 repeat this next month. I find that very
6 disturbing. But I only put that, and I can talk
7 more with the applicant.

8 MR. DE ALMEIDA: Yeah, when it comes to
9 like --

10 MR. DOUGLAS: I'm not going to pick on
11 you as an engineer.

12 MR. DE ALMEIDA: When it comes to
13 affordable and, and justifying the cost of
14 construction versus the income, I -- that's
15 business.

16 MR. DOUGLAS: Right. So I'll --

17 MR. DE ALMEIDA: I'll leave that to the
18 business guys, you know.

19 MR. DOUGLAS: Right. So I would be --
20 I'd like one of the business people to be here
21 next month, so I can --

22 MR. DE ALMEIDA: Oh, absolutely.
23 Absolutely.

24 MR. DOUGLAS: -- have a better

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2 understanding.

3 MR. DE ALMEIDA: This is -- this was
4 more for --

5 MR. DOUGLAS: I'm, I'm not going to pick
6 on you. You're the engineer.

7 MR. DE ALMEIDA: Yeah, this, this -- the
8 purpose of the meeting was honestly to answer any
9 questions, see if I have to make any heavy
10 revisions now before we get any further, where
11 there may be major impacts to the plans, so we
12 don't waste any time.

13 MR. KESSLER: The Jaehnigs report, will
14 that become part of this as well, even though it
15 deals --

16 MR. KEHOE: Well, this report is Weston
17 & Sampson, not Jaehnig. Jaehnig was --

18 MR. KESSLER: Right.

19 MR. KEHOE: -- so you should have the
20 Weston & Sampson report. And you have the Weston
21 -- Hernane, you have the Weston & Sampson report?

22 MR. DE ALMEIDA: Yes, I do.

23 MR. KEHOE: Right.

24 MR. KESSLER: But do we deal with the

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2 Jaehnigs report as part of the existing?

3 MR. KEHOE: Oh, sorry, sorry. Jaehnigs
4 Report has to do with the lower phase one. If you
5 have comments on that, if, if --

6 MR. KESSLER: Well, I mean, I'm just --
7 how does it get addressed? Does it get addressed
8 as part of this application?

9 MR. KEHOE: Well, no. No. What I think
10 what happened is if these 13 units are ever
11 built, Paul Jaehnig would continue to monitor
12 both phase one and phase two. But he's not really
13 commenting on this at this time.

14 MR. KESSLER: But how do we deal with
15 his recommendations about remediation for the
16 existing part of the project. Is that separate
17 from this, or do we incorporate them?

18 MR. KEHOE: Well, he is -- he has to
19 monitor every year, so that's why you've got the
20 monitoring report. You've never really commented
21 on the monitoring reports before. But if you have
22 comments, we could bring Paul in and discuss
23 that. He's just alerting you that he wants them
24 to change how they mow and what they do.

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2 MR. KESSLER: Right.

3 MR. KEHOE: And that they're making
4 progress, and he'll go back out there in April or
5 May and then he'll give you another report.

6 MR. KESSLER: Okay. All right. So any,
7 any further comments from the board? If not, Mr.
8 Douglas.

9 MR. DOUGLAS: Okay. I move that on case
10 number 20-23-4 that we -- I'm sorry, I'm doing
11 the wrong line here. On the case 20-23-1 that we
12 schedule a site visit for January 7th at 10:00
13 a.m.

14 MR. KESSLER: 9:00 a.m.

15 MR. KEHOE: Is this the first one?

16 MR. KESSLER: I thought this is the
17 first one, right?

18 MR. DOUGLAS: Oh, we're going to do this
19 first?

20 MR. KEHOE: Yeah, so we'll do this at
21 9:00.

22 MR. DOUGLAS: Okay.

23 MR. KESSLER: We'll do this first, this
24 is 9:00, 9:00 o'clock.

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2 MR. DOUGLAS: So we'll just, sorry, so
3 we'll change that to 9:00.

4 MR. KESSLER: 9:00 o'clock.

5 MR. DOUGLAS: I thought we were doing it
6 the other way around.

7 MR. KESSLER: Okay. 9:00 o'clock, and
8 you'll stake out as we, as we request it.

9 MR. DE ALMEIDA: The corners of the
10 buildings and the center line of the road?

11 MR. KESSLER: Right, right.

12 MR. KEHOE: Exactly right.

13 MR. KEHOE: Right. And you'll get a
14 notice in the mail to remind everyone of that
15 site inspection, not that you'd forget, but we'll
16 be sending out notices.

