

TOWN OF CORTLANDT
PLANNING AND ZONING BOARDS
BOARD MEETING

PLANNING BOARD MEETING

Town Hall
1 Heady Street
Cortlandt Manor, NY 10567
November 7, 2024
6:30 p.m. - 8:00 p.m.

November 7, 2024

MEMBERS PRESENT:

Steven Kessler, Chairperson

Thomas A. Bianchi, Vice-Chairperson

David Douglas, Member

Nora Hildinger, Member

Kevin Kobadsa, Member

Peter McKinley, Member

MEMBERS ABSENT:

Jeff Rothfeder, Member

ALSO PRESENT:

Michael Cunningham, Esq., Deputy Town Attorney

Heather LaVarnway, CNU-A, Planner

Chris Lapine, P.E., Engineer

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

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

8 MR. STEVEN KESSLER: Thank you. Heather,
9 roll, please.

10 MS. HEATHER LAVARNWAY: Kobadsa?

11 MR. KEVIN KOBADSA: Here.

12 MS. LAVARNWAY: Hildinger?

13 MS. NORA HILDINGER: Here.

14 MS. LAVARNWAY: Rothfeder is absent.

15 Kessler?

16 MR. KESSLER: Here.

17 MS. LAVARNWAY: Bianchi?

18 MR. THOMAS BIANCHI: Here.

19 MS. LAVARNWAY: Mr. Douglas?

20 MR. DAVID DOUGLAS: Here.

21 MS. LAVARNWAY: McKinley?

22 MR. PETER MCKINLEY: Here.

23 MR. KESSLER: We have no changes to the
24 agenda this evening. Can I please have a motion

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to adopt the minutes from our meeting of October 1st?

MR. BIANCHI: So moved.

MR. DOUGLAS: So moved.

MR. KESSLER: Second, please.

MR. DOUGLAS: Second.

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

MULTIPLE: Aye.

MR. KESSLER: Opposed? Alright, on to the agenda. First item under the correspondence, it is a letter dated September 20, 2024 from David Steinmetz requesting the third 90-day time extension of a final plat approval for the Evergreen Subdivision, located at 2003 Crompond Road. Mr. Steinmetz, good evening.

MR. DAVID STEINMETZ: Good evening, Mr. Chairman, members of the board, David Steinmetz from the law firm of Zarin and Steinmetz here representing VS Construction in connection with Evergreen Manor. You will all recall, several months back, we secured a two-lot subdivision approval in connection with Evergreen Manor with

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2 regard to the town's new MOD zoning district. We
3 are pleased to tell you tonight, as I had told
4 you when we last appeared, there was litigation
5 that was standing in the way of our proceeding
6 with site plans and final subdivision on the
7 residential component of this portion of the MOD.
8 That litigation has been resolved and dismissed.
9 The notice of pendency that had been filed
10 against the property has been lifted. And as your
11 deputy town attorney informed you at the work
12 session, we're now able to begin moving toward
13 final site plan approvals on the various portions
14 of the property.

15 Portions of the subdivision are now in
16 front of the Department of Health or being
17 submitted to the Department of Health with regard
18 to the road and the utilities. We will now be
19 coming back, hopefully, I would say in the first
20 quarter of 2025 with the assisted living parcel,
21 and coming in with a site plan for the assisted
22 and independent living building.

23 And then we will be coming in as well, I
24 would think, in the first quarter of 2025 with

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2 regard to the townhouses, which just, so just to
3 foreshadow, as a result of the town's zoning,
4 it's actually required to be townhouses on
5 individual lots. So we will be coming in with
6 what I believe will be a 99-lot subdivision.

7 MR. KESSLER: So David, so when, when
8 last we had this on the agenda, we, we subdivided
9 the property into two lots, correct?

10 MR. STEINMETZ: Correct.

11 MR. KESSLER: Are you going to be coming
12 in for the development of the entire property or
13 are you doing this piecemeal now?

14 MR. STEINMETZ: So that will be
15 determined by contract vendees and, and, and
16 business transactions that hopefully will happen,
17 Steve, between now and the beginning of next
18 year. But one thing is clear. We need the
19 assisted living lot to remain it its own
20 independent lot so we can finalize a contract
21 with an assisted living provider that's sitting
22 there at the doorstep. So I am here tonight
23 asking that your board continue that subdivision.
24 We created that lot together for a lot of good

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2 economic reasons, and most importantly, because
3 your MOD requires that we pursue the assisted
4 living first.

5 MR. KESSLER: Right.

6 MR. STEINMETZ: So I've got to do that.
7 and I, therefore, I'm asking you to keep that lot
8 in existence. But I don't want to come in here at
9 the beginning of '25 and have you say, how come
10 you didn't mention to us you were likely coming
11 in with the other 99-lots as well? We expect to
12 be doing that as well.

13 MR. KESSLER: And that that'll cover not
14 just the 99, the other -- the proposed 99
15 townhomes, but also the rest of the property as
16 well?

17 MR. STEINMETZ: Yes, it -- well, it, it
18 will certainly be the residential piece. Whether
19 we come in with the commercial piece on the far
20 right remains to be seen.

21 MR. KESSLER: But it's part of that lot?

22 MR. STEINMETZ: It, it is part of the
23 second lot.

24 MR. KESSLER: Yeah, yes, the residential

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2 lot?

3 MR. STEINMETZ: Correct.

4 MR. KESSLER: Okay. Alright. Any, any
5 questions from the board? If not, then Nora?

6 MS. HILDINGER: I would like to make a
7 motion to grant the third 90-day extension for
8 resolution.

9 MS. LAVARNWAY: Can you just speak into
10 the microphone?

11 MR. KESSLER: You've got to speak into
12 the mic.

13 MS. LAVARNWAY: Yeah.

14 MS. HILDINGER: I'd like to make a
15 motion to grant the third 90-day extension, for
16 resolution 1224.

17 MR. KESSLER: Second please.

18 MR. BIANCHI: Second.

19 MR. KESSLER: And on the question. All
20 in favor?

21 MULTIPLE: Aye.

22 MR. KESSLER: Opposed?

23 MR. STEINMETZ: Thank you.

24 MR. KESSLER: Next item under

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2 correspondence, a letter dated October 2, 2024,
3 requesting the first one-year time extension of
4 an amended site plan approval for an addition to
5 an existing dental office for JJM Summit Realty
6 for property located at one Jerome Drive. Kevin?

7 MR. KOBADSA: I'd like to make a motion
8 to adopt resolution 13-24 for the first one-year
9 time extension.

10 MR. KESSLER: Second please.

11 MR. MCKINLEY: Second.

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

14 MULTIPLE: Aye.

15 MR. KESSLER: Opposed? Alright, final
16 item under correspondence, it's a letter dated
17 October 9, 2024 from David Steinmetz requesting
18 the third one-year time extension for site
19 development plan approval for NRP properties
20 located at 119 Oregon Road. Hello again.

21 MR. STEINMETZ: Good Evening, Mr.
22 Chairman. We are here this evening with regard to
23 requesting an extension of the approvals that
24 were granted on what's commonly referred to as

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2 the Colonial Terrace property here adjacent to
3 Town Hall. We had secured approval several years
4 ago for a multifamily residential project. That
5 property has changed hands, but we would like the
6 approvals to remain in effect. I cannot tell you
7 precisely what comes next, but I can tell you
8 that the present property owner has had
9 conversations with the town about possibilities
10 of developing that site, either as approved or in
11 a different fashion. And as I think the deputy
12 town attorney is probably aware, other potential
13 developers are looking at that property as well.

14 So the bottom line is we are asking that
15 those approvals remain in effect. There are no
16 changed circumstances that would appropriately
17 warrant your refusal to grant the extension. And
18 keeping the approvals in effect will allow that
19 property most likely to be developed in
20 accordance with zoning at the earliest possible
21 date. Eliminating the approvals would set, would
22 set this back and, and make it far more difficult
23 to either develop or market the site.

24 MR. KESSLER: And you've been doing that

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2 actively, I would presume?

3 MR. STEINMETZ: Yeah, quite again, I, I,
4 the town can speak for itself, but I think the
5 town is aware that that my client has been
6 attempting to do that. I, I think you should also
7 be pleased to know that as a result of the
8 efforts of your deputy town attorney informing me
9 that there were tax arrears on the property, a
10 substantial amount of money was paid to the town
11 today to clear up tax arrears on that site.

12 MR. KESSLER: Alright. Any, any comments
13 from the board? If not, Peter?

14 MR. MCKINLEY: I'd like to make a motion
15 to approve the one-year time extension resolution
16 1424 for the NRP Properties LLC, located at 119
17 Oregon Road.

18 MR. KESSLER: Second please.

19 MR. BIANCHI: Second.

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

22 MULTIPLE: Aye.

23 MR. KESSLER: Opposed? Alright, thank
24 you. Alright, moving on, three public hearings

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2 tonight. The first one is an adjourned public
3 hearing. It's the application of KPB Properties
4 LLC, for site development plan approval, and a
5 referral from the town board of a petition for a
6 zoning text amendment for a proposed four-story
7 75,000 square foot self-storage facility located
8 at 3 Locust Avenue, latest drawing, September 24,
9 2024. Good evening.

10 MR. BRIAN SINSABAUGH: Hi, good evening,
11 chairman, members of the board. My name is Brian
12 Sinsabaugh. I'm an attorney with Zarin and
13 Steinmetz on behalf of the applicant, KPB
14 Properties, LLC. With me this evening, I have my
15 colleague David Steinmetz, as well as the members
16 of the applicant, LLC Sean Barton and Michael
17 Humphrey, and the applicant's engineer Mark
18 Pallotta.

19 Since our last meeting, we did update,
20 provide updated renderings of the building. Those
21 renderings do reflect a change in the height of
22 our building based upon comments that we received
23 from your board. The height, the building height
24 also complies with Martin Rogers' most recent

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2 correspondence with regard to the measurement of
3 heights. So it's been updated to comply with his
4 actual memo, memorandum that we received.

5 MR. KESSLER: So what is the, what is
6 that height?

7 MR. SINSABAUGH: 34 feet, or 34.6 feet,
8 I should say, and zoning compliant which is 35.

9 MR. KESSLER: Which is within compliance
10 -- compliant with town code?

11 MR. SINSABAUGH: Correct. We also, we
12 also received the part two and three EEF. We did
13 review those. We do not have any comments on
14 those at this time. And we did just ask that the
15 board at this time issue the neg dec.

16 MS. KAUSER: Okay. Thank you. It's a
17 public hearing. Is there anybody that wishes to
18 comment on this application? Any comments from
19 members of the board?

20 MR. MCKINLEY: Nope.

21 MR. KESSLER: Okay. So as you suggested,
22 we will certainly issue a neg dec. And of course
23 we're awaiting the town board's review of this.
24 So the intent here is also to adjourn the public

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2 hearing pending their action. But we'll do that
3 not until -- not, not at the December meeting,
4 we'll adjourn to our first meeting in January. So
5 with that Mr. Douglas?

6 MR. DOUGLAS: Okay, I make a motion that
7 we on [unintelligible] [00:09:57] the neg dec, we
8 adjourn the public hearing, I'm sorry, we keep
9 the public hearing open and adjourn that to the
10 January meeting.

11 MR. KESSLER: Okay. So can I have a
12 second, please?

13 MR. BIANCHI: Second.

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

16 MULTIPLE: Aye.

17 MR. KESSLER: Opposed? Okay.

18 MR. SINSABAUGH: Thank you.

19 MR. KESSLER: See you in January.
20 Alright, our next public hearing, it's the
21 adjourned public hearing. It's the application of
22 Briga Enterprises and Bilotta Realty of
23 Westchester for amended site plan approval for a
24 2,400 square foot storage building located at

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2 2099 Albany Post Road, drawings dated March 11,
3 2024. Good evening, again, Mr. Steinmetz.

4 MR. STEINMETZ: Good evening, Mr.
5 Chairman, members of the board, David Steinmetz
6 from the law firm of Zarin and Steinmetz
7 representing Briga Enterprises and Bilotta
8 Realty. You will recall, as we have explained at
9 the prior meetings, we're here largely on a do
10 over with regard to a project that you previously
11 approved and a building that is already
12 constructed. While I did hear you say at the work
13 session that there has been a lot of
14 correspondence, I will simply state that for the
15 applicant's team, we attempted to respond to some
16 questions that were raised by your board and
17 staff with regard to amended site plan approval.
18 And we did submit that for your benefit and for
19 the town attorney's office in terms of what we
20 believe is the limited scope of your amended site
21 plan review.

