

TOWN OF CORTLANDT
PLANNING AND ZONING BOARDS

PLANNING BOARD MEETING

Town Hall
1 Heady Street
Cortlandt Manor, NY 10567
February 6, 2024
6:30 p.m. - 7:05 p.m.

February 6, 2024

MEMBERS PRESENT:

Steven Kessler, Chairperson

Thomas A. Bianchi, Vice-Chairperson

David Douglas, Member

Nora Hildinger, Member

Kevin Kobasa, Member

Peter McKinley, Member

Jeff Rothfeder, Member

ALSO PRESENT:

Chris Kehoe, AICP, Director of Planning

Michael Cunningham, Deputy Town Attorney

Joseph Fusillo, P.E., Planning Board Engineer

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2 (The board meeting commenced at 6:30 p.m.)

3 MR. STEVEN KESSLER: All right, welcome
4 to the February 6th meeting of the Town of
5 Cortlandt Planning Board. Please rise for the
6 pledge.

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

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

14 MR. CHRIS KEHOE: Mr. Kabasa?

15 MR. KEVIN KOBASA: Here.

16 MR. KEHOE: Ms. Hildinger?

17 MS. NORA HILDINGER: Here.

18 MR. KEHOE: Mr. Rothfeder?

19 MR. JEFFREY ROTHFEDER: Here.

20 MR. KEHOE: Mr. Kessler?

21 MR. KESSLER: Here.

22 MR. KEHOE: Mr. Bianchi?

23 MR. THOMAS BIANCHI: Here.

24 MR. KEHOE: Mr. Douglas?

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2 MR. DAVID DOUGLAS: Here.

3 MR. KEHOE: Mr. McKinley?

4 MR. PETER MCKINLEY: Here.

5 MR. KESSLER: Thank you. We have no
6 changes to the agenda this evening. Can I please
7 have a motion to adopt the minutes from our
8 meeting of December 9th?

9 MR. BIANCHI: So moved.

10 MR. KOBASA: So moved.

11 MR. KESSLER: Second, please?

12 MR. ROTHFEDER: Second.

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

15 MULTIPLE: Aye.

16 MR. KESSLER: Opposed? All right, the
17 first item under correspondence, a letter dated
18 January 26, 2024 from Matthew Steinberg
19 requesting the first one-year time extension of
20 conditional site plan approval for the Gurdjieff
21 Foundation, located at 1065 Quaker Bridge Road
22 East. Kevin?

23 MR. KOBASA: I'd like to make a motion
24 to approve the one-year time extension.

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2 MR. KESSLER: Okay. Thank you. That's
3 Resolution 2-24. Second please.

4 MR. BIANCHI: Second.

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

7 MULTIPLE: Aye.

8 MR. KESSLER: Opposed? Next item under
9 correspondence, a letter dated January 30, 2024
10 from David Steinmetz requesting planning board
11 approval for a proposed 2,400 square foot storage
12 building located at Dakota Supply at 2099 Albany
13 Post Road. Chris --

14 MR. KEHOE: And maybe at least for the
15 record, David, you could just say one or two
16 things. Are you prepared for that case?

17 MR. KESSLER: He's always prepared to
18 say something.

19 MR. DAVID STEINMETZ: I really just came
20 to see all of you.

21 MR. KEHOE: You wrote the letter.

22 MR. STEINMETZ: As you all discussed in
23 the works, David Steinmetz from the law firm of
24 Zarin and Steinmetz here representing Bilotta and

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2 Dakota, entities. Our client, as you indicated in
3 the work session, is simply trying to construct a
4 small storage building on an existing light
5 industrial site. You have the specifications, I,
6 I think it is 2,400 square feet. I don't want to
7 misstate that number, if that's what, the plans
8 reflect. it is a, a small metal butler building.
9 There are no utilities there. There's, this is
10 not running water. This is literally like a large
11 shed on an existing industrial property. It is
12 located, just so the record is clear toward the
13 front, Mr. Chairman, not toward the rear, as Mr.
14 Kehoe indicated in your work session. But it is
15 on a section of the property where it really does
16 belong for storage purposes and it should have no
17 impact on any surrounding property.

18 And lastly, for those of you who do
19 recall shanking golf balls on the driving range
20 when there was a driving range there, it is on
21 the form of driving range property. That was not
22 directed specifically at you, Steve, but.

23 MR. KESSLER: If you find any of my
24 balls there let me know. So this has been, the

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2 staff's reviewed this and, it's been through --

3 MR. KEHOE: Yeah.

4 MR. KESSLER: -- all phases of the town
5 here?

6 MR. KEHOE: Yeah, we do this electronic
7 system now called OpenGov and all of the
8 documents are in OpenGov. They've been, been
9 reviewed for a lot of time already in the code
10 and engineering office, and the simple building
11 has already been referred to the Architectural
12 Advisory Council. They had no comments.

13 MR. KESSLER: Okay. Alright. Mr.
14 Douglas?

15 MR. DOUGLAS: Okay, on our case number
16 PB 8-03, I make a motion that we approve the
17 request for the proposed storage building.

