

TOWN OF CORTLANDT
PLANNING AND ZONING BOARDS

BOARD MEETING

Town Hall
1 Heady Street
Cortlandt Manor, NY 10567
September 10, 2024
6:30 p.m. - 7:29 p.m.

September 10, 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:

Michael Cunningham, Town Deputy Attorney

Chris Kehoe, Director of Planning

Chris Lapine, Consultant, Town Engineer

Heather LaVarnway, CNU-A, Planner

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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 of September 10th. Please
5 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.

12 MR. CHRIS KEHOE: Mr. Kobasa?

13 MR. KEVIN KOBASA: Here.

14 MR. KEHOE: Ms. Hildinger?

15 MS. NORA HILDINGER: Here.

16 MR. KEHOE: Mr. Rothfeder?

17 MR. JEFFREY ROTHFEDER: Here.

18 MR. KEHOE: Mr. Kessler?

19 MR. KESSLER: Here.

20 MR. KEHOE: Mr. Bianchi?

21 MR. THOMAS BIANCHI: Here.

22 MR. KEHOE: Mr. Douglas?

23 MR. DAVID DOUGLAS: Here.

24 MR. KEHOE: Mr. McKinley?

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2 MR. PETER MCKINLEY: Here.

3 MR. KESSLER: Can I please have a motion
4 to, to adopt the minutes from our meeting of July
5 the ninth?

6 MR. BIANCHI: So moved.

7 MR. KESSLER: Second, please.

8 MR. MCKINLEY: Second.

9 MR. DOUGLAS: Second.

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

12 MULTIPLE: Aye.

13 MR. KESSLER: All opposed? We have no
14 changes to the agenda this evening. And our first
15 item under correspondence is a letter dated
16 September 3, 2024 from John Bevegna regarding
17 modifications to the Hollowbrook Golf Club annual
18 monitoring. So this issue's been going on for a
19 number of months. We've, since the golf course
20 was put in place, we've had a water monitoring
21 program for the Hollowbrook. And now there's a
22 question as to what continues and what doesn't
23 continue. Mr. Bevegna, I know you wrote us a
24 letter, so let's talk about it.

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2 MR. KEHOE: And I, I think you
3 mentioned, but just for the record, John Bevegna
4 is the town's consultant, so he's representing
5 your interests on this case.

6 MR. KESSLER: Right.

7 MR. JOHN BEVEGNA: Right, right. I'm not

8 --

9 MR. KESSLER: So, so the issue here was
10 that the Hollowbrook would like to eliminate the
11 annual storm monitoring.

12 MR. BEVEGNA: They, they wanted some
13 something and we, after discussion trying to be
14 accommodating to them, came up with what I
15 considered to be the lesser of evils. There isn't
16 much left. We've already given them several
17 reductions, both in the number of tests over the
18 course of a year and the number of monitoring
19 points on the course. So we've really tried to
20 accommodate them the best we could, especially
21 during COVID. And, after COVID, they came back
22 and wanted further concessions. And we came up
23 with eliminating -- there's one of the sampling
24 criteria is in annual stormwater sampling event

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2 in the Hollowbrook. The Hollowbrook is sampled
3 during non-storm events twice a year. This was a
4 once-a-year storm event. I felt it was the least
5 important of what was left. After some initial
6 discussions, the town of Peekskill water
7 department took a look at what we're considering
8 and voiced their objection.

9 MR. KESSLER: Objection to eliminating
10 the annual storm event monitoring?

11 MR. BEVEGNA: Yes. And, after, after
12 that we met with them and the town and the golf
13 course. The golf course pleaded their case. We
14 discussed what we've -- the data we've had over
15 the years and why I felt we could live without it
16 and they took all that under advisement. They
17 went back, they looked at the data, because
18 there's a lot of data, it's been going on for
19 quite a while. And then they wrote their letter,
20 which I believe was July something in response to
21 that meeting, basically stating there they were
22 fine with the current status of the program, but
23 they objected to eliminating the storm event.

24 MR. KESSLER: And, and what kind of

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2 testing does Peekskill do on their own?

3 MR. BEVEGNA: I, I can't say for that
4 specifically, but as a public water supplier,
5 they're bound by the New York State regulations.
6 I'm sure they do a wide variety of testing.
7 However, the specific pesticides, that testing
8 that we do would not be part of that.

9 MR. KESSLER: I see.

10 MR. BEVEGNA: He did say to me, however,
11 that under extreme conditions and during storm
12 events due to turbidity, they usually bypass the
13 flow. They do not, because the water's so turbid,
14 they, however they do it, they allow the
15 Hollowbrook to bypass because the turbidity is
16 too much for them to handle during an extreme
17 storm event. So he said it's very possible that
18 during a magnitude or a high magnitude storm
19 event, they would be bypassing the water supply
20 anyway. That said, they still have the concerns,
21 it is a public water supply and they did not want
22 to see that eliminated.

23 MR. KESSLER: So the issue now is just
24 defining what a storm event is?

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2 MR. BEVEGNA: Well, that goes back to
3 the original plan. There's some discrepancy in
4 the plan. And that's, that's a point of
5 contention that we've had with Hollowbrook over
6 the years, which is one of the reasons why there
7 hasn't been storm samples for a number of years.
8 because we can't come to agreement. There's
9 discrepancy and in the past we had asked
10 Hollowbrook, well go back and do your study. You
11 know, we shouldn't be doing it for you. And, you
12 know, they never did. So, you know, here we are.
13 There's a discrepancy in the plan. We haven't
14 come to agreement on what --

15 MR. KESSLER: But up until now, just for
16 the record, there's never been an issue?

17 MR. BEVEGNA: That's correct. There've
18 been, there have been detections. Initially the
19 stormwater sampling included onsite tributaries.
20 There were detections in the onsite tributaries.
21 There was a detection once in the Hollowbrook. It
22 was below what was considered a standard or
23 guidance at the time. A resampling event
24 confirmed that it was then was not detected. And

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2 we were able to trace that specific event to an
3 application that the superintendent had made. It
4 was late fall, it was a snow mold application and
5 we had a heavy storm the day after he made it.
6 And so, you know, it was perfectly clear what
7 happened. And even with that, and although there
8 was a detection, it was still below, you know,
9 guidance value and follow up sampling confirmed
10 that that was it, it went away.

11 MR. KESSLER: Okay.

12 MR. BEVEGNA: It wasn't a prolonged
13 issue.

14 MR. KESSLER: Okay.

15 MR. ROTHFEDER: So the 2.8 inches, that
16 sort of storm event, how frequently is that?

17 MR. BEVEGNA: That's a frequency, that's
18 a once a year.

19 MR. ROTHFEDER: That will happen once a
20 year?

21 MR. BEVEGNA: That would happen at
22 least, it's a hundred percent chance of happening
23 at least once a year. Now, I can't guarantee you
24 it'll happen during daylight hours. We don't go

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2 out in the middle of the night.

3 MR. ROTHFEDER: Right.

4 MR. BEVEGNA: So there's only certain
5 hours we're limited. But, you know, there's a,
6 there's a fairly high chance we'll see 2.8
7 inches.

8 MR. ROTHFEDER: Okay.

9 MR. BEVEGNA: We, we threw out 2.8
10 inches because we're trying to come to some
11 accommodation here, that the golf -- we think the
12 golf course can live with and the town can live
13 with and Peekskill can live with, trying to make
14 everybody happy.

15 MR. KESSLER: And where does that work
16 in terms of the process, you would look to see,
17 are we going get a big storm and set up?

18 MR. BEVEGNA: That's right. Something,
19 something of that magnitude is usually predicted,
20 you know, a storm event of that size, we'll have
21 some notice that something like that might be
22 coming. So we'll be able to prepare better in
23 advance. It's very hard to real time, try to try
24 to meet the criteria and then get out there in

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2 time.

3 MR. KESSLER: So you expect the storm to
4 be greater than 2.8 inches, it turns out to be
5 2.5 inches. Does that eliminate their requirement
6 for the year?

7 MR. BEVEGNA: If we sample, I would say,
8 and there's runoff and it's significant and we
9 get a sample, I would say yes. If they, if for
10 some reason we don't get a sample, it doesn't
11 rain hard enough or, you know, we're not going be
12 able to tell the difference between 2.5 and 2.8
13 until after the fact. So, you know, we'll do our
14 best to meet that condition. But my opinion would
15 be if we go out there and it's 2.4, 2.5, and we
16 take the sample and it's a valid sample, then
17 that should meet the condition for them.