22 In addition, we were asked by the
23 Department of Technical Services to update and
24 answer some questions with regard to the

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2 stormwater pollution prevention plan, the SWPPP.
3 As you learned at your work session, we had our
4 engineer, both the original engineer on the site
5 as well as the subsequent engineer who assisted
6 with the site plan to reach out to Mr. Lapine. My
7 understanding is that the town's in-house
8 engineer, outside consulting engineer, and our
9 engineers are speaking, and they may subsequently
10 conduct a meeting to address technical questions
11 with regard to the SWPPP and compliance.

12 With, with beyond that, Mr. Chairman, we
13 really have nothing further to add. We have
14 answered the questions that we believe have been
15 put to us by, by your board and staff. We are
16 happy to answer any further questions and I would
17 encourage the board to close the public hearing
18 at the earliest possible date and move forward
19 with a final disposition on this application.

20 Again, as I said, we're here because,
21 and I want to remind the board, as I said at the
22 first meeting I attended, we're here because when
23 you approved this originally, there was a
24 technical omission by the town in referring

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2 documentation to the Westchester County Planning
3 Department under Section 239-M of the general
4 municipal law. Whether or not that was a fatal
5 defect, and whether or not the town planning
6 board's lack of conducting a planning board was a
7 fatal defect, we agreed voluntarily to submit an
8 application back to your board so that those dots
9 could be dotted, Those Is could be dotted and the
10 Ts could be crossed.

11 We're back here. We'd like to proceed
12 with culmination of this storage building, which
13 has already been constructed as approved by the
14 town originally. I have nothing further to add,
15 although we're happy to answer any questions. I
16 should say for the record our project architect
17 Steve Basini is here, joins me along with my
18 colleague Brian Sinsabaugh.

19 MR. KESSLER: Okay, thank you. Alright,
20 it's a public hearing. Is there anybody that
21 wishes to comment on this application? Mr.
22 Mastromonaco?

23 MR. RALPH MASTROMONACO: Okay. Good
24 evening. Ralph Mastromonaco, Montrose, New York.

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2 This application isn't really just for a small
3 building. What you have before you is a site
4 plan. If you -- I don't know who's operating this
5 thing, but you have a whole site plan there. I
6 don't know if you want to zoom out a little bit,
7 but that's what they're asking you to approve.
8 They're asking you to approve 10.8 acres of a
9 site plan.

10 However, on that site plan, there are
11 things that have never been approved. And that
12 has been my complaint from day one, that the most
13 egregious activity on that site, which has now
14 been really confirmed by my opponents, by
15 actually by the applicant, is that there's a
16 solid waste as a solid waste facility on the
17 site. It's not permitted in the zone.

18 I call it a C and D site. They're
19 calling it, I guess, solid waste, solid waste
20 management facility. That is on the site -- that
21 is on the site plan that you have before you.
22 This is a critical matter for your, your board.

23 The applicant and his attorney believes
24 that you can take a teeny portion of that site

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2 and just to prove that, well, that's not right.
3 They did not send to you or, or, or create any
4 documents that I've seen that legitimizes that
5 idea that you can take a part of a site plan and,
6 and, and approve it for -- if you can just
7 imagine as a thought experiment, let's say
8 they're right. Okay, you can take a little piece
9 of the site plan and let's approve it.

10 Where does that begin? Does it end at
11 the skin of the building? Where does that site
12 plan begin and end? Does it, is it the skin of
13 the building that just right around that? Is it
14 maybe five feet beyond the skin? Is it the
15 driveway to the building? Is it the parking for
16 the building? Is it the lights that shine off the
17 building? Is it the stormwater that comes from
18 that building that runs all the way down to the
19 rest of the site? How can you dissect, make a
20 split personality out of a site plan? It can't be
21 done.

22 And I sent to you information that shows
23 it can't be done. Your code only allows a site
24 plan. It can be an amended site plan, but it can

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2 only be a site plan. And a site plan on under all
3 codes is the entire property.

4 When you do a general permit, it's the
5 entire, when you do stormwater, it's for the
6 entire property. It's not just for little piece.
7 The general permit requires the entire property
8 to be evaluated. You know, I'm sure that -- oh
9 here's, you know, I, I don't know Steve, if it's
10 right that I have labeled every one of my letters
11 as October 31st. I, I see some other ones here
12 September 9th and November 7th, November 6th.

13 It's, this is important to me because I
14 live 700 feet from this site. And this site is
15 chaos. It is also, as Mr. Steinmetz almost
16 admitted, a nuisance. There is dust everywhere.
17 You can go down there yourself and just, there's
18 dust all over the roads. There's dust on my cars.
19 The noise is deafening sometimes, and it runs,
20 there is, regardless of what time of day, there
21 was noise coming from that site. It could be,
22 could be midnight. There's -- it's, it's quite a,
23 quite a, it's quite a nuisance.

24 And that's why I'm here. I'm not here

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2 for any other reason. I don't care about these
3 people. I don't care if they make money,
4 whatever. I, I think it's a disaster, this site.
5 And the odd thing is, and I mentioned this at the
6 last meeting, and Mr. Bianchi was going to check
7 with the, the town's attorney as to whether or
8 not there had ever been any violations on the
9 site. I said they don't go down there. They
10 don't, nobody really cares about this site. They
11 have some, I don't know, blank check, I guess
12 you'd call it.

13 But this is the letter that Mr.
14 Steinmetz referred to. This comes from the WASP
15 engineering group. It's about the stormwater. I'm
16 happy to hear that we don't need to discuss that
17 tonight because there's going to be some sort of
18 meeting. But in this letter I did point out that
19 their, their, engineer quote, "operation of the
20 construction yard is regulated as a solid waste
21 management facility". Where did you guys ever
22 approve that? You never did.

23 It's not permitted in the zone. By
24 approving that site plan, which is, which as

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2 they're showing is the entire property, you're
3 approving a solid waste management facility,
4 which is completely illegal.

5 I believe that part of the problem here
6 is that you started a public hearing before you
7 had a complete application. I think that's a
8 mistake. All of times we've ever had public
9 hearings, we have a complete application, then we
10 have a public hearing. This is turned upside
11 down. And it has created a, a lot of problems. I
12 don't know how you can close a public hearing
13 now. You could, you could tell that the, the
14 applicant, look, you guys, there's a lot of
15 problems here. You got zoning problems, you've
16 got stormwater problems, you've got all kinds of
17 problems. Why don't you guys pull your
18 application back, solve all those problems.

19 Now the smart thing for them to do is to
20 make the applications that they should have made
21 years ago. They should apply for the special
22 permit, create a site plan that shows stormwater
23 treatment and move on. Why are they opposed to
24 doing that? I have no idea.

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2 They can build a concrete plant on this
3 site if they have special permit. They can never
4 have a solid waste facility unless they get some
5 kind of use variance or a change of zoning. I
6 think that is really where the noise comes from.
7 Well, you know, it comes from the hammering
8 concrete slabs and trucks coming in, in the
9 middle of the night. You know, I don't know what
10 they're opposed to frankly.

11 Well, I, you know, I'm not sure, at the
12 last meeting Mr. Bianchi asked the town to get
13 some information on, they asked Mr. Cunningham to
14 get information on whether or not the town had
15 made inspections. And did you, somebody get that
16 information? Because if you have it, I asked for
17 it, I would love to see it. Because I've made
18 complaints and they've gone nowhere.

19 MR. CUNNINGHAM: So there, I believe I,
20 I reviewed the file and there was a me memorandum
21 of violation from 2018.

22 MR. MASTROMONACO: That's it?

23 MR. CUNNINGHAM: Well, from the file I
24 saw, that's what I'm recalling Of it.

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2 MR. MASTROMONACO: Because with all the
3 complaints that I've made since 2016, how many of
4 them, how many of them were visited? None. None.
5 Okay. I've had, I made a complaint this year, I
6 made a complaint. There's no record of it, no
7 record of it in, in the files. Because they don't
8 go down there, they don't, they just don't care.
9 This site has -- this site is star studded. I've
10 never seen anything like it. I'm surprised that
11 this board doesn't catch on to what's going on
12 here.

13 As I said before, it's more profitable
14 not to get approval in certain cases. If your, if
15 your operation isn't, isn't allowed in the zone
16 and you can you do that in that zone? Well, it's
17 more profitable that way. If they had to go get
18 permits for these things, you know, it's going to
19 cost them money and they're going to have to drop
20 out. Some of these things are not going to be
21 able to be permitted.

22 Mr. Bianchi also said at the last
23 meeting, you know, kind of out loud that he did
24 not want to revisit the approval that I believe

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2 you were on the board in 2003. You granted, you,
3 you were on that board, right, 2003, the original
4 approval? Right. That is also a subject of this
5 lawsuit that I filed.

6 The approval in 2003 started this
7 nightmare. And what started it was that you
8 approved a concrete plant in the M1 zone without
9 a special permit and a special permit was
10 required. That's what started mess. Had you done
11 that properly, you would've taken account of
12 noise, traffic hours of operation, you name it,
13 all the normal things.

14 For example, we just, we just went
15 through where Mr. Steinmetz was the opponent of
16 Hudson Wellness. We were there for four years,
17 five years. And we weren't even building
18 anything. The amount of attention that you gave
19 that site was incredible.

20 But here you have a site, this 10-acre
21 site is the most impactful site in the town of
22 Cortlandt. That 10 acres, everything's wrong with
23 it. It makes noise, it's dust, traffic,
24 everything is wrong with that site. And it seems

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2 like nobody really cares. But Hudson Wellness, we
3 were there for five years looking at every
4 bollard light, every parking space. It, it
5 doesn't, it doesn't add up for me.

6 MR. DOUGLAS: Can I ask a, a question,
7 Mr. Mastromonaco? Do you have anything to say
8 with regard to the cases that Mr. Steinman had
9 submitted, Steinmetz submitted, which appear
10 arguably to narrow the proper scope we can look
11 at now.

12 MR. MASTROMONACO: [unintelligible]
13 [00:23:44], no. What happened was, that was
14 another sleight of hand Mr. Douglas. What, what
15 they submitted to you was EFS Ventures. That case
16 had to do with environmental review of a
17 previously approved project. That's not what we
18 are saying here. We're talking about whether or
19 not you can construct, whether or not you can
20 approve a, a portion of a site plan without
21 looking at the site plan for the entire property,
22 totally different case. They did not submit
23 anything other than that.

24 They can argue with it. But you, you're

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2 welcome to read the case. I have the case. You
3 know, what they're talking about is SEQR. I'm not
4 talking about SEQR here. I've never even really
5 brought SEQR up, other than to say that at a 10-
6 acre site, they should be looking at this as a,
7 as a type one. I haven't made, I haven't made,
8 so, I mean, they can argue with it, but, you
9 know, EFS Ventures was a SEQR case.

10 MR. KESSLER: Are, are you suggesting,
11 Ralph, that we've never looked at amended site
12 plan without looking at the entire site of, of
13 another application?

14 MR. MASTROMONACO: I have looked
15 carefully at any amended site plans. Generally,
16 an amended site plan to you really hasn't been
17 started yet. In other words, the site plan hasn't
18 been built yet. But in any time -- you can amend
19 a site plan, right. But you have to amend every
20 part of it not just one little corner. Imagine I
21 can, let's say, town, Town Center hires me and
22 what they tell me is, Ralph, we want you to close
23 off three entrances on Route 6. Because we don't,
24 we don't want to pave them anymore. We, we don't

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2 want to plow them anymore. Okay. So, I come to
3 you with a little picture and here's, here's,
4 here's a fence across the entrance on Route 6,
5 three, I have three eight and a half by elevens
6 and we're closing off that. Would you approve
7 that without looking at the entire site to know
8 what the effect was? No. You wouldn't do that. It
9 would be crazy.

10 MR. KESSLER: But Ralph, you were
11 involved in the golf course. They came in with an
12 amended site plan to build a pool. We didn't look
13 at the whole site when we did that.

14 MR. MASTROMONACO: Which, which golf
15 course?

16 MR. KESSLER: Hollowbrook.

17 MR. MASTROMONACO: When was that?

18 MR. KESSLER: They came in, they built a
19 pool long after you did the original work on the
20 golf course, right.

21 MR. MASTROMONACO: Yeah.

22 MR. KESSLER: You were the original
23 engineer.

24 MR. MASTROMONACO: Right.

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2 MR. KESSLER: They came in with an amend
3 site plan to build a pool.

4 MR. MASTROMONACO: I, I -- did I do
5 that?

6 MR. KESSLER: I, it's a while ago.

7 MR. MASTROMONACO: I don't know. I mean,
8 you could have done -- you could have --

9 MR. KESSLER: But again --

10 MR. MASTROMONACO: -- you could have
11 Done all sorts of things over there. I, I
12 wouldn't know.

13 MR. KESSLER: Okay. But we never looked
14 at the entire site. We didn't go back and look at
15 the mews, the, the townhouses. We didn't go back
16 and look at the rest of the golf courses.

