

TOWN OF CORTLANDT
PLANNING AND ZONING BOARDS

PLANNING BOARD MEETING

Town Hall
1 Heady Street
Cortlandt Manor, NY 10567

March 4, 2025
6:20 p.m. - 7:22 p.m.

March 4, 2025

MEMBERS PRESENT:

Steven Kessler, Chairperson

Thomas A. Bianchi, Vice-Chairperson

Nora Hildinger, Member

Peter McKinley, Member

Jeff Rothfeder, Member

MEMBERS ABSENT:

Kevin Kobasa, Member

David Douglas, Member

ALSO PRESENT:

Chris Kehoe, AICP, Director of Planning

Michael Cunningham, Esq., Deputy Town Attorney

Heather LaVarnway, CNU-A, Planner

Chris Lapine, P.E., Engineer

1 March 4, 2025

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

3 MR. STEVEN KESSLER: For March 4th.
4 Please rise for the pledge.

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

10 MR. KESSLER: Thank you. Roll please,
11 Chris.

12 MR. CHRIS KEHOE: Ms. Hildinger?

13 MS. NORA HILDINGER: Here.

14 MR. KEHOE: Mr. Rothfeder?

15 MR. JEFFREY ROTHFEDER: Here.

16 MR. KEHOE: Mr. Kessler?

17 MR. KESSLER: Here.

18 MR. KEHOE: Mr. Bianchi?

19 MR. THOMAS BIANCHI: Here.

20 MR. KEHOE: Mr. McKinley?

21 MR. PETER MCKINLEY: Here.

22 MR. KEHOE: Mr. Kabasa and Mr. Douglas
23 noted as absent.

24 MR. KESSLER: Thank you. Just one change

1 March 4, 2025
2 to the agenda this evening, the agenda item,
3 under resolution, the application of Wilvan Van
4 Campen, it's going to be a public hearing this
5 evening. It's, it's listed as a resolution, but
6 there will be a public hearing on that this
7 evening. Other than that, no other changes. Can I
8 please have a motion for the, adopt the minutes
9 of the meeting of February 4th, please?

10 MR. ROTHFEDER: So moved.

11 MR. KESSLER: Second, please.

12 MR. BIANCHI: Second.

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

15 MULTIPLE: Aye.

16 MR. KESSLER: Opposed? All right, first
17 item of the correspondence. It's a letter dated
18 February 6th, 2025 from John Bevegna transmitting
19 the 2024 Hollowbrook Golf Club 2024 annual
20 monitoring report. Peter?

21 MR. MCKINLEY: Yes. Mr. Chairman, I'd
22 like to make a motion for PB 16-99 to receive and
23 file the Hollowbrook Annual Monitoring Report.

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

1 March 4, 2025

2 MR. ROTHFEDER: Second.

3 MR. BIANCHI: Second.

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

6 MULTIPLE: Aye.

7 MR. KESSLER: Opposed? Next item of the
8 correspondence, a letter dated February 10, 2025
9 from James Annicchiarico, requesting the third
10 six-month time extension for preliminary plat
11 approval for the Pomona Development subdivision
12 located on the south side of Revolutionary Road,
13 south of Eaton Lane. We discussed this at the
14 work session, and there's an issue of, some back
15 taxes. So, we're going to amend the resolution to
16 shorten the, the, approval time extension. Nora?

17 MS. HILDINGER: In regard to PB 1-16,
18 I'd like to make a motion to adopt resolution
19 number 5-25 with the change that it will expire
20 on April 4, 2025.

21 MR. KESSLER: Thank you.

22 MR. ROTHFEDER: Second.

23 MR. KESSLER: Second, thank you. And on
24 the question. All in favor?

1 March 4, 2025

2 MULTIPLE: Aye.

3 MR. KESSLER: Opposed? Okay. As I
4 mentioned earlier, the next item is a public
5 hearing. It's the application of Wilvan Van
6 Campen on behalf of Victor Pena Gomez for a
7 special permit for an accessory apartment located
8 within the existing residence at 60 Waterbury
9 Parkway, drawings dated January 16, 2025. Good
10 evening.

11 MR. WILVAN VAN CAMPEN: Good evening.

12 MR. KESSLER: You are?

13 MR. VAN CAMPEN: I'm Wilvan Van Campen.
14 I'm an architect. I'm working on behalf of the
15 owner, Victor Pena.

16 MR. KESSLER: Okay. Any opening remarks
17 or -- you don't have to. It's okay. Well, I, as I
18 mentioned, it's a public hearing. Is there
19 anybody here that wishes to, have any comments on
20 this application? Any, any comments from, staff
21 or the board?

22 MR. CUNNINGHAM: The applicant obtained
23 variances at the last ZBA meeting, as we
24 discussed in the work session, but I'll put it on

1 March 4, 2025

2 the record. So, ZBA, from the ZBA --

3 MR. CUNNINGHAM: Correct.

4 MR. KESSLER: -- has given them the
5 variances on the size of the apartment, I guess,
6 right?

7 MR. CUNNINGHAM: Correct.

8 MR. KESSLER: Okay. So, I guess we've
9 got two things to do here. Tom, close the public
10 hearing.

11 MR. BIANCHI: First, we'll -- I'll, make
12 a motion to close the public hearing.

13 MR. KESSLER: Second, please.

14 MR. ROTHFEDER: Second.

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

17 MULTIPLE: Aye.

18 MR. KESSLER: Opposed?

19 MR. BIANCHI: And, then, I'll move to
20 adopt resolution number 6-25, granting the permit
21 for the accessory apartment.

22 MR. KESSLER: Second please.

23 MR. ROTHFEDER: Second.

24 MR. KESSLER: And on that question, all

1 March 4, 2025

2 in favor?

3 MULTIPLE: Aye.

4 MR. KESSLER: Opposed?

5 MR. KEHOE: So you'll be getting a copy
6 of the resolution in the mail. There's some
7 bureaucratic conditions that need to be met. You
8 and I'll work on those and then you'll continue
9 working with Martin on your building permit.
10 Okay?

11 MR. WILVAN VAN CAMPEN: Okay. Thank you.

12 MR. KESSLER: Thank you.

13 MS. HILDINGER: Thank you.

14 MR. KESSLER: All right, the next item
15 is an adjourned public hearing from a previous
16 meeting. It's the application of Briga
17 Enterprises and Bilotta Realty of Westchester for
18 an amended site plan approval of a 2,400 square
19 foot storage building located at 2099 Albany Post
20 Road, latest drawings revised, February 18, 2025.
21 Good evening.

22 MR. BRIAN SINSABAUGH: Hi, good evening,
23 Chairman and members of the board. My name is
24 Brian Sinsabaugh. I'm an attorney with Zarin and

1 March 4, 2025

2 Steinmetz on behalf of the applicant. I have here
3 with me this evening the applicant as well as,
4 Bob Wasp, the applicant's engineer. Just as a
5 quick recap, this an, a application for an
6 amended site plan approval relating to the
7 construction of the 2,400 square foot metal
8 prefab accessory storage building on the
9 property. The applicant has, since our last
10 meeting, the applicant has been working
11 diligently with the Department of Technical
12 Services and the town staff to address any of
13 their comments. And along with that, we have
14 agreed to submit an amended site plan application
15 that relates to the remainder of the property.
16 With that, we would request that the board close
17 the public hearing on this, and also direct staff
18 to prepare a resolution.

19 MR. KESSLER: Okay. Done?

20 MR. SINSABAUGH: Yep, that's it.

21 MR. KESSLER: Alright, well, it's, it's
22 a public hearing, so is there anybody that wishes
23 to, comment on this application? Mr.
24 Mastromonaco.

1 March 4, 2025

2 MR. RALPH MASTROMONACO: Hello. Good
3 evening. I'll only be an hour and a half, so.

4 MR. KESSLER: That's, that's, short for
5 you, Ralph.

6 MR. BIANCHI: That's not funny.

7 MR. MASTROMONACO: no. I was actually
8 here for the, work session and I, I submitted two
9 letters. One of the meetings wasn't held, but I
10 did submit another a letter, a fifth -- a fifth,
11 a sixth letter, and a fifth letter. The fifth
12 letter had to do with the fact that it is my
13 belief that you cannot approve a partial site
14 plan. And I believe I gave as much information in
15 that letter as you, you would need and your
16 attorney would need. I, I don't know if he's
17 advised you one way or the other on that matter.
18 What, what occurred recently though, I've been
19 work -- I've been making FOIL requests to find
20 out whether any of the previous approvals had
21 been properly filed with the town clerk. Mr.
22 Cunningham and the town clerk had been, I guess,
23 busy trying to find such proof. I haven't seen
24 it. They sent me something that wasn't proof of

1 March 4, 2025

2 any filing. I, I mean, if there's something that
3 I don't know, tell me about it. But it appears at
4 the moment that you can't even file an amended
5 site plan here because the initial site plan is
6 still unfiled, essentially.