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

19 MR. BIANCHI: Second.

20 MS. HILDINGER: Second.

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

23 MULTIPLE: Aye.

24 MR. KESSLER: Opposed?

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2 MR. DE ALMEIDA: Thank you for your
3 time.

4 MR. KESSLER: Thank you.

5 MR. DE ALMEIDA: Have a great night.

6 MR. KESSLER: All right. So let's go
7 back, Ms. Schneider is here now. So this is going
8 back to the application of Heike Schneider on
9 behalf of 3120 Lexington LLC for amended site
10 plan approval and wetland permit for a proposed
11 2,088 square foot building addition to the
12 existing Ace Hardware Store located at 3120
13 Lexington Avenue, drawings latest revised
14 November 1, 2023, good evening.

15 MS. HEIKE SCHNEIDER: Yes, good evening.
16 I'm Heike Schneider. I'm the architect for 3120
17 Lexington Avenue, the Ace Hardware Store. I'm
18 actually hoping that Ben Truitt, our landscape
19 architect will be coming within the next five
20 minutes or so. But we should certainly get
21 started.

22 So, I know you are -- you did receive
23 Paul Jaehnig's wetlands report, right. I think
24 it's called his monitoring report. So I have one

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2 complaint. And that is that he marked a 25 foot
3 by 90 foot building, but our building, as you can
4 see in your latest plans are 24 feet by 87 feet.
5 And I know it doesn't sound like there's much of
6 a difference, but you will see it when you go out
7 for a site visit that it's the corners that are
8 closest to this jagged line of the wetlands
9 delineation. So on plan, we figured that the 24
10 foot by 87 foot should work so we are not
11 encroaching on the wetlands.

12 The problem is really that as you
13 probably saw it in the plans, we were trying to
14 design something that's as efficient as possible
15 but still gives us enough storage for the Ace
16 Hardware Store to make it even economically
17 feasible to do it. So, and we basically use the
18 forklift that is being used within the building
19 as our, you know, kind of measure or guide. And
20 it's how we came up with the 24 feet, having four
21 foot pallets on either side, and then being able
22 to turn. So we can probably narrow it by just one
23 more foot but that's really it. Otherwise, we
24 have to just give up the project. And there is no

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2 other place. I know Paul Jaehnig is saying to put
3 it someplace else. I don't know where because the
4 only other place that's not in the wetlands is
5 really our parking lot, and we cannot sacrifice
6 parking spaces, so.

7 MR. KESSLER: Well, our, our plan is to
8 go out there and do a site visit on January 7th.
9 So to the extent that you can mark off where the
10 building, you know, put stakes where the corners
11 of the buildings would be.

12 MS. SCHNEIDER: Okay.

13 MR. KESSLER: It'll help us to determine
14 how feasible this is.

15 MS. SCHNEIDER: Okay. Good. So, would it
16 be okay, I don't know, is Paul Jaehnig going to
17 come out again to remark it or should, should --

18 MR. KEHOE: Well, I --

19 MS. SCHNEIDER: -- Larry do it?

20 MR. KEHOE: I think he spray painted on
21 the grass I think, Paul. And that'll be gone I
22 would assume by the time they get out there on
23 January 7th. So Larry and Jack can stake the
24 corners.

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2 MS. SCHNEIDER: Okay.

3 MR. KEHOE: And we'll see if Paul will
4 come back out with us or if Paul will come out
5 another time. But we -- I think we all agree,
6 it's critical for the planning board to see.

7 MS. SCHNEIDER: Absolutely.

8 MR. KEHOE: You know, because all
9 they've been doing is looking at the plans. So
10 some -- you can have, we usually let the
11 applicants mark out the corners of the building,
12 so Jack and Larry can do that.