18 MR. KESSLER: Second please.

19 MR. MCKINLEY: Second.

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

22 MULTIPLE: Aye.

23 MR. KESSLER: Opposed?

24 MR. STEINMETZ: Thank you.

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2 MR. KESSLER: Thank you, David. Alright,
3 next item on the agenda is the 2023 Planning
4 board annual report. Nora?

5 MS. HILDINGER: I'd like to make a
6 motion to receive and file.

7 MR. KESSLER: Second, please.

8 MR. BIANCHI: Second.

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

11 MULTIPLE: Aye.

12 MR. KESSLER: Opposed? Alright. Thanks
13 for your work on that, Chris. Under old business,
14 first item, the application of Heike Schneider on
15 behalf of 3120 Lexington, LLC, for amended site
16 plan approval and a wetland permit for a proposed
17 2,088 square foot building addition to the
18 existing ACE Hardware Store, located at 3120
19 Lexington Avenue, latest drawings, November 1,
20 2023. Heike, good evening.

21 MS. HEIKE SCHNEIDER: Good evening.

22 MR. KESSLER: So, we had our site visit
23 there on Sunday morning. And as you probably can
24 infer from the comments, you know, there are a

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2 lot of concerns on the part of the board, not
3 just what's happened on the site since we
4 approved it, which I know you've now cleaned up,
5 but also still concerns about the proximity to
6 the wetland, A DEC regulated wetland that's,
7 giving a lot of us on this board a lot of concern
8 on, on how to move forward.

9 And I think, when we left there, there,
10 there was going to be some meetings that were
11 going to take place between the staff of the town
12 and, and you and others, to see if there's some
13 way to figure out this conundrum that we have
14 here, with this building so close to the
15 wetlands. And, and honestly that is our sticking
16 point. That is, you know, it's very rare for us
17 to approve things in a buffer, let alone in a
18 wetland that's just, you know, no pun intended, a
19 line we just, you know, haven't crossed here on
20 this board. So it, it's, it is really going to be
21 an uphill battle here.

22 MS. SCHNEIDER: So let me ask you a
23 question, because we did get another letter from
24 the DEC and she had several questions, and I was

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2 wondering, so if we do satisfy their requests,
3 and their requests were mostly proving to us that
4 we can do the construction without really getting
5 into the wetlands. So, if we would succeed to do
6 that, and we are right now also talking to the
7 guy, to the, to Steel-Smith, which is going to be
8 the guy, the company that installs the building,
9 would that then also sway the board if we would
10 get the --

11 MR. KESSLER: That, that is a great
12 question. That, that, that, you know, there's
13 seven of us here. I don't know. I mean, I think
14 clearly, the DEC is the first hurdle.

15 MS. SCHNEIDER: Right, yes.

16 MR. KESSLER: But I don't know if I can
17 sit here and say that with their approval, that
18 this board would still give their approval for
19 that construction. That, you know, I mean, we are
20 a little early in the process for, you know, to
21 have an opinion on that. But, there, there's a
22 lot of concern about this. Any other board
23 members want to talk to this point?

24 MR. KOBASA: I'll go ahead.

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2 MR. KESSLER: Go ahead.

3 MR. KOBASA: I have a lot of
4 reservations about the fact that that pin was
5 basically directly on the water for the corner of
6 the building. And while it's not, I believe in
7 the wetland, it is directly adjacent in a way
8 that even if construction is built, like anything
9 gets out of that building, liquid spills somehow
10 starts -- that building starts leaking over time,
11 right, it's metal, it's concrete. Concrete is
12 porous. The seam would have to be perfect, which
13 is going to fail at some point between the
14 concrete and the metal. It's going to leak
15 directly into that wetland. And that wetland
16 feeds directly into Mohegan Lake.

17 I have a lot of concerns about that. I,
18 I think it sets a bad -- it starts setting a
19 precedent basically, that a lot of people can
20 come and point to it down the line that this
21 building was allowed to be put directly adjacent
22 to a wetland, why can't we put our building? So.

23 MS. SCHNEIDER: So, and the fact that we
24 have gotten a wetlands permit before to establish

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2 ACE hardware and the fact that they're really
3 hurting and they need to find storage someplace,
4 that could also not sway the board to say, hey as
5 long as you're staying out of the wetlands, we,
6 we will grant it. I mean, in, in some ways they
7 did prove at least that they satisfied Paul
8 Jaehnig, the monitoring report. They -- we had
9 gotten the permit, 2018. We did all the
10 mitigation. Maybe you want to talk to it, about
11 it. But, so I, I think -- I'm, I'm just wondering
12 if our record cannot basically then also say,
13 hey, maybe we said yes once. They need to
14 survive. And it really is survival right now. So
15 we, you know, we, we cannot come up with another
16 place on this property, because they own two
17 properties. They own, I don't know how many acres
18 is it? It's altogether, the two, the two
19 properties I think are three and a half or four
20 acres, but 50 percent of it is wetlands. Right?