7 MR. CUNNINGHAM: Just add context to
8 what Ralph's talking about. So, there's a
9 resolution from 2003 that says that it -- there
10 is a resolution for 2003 for site plan approval
11 and it says it was filed in the town clerk's
12 office, which the town clerk's office diligently
13 searched the records, didn't find a copy in the
14 storage files that was filed or said stamped on
15 it. So I think that's what Ralph -- that's the
16 context Ralph's --

17 MR. KESSLER: You have the resolution
18 though.

19 MR. CUNNINGHAM: We have a resolution,
20 correct.

21 MR. MASTROMONACO: Right. That's
22 correct. I don't believe from my reading of the
23 zoning code that you can approve what you're
24 calling an amended site plan, but it's actually a

1 March 4, 2025
2 partial site plan. The materials that you have in
3 your possession from the applicant say site plan,
4 they don't say amended site plan. And I believe
5 that you may inadvertently approve the entire
6 site plan, and if you do, it would be a horrible
7 mess, because on that site there are a series of
8 illegal activities which I've been talking about
9 ever since we got into this matter. There's a
10 waste recycling operation on the site, completely
11 illegal. There is a concrete plant that should
12 have had a, a special permit. It doesn't. There's
13 a concrete plant there that is, is like 50 feet
14 tall, whatever it is. No building permit, no
15 foundation permit, no plumbing permit, no
16 electrical permit. And it caught on fire last
17 month. This is a disaster, this site. I, I'm just
18 hoping that each member take a look at what
19 they're voting on here. I'm not even sure anybody
20 knows what they're voting on. Voting on a
21 partial, a partial site plan, or an amended site
22 plan, where does the site plan begin and end that
23 you're approving? I, and I've said this before, I
24 don't want to repeat myself, but does it, you

1 March 4, 2025

2 know, one foot beyond the skin of the building or
3 where, where's the access? Where's -- you have,
4 you have storage area in the front yard of the
5 same site that's illegal. They're storing all
6 kinds of stuff in the front yard of the HC zone,
7 completely illegal. That doesn't show on the site
8 plan.

9 There are so many issues that it, I
10 don't really want to stand up here and go over
11 each one of them, but in the -- I did submit a
12 letter, I just want to know that you've received
13 this letter and it was called my sixth letter.

14 MR. KEHOE: It should be in your packets
15 tonight.

16 MR. MASTROMONACO: And I urge you to
17 read the letters that I've written.

18 MR. BIANCHI: No, I didn't see it
19 either.

20 MR. KEHOE: The, the sixth letter.

21 MR. ROTHFEDER: I saw the fifth letter.

22 MR. KESSLER: I'm sorry. Keep going.

23 MR. BIANCHI: Oh, this is, I see. Yeah.

24 MR. KESSLER: You see?

1 March 4, 2025

2 MR. BIANCHI: Yeah.

3 MR. MASTROMONACO: Okay.

4 MR. KESSLER: They must have misfiled
5 it.

6 MR. MASTROMONACO: I think you owe it to
7 the, the town that you read these letters.
8 They're based on the zoning code. Everything here
9 is based on the zoning code. And I can't see any
10 way that you have the right to approve any part
11 of that site plan until certain things are done.
12 One of them is, of course, the real reason that I
13 noticed all of these problems was the noise, the
14 dust, the traffic coming from this place, no
15 control by the town. The town has no control over
16 this site.

17 We had an issue at one of the earlier
18 meetings where I said, in spite of all the
19 complaints, no one from the town has come out to
20 inspect these violations. However, in the last
21 month or two, they were violated twice, by the
22 town, not serious violations. But one of the, the
23 interesting violation was that on this small
24 building that you guys approved, I, I sued. They,

1 March 4, 2025

2 you know, they're, they're not allowed to use
3 that building because there's no CO, there's no
4 certificate of -- but they're using it, blatantly
5 using the building. So they don't, you don't even
6 need to vote on this bill -- building because
7 it's built and they're already using it. So you
8 can go vote on it and do whatever you want. But
9 it, it's really a moot point.

10 You know, I had, made a list of all of
11 the reasons on my fifth letter why the law
12 requires you to, to consider the entire property,
13 not part of the property. You can't just take one
14 part of the property and approve it. Meanwhile,
15 there's all these illegal things going on, on the
16 rest of the property. The entire, everyone that -
17 - every, every, every, reference I could find for
18 a site plan refers to one property, one lot.

19 For example, how do you, let's say you
20 had a case where you have to have 10 percent
21 landscaping. Well, that immediately suggests that
22 you have to look at the entire property. And that
23 -- and there's so many zoning requirements that,
24 that are based on the entire property, so I don't

1 March 4, 2025

2 know how you could just take a portion of it and
3 say, okay, well this part conforms to whatever, I
4 don't know. What, what's it conforming to, a
5 corner of the property? So I mean, that's
6 basically all I have on this matter. You're going
7 to do what you're going to do and you know, you
8 just basically with, if you haven't read these
9 letters, if you think that this is okay, you
10 know, you do what you have to do. But I, I
11 believe that it's really inviting challenge if
12 you don't take into consideration the zoning
13 code. That's all I got.

14 MR. KESSLER: Ralph, you realize that
15 they're now going to be coming back with the
16 entire site?

17 MR. MASTROMONACO: Well that's -- what's
18 it matter? There right now --

19 MR. KESSLER: No, I'm just saying. But
20 does that assuage you in any, in any way that --

21 MR. MASTROMONACO: I'm glad you asked
22 that question. Okay. Let's say you approved this
23 and make a resolution approving what, whatever it
24 is you're approving, you're approving something.

1 March 4, 2025

2 I don't know what it is. I don't know how you
3 could specify one corner of the property, as
4 you're going to approve that corner, but nothing
5 else. That generally goes with conditions. There
6 are conditions to that. One of your conditions
7 will be what? That they, submit an application
8 for the entire site? Would that be a condition?

9 MR. CUNNINGHAM: Something similar to
10 that could be a condition, right.

11 MR. MASTROMONACO: Okay. So --

12 MR. CUNNINGHAM: I mean, they've
13 already, they've already voluntarily agreed to
14 come back for a site plan review.

15 MR. MASTROMONACO: So the only condition
16 would be to submit the application, not to get it
17 approved.

18 MR. CUNNINGHAM: No, I, I mean I think
19 they'd have to fully process it.

20 MR. MASTROMONACO: Right.

21 MR. CUNNINGHAM: They're coming in for a
22 site plan amendment.

23 MR. MASTROMONACO: That's exactly right.
24 That's exactly right. It hasn't been fully

1 March 4, 2025

2 processed. Because it's an absurdity. What, what
3 you're doing is an absurdity. You have to look at
4 the entire site. Then let's say you do approve
5 it. Okay. Well now it has to go to the, not to
6 Chris, but it has to go to the town engineer for
7 his approval. He has to sign off on this site
8 plan somewhere. And so do you, Steve, you have to
9 sign a site plan. The only site plan you have is
10 for the entire site.

11 And I made a list of all the things that
12 an entire site shows. One of the most weird
13 things is it shows truck parking on the easement
14 going to the other property. It's the first time
15 this has ever been shown on any site plan. You
16 know, there are problems here, you know. So is
17 Mr. Preziosi, so when does -- when can he re-get
18 -- re-get, when can he update his building
19 permit? If you approve it, he needs Preziosi's
20 approval. Does he get a building permit again, a
21 new building permit? What happens?

22 MR. KESSLER: I'm not following.

23 MR. MASTROMONACO: Well, he got a
24 building permit, but it was null and void.

1 March 4, 2025

2 MR. KESSLER: Right.

3 MR. MASTROMONACO: Okay. You approve the
4 site plan, then it goes to Mr. Preziosi. He has
5 to approve the engineering on that site plan. So
6 it's a condition, a condition of approval is to
7 get engineering approval of the site plan. So Mr.
8 Preziosi has to sign that -- whatever, sign, I
9 don't know what he's going to sign, exactly. It's
10 not really a site -- he's going to sign that big
11 site plan with everything on it, you know, all
12 the illegal things on it. And at that point, the
13 applicant can file for a building permit, but he
14 already has a building permit. So, which
15 building? You know, I, I don't understand how
16 this could even be possible. What, what --

17 MR. KESSLER: My understanding is the
18 engineering, engineering has signed off on this
19 building. That they've gone through the
20 engineering and whatever concerns they had have
21 been addressed. And now, if we do deal with that
22 building, they're going to be coming back --

23 MR. MASTROMONACO: Okay.

24 MR. KESSLER: -- for the entire site

1 March 4, 2025

2 plan, which the areas that I think most concern
3 you, not so much the building, I would think, but
4 the rest of the, the site will be addressed in
5 the amended site -- will be addressed in that
6 resubmission for the entire site.