13 MS. SCHNEIDER: Okay.

14 MR. KEHOE: Okay.

15 MS. SCHNEIDER: Thank you.

16 MR. KOBASA: Can we have the wetland
17 boundary flagged too? Since we're comparing?

18 MR. KEHOE: It is, he reflagged it. Now,
19 as Heike said, you -- you flagged it originally,
20 your consultant.

21 MS. SCHNEIDER: Steve Moreno.

22 MR. KEHOE: Right.

23 MR. KOBASA: Okay.

24 MR. KEHOE: And then Paul has reflagged

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2 it, so the flags should still be --

3 MR. KOBASA: In place?

4 MR. KEHOE: Yeah. Sometimes, you'll go
5 out to sites ten years later and the flags will
6 still be there.

7 MR. KOBASA: Okay.

8 MR. KEHOE: So they should still be
9 there. But this is a case where you're going to
10 see the water.

11 MR. KOBASA: Yeah, I know, yeah.

12 MR. KEHOE: You know, but the flags will
13 be there.

14 MS. SCHNEIDER: Yeah.

15 MR. KESSLER: And regarding the
16 temporary tent, that is off the table now?

17 MS. SCHNEIDER: That's my bullet point
18 number two. So, as you know, I've been here to
19 advocate for a temporary tent for Jack and Larry
20 and you actually had approved it in the front.
21 But then Larry came around and he said he really
22 does not want to put it in the front. Safety
23 reasons, he feels people could just steal and it
24 would, you know, because pull up a truck and load

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2 everything in. And also he felt it was unsightly
3 to have it right in the front, and it takes half
4 of the building. So basically they now found a
5 greenhouse type, which is 16 foot by 32 feet and
6 it's similar. We would only build it, set it up
7 temporarily and it would be within the footprint
8 of our proposed addition.

9 So the good news would be that it is --
10 the greenhouse is going to disappear the moment
11 we start building the addition. But it would
12 allow them to already have temporary storage.

13 MR. KESSLER: That's -- this is what
14 we're looking at?

15 MR. KEHOE: Right.

16 MR. KESSLER: And do we know the
17 environmental impacts of putting up something
18 like this? Have we assessed that?

19 MR. KEHOE: No, not really, and then I
20 don't know if you've talked to Martin, you know,
21 because then Martin always gets involved about
22 whether it's a structure and fire code and
23 separation distances. So, I --

24 MS. SCHNEIDER: So, I treated it, sorry

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2 to interrupt, but I treated it like the tent that
3 we had gotten approved, meaning we put it 12 feet
4 away from the building. So, I know in this case,
5 it's glass. Or, it's actually not glass. That's
6 not true. It is plastic, it's a plastic panel in
7 the front and the back, and then you use -- it's
8 a PE foil that gets tightened around the
9 building. So it can be taken down, I think within
10 an hour. So it really is like a greenhouse
11 basically. And the thinking is since Jack and
12 Larry also own Cortlandt Farms, they were
13 thinking they could then later on set it up on
14 Cortlandt Farms.

15 MR. KESSLER: And it would be the same
16 footprint as the proposed addition?

17 MS. SCHNEIDER: No, smaller.

18 MR. KESSLER: Smaller?

19 MS. SCHNEIDER: It's, it's exactly the
20 said that I think it says, hopefully on the specs
21 that I gave you. It's 16 feet by 32 feet and it's
22 11 feet high.

23 MR. BIANCHI: Oh, that's the greenhouse.

24 MR. KESSLER: I don't see where it says

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2 that.

3 MR. BIANCHI: I see it. On the next --

4 MR. KOBASA: Do we know what's getting
5 stored in there? Because this doesn't have a
6 bottom, right?

7 MS. SCHNEIDER: Lawnmowers, mowers
8 basically. They they already have --

9 MR. KOBASA: New?

10 MS. SCHNEIDER: -- they already sell
11 lawnmowers, but they are now teaming up, or
12 they're buying another business, which is, I
13 think it's called Richard's Lawnmower Service,
14 and it was originally in Yorktown. But they
15 realized it would increase their customer base if
16 they would team up with another business. And
17 that's what they're doing.

18 MR. KOBASA: Okay. Are the --

19 MR. KESSLER: Could you --

20 MR. KOBASA: Sorry, hold on. Are the --
21 is it new lawnmowers that don't have the oil and
22 the gas in them, or are these existing lawnmowers
23 that need repair that are going to be stored in
24 there that will have possibly a leaky gas tank or

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2 oil, which is going to be dripping on the ground
3 directly adjacent to a wetland that actually has
4 water in it?

5 MS. SCHNEIDER: I absolutely understand
6 your concern. It would be mine too. I believe
7 it's all new lawnmowers, and we would have to
8 make sure that that's the case, because I totally
9 agree.