21 And we also have the suspicion that
22 actually the drainage pipe that's coming from,
23 from, from Lexington Avenue is contributing to
24 what's now turning into even what used to be

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2 buffer into wetlands. And I mean, maybe that was
3 to be expected, maybe that is accepted in
4 Cortlandt. Maybe we could also then talk about
5 getting a drainage -- a pipe that actually leads
6 it right into the wetlands versus into his
7 property. Maybe that would be negotiable or, but
8 I just --

9 MR. ROTHFEDER: I mean, I, I'm, I guess
10 I would say I'm not as convinced as Kevin that,
11 or feeling as negative about it, so I don't know.
12 We haven't polled the board and we won't at this
13 stage, obviously. My feeling is if you satisfy
14 the DEC and, and talk it over with staff and get
15 to a position that, you know, that can present us
16 with a solution that we can approve, I I'd be
17 more amenable to that personally.

18 So I, I don't want you to feel like, you
19 know, there is no, there is no way out of this.
20 But I, but again, I don't know everybody's
21 feeling on the board.

22 MR. DOUGLAS: Well, I don't -- go ahead.

23 MR. BIANCHI: No, you go.

24 MR. DOUGLAS: Okay. I don't, I don't

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2 want to undermine what Jeff just said, but I am
3 basically share Kevin's, Kevin's views. And I'm,
4 you know, maybe, maybe this is hardhearted when,
5 you know, to say, to say. But when they purchased
6 the property, they knew the condition of the
7 property. And, you know, that factors into when
8 you buy, when you buy something, the conditions
9 there are factored into the decision of whether
10 to buy it or should be. And it factors into the
11 price and to say, well, you know, that half of
12 half of it is wetlands. Well, yes, it always was.
13 And they were, they knew or should have known
14 that.

15 And personally, I, I mean, maybe
16 somebody could convince me. Maybe you could
17 convince me, but I would be hard pressed to see a
18 scenario in which I would vote in favor of
19 allowing a building that not only is in the, in
20 the buffer, but it comes right up to the, I mean,
21 when we were there, the stake was in -- one of
22 the stakes was in what may have been a puddle
23 from the wetland.

24 MS. SCHNEIDER: To, to Jack and Larry's

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2 defense, that's the highest the water has been.
3 And as far as I know, we got really a lot of rain
4 over the past couple, couple days. So is it, you
5 know, I mean, it is what it is. But it is the
6 highest that I've ever seen it, and I'm not
7 making it up.

8 MR. DOUGLAS: Well, I mean, it has, it
9 has rained harder. I'm not a, a meteorologist,
10 but it has definitely -- this, this season it has
11 rained harder --

12 MS. SCHNEIDER: Yes.

13 MR. DOUGLAS: -- than it did the last
14 couple of days. I mean, if you just think back to
15 the, to the summer or the early fall, we had
16 torrential rains. So I can't imagine this is the
17 highest it's ever been.

18 MS. SCHNEIDER: I mean, I'm not there
19 all the time.

20 MR. DOUGLAS: No, I know.

21 MS. SCHNEIDER: But for me, yes. So in
22 any case, also, I mean, they bought the property
23 already, it was a commercial property. It had, I
24 believe at least, no, it has two buildings -- it

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2 had two buildings on it, right. It had already
3 two buildings on it when they bought it. So it's
4 not like they really got into it knowingly,
5 right. Because you think if, if there are already
6 two buildings, unless you are somebody who is
7 already versed with wetlands and, and they
8 clearly weren't, you probably don't even ask a
9 question, right.

10 MR. MCKINLEY: Well, you --

11 MR. DOUGLAS: Well, first of all, you
12 should.

13 MS. SCHNEIDER: I'm just saying it
14 wasn't, it wasn't a green field.

15 MR. DOUGLAS: Well, okay. They, they
16 should ask those questions. And also --

17 MS. SCHNEIDER: Absolutely, right.

18 MR. DOUGLAS: -- they're, they're
19 business people. They're not --

20 MS. SCHNEIDER: I would've asked it, but
21 --

22 MR. DOUGLAS: Right.

23 MS. SCHNEIDER: -- you know, we are
24 talking about when did they buy it? I don't know,

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2 in 2016, '17, probably, yeah, yeah, yeah.

3 MR. DOUGLAS: Look, I have, I have
4 empathy. I want all businesses to succeed. You
5 know, I, I'm, I'm, I own a small, in my field, I
6 own a small business. I'm, I'm a stake owner in a
7 small business. I understand it. But, you know,
8 you asked for people to tell you what they're
9 thinking. This is how I currently think. Maybe
10 you can convince me otherwise. But right now I
11 lean toward what, what, toward Kevin's views.