7 MR. MASTROMONACO: Well, I ask when
8 does, when does the building permit get
9 reactivated? When he gets approval for this, the
10 entire site or just this one building? When does
11 that building permit get activated?

12 MR. CUNNINGHAM: Building permit? The
13 building permit for this building, the 2,400
14 square foot building?

15 MR. MASTROMONACO: Yeah, the little
16 building. Yeah.

17 MR. CUNNINGHAM: I think we're treating
18 that as part of this separate application. I
19 don't think it's dependent upon the other amended
20 site plan application they would be filing.

21 MR. MASTROMONACO: So it's totally
22 separate?

23 MR. CUNNINGHAM: Right. I think it's
24 separate too.

1 March 4, 2025

2 MR. MASTROMONACO: Okay.

3 MR. CUNNINGHAM: And I, I think too,
4 what might be -- what might be helpful, I know it
5 was helpful for me at some point when I asked the
6 applicant's attorney and maybe someone else from
7 the applicant's team can actually explain the
8 differences in what's going on, on site because
9 the use towards the front of the property, the
10 HC9A seems to be totally distinct from the uses
11 going on in the back. So that's how I think we're
12 actually able to look at it in two different
13 applications, correct?

14 MR. KESSLER: And it's a different zone.

15 MR. CUNNINGHAM: Right. And it's a
16 different zoning as well.

17 MR. KESSLER: The front is, did you say,
18 what's it --

19 MR. MASTROMONACO: Well, is --

20 MR. KEHOE: It's HC9A in the front.

21 MR. KESSLER: HC9A.

22 MR. MASTROMONACO: Okay.

23 MR. KESSLER: Which is where this
24 proposed --

1 March 4, 2025

2 MR. CUNNINGHAM: Retail.

3 MR. KESSLER: -- structure is.

4 MR. CUNNINGHAM: Retail structure.

5 MR. KESSLER: Retail structure.

6 MR. LAPINE: And, and the resolution's
7 only going to be focused on the 40 by 60
8 building, not the entire site.

9 MR. MASTROMONACO: But is it going to be
10 focused on the HC9A zone or just one foot around
11 the building itself?

12 MR. CUNNINGHAM: On, on this proposal
13 specifically, with any sort of site work that was
14 related to this building.

15 MR. MASTROMONACO: Pardon?

16 MR. CUNNINGHAM: On, on this --

17 MR. MASTROMONACO: Yeah.

18 MR. CUNNINGHAM: -- on this building
19 with any sort of site work --

20 MR. MASTROMONACO: Yeah. Where, where,
21 where's the beginning and end of this site plan?
22 Where, on the one that they're intending to
23 approve, where does it start? Where does it end?

24 MR. CUNNINGHAM: So I mean, I'll let the

1 March 4, 2025

2 applicant's team discuss their own site plan.

3 MR. MASTROMONACO: It's a tough
4 question. I know.

5 MR. CUNNINGHAM: So --

6 MR. MASTROMONACO: It's a tough
7 question. So anyway, that's it. I think I've said
8 everything I need to say. I hope you listened.

9 MR. KESSLER: Anybody else wish to
10 comment on this application? Any comments from
11 the applicant?

12 MR. SINSABAUGH: Sorry, I just have a
13 couple items, just in response, to Mr.
14 Mastromonaco. With regard to the partial site
15 plan piece, I just want to point out to the board
16 that we did submit a letter, I believe dated
17 October 31st, providing a legal basis for that
18 type of review, dealing with a partial site plan
19 review. In sum, it's just that the amended,
20 amended site plan does not open up the entirety
21 of the site to an environmental review. But
22 that's in the record. I just want to state that
23 that is there and put, make that statement here
24 tonight.

1 March 4, 2025

2 With regard to the, no prior approved
3 site plan being on the record with the clerk, I
4 just stand with the comments that were made
5 earlier that the resolution is on the record. So
6 there is a basis upon which there can be an
7 amended site plan. Aside from that, I mean, I'm
8 open to answering any questions. I know that
9 there's some items that were brought up, but, I
10 have no further comment at this time. I'll just
11 rest on the record.

12 MR. KESSLER: So it is your
13 understanding that you'll be coming back with a
14 complete site plan review for the entire
15 property? Is that --

16 MR. SINSABAUGH: For the, yeah, so for
17 the remainder of the property that we do -- that
18 is not included within the site plan here, yes,
19 we would be coming back for that.

20 MR. KESSLER: How do we ensure that
21 occurs?

22 MR. MASTROMONACO: Is that a condition?

23 MR. KESSLER: Yeah.

24 MR. CUNNINGHAM: We'll put that as a

1 March 4, 2025

2 condition?

3 MR. SINSABAUGH: It is.

4 MR. CUNNINGHAM: We'll make it a
5 condition. We don't have the resolution draft
6 yet, but we could put --

7 MR. KESSLER: So if you make it a
8 condition, then does that mean the building
9 cannot be used until they come in with the entire
10 site plan?

11 MR. CUNNINGHAM: It could still get a CO
12 because it's about the structure itself, the CO
13 whether it's, you know, safe to occupy it.

14 MR. ROTHFEDER: So they can still
15 operate the rest of the property without coming
16 in for, I mean, yeah, what -- how do, how do we,
17 make certain that they come back in?

18 MR. CUNNINGHAM: I mean, we can, we can
19 violate, we can issue them a violation if they
20 don't come back and actually file. We can have a
21 date for them to submit their amended site plan
22 application.

23 MR. SINSABAUGH: Well, that's what I was
24 going to say. Is there a timeframe we can put on

1 March 4, 2025

2 that?

3 MR. CUNNINGHAM: We can put a timeframe
4 on that.

5 MR. SINSABAUGH: And what would that be?
6 I mean, what, what's reasonable?

7 MR. CUNNINGHAM: Whatever -- the
8 applicant can proffer -- I mean, they can give us
9 a sort of date where they think that their
10 engineers could complete a site plan to submit.

11 MR. KESSLER: Okay.

12 MR. CUNNINGHAM: And if we think it's
13 reasonable.

14 MR. KESSLER: If we do approve a
15 resolution, you can work out the dates with them
16 prior to us approving that resolution?

17 MR. CUNNINGHAM: Correct.

18 MR. KEHOE: But I, my impression is the
19 date will be pretty soon.

20 MR. CUNNINGHAM: Correct.

21 MR. KEHOE: I mean, you know, April,
22 May. I mean, we're, we're not looking to give
23 them months and months and months.

24 MR. ROTHFEDER: Okay. That's fair.

1 March 4, 2025

2 MR. KESSLER: Yeah. I just don't know
3 what the stick is in this, you know, how, how do
4 you ensure it.

5 MR. ROTHFEDER: Yeah.

6 MR. KESSLER: Which is what Jeff's
7 getting at it.

8 MR. ROTHFEDER: Right.

9 MR. SINSABAUGH: If I may, I mean, the
10 applicant volunteered to provide that site plan,
11 so it's not that it's a condition being imposed
12 upon us without us consenting to it. It's
13 something that we, we proposed and, are
14 voluntarily doing.

15 MR. KESSLER: Okay.

16 MR. ROTHFEDER: We can make it a
17 condition with a specific date stated, right?

18 MR. CUNNINGHAM: Yeah, we can, and then
19 we could put into the condition too, we'll
20 consider that to be a zoning violation. So then
21 like any other zoning violation -- if, if they
22 don't actually apply, there's, there are monetary
23 fines associated with it per day.

24 MR. KESSLER: Okay. So again, prior to

1 March 4, 2025

2 us approving it, you'll work out with the
3 applicant a specific date?

4 MR. CUNNINGHAM: Yes.

5 MR. KEHOE: Yeah. You'll, you'll get a
6 draft resolution and one of the conditions of the
7 resolution will be the date by which they must
8 submit the new application.

9 MR. KESSLER: Okay. Any further
10 comments?

11 MR. ROTHFEDER: Mr. Chairman, I move
12 that we, close the public hearing. Should we do
13 that separately?

14 MR. KESSLER: Yeah. Okay. Second please.

15 MR. BIANCHI: Second.

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

18 MULTIPLE: Aye.

19 MR. KESSLER: Opposed?

20 MR. ROTHFEDER: And I move that we
21 direct staff to produce, to put together an
22 approving resolution for the next meeting, which
23 includes that condition that we just discussed
24 about a timetable to -- for the applicant to come

1 March 4, 2025

2 back in for the additional site plan approval.

3 MR. KESSLER: Second, please.

4 MR. BIANCHI: Second.

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

7 MULTIPLE: Aye.

8 MR. KESSLER: Opposed?

9 MR. SINSABAUGH: All right. Thank you
10 very much.

11 MR. KESSLER: Thank you. All right, onto
12 Old business, the application of, Zachary Kamm,
13 on behalf of Kitzbuehel Realty for amended site
14 plan approval to convert the former ShopRite
15 store to a Floor and Decor store for property
16 located at 2094 East Main Street, drawings latest
17 revised February 20, 2025. Good evening.

18 MR. JOSH SEWALD: Good evening,
19 everybody. My name is Josh Sewald. I'm from
20 Dynamic Engineering Consultants.

21 MR. KESSLER: I'm sorry, from where?

22 MR. SEWALD: Dynamic Engineering.

23 MR. KESSLER: Oh, Dynamic Engineering,
24 yeah, yeah.

1 March 4, 2025

2 MR. SWEWALD: So we were here previously
3 in February. My colleague Zach Kamm was here.
4 Since that February planning board presentation,
5 we have updated our civil drawings, done an
6 itemized response to a few of the professional
7 review letters. And since then, we've given you
8 back some tweaked civil drawings, a tweaked
9 architectural plan set, signage, as well as a
10 traffic study.

11 I think in the past 30 to 45 days, we've
12 done a good job cleaning up some of the comments,
13 questions, and concerns from your professionals.
14 I had a pleasure to listen to your work session
15 about some of the concerns you may or may not
16 have on the site. And essentially what I'm here
17 to do this evening is hopefully present to you
18 what we're, we're looking to do. Some of the
19 things that I think we can't do, but hopefully we
20 can go through those things line by line. It's
21 not my intention to go through every line item,
22 but, if you can, I'm certainly happy to do so as
23 well.

24 MR. KESSLER: Well, let's take, let's

1 March 4, 2025

2 take the big issues then. What, what do you
3 consider the big issues?

4 MR. SEWALD: Well, based on just
5 listening to the work session, it sounds like
6 the, the two remaining concerns from your
7 professionals as well as the table was
8 landscaping, as well as the ADA parking space
9 location. So, if you wouldn't mind, Mr. Chairman,
10 I'll start with the ADA, I think that's a little
11 bit easier to explain.

12 So out there, everybody today knows it's
13 the old ShopRite from the nineties. The site is
14 11 acres in size, but only 50 percent of it is
15 pretty much developed today. It's been vacant for
16 quite some time. And one of the nice things that
17 we've done, and in the past 30 to 45 days, was
18 we, we tried to put as, much TLC and
19 rehabilitation to this site as possible. You're
20 getting some improvements to the facade
21 elevation, and you're getting what is going to
22 look like a brand new parking lot. So the large
23 parking area located in front of this building is
24 going to be milled and overlay. Milling and

1 March 4, 2025

2 overlaying is just the half inch to an inch and a
3 half, but it will look like brand new blacktop.
4 The two other parking areas behind the building
5 will be what we call seal-coated. So it'll still
6 look brand new with new striping, but not as much
7 milling and overlaying.

8 When we took a look at the existing
9 grading, there's about seven feet of grade drop
10 from the front of the building to the furthest
11 point of the curb. What that means is there's a
12 steep slope across the, the entire property, not
13 in regards to natural steep slopes, but a steeper
14 grade than you would ever have in a parking lot.
15 That six to seven percent we have, we can't catch
16 up to it. So, as we look to flatten out the
17 property for our ADA, if I go in the
18 perpendicular direction, which the existing site
19 is today, we don't end up ever stopping. So as I
20 flatten out the front area, I need to feather out
21 further and further. Essentially, we'd end up
22 ripping out and filling the entire property. So
23 what we did with this parallel design was that we
24 were able to accommodate our seven ADA spaces and

1 March 4, 2025

2 then put a big landscape island. And in that
3 landscape island, we're able to drop grade in
4 order to get back to the existing grade of the
5 rest of the shopping center. So as you see, we
6 have that yellow striped area up front along the
7 building. That's for fire zone access. Then we
8 have our perpendicular ADA access aisles, which
9 are in blue. Then we have our seven ADA spaces.
10 And then you'll see the landscaping. The three
11 big circles are some trees. The smaller circles
12 are landscaping shrubs. And there is an ADA
13 switchback ramp.

14 Just to give you an idea, Mr. Chairman,
15 most of the time we don't have ADA switchback
16 ramps throughout a parking lot. Most of the time
17 it's designed if this was brand new, to just have
18 flat sidewalks and curbing. Because of the grade
19 across the property, we do need an ADA switchback
20 ramp just to get us to be compliant.

21 So the ADA spaces that are there are not
22 because we, we like this design necessarily. It's
23 because if we have to upgrade it in the
24 perpendicular fashion, I'm filling this entire

1 March 4, 2025

2 property in order to do that. So forgetting even
3 the economic impact, which I don't think is, is
4 relevant, the design that's before you does meet
5 ADA compliance, it meets the federal guidelines
6 standards of, of ADAAG.

7 The other thing, and I, I heard from the
8 work session that there was concerns about safety
9 and traffic movement. These seven spaces will be
10 the least utilized of our customer area. I
11 actually believe that the existing design has the
12 most traffic points, because there's five
13 different drive aisles that meet the main drive
14 aisle. So anyone who would be using this facility
15 would have five different lanes to make a right
16 down or come back to the main drive aisle.

17 What we're doing is we are cutting off
18 four rows of parking from the main drive aisle
19 and putting the least turnover spaces there,
20 which is an ADA space. So what that essentially
21 does is as you enter the facility to go to the
22 Floor and Decor, you're going to pick one or two
23 of the first drive aisles, or then slowly go
24 across the four blue striped crosswalks, which is

1 March 4, 2025

2 essentially telling you to slow down, there may
3 be some pedestrian activity and then maybe go to
4 that fourth access aisle. So it's in my
5 professional opinion that the design, it complies
6 not only with ADA, but it is in good, safe
7 working order. Because it's forcing the rest of
8 the parking lot to turn into those first two
9 access aisles to get to the larger parking area.
10 So if anything, there will be less conflict in
11 that drive aisle because those seven spaces are
12 the least utilized and have the slowest turnover,
13 whereas the rest of the regular parking spaces
14 may be a little bit more active, but that's
15 separated from that front interaction area.

16 So we hope that the grading situation
17 going on with the property, the fact that we're
18 rehabilitating the vast majority of the parking
19 lot to look nice, that you'll be okay with kind
20 of how we laid out the ADA spaces. I like the
21 fact that we have four separate access aisle. It,
22 it does act like as a nice big striped pedestrian
23 area that everyone does slow down when you see
24 some of those cross hatched areas.

1 March 4, 2025

2 MS. HILDINGER: Can I, can I just ask
3 you to clarify where the customer pickup zone is?

4 MR. SEWALD: The customer pickup zone
5 is, on this exhibit, on the northern side. So
6 there's one separate ADA space, that is the CPU
7 area.

8 MS. HILDINGER: So anyone picking up
9 materials will drive past all of the accessible
10 spaces to get to the customer pickup?

11 MR. SEWALD: That's correct.

12 MR. KESSLER: That's where like number
13 three is up on the upper, is that what the, is
14 that where the pickup is?

15 MR. SEWALD: Correct. So our, our CPU is
16 essentially a, a small e-commerce pickup area,
17 right. It, everyone can order on, on the app or
18 the website. And just to give an idea to the
19 board of how many people we expect to operate
20 that CPU, we only have three parking spaces
21 there. This is not like a Home Depot where you
22 have a huge contractor pickup area and dozens of
23 spaces. We essentially, it's a few, few thousand
24 square feet of almost a 56,000 square foot

1 March 4, 2025

2 facility is dedicated to our CPU. So I don't see
3 a lot of traffic going to that CPU area. It's a,
4 it's a convenience aspect just from the new
5 market of picking up at retail facilities.

6 MR. KESSLER: Okay. So just to be clear,
7 so you, what you're saying is people entering the
8 site in the dark gray down at the bottom will
9 make the right, the first right to go in. Is
10 that, what, is that what you're saying here?

11 MR. SEWALD: They're, they have the
12 ability to make two rights before they drive
13 through the, the area that you're, you're
14 potentially sensitive and concerned about.

15 MR. KESSLER: Where are the two rights?
16 Oh, I'm sorry. Okay. That this --

17 MR. KEHOE: Well, if you look at it, it,
18 it says 19 and 32, those are the parking.

19 MR. KESSLER: Yes.

20 MR. KEHOE: So you, you would, you would
21 --

22 MR. KESSLER: You come in and you make
23 the first right.

24 MR. KEHOE: Right. And if you made the

1 March 4, 2025

2 second right, you'd be right before you hit the
3 first handicap spot.

4 MR. ROTHFEDER: Right.

5 MR. SEWARD: So it, it's my comment, Mr.
6 Chairman, that the current design today, every
7 single parking aisle is perpendicular to the
8 front of the building. So the existing ShopRite,
9 which obviously had a lot more traffic, had five
10 rows of parking interacting as people were
11 traversing along the front of the property. One,
12 our use generates way less traffic compared to
13 the ShopRite, of course. And two, we're not
14 blocking the amount of T intersections that you
15 have right in front of the store where customers
16 are coming in and out of. So again, it's my
17 opinion that you are removing an internal drive
18 aisle intersection away from the front door and
19 you're making the parking circulate around.

20 MR. KESSLER: Okay. I'm, I'm missing the
21 two rights. I'm sorry.

22 MS. HILDINGER: Do we have a pointer?

23 MR. KESSLER: You go in --

24 MR. MCKINLEY: The dark colored spot,

1 March 4, 2025

2 you can make a right there, the second aisle in.

3 MR. KESSLER: Oh, I -- oh, this isn't as
4 big as that one. I'm sorry. Okay.

5 MR. MCKINLEY: That's right, that's
6 right. That's your second.

7 MR. KESSLER: This is cut off, what we
8 have here.

9 MR. BIANCHI: Yeah.

10 MR. KEHOE: Okay.

11 MR. SEWALD: If you're looking at the
12 screen, Mr. Chairman, I'm happy to help you. So
13 this, this is a rendering. It's our site plan
14 overlaid onto the landscape plan.

15 MR. KESSLER: Okay.

16 MR. SEWALD: Dropped onto an aerial.

17 MR. KESSLER: That's the only one I see
18 right there. Okay, now I see the second. Okay.

19 MR. SEWALD: There you go. So the
20 building is in a light orange color.

21 MR. KESSLER: Okay. So they can come
22 back out that way, or they go all the way back,
23 and come back through the, handicapped area to
24 exit? Right. They, they would, there's another

1 March 4, 2025

2 way out. If they're parking in the middle
3 section, they can go up to the top and come back
4 around and --

5 MR. SEWALD: Yes, sir.

6 MR. KESSLER: -- pull out that way.

7 MR. SEWALD: Correct.

8 MR. KESSLER: And, and so that the, just
9 to be clear, also the, the dark gray area is what
10 you're proposing to lower?

11 MR. SEWALD: The dark gray, it, we are
12 flattening that. That is, that is more of a full
13 depth pavement area. The light gray will be mill
14 and overlay and brand new striping. So it'll
15 still look when you are standing out there as a
16 brand new parking lot.

17 MR. KESSLER: No, No. But in terms of
18 the, I thought you said you were going to lower
19 this. So it's ADA compliant, the dark area?

20 MR. SEWALD: We're, we're raising it to
21 be flatter.

22 MR. KESSLER: Oh, raising it.

23 MR. SEWALD: Yes.

24 MR. KESSLER: Oh, okay.

1 March 4, 2025

2 MR. MCKINLEY: That's why you have a
3 ramp, because that'll be lower to, to the right.

4 MR. SEWALD: So from, from the, from the
5 building to the, to the right of the exhibit,
6 that last row of parking, it drops in grade about
7 seven feet to eight feet. So it's constantly
8 dropping. What we did in that dark black area
9 where the blue ADA striping is on the exhibit --

10 MR. KESSLER: Yeah.

11 MR. SEWALD: -- we, we, brought it up to
12 flatten it. And then in that wide landscape
13 island, where we blocked that center drive aisle
14 from making the T intersection, that in that
15 landscape island is where we'll be able to lose
16 some grade and then tie back into the existing
17 parking area.

18 MR. KESSLER: So the light gray area's
19 lower?

20 MR. SEWALD: Yes.

21 MR. KESSLER: Alright. Got it. Okay. And
22 how, how, how much lower?

23 MR. SEWALD: A few feet.

24 MR. KESSLER: A few feet.

1 March 4, 2025

2 MR. KESSLER: Which is why we have that
3 internal switchback ramp between the front ADA to
4 the rear parking area.

5 MR. KESSLER: Got it.

6 MR. BIANCHI: So you're proposing to
7 raise the dark gray area up, so that it's level
8 with what? The entrance?

9 MR. SEWALD: With the finish floor
10 elevation, yes, the entrance of the building.

11 MR. BIANCHI: So what, what's the
12 purpose of the switchback? You mentioned
13 something about a switchback.

14 MR. SEWALD: We have to be ADA
15 compliant.

16 MR. BIANCHI: Oh, a handicap switchback.

17 MR. SEWALD: Yeah. So, so to give you an
18 example, the max slope you can have, the max
19 running slope you can have on a sidewalk is five
20 percent. The entire parking lot today is between
21 six and eight percent. It's impossible to be ADA
22 compliant. When you do this type of renovation
23 building code and ADA and just good tenant
24 operations, you need to bring the building back

1 March 4, 2025

2 to life to ADA compliance. So, we of course
3 flatten the entire area out to be between one and
4 two percent.

5 MR. BIANCHI: When you say the entire
6 area, what are you referring to? The, the gray
7 area.

8 MR. SEWARD: The dark black area.

9 MR. BIANCHI: That's what you're saying.

10 MR. SEWARD: To be fully compliant.

11 MR. BIANCHI: Okay. All right.

12 MR. SEWARD: But then to get potential
13 ADA access down to the rest of the existing
14 parking lot, we need a switchback around. So the
15 max slope you have is five percent there. On the,
16 on the top side, we also have steps to get down
17 as well if you don't want to use the switchback
18 ramp. It's just to give the, it gives pedestrian
19 access to the rear of the parking area. Okay.

20 MR. BIANCHI: How much, how much is the,
21 switchback making up in elevation? I mean, what's
22 the difference between -- how much would you have
23 to raise it not -- in order not to have that --

24 MR. SEWARD: Multiple feet.

1 March 4, 2025

2 MR. BIANCHI: switchback ramp?

3 MR. SEWARD: Multiple feet. That
4 switchback ramp is covering three to four feet of
5 elevation change.

6 MR. BIANCHI: Switchback ramp, I don't
7 see that. I don't see, it's not even shown on
8 here.

9 MR. KESSLER: Where is this? Can you
10 point to the switchback ramp?

11 MR. KEHOE: It's the brown.

12 MR. MCKINLEY: Right here.

13 MS. HILDINGER: It's --

14 MR. KESSLER: Oh, that light, that light
15 --

16 MS. HILDINGER: It's to the, to the
17 right of the, the blue hatching area.

18 MR. KESSLER: Okay, got it.

19 MR. MCKINLEY: Yeah.

20 MS. HILDINGER: It's the pale --

21 MR. KESSLER: Oh, I see.

22 MS. HILDINGER: -- beige, that's the
23 switchback.

24 MR. KESSLER: And then the one, above

1 March 4, 2025

2 that is -- are steps.

3 MS. HILDINGER: Yeah.

4 MR. MCKINLEY: Yeah. Yeah.

5 MR. KESSLER: Got it.

6 MR. LAPINE: Is it possible to kind of
7 utilize this layout and, and relocate the
8 handicap spaces to the lower lot and use the
9 switchback and the landscaping island to make up
10 your elevation change so that you have ADA
11 accessibility via the switchback? So you don't
12 have the cars backing into the point of travel?

13 MR. SEWARD: It's my interpretation of
14 the code the closest spaces must be ADA. They
15 have to have the shortest distance of travel to
16 the front door.

17 MR. LAPINE: Correct. I'm saying
18 eliminating those seven ADA spaces there and move
19 your switch back and your courtyard area closer
20 to the building? That way you can make up your
21 grading change for the lower parking area and
22 place the ADA spaces there.

23 MS. HILDINGER: Can, can I ask you to
24 clarify where the main entrance doors are to the

1 March 4, 2025

2 building? Are they across from the lowest blue
3 crosswalk?

4 MR. SEWARD: You, you can see the
5 triangular.

6 MR. MCKINLEY: Yeah, they're right there
7 at the top of the top of the page where it has
8 the triangular. The triangles are the entry
9 doors.

10 MR. KEHOE: Right. So there's entry
11 doors at the top, but there's also entry doors at
12 the bottom.

13 MR. KESSLER: Those three --

14 MS. HILDINGER: Which one's the main
15 entrance?

16 MR. KESSLER: Those three dark triangles
17 there in the, cream colored area, those, that's
18 the entrance?

19 MR. KEHOE: No, the, the, no, but
20 they're -- the top triangle --

21 MR. SEWARD: Right there, sir.

22 MR. KEHOE: Oh, look at it. Finally.

23 MR. KESSLER: What?

24 MS. HILDINGER: It looks like --

1 March 4, 2025

2 MR. LAPINE: Well then you couldn't do
3 that the other way.

4 MS. HILDINGER: It looks like the main
5 doors are here.

6 MR. ROTHFEDER: Mm-hmm.

7 MR. SEWARD: So, so those triangles that
8 you see there --

9 MR. KESSLER: Yeah.

10 MR. SEWARD: That are, those are the
11 existing doors from the survey.

12 MR. KESSLER: Okay.

13 MR. SEWARD: The new closest door is
14 right here.

15 MS. HILDINGER: Okay.

16 MR. SEWARD: That is, that is the main
17 entrance to, to the lobby of the Floor and Decor.
18 My, my comment, if you, if you don't mind
19 controlling the screen to zoom out so you can see
20 the whole parking area. Again, and just to
21 reiterate for the board, this design does comply
22 with, with ADA. I understand you're concerned
23 that you think that an ADA person is now backing
24 into the, the drive aisle, But in, but a parking

1 March 4, 2025

2 space is always backing into an access aisle.