18 MR. KEHOE: Because isn't, hasn't it
19 been part of the issue, isn't there a cost just
20 associated with you getting everything set up,
21 going out there?

22 MR. BEVEGNA: There's, there is a cost.

23 MR. KEHOE: Either way.

24 MR. BEVEGNA: Because sometimes,

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2 sometimes we don't know for sure. And it may
3 rain, rain isn't exactly a uniform everywhere, so
4 they may predict, 2.8 inches, but up in
5 Cortlandt, they may not get it or it may not rain
6 that hard. So we may go up and not take a sample.

7 MR. KEHOE: But does that, do you charge
8 for that?

9 MR. BEVEGNA: Oh yeah.

10 MR. KEHOE: Right. So that's what
11 Eugene's problem has always been, right?

12 MR. KESSLER: Yeah. So how do we deal
13 with that? I mean, you know, if, if, if --

14 MR. BEVEGNA: That's --

15 MR. ROTHFEDER: Well, how, how low would
16 it -- like to get a good sample, what, how much
17 rain would you need?

18 MR. BEVEGNA: Less than that, you know.
19 And that's part of the issue that, that's part of
20 the issue has been what's enough to generate --
21 when it's got to generate runoff and sufficient
22 runoff to --

23 MR. ROTHFEDER: So can't we --

24 MR. BEVEGNA: -- go from certain points

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2 on the --

3 MR. ROTHFEDER: -- adjust for that
4 Issue?

5 MR. KESSLER: Yeah. So you maybe put a
6 range in that it's, you know, 1.5 to plus.

7 MR. KOBASA: Right.

8 MR. KESSLER: Would that do it?

9 MR. BEVEGNA: I, it would do it for me.
10 I don't know how the course would feel about it.

11 MR. BIANCHI: Well, you're likely going
12 do it once a year anyways.

13 MR. BEVEGNA: Well, that's, that's
14 always been our point.

15 MR. KESSLER: The issue is, as Chris is
16 mentioning you, you don't want to say, oh, we
17 went out there. I'm charging you, but it wasn't
18 enough for a sample, let's do it again. And then
19 the same thing happens the next time. And all of
20 a sudden they're paying for three samples.

21 MR. BEVEGNA: Right.

22 MR. KESSLER: Which I understand is not
23 that inexpensive --

24 MR. ROTHFEDER: If you go out there, you

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2 should do the sample.

3 MR. BEVEGNA: No, the samples themselves
4 are expensive, yes. Yeah. And yes, it would be
5 easier to lower the amount of rainfall that we
6 respond to, the easier and more likely it is that
7 we're going get a sample. You know, flip side of
8 that is we don't want to be running out there
9 every time there's a sprinkle, right. So you want
10 it to be a significant and it should be a storm,
11 not just rain and it should be significant
12 amount.

13 MR. KESSLER: So, so what happens? Are
14 you going meet with the course again to talk
15 about this or what's that?

16 MR. KEHOE: I sent Eugene a follow up
17 email. I haven't heard back from him. He, he's
18 aware of --

19 MR. BEVEGNA: Right.

20 MR. KEHOE: -- what we're recommending.

21 MR. ROTHFEDER: Right. I mean, we could
22 put some language in that the goal is the 2.8 to
23 go out, but if you go out and set up and it's a
24 little bit less or by a certain amount --

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2 MR. KESSLER: Right.

3 MR. ROTHFEDER: -- you're still going
4 take it. And that's going be the once a year.

5 MR. KESSLER: And that'll, that'll,
6 yeah, that'll satisfy the once a year.

7 MR. ROTHFEDER: Right.

8 MR. BEVEGNA: Right. I mean, as long as
9 we get a sample and it's a valid sample, we're
10 satisfied, the condition's been met.

11 MR. KEHOE: But one of the other things
12 that we wanted to work into the protocol is that
13 as long as you do two storm events or three, next
14 year, the year after, the year after whatever,
15 then we could determine that they're not needed
16 anymore.

17 MR. BEVEGNA: Well, right. Eugene is
18 going continue to try and eliminate something.

19 MR. BIANCHI: Sure.

20 MR. BEVEGNA: And, and, you know, to,
21 but we could effort to appease him, we want to
22 say, all right, well let's get a -- because we
23 haven't had storm data for quite a while, since
24 2013. Let us get a couple years under our belt.

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2 Let's see what's happening.

3 MR. KESSLER: Right.

4 MR. BEVEGNA: Their record has been
5 pretty good and it is fair to reconsider things.

6 MR. KESSLER: Okay.

7 MR. BEVEGNA: But then, you know, on the
8 other side is Peekskill. So there's, there's a
9 balance. I'm trying to make everybody happy, and
10 be fair.

11 MR. ROTHFEDER: No, that works.

12 MR. KESSLER: Peekskill can chip in to
13 pay for the test.

14 MR. BEVEGNA: The other side of that is
15 typically the golf course should be hiring their
16 own consultant and making these arguments. It
17 shouldn't be me, I represent you. They should be
18 making the arguments and then I should be
19 reviewing their arguments and giving you my
20 opinion.

21 MR. KESSLER: I thought they had
22 somebody that passed away.

23 MR. BEVEGNA: He did, yes,
24 unfortunately. So, so I'm kind of in the middle

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2 here and --

3 MR. KESSLER: All right. So I guess --

4 MR. KEHOE: I'll put that all together
5 in a resolution for next month.

6 MR. KESSLER: Okay. And you'll get
7 together with Eugene?

8 MR. KEHOE: Yep.

9 MR. KESSLER: Okay. At Hollowbrook. All
10 right, thank you.

11 MR. DEVEGNA: You're welcome. Have a
12 good night.

13 MR. KESSLER: Kevin?

14 MR. KOBASA: I'd like to make a motion
15 to draft a resolution to modify the storm event.

16 MR. KESSLER: Second please.

17 MR. MCKINLEY: Second.

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

20 MULTIPLE: Aye.

21 MR. KESSLER: Opposed? Okay. Our next
22 item is a letter dated July 27, 2024 from James
23 Annicchiarico.

24 MR. KESSLER: Annicchiarico.

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2 MR. KESSLER: I should have practiced,
3 requesting a second six month time extension of
4 preliminary plat approval for Pomona Development,
5 LLC, subdivision located on the south side of
6 Revolutionary Road south of Eaton Lane. Nora?

7 MS. HILDINGER: I'd like to make a
8 motion to grant the six month time extension for
9 the preliminary plat approval for the Pomona,
10 Pomona Development.

11 MR. KESSLER: Okay. And that is
12 resolution 8-24. Second please.

13 MR. BIANCHI: Second.

14 MR. KESSLER: And all the questions, all
15 in favor?

16 MULTIPLE: Aye.

17 MR. KESSLER: Opposed? Letter dated
18 August 20, 2024 from David Steinmetz requesting
19 the first one year time extension of, of
20 conditional site development plan approval for
21 Bilal Ahmad for a proposed hotel located at 2054
22 East Main Street. Mr. Rothfeder?

23 MR. ROTHFEDER: Move to adopt resolution
24 9-24 approving the extension.

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2 MR. KESSLER: Second please.

3 MR. BIANCHI: Second.

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

6 MULTIPLE: Aye.

7 MR. KESSLER: Opposed? Our next item is
8 a letter dated August 22, 2024 from Robert Davis
9 regarding the proposed zoning amendment for self-
10 storage located at the CC, Community Commercial
11 Zoning District on Crompond Road, Route 202.
12 Okay. So the issue here is that there is
13 something before the town board to amend the
14 zoning to allow self-storage on lots that are
15 40,000 square feet or greater.

16 MR. MICHAEL CUNNINGHAM: Correct. And,
17 and what Mr. Davis is requesting that the town
18 board, and this is their purview, not ours,
19 reduce that to 38,000 square feet.

20 MR. KEHOE: I think it might be 35, I
21 think I misspoke.

22 MR. KESSLER: Oh, is it 35? I'm sorry.

23 MR. CUNNINGHAM: Yeah.

24 MR. KESSLER: I stand corrected. To

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2 reduce it to 35,000 square feet because I guess
3 he has a client that's looking to build a self-
4 storage. We haven't an application yet, but, and
5 they, and they don't meet the 40,000 square foot
6 requirement that is pending approval by the town
7 board. So we talked about this at the work
8 session and, and really this is -- we gave them
9 comments on the 40,000 zoning amendment on the
10 40,000 square foot proposed zoning amendment and
11 they're asking us for comments on this as well
12 or?