10 MR. KESSLER: Okay.

11 MS. SCHNEIDER: Because this one, this
12 greenhouse is not going to have a solid floor.

13 MR. KOBASA: It doesn't have a floor.

14 MS. SCHNEIDER: Slab, like --

15 MR. KOBASA: That's my point.

16 MS. SCHNEIDER: Exactly, yes.

17 MR. KESSLER: Will they be there for the
18 site visit to answer questions?

19 MS. SCHNEIDER: Yes.

20 MR. KESSLER: Good.

21 MR. KEHOE: Yeah, so, I don't know -- I
22 think I know what your hope was. But I don't
23 think the planning board is going to approve the
24 temporary tent tonight. I think they would want

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2 to look at it in the context of their site
3 inspection.

4 MS. SCHNEIDER: Okay.

5 MR. KESSLER: So if you --

6 MR. KEHOE: And --

7 MR. KESSLER: -- if you could also stake
8 out then, in addition to the proposed building,
9 the proposed greenhouse as you call it.

10 MS. SCHNEIDER: Sure, yes. Mm-hmm.

11 MR. KESSLER: So there will be like
12 four, eight sets of stakes.

13 MS. SCHNEIDER: Okay. That makes sense.

14 MR. KEHOE: But that does get to the
15 point that you and I traded emails about. There
16 is concern in the town in general about the
17 expansion of this facility to take over the lawn
18 care business. And it may not have site plan
19 implications, but it, you know, it may have
20 Martin implications about building code and that.
21 But it does, you know, this board is familiar,
22 they did approve one of these facilities in
23 Verplanck and there was a lot of concern about
24 outdoor repair on things, outdoor storage of

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2 things. So if this temporary tent is partly in
3 response to the acquisition of this new business,
4 then there may be site plan issues associated
5 with the lawn mower entity moving here, that the
6 planning board needs to be aware of.

7 MS. SCHNEIDER: Right.

8 MR. KEHOE: Because there can't be
9 outdoor storage of these, there can't be outdoor
10 work on these things. And we have been told that
11 the hardware store is too small. I'm
12 paraphrasing, but it's a tight space. So I think
13 there's just concern that this might bleed out
14 into the outsides.

15 MS. SCHNEIDER: So we are currently also
16 installing two platforms within the building
17 right, to create more space. So the way I
18 understand it is that if work gets done, it would
19 be within the existing building and not in the
20 greenhouse. And frankly, I mean that greenhouse,
21 it's not going to be heated, or not, not much. I
22 would not want to work there. So I think this is
23 really just storage.

24 MR. KEHOE: So maybe some of these

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2 things can be fleshed out prior to the site
3 inspection.

4 MR. KESSLER: Right.

5 MS. SCHNEIDER: Yes. And I think we
6 should -- you can certainly put that into the
7 resolution, that there is, you know, there are
8 rules to what can be stored in that greenhouse,
9 especially since it is right next to wetlands. So
10 I think they're both aware of it.

11 MR. KESSLER: But again, they'll be at
12 the site inspection, so we can ask them these
13 questions.

14 MS. SCHNEIDER: Yes.

15 MR. KESSLER: Yes.

16 MS. SCHNEIDER: My question, when is the
17 site inspection?

18 MR. KESSLER: It will be January 7th at
19 9:45 in the morning.

20 MR. KEHOE: That's a Sunday.

21 MS. SCHNEIDER: Oh, okay. All right,
22 yeah.

23 MR. KEHOE: So, it, you know, it's up to
24 you.

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2 MS. SCHNEIDER: I won't be there, but
3 Jack and Larry I'm sure.

4 MR. KEHOE: As long as someone can
5 answer questions --

6 MS. SCHNEIDER: Yes, uh-huh.

7 MR. KEHOE: -- that's fine, yeah.

8 MS. SCHNEIDER: Okay.

9 MR. BIANCHI: How temporary is this
10 temporary greenhouse building? What's the length
11 of time that you project you're going to need it?

12 MS. SCHNEIDER: I mean it is right in
13 the footprint of our addition that we are trying
14 to get past the board. So --

15 MR. BIANCHI: So you need it until the
16 other addition gets built?

17 MS. SCHNEIDER: Exactly, yes. And, I
18 mean we are hoping that maybe mid-next year we
19 can get started on --

20 MR. BIANCHI: So it'll go away once the
21 addition is put up?

22 MS. SCHNEIDER: Exactly. That's the one
23 good thing about it. It's definitely going to
24 disappear.

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2 MR. KOBASA: All right, so you're going
3 to be using it to store lawnmowers, roughly,
4 right? But it's going to have to get taken down
5 once you start building the addition, so where
6 are all those lawnmowers going to get stored
7 during that time?