17 MR. MASTROMONACO: Well, that wasn't on
18 the golf course. What was, mews?

19 MR. KESSLER: It was all part of the
20 original approval was the golf course and the
21 townhomes. It was all one application.

22 MR. MASTROMONACO: Well, what, nobody
23 has complained to you that anything had changed.
24 Here you have a complaint. Somebody here is

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2 standing here saying that's not the same site
3 plan that you originally approved. Well, if, if
4 somebody had stood up, you know, at that point in
5 front of Hollowbrook, the Hollowbrook case, maybe
6 you would've looked.

7 But I'm telling you that site plan that
8 you are about to approve, maybe you won't, it's
9 not the same site plan you approved in 2003 or
10 2005. There are operations on there that are
11 illegal. What would you do? What are you going to
12 do? Are you going to approve -- openly violate
13 the zoning code and approve that site plan?

14 MR. KESSLER: But isn't that a code
15 enforcement issue or not a planning board issue?

16 MR. MASTROMONACO: Well, you, you are
17 not permitted to approve anything unless it's
18 according to the zoning. You can't approve. Could
19 you approve a nuclear power plant here or a car
20 factory three? Could you approve that? No, you
21 can't approve that because it's not a permitted
22 use. Only --

23 MR. KESSLER: We're being asked -- we're
24 being asked to approve a building.

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2 MR. MASTROMONACO: You can't, you can
3 only, no, you are approving that site plan,
4 Steve.

5 MR. CUNNINGHAM: But, But Ralph, I know
6 --

7 MR. MASTROMONACO: That site plan is
8 what you --

9 MR. CUNNINGHAM: Ralph.

10 MR. MASTROMONACO: -- they have, they
11 submitted that site. You know, if somebody could
12 open it up to see the whole site plan, that's
13 what you're asked to approve.

14 MR. CUNNINGHAM: Well, Ralph, I will,
15 you know, because I've spoken to you, I've spoken
16 with the applicant's attorneys and I've spoken
17 with the board too. I'm only saying they should
18 be reviewing the new building plus the impacts
19 from the new building, whatever, whether
20 stormwater or anything else. So really, I think
21 in this case, the review is limited to the new
22 building and all its impacts. It's not to the
23 entire site like you're arguing.

24 MR. MASTROMONACO: Well, that's the site

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2 plan. Where is the site plan for that thing that
3 you're talking about? That's it. It's the whole
4 property.

5 MR. CUNNINGHAM: So would it be, would
6 you feel, I guess, more comfortable if just the
7 resolution itself said that it's only approving
8 impacts related to this new building and
9 references the plan?

10 MR. MASTROMONACO: Where does the
11 stormwater go? Over the whole site, doesn't it?

12 MR. CUNNINGHAM: Well, the stormwater
13 and we talked about before, stormwater is still
14 being reviewed. I don't have an answer for
15 stormwater right now. The stormwater for this
16 project --

17 MR. MASTROMONACO: Where's, where's the
18 landscaping? Where's the lighting? Where is
19 everything on the site plan? It doesn't even
20 show.

21 MR. LAPINE: The stormwater for this
22 particular storage building goes to a series of
23 underground infiltration chambers that was shown
24 on the site plan.

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2 MR. MASTROMONACO: Yeah, I, I never saw
3 it. I mean, I mean, I, I, you know, I have a lot
4 of trouble with the portal, it's called.

5 MR. LAPINE: Understood.

6 MR. MASTROMONACO: I don't know how, I
7 don't know how you get things off that thing. It
8 seems like you have to do a freedom of
9 information to get any information out of the
10 portal. Look, you're an engineer. Where does it,
11 where does the site plan start and end? Tell me,
12 does it start --there's, there's a parking lot
13 right behind that building. It's covered with
14 storage. It was a parking lot. Does that, it
15 shows the parking lot, but it doesn't show it
16 being a storage area, but it shows the parking
17 lot. You can -- where, where do you start and end
18 that site plan?

19 Because -- it's an absurd situation
20 because it's never done. You show the site plan
21 or you don't either show you can, you can, you
22 can show an amendment to it, but you have to show
23 everything on the site plan. All of the uses, all
24 of the driveways, where is the, do you see a

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2 stormwater system on that site plan? No. Where is
3 it?

4 MR. LAPINE: They had submitted other
5 sheets that go along with the packet.

6 MR. MASTROMONACO: That's the site plan
7 that they've submitted.

8 MR. LAPINE: There was I believe, three
9 to four sheets.

10 MR. MASTROMONACO: That's the site plan.
11 I'm sorry. That is the site plan.

12 MR. LAPINE: You had just indicated that
13 you weren't able to download all the files from
14 OpenGov, but there are four sheets that were
15 submitted as part of the site plan application.

16 MR. MASTROMONACO: Four sheets of what?

17 MR. LAPINE: Four site plan sheets.

18 MR. MASTROMONACO: Site plan sheets?

19 MR. LAPINE: Yes.

20 MR. MASTROMONACO: But weren't they
21 submitted after this board approved it?

22 MR. LAPINE: I, I'm not referring to
23 after.

24 MR. MASTROMONACO: Yes, they were.

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2 MR. LAPINE: I'm talking about the
3 current application. That's what I'm involved in
4 right now, the current application.

5 MR. MASTROMONACO: Okay. As you know,
6 this site plan, as I've made a point, never got a
7 normal review, never got a -- you approved it and
8 five days later, Mr. Preziosi writes a review.
9 This company never looked at this site plan
10 before you approved it. So, now you're going to
11 have an approval. And I, I mean, I haven't seen
12 any information about stormwater. I don't know
13 where you, you claim it is. Where is it?
14 Shouldn't it be, shouldn't it be available to the
15 public? How does, how do we search out that
16 information? Can I see it? Do you even have it? I
17 mean --

18 MR. LAPINE: Yeah, I do.

19 MR. MASTROMONACO: Does it show the
20 entire site?

21 MR. LAPINE: Uh --

22 MR. MASTROMONACO: That's the question.
23 The question is what you're about to show me,
24 does it show the entire site?

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2 MR. LAPINE: The, the stormwater for
3 this application is pertinent to the storage
4 building that was constructed. It doesn't go into
5 the details of the entire site. Our review is
6 only limited to the storage building.

7 MR. MASTROMONACO: But you said there
8 were four sheets.

9 MR. LAPINE: Right.

10 MR. MASTROMONACO: Do any of those
11 sheets show the entire site? And this is the
12 problem.

13 MR. KESSLER: Okay. But, but they exist,
14 so maybe you need to get comfortable with them if
15 you're, if that's even possible. And maybe you
16 should sit, you know, take a visit over to the
17 staff office to try and get it off the portal
18 again.

19 MR. MASTROMONACO: Steve, it almost has
20 nothing. You know, that's one issue. The other
21 issue is you're approving a site plan with a
22 solid waste management facility, which it's not
23 even legal. That's what you're approving. It's on
24 the site plan that you have here. It shows the

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2 equipment used for the solid waste management
3 facility. It shows that equipment. That site plan
4 also shows trucks parking on the main entrance
5 road. Where do you draw the line on that site
6 plan? Can somebody draw a line? Everything out of
7 that is not approved. And everything within this
8 is approved. It's not even a parking.

9 MR. KESSLER: Tom, you have question?

10 MR. BIANCHI: Yeah, I'm going to change
11 the subject a little bit here, but I read Mr.
12 Steinmetz's letter of November 6th, and the
13 subject is, well, the first part of it is anyway,
14 the statute of limitations. And he cited a
15 decision and order, which states -- well, it's in
16 there that the statute of limitations is 30 days.
17 And could you address that, Mr. Mastromonaco,
18 what your opinion is on that?

19 MR. MASTROMONACO: Yeah. Okay. In, in
20 the law there is, there are cases absolutely,
21 it's not even debatable. If your board approves
22 something that they didn't have the right to
23 approve, didn't have the right to approve. There
24 was no statute of limitations for that.

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2 Absolutely no statute. What happened here in this
3 lawsuit, I filed past the normal statute of
4 limitations. There was no debate about it. This,
5 this was approved in February. My lawsuit came
6 well after the normal statute of limitations
7 because what had happened was you made a mistake.
8 You -- I'm not blaming you, but you did not send
9 that application to the county, county. That is
10 automatically a, you know, a violation of
11 process. No statute of limitations. Forever.

12 MR. KESSLER: But that's why we started
13 this new process.

14 MR. CUNNINGHAM: But Ralph, isn't that -

15 -

16 MR. KESSLER: That's why we're here,
17 Ralph. That's --

18 MR. MASTROMONACO: Yeah, but I filed --

19 MR. CUNNINGHAM: But, Ralph, isn't that
20 -- that's a different matter. No one's saying
21 you're -- the current litigation that's on
22 ongoing is a statute of limitations issue. It,
23 it, it's about a different litigation that you
24 filed.

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2 MR. MASTROMONACO: You're absolutely
3 right. But it's the same principle. You're
4 absolutely right. In 2003, you approved a site
5 plan. But before you could do that, you needed to
6 provide a special permit. There is a particular
7 case that I found, it's called Hejna, H-E-J-N-A,
8 where another municipality in our district made
9 the same mistake. It went to the appellate court,
10 wherever it went. It was, it was, there was, it
11 was agreed with me that there is no statute of
12 limitations when you make a mistake like that.
13 That's what happened in the 2021 case that I
14 filed. The court did not agree with -- I, I don't
15 want to get, I don't want to try this case here,
16 but it went to the -- it's in the appellate court
17 now on that matter. And it, there's a case on
18 point. The case, the case is on point.

19 MR. DOUGLAS: Didn't, didn't, didn't the
20 court rule --

21 MR. MASTROMONACO: Pardon me?

22 MR. DOUGLAS: -- that the statute of
23 limitation board, challenging the 2003 planning
24 board decision.

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2 MR. MASTROMONACO: Pardon me? I just
3 couldn't hear you.

4 MR. DOUGLAS: Didn't the court already
5 rule that the statute of limitations as for
6 challenging the 2003 decision?

7 MR. MASTROMONACO: Yes. Because --

8 MR. DOUGLAS: Okay. So we've got, we've
9 got a court that said we can't look at that.

10 MR. MASTROMONACO: Well, it doesn't
11 matter here today. That's --

12 MR. DOUGLAS: Why not?

13 MR. MASTROMONACO: -- that's, you know,
14 let them figure out what they want to do.

15 MR. DOUGLAS: Why doesn't it matter?

16 MR. KESSLER: Yes, it does matter.

17 MR. MASTROMONACO: Because if they're --

18 MR. DOUGLAS: Because if we're here for
19 what the court says.

20 MR. MASTROMONACO: Nope, I'm not here
21 for that case. I'm not here for that, that case
22 that's up in the appellate court right now.
23 That's has nothing to do with what we're doing
24 here today.

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2 MR. DOUGLAS: But what you're saying is
3 that we should be looking back that we didn't
4 have the right to make --

5 MR. MASTROMONACO: Okay.

6 MR. DOUGLAS: -- a decision back in
7 2003.

8 MR. MASTROMONACO: Yes. I'm going to
9 tell you why. Because on this case that I filed
10 in -- a few months ago, you did not, you did the
11 -- made the same mistake you made in February.
12 You did not refer the complete application to the
13 Westchester County Planning Board. You did not do
14 it.

15 MR. DOUGLAS: Okay, but didn't the court
16 say that challenging the 2003 decision is time
17 barred?

18 MR. MASTROMONACO: No. Because well,
19 number --

20 MR. DOUGLAS: I'm sure I read it
21 somewhere.

22 MR. MASTROMONACO: They --

23 MR. CUNNINGHAM: I, I would like to read
24 just a quote from the case. It's from, it was the

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2 decision and order in index number 1573/2020. It
3 said, given the absence, and I'll preface it,
4 saying Ralph is right now, he's appealing this
5 matter in the appellate division.

6 MR. MASTROMONACO: Right.

7 MR. CUNNINGHAM: Appeals there take
8 years. So, and we haven't had oral argument on it
9 yet. But what the point is --

10 MR. MASTROMONACO: How many years?

11 MR. CUNNINGHAM: -- that --

12 MR. MASTROMONACO: How many? Years?

13 MR. CUNNINGHAM: It takes years.

14 MR. MASTROMONACO: Three years, it's
15 been three years so far.

16 MR. CUNNINGHAM: So years.

17 MR. DOUGLAS: That's par for the course.

18 MR. CUNNINGHAM: So it says, "given the
19 absence of factual support in the record for his
20 argument that the respondent planning board's
21 adoption of resolution 20-03 required a special
22 permit, the court rejects the petitioner's
23 attempt to rely on his speculative allegations
24 regarding the respondent's business practices

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2 upon the subject property to circumvent the 30-
3 day limitations period applicable here pursuant
4 to town law Section 274-A-11, as he failed to
5 establish that the respondent planning board
6 lacked the authority to approve the Bilotta/Briga
7 respondent's site plan application, the challenge
8 determination was otherwise jurisdictionally
9 defective by any measure."

10 MR. MASTROMONACO: And I appealed that,
11 right?

12 MR. CUNNINGHAM: Right. You're
13 appealing. So until it's overturned -- unless
14 this is overturned on appeal, this is what we're,
15 we have to go by.

16 MR. DOUGLAS: Right.

17 MR. MASTROMONACO: Well, because I'm
18 not, I'm not bringing that up.

19 MR. CUNNINGHAM: But you're bringing up
20 the same principle of reviewing the entire site.

21 MR. KESSLER: Yeah.

22 MR. MASTROMONACO: I don't get it. This
23 is a whole brand new case. This is a case where
24 you did not -- you did not process your app-,

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2 this application through the county planning
3 board. It's a completely different case.

4 MR. KESSLER: But that's been done now
5 and that's why you're standing here and we're
6 sitting here.

7 MR. MASTROMONACO: No, Steve.

8 MR. DOUGLAS: Yes.

9 MR. MASTROMONACO: It's, this is not a
10 court, this is terrible to be doing in front of a
11 court. But let me tell you what the, what the law
12 is. The law is not simply making a ref-, a
13 referral to the county planning board. What you
14 have to send to the county planning board, and
15 this is the law is a complete and full indication
16 of what you, you have before you. You did not do
17 that. You still have not done that. Chris, with
18 his last meeting said, oh, I sent it back up. But
19 what did you send back up to the, to the county?
20 The same junk that they submitted.

21 MR. DOUGLAS: Okay, so Mr. Mastromonaco,
22 you --

23 MR. KESSLER: But if the county to come
24 back and say, this is insufficient then?

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2 MR. MASTROMONACO: No, no, because they
3 don't know. They, they don't know what you're
4 doing here.

5 MR. DOUGLAS: Okay.

6 MR. MASTROMONACO: The county is sort of
7 divorced from what's going on here.

8 MR. DOUGLAS: So when, Mr. Mastromonaco,
9 then if you were right --

10 MR. MASTROMONACO: Yeah.

11 MR. DOUGLAS: -- and then we go ahead
12 and we make a decision, and you think that we
13 didn't have the power, you've got the right to
14 challenge that.

15 MR. MASTROMONACO: Absolutely.

16 MR. DOUGLAS: Okay.

17 MR. MASTROMONACO: Yeah, no, I, I mean,
18 fine. This is not going away. I will agree. Yes.
19 I, what I, what I'm here to hope for is that
20 these people file the correct permits, file a
21 special permit, make a real site plan that shows
22 all the uses. I wouldn't be here. But for some
23 reason, this applicant has like a magic carpet.
24 They don't have to do things that we all,

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2 everybody else has to do.

3 MR. CUNNINGHAM: Don't they -- I mean,
4 did they apply for a building permit before
5 they're here now. So aren't they being treated
6 like everyone else? It was on for a
7 correspondence matter. But in the past too, and I
8 know for some of your matters as well, we've
9 done, there's been site plan amendments based on
10 correspondence.

11 MR. MASTROMONACO: You, you and I were
12 at a site where there was water dribbling down a
13 driveway about three or four months ago. You
14 remember that?

15 MR. CUNNINGHAM: Yeah. And then, and
16 then, so the, the matter Ralph's referring to, at
17 his request, we went to the site. We determined
18 that Ralph and the attorney, Bob Davis, were
19 correct. So we dismissed the matter. So, the so -
20 -

21 MR. MASTROMONACO: Right.

22 MR. CUNNINGHAM: -- it was done. We, we
23 understood it. We looked at it, we --
24 objectively, and we decide -- and it has

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2 absolutely nothing to do with this, just we went
3 there. We saw it, okay, Ralph was right. So we
4 dismissed it.

5 MR. MASTROMONACO: Let me finish.

6 MR. CUNNINGHAM: So but --

7 MR. KESSLER: I think we're going off
8 field here.

9 MR. MASTROMONACO: No, no, this is
10 actually on point. Mr., Mr. Cunningham was out, I
11 was there, I was there. My client hired who -- we
12 had Bob Davis there, he was the attorney. He was
13 there. Mike Preziosi was there. We're all hanging
14 around this guy's house. He has a driveway and
15 it's a trickle of water running down his
16 driveway. That's why we were there. The town
17 violated him for that trickle of water. And we
18 had, he must have spent thousands of dollars
19 between me and the attorney and who knows how
20 much time these guys spends on it.

21 Now let's move over to 2099 Albany Post
22 Road, Montrose, New York. For 15 years, there was
23 water pouring off this property onto the railroad
24 tracks. It is still doing it. There's no

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2 treatment. Where's the violation? They're, they
3 know about it. You know about it. Where's the
4 violation? Where's the violation?

5 MR. CUNNINGHAM: I, I don't know if
6 you're looking at me for that one. I, I don't
7 issue the violations myself, but I know right now
8 we're looking at the stormwater plan. We, we
9 understand stormwater here is a big issue and it
10 was part of Chris Lapine's memo. It's being
11 reviewed.

12 MR. MASTROMONACO: Yeah, Mr. -- you
13 know, if, you know, I don't want to waste
14 everybody's time here. But it's, it's, you know,
15 this, this all has to be said. I don't know when
16 else to say it, frankly.

17 But, you know, Mr. Here's Mr. Wasp's
18 report. This is supposed to be in opposition to
19 what I submitted. That's what this is supposed to
20 be. So, you know, I mean, it's, it's, it's really
21 great when the people who are opposing you give
22 you the best evidence. What does he say? Well, he
23 says that they only started stormwater in 2018.
24 Well, that was 15 years after the, this, the site

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2 was operating. Then I have -- I have, you know,
3 these are stormwater permits. There's a multi-
4 sector permit for one acre, the concrete plant.
5 They, you know, who made them do that? Me, I'm
6 the one that complained that there was no
7 stormwater so DEC violated them. And then they
8 said, well, maybe we better get a stormwater
9 plan. So they got a one-acre concrete plant right
10 by the concrete plant, there's a little, there's
11 some device over there that water goes into it
12 and turns it into and distilled water. I'm not
13 sure what they're doing over there.

14 But the rest of the site was empty.
15 Nobody did anything about it. I, and when you
16 have a speedies permit, these types of permits,
17 you can go online. You can, you can search them,
18 you could find out where it is. I, I looked for,
19 you know, four or five days. I'm trying to find
20 where is this permit online? Did, did, have you
21 seen this permit?

22 MR. LAPINE: No. I, I've just received
23 this correspondence yesterday. I just received a
24 copy of the multi-sector permit SWPPP this

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2 evening. So I have the --

3 MR. MASTROMONACO: Which one? For the --

4 MR. LAPINE: For the concrete plant.

5 MR. MASTROMONACO: For the concrete
6 plant?

7 MR. LAPINE: Correct.

8 MR. MASTROMONACO: Yeah. Well, the
9 concrete plant we know about, that's a multi-
10 sector.

11 MR. LAPINE: Correct.

12 MR. MASTROMONACO: You know, that's a
13 multi -- that's no problem. Now we can find that
14 on the DEC website, but we can't find anything.
15 Even though he, here's what he says. He fuffers a
16 little bit about whether or not the remaining,
17 remaining, remaining part of the site has any
18 stormwater permits. He fuffers about it. He says,
19 well, we talked to the DC and then blah, blah,
20 blah. There is no permit, there's no permit
21 number. There's no permit. And the worst part
22 about it is there's no, that we can see, there's
23 absolutely no system there that would conform to
24 the regulations if they had a permit. And I think

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2 --

3 MR. KESSLER: But Ralph, Ralph, his
4 letter says there are two SWPPPs, one for the
5 concrete plant --

6 MR. MASTROMONACO: Okay.

7 MR. KESSLER: -- and one for the
8 construction yard.

9 MR. MASTROMONACO: Okay. That's right.
10 That's, what do you call that, sleight of hand.
11 That's the sleight of hand, yes. They have some
12 kind of per-, they have some kind of report
13 sitting in their trailer somewhere, but nobody
14 else has it. It's -- DEC doesn't have it. But I
15 Mike, Mike Preziosi doesn't have it. He doesn't
16 have -- nobody has this document because it was
17 never filed. That SWPPP for the remaining part
18 was never filed. Who knows what it says. A lot of
19 these SWPPPs, you know, you can say anything
20 like, you know, sweep up after a truck goes by.
21 That could be the SWPPP, who knows if there's any
22 real meat in that, in that SWPPP. Let's find it.
23 Let's, let's find that SWPPP and you tell, when
24 we come back or somebody tell me what does that

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2 SWPPP say?

3 MR. LAPINE: If you looked at my
4 previous memo, that was one of the comments in
5 there was addressing the inspection requirements.

6 MR. MASTROMONACO: Right.

7 MR. LAPINE: And the frequency of that.

8 MR. MASTROMONACO: Right.

9 MR. LAPINE: And that's what's being
10 worked on. But to your earlier question, the
11 SWPPPs were transmitted to the town of Cortlandt
12 in 2018 and that's indicated in the letter. And I
13 actually spoke To Mr. Wasp.

14 MR. MASTROMONACO: Have you seen it?

15 MR. LAPINE: This, this SWPPP just came
16 in this evening.

17 MR. MASTROMONACO: No, no, that's this,
18 that's the multi-sector one-acre SWPPP.

19 MR. LAPINE: I, I requested two SWPPPs.

20 MR. MASTROMONACO: Okay.

21 MR. LAPINE: The two SWPPPs, so I'm, I'm
22 hoping -- I had not downloaded them. I was
23 driving at the time.

24 MR. MASTROMONACO: Okay.

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2 MR. LAPINE: When I saw it come in, but
3 --

4 MR. MASTROMONACO: Okay.

5 MR. LAPINE: -- I, I am certain if you
6 were to FOIL the town for those SWPPPs --

7 MR. MASTROMONACO: Which I did.

8 MR. LAPINE: -- they would be available
9 for your review.

10 MR. MASTROMONACO: I did do that. I
11 didn't get it. Okay. Now, let me tell you
12 something else, and you must know this. When we
13 have a project, we do, we create a SWPPP, we get
14 the town engineer to sign it, acceptance, then we
15 file it as a notice of intent. If you read the
16 way he wrote this, he said, we, we did a notice
17 of intent. We were initially, we initially
18 prepared to obtain coverage. They didn't obtain
19 coverage. That's the problem. They didn't file --
20 they did not, Chris, I don't think they ever
21 filed an NOI because I can't find it online. I
22 cannot find any, any indication that there is a
23 stormwater plan for the 10 acres of this junkyard
24 of construction debris, the parking lots and the,

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2 construction plant, whatever you call it,
3 construction, Bilotta Construction Corporation,
4 can't find it. Search for days, days, I've
5 searched. As a matter of fact, you come up with,
6 well, I won't go into it.

7 MR. KESSLER: Ralph.

8 MR. LAPINE: Just for the record, they
9 indicated that they had correspondence with the
10 DEC and filing of the NOI was not required
11 because it didn't fit under the multi-sector
12 permit --

13 MR. MASTROMONACO: Right.

14 MR. LAPINE: -- criteria. And that it
15 was classified as a solid waste management
16 facility. That's what -- this is the DEC that's
17 classified it?

18 MR. KESSLER: Right.

19 MR. MASTROMONACO: Okay.

20 MR. LAPINE: So, I've asked for this
21 correspondence as well.

22 MR. MASTROMONACO: Right.

23 MR. LAPINE: So and that's probably why
24 you haven't found the filing of the notice of

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2 intent online for this --

3 MR. MASTROMONACO: Because it doesn't
4 exist.

5 MR. LAPINE: -- particular, because it
6 doesn't exist.

7 MR. MASTROMONACO: Right.

8 MR. LAPINE: However, there were
9 stormwater pollution prevention plans that were
10 filed with the town. So within that, if they were
11 filed with the town, there are certain
12 maintenance and inspection requirements that the
13 applicant is responsible for adhering to.

14 MR. MASTROMONACO: Yeah. Well, I'm going
15 to tell you something, Chris. I did see some
16 document, you know who -- you know who accepted
17 it? Jay Bilotta. He signed the acceptance.

18 MR. LAPINE: I, I can't comment on that.
19 I haven't seen it. But I, what I, what I, what I
20 can offer you, to go back to one of your earlier
21 comments, you asked if you could take a look at
22 the plans --

23 MR. MASTROMONACO: Yeah.

24 MR. LAPINE: -- that show some of the

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2 stormwater for this facility. That's up on the
3 screen.

4 MR. MASTROMONACO: Well, not that one,
5 for the whole site I'm looking for.

6 MR. LAPINE: And once again, my, my
7 review is limited to the --

8 MR. MASTROMONACO: I know it is.

9 MR. LAPINE: -- that I'm being asked. So
10 for this particular storage facility, there are
11 stormwater management features that are shown on
12 the plans.

13 MR. MASTROMONACO: I don't doubt it.

14 MR. LAPINE: Okay.

15 MR. MASTROMONACO: I don't doubt it.
16 It's fine. That, that, that part's fine. I'm not,
17 I don't care about that, Chris.

18 MR. LAPINE: Yeah.

19 MR. MASTROMONACO: What I care about is
20 the entire site plan, because all the noise, the
21 dust come, doesn't come from that little
22 building. It comes from the rest of the site
23 plan. That's where it comes from. Is there any
24 questions that you have for me? Because I, I --

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2 MR. KESSLER: Any more comments from --

3 MR. BIANCHI: Yeah, I, you know, we can
4 talk about this all night, I think, and it's
5 clearly not going to get resolved here. So I
6 think we should move on to -- we've spent a
7 better part of 35, 40 minutes on this at this
8 point. And, I think we should move on to a motion
9 and the next case.

10 MR. KESSLER: Okay, so what's going to
11 happen is we're going to adjourn the public
12 hearing. I believe there's going to be a meeting
13 that's going to take place to review the SWPPP,
14 the stormwater treatment aspect of this.

15 MR. LAPINE: That's accurate.

16 MR. KESSLER: And we're going to put it
17 back on the agenda for the next meeting.

18 MR. MASTROMONACO: One quick question.

19 MR. KESSLER: Yeah?

20 MR. MASTROMONACO: Mr. Rothfeder is not
21 here, but at the last meeting, Mr. Rothfeder
22 asked the board how are we going to handle the
23 issues of the illegal uses on the site. I don't
24 know if --

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2 MR. KESSLER: Okay.

3 MR. CUNNINGHAM: Well, I would say it's
4 a code enforcement issue.

5 MR. KESSLER: Right.

6 MR. CUNNINGHAM: The illegal use.

7 MR. MASTROMONACO: But can this board
8 approve the site plan when there are illegal
9 uses?

10 MR. CUNNINGHAM: Well, I, I think --

11 MR. MASTROMONACO: Are they approving
12 the illegal uses?

13 MR. CUNNINGHAM: No. No. Well, so I'm --
14 I want to start off saying I'm not classifying
15 the uses as legal or illegal, but just my whole
16 thing is, and it's based on the paragraph I read
17 before.

18 MR. MASTROMONACO: So --

19 MR. CUNNINGHAM: We're focused on the
20 storage building.

21 MR. MASTROMONACO: You see the problem.
22 If they approve that site plan, it's going some,
23 there's going to be a place for the chairman to
24 sign it.

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2 MR. KESSLER: You keep saying site plan,
3 Ralph, use amended site plan, please.

4 MR. MASTROMONACO: Okay. But there's
5 going to be a place for you to sign on that,
6 right? Doesn't he have to sign that site plan?

7 MR. KESSLER: Eventually.

8 MR. CUNNINGHAM: Generally, yeah, right.

9 MR. LAPINE: Tell me if I'm wrong,
10 Michael, but wouldn't the resolution refer to the
11 specific document that limits what our review was
12 of?

13 MR. CUNNINGHAM: That would be the plan.

14 MR. LAPINE: Correct.

15 MR. CUNNINGHAM: That it's just for the
16 review of the storage building and all site plan
17 implications related to this building.

18 MR. MASTROMONACO: But he will have to
19 sign the entire parcel. It'll be one big, it'll
20 show one big parcel and he'll have to sign it.
21 Now, what's going to happen when they come back a
22 year from now saying he approved the -- we have a
23 plan. He approved the Mr., Mr. Kessler approved
24 the solid waste management facility. Here it is,

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2 you know.

3 MR. CUNNINGHAM: I don't think so
4 because I mean, I've said it, I we're --

5 MR. MASTROMONACO: Mr. Kessler approved
6 the concrete plant without a special permit.

7 MR. CUNNINGHAM: -- I think I've said it
8 a bunch of times on the record too. I mean, I
9 would be, I would be a liability in that because
10 I've said it's only related to the storage
11 building.

12 MR. MASTROMONACO: Now I just want you
13 to know also that that will not solve their
14 problem. You can do whatever you want and
15 nobody's going to stop you. That will not solve
16 their problem, because there was a 2003 and a
17 2005 that I also was part of the lawsuit in
18 February, from February. That is -- so it's not
19 going to help them if they'll just be back in
20 court. It's a whole big nightmare. However, if
21 they would simply apply for a special permit, get
22 rid of the illegal uses and submit a site plan,
23 this'll all be over with. But why won't they do
24 that? I got it. Generally.

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2 MR. BIANCHI: We're going around in
3 circles.

4 MR. KESSLER: Anybody? Wait, is there
5 anybody -- David, any comments?

6 MR. STEINMETZ: I'm going to be very
7 brief and, and Tom, I know you would, you want,
8 you'd love me to sit down. But --

9 MR. BIANCHI: No, it's okay.

10 MR. STEINMETZ: -- in fairness. And
11 trust me, I'm sitting here weighing in my own
12 mind, I have no desire to be up here. I have
13 three more matters on this agenda. I too want to
14 keep this moving, but I have to say a few things.
15 You allowed him to filibuster for 35 minutes. I
16 kind of understand why. I have to make a very
17 brief record on a few things.

18 Number one, in 30 years in front of this
19 board, I don't know if I've ever seen you bend
20 over backwards like you have here. I understand,
21 at least from my perspective, why you have,
22 because you've been sued three times by Mr.
23 Mastromonaco. And I want the record to reflect
24 that this board has been successful on each and

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2 every one of those litigations.

3 I did not want to have to say the next
4 thing, but Mr. Mastromonaco has invited it, in my
5 opinion. He has now tonight threatened you yet
6 again with another lawsuit if you were to approve
7 this. So if he's attempting to bully the board or
8 educate the board or pontificate, my friend Ralph
9 is, has certainly gone a bit far. I want to make
10 sure you know that the last page of the re- of
11 the court decision, that Mr. Douglas referred to
12 specifically told you and my client that if Mr.
13 Mastromonaco continued to do this and brought yet
14 another lawsuit, that he was subject to fees,
15 sanctions, and costs. So I don't want the town of
16 Cortlandt to be concerned because your town
17 attorney's office, and I dealt with this in the
18 last litigation and we have yet another one.

19 Next point, Hudson Valley Hospital, at
20 least two of you were on the board. I handled the
21 amended site plan approval for Hudson Valley
22 Hospital. I did not stand in front of this board
23 and seek approval, discuss approval, or obtain
24 approval for anything on that property other than

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2 the parking garage and the modification to the
3 front facade of that building that I got amended
4 site plan approval for.

5 I could sit here and try to tap my
6 memory on other applications that maybe I and my
7 office have been involved in for amended site
8 plan approval. But I want to make it clear, I
9 think, and I hope -- the town attorney has opined
10 on this. I think it's quite clear that you have
11 authority on amended site plan approval to review
12 only that which is in front of you as to the
13 amendment. And the EFS Ventures case, which I
14 cited, which Mr. Douglas questioned Mr.
15 Mastromonaco on, yes, it's a SEQR case, but its
16 teaching relates to both engineering planning and
17 impacts associated with modifications on a
18 previously approved project.

19 Lastly, everything that Mr. Mastromonaco
20 is here on, and he has been on for the last
21 several years on his vendetta against my client,
22 and maybe the town, I really believe is a code
23 enforcement issue. I, I feel bad for my friend
24 Martin Rogers down the hall if he has to deal

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2 with this on a regular basis. But the complaints
3 that you are hearing about tonight come from a
4 resident who has every right to complain, come
5 from a resident who moved to his apartment, 700
6 feet from an M1 zoning district, located within a
7 highway commercial district, 700 feet from a
8 place where junkyards, contractors' yards and
9 heavy industrial uses are expressly permitted in
10 the town of Cortlandt. So I, I, you know, part of
11 me wants to search, do I feel bad for my friend
12 Ralph Mastromonaco, that he chose to move to this
13 area of the town of Cortlandt? And I guess the
14 bigger part of me realizes, no, I think Ralph's a
15 smart guy. He knew exactly where he was moving
16 when he moved there.

17 And in conclusion, the 2003 decision or
18 the 2003 resolution that he keeps waving in front
19 of you very in particular, Tom, because he knows
20 you were on the board and he knows you like I do,
21 like you're sitting there turning it around in
22 your head that I do something wrong in 2003. And
23 you too, Steve, were on the board at that time.

24 That decision has now been scrutinized

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2 by the courts in multiple litigations and have
3 culminated in successful decisions for the town
4 of Courtland, so you guys have bent over
5 backwards for someone who has sued the town three
6 times, sued it again, a fourth time, which is
7 currently pending.

8 You should know that the judge in the
9 current case has told my colleague, as long as
10 this gets processed by the Cortlandt Planning
11 Board, we're going to be done with this case. So
12 the fourth case will soon be dismissed. And
13 tonight we were threatened, you were threatened
14 with the fifth case enough already.

15 You got a long agenda. Let's move on. If
16 you're going to hold the hearing open, hold the
17 hearing open. I appreciate the fact that the
18 engineers are going to review the SWPPP. Steve,
19 I've known you a long time. Don't get bullied by,
20 by Ralph.

21 MR. KESSLER: I, I also, I don't know
22 why you say we bent over backwards. I don't, I
23 don't --

24 MR. STEINMETZ: I've never seen, I've

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2 never seen a member of the public, he's not the
3 applicant, the applicants, we get tortured here
4 for a half an hour every night. Right. I've never
5 seen a member of the public come to this podium
6 and, and effectively refuse to surrender the
7 podium and sit here and keep arguing. He's been
8 told he was wrong by the town attorney. He's
9 been, he's been questioned by a board member. You
10 don't have to agree with me, Steve. I've watched
11 a lot. You know, how many of your meetings I've
12 been to over 30 years.

13 MR. KESSLER: I know. You haven't been
14 to every public hearing that we've had, we've had
15 plenty of people monopolize the podium for many,
16 many minutes.

17 MR. STEINMETZ: You should have a shot
18 clock like some of the municipalities down
19 county.

20 MR. KESSLER: I, I don't agree with
21 that.

22 MR. STEINMETZ: He would've been buzzed
23 out of here a little bit.

24 MR. KESSLER: No, we let people talk.

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2 That's what we do. Alright, so, let's see who has
3 this.

4 MR. BIANCHI: I've got this.

5 MR. KESSLER: Oh, Tom, thanks.

6 MR. BIANCHI: Okay. Mr. Chairman, I'll
7 move that we adjourn this case to the December
8 3rd meeting primarily to discuss the stormwater
9 treatment operation.

10 MR. KESSLER: Okay. So, and, and on, on
11 -- second please.

12 MS. HILDINGER: I second.

13 MR. DOUGLAS: Second.

14 MR. KESSLER: And so on the question,
15 there'll be a meeting that's going to take place
16 between now and the next, hopefully between now
17 and the next meeting of the board.

18 MR. LAPINE: Yes, absolutely.

19 MR. KESSLER: Okay, great. So, we're on
20 question. All in favor?

21 MULTIPLE: Aye.

22 MR. KESSLER: Opposed? Okay, thank you.
23 Next item is a brand new public hearing. It's the
24 application of Elrac LLC doing business as

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2 Enterprise Rent-a-Car for an amended site plan
3 approval for the removal of an existing carport,
4 carport, and the construction of an 875-square
5 foot enclosed wash bay at the Enterprise car
6 rental center, located at 2077 East Main Street,
7 drawings dated September 24, 2024. Mr. Steinmetz
8 [unintelligible] [00:57:53].

9 MR. STEINMETZ: Good evening, Mr., Mr.
10 Chairman. You have the nicer version of David
11 Steinmetz, law firm of Zarin and Steinetz here,
12 very pleased to be in front of you this evening
13 in connection with an amended site plan
14 application.

15 MR. KESSLER: Amended.

16 MR. STEINMETZ: For Enterprise Rent-a-
17 Car on Route 6 here in the wonderful town of
18 Cortlandt. I'm pleased that all of you were able
19 to come out, most all of you were able to come
20 out and conduct the site inspection. We are here
21 for a very focused request to modernize and, and
22 relocate the wash bay, as you all know, at
23 Enterprise rental car. The kind of the semi-
24 permanent structure that's been there for a

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2 number of years is now going to be moved closer
3 to the building, fully enclosed within a
4 structure, with a garage door, with drainage that
5 I gather Mr. Lapine will be reviewing closely.

6 And, we are pleased to say that it is a
7 far more attractive structure attached to the
8 building. It will be further away from our
9 neighbors. And I did hear before my client, John
10 Petri, who is here this evening, along with my
11 colleague Brian Sinsabaugh, I did hear you
12 mention something about the fencing behind the
13 property. And I just want to be clear between
14 John and Michael, we did propose, John, you may
15 want to come up just so that I don't have to make
16 you yell. We did propose modifying and rebuilding
17 the fence, correct?

18 MR. JOHN PETRI: That is correct, yes.

19 MR. STEINMETZ: Just state that for --

20 MR. PETRI: Yes, yeah, John Petri with
21 Elrac LLC. And yeah, the revised plan, I believe
22 does show a replacement fence.

23 MR. STEINMETZ: And the nature of the
24 fence. Because Michael, Brian and I were unclear

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2 whether it was chain link, wood or a chain link
3 with slats.

4 MR. PETRI: It, I believe that what's
5 proposed is a vinyl chain link with slats.

6 MR. STEINMETZ: So what I heard
7 somebody, and I don't remember which board member
8 said it during the work session, it sounded like
9 somebody mentioned chain link and I didn't want
10 to blurt it out because I wasn't certain I was
11 right. I, I think it's actually as, as John just
12 clarified, chain link with, with interlace slats.
13 So it is designed to be opaque and, and will
14 actually be in far better shape than the fences
15 we saw that my neighbors are, are maintaining
16 next to this property.

17 MR. KESSLER: That was one issue. I
18 don't know if that satisfies you, whether you
19 still think it should be Woodcrest or --

20 MR. MASTROMONACO: Yeah, I, I think it's
21 a board's decision. I think obviously it's
22 something that's a bit more presentable in terms
23 of a decorative --

24 MR. KESSLER: Aesthetics, yeah.

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2 MR. MASTROMONACO: Yeah.

3 MR. LAPINE: You do have a residential
4 neighborhood --

5 MR. KESSLER: Right.

6 MR. LAPINE: That's creating a buffer
7 for. And the other particular item, if I may, Mr.
8 Chairman, was the your, your letter from your
9 office, David, mentioned that there's up to five
10 employees that may be working at any one time on
11 the site and there's four parking spaces. I was
12 just asking how that parking is handled.

13 MR. STEINMETZ: So let's break that into
14 two issues, Chris. I totally appreciate the
15 comment on the screening. If you haven't come out
16 and you weren't there for our site inspection, I
17 would definitely invite you to come out because I
18 would like to screen my client's property more
19 from one of the neighbors than the neighbor might
20 be want to be screened from my client's property.
21 There were, we, we all saw the kind of the
22 strange plastic lean-to structures, on the
23 property next door. And I, I want to just make
24 sure -- I, I totally appreciate your desire to

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2 make sure that we protect from adjacent
3 properties. There, there was something going on
4 next door that, that I, you know, we have a
5 commercial operation, washing cars in the back
6 there. Not a big deal. But, in terms of your
7 request for a wood fence versus vinyl with slats,
8 I'm not quite sure that --

9 MR. LAPINE: Or, or it could be a, a
10 vinyl stockade as well. It doesn't necessarily
11 have to be wood.

12 MR. STEINMETZ: Understood. In terms of
13 the parking, John?

14 MR. PETRI: Yes, absolutely. In terms of
15 the parking, our, our manager, as a benefit for
16 working for a company that deals in automobiles,
17 gets a vehicle to take home at night. So our
18 manager actually drives one of the rental
19 vehicles, so therefore doesn't require --

20 MR. LAPINE: Understood.

21 MR. PETRI: -- a parking space. In
22 addition typically, at least during the weekdays,
23 when there may be a full staff on site is we
24 typically have one person that, goes to a, a

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2 large body shop that we service in adjacent town.
3 I just want to clarify, for this particular
4 action of the amended approval, I just want to
5 make sure that parking was adequate.

6 MR. PETRI: Understood.

7 MR. STEINMETZ: Absolutely.

8 MR. KESSLER: Anything else, David, or -
9 -

10 MR. STEINMETZ: I think that's it.

11 MR. KESSLER: Well it's, it is a public
12 hearing, so --

13 MR. STEINMETZ: Understood.

14 MR. KESSLER: -- does anybody here that
15 wish to, that wishes to comment on, on this
16 application? Okay. Yes, sir. Name and address for
17 the record, please.

18 MR. BRIAN MCEVOY: Good evening. My name
19 is Brian McEvoy. I live directly behind,
20 Enterprise Rent-a-Car 6 Highland Drive, Cortlandt
21 Manor, New York. This is my first time coming to
22 one of these meetings and I just got a letter
23 recently in the mail in regards to the structure
24 going up. I have been living in the neighborhood

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2 33 years. The neighborhood was very quiet when I
3 moved up there. As the years went along, it got a
4 little bit more noisier with the truck traffic
5 and all the cars. Before Enterprise Rent-a-Car
6 was a business, I know it's zoned for business,
7 there's a, a gentleman there who used to be a bus
8 driver who used to drive a bus for the city and
9 he moved out, very quiet man. Through the years
10 it's gotten very noisy. I'm just hearing about
11 the fence this evening. I'm wondering, is a chain
12 link fence going to be enough because there is
13 behind Enterprise Rent-a-Car, a small storm
14 stream there.

15 My question of course is the disposal of
16 the water from the car wash, will it be going
17 into a sewer system? Is it going to be recycled?
18 I don't know these answers. My concern basically
19 is, is yes, how much noise will it be to
20 construct it? Is it going to be dust and dirt, so
21 on and so forth, Is there going to be any tree
22 removal? As I said, I live directly behind them.

23 MR. KESSLER: So just, just, for the
24 record here, so on, on this map you are where?

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2 MR. MCEVOY: 6 Highland Drive, so
3 directly behind it.

4 MR. KESSLER: So you -- so right, right,
5 right where the little arrow is pointing?

6 MR. MCEVOY: I can't see it from here,
7 sir.

8 MR. KESSLER: Uh --

9 MS. HILDINGER: Is it, are you at the
10 top?

11 MR. KESSLER: Up there? Upper right? So
12 Route six is at the bottom?

13 MR. MCEVOY: Yes, sir. I would say
14 probably, yes.

15 MR. KESSLER: Okay.

16 MR. MCEVOY: I am the third house down
17 from the top of Locust Avenue on Highland,
18 directly behind Enterprise.

19 MR. KESSLER: Okay. So --

20 MR. MCEVOY: And my concern is, of
21 course, runoff. I'm sure it's probably going to
22 be sewer of some sort, the noise, and of course
23 how good or bad is the structure going to look
24 because I'm unfamiliar with it.

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2 MR. LAPINE: Mr. Chairman, I could speak
3 to the collection of the runoff internally.

4 MR. KESSLER: I'm sorry, say again.

5 MR. LAPINE: I could speak to the
6 collection of --

7 MR. KESSLER: I don't mind, please.

8 MR. LAPINE: There, there will be an
9 internal oil water separator, which captures all
10 the wash water. From there any oils, grits, or
11 heavy solids will be trapped internally and they
12 will be connecting to their onsite sanitary
13 sewer.

14 MR. MCEVOY: Okay.

15 MR. LAPINE: The discharge of this.

16 MR. MCEVOY: All right.

17 MR. KESSLER: Which is on Route 6,
18 right? The road --

19 MR. LAPINE: Yeah, which is on Route 6.

20 MR. MCEVOY: Okay.

21 MR. STEINMETZ: Can I answer Mr.

22 McEvoy's question about what it's going to look
23 like?

24 MR. KESSLER: Sure.

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2 MR. STEINMETZ: Because he deserves to
3 hear that more than anybody.

4 MR. MCEVOY: I do. Thank you.

5 MR. STEINMETZ: And, and, and can I just
6 have that? Just, Mr. Chairman, just so you, I'm,
7 I'm showing Mr. McEvoy the survey, which will
8 show him that he is indeed -- that's your name,
9 you're right behind us.

10 MR. MCEVOY: Yes.

11 MR. STEINMETZ: Okay. So he is
12 immediately behind the site we were all at on the
13 other side of that fence. So Mr. McEvoy and, and
14 any member of the public listening, what you have
15 on the screen, you can see the screen there. What
16 you have on the screen is the current enterprise
17 building with what looks, looks like a garage
18 behind it.

19 MR. MCEVOY: Correct.

20 MR. STEINMETZ: That garage doesn't
21 exist right now. That's open air space. And
22 presently there's an open air wash bay, kind of
23 on the left side of that.

24 MR. MCEVOY: Correct.

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2 MR. STEINMETZ: It looks like nothing
3 particularly special.

4 MR. MCEVOY: It's a hideous structure.

5 MR. STEINMETZ: Like I said, nothing
6 particularly special. And I, I hope we can all
7 agree that by enclosing the wash bay inside a
8 garage with a building and a garage door, you
9 will no longer see the washing and vacuuming
10 activities. They will take place within that
11 building. It was specifically designed by
12 Enterprise to keep it architecturally consistent
13 with kind of the cute house that exists on Route
14 6.

15 So that is what they're proposing.
16 Regardless of what has been there historically,
17 that's what we're looking to do. It will bring it
18 inside and I leave it to the engineers to make
19 you comfortable, but my understanding is that the
20 stormwater collector, or the water collected from
21 the washing is being put through this --

22 MR. LAPINE: This sanitary -- going into
23 the sanitary sewer system.

24 MR. STEINMETZ: -- this oil and water

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2 separator, this cleanser that will then discharge
3 it to the sanitary.

4 MR. MCEVOY: What will the noise be like
5 with the machinery?

6 MR. SINSABAUGH: I can address that.

7 MR. STEINMETZ: Yes.

8 MR. SINSABAUGH: Hi, good evening, Brian
9 Sinsabuagh, attorney at Zarin and Steinmetz, on
10 behalf of the applicant. With regard to noise,
11 we, just to clarify also, we are removing the
12 structure that you've described as being a
13 hideous structure. That's being completely
14 removed. We're using all the same equipment that
15 was used previously with that structure. It'll
16 all now be enclosed within that building. So
17 noise will be significantly reduced. This is a
18 fully enclosed building. It will be a huge
19 reduction in terms of the noise.

20 MR. KESSLER: And what kind, kind of
21 soundproofing installation do you have on that
22 wall that would be facing his, his property?

23 MR. SINSABAUGH: I'd have to refer to
24 our --

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2 MR. PETRI: Yes, sir. Yeah, without
3 being an engineer or an architect, obviously the
4 building has to be insulated for heating and
5 cooling or heating, heating purposes. So there
6 will be insulation within the wall, you know,
7 along with panels on the wall to, to waterproof
8 and to soften the noise as much as possible.

9 MR. STEINMETZ: And Steve, the only
10 thing I would add behind John's comment for Mr.
11 McEvoy's benefit, obviously this property is
12 subject to the town of Cortlandt noise ordinance,
13 like any other commercial property. So should Mr.
14 Petri operate this site in violation of the
15 town's noise ordinance, obviously that would have
16 to be corrected. But this is a commercial zone
17 site. The use is lawful and we are allowed to
18 operate this type of use there. We need to, my
19 client needs to operate it in compliance with the
20 town's noise ordinance without question.

21 MR. LAPINE: I, I believe one of the
22 earlier letters submitted maybe in September,
23 indicated that the current equipment is operating
24 at 80 decibels and the noise ordinance allows up

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2 to 65 decibels at the property line. And by fully
3 enclosing this building, the correspondence
4 indicated they'd be meeting that objective.

5 MR. CUNNINGHAM: One thing that I know
6 the board has considered in the past is
7 requesting a small escrow for, sound studies
8 after something's installed. And it's always
9 something the board could consider if you think
10 it's appropriate. And if you think that a
11 different type of fence beyond the chain link
12 with stockade would be appropriate, you can also
13 condition that.

14 MR. KESSLER: Mr. McEvoy, do you have
15 any preferences in terms of that fence? I mean,
16 you must be looking at that fence, or do you see
17 it at all?

18 MR. MCEVOY: I have, excuse me, I have a
19 white plastic fence up right now.

20 MR. KESSLER: On your property?

21 MR. MCEVOY: It's only six foot high, I
22 believe. I don't know the height that you're
23 predicting to put at the back of that building, I
24 guess it's only six feet, which is regulation.

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2 MR. LAPINE: You are correct. That's
3 what's proposed.

4 MR. KESSLER: So you have a fence. And
5 then and I guess what's between your two fences?

6 MR. MCEVOY: A stream, a storm stream.

7 MR. KESSLER: Oh, a stream, okay.

8 MR. MCEVOY: Yes.

9 MS. MCEVOY: It's still our property.

10 MR. MCEVOY: It's still our property
11 though, ten feet past my fence is my property.

12 MR. KESSLER: Okay.

13 MRMCEVOY: According to what I
14 understand. So it's not, I mean, it's a concern.
15 There, there are a couple of concerns and nothing
16 I can do about it honestly, because it, it's, you
17 know, we are residential versus business and I
18 understand that. I just don't know what it's
19 going to look like. I'm hoping it's a straight
20 wall and with possibly a fence in front of it.
21 That's what I'm, I'm thinking. So that's where
22 we're at right now.

23 MR. KESSLER: Would you prefer a, a wood
24 fence versus a chain link fence or you don't

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2 know, you're indifferent?

3 MR. MCEVOY: If it could bounce some of
4 the noise possibly from the cause or off Route 6,
5 that would be fantastic, because the cars and
6 trucks make a lot of noise coming in my back
7 windows.

8 MR. KESSLER: Understood.

9 MR. MCEVOY: That would be great.

10 MR. KESSLER: Okay.

11 MR. MCEVOY: But that's my concerns and
12 as I said, it's my first time coming up and I
13 appreciate you giving me the time to speak.

14 MR. KESSLER: Thanks for coming.
15 Appreciate it.

16 MR. MCEVOY: You're welcome.

17 MR. KESSLER: It's nice seeing you.

18 MR. MCEVOY: Thank you.

19 MR. LAPINE: Mr. Chairman. Could the
20 applicant expand upon the hours of operation so
21 the neighbors understand when this will be?

22 MR. KESSLER: Sure.

23 MR. PETRI: Typical hours of operation
24 during the weekdays Monday through Friday, 7:30

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2 until 6:00 p.m., weekends 9:00 to 1:00 p.m.
3 There, there may be occasions, typically for
4 about an hour or so afterwards where there may be
5 somebody still doing some work and that's, they
6 try to minimize the amount of work
7 [unintelligible] [01:11:20].

8 MR. KESSLER: And the cars are washed as
9 they're returned?

10 MR. PETRI: They are, correct.

11 MR. KESSLER: And how many cars on a
12 typical day, you know, get returned, or in and
13 out?

14 MR. PETRI: We might wash 15 to 20
15 vehicles in a day.

16 MR. LAPINE: But they, it shuts down at
17 6:00 p.m., the washing facility or, or could it
18 go that extra hour that you were referring to?

19 MR. PETRI: Correct. There may be
20 occasions, you know, where we would typically
21 wash cars for a little bit beyond the 6:00 p.m.
22 closing time, just so that they're ready to go
23 first thing in the morning, which would avoid
24 having to, to clean them first thing in the

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2 morning.

3 MR. LAPINE: So if those hours are
4 acceptable to the board, perhaps we should have
5 them on the site plan for enforcement actions?

6 MR. KESSLER: Have what on?

7 MR. LAPINE: The hours of operation.

8 MR. KESSLER: Yeah, do we typically do
9 that in terms of hours of operation?

10 MR. CUNNINGHAM: They, you could, you
11 could put a condition where the, I mean, we, we
12 normally don't regulate the hours of operation
13 themselves, because it gets into some business
14 issues.

15 MR. KESSLER: Right.

16 MR. CUNNINGHAM: If you thought there
17 was some sort of significant impact as to noise
18 after hours, but --

19 MR. LAPINE: Yeah, I was just thinking
20 of the car washing aspect of the business.

21 MR. CUNNINGHAM: I think you could do
22 something to the effect of no washing cars after
23 8:00 p.m. or something like that. I think that
24 would be --

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2 MR. STEINMETZ: I'm happy to ask my, my,
3 my client to voluntarily consent, but, but I
4 suspect Mr. Cunningham read my mind before I rose
5 and Mr. Lapin may not realize that it might be
6 unlawful for your board to regulate the hours of
7 operation, let alone for car washing unless
8 you're going to regulate the hours of operation
9 for car washing in the residential neighborhood
10 behind us. So I, I'm -- Steve, I'm not trying to
11 be difficult, but I, but I do think it's unusual
12 for your board to regulate the hours of
13 operation. While Mr. Lapine may be used to seeing
14 that happen in other municipalities that he's
15 familiar with, the good news is the town of
16 Cortlandt recognizes *Summit School v Nugent*,
17 *FGL&L Properties v. the City of Rye*, and a host
18 of cases that stand for the proposition that your
19 board cannot regulate business operations. I'm
20 happy to send you those cases, Chris, you could
21 use them elsewhere.

22 MR. LAPINE: Thank you.

23 MR. KESSLER: Is there any, any
24 comments? Any more comments from the board? Any,

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2 any, any last comments? Yeah, sure, come.

3 MR. MCEVOY: Sorry, I just have one more
4 --

5 MR. KESSLER: That's okay.

6 MR. MCEVOY: -- question that I didn't
7 think of until just now. Lighting, in regards to
8 lighting, in the past when I first moved up and
9 they took over that spot and they put the
10 Enterprise Rent-a-Car there, they had all the
11 lights on the house where the office was. Nothing
12 was protecting the cars where they were parked.
13 My question now is now if there's a new structure
14 going up, because it'll be a dark area probably,
15 you know, and if somebody decides to do a little
16 mischief, will somebody be able to go in behind
17 the back of the fence and possibly bust in or
18 something like that? What is their -- do they
19 have a plan for lighting in the back or are they
20 just going to leave it dark? I don't want lights
21 shining in my window either.

22 MR. KESSLER: But, but just before you
23 speak there, there is a new lighting ordinance in
24 the town --

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2 MR. MCEVOY: Okay.

3 MR. KESSLER: -- that regulates the way
4 lights face, what, what type of lighting to use
5 and how they face and how far they can be seen.

6 MR. MCEVOY: Correct.

7 MR. KESSLER: But the long and short is
8 they can't shine a light onto your property.

9 MR. MCEVOY: On my property.

10 MR. KESSLER: Right. Okay.

11 MR. PETRI: Yeah. And I, and I just will
12 clarify, there is existing site lighting on the
13 property that was part of the original approval
14 back in 1996, I believe. Looking just at the plan
15 there may be some lighting that appears proposed.
16 I guess that would be the maybe the western side
17 of the building, but it doesn't, there's no
18 intent to install necessarily any lighting on the
19 side of that building, which would face your
20 property.

21 MR. MCEVOY: Okay. Okay.

22 MR. KESSLER: Chris, did you review the
23 lighting aspects of this?

24 MR. LAPINE: Heather and Chris review

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2 the lighting.

3 MR. KESSLER: Oh, okay. Okay. So the
4 staff is still reviewing it, but we'll make sure
5 it's in compliance with the town code.

6 MR. MCEVOY: Thank you very much for
7 your time.

8 MR. KESSLER: Well, thank you for
9 coming. So if there are any more questions from
10 the board? If not so I, I guess we can probably
11 close the public hearing, and, and get a
12 resolution prepared, but there still seems to be
13 some work that needs to be done in terms of the
14 review?

15 MR. LAPINE: There, there's some
16 outstanding technical comments, but I don't think
17 it's anything that's going to hold up the --

18 MR. KESSLER: Okay.

19 MR. LAPINE: -- approval.

20 MR. STEINMETZ: Great. Thank you.

21 MR. KESSLER: Alright, so Nora?

22 MS. HILDINGER: Okay. I'd like to make a
23 motion to close the public hearing and refer back
24 to staff to draft a resolution.

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2 MR. KESSLER: Second, please.

3 MR. DOUGLAS: Second.

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

6 MULTIPLE: Aye.

7 MR. KESSLER: Opposed? Okay, thank you.
8 Alright, old business. The application of Richard
9 Williams on behalf of JAM Storage LLC for the
10 property of Francisco Portillo for site plan
11 approval and a wetland permit for the
12 construction of a, an approximately 6,000 square
13 foot self-storage facility and related site
14 improvements for property located at 2059 Albany
15 Post Road, drawings dated October 24, 2024.
16 Hello, hello again, Mr. Steinmetz. So we did have
17 a site plan there, a site plan -- a site visit
18 there about a week and a half ago. All seems to
19 be I think with your revised plan, I think the
20 board was fairly comfortable with that, including
21 the small encroachment in the wetland.

22 I think the open issue, as we talked
23 about at the work session, is going to be making
24 sure the, the runoff underneath the road is, is

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2 engineered correctly and, and, and the, and the
3 extent of mitigation that's going to take place
4 with the encroachments into, into the wetlands.

5 MR. STEINMETZ: Excellent summary. David
6 Steinmetz, law firm of Zarin and Steinmetz on
7 behalf of Jam Storage, DHIP. My client, Tim
8 Fisher, is standing behind me, as is our project
9 engineer Rich Williams from Insight Engineering
10 and my colleague Brian Sinsabaugh.

11 The only other thing, Mr. Chairman, that
12 I will remind the board, you mentioned during
13 your work session before my client got here was
14 a, a question of adequate parking. Heather did
15 respond to it. If you have questions, nobody
16 knows parking at self-storage better than Tim. As
17 I had mentioned to you during the site
18 inspection, he owns and operates and is involved
19 in literally dozens of self-storage facilities.
20 We do believe that there is more than adequate
21 parking, circulation and drop off associated with
22 this site, but I want to make your board
23 comfortable with that.

24 I appreciate the chair's comment. And we

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2 heard a little bit about this, Tim, at the work
3 session, that the board is pleased with the
4 modified layout of this self storage building.
5 And we fully understand that it's incumbent upon
6 Rich and his team to get you and Chris
7 comfortable with how we're managing stormwater,
8 the upgrade to that road that exists today.

9 And just stating for the record, as, as,
10 as Peter and I observed walking away from there,
11 there's a house there now and there's people
12 living there and stuff there. So if this
13 application wasn't going forward, the town and
14 emergency services and first responders somehow
15 have to get down there now. The good news is if
16 this application is approved, that condition that
17 exists back there will be eliminated. A lawful
18 use will be installed and we will make sure that
19 that road is safe.

20 But if you have questions, Rich is here
21 to talk about engineering and Tim can talk about
22 anything that you wish on parking and the
23 operation of the self-storage facility.

24 MR. KESSLER: Yeah. No, I, I think at

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2 this point, you know, it's, it is, you know,
3 really, you know, it's very preliminary, early in
4 the first quarter here. And I think as you said
5 and as was stated, that, you know, getting
6 comfortable with the, the drainage issue and, and
7 the revisions to the road, and as I said, the
8 mitigation that's going to take place, you know.

9 So, I think the, appropriate thing is to
10 refer it back to staff, let them put together
11 their comments and then, then we'll see where we
12 go from there.

13 MR. STEINMETZ: I, I would ask, the
14 board's indulgence for, I would ask you to
15 consider, scheduling the public hearing to at
16 least open at the next meeting. I, I think, I
17 think the application could proceed to a public
18 hearing. I, I remind you, Mr. Chairman, simply
19 because I know my client would want me to say
20 this, we spent a great deal of time working with
21 the town at the town board level before we got to
22 your board --

23 MR. KESSLER: Right.

24 MR. STEINMETZ: -- to get the zoning

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2 text amendment adopted that allowed us to file
3 this application.

4 MR. KESSLER: Yeah. But, but you know,
5 all the, all the information we've gotten is
6 pretty, pretty new. I mean, we saw the new
7 revised plans for the first time 10 days ago, and
8 I think they need time to review that. So I, I'd
9 like to give them that time.

10 MR. LAPINE: I think this is the only
11 plan that we've received or have these -- are
12 there full further engineering plans or are you
13 still in the conceptual stage of [unintelligible]
14 [01:20:06]?

15 MR. STEINMETZ: That I have to, to defer
16 to Rich.

17 MR. RICH WILLIAMS: Now, Chris, you're
18 correct. Our next step, now that we understand
19 the board's a little bit more comfortable with
20 this layout than the last presented is to
21 resubmit the full set of drawings and the SWPPP
22 to you.

23 MR. KESSLER: Okay. So then, so to, to
24 the point, then we're not nearly close for --

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2 MR. LAPINE: They're not ready.

3 MR. KESSLER: -- a public hearing then
4 without a full set of plans.

5 MR. LAPINE: No.

6 MR. STEINMETZ: It's the first inning, I
7 tried.

8 MR. KESSLER: Okay. Well, you struck
9 out. Alright, so with that Kevin?

10 MR. KOBADSA: I'd like to make a motion
11 to refer back to the planning or refer back to
12 staff to prepare a memo.

13 MR. KESSLER: Second please.

14 MR. MCKINLEY: Second.

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

17 MULTIPLE: Aye.

18 MR. KESSLER: Opposed? Alright.

19 MR. STEINMETZ: I would've covered first
20 base if the ball was.

21 MR. KESSLER: Thank you, Mr. Cole, thank
22 you.

23 MR. STEINMETZ: I think that was worse
24 than the judges' drop ball. I really do.

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2 MR. KESSLER: That was the game right
3 there. Alright, onto new business. It's the
4 application of Yeshiva Ohr Hameir for the renewal
5 of a special permit for a university, college, or
6 seminary for property located at 141 Furnace
7 Woods Road, as described in a letter dated
8 October 10, 2024 from David Steinmetz. Good
9 evening.

10 MR. STEINMETZ: If I could change my
11 name, I would at this point.

12 MR. DOUGLAS: Justice Thomas, I think
13 there's a, it's an antitrust violation. There's
14 an investigation by Justice Department right now.

15 MR. STEINMETZ: The good news is you
16 heard a little bit in the work session, Mr.
17 Cunningham, revealed some of it and, and I'm glad
18 he did. Despite the fact that we have been,
19 keeping this special permit in effect for well
20 over a decade, despite the fact that we've been
21 keeping the site plan modifications, the amended
22 site plan approval -- there's another one I
23 didn't think of -- the amended site plan approval
24 that I got on this property 12, 14 years ago, we

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2 have been waiting to solve an existing, septic
3 effluent issue that has persisted on this
4 property for some time.

5 That issue was identified well over a
6 decade ago, and it was cured by, Mr. Searci
7 [phonetic] designing, septic and pumping that
8 would just be regularly maintained. That's been
9 going on, as the chair indicated for a very, very
10 long time. We have spent over a decade with the
11 town, with the state senator, with the Department
12 of Health, with the DEC trying to figure out a
13 sewer solution.

14 And, and just anecdotally, Steve and Tom
15 may remember the night we got our approvals, John
16 Bernard sitting over there said, even though I'm
17 voting in favor of a sewage treatment plan, I
18 really hope you can come up with a sewer
19 solution. And that was John Bernard back then.

20 Well, we finally have, as Mr. Cunningham
21 has indicated in cooperation, the applicant, the
22 town, the DOH, the DEC, some grant money from the
23 government, there will be, a new sewer line that
24 extends from Furnace Woods Road at or about the

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2 intersection with Galloway, where the Yeshiva is
3 located up to Maple down, along Maple to
4 Lafayette and up Lafayette to a manhole that I, I
5 feel like, I think it's 7,000 linear feet away,
6 give or give or take. It's a long run. That, that
7 the approvals are in effect.

8 The funding has been, essentially
9 determined and the town, we appreciate has gone
10 out to bid and has obtained a contractor who will
11 begin installation of this work, hopefully, maybe
12 as early as late, late this year or in the
13 springtime.

14 So, all that having been said, I'm
15 required by the special permit that we got years
16 ago to come in every three years kind of for a
17 checkup. There are no violations. The Yeshiva has
18 been operating quietly and happily in the town
19 during that duration of time. And, I am pleased
20 to be here tonight asking for a renewal of that
21 special use permit.

22 We are required to conduct a public
23 hearing upon renewal of a special use permit. So
24 I am here tonight asking for you to schedule a

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2 public hearing for next month, and we will
3 proceed from there. I'm happy to answer questions
4 if you've got any more questions, but sum and
5 substance, this is all good news.

6 MR. KESSLER: Peter?

7 MR. MCKINLEY: Very, very simple. I'd
8 like to just make a motion to schedule a public
9 hearing for December 3rd for the Yeshiva.

10 MR. KESSLER: Second please.

11 MR. BIANCHI: Second.

12 MS. HILDINGER: Second.

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

15 MULTIPLE: Aye.

16 MR. KESSLER: Opposed?

17 MR. STEINMETZ: Goodnight.

18 MR. KESSLER: Okay. Goodnight. Final
19 item, you don't have this one, David? The last
20 one, the last one is not yours.

21 MS. LAVARNWAY: No.

22 MR. KESSLER: Okay. Is the application
23 of uh, Lucio Di Leo for property of Mario and
24 Wilson Alvarez for amended site plan approval for

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2 a special permit for a specialty trade electrical
3 contractor for property located at 1201 Oregon
4 Road, drawings dated August 16, 2023. Good
5 evening.

6 MR. LOU DI LEO: Good evening. Hi, I'm
7 Lou Di Leo, the architect for the project. And,
8 again, we're here for an amended site plan and a
9 special use permit for my, my client. My client
10 is, has an electrical business and he wants to
11 locate his offices in, in this building here. So
12 the existing two and a half story structure
13 formerly the first and second floor were --
14 medical dentist office, I think, and the basement
15 had an office and storage also.

16 So what we're proposing to do is to have
17 two apartments on the second floor and
18 professional offices on the first floor and his
19 business on the lower floor, which is a
20 partially, partial basement, a walkout basement
21 basically where his offices and storage would
22 take place.

23 MR. KESSLER: So you have offices on the
24 first floor and in the basement?

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2 MR. DI LEO: There's offices on the
3 first floor in the basement.

4 MR. KESSLER: Okay. We, we discussed it
5 briefly, and I know it's preliminary, but --

6 MR. DI LEO: Yeah.

7 MR. KESSLER: -- there'll also be
8 equipment parking on the site.

9 MR. DI LEO: The only equipment is cars,
10 vehicles, vans.

11 MR. KESSLER: There's no, there's no
12 truck parking, no nothing?

13 MR. DI LEO: Mario, he's here. Vans is
14 what he has, so they will park on the, on the, on
15 the site, if that's what you're asking, yes.
16 There's no open truck, there's no dump trucks,
17 there's no, it's -- everything is enclosed.

18 MR. KESSLER: How, how many vans?

19 MR. MARIO ALVAREZ: We have four.

20 MR. KESSLER: Just, just you name for
21 the record, please.

22 MR. ALVAREZ: Four, four vans.

23 MR. DI LEO: This is Mario Alvarez, this
24 evening.

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2 MR. KESSLER: Okay.

3 MR. DI LEO: Just say your name.

4 MR. ALVAREZ: Yeah, we got four vans and
5 that, that's it pretty much for now, two pickups
6 and that's it. Then four employees, you know, the
7 how many spaces we have, we have four, the
8 trucks. We moving out the trucks and we park in
9 the employee.

10 MR. DI LEO: Yeah, we have some employee
11 parking and, and the, the four vans that he has
12 for storage.

13 MR. KESSLER: And plus the residential
14 parking.

15 MR. DI LEO: Yeah, and plus the
16 residential parking. The existing parking lot
17 that's there now has been totally reconfigured to
18 accommodate all of the, all of the requirements
19 as far as number of cars needed. We accommodated
20 ADA spaces, they all labeled, signed. All the
21 existing drainage will remain. There's existing
22 stormwater basins in the, on the, on the
23 property. We're adding, a garbage enclosed area
24 towards the back of the property, as shown on the

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2 site plan and some landscaping. The whole entire
3 building will be painted, new windows, new
4 insulated. The whole building will be sprinkled.
5 We'll provide a whole sprinkling system for the
6 whole building, a new roof I think the new roof
7 already took place because there was a leak on
8 the roof. So basically it's a, it's a night and
9 day upgrade to the existing building.

10 MR. KESSLER: Okay. I mean, this is very
11 preliminary. So the process is we refer this back
12 to staff. They'll issue a review memo-, they'll
13 go through your, your plans issue, a review
14 memoranda with their comments that you respond
15 to. And then if everybody's comfortable, we'll
16 set up a public hearing on, on the application.

17 MR. DI LEO: Okay, very good.

18 MR. KESSLER: Before we do that, any,
19 any, any more questions on this application
20 before we, before we go? No.

21 MR. LAPINE: Have, have you removed that
22 18 inch tree on the side of your building? You
23 talked about at the pre-op meeting?

24 MR. DI LEO: Yeah, I did.

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2 MR. LAPINE: Okay.

3 MR. DI LEO: It died, it was dead, yeah.

4 MR. KESSLER: Okay. If not, David?

5 MR. DOUGLAS: Okay. I make a motion that
6 we refer this to staff.

7 MR. KESSLER: Okay. Second, please.

8 MR. BIANCHI: Second.

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

11 MULTIPLE: Aye.

12 MR. KESSLER: Opposed? Kevin?

13 MR. KOBADSA: Time is 7:57. The
14 meeting's adjourned.

15 MR. KESSLER: Thank You.

16 MR. DI LEO: Okay. Thank you. Thank you,
17 Your Honor.

18 UNIDENTIFIED FEMALE: Are there
19 questions on the property?

20 MR. KESSLER: Well, it's not a public
21 hearing at this point. You'll be notified of the
22 public hearing.

23 UNIDENTIFIED FEMALE: The sign was
24 posted in front of the property. That's why --

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2 MR. KESSLER: That, that there's an
3 application.

4 UNIDENTIFIED FEMALE: Okay.

5 MR. KESSLER: But I mean, once the staff
6 reviews the information and we're satisfied with
7 the responses, we'll have a public hearing where
8 you'll be given the opportunity to comment on, on
9 -- because a lot of times what they propose, our
10 staff will look at it and they'll make
11 modifications to it. So it might be a little
12 preliminary to, you know, to have public comment
13 at this point. But you'll have your opportunity
14 to come here, just like you've seen earlier this
15 evening.

16 UNIDENTIFIED FEMALE: Can they be just
17 reminded not to work on the weekends? Especially
18 Sundays because they've been clearing the area on
19 Sundays.

20 MR. CUNNINGHAM: Oh, that's, oh, that,
21 that's a code enforcement issue. We can let them
22 know they can't -- if there's any clearing going
23 on, on Sundays, you can't do that.

24 MR. KESSLER: Is, is there -- okay. You

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2 -- no work, no construction work goes on --

3 MR. ALVAREZ: Yeah, we, we didn't know
4 before, but now we stopped after they spoke with
5 a buddy. He, he mentioned to me. So we stopped.
6 We not doing any --

7 MR. KESSLER: Okay. So, and, and, and
8 if, if you see anything, call code enforcement at
9 the town, if, if there's any, if you think
10 there's a violation going on in terms of work
11 being done on Sundays, let them know and they'll
12 come and take care of it.

13 UNIDENTIFIED FEMALE: Okay.

14 MR. KESSLER: But you'll have the
15 opportunity, you'll, we'll see you at the,
16 hopefully at the public hearing when we --

17 UNIDENTIFIED FEMALE: I'm representing
18 the block kind of, so I was just like --

19 MR. KESSLER: Okay.

20 UNIDENTIFIED FEMALE: -- wanting to make
21 sure. But I guess we got our dates wrong.

22 MR. KESSLER: If I, if, if I had to
23 guess, I would say the public hearing probably
24 won't be till maybe January or February.

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2 UNIDENTIFIED FEMALE: Wow. Okay.

3 MR. KESSLER: You know, because once,
4 once the staff reviews it, maybe they'll come
5 back to the agenda next meeting and maybe we'll
6 set a public hearing at the December meeting for
7 January. Or if things are delayed or there's so
8 many issues that need to be resolved, then it'll
9 be February. But you'll be notified. There'll,
10 there'll be a big orange sign, what do we use
11 these days? Orange signs?

12 UNIDENTIFIED FEMALE: It's orange.

13 MR. KESSLER: Orange, there'll be an
14 orange sign identifying there'll be a public
15 hearing, it'll give you the date of the public
16 hearing.

17 UNIDENTIFIED FEMALE: Okay.

18 MR. KESSLER: Sitting, sitting at, on
19 the property.

20 UNIDENTIFIED FEMALE: Okay. Thanks so
21 much.

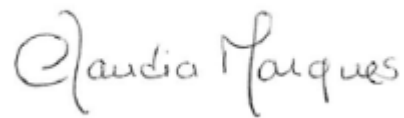
22 MR. KESSLER: Okay.

23 (The public board meeting concluded at
24 8:00 p.m.)

CERTIFICATE OF ACCURACY

I, Claudia Marques, certify that the foregoing transcript of the Planning Board meeting of the Town of Cortlandt on November 7, 2024, was prepared using the required transcription equipment and is a true and accurate record of the proceedings.

Certified By

A handwritten signature in cursive script that reads "Claudia Marques".

Date: November 21, 2024

GENEVAWORLDWIDE, INC
228 Park Ave S - PMB 27669
New York, NY 10003