12 MR. BIANCHI: And, two points, financial
13 hardship. While I can sympathize from my
14 viewpoint anyway, sympathize with your financial
15 situation, is not a factor in approving or
16 disapproving a project like this. And, I agree
17 with, what my colleagues have said. Well, except
18 for Jeff -- that, this is a problem issue. It's
19 the first time -- I think it's going to be, would
20 be the first time we've ever approved building
21 something that's virtually in a wetlands. I don't
22 know if that's true or not. But --

23 MS. SCHNEIDER: It's not in the
24 wetlands.

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2 MR. BIANCHI: It, well it --

3 MS. SCHNEIDER: Right.

4 MR. BIANCHI: -- that's debatable.

5 MS. SCHNEIDER: We got it flagged.

6 MR. BIANCHI: That's debatable.

7 MS. SCHNEIDER: No, I mean, there is,
8 the flagging is done until November.

9 MR. BIANCHI: All right.

10 MS. SCHNEIDER: And then they're not
11 starting until March.

12 MR. BIANCHI: But we, we don't even like
13 approving projects that are in the buffer.

14 MS. SCHNEIDER: Yes.

15 MR. BIANCHI: And that is totally in the
16 buffer, whether it's wetlands or not. You want to
17 argue --

18 MS. SCHNEIDER: Yes, it is.

19 MR. BIANCHI: -- that's, but, but it's
20 all buffer. And, I would have a problem approving
21 this, if, if that's the application that's in
22 front of us. And the second point, maybe a lesser
23 issue, when we went inside, we saw a small engine
24 repair operation going on, and that was not part

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2 --

3 MS. SCHNEIDER: That has been, that,
4 that has been clarified was Martin. So that was
5 always allowable in S1, which is the storage
6 building.

7 MR. BIANCHI: I understand that, but it
8 wasn't part of the application. We were not aware
9 of that when we approved the original
10 application. So --

11 MS. SCHNEIDER: So we --

12 MR. BIANCHI: -- again Mr., Mr. Ahern
13 went on his own and just did his thing. And he,
14 he, he did not comply with the site plan. Now
15 that can be remedied. I'm not saying it's a --

16 MR. KESSLER: It's not a fatal flaw.

17 MR. BIANCHI: -- a big, you know, game
18 changer, but it could be remedied. But I'm just
19 saying that it just, it's just the attitude that,
20 you know, you claim financial hardship. But
21 that's not something that we really need to
22 consider or should consider. We have to consider
23 the environment and we have to consider the code
24 and we have to consider the, impact that it has

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2 on, on our town basically.

3 MS. SCHNEIDER: So, but what if, I mean,
4 if he sells, what, what's the impact on your town
5 then? I mean, in some ways he, he really, he --
6 basically, if, if he can't get off the ground now
7 with the, the new small business that he
8 purchased to actually get another leg on the, on
9 the ground, then I think he really has to fold.
10 So, in here we have the chance that he, because
11 we need to show you mitigation, right, for what
12 we're doing, we actually would then clean up the
13 other property as well. So I do, and we could
14 even offer that the new building, the, the small
15 addition, which is 24 feet would have a green
16 roof on it. So I mean, I think he is willing to,
17 to really go the extra mile which does cost
18 extra, but it would then also guarantee him that
19 he can stay, he can stay in business. So, I mean,
20 there is a little bit of give and take needed.

21 MR. BIANCHI: Again, I, I wish he could
22 stay in business and I hope he does stay in
23 business. But again, financial hardship is not a
24 reason to, go against the code and any

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2 environmental issues that are involved here.

3 MR. KESSLER: Any other comments from
4 board?

5 MR. KEHOE: I, I just want to say
6 something. I, I know Heike was probably talking
7 about Paul's original work when the original
8 hardware store was opened, and he did, you know,
9 advise the board and it was approved, even that
10 hardware store was in the buffer. And then he
11 goes out there and monitors every year.

12 But specifically with respect to this
13 addition, his report says that he recommends the
14 applicant consider an alternate location for the
15 addition or a narrower width, which I know Jack
16 said the narrower width doesn't work. But I just
17 wanted on the record that our wetland consultant,
18 with specific to this addition, has concerns.

19 MS. SCHNEIDER: Yes. But there is no,
20 there is no alternate place.

21 MR. KEHOE: Well, I know. But Paul --

22 MS. SCHNEIDER: Unless we, we really go
23 someplace else.

24 MR. KEHOE: But Paul, Paul is the

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2 wetland person and Paul's recommendation to the
3 board is that that's not the place for the
4 addition.

5 MS. SCHNEIDER: So the --

6 MR. KEHOE: But, but same thing that the
7 board's saying, you know, he said narrower width.
8 I mean, he's, he's leaving you options.

9 MS. SCHNEIDER: Right. So I mean, again,
10 if, if we would proceed and get the DEC to, to
11 give us the permit and you still wouldn't --
12 would hesitate, then there's no point in us
13 moving forward. So, I mean, if I don't get the
14 feeling that at least you would reconsider, then
15 we might as well fold it, you know, kind of.

16 MR. KEHOE: Well, but what I think what
17 the board is saying is they're going to refer
18 this back to staff and we're all going to get
19 together and meet.

20 MR. KESSLER: Right.

21 MR. KEHOE: If, if Jack is willing, and
22 if you and Ben are willing and figure out what
23 modifications and some, you know, if you want to
24 talk about the green roof and can give

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2 calculations about how that helps with runoff and
3 things like that, and revise the plans if they're
4 at all revisable, and then come back to the
5 board.