8 MS. SCHNEIDER: We were also talking to
9 Jack and Larry about getting basically just a
10 storage unit that could be parked on, you know,
11 like a trailer or something, it can be parked on
12 the parking lot at the time. I mean maybe they
13 are able to store something at Cortlandt Farms? I
14 mean that, yeah, definitely a valid a question
15 and I can run it by Jack and Larry to give you
16 the answer because I don't have it right now.

17 MR. KOBASA: Okay. Yeah, because you're
18 going to need temporary storage for your
19 temporary storage. So my question is just simply,
20 how is that going to occur and why can't your
21 temporary storage that's going to be for your
22 temporary storage --

23 MS. SCHNEIDER: So, I also mentioned,
24 right, that we are getting two platforms built.

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2 MR. KOBASA: You did, yes.

3 MS. SCHNEIDER: Yeah, so they're not
4 built yet. So, but and once we have the
5 platforms, we can actually then store two, in two
6 levels. So I am hoping that that might help to
7 actually then find space for the lawnmowers. And
8 we don't have those platforms installed yet. I
9 think they are going to come within the next
10 couple of weeks.

11 MR. KOBASA: Okay. So my point is if you
12 have those platforms installed, what do you need
13 the temporary storage for? Sorry, just trying to
14 understand that.

15 MS. SCHNEIDER: You know, we should ask
16 Jack and Larry.

17 MR. KOBASA: That's fine. We can ask
18 that then. Okay.

19 MS. SCHNEIDER: I don't know how big the
20 business is that they're buying. I just know they
21 desperately need additional space. And the 16 by
22 32 feet supposedly would be sufficient, so
23 that's, yeah, that's all I know.

24 MR. KOBASA: Okay. I'll ask them that

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2 weekend.

3 MR. KESSLER: Any other comments,
4 questions? If not, questions staff?

5 MR. KEHOE: Well just, I know that Ben
6 is here. You saw Paul's report?

7 MR. BEN TRUITT: I did.

8 MR. KEHOE: Right. So, you know, Paul is
9 very reasonable. He'd like to talk to you about
10 it. He just didn't think that wetland mitigation
11 area was necessarily the best area for wetland
12 mitigation, and he's more than willing to work
13 with everyone to figure out better places if you
14 and he agree.

15 MR. TRUITT: Sure, yeah.

16 MR. KEHOE: Okay. So --

17 MR. TRUITT: I'd be happy to work with
18 him.

19 MR. KEHOE: -- because I think what he
20 implied to me is it's a pretty briary sort of
21 messy place now that would require a lot of
22 manmade intervention to clean it up to then plant
23 in it. And he wasn't sure that that was the best
24 thing to do.

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2 MR. TRUITT: Yeah, that's a discussion
3 I'm happy to have with him.

4 MR. KEHOE: Okay. So, Paul is very
5 hesitant to ever talk directly to applicants. He
6 always wants to go through me. So it'll be up to
7 Paul, but I would be comfortable as long as
8 you're always cc'ing me on any discussion, if you
9 want to talk directly to Paul, just cc me on the
10 emails rather than me sort of being the
11 intermediary all the time. But we're going to do
12 a site inspection on Sunday, June (SIC) 7th.

13 MR. DOUGLAS: January.

14 MR. KEHOE: Sorry, sorry, yeah, January
15 7th, which may color how this all goes, so maybe
16 don't spend a lot of time redoing your wetland
17 mitigation until we see how that site inspection
18 goes. But that's your call, so.

19 MR. TRUITT: Thank you.

20 MR. KESSLER: Okay, so ready for a
21 motion, Mr. McKinley, you got it?

22 MR. MCKINLEY: Yes, I'd like to make a
23 motion on case number 2023-6 to refer back to the
24 staff and the planning board will be setting a

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site visit for January 7th at 9:45 a.m.

MR. KESSLER: Second, please.

MR. KOBASA: Second.

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

MULTIPLE: Aye.

MR. KESSLER: Opposed? Mr. Kobasa?

MR. KOBASA: It's 7:13, meeting is
adjourned.

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

CERTIFICATE OF ACCURACY

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

Certified By



Date: December 15, 2023

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