3 Under existing conditions today, we have one,

4 two, three, four intersections in front of the

5 main drive aisle. So those four intersections can

6 have people turning right or people turning left.

7 It is my opinion that with the perpendicular

8 seven ADA spaces, which has very, very low

9 turnover, you're eliminating one of those T

10 intersections and making it internal again. So

11 there will be less movements in and out of these

12 intersections because there's now less

13 intersections. I understand you're concerned that

14 you don't want an ADA space backing into the

15 area, but this is always the slowest area in

16 front of any retail commercial shopping center.

17 Why? Because it's the interaction of the front

18 door. So if anything, I want the least impactful

19 parking space to be there because the ADA spaces

20 are the least utilized and they have the lowest

21 turnover.

22 I would argue that our customer base out

23 of a Floor and Decor probably will not have seven

24 ADA spaces utilized, which means that I now took

1 March 4, 2025

2 away an interaction with one of the four internal
3 drive aisles, and that this will have less car
4 traffic going through it.

5 I'm forcing my customers to come in one
6 of the first two. And yes, some may come across
7 to get to the CPU or the farthest drive aisle.
8 But as I mentioned, this is the closest door.
9 It's natural, just for convenience purposes for
10 someone who wants to get to the door, once
11 they're familiar with our new site layout to turn
12 into the first two drive aisles.

13 So the concern was not necessarily do we
14 like the design from an ADA -- your engineer
15 brought up an alternative option. We, we
16 certainly could do that. There. There's nothing
17 in the code that would restrict your, your
18 engineer's recommendation. It's my opinion to the
19 board that this is the safest design. It is safer
20 than what the existing one is out there today.
21 But there was nothing wrong with how the ShopRite
22 was laid out minus the grading. That was not
23 correct. But it is very common in all commercial
24 site design to have this perpendicular row of

1 March 4, 2025

2 parking. Why? Because you want to be able to walk
3 your shopping carts down there, down the aisle.
4 You don't want it to be going through, parallel
5 rows of parking.

6 But what we did here is we made a slow
7 pedestrian friendly area and put the ADA spaces,
8 of course, because it's closest to the building,
9 but that will have the least interaction area.

10 MR. LAPINE: Isn't it true though that
11 people are going to have to access the front
12 traffic aisle in order to exit the building? In
13 order to exit the parking lot? That is your point
14 of access along the frontage, if you go down to
15 the, east going out towards Main Street, that's
16 your point in and out. So people are going to
17 continue to drive along the front of the building
18 in order to egress.

19 MR. SEWARD: The, I mean, there's 300
20 parking spaces, right.

21 MR. LAPINE: No, no, I'm just saying, I
22 mean, normally in a, like a Home Depot or
23 something, you're coming in from the front of the
24 parking lot in, in the, in the Home Depot

1 March 4, 2025

2 setback, so cars don't travel along in the front
3 of it as often. They'll travel down the traffic
4 aisles towards the point of egress. In this
5 particular case, cars are going to continue to
6 travel towards the front, towards the building
7 itself and utilize that front lane in order to
8 egress.

9 MR. SEWARD: Yeah. Half the parking lot
10 is going to use the front lane, absolutely. I, I
11 have no disagreements about that.

12 MR. KESSLER: Let me ask you this. So we
13 know you have excess parking.

14 MR. SEWARD: Uh-huh.

15 MR. KESSLER: Right. You have excess.

16 MR. SEWARD: Yes.

17 MR. KESSLER: And you're going to be
18 remilling and resurfacing?

19 MR. SEWARD: Remilling. Correct.

20 MR. KESSLER: When you remill, why do
21 you need to then continue to have spaces all
22 along the right side there or even in front of
23 that island? Why can't you expand the island?
24 We're getting into the landscaping. Get rid of

1 March 4, 2025

2 all those spaces and, and give people more room
3 to move in the back and navigate the, the,
4 property. There's no need for those spaces all
5 the way on the right side.

6 MR. SEWARD: These.

7 MR. KESSLER: Right, yes. You know, why
8 can't you expand those islands of, of, and, and
9 perhaps the spaces on the other side of the
10 island, expand the island, make more landscaping,
11 reduce and, and create more, more room for
12 traffic to move.

13 MR. SEWARD: So the, this parking lot,
14 sir, is fully compliant with your ordinance of
15 width of drive aisle, parking space sizes. It,
16 there, there's no issue with how this is laid
17 out.

18 MR. KESSLER: Okay. Now we're getting
19 into the landscaping though.

20 MR. SEWARD: That that's fine. I just
21 wanted to put on the record for you that, yeah.

22 MR. KESSLER: Fine. But you have like,
23 what, 50 extra spaces or something than what you
24 need?

1 March 4, 2025

2 MR. SEWARD: From what we need as a
3 tenant, there is excess.

4 MR. KESSLER: Well, you probably have a
5 hundred, 200 more spaces than you need as a
6 tenant. But in terms of the code, you have about
7 50.

8 MR. SEWARD: The way that your code
9 reads, we exceed the minimum, yes. I don't
10 believe, and correct me if I'm wrong,
11 [unintelligible] [00:43:30], there's a maximum
12 associated with that code. But we exceed the
13 minimum. We're not asking for relief on the
14 number of existing parking spaces.

15 MR. KESSLER: The requirement is 277
16 spaces and you have 331.

17 MR. SEWARD: I believe we're down to 330
18 after resubmission, but yes --

19 MR. KESSLER: 330, Okay.

20 MR. SEWARD: -- Mr. Chairman. Yes,
21 absolutely. So you, so that tells me you have,
22 57, I'm sorry, 53 spaces that are in excess of
23 the code. All I'm saying is why can't you then go
24 and relook at your landscaping? Don't stripe

1 March 4, 2025

2 those parking spots in the back.

3 MR. SEWARD: Yeah.

4 MR. KESSLER: And, and, and make
5 something look a little bit, you know, more
6 green.

7 MR. SEWARD: So again, I had the
8 pleasure of listening to your work session and
9 then texting and working with the applicant, the
10 Floor and Décor, we really can't be removing
11 impervious coverage in existing parking lot.
12 Floor and Decor, as you know, is just a tenant
13 inside of this building. And we're not asking for
14 any variances or coverage requirements. It's 11
15 acres in size. It's only 50 percent developed.

16 But I hear you in regards to the
17 variance we do need associated with the landscape
18 coverage. The way I read it is that you need a
19 certain amount of interior landscaping. What I've
20 asked the applicant, Floor and Decor, what we can
21 do is take some of that square footage and add
22 landscaping around the perimeter, meaning that we
23 leave the landscape and the striping alone. But
24 any of the perimeter where we're not proposing

1 March 4, 2025

2 anything, we will provide rows of shrubs and
3 plantings in working with your professionals.
4 That way there will still be an enhancement from
5 aesthetics as well as a number of new plantings
6 coming along, so that as you are driving around
7 this, what will appear to be a brand new parking
8 lot, there will be brand new landscaping on the
9 perimeter of it.

10 That way, Mr. Chairman, we're not just
11 saying, no, we can't comply with your landscape
12 ratio. We, we heard the board, we heard, even
13 after our revised resubmission, I think we
14 cleaned up 95 percent of the comments from your
15 professionals. I think those last two items were
16 the ones we needed to discuss. I, I hope the
17 board would find that after the rehabilitation of
18 the entire parking lot, new landscaping, new ADA,
19 new signage and just bringing life to a center
20 that's been quiet for some time.

21 Then what we'll do, Mr. Chairman, the
22 entire perimeter of this parking lot where we're
23 doing the full mill and overlay, we'll get a row
24 of shrubs and some lower lying plantings that

1 March 4, 2025

2 will help with the percentage.

3 MR. KESSLER: Just think when you
4 restripe whether you really need to restripe
5 every, every spot that currently exists.

6 MR. SEWALD: I don't think we're going
7 to be able to reduce any of the parking. Mr.
8 Chairman, I appreciate your --

9 MR. KESSLER: I'm not saying reducing
10 it, I'm just saying it, it just becomes a wider
11 roadway for people to travel on. That's all, like
12 in the back.

13 MR. LAPINE: Can I ask a question? When
14 you're, when you're saying you don't think you
15 can reduce it, is it the owner's preference not
16 to reduce it or is it the tenant's preference?

17 MR. SEWARD: It's both. Again, and
18 correct me if I'm wrong, professionals.

19 MR. LAPINE: Yeah.

20 MR. SEWARD: This is not a maximum on
21 the code. The, the code -- what the code does,
22 Mr. Chairman, is it gives a, a wide range to
23 retail or a wide range to commercial, because
24 depending on the tenant that comes here, they may

1 March 4, 2025

2 need more parking, they may need less parking.

3 MR. KESSLER: Right.

4 MR. SEWARD: The site is existing. This
5 is not a scrape and rebuild. If it certainly was,
6 we would be having a very different discussion.

7 MR. KESSLER: I'm not saying take away
8 the parking. I'm just taking away the striping.
9 If another tenant comes in, in 20 years, they can
10 restripe it if the, the need arises for them to
11 have more parking. You know, your, your traffic
12 study says you're going to get what, 14, 15
13 visits during --

14 MR. SEWARD: Trips, yes. It's a, it's a
15 great reduction from what a grocery store is.

16 MR. KESSLER: Yeah. So I'm, I'm, all I'm
17 saying is, you know, all the striping doesn't
18 necessarily have to be there. I'm not saying get
19 rid of the parking necessarily the, the, the
20 paved area. It's just, I don't know why
21 everything has to be striped if clearly it's
22 never going to be used except some RV goes to
23 park there for a week.

24 MR. SEWARD: Floor and Decor will not

1 March 4, 2025

2 allow that, sir. I promise you that.

3 MR. BIANCHI: Well, you know, in that,
4 in that regard, as the chairman said, you know,
5 this is not -- first of all, I'm, I'm glad that
6 something's being done with this building and I
7 see this as, it's good for the town and it's,
8 it's a good opportunity for us to make sure that
9 we update the, the landscaping and the appearance
10 of the building because it's become an eyesore.
11 And speaking in that regard, when ShopRite was
12 there, the parking lot that is, when you're
13 looking, I guess you'd say, I'm not sure if it's
14 north or south, it's probably west, to the left
15 of the, building, which was never used even by,
16 it's it's this one over here. I don't know if you
17 --

18 MR. SEWARD: Mm-hmm.

19 MR. BIANCHI: That side over there was
20 never used even by ShopRite except for parking
21 large shipping trucks and 18 wheelers in there,
22 is entirely visible from the road. And, to me
23 it's, it's an eyesore. And I, you know, from my
24 viewpoint, I'd like to see it just made green

1 March 4, 2025

2 area instead of -- you know, we're talking about
3 res striping, which I don't think is necessary
4 either. But I, I, I just like to eliminate it
5 because you don't need it. It's not going to be
6 needed.

7 MR. SEWARD: Mr. Bianchi, I want you to
8 know, I I truly respect your opinion. I know you
9 live in the community, obviously, and you drive
10 past it a lot. I just have to remind the board
11 that this property is 11.5 acres. Only 52 percent
12 of it is developed, but you allow up to 75
13 percent. Granted, the site has other
14 environmental features that would never allow up
15 to 75 percent. And if this was a scrape and
16 rebuild, we would absolutely be having that
17 discussion.

18 Personally, we wouldn't be laying it out
19 like this either. This, this property is, is
20 unique. This building is perpendicular to the
21 road and the front door doesn't even face it. And
22 then we have the Gulf Station, which is illegally
23 parking on our site, which we're trying to deal
24 with. And then the Dunkin Donuts blocking really

1 March 4, 2025

2 the full view shed. There is a reason, board
3 members, why this has been vacant for quite some
4 time. This is not a prime box facing your
5 roadway. This is tucked in the corner facing the
6 wrong way. It is.

7 MR. KESSLER: It is.

8 MR. STEWARD: So, so I understand Mr.
9 Bianchi of, of, does that space really help us?
10 From Floor and Decor's standpoint, I expect them
11 to have some of their employees to park back
12 there, sincerely. That full parking area,
13 probably not. But there is, and, and I, I know
14 we're not doing the public record, but I'm trying
15 to be as professional as possible. There is not
16 an endless budget on this. And again, just from a
17 practical standpoint --

18 MR. KESSLER: There's not, I'm sorry?

19 MR. SEWARD: An endless budget on this.

20 MR. KESSLER: Oh, endless.

21 MR. SEWARD: What I mean by -- and I
22 know that's not the reason you vote yes or no --
23 but I just want it to be pragmatic for you. Floor
24 and Decor is going to take this space and put up

1 March 4, 2025

2 racking of their materials. ShopRite, when they
3 come into a building has multiple aisles, but
4 they also have seafood counter, deli. There's a
5 much bigger infrastructure inside. Floor and
6 Decor is storage of product. There's some
7 interaction and then they go out. There's a
8 reason why they are taking this space, because it
9 suits their needs from a big open standpoint of
10 being able to run some racking and storage in
11 there. If all of a sudden this becomes remove a
12 parking area, lift the entire parking three or
13 four feet, add a ton of landscaping, they won't
14 be able to proceed with this site.

15 We're -- and, and I'm, that's not in any
16 way a negativity, I just want to be as pragmatic
17 as possible. We, we want you to know we heard you
18 in February. We've been working with your
19 professionals this whole time, and we keep going
20 back to Floor and Decor. I'm literally texting
21 them during the work session. Please can we add
22 more landscaping to see what we can do? So I want
23 you to know that I can get you at least two to
24 300 more shrubs along the full perimeter. And

1 March 4, 2025

2 this parking lot will look brand new and
3 refreshed. We, we took a look at the lighting
4 based off your professionals. We dropped it down
5 so there's no more hotspots or uniformly -- like
6 there's an investment that will look like a brand
7 new facility.

8 Also, when a professional tenant comes
9 in, it's going to be maintained by a real
10 landscaper. They're going to have new paint and
11 materials on the building. This will look like a,
12 a rehabilitated facility. I just don't have the,
13 I, I like saying yes many times to board members.
14 I can't say yes to these, these big items that
15 honestly don't impact the operation of the Floor
16 and Decor.

17 MR. ROTHFEDER: So considering what you
18 just said, I'm sure you're not looking at solar
19 power, as we talked about in the work session?

20 MR. SEWARD: We, we truly looked into
21 that. We want you to know that. I, I work on
22 Floor and Decors up and down the East Coast and
23 multiple states, and when they have a brand new
24 building or a more recent building that's not a

1 March 4, 2025

2 dome from the nineties, that they will add solar
3 panels. Absolutely. It's not, it, it's part of --
4 they're a publicly traded firm. You can look into
5 some of their initiatives about green. They
6 looked at this. They did their existing study on
7 this building. The, the structural component
8 would be substantial to putting some type of
9 solar aspects here. So they can't recommend it at
10 this time.

11 MR. ROTHFEDER: So it, it is a
12 structural issue?

13 MR. SEWARD: It is a structural issue.

14 MR. ROTHFEDER: In terms of putting it
15 on, on the roof.

16 MR. SEWARD: It's a domed roof and the,
17 the design is from the nineties.

18 MR. KEHOE: Well, it, it may not seem
19 it, but, you know, let staff and the applicants
20 continue to try to work some of these things out
21 and work towards a resolution. And if we just
22 can't get there, you know, we'll, we will be back
23 next month. Hopefully we'll be back with a
24 resolution that you can contemplate. But we'll

1 March 4, 2025

2 have some staff level meetings and see what we
3 can do.

4 MR. SEWARD: Okay.

5 MR. KESSLER: Okay. Sounds fair.

6 Anything?

7 MR. KEHOE: Unless you disagree with
8 that.

9 MR. KESSLER: No.

10 MR. ROTHFEDER: No, that's fair.

11 MR. KESSLER: I think you've heard
12 enough as to where to go in terms of the
13 discussions.

14 MR. ROTHFEDER: I, I may, I may end up
15 voting against it just on the solar issue, just
16 because I think that it's foolish for us to, even
17 retrofit old buildings without changing. But I
18 don't think that's going to stop this from
19 passing, frankly, in the end. But that's just
20 something I'm thinking about.

21 MR. KESSLER: I appreciate that. Thank
22 you.

23 MR. LAPINE: Could I ask one last
24 question? For the northern parking area that the

1 March 4, 2025

2 chairman was referring to earlier, you're going
3 to mill that asphalt and replace that asphalt.
4 Since there is excess parking there, would the
5 owner and tenant be thoughtful of maybe using
6 that as reserved parking and maybe just instead
7 of replacing it with asphalt, replace it with
8 topsoil and seed and just let it become a grass
9 area to soften the approach there?