6 MR. KESSLER: Yeah.

7 MR. KEHOE: I mean, that's your, your
8 call.

9 MR. KESSLER: Yeah. Yeah. I, I think I'm
10 closer to Jeff's position than I am perhaps the
11 other board members. But I think the DEC is an
12 important hurdle for you to get over.

13 MS. SCHNEIDER: Sure.

14 MR. KESSLER: And then again, the
15 conversations, and hopefully, that'll include
16 taking a look at this drainage issue, you know,
17 is it, you know, just so we have all the facts.
18 Is it true? Is it not true? And, and maybe, for
19 Paul Jaehnigs to really tell us how important
20 this pond and then he could -- his words not
21 mine, how important this pond is behind the
22 building is to the entire wetland system there.

23 MR. ROTHFEDER: Yeah, I think that's
24 important.

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2 MS. SCHNEIDER: Do you have anything to
3 say?

4 MR. KEHOE: We didn't talk too much,
5 right. You, you had a mitigation plan that Paul
6 wasn't pleased with, just for lack of a better
7 term. And have you modified that?

8 MR. BEN TRUITT: I have not modified it
9 yet. We just got the DEC's response.

10 MR. KEHOE: Okay.

11 MR. TRUITT: So we wanted to include any
12 input that Paul is willing to give and I did
13 reach out to him, along with the changes for the
14 DEC and we'll come back with those.

15 MR. KEHOE: Alright. So that's another
16 piece of the puzzle. The, the wetland buffer
17 impact needs to be mitigated and Ben has
18 developed a mitigation plan. So that would be
19 another thing for the board to take a look at.

20 MR. KESSLER: Okay.

21 MR. ROTHFEDER: Okay. So we'll refer
22 this back to staff to discuss possible
23 alternative plans and, and what the DEC's
24 response is.

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2 MR. KESSLER: So who's going to set up
3 this meeting?

4 MR. KEHOE: I think it's already in the
5 works.

6 MR. KESSLER: Oh, it is? Okay.
7 Excellent. Good, good.

8 MS. SCHNEIDER: A quick question.

9 MR. KESSLER: Just make sure you have
10 the right people around the table.

11 MS. SCHNEIDER: Chris, a quick question
12 with regards to the tent, because we have gotten
13 the approval from the, the CBA.

14 MR. KEHOE: And you already have
15 planning board approval.

16 MR. KESSLER: Yeah.

17 MS. SCHNEIDER: I do. Okay.

18 MR. KEHOE: Yeah.

19 MS. SCHNEIDER: Good, uh-huh.

20 MR. KESSLER: So you're still moving
21 forward with the tent?

22 MS. SCHNEIDER: Yes.

23 MR. KESSLER: Okay, good.

24 MS. SCHNEIDER: For now, yes.

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2 MR. KESSLER: Okay, good to hear.

3 MR. KEHOE: But that -- we didn't talk
4 about it too much. We were aware of the, of
5 Jack's purchasing the lawn mowing repair business
6 sort of anecdotally. But going out on the site
7 inspection, we really see that it's there, a lot
8 of mowers, repair shop in the back. And to Tom's
9 point, yes, the repair is permitted in a CC zone.
10 I know you've had discussions about that with
11 Martin.

12 MS. SCHNEIDER: Yes.

13 MR. KEHOE: And there may be no site
14 plan implications, but there may be site plan
15 implications. So that's -- if anything gets
16 approved, the planning board would conceivably
17 revisit and, and put it into their approving
18 resolution this idea of the small engine repair.
19 Whether it necessitates another door to a
20 building or a dedicated parking place or a new
21 path, it may have site plan implications.

22 MS. SCHNEIDER: Okay. And also we do
23 have two land -- what is it called -- land banked
24 parking spaces. How does it work with those two

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2 spaces? I mean, I know it was on our original
3 site plan that got approved in 2018.

4 MR. KEHOE: I think what you're
5 referring to is you got a parking special permit.
6 So I believe you can have less parking at the
7 site than is required because you show that you
8 can put two parking spaces there.

9 MR. TRUITT: Yes.

10 MS. SCHNEIDER: Oh, is that what it was?

11 MR. TRUITT: Yes.

12 MS. SCHNEIDER: Okay. So could we, could
13 we then put those two places, those two parking
14 spaces in if we needed to?

15 MR. KEHOE: Yes.

16 MS. SCHNEIDER: Okay.

17 MR. KEHOE: Yeah.

18 MS. SCHNEIDER: Good. Alright.

19 MR. KEHOE: Or you could, you know,
20 you'd have to convince -- if you want to do
21 exactly the opposite, which you're not implying,
22 but if you want to do the exact opposite and
23 store something there or do something there and
24 eliminate those parking spaces altogether, the

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2 planning board could do that, because you could
3 say, based on our years of experience, those
4 spaces are never taken, we don't need them. So
5 you could do either or.

6 MS. SCHNEIDER: Okay. Okay. Do you have
7 any --

8 MR. KESSLER: okay. Any other comments?
9 If not, Jeff.

10 MR. ROTHFEDER: I, I move that we refer
11 this back to staff.

12 MR. KESSLER: Second, please.

13 MS. HILDINGER: Second.

14 MR. BIANCHI: Second.

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

17 MULTIPLE: Aye.

18 MR. KESSLER: Opposed? Okay.

19 MS. SCHNEIDER: Thank you.

20 MR. KESSLER: Thank you. Good evening.

21 Alright, final item this evening. It's the
22 application of Ryan Main for site development
23 plan approval and a residential reuse special
24 permit for a steep slope wetland and tree removal

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2 permits for an additional 13 rental units at
3 Meadowbrook Commons on the Boulevard, formerly
4 Pond View, located on Route 6 west of Regina
5 Avenue. Latest drawings, dated November 26th,
6 2023. Good evening.

7 MR. HERNANI DE ALMEIDA: Good evening.

8 MR. KESSLER: So we had the site visit,
9 and thank you for that. And, very instructive I
10 think for us that were there, but still there are
11 plans that need to be submitted to us.

12 MR. DE ALMEIDA: Yeah, we're still
13 waiting on the, tree survey from the consultant,
14 the town consultant.

15 MR. KESSLER: Okay.

16 MR. DE ALMEIDA: We received the list,
17 but no plan to go that goes with the list.

18 MR. KESSLER: Trees, a landscaping plan,
19 and, do we have all the details on, on, the
20 drainage and those things?

21 MR. DE ALMEIDA: The drainage
22 calculations were submitted a while back. The
23 drainage plan was also submitted. Utilities were
24 submitted in draft form to show feasibility that

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2 they, they do work. Road layout profile, were all
3 submitted.

4 MR. KESSLER: So when do you think
5 you'll have a complete set of plans submitted?

6 MR. DE ALMEIDA: Really the biggest part
7 of it is, that tree inventory.

8 MR. KESSLER: Okay.

9 MR. DE ALMEIDA: That's the only thing I
10 don't have a, a pulse on.

11 MR. KESSLER: Is that our consultant
12 doing that or --

13 MR. KEHOE: Well, yeah. And we're, and
14 we're struggling with it because it takes so
15 long. Our consultant reached out, to the tree
16 people, the tree people answered something, then
17 our consultant reached back to the tree people
18 and then the tree people, I think they're a
19 little bent out of shape that it's not working.
20 And they're like, we've given you everything that
21 we can possibly give you. So the worst case
22 scenario is we've got to get a different tree
23 person out there. But that'll be Hernanie's call
24 because that is, that is stopping this from

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2 moving forward. So --

3 MR. DE ALMEIDA: Yeah, we need to get it
4 done as soon as possible.

5 MR. KEHOE: So we'll reach out to
6 LaBella again and say to LaBella, who's our
7 person, if you don't think we can ever make this
8 stuff work, then we have a different tree firm,
9 the one that did the hotel, they did that cool
10 thing where you can hover over the tree on the
11 plan and click on it. It's a different company.

12 MR. DE ALMEIDA: Okay.

13 MR. KEHOE: And, and they could get out
14 there.

15 MR. DE ALMEIDA: Oh, certainly, yeah.

16 MR. KEHOE: But that -- this was what
17 was discussed partially, right, because the trees
18 are so important in the context of how many
19 you're going to remove the calculations, how many
20 you're going to plant, so on and so forth. So --

21 MR. DE ALMEIDA: Exactly. I mean as you
22 saw, we kept, we kept the area of disturbance as
23 tight as possible. And to replant within that
24 area of disturbance is going to be difficult. So

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2 it's, I think it's going to be much like the last
3 time were they going to contribute to the fund,
4 which is the alternative means through the town
5 regs.

6 MR. KEHOE: So we were standing out
7 there, and that, those are the garages and that's
8 the space between the garage and Regina Avenue.
9 And that's where you --

10 MR. KESSLER: So it's 17 foot, right?

11 MR. DE ALMEIDA: Yes.

12 MR. KEHOE: And, and that's where you're
13 talking about being able to plant those trees?

14 MR. DE ALMEIDA: Yeah. We could plant
15 some trees back there for sure. During the site
16 visit, somebody made a comment about whether or
17 not we can put enough there for screening between
18 the two properties, seeing that on the other side
19 of Regina is all, it's commercial.

20 MR. KESSLER: Isn't there a fence there
21 that's not being shown?

22 MR. DE ALMEIDA: On that rendering?
23 That's correct. That fence belongs to the
24 property next door.

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2 MR. KESSLER: Okay. Well that, yeah, I
3 mean --

4 MR. DE ALMEIDA: I believe separate --

5 MR. KESSLER: -- to get the real picture
6 of it, you need to see it with the fence.

7 MR. KEHOE: And then the other thing
8 that I noticed out there, which I don't know if,
9 because what we were standing on seemed like it
10 was fill, but it almost seemed like there was a
11 little bit of a drainage channel or a gully
12 running along Regina Avenue coming in a couple
13 feet. There were some rocks and things in there.

14 MR. DE ALMEIDA: Okay.

15 MR. KEHOE: So I just wasn't totally
16 convinced that all of those trees are going to be
17 able to fit, but that's the stuff that needs to
18 be worked out.

19 MR. DE ALMEIDA: Yeah. That's just a, it
20 was a quick rendering. It was the, the goal of
21 that rendering was more to visualize the
22 buildings, and, and get you a size of scale. It
23 wasn't really to accurately depict the
24 landscaping.

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2 MR. KESSLER: Okay.

3 MR. KEHOE: And Mr. Kabasa said at the
4 site inspection, you know, sometimes we get
5 rolling along with these things and the code does
6 permit contributions to the environmental
7 restoration fund.

8 MR. DE ALMEIDA: Yep.

9 MR. KEHOE: But they are a last resort.
10 So you really need to do a good job, like you've
11 done before of trees, grasses, shrubs,
12 calculations, figure out a comprehensive plan to
13 see if it could satisfy the board. And that's
14 still going to be short.

15 MR. DE ALMEIDA: Yeah. I mean, it's,
16 it's kind of obvious that there's no way we can,
17 you know, replant the number of trees we're
18 taking out of there, it's just not going to
19 happen. So it's going to be a combination. And
20 even, like I said, if I, if I did a bigger
21 disturbance area and took out some lesser trees,
22 lesser size trees and replaced them and spaced
23 them a little bit better so they have a better
24 survivability rate, then maybe, but then that's a

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2 bigger disturbance area and we're trying to
3 minimize our footprint on the disturbance. So I
4 mean, we'll, we'll plant the trees and we want to
5 plant responsibly too. I don't want to put a
6 maple that's going to grow 60 feet tall right
7 next to one of those residences and then
8 something can happen, you know? So if you try to
9 stay away from these, these houses with larger
10 trees like maples and oaks and things like that,
11 you've got to stay farther away and it's kind of
12 tight.

13 MR. KESSLER: Okay.

14 MR. DE ALMEIDA: I mean, we could put
15 smaller trees for sure, but usually those aren't
16 the ones that type, that are desirable when
17 you're trying to do a mitigation plan. Those are
18 more decorative.

19 MR. KESSLER: Well, to move this
20 forward, we are going to need that complete set
21 of plans.

22 MR. DE ALMEIDA: Okay.

23 MR. KEHOE: And then it was mentioned,
24 and, and I have to refresh my memory, but with

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2 the wet, direct wetland impact, which we talk
3 about as basically a drainage seep, and I
4 understand that.

5 MR. DE ALMEIDA: Correct.

6 MR. KEHOE: But I, I can't remember if
7 any of the plan, you're not taking it all the way
8 to the existing pond through any type of
9 construction.

10 MR. DE ALMEIDA: No.

11 MR. KEHOE: It's going to just percolate
12 its way down there.

13 MR. DE ALMEIDA: Just as it is now.

14 MR. MCKINLEY: Yep.

15 MR. DE ALMEIDA: The only, no, well,
16 the, the storm water system.

17 MR. KEHOE: Right.

18 MR. DE ALMEIDA: So the impact, for the,
19 for the seepage will not change. It's going to be
20 the same kind of seepage, daylighting of
21 groundwater. But the collection of the storm
22 water is going to go to the detention pond, which
23 overflows, as it does now into the wetlands. Or
24 into the, the, not the wetlands, the larger pond,

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2 the natural pond that's all the way in the back.

3 MR. KEHOE: But are -- is, is all of
4 that shown?

5 MR. DE ALMEIDA: That's shown on the
6 plan.

7 MR. KEHOE: In detail?

8 MR. DE ALMEIDA: Yeah.

9 MR. KEHOE: That Joe has taken a look
10 at?

11 MR. DE ALMEIDA: That's shown. if you go
12 to the limits of disturbance, scroll down. That's
13 the, there's one that we have there for -- are
14 those the most recent version of the plans? I
15 have --

16 MR. KEHOE: I'm not positive.

17 MR. DE ALMEIDA: There should be one
18 showing an extension of the -- yeah, here I tell
19 you what, why I don't give you the PDF that I
20 have here, if you want to really look at it.

21 MR. KEHOE: That, that's fine, but --

22 MR. DE ALMEIDA: Sure.

23 MR. KEHOE: -- that just came up with
24 the site inspection too, to make sure that the,

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2 the wetland is still going to function as a seep.

3 MR. DE ALMEIDA: Correct. Nothing's
4 going to change in that respect.

5 MR. KEHOE: But similar to the case that
6 we just talked about, you, you're directly
7 filling in a wetland. Now, it may not be much of
8 a wetland, but our consultant went out there and
9 defined it as a wetland.

10 MR. DE ALMEIDA: Defined it as, as it --
11 he defined it as contributing waters to the
12 wetland through groundwater seepage that just
13 comes out of the, the hillside.

14 MR. KEHOE: But I think we're regulating
15 that as a wetland.

16 MR. DE ALMEIDA: That, that's, yeah. But
17 there's no -- from what I understand there are no
18 plantings, wetland plantings and things like
19 that. So with respect to the seepage, nothing
20 changes. We're not affecting the seepage, we're
21 allowing it to pass through. We're daylighting
22 the footing drains and all that kind of stuff.
23 When it comes to, with respect the plantings,
24 again, we're not reflecting any plantings.

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2 However, I think we're still going to go ahead
3 and do an addition to the wetlands where there
4 are none now, adjacent to them and increase
5 several hundred square feet of wetlands with
6 plantings.

7 MR. KESSLER: Well just, just so I'm
8 clear, so in addition to the, seepage --

9 MR. DE ALMEIDA: Correct.

10 MR. KESSLER: -- the storm water is
11 going to go into this detention basin?

12 MR. DE ALMEIDA: Correct, the captured
13 storm water. So the seepage is just groundwater.

14 MR. KESSLER: Right. And so, but the,
15 from the eaves or wherever --

16 MR. DE ALMEIDA: Correct.

17 MR. KESSLER: -- are going to go into
18 this detention area, which ultimately goes into
19 the bigger pond or whatever it is.

20 MR. DE ALMEIDA: Correct.

21 MR. KESSLER: Okay.

22 MR. DE ALMEIDA: And that's how it
23 functions right now.

24 MR. KESSLER: Yeah. But you're adding

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2 more to it --

3 MR. DE ALMEIDA: Well, we're adding --

4 MR. KESSLER: to the detention area,
5 are you not?

6 MR. DE ALMEIDA: So when You look at
7 storm water, it's, it's a mitigation where what
8 would normally run off continues to run off and
9 what, what the impervious coverage is increasing
10 the runoff to you're, you're putting it into a,
11 into a detention basin.

12 MR. KESSLER: Right.

13 MR. DE ALMEIDA: Which holds it a little
14 bit longer so the storm passes and then it, then
15 it passes it onto the pond over time.

16 MR. KESSLER: Okay.

17 MR. DE ALMEIDA: So, it's not a, it's
18 not a direct immediate impact.

19 MR. KESSLER: I understand that. But
20 that detention basin has the capacity to handle
21 these 13 new units?

22 MR. DE ALMEIDA: No, in the plans, we
23 have a detention basin being increased in size.

24 MR. KESSLER: Increased in size, okay.

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2 MR. DE ALMEIDA: Correct. To, to take on
3 these additional units. It's the existing basin
4 just being increased in size.

5 MR. KESSLER: Okay.

6 MR. KOBASA: The existing pond can
7 handle the increase then?

8 MR. DE ALMEIDA: Oh yeah.

9 MR. KOBASA: Coming to it? Yeah. Okay.

10 MR. DE ALMEIDA: It's massive, yeah.

11 MR. KESSLER: Any other comments from
12 the board? So, as I said, you know, when we got
13 the complete sets of plans and staff, staff looks
14 it over and thinks it's ready for prime time.

15 MR. DE ALMEIDA: Yeah. We've got, we've
16 got the couple of consultants working on it and
17 I'll just wait for the information.

18 MR. KEHOE: But as, as you and I talked,
19 I mean, timing becomes critical, because the next
20 meeting may not be 'til March 6th or whatever,
21 but you know, I need the stuff like a week or so
22 so before then, you know, so.

23 MR. DE ALMEIDA: But the, the company
24 that, that did the initial survey, Bartlett, they

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2 came from the town?

3 MR. KEHOE: Yeah. They're our
4 consultant.

5 MR. DE ALMEIDA: Okay.

6 MR. KEHOE: And, and to be honest, we
7 haven't had these problems in the past.

8 MR. DE ALMEIDA: Yeah. It's weird, yeah.
9 It's a little strange. So, yeah, we'll, we'll
10 work with either -- continue to work with
11 Bartlett or the other consultant.

12 MR. KEHOE: Okay.

13 MR. DE ALMEDIA: Whatever's faster.

14 MR. KESSLER: Alright. So if no other,
15 other comments, Mr. Kobasa?

16 MR. KOBASA: No, I think it's Peter.
17 Peter.

18 MR. KESSLER: Is it? I'm sorry. Oh,
19 it's, oh, I'm sorry. I'm sorry. Mr. McKinley.

20 MR. MCKINLEY: Apologies, just looking,
21 I'd like to refer back to staff, for PB 2023 for,
22 further plan amendment.

23 MR. KESSLER: Second, please.

24 MR. KOBASA: Second.

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MS. HILDINGER: Second.

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

MULTIPLE: Aye.

MR. KESSLER: Opposed? Now Mr. Kobasa.

MR. KOBASA: The time is 7:05. The
meeting is adjourned.

(The public board meeting concluded at
7:05.)

CERTIFICATE OF ACCURACY

I, Ryan Manaloto, certify that the foregoing transcript of the board meeting of the Town of Cortlandt on January 9, 2024 was prepared using the required transcription equipment and is a true and accurate record of the proceedings.

Certified By



Date: February 20, 2024

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