

TOWN OF CORTLANDT
PLANNING AND ZONING BOARDS

PLANNING BOARD MEETING

Town Hall
1 Heady Street
Cortlandt Manor, NY 10567

February 4, 2025
6:20 p.m. - 7:27 p.m.

February 4, 2025

MEMBERS PRESENT:

Steven Kessler, Chairperson

Thomas A. Bianchi, Vice-Chairperson

Kevin Kobasa, Member

Peter McKinley, Member

Jeff Rothfeder, Member

MEMBERS ABSENT:

David Douglas, Member

Nora Hildinger, 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

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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: Chris, roll please.

9 MR. CHRIS KEHOE: Mr. Kobasa?

10 MR. KEVIN KOBASA: Here.

11 MR. KEHOE: Mr. Rothfeder?

12 MR. JEFFREY ROTHFEDER: Here.

13 MR. KEHOE: Mr. Kessler?

14 MR. KESSLER: Here.

15 MR. KEHOE: Mr. Bianchi?

16 MR. THOMAS BIANCHI: Here.

17 MR. KEHOE: Mr. McKinley?

18 MR. PETER MCKINLEY: Here.

19 MR. KEHOE: Mr. Douglas and Ms.

20 Hildinger noted as absent.

21 MR. KESSLER: Thank you. The only change
22 we have to the agenda this evening is that the
23 public hearing for Briga Enterprises and Bilotta
24 Realty will be removed from the agenda at the

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2 request of the applicant, so we will not, so
3 we'll have that set up for our March meeting. Can
4 I please have a motion to adopt the minutes from
5 our meeting of January 7th?

6 MR. BIANCHI: So moved.

7 MR. KESSLER: Second, please.

8 MR. KOBASA: Second.

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

11 MULTIPLE: Aye.

12 MR. KESSLER: Opposed? Okay, first item
13 of business, it's a letter dated January 23, 2025
14 from David Steinmetz, requesting the fourth 90-
15 day time extension of final plat approval for the
16 Evergreen Subdivision located at 2003 Crompond
17 Road. Good evening, Mr. Steinmetz.

18 MR. DAVID STEINMETZ: Good evening, Mr.
19 Chairman, members of the board, David Steinmetz
20 here on behalf of VS Construction. As you
21 discussed at the work session briefly, we are
22 requesting a further extension of the two-lot
23 subdivision. We need to do that in order to
24 continue processing the MOD with regard to

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2 Evergreen. I'm happy to explain that in more
3 detail later when we get to that item on the
4 agenda. There is no basis to deny the extension.
5 We are working with staff and with the Department
6 of Health to satisfy all the conditions. We
7 expect to be working with the town board with
8 regard to the sewer district and drainage
9 district expansions, so we would like the
10 preliminary approval continued.

11 Okay. Any questions from the board? If
12 not, Mr. Bianchi?

13 MR. BIANCHI: Mr. Chairman, I'll move
14 that we adopt resolution 2-25 approving the
15 request.

16 MR. KESSLER: Second, please.

17 MR. MCKINLEY: Second.

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

20 MULTIPLE: Aye.

21 MR. KESSLER: Opposed?

22 MR. STEINMETZ: Thank You.

23 MR. KESSLER: Okay. The next time is the
24 letter dated January 23rd, 2025 from Matthew

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2 Steinberg requesting the second one date -- one-
3 year time extension of conditional site approval
4 for the Gurdjieff Foundation, located at 1065
5 Quaker Bridge Road East. Good evening.

6 MR. MATT STEINBERG: Good Evening. Matt
7 Steinberg, on behalf of Gurdjieff. They've been
8 working on fixing up the facility as it was
9 approved. They're working with the building
10 department. They finally got their health
11 department approval in the fall. That took a
12 while. They're in the process of putting in
13 sprinkler systems. They understand they have to
14 file those, those preservation easements and
15 they're working to, to get that done.

16 MR. KESSLER: Okay. Thank you. Any
17 questions? If not, Mr. Kobasa?

18 MR. KOBASA: I'd like to make a motion
19 to adopt resolution 3-25, approving the second
20 one-year time extension.

21 MR. KESSLER: Second please.

22 MR. MCKINLEY: Second.

23 MR. KESSLER: And on the question? All
24 in favor?

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2 MULTIPLE: Aye.