10 I can certainly bring it back. I know I
11 will be back here next month presenting. I, I
12 promise you, I will ask that question.

13 MR. KESSLER: Okay. Any, anyone?

14 MR. BIANCHI: Again, I'm just going back
15 to my comment about that parking area. I'm sorry
16 I'm, being a stickler about that. But, I'm
17 looking at the landscaping plan and you're not
18 proposing anything different over there other
19 than the restriping and the repaving and the
20 scoring of the [unintelligible] [00:54:25]?

21 MR. SEWARD: We added landscaping.

22 MR. BIANCHI: Is that correct?

23 MR. SEAWRD: We added landscaping to the
24 frontage. I was packing up my laser. I'm sorry.

1 March 4, 2025

2 MR. LAPINE: Yeah, he -- there's
3 landscaping proposed along the, northern side of
4 the, ADA assessable, parking there.

5 MR. SEWARD: Yeah. So we're, we're, we
6 were proposing landscaping in this new island and
7 then we were adding landscaping along here to
8 kind of close some of the gap there. My, it was
9 my, not testimony, presentation because it's not
10 a public record yet, that the perimeter of the
11 existing parking lot will now get all brand new
12 shrubs. That way it will look and appear like a
13 brand new parking lot, where right now you are
14 correct Mr. Bianchi, that there is nothing
15 proposed outside of our disturbance areas. Our
16 disturbance areas are up here, along the ADA
17 spaces and on the front by the, by the front side
18 near Main Street. It is again my presentation
19 that we will add shrubs along the whole perimeter
20 of this area, low lying hedge, different
21 varieties, so it'll look like a brand new
22 landscaping plan.

23 MR. LAPINE: Tom, and one of the things
24 I think that's going to be difficult for them

1 March 4, 2025

2 too, in the rear of the building where you're
3 asking them to remove that, asphalt area. I, I
4 think you would be using that for tractor trailer
5 turnaround space as well.

6 MR. SEWARD: It will certainly help me K
7 turn going into the loading dock area.

8 MR. LAPINE: I, I think because you pull
9 in there, in order to make the, in order to back
10 in, you're going to have to pull into that space
11 and then reverse. So I think that's going to be
12 difficult to eliminate that.

13 MR. SEWARD: I would agree with your
14 engineer.

15 MR. BIANCHI: Would you consider if --
16 I'm going to take a drive by there and take
17 another look at it, but, I don't know if there's
18 sufficient landscaping in front of that blank,
19 that empty parking lot at it stands today.

20 MR. SEWARD: Which, which one? The, the
21 front here?

22 MR. BIANCHI: Yeah. On the left.

23 MR. SEWARD: what I can certainly do for
24 you tonight, say that I will add a row of, shrubs

1 March 4, 2025
2 along here as well. Landscaping, sir, again, just
3 because we're not in the public meeting, we're --
4 it's a presentation, landscaping is a little bit
5 more doable. Okay. You ever been to Home Depot or
6 Lowe's? A shrub is 10, \$15. A tree is, is a, a
7 couple hundred bucks. The applicant, Floor and
8 Decor wants to make Cortlandt happy. But redoing
9 a whole parking lot is substantial. So they,
10 they've worked with us on we can add some
11 landscaping. We, we want to say that. Will I
12 exactly comply with that 7,100 square feet? No,
13 I, I know what happened. The original engineer
14 back in nineties said we're doing 50 percent of
15 the development coverage. Let's squeeze
16 everything in just to be 50 percent and leave the
17 rest of the landscape area outside of it. Today
18 we do a little bit, things differently and we do
19 it better, where you have a lot more breaks in
20 these, in these seas of asphalt. So I'm working
21 with an existing condition. I really can't break
22 up the internal aisles, but we certainly can. Mr.
23 Bianchi put some additional landscaping along the
24 frontage of East Main oops, sorry, along East

1 March 4, 2025

2 Main Street by that vacant parking area where
3 we're using for the truck turnaround. We'll put
4 that right over here. And then I will also put
5 the perimeter around the parking area, which is
6 the main parking area.

7 MR. BIANCHI: Which it shows right now
8 on your plan, right? That the, the rest of the
9 landscaping is as you propose right now?

10 MR. SEWARD: Yes. We're not going to
11 remove the ones that we proposed.

12 MR. BIANCHI: You're adding -- I'm, I'm
13 sorry. You're adding, you're adding to what's
14 shown on here?

15 MR. SEWARD: We will be adding to that.
16 Correct.

17 MR. BIANCHI: Okay. Alright.

18 MR. SEWARD: It's not what my
19 presentation was tonight, but after listening to
20 the work session and --

21 MR. BIANCHI: Yeah, yeah. Okay. Thank
22 you.

23 MR. KESSLER: Any more comments from,
24 staff or the board? If not, who've we got, Kevin?

1 March 4, 2025

2 MR. MCKINLEY: That's me.

3 MR. KESSLER: Kevin?

4 MR. MCKINLEY: No. Mr. Chairman, I'd
5 like to make a motion for PB 2025-4, property
6 located at 2094 East Main Street for staff to
7 prepare a resolution for site plan approval.

8 MR. KESSLER: Okay. So we're referring
9 it back, prepare a resolution, but in the
10 interim, you guys will see if you can work out,
11 some aspects of this parking lot.

12 MR. KEHOE: Yes.

13 MR. KESSLER: And, and, and nail down
14 the landscaping plan as well.

15 MR. KEHOE: Yes.

16 MR. KESSLER: Okay. All right. Second,
17 please.

18 MS. HILDINGER: I second.

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

21 MULTIPLE: Aye.

22 MR. KESSLER: Opposed?

23 MR. SEWARD: Thank you for your time
24 everybody.

1 March 4, 2025

2 MR. KESSLER: Thank you.

3 MR. SEWARD: See you next month.

4 MR. KESSLER: Thanks for coming. All
5 right, final item this evening is the application
6 of George McCombe for preliminary and final plat
7 approval for a two-lot minor subdivision of a
8 two-acre parcel of property located at 107
9 Mountain View Road, improvement drawings latest
10 revised February 20, 2025, plat dated August 7,
11 2024. Good evening.

12 MR. KEITH STAUDOCHAR: Keith Staudohar,
13 with Cronin Engineering representing the
14 applicant, George McCombe. The property is
15 located at 107 Mountain View Road off of Croton
16 Avenue. It's a two-acre zoning district. The lot
17 is two acres. It's a one-acre zoning district,
18 the lot's two acres. It, it has an existing
19 house. We are subdividing this into two lots and
20 creating one new building lot. Chris, if you
21 could put up sheet two.

22 MR. KEHOE: Yeah, I'm getting a lot of
23 error messages. I'm working on it.

24 MR. STAUDOCHAR: Anyway. it's a two-lot

1 March 4, 2025
2 subdivision. We had received some comments from
3 back in August from your consultants. We revised
4 the plan set to what you see right now. I think
5 we're just about there. There's only a few minor
6 comments. We believe we are ready for public
7 hearing and, I would be glad to answer any
8 questions. We, there is a total of 13 trees to be
9 removed and we're replacing them with 13 or more.

10 MR. LAPINE: Or more.

11 MR. STAUDOCHAR: Or more, which is fine.
12 The, the lot is mostly grass and meadow. It's,
13 and there's a couple trees sporadically around
14 it, especially along the, property lines. So it's
15 very clean and neat, little -- neat little
16 subdivision. So if there's any questions?

17 MR. KESSLER: No, I think, I think, as
18 you said, Keith, we'll probably schedule,
19 schedule a public hearing on this and move this
20 along. So, if no other comments, Nora?

21 MS. HILDINGER: I'd like to make a
22 motion to schedule a public hearing for the April
23 4th meeting.

24 MR. KESSLER: Second, please.

1 March 4, 2025

2 MR. MCKINLEY: Second.

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

5 MULTIPLE: Aye.

6 MR. KESSLER: Opposed?

7 MR. STAUDOCHAR: Thank, thank you.

8 MS. HILDINGER: And --

9 MR. KEHOE: Yeah, just for clarity,
10 April 1st. I think you might have said April 4th.

11 MS. HILDINGER: Oh, I said April 4th?
12 Okay.

13 MR. KEHOE: April 1st.

14 MS. HILDINGER: April 1st.

15 MR. KEHOE: Yeah.

16 MS. HILDINGER: And, it is 7:22. And I
17 make a motion to adjourn the meeting.

18 MR. KESSLER: Thank you.

19 (The public board meeting concluded at
20 7:22 p.m.)

CERTIFICATE OF ACCURACY

I, Ryan Manaloto, certify that the foregoing transcript of the Planning Board meeting of the Town of Cortlandt on March 4, 2025 was prepared using the required transcription equipment and is a true and accurate record of the proceedings.

Certified By



Date: March 19, 2025

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