13 MR. KEHOE: Well, the applicant is, not
14 the town board.

15 MR. KESSLER: Not the town.

16 MR. KEHOE: But yes.

17 MR. KESSLER: So as we discussed at the
18 work session, it's really an issue for the town
19 board to decide, I would guess. But the one thing
20 that we did discuss was, since the self-storage
21 that is the subject of what he's proposing would
22 be in close proximity to the existing one, the
23 town board may want to consider that there should
24 be, some consideration of, of distance between

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2 any two self-storage facilities in any given
3 place within the town.

4 MR. CUNNINGHAM: It would be the
5 proposed, self-storage facility in, letter D is,
6 would be in close proximity to actually the
7 application that's the public hearing tonight.
8 So--

9 MR. KESSLER: Mm-hmm.

10 MR. CUNNINGHAM: So to the chairman's
11 point, it would be two self-storage facilities
12 very close to each other.

13 MR. KEHOE: And you want to just
14 express, not concern, but --

15 MR. KESSLER: I just, yeah, express that
16 concern, yeah, to the town board.

17 MR. KEHOE: Okay.

18 MR. KESSLER: And again, it's, it's
19 ultimately up to them to make the, zoning, the
20 text, the changes to the zoning, zoning code.

21 MR. BIANCHI: I, I, I, can --

22 MR. KESSLER: Yeah, go ahead, sure.

23 MR. BIANCHI: Just, just one
24 clarification. Personally, I don't think that

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2 they should reduce the square footage just for
3 one applicant. And I think that they should go
4 to, the zoning board if they stay with the 40,000
5 square feet, because I'd like to see an analysis
6 done on this, especially since it's close to the
7 other one and what the impacts will be in the
8 zoning -- that's what the zoning board's function
9 is.

10 MR. KEHOE: That has been discussed, so
11 we could add that to the memo as another option
12 that the town board consider leaving it at 40 and
13 permit any future applicant to attempt to get a
14 variance?

15 MR. BIANCHI: That, yeah, that's my
16 position on it.

17 MR. KESSLER: Okay. That sounds fine.

18 MR. DOUGLAS: Right, I agree with Mr.
19 Bianchi.

20 MR. KESSLER: All right, so, let's see.
21 David, you want to --

22 MR. DOUGLAS: Yeah, I make a motion that
23 we refer this matter back to staff and that,
24 staff write a letter to the town board expressing

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2 the points that were made by Mr. Kessler and Mr.
3 Bianci.

4 MR. KESSLER: Second, please.

5 MR. MCKINLEY: Second.

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

8 MULTIPLE: Aye.

9 MR. KESSLER: Opposed? All right, next
10 item of the correspondence, a letter dated August
11 29, 2024 from Michael Gray, president of the
12 Dickerson Pond Association requesting
13 modification of condition number 11 of the
14 approving resolution, of resolution, was it 27-
15 07, was that --

16 MR. CUNNINGHAM: Yes.

17 MR. KESSLER: -- the resolution number,
18 for the Valeria development. We have a resolution
19 to do just that, Peter.

20 MR. MCKINLEY: Sure. I'd like to make a
21 motion for PB 18-98 to approve the resolution on
22 hand for 27-07 for the Valeria Development for
23 the removal of, modification, condition 11.

24 MR. KESSLER: Second, please.

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2 MR. KEHOE: Right. The, agenda item
3 actually said modification, but it's the removal.

4 MR. KESSLER: Removal, removal.

5 MR. KEHOE: Yes.

6 MR. KESSLER: Okay. Can I have a second?

7 MR. BIANCHI: Second.

8 MR. DOUGLAS: Second.

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

11 MULTIPLE: Aye.

12 MR. KESSLER: Opposed? Last item of the
13 correspondence is a, to receive and file the, new
14 lightning, lightning -- lighting ordinance, that
15 was passed by the town board. Tom?

16 MR. BIANCHI: Mr. Chairman, I move that
17 we receive and file the lighting standard that
18 was provided to us and adopted on August 13,
19 2024.

20 MR. KESSLER: Second please.

21 MR. DOUGLAS: Second.

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

24 MULTIPLE: Aye.

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2 MR. KESSLER: Opposed? All right, onto
3 public hearings. We have one public hearing this,
4 evening. It's a new public hearing. It's the
5 application of KBP Properties for site
6 development plan approval, and a referral from
7 the town board of a petition for a zoning text
8 amendment for a proposed four story 75,000 square
9 foot self-storage facility located at three
10 Locust Avenue, latest drawings revised August 22,
11 2024. Good evening.

12 MR. BRIAN SINSABAUGH: Hi, good evening,
13 chairman, members of the board. My name's Brian
14 Sinsabaugh. I'm an attorney with Zarin and
15 Steinmetz, attorneys for the applicant, KBP
16 properties, LLC. With me tonight, I do have Sean
17 Barton and Michael Humphrey on behalf of the
18 applicant. Marc Pilotta of Key Civil Engineering,
19 our civil engineer, Joseph Neitzel, our
20 architect, and Michael Amendola of Collier's, our
21 traffic engineer.

22 As discussed, our application is for a
23 proposed self-storage building. We're seeking
24 site plan approval relating to that. This evening

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2 I'd like to request that the board both open and
3 close the public hearing, schedule a site visit
4 and direct the staff to prepare a resolution
5 adopting a negative declaration under SEQR if
6 they so choose.

7 Just really quickly running through the
8 building facts that we have, we have a four story
9 with basement building, it is 15,000 square feet
10 of building area, 75,000 square feet of floor
11 area, total net leasable area is only 56,000.
12 However, this is a low impact use. We did provide
13 traffic and parking calculations for that. I
14 believe we do require 10 spaces, but we are
15 providing 33 spaces for shared use with the
16 adjacent ball field, which is used by Little
17 League, and will continue to be used by the
18 Little League following this application.

19 The building replaces the vacant and
20 somewhat vandalized Toddville Elementary school
21 building. I do want to point out that we have
22 been in correspondence with SHPO regarding a
23 determination as to eligibility. They did release
24 a letter stating that building is not eligible

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2 for listing under state or national registry and
3 they also did note that in addition, that no
4 properties, including archeological and/or
5 historic resources listed or eligible for New
6 York State or national registers of historic
7 places will be impacted by the project.

8 We have designed the project to maintain
9 the property's current character and the
10 character of the neighborhood. This includes a
11 facade comprised of EIFS brick, an EIFS limestone
12 base, banding and decorative cornice. We have
13 faux windows on all sides. And we also removed
14 building signage as previously proposed. This
15 will be a brick building very similar to what you
16 see now.

17 We are going be using the existing curb
18 cut on Locust Avenue as access. The majority of
19 off street parking will remain in the rear of the
20 property with a handicapped parking in the front,
21 just for safety purposes as well as, a quick, I
22 believe one additional spot that'll allow for
23 people to quickly come in and leave if just going
24 to the office. Lastly, I I do want to address one

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2 item. I, we did receive the memos, from both the
3 town as well as consultant.

4 MR. KEHOE: And just, just for the
5 record, the planning board just received both of
6 those memos tonight at the same time you received
7 those.

8 MR. SINSABAUGH: Yeah.

9 MR. KEHOE: So they haven't really had
10 the time to address them.

11 MR. SINSABAUGH: Yep. So there's only
12 one item I do like, would like to address on that
13 and it's with regard to the building height. So
14 we have proposed a building height now that is
15 less than the existing building height. The
16 current building is 38.52 feet. What is proposed
17 is 37.99 feet. The building calculation that we
18 did use was based upon the definition within the
19 code. We did run 12 points total, which is three
20 on each side in accordance with what the, the,
21 town had required. And from that, that's how we
22 come we were able to get this calculation. We did
23 reduce this from our previous height. That was a
24 little bit higher before, but we wanted to keep -

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2 - we heard the comments of the board. We want to
3 keep this in character with the community. So we
4 reduced this to the height of what's existing on
5 the site.

6 MR. KESSLER: So it's still three feet
7 higher than what's currently allowed in the town?

8 MR. SINSABAUGH: We -- no, sorry. So
9 what we have currently proposed, we are proposing
10 a height of, I have this down here -- the
11 building height we're proposing is 37.99 feet.
12 The existing building height is 38.52.

13 MR. KEHOE: So, But, but the proposed
14 code language permits 35.

15 MR. SINSABAUGH: Correct, correct. Yeah.

16 MR. KEHOE: Well, no.

17 MR. KOBASA: No, the current.

18 MR. KEHOE: The existing permits 35. You
19 want to go above 35.

20 MR. SINSABAUGH: Correct.

21 MR. KEHOE: That'll be ultimately up to
22 the town board.

23 MR. SINSABAUGH: Correct.

24 MR. KEHOE: Right, okay.

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2 MR. SINSABAUGH: Correct. But I just
3 want to clarify that what we're proposing is
4 below the existing building height. We did
5 provide on August 23rd a submission that included
6 modifications from our -- resulting from our July
7 29th staff meeting. Of those we have, with regard
8 to the ball field, we removed the recreation
9 area. That included permeable pavers. We will
10 leave this the existing gravel. We did add a
11 trash receptacle next to the concession stand.
12 With regard to self, the self-storage use, the
13 trash enclosure was moved to the rear of the
14 property. It's fully enclosed and does have
15 landscaping surrounding it. We removed the EV
16 charging stations. That was a discussion that we
17 had with staff. It just wasn't practical for this
18 use to have EV charging stations where most
19 people are going be coming in are going be
20 utilizing the loading dock. And then the ball
21 field is just not enough time for charging it was
22 determined.

23 So I, I do want to point out we're still
24 using green measures. We do have low flow

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2 plumbing fixtures, energy efficient lighting,
3 which has auto on and off, and LED, a central
4 heating and cooling monitoring system and then
5 electric HVAC. So we will not be using any fossil
6 fuel. We're also proposing a white roof. So in,
7 in all those measures, we believe that that is
8 going significantly reduce what we would have in
9 terms of energy consumption.

10 We did address fire safety and truck
11 access, fire truck access to the site. We revised
12 our landscape landscaping plan to utilize
13 deciduous plants and we provided additional sign
14 details, so that will be internally illuminated.
15 It's what we're proposing is five feet wide by
16 3.2 feet tall of the sign itself. So we do have
17 that additional information provided on the plan.

18 Lastly, we did receive Westchester
19 County Planning, a planning letter. This was back
20 in May. The only item I do want to note if, if
21 it's something that does go back to the town
22 board in your comments, is that the comment
23 number two regarding sidewalks be overridden. It
24 is requesting that there be sidewalks provided in

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2 front of the site, but there are no sidewalks
3 either along Crompond Road or Locus Ave to tie
4 into. So we're just asking that that be
5 overridden. The remaining comments we have
6 satisfied.

7 At this point, I just want to open it up
8 to see if you have any questions or if you want
9 us to walk further through the site plan, we can.

10 MR. KESSLER: Regarding, I thought there
11 was some still, are there any open issues with,
12 the, was it DEP or --

13 MR. SINSABAUGH: Yeah, so a portion of
14 the ball field is, is on DEP property. We have
15 been in correspondence with them. They asked that
16 we submit a revocable land use permit
17 application. That was submitted back in July. We
18 haven't heard back on from them yet, but they
19 seemed extremely cooperative and we're
20 cooperating with them.

21 MR. KESSLER: Okay. So --

22 MR. DOUGLAS: A --

23 MR. KESSLER: Yeah, I was going open it
24 up, but go ahead.

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2 MR. DOUGLAS: Okay. I have a question.
3 Did I hear you right that you would not be
4 proposing any charging stations?

5 MR. SINSABAUGH: No. Following -- we, we
6 were proposing them, but at the staff meeting it
7 was determined collectively between staff and
8 our, our consultants that those would be removed.

9 MR. DOUGLAS: Okay. Well, I have a
10 question. I don't know what staff said, but, for
11 charging stations near the ball fields, might
12 that makes sense because if somebody's going be
13 there for, you know, two hours watching a game,
14 that seems to be the type of, you know, location
15 where one might want to, charge their car.

16 MR. SINSABAUGH: I think the discussion
17 was just a, just a lack of demand for it and then
18 the flexibility with regard to the parking spaces
19 that, that we're proposing and just
20 maneuverability around the site. So, if it was
21 for just simply ball field use, that is something
22 that we could talk to staff about again. But it
23 was, I believe it was a staff recommendation, not
24 necessarily our recommendation to remove those.

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2 MR. KEHOE: We, we can revisit the idea
3 of the ball field. That wasn't really discussed.
4 The idea of, you know, someone pulling in, going
5 into their unit wasn't enough time on a level two
6 charger for any --

7 MR. DOUGLAS: Right. Well, I completely,
8 I completely agree with that.

9 MR. SINSABAUGH: Okay.

10 MR. DOUGLAS: My question has to do with
11 the parking, you know, that's designed for, for
12 people parking to watch the games.

13 MR. SINSABAUGH: Yeah. If, if it's
14 something that the board would like to see, and I
15 understand that you like to have green practices,
16 it's something that we would definitely
17 reconsider.

18 MR. DOUGLAS: Right.

19 MR. SINSABAUGH: And we'll talk to
20 staff.

21 MR. DOUGLAS: Also when you say there's
22 no demand for it, there's going to be, that's going
23 to be increasing demand.

24 MR. SINSABAUGH: Yeah.

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2 MR. DOUGLAS: As they're more and more
3 EV vehicles.

4 MR. SINSABAUGH: Mm-Hmm. Yeah. I'll
5 take, I'll take a -- we'll, we'll revisit it and
6 talk to staff about it as well and our
7 consultants.

8 MR. KESSLER: Okay. This is a public
9 hearing, so is there anybody in the audience that
10 wishes to comment on this application? Yeah,
11 sure, come up. State your name and address for
12 the record.

13 MR. BEN ALLEN: Good evening, members of
14 the board, Jamie and Ben Allen. We're at 12
15 Shipley Drive. We back one of the lots that are
16 next to the, the ball field. We have trees in our
17 backyard and a a stone wall. We see that there's
18 planning for a fence in the backyard of where we,
19 where we live and we're trying to figure out
20 what, what type of construction work is planned
21 to happen behind our, our property. That's,
22 that's really why we're here. We also know that
23 they're rezoning this property for commercial
24 use. Right now. I, I believe it's, it's being

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2 used for the, the water department, although
3 vacant. We don't know what that means in terms of
4 if they get the ability to rezone for commercial
5 use that property, will that be able to allow
6 them to expand over to the, residential, area? We
7 also don't know where that line splits where,
8 where it's partially commercial and partially
9 residential right now. So those are the kind of
10 questions that we have in terms of --

11 MR. KESSLER: You want to take the
12 zoning issue?

13 MR. CUNNINGHAM: Sure. So right now what
14 they want to do is not actually permitted by
15 zoning. So they'd have to get approval from the
16 town board to do it. As far as, I think you're
17 asking about the, the lot being split zoned, so
18 any sort of commercial --

19 MR. KEHOE: You can see that on the
20 screen now, this line.

21 MR. ALLEN: Okay. I see the gray.

22 MS. JAMIE ALLEN: Yeah, it's so hard.
23 The copy we got.

24 MR. ALLEN: The gray lot, okay, I see.

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2 MR. KEHOE: So the, the, the parking and
3 the building and the self-storage are all in the
4 commercial zone.

5 MR. ALLEN: Sure.

6 MR. KEHOE: The, the ball field and the
7 parking area and the proposed concession stand
8 would be in the residential zone.

9 MR. KESSLER: So right now it is zone
10 commercial. What they're looking to do is allow
11 self-storage in the commercial. Do I have that
12 right?

13 MR. CUNNINGHAM: That's correct, right.

14 MR. SINSABAUGH: That's correct.

15 MR. KESSLER: So, so it is currently,
16 even though it's split --

17 MR. ALLEN: Right.

18 MR. KESSLER: the area that they're
19 talking about is already zone commercial.

20 MR. ALLEN: Right. Okay.

21 MR. KESSLER: So it's up to the town
22 board to decide whether they'll allow self-
23 storage in a commercial zone specifically there.

24 MR. ALLEN: Okay.

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2 MR. KESSLER: So, so can we go back? So
3 where are you on this?

4 MS. ALLEN: So yeah, the survey's
5 incorrect. It says Bachelet, Anthony C. Bachelet.

6 MR. ALLEN: They were the previous
7 owners.

8 MS. ALLEN: They were, yeah, two years
9 ago.

10 MR. KESSLER: So, So we're just, can you
11 --

12 MR. ALLEN: Yep. Right there.

13 MR. KESSLER: Is that you right there?

14 MR. ALLEN: That's us.

15 MS. ALLEN: So one of the things we were
16 a little confused about was the fence that goes
17 behind our stone wall, but not fully along the
18 property. If you zoom in, it says proposed six
19 foot high PVC fence.

20 MR. KEHOE: All right. And then you're,
21 then it says 104 feet --

22 MS. ALLEN: Feet of no fence.

23 MR. KEHOE: -- feet of no fence.

24 MS. ALLEN: Yeah. So we're on that where

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2 it says Bachelet, Anthony C, that's us. And then
3 our neighbors, are next, yeah, right, so they
4 don't get the fence at all. And then our property
5 kind of gets this like, I don't know, two-thirds
6 of it.

7 MR. KESSLER: So you'd like to have a
8 fence, you'd like to have the complete fence?

9 MS. ALLEN: We're just trying to figure
10 out what exactly is happening on this end of the
11 site. We, from our perspective, it looks like
12 there's more trees back there. We don't, it
13 doesn't look like there's any work planned back
14 there except this fence.

15 MR. SINSABAUGH: There's a fence that's
16 being proposed and a new concession stand.

17 MS. ALLEN: Right. So we're just --

18 MR. SINSABAUGH: That's the extent, they
19 won't --

20 MR. KESSLER: The concession stand is
21 over on the left side there?

22 MR. SINSABAUGH: Yeah. Well I, I think
23 part of --

24 MS. ALLEN: And I guess the purpose of

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2 the fence and then the purpose to not put the
3 fence completely?

4 MR. KEHOE: Okay, that's fine. You can,
5 you're asking the questions. The applicant has to
6 answer those questions.

7 MR. ALLEN: Sure.

8 MR. KEHOE: They're being put into the
9 record. They can choose to answer them now or
10 provide answers, you know, at another meeting. So
11 don't think that people are ignoring you, it's
12 just that those questions are better directed to
13 the applicant, because the planning board doesn't
14 know exactly their thought process for the fence.

15 MR. KESSLER: So you --

16 MS. ALLEN: Yeah. If you don't mind
17 telling us the purpose of the public hearing,
18 that would be helpful, just so we can know --

19 MR. KESSLER: To get your comments,
20 that's the purpose, yeah.

21 MS. ALLEN: Okay.

22 MR. KESSLER: Oh yes. No, and again, as,
23 as Chris said, the applicant is obligated to
24 respond.

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2 MR. ALLEN: Okay.

3 MS. ALLEN: Okay.

4 MR. KESSLER: But just to be clear, your
5 preference is to have a complete fence there? We
6 just don't know why there's any work being
7 proposed here at all. We, I don't really --

8 MR. KESSLER: Oh, are you --

9 MS. ALLEN: We're fine with it.

10 MR. KESSLER: -- you -- status quo, you
11 just, since nothing --

12 MS. ALLEN: We would prefer nothing to
13 happen completely, you know, obviously. So if
14 nothing's happening here --

15 MR. SINSABAUGH: Mr. Chairman --

16 MS. ALLEN: -- we're fine with that. I
17 just, I don't want like two-thirds of this fence
18 and I don't --

19 MR. SINSABAUGH: I, I believe they're
20 replacing the existing fence that's out there.
21 There is a fence that's slightly offset from the
22 property line. The intention of this plan is
23 they're removing the existing fence and replacing
24 it with a new fence and it's going along the same

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2 length. Currently there is an existing fence out
3 there that goes to that same distance that's
4 offset from your property. The fence is really
5 far away.

6 MR. SINSABAUGH: Correct.

7 MS. ALLEN: It's barely there.

8 MR. SINSABAUGH: Yeah.

9 MS. ALLEN: This fence is shown right at
10 our property line.

11 MR. SINSABAUGH: Correct.

12 MS. ALLEN: So the fence that you're
13 talking about is actually behind like trees. So I
14 have photos and everything.

15 MR. SINSABAUGH: I think they're putting
16 the fence along the Property line here.

17 MS. ALLEN: Yeah. So you're put-- yeah,
18 so, so the proposals just changes, it just
19 changes it completely because the fence that's
20 being discussed is behind a bunch of trees and
21 forest. You never see it.

22 MR. MCKINLEY: So you're not sure of the
23 necessity of a fence?

24 MR. KEHOE: Right. So the applicant will

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2 have to address why they think that they need a
3 fence there.

4 MR. KESSLER: And again, for in that
5 picture, nothing is happening except for the
6 fence for three quarters of --

7 MR. SINSABAUGH: Correct. And a
8 concession stand.

9 MS. ALLEN: And we do want to, yeah, I
10 guess our next question was just like, it says
11 existing gravel area to remain. It's not gravel,
12 it's woods. So I just want to --

13 MR. KEHOE: Well, yeah, that's, we did a
14 little -- Heather did a little site inspection, I
15 say we, but it was actually Heather. And it's
16 mainly woods and grass in your opinion. There may
17 have been some gravel under there, but it's more
18 of a grass wooded area.

19 MS. ALLEN: Yeah, for sure.

20 MR. KEHOE: Yes.

21 MR. KESSLER: Okay. All right. Well we
22 be doing a site visit.

23 MS. ALLEN: Okay.

24 MR. KESSLER: We're not, we'll keep the

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2 public hearing open until the next meeting or
3 longer, depending. But we're definitely going to
4 go out and visit the site and we'll take a look
5 at, where you're talking about, your property in,
6 in, we'll be there, September --

7 MR. KEHOE: Sunday morning, September
8 22nd.

9 MR. KESSLER: -- September 22nd. So if
10 you see us out there, that's what we'll be doing.

11 MS. ALLEN: Okay. Okay.

12 MR. KESSLER: Well thank you.

13 MS. ALLEN: Oh, and then I just had a
14 question about the buffer. I'm not sure if that
15 can get addressed, if there's like a buffer
16 that's required between the commercial zone. But
17 this is residential, so I guess it doesn't
18 matter.

19 MR. KEHOE: Right. The back part of the
20 property is residential to residential.

21 MS. ALLEN: Right. So that's --

22 MR. KEHOE: The buffer would be required
23 on the front.

24 MS. ALLEN: Right. Okay. Okay. Anything

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2 else? Thank you.

3 MR. KESSLER: Thank you.

4 MR. MARK HITMAN: Good evening. Hi, my
5 name is Mark Hittman and I'm right next door to
6 Jamie and Ben, right on the corner there. Right.
7 And, so historically, about 25 or 30 years ago
8 when ConEd took over the building, they did
9 indeed put a gravel parking area in that section.
10 Not, I don't know how much, it obviously isn't
11 where the trees are, but underneath some of that
12 weeds and grass and dirt is gravel that they put
13 there 20, 25 years ago because they were going
14 have on occasion, overflow parking for their
15 training for their plant. And my concern on this,
16 not so much the tearing down of the Toddville
17 School and putting up a new building that would
18 be similar in size and volume to what they're
19 thinking of that is there now.

20 But I was kind of curious what was going
21 happen in this area and whether they would have
22 the right, if not now, at some point in the
23 future, since it's a storage facility, whether
24 one day that would have RVs and boats and things

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2 like that sitting in this open area for --
3 whether that would be allowed. That'd be one.

4 Number two is, I didn't know that the
5 outfield of the ball field was on someone else's
6 property either since we've, we've there, been
7 there since 1991 and kids have played there all
8 the time, but it never had a concession stand.
9 And my concern about the concession stand, while
10 that sounds friendly and community friendly,
11 dirt, critters, vermin, maybe they could just
12 have a food truck come while the kids were
13 playing ball or something like that. But actually
14 any kind of more permanent facility I thought was
15 not a great idea.

16 And, but mostly it was what type of
17 permission they would have to use that property
18 in the future would be my concern.

19 MR. KEHOE: Yeah. No Storage would be
20 permitted. No storage would be permitted because
21 it's owned residential.

22 MR. HITTMAN: Okay. So that would be
23 pretty much the way it is now, except for a
24 proposed concession stand, which isn't there now

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2 either, right.

3 MR. KESSLER: Right.

4 MR. HITTMAN: So those are my concerns.

5 MR. CUNNINGHAM: And then, the entity
6 that actually owns the field is the Department of
7 Environmental Protection. It's a New York City
8 agency. They actually control all the water that
9 goes to New York City so they own a ton of land
10 throughout the region. So it, it's owned by a New
11 York City agency.

12 MR. HITTMAN: Okay. And, that was it.

13 MR. KESSLER: Okay. We'll have them --

14 MR. HITTMAN: Thank You.

15 MR. KESSLER: They'll respond to the
16 concession issues, the applicant will respond to
17 that, your concerns. Anybody else wish to comment
18 on this application?

19 MS. ALLEN: I just had a question.

20 MR. KESSLER: Yeah, sure. Come on up.

21 MS. ALLEN: It was just about the ball
22 field, who maintains the property of the ball
23 field? If it has like the, this the commercial
24 owner?

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2 MR. CUNNINGHAM: I, I think actually
3 generally speaking, the applicant himself has
4 been maintaining it for the most part. And then
5 also I know the Little League does, certain work
6 to the field. The town doesn't, we don't actually
7 have a role in the field, even though it, it's
8 used by, you know, recreational organizations
9 within the town, it's not a town facility.

10 MS. ALLEN: Okay. Yeah, that was like,
11 just because of the, the new building being
12 proposed, just like another thing of, for
13 maintenance, so just curious. Thank you.

14 MR. KESSLER: Anybody else wish to
15 comment? Any more comments from the board? All
16 right, hearing none so, as I, as I mentioned
17 earlier, you know, we'll adjourn this public
18 hearing. There's still some comments, that need
19 to come from our staff regarding this and you
20 need to respond to what we've heard. And we're
21 also going be setting a site, visit, so, with
22 that, Kevin?

23 MR. KOBASA: I'd like to make two
24 motions. The first motion would be to adjourn the

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2 public hearing to October. And the second motion
3 would be to set the site inspection on 9/22 at
4 9:00 a.m.

5 MR. KESSLER: All right. So I can have a
6 second on the two motions.

7 MR. BIANCHI: Second.

8 MR. KESSLER: Thank you. So, on the
9 question, any comments, if not the all favor?

10 MULTIPLE: Aye. Opposed?

11 MR. KESSLER: Okay. So, so we'll be out
12 there on September 22nd, Sunday morning at 9:00
13 o'clock to, walk the, property. All right, onto
14 new business, our first item is the application
15 of Briga Enterprises and Bilotta Realty of
16 Westchester for amended site plan approval for a
17 2,400 square foot storage building located at
18 2099 Albany Post Road, drawings dated March 11,
19 2024. So, Nora, what's -- oh, you anything? Okay.
20 I'm sorry. Before we do that, you have some
21 comments on this.

22 MR. SINSABAUGH: If you'd like to go
23 ahead, you by all means you can go ahead.

24 MR. KESSLER: Yeah. What we're doing is

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2 to set a public hearing for the next meeting.

3 That's all I'm going do.

4 MR. SINSABAUGH: All right, totally
5 fine, thank you.

6 MS. HILDINGER: Okay. I'd like to make a
7 motion to set a public hearing for PB 2024-3 for
8 October 1st.

9 MR. KESSLER: Second please.

10 MR. KOBASA: Second.

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

13 MULTIPLE: Aye.

14 MR. KESSLER: Opposed? Next item under
15 new business, the application of -- I'm going get
16 this wrong too, Qiang Su for the property of J
17 Glamour Nails and Spa, Incorporated for site
18 development plan approval for the conversion of
19 the former La Villetta Restaurant into a nail
20 salon for property located at 3172 East Main
21 Street, drawings dated June 20, 2024. Mr.
22 Lentini, good evening.

23 MR. JOHN LENTINI: Good evening, Mr.
24 Chairman, members of the board, town staff, I've

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2 been given a privilege to represent this
3 application for an out-of-town architect, a young
4 lady, Su Architects, pardon me if I mispronounce
5 the name, but it's Qiang Su, and the owner here
6 is in the back, Chung Lam. They own both
7 properties. That includes the restaurant and the
8 house next door and there's a lot of details
9 we're still yet to work out on how -- we don't
10 want to divide -- we don't want to combine the
11 lots, to keep them separate. The house is
12 residential. But we're in the process of
13 connecting sewers to both houses that the
14 shopping center conveniently left spurs, at the
15 town's urging, I imagine, but it's available to
16 us. And the town center engineer is actually in
17 the process, has filed an application. I believe
18 it's, 792, A-24, 792. And we have an application
19 A-24 539 for just the La Viletta building and
20 probably going end up filing one for the house
21 also for what has to be done.

22 MR. KESSLER: Filing a what?

23 MR. LENTINI: Another application,
24 because we have two, two different houses. Right

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2 now, we would hope to just work with the one lot.

3 MR. KESSLER: Okay.

4 MR. LENTINI: You know. I'm sure the
5 planning board will come up with some
6 observations that would require attention. But
7 it's a plan in progress. And I'm assuming we need
8 a public hearing on this?

9 MR. KEHOE: Ultimately you will, but you
10 know, as you mentioned, the plans need a lot of
11 further refinement. So it's a recommendation to
12 refer back to staff for additional review.

13 MR. KESSLER: Right.

14 MR. LENTINI: Before you schedule a
15 public hearing?

16 MR. KEHOE: Yes. Yes.

17 MR. KESSLER: Yeah.

18 MR. LENTINI: Okay. And the staff would
19 be the technical service department?

20 MR. KEHOE: Yeah, Chris Lapine is the
21 engineer for the planning board now, and then the
22 planning staff. It'll also --

23 MR. LENTINI: You're new?

24 MR. CHRIS LAPINE: Chris Lapine with

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2 LaBella Associates.

3 MR. LENTINI: Oh, LaBella, okay. I
4 haven't worked with you before, but looking
5 forward to it.

6 MR. LAPINE: Likewise.

7 MR. LENTINI: So,

8 MR. KESSLER: Okay. So, so as Chris
9 said, so we'll refer this back, let them review
10 the plans and they'll issue a review memorandum
11 for you to respond to. And once they're
12 satisfied, we'll set a public hearing.

13 MR. LENTINI: Okay. I just ask if we
14 have, given enough time to respond to it before
15 the next meeting?

16 MR. KEHOE: That will be tight, you
17 know, because this is a late meeting and the
18 meeting is on October 1st, so we'll try to get
19 our comments back as soon as possible, excuse me.
20 But then the question will always be, can you
21 address all of the comments, you know,
22 sufficiently to get back on the agenda. So we'll
23 work with you on that.

24 MR. LENTINI: Depending on the comments

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2 we hope to.

3 MR. KEHOE: Right.

4 MR. KESSLER: So --

5 MR. CUNNINGHAM: And John, we can have a
6 meeting in between now and then as far as the
7 staff level meeting with any questions, you or
8 your clients have.

9 MR. LENTINI: Probably that would be a
10 good idea. I've already actually met with, code
11 enforcement director Martin Rogers and there's a
12 number of issues with the size of, the height of
13 the building and we might need variances. We're -
14 - the existing building is prior nonconforming,
15 but then the plan, present plans, adding a
16 balcony, will probably put us into the
17 requirement to get a side yard variance, at
18 least.

19 MR. CUNNINGHAM: Okay.

20 MR. LENTINI: And, that would be done, I
21 guess in concurrence with this board, unless we
22 could come up with a design that doesn't require
23 variances.

24 MR. CUNNINGHAM: So John, what I would

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2 recommend between now and the next meeting, maybe
3 the next week or so, get together with your
4 client, come up with what they actually want and
5 what they would like to submit. And then maybe we
6 can have a staff level meeting to discuss
7 [unintelligible] [00:43:49].

8 MR. LENTINI: Okay, well they have
9 actually sent that. We're just not showing you.
10 Chris has it, but we talked, not to confuse
11 issues, you know. From the original submission,
12 we've already started answering the questions.

13 MR. CUNNINGHAM: Okay.

14 MR. LENTINI: But not completely.

15 MR. CUNNINGHAM: Sure.

16 MR. KEHOE: Well, there, there's always
17 three components to this, right. There's the
18 planning component, the engineering component,
19 and the building component.

20 MR. LENTINI: Right.

21 MR. KEHOE: And Martin Rogers, the
22 building inspector, has heavily marked up the
23 original plan and I believe your client has
24 responded or maybe you have as well to a lot of

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2 Martin's comments.

3 MR. LENTINI: Yeah.

4 MR. KEHOE: But planning and engineering
5 haven't really commented on it yet.

6 MR. LENTINI: Well, there's was another
7 comment that was put on there about extending our
8 lot line to cover the house next door. And I just
9 discovered it isn't the house that looks like it
10 was encroaching, it's just a patio.

11 MR. KEHOE: Okay.

12 MR. LENTINI: So we don't have to --

13 MR. KEHOE: Yeah, I saw Martin like
14 possible lot line adjustments.

15 MR. LENTINI: Yeah.

16 MR. KEHOE: Right. Okay. But, but you
17 believe that that's not necessary?

18 MR. LENTINI: I don't believe it's
19 necessary, but we'll be very clear about that.

20 MR. KESSLER: Okay. So as we discussed,
21 we'll refer this back. So, Jeff?

22 MR. ROTHFEDER: I move that we refer
23 this back to staff.

24 MR. KESSLER: Second please.

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2 MR. BIANCHI: Second.

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

5 MULTIPLE: Aye.

6 MR. KESSLER: Opposed? Okay, the next
7 item.

8 MR. LENTINI: Thank you.

9 MR. KESSLER: Thank you. Our next item
10 on the new business is the application of Elrac
11 LLC doing business as Enterprise Rent-a-Car for
12 amended site plan approval for the removal of an
13 existing carport and the construction of an 875
14 square foot enclosed wash bay at the Enterprise
15 Rent-a-Car Center, located at 2077 East Main
16 Street. Drawings dated September 3, 2024. You
17 guys also?

18 MR. SINSABAUGH: Yes. Good evening
19 chairman, members of the board. My name is Brian
20 Sinsabaugh, attorney with Zarin and Steinmetz on
21 behalf of the applicant, Elrac, LLC doing
22 business as Enterprise Rent-a-Car. I have the, a
23 member of the applicant is here today. So if you
24 have any questions we can answer those, but, I'm

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2 just going run through this pretty quickly with
3 you just to give you a broad stroke of what we're
4 proposing.

5 The application is for amended site plan
6 approval for a proposed wash bay that's going be
7 attached to the existing office building that's
8 on the site. Tonight, we would request that the
9 board circulate intent to declare lead agency,
10 refer the application to town staff for review
11 and comment. We'd also like to schedule a site
12 visit and public hearing if possible.

13 The property is located in the highway
14 commercial district and currently improved with
15 Enterprise's office building and carport. We're
16 seeking to remove that carport and construct a
17 wash bay addition. The improvement to the -- this
18 will be an improvement to the existing
19 conditions. In, in terms of operations, currently
20 they're using a GeoMat system. That will be
21 replaced with a below ground oil and water
22 separator.

23 More importantly, the setbacks to the
24 residential districts that are abutting this

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2 would be increased. So, currently we have a rear
3 yard setback to the carport of 8.3 feet. That'll
4 be increased to 15 feet. The side yard setback
5 is, is just below eight feet currently and would
6 be increased to 12.8 feet. So we'd be
7 significantly increasing our, by percentage wise,
8 our setbacks.

9 And in addition to that, as opposed to
10 the carport structure, that's fairly temporary,
11 we'll have a fully enclosed structure with
12 similar building materials that you would see in
13 standard construction. So in terms of noise,
14 cleanliness, visibility, everything will be
15 improved on this site.

16 The, with regard to the actual
17 application itself and what other approvals,
18 approvals are required, looking back at prior
19 approvals we did receive, we don't believe there
20 are any variances that are required for the site.
21 The original site plan was back in 1995. There
22 was a waiver and they specifically, specifically
23 referenced the same residential setback
24 provision, section 307-23, subsection B four.

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2 There's a waiver of that, for the carport. We are
3 now remove -- we are actually moving further away
4 from that buffer at this point. In addition, in
5 April 2012, and this was EBA case number 2012-4,
6 variances were, were granted to reduce the rear
7 and side yard setbacks to eight feet. We are now
8 moving beyond that for this proposed addition.

9 That's the broad level, I just want to,
10 if there are any questions, we welcome, welcome
11 those questions.

12 MR. KESSLER: I, I'd like to see a, just
13 a, it'd probably be short, a summary of what the,
14 the operation characteristics -- characteristics
15 of the operation are. You mentioned drainage,
16 water reuse, how you going do that, lighting, all
17 the other stuff, you know, and hours of
18 operation, sort of a, summary of how you going
19 to, well, how are you going use this facility?

20 MR. SINSABAUGH: So primarily concerned
21 with the wash bay itself, but not the overall?

22 MR. KESSLER: Right, yes.

23 MR. SINSABAUGH: Okay.

24 MR. KESSLER: Any other comments?

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2 MS. HILDINGER: That was going to be
3 mine.

4 MR. KESSLER: So, so, you know, again,
5 we've received this, this evening. We're going
6 refer this back to staff for them to write their
7 review memorandum.

8 MR. SINSABAUGH: I have one other
9 comment, Mr. Chairman.

10 MR. KESSLER: Sure.

11 MR. LAPINE: Perhaps, because there's
12 the proximity to the residential neighborhood, we
13 can get an ID of the decibels of this facility so
14 that we know whether or not it's going impact
15 the, neighbors.

16 MR. SINSABAUGH: Yep.

17 MR. KESSLER: Thank you. Any, okay, last
18 call. If not, David?

19 MR. DOUGLAS: Okay. I make a motion that
20 we refer this case back to the staff.

21 MR. KESSLER: Second, please.

22 MR. ROTHFEDER: Second.

23 MS. HILDINGER: Second.

24 MR. KESSLER: And on the question, all

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2 in favor?

3 MULTIPLE: Aye.

4 MR. KESSLER: Opposed? All right,
5 thanks. All right, our final item this evening.
6 It's the application of Richard Williams on
7 behalf of JAM storage, LLC for the property of
8 Francisco Portillo, for site plan approval and a
9 wetland permit for the construction of an
10 approximately 68,000 square foot self-storage
11 facility and related site improvements for
12 property located at 2059 Albany Post Road,
13 drawings dated September 4, 2024. Good evening.

14 MR. SINSABAUGH: Good evening, pleasure
15 to see you all tonight. My name's Brian
16 Sinsabuagh. I'm an attorney with Zarin and
17 Steinmetz on behalf of the applicant, JAM
18 Storage, LLC. Tonight with me I have Tim Fisher,
19 on behalf of the applicant. And I also have Rich
20 Williams from Insight Engineering, the engineer
21 of record for the applicant.

22 As, as discussed or as mentioned, the
23 application is for a site plan approval for a
24 proposed self-storage building at 2059 Albany

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2 Post Road. This evening, we're requesting that
3 the board circulate intent to declare lead
4 agency, refer the application to town staff for
5 review and comment, schedule a site visit, as
6 well as a public hearing, if you just deemed deem
7 necessary at this point.

8 I know this is conceptual, but I feel
9 like we do have some details here that we'd like
10 to get some responses on from you this evening.
11 The property is currently comprised of two tax
12 lots with total lot area of 3.2 acres. It's
13 improved with a single family dwelling, but it
14 does have what's I, I guess what would've
15 described as accessory contractor's yard in the
16 site. The site is in somewhat of a level of
17 disrepair. This application seeks to improve
18 that, provide better site conditions as well as
19 much needed self-storage facility to the area.

20 This is located in the HC9A district. In
21 April 2024, the town board did determine that
22 self-storage facilities are a use that does not
23 adversely impact the district when they adopted
24 the zoning amendment, making public warehousing

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2 and storage as of right permitted use. They did
3 note that this, that use has to be south of
4 Memorial Drive. But with regard to that, we are
5 just south of Memorial Drive there, as you can
6 see on the plans.

7 The building is proposed as a two story
8 building, a 34,000 square foot building area with
9 a 68,000 square foot floor area. That includes
10 all non-leasable area. The proposed use is low
11 impact use, similar to what we were just
12 describing on the prior application. Traffic and
13 parking is not a huge concern for these types of
14 uses. What is required based on IT standards for
15 this is seven spaces and that's what we've
16 provided on our application.

17 The part, this notably, I'd like to
18 state also that that parking count does not
19 include the loading dock area. So an area where
20 primarily parking would take place is not
21 included in that parking count.

22 We do have the applicant here. I also
23 have Rich Williams here who could walk you
24 further through the application if you have

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2 questions. But I'd like to open up to questions
3 of the board.

4 MR. KESSLER: So, so it's currently two
5 separate lots is, is --

6 MR. SINSABAUGH: That's correct.

7 MR. KESSLER: And you're looking to
8 combine them?

9 MR. SINSABAUGH: They would be, yeah. If
10 mergers necessary, they'd be, they're currently
11 under different ownership, not of our applicant,
12 but, yeah, they would be as part of a purchase
13 that would take place. I'd have to confirm with
14 the applicant though, if we are merging.

15 MR. KESSLER: Any, any comments on this?

16 MR. KOBASA: Your entire storm water is
17 within the wetland, the storm water pond?

18 MR. SINSABAUGH: Yeah. So there is some
19 background to that wetland piece and I'll have
20 Rich Williams speak to that.

21 MR. RICH WILLIAMS: So --

22 MR. KOBASA: In the buffer.

23 MR. KESSLER: Will you identify yourself
24 please?

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2 MR. WILLIAMS: Sure. Good evening, Rich
3 Williams with Insight Engineering. So the
4 stormwater practice is within the buffer. We
5 actually do not have wetland disturbance. There
6 is I think 8,700 square feet of wetland, which
7 would be locally regulated as well as Army Corps
8 regulated on the property. The areas with which
9 we are proposing disturbance within the buffer
10 currently exists as developed areas,
11 predominantly lawn. So we would be taking that
12 lawn area and converting it into a pocket pond.
13 We're currently doing a review internally as
14 there's a new stormwater design manual out, to
15 make sure that what we were conceptualizing, you
16 know, a couple of months ago, will meet the
17 current code and we'll look forward to updating
18 it to the current standards.

19 MR. KESSLER: Any other comments?

20 MR. DOUGLAS: Just a quick question. The
21 residence, is that in the HC9A zone also, or is
22 that in a residential zone?

23 MR. WILLIAMS: The entire property in
24 HC9A.

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2 MR. KESSLER: And the residence is
3 currently occupied?

4 MR. WILLIAMS: Correct. If, if we
5 welcome the board to do a site walk, and if you
6 do, you'll, you'll see a little bit about what
7 Brian was talking about.

8 MR. KESSLER: We'll have to get to
9 review memorandum from the staff. Again, we just
10 received this, this evening. Staff will --

11 MR. KEHOE: Well you could, you know, in
12 theory, I mean it's out of order, but if you're
13 going be out there on the 22nd, you could do both
14 of them rather than waiting a month or two and do
15 it again. It's up to you. I mean, you may not
16 have a lot of detail if you're out there on the
17 22nd, but it's your call.

18 MR. KESSLER: Any thoughts?

19 MR. DOUGLAS: It feels early. I think
20 it's --

21 MR. KEHOE: Okay. So it's --

22 MR. BIANCHI: I think it is too early.

23 MR. KEHOE: They feel it's early for a
24 site inspection.

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2 MR. KESSLER: So we'll refer this back
3 and get the review memorandum and, you'll respond
4 to that and then we'll move forward with this so
5 --

6 MR. DOUGLAS: I'd like to see more, as
7 you go with more detail about green building --

8 MR. SINSABAUGH: Yeah.

9 MR. DOUGLAS: -- features that you're
10 going to have.

11 MR. SINSABAUGH: I, I do think it would
12 maybe be beneficial as we move forward though, if
13 you are open to doing a site visit that day to
14 have seen the property just as we go on
15 describing it. Because I understand the wetland
16 concerns and we've described it, but I just want
17 to make sure it's clear for the board if it may
18 help understanding in terms of the application.

19 MR. KOBASA: Brian, could you, comment,
20 I, I think your, your EAF indicates somewhere
21 55,000 square feet of disturbance within the
22 buffer. Can you elaborate on what are the,
23 measures that are proposing for restoration or
24 enhancement to make up for that buffer

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2 disturbance? And can you also speak to the
3 current impervious within the buffer and what's
4 being proposed?

5 MR. SINSABAUGH: Sure.

6 MR. WILLIAMS: So right now there is
7 8,700 square feet of wetland on the property,
8 40,000 or 41,000 square feet of buffer area on
9 the property. We are not proposing any wetland
10 disturbance, but are currently proposing 36,000,
11 almost 37,000 square feet of buffer disturbance.
12 And again, on the, once you scroll up, on the
13 left hand side of the site running page up, page
14 down Right there, that is the buffer line, which,
15 takes up a, a large portion of the property.
16 Again, the current limits of disturbance or, or
17 limits of lawn, extend almost to the edge of the
18 wetland, which is obviously a hundred feet in
19 from that line.

20 As far as mitigation, we are proposing
21 about 16,000 square feet of mitigation. And
22 candidly, one of the things and the reasons why
23 we made our submission, this is a very
24 preliminary set of drawings in my opinion is we

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2 did want to talk about the wetlands, the buffer
3 disturbance, the current condition of the site,
4 and be open to feedback.

5 MR. KESSLER: So the proposed, you said
6 37,000 square foot buffer disturbance?

7 MR. WILLIAMS: It's 36,532 square feet.

8 MR. KESSLER: And, and that is the
9 building?

10 MR. WILLIAMS: It is, if we scroll to,
11 we proposed site plan.

12 MR. KESSLER: Oh Yeah.

13 MR. WILLIAMS: You can see the buffer
14 line coming through. It is --

15 MR. KESSLER: Yeah.

16 MR. WILLIAMS: -- in part the building.
17 It is also one of the things we tried to do is
18 create circulation around the building, both for
19 our own needs because we do have overhead doors
20 around the outside of the building, but also, for
21 fire department access.

22 MR. LAPINE: I'll say I have concern on
23 the driveway, on the left hand side of the
24 building. You are, you've got to be like three

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2 feet off of the wetland line.

3 MR. WILLIAMS: Understood.

4 MR. KOBASA: And I don't under -- your
5 grading doesn't show how you're going meet that
6 unless there's a wall along that edge. You show
7 one contour, I don't know which drawing it's on,
8 So SP2, you show a 34 that's going over, yeah. I
9 don't know how that grading's going work or how
10 you're not going to disturb the wetland, even if
11 you're building a wall too.

12 MR. WILLIAMS: Okay.

13 MR. LAPINE: If you could clarify, you
14 said there's 36,000 square feet of disturbance,
15 maybe, just check because the EAF mentions
16 54,000. That's why I asked the question.

17 MR. WILLIAMS: Okay, we'll check.

18 MR. KESSLER: Fifty-four you say?

19 MR. LAPINE: That's what the EAF
20 indicates.

21 MR. WILLIAMS: I believe that's our
22 total site disturbance. But we will, I'll double
23 check the numbers.

24 MR. KESSLER: Okay. Are we going have a

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2 wetland consultant look at this?

3 MR. KEHOE: He already has it.

4 MR. KESSLER: Oh, he has?

5 MR. KEHOE: He's looked at it purely for
6 the purposes of delineation really and sort of a
7 general discussion of the characteristics.

8 MR. KESSLER: Right.

9 MR. KEHOE: But he'll be involved to
10 give his opinions about the impacts of this
11 development on the wetland and the wetland
12 buffer.

13 MR. KESSLER: Oh yeah, I got it. Okay.

14 MR. KOBASA: Will this particular
15 project be impacted by the new DEC regulations in
16 terms of wetland ordinances come January 1st? Is
17 this a wetland that the DEC may consider taking
18 over or is this something on their radar?

19 MR. WILLIAMS: At this point, I don't
20 believe we're going hit the new thresholds, but
21 we will look into that as well.

22 MR. KOBASA: Okay.

23 MR. WILLIAMS: That's a good question.

24 MR. KESSLER: All right, any further

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2 comments, questions? So we'll, you know, do the
3 same thing, refer this back, have staff prepare a
4 memorandum with their questions for you to
5 respond to. So if nothing else, Tom?

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

8 MR. KESSLER: Second, please.

9 MR. MCKINLEY: Second.

10 MR. DOUGLAS: Second.

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

13 MULTIPLE: Aye.

14 MR. KESSLER: Opposed? All right, Mr.
15 Kabasa?

16 MR. KOBASA: The time is 7:29. The
17 meeting's adjourned.

18 MR. KESSLER: Thank you.

19 (The public board meeting concluded at
20 7:29 p.m.)

CERTIFICATE OF ACCURACY

I, Ryan Manaloto, certify that the foregoing transcript of the board meeting of the Town of Cortlandt on September 10, 2024 was prepared using the required transcription equipment and is a true and accurate record of the proceedings.

Certified By



Date: September 26, 2024

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