3 MR. KESSLER: Opposed? Okay. Next item
4 under correspondence is to receive and file the
5 2024 Planning Board Annual Report. Mr. McKinley?

6 MR. MCKINLEY: Mr. Chairman, I'd like to
7 make a motion to receive and file the 2024
8 Planning Board Annual Report.

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

10 MR. BIANCHI: Second.

11 MR. ROTHFEDER: Second.

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

14 MULTIPLE: Aye.

15 MR. KESSLER: Opposed? Thank you, Chris,
16 for the hard work. You put that thing together, I
17 appreciate it. Next item, resolution, this is the
18 application of KB -- KPB properties for site
19 development plan approval for a proposed four-
20 story, 75,000 square foot self-storage facility
21 located at 3 Locust Avenue, latest drawings
22 revised December 26, 2024.

23 MR. BRIAN SINSABAUGH: Good evening
24 Chairman and members of the board, my name is

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2 Brian Sinsabaugh. I'm an attorney with Zarin and
3 Steinmetz, here tonight with colleague David
4 Steinmetz, as well as Michael Humphrey on behalf
5 of the applicant. Also online we do have Marc
6 Palotta and Joe Neitzel, the architect and
7 engineer of record. We received and reviewed the
8 RESO resolution with our client. The only comment
9 I do have is that we do appreciate how the solar
10 issue was handled. We'll definitely be able to
11 provide you with the documentation based upon
12 that comment. Otherwise there are no further
13 comments with regard to that resolution.

14 MR. KESSLER: And as we discussed at the
15 work session, there's also Chris's memo that
16 needs to be addressed.

17 MR. KEHOE: Yes. And that's condition 18
18 or something. It'll be stapled to the final
19 resolution and filed.

20 MR. KESSLER: Okay. And you're aware of
21 that letter?

22 MR. SINSABAUGH: Yes, chairman, we are.

23 MR. KESSLER: Okay, Great. Any other
24 comments? If not, Jeff?

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2 MR. ROTHFEDER: I move that we approve
3 resolution 4-25, approving the application.

4 MR. KESSLER: Second, please.

5 MR. BIANCHI: Second.

6 MR. MCKINLEY: Second.

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

9 MULTIPLE: Aye.

10 MR. KESSLER: Opposed? Okay.

11 MR. SINSABAUGH: Thank you very much.

12 MR. KESSLER: Thank you. Onto old
13 business, application of Heiki Schneider on
14 behalf of 3120 Lexington, LLC for amended site
15 plan approval, and a wetland permit for a
16 proposed outdoor storage area at the existing Ace
17 Hardware store, located at 3120 Lexington Avenue,
18 Drawings latest revised June 26, 2024. Good
19 evening, Heiki.

20 MS. KEIKI SCHNEIDER: Good evening. So,
21 the way I understood the building, the building
22 inspector, was that we needed to get your
23 approval for the application in front of the
24 building permit for the additional use also for

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2 the lawnmower business. So I think that wasn't
3 quite clear before when we talked, talked during
4 the work session. So the, basically the
5 additional storage units that we are asking for,
6 that should be separate, that's a separate,
7 separate application. That's how I understood
8 the, the building inspector. So we are also here
9 to basically show you the amended site plan,
10 which is the one that Joe had prepared.

11 MR. KESSLER: And this is the site plan
12 from June of last year.

13 MS. SCHNEIDER: What's that?

14 MR. KESSLER: Because that's what's on
15 our agenda. Is that what we're talking about,
16 Chris?

17 MR. SCHNEIDER: Yes, it is.

18 MR. KESSLER: Okay.

19 MS. SCHNEIDER: Yes, exactly. Yeah. Mm-
20 hmm.

21 MR. KESSLER: So you're looking for
22 approval of this site plan and you'll explain
23 what the changes are?

24 MS. SCHNEIDER: Exactly.

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2 MR. KESSLER: Okay.

3 MS. SCHNEIDER: As is right now. And
4 then the -- what we had talked about our
5 additional storage units, that would be separate.

6 MR. KESSLER: Okay.

7 MS. SCHNEIDER: Yeah. Mm-hmm. So you
8 want to quickly talk --

9 MR. KESSLER: Just identify yourself for
10 the record, please.

11 MR. JOSEPH REINA: Yes. Uh, Joseph
12 Reina, the principal site design consultants and
13 the project engineer. So, essentially this site
14 plan was to bring the site into compliance to
15 the, to the original site plan approval. As you
16 know, there was equipment being stored in areas
17 where it may not have been allowed to be stored.
18 There was a question as to whether the oil water
19 separator was installed, as per the original
20 approval and whether all the delineation of the
21 site was in conformance.

22 So this, basically what we've
23 represented on here is first of all, the use of
24 some banked parking spaces that were part of the

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2 original site plan approval, those are now being
3 utilized. And the oil water separator, the
4 downstream, it's called a downstream defender, is
5 in place and it services the asphalt area.
6 There's a trench drain that goes across it. It
7 services the air, the asphalt area between the
8 roadway and the, the drain on the site. So
9 anything on the asphalt area will drain to the
10 oil water separator and get treated prior to
11 going out, which therefore any fuel powered
12 equipment can be on that location or that part of
13 the site.

14 As you make your way around the back of
15 the building, that area is all gravel. There was
16 there were fuel powered equipment stored in that,
17 in those areas. Those have now been removed and
18 they are all now contained within the site or if
19 need be on the asphalt area. The rack along the
20 back of the building, that is strictly going be
21 used for uncommissioned equipment. So if they get
22 a new shipment of, you know, lawnmowers or a snow
23 blower, whatever it may be, it's stored on that
24 rack, but it's not commissioned. No fuel has

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2 entered the motor on the, on that equipment. So
3 that would therefore bring everything into
4 compliance with the original site plan.

5 MR. KESSLER: Okay. So I'm still not
6 clear. So we're approving -- what you're asking
7 us to approve is putting equipment in, in the
8 banked parking area.

9 MR. REINA: Mm-hmm.

10 MR. KESSLER: And that's it?

11 MR. KEHOE: Well, I, I think what you
12 mentioned is when the planning board did the site
13 inspection --

14 MR. REINA: Right.

15 MR. KEHOE: -- it is the first time that
16 you became aware of all the mowers that were out
17 there.

18 MR. REINA: Right.

19 MR. KEHOE: And in addition to selling
20 mowers as a retail component, they're also
21 repairing mowers on the inside. And I think what
22 you said is the code and engineering departments
23 have determined that's a change of use, which is
24 permitted by code. But that should be wrapped in

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2 as part of your approval, approving that use at
3 the site.

4 MR. REINA: Correct.

5 MS. SCHNEIDER: He called it an
6 additional use. Yeah, whatever, but it's exactly,
7 that's what we need.

8 MR. REINA: Right.

9 MS. SCHNEIDER: Yeah.

10 MR. KESSLER: So --

11 MR. REINA: So we were asked to, first
12 of all, show that the site is in compliance now,
13 which that's what we've done on this site plan,
14 adding that additional use of the repairs inside
15 the building.

16 MR. KESSLER: And allowing you to put
17 equipment in the banked parking area?

18 MR. REINA: Correct, because that area
19 is serviced by the oil water separator.

20 MR. KESSLER: Okay. And round two is
21 going to be the racks on the left side of the
22 building and possibly paving that area on the
23 left side of the building?

24 MR. REINA: Correct.

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2 MR. KESSLER: Do I have this all right?

3 MR. REINA: Right.

4 MS. SCHNEIDER: Yes. And it also runs
5 under a different application.

6 MR. KESSLER: Right. That's what I'm
7 saying, that that'll be --

8 MS. SCHNEIDER: So that's --

9 MR. KESSLER: -- that's round two.
10 That's the --

11 MR. KEHOE: Well, but why would we have
12 those round one and round two? Why can't we do
13 them all at once?

14 MR. KESSLER: Yeah.

15 MS. SCHNEIDER: If we can, we would like
16 to do that.

17 MR. REINA: Yeah.

18 MS. SCHNEIDER: So.

19 MR. KEHOE: Alright. Yeah, so is, is,
20 you know, I, I don't want to preclude anything,
21 but this is going to be referred back and then
22 I'll get in closer touch with Mike and Martin and
23 I'm sure we're all on the same page. And then it
24 would, it would be up to you to determine whether

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2 you want to have a public hearing or not. But the
3 DEC is a critical component of this, because you
4 are still proposing to change the gravel, to
5 paved of some sort and have a forklift out there.
6 And, as you know, when we did the site
7 inspection, it was roughly this time of year, I
8 guess it was in the winter or something like
9 that, that that is right on standing water.

10 MR. KESSLER: Right.

11 MR. KEHOE: You know, so, and you --
12 you've run it by the DEC and you submitted
13 something, they had some comments, you revised,
14 so there's some back and forth. So we might want
15 to get it to the DEC again.

16 MR. KESSLER: Yeah. But, but that's why
17 I think round two may be more difficult because
18 of the issues that you just cited.

19 MR. KEHOE: Well, well --

20 MR. KESSLER: As opposed to approving --

21 MR. KEHOE: So I was saying to you, it
22 doesn't have to be split. But they may want to
23 try to split it because of the complexities of
24 getting the DEC.

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2 MR. KESSLER: Right.

3 MR. KEHOE: But that would be something
4 I'd have to check with Michael Cunningham.

5 MR. KESSLER: Right. And the issues of
6 paving that area, with perhaps some members of
7 the board.

8 MR. KEHOE: Right. Right. So you can
9 split it if you would like.

10 MR. MICHAEL CUNNINGHAM: And I'd
11 recommend --

12 MR. KEHOE: I wouldn't split it tonight
13 though.

14 MR. CUNNINGHAM: I'd recommend a staff
15 level meeting too. Obviously, we have to confer
16 internally, but I think for the next meeting we
17 should sort of have a path forward that we're all
18 sort of in agreement --

19 MR. KESSLER: Okay.

20 MR. CUNNINGHAM: -- about as to what you
21 actually want to accomplish now and what we think
22 is possible given, given where we are.

23 MR. REINA: I, I just want to add, just
24 for clarification. On that side we want to add

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2 the rack, we want to expand that area slightly
3 because to create the maneuverability room for
4 the forklift. So that's going be part of our
5 application.

6 MR. KEHOE: And that's very tight.

7 MR. REINA: Right now, it's 12 feet and
8 once you put the rack in, then there's really not
9 enough room there for the --

10 MR. KEHOE: But it's, it's very tight to
11 the wetland.

12 MR. REINA: Yeah. Yes. We don't have a
13 lot of room. But we, we do have a little bit of
14 room to, to make that happen.

15 MR. KESSLER: To expand a paved area
16 closer to the wetland, is that what you're
17 saying?

18 MR. REINA: Correct.

19 MR. KESSLER: I, I, okay. You guys can
20 meet, should meet. But it sounds like, you know,
21 two separate processes maybe.

22 MR. CUNNINGHAM: I think we have to lay
23 -- I think we have to do a better job staff
24 laying out a path for the board.

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2 MR. KESSLER: Okay.

3 MR. CUNNINGHAM: Because yeah, I think
4 we're all, it seems like everyone's in a bit of a
5 state of confusion, so.

6 MR. BIANCHI: I think the plan should
7 reflect their proposal.

8 MR. KESSLER: Why, why change, yeah.
9 Okay. Okay. Anything else to add?

10 MR. REINA: That's it.

11 MR. KESSLER: Okay. So what I'm hearing
12 is you guys will get together and decide the
13 appropriate path or paths for this application.
14 Okay. So any, any comments from the board?

15 MR. BIANCHI: Yeah, just a couple of
16 observations and questions. I'm going to focus on
17 the, the left side of the building where we made
18 the site visit. Well, we saw both, but the, the,
19 the one near the wetlands. There's a fence there
20 right now and I don't see it on the plan. I think
21 that should be put on there. That was put on
22 since we saw the site visit. We attended the site
23 visit.

24 MR. REINA: What, what -- I have to

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2 there verify that, but if it's, if it's there,
3 we'll, we'll add it to the site plan.

4 MR. BIANCHI: It should be on the plan
5 then, because it's a wooden stockade fence.

6 MR. KOBASA: It's the fence between the
7 building and the wetland. They installed it while
8 this was going through the first review. They put
9 it up during that whole review without being on
10 the plans or anything.

11 MS. SCHNEIDER: I, I have to admit, I
12 don't remember if they removed it.

13 MR. KOBASA: It's still there.

14 MS. SCHNEIDER: It's still there?

15 MR. BIANCHI: It's there.

16 MR. KOBASA: It's still there.

17 MR. BIANCHI: I go by there quite often.
18 It's still there.

19 MR. REINA: We'll get that added.

20 MR. BIANCHI: And another observation. I
21 checked this with code enforcement, but I noticed
22 during the warmer months, spring and the summer
23 when I guess you have more sales of lawnmowers,
24 et cetera, that you stage some of the equipment

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2 in the front yard adjacent to Lexington Avenue
3 and look like equipment for sale. I'm not sure if
4 that's allowed here so you should probably follow
5 up on that and check on it whether that's
6 allowed.

7 MS. SCHNEIDER: That one is -- it
8 actually is allowed. We have a permit which goes
9 back to, I want to say 2019, for display. It's a
10 display area that we did get permitted. And it's,
11 it's a certain size.

12 MR. BIANCHI: Okay.

13 MS. SCHNEIDER: I told Jack the size and
14 I think that's what they made use of.

15 MR. BIANCHI: Alright. You should, I
16 think I'd indicate that on the drawing too.

17 MS. SCHNEIDER: Yes.

18 MR. BIANCHI: Now my other question is
19 on the pavement, you say you're going to pave the
20 area that's adjacent to the wetlands and, but
21 you're going to store the equipment on the racks,
22 right. Now, is the equipment going to be loaded
23 with fuel that's stored there?

24 MR. REINA: No, it's going to be -- it's

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2 going to be uncommissioned equipment.

3 MR. BIANCHI: I'm sorry?

4 MR. REINA: No, it is not. It's going to
5 be uncommissioned equipment. It will not be --

6 MR. BIANCHI: Noncommissioned,
7 uncommissioned equipment, okay.

8 MR. REINA: Yeah.

9 MR. BIANCHI: So it won't have any gas
10 in it or --

11 MR. REINA: Correct.

12 MR. BIANCHI: -- or oil.

13 MR. REINA: Correct.

14 MR. BIANCHI: Because my concern of
15 course is that any runoff over there is going to
16 go straight into the wetlands. Now do you have
17 any -- I can't tell on here, but are you
18 proposing any oil separators, oil and water
19 separators for that area, the parking of the of
20 the lot, even though you are not going to have
21 any gas, fuel oil or anything in the -- are you
22 proposing any kind of drainage there?

23 MR. REINA: We, we haven't, we haven't
24 gone to that step yet because we were just trying

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2 to get past this compliance, bringing the current
3 site plan up to compliance.

4 MR. BIANCHI: Alright, yes, but --

5 MR. REINA: But we we're going to have
6 to address that.

7 MR. BIANCHI: You're going to have to
8 address that.

9 MR. REINA: Yes.

10 MR. BIANCHI: Because, especially you're
11 saying you're extending the wet -- I'm sorry,
12 you're extending the paved area and as you know,
13 it's right butting up to, to the wetlands. So
14 this is all, if you want to call it part two or
15 whatever, that's my concern. Okay. Thank you.

16 MR. KESSLER: Any, any more comments? If
17 not, Mr. Bianchi.

18 MR. BIANCHI: Mr. Chairman, I'll move
19 that we refer 2023-6 back to staff for further
20 discussion.

21 MR. KESSLER: Second, please.

22 MR. MCKINLEY: Second.

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

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2 MULTIPLE: Aye. Opposed? Okay. All
3 right, thank you.

4 MR. REINA: Thank you. Good night.

5 MS. SCHNEIDER: Thank you.

6 MR. KESSLER: Alright, moving on to new
7 business for the evening. It's the application of
8 Wilvan Van Campen on behalf of Victor Pena Gomez
9 for a special permit for an accessory apartment
10 located within the existing residence at 60
11 Waterbury Parkway, drawings dated January 16,
12 2025. Good evening.

13 MR. WILVAN VAN CAMPEN: Good evening.
14 You can, can call me Will. In my impeccable
15 timing, I --

16 MR. KESSLER: You're Mr. Van Campen?

17 MR. VAN CAMPEN: Last name Van Campen.

18 MR. KESSLER: Okay.

19 MR. VAN CAMPEN: I went to the bathroom
20 while you were discussing, in the work session,
21 so I know you were talking about it, so I, but I
22 don't know what it was.

23 MR. KESSLER: Okay.

24 MR. VAN CAMPEN: But pardon my

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2 ignorance, do I give the spiel about basically
3 what we're proposing?

4 MR. KEHOE: Yeah. Just if you haven't,
5 introduce yourself and then explain the
6 application for the board, please.

7 MR. VAN CAMPEN: Okay. I'm an architect.
8 I'm working with the owner, Victor Pena to create
9 an accessory dwelling unit apartment in the
10 basement of his single family dwelling on 60
11 Waterbury Parkway. And my understanding is a
12 variance will be necessary for the ADU, given two
13 requirements of zoning code chapter 30745-B.8.
14 And those two issues are the existing principle
15 dwelling is too small. A minimum, I'm sure you
16 all know this, a minimum 1,600 square feet gross
17 is required and his house is 1,296 square feet.
18 The second issue is the maximum accessory
19 apartment gross size allowed is 25 percent of the
20 habitable space of the principal dwelling, or 600
21 square feet, whichever is less, or another size
22 at your discretion.

23 Of the, of the 1,296 square feet
24 existing that I just mentioned, the habitable

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2 space is 1,044 square feet, once you take away,
3 you know, kitchen, bath, closets. So 25 percent
4 of that is 261 square feet, which I think we'll
5 all agree is pretty tiny for an apartment and
6 tinier, once you take away the walls and things
7 like that. Even if we were granted 1,600 square
8 feet, my calculation is that would yield about a
9 320 square foot apartment, which is also pretty
10 small.

11 To give some perspective, I did some
12 research. The average New York City one bedroom
13 apartment is around 700 square feet. And I assume
14 in Westchester, it's probably a little bit
15 bigger. So what we are proposing, we're asking
16 for is a variance to make a 600 square foot gross
17 apartment, which hopefully you'll see on my
18 drawings is not unreasonable. It's kind of a
19 normal sized one bedroom apartment, even smaller
20 than I think local standards. Just an aside, if
21 you look at the plans, to give you some sense of
22 scale, because I took the furniture away, but for
23 example, the, the sleeping alcove is 10 feet by
24 10 feet. So it's, it's not we're not proposing

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2 anything that's particularly, well that's
3 extravagant, I would propose. We're also not
4 expanding the footprint of the house. It's all
5 in, in internal, in the basement.

6 And the interventions to the exterior
7 are pretty minor. It's a, a new door to the, to
8 the new unit and enlarged windows to meet
9 building code egress, ventilation and lighting
10 requirements.

11 MR. KESSLER: The -- just to, so clearly
12 you need to go to zoning. I mean, you laid out
13 all the issues that what you're proposing does
14 not meet the requirements under the zoning code
15 right now. Just my question, so once you do that,
16 I don't think this board has much of an issue
17 with what you're proposing. But just one
18 question, does the 1,296 apartment stay the same
19 square footage when you make the 600 square foot
20 accessory apartment?

21 MR. VAN CAMPEN: The, the 1,200, it's a,
22 it's a one story ranch house, right. The 1,296 is
23 the, the main floor.

24 MR. KESSLER: It's the main floor. And

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2 so this is an unused basement that this is going?

3 MR. VAN CAMPEN: Right. It's an unused
4 basement, except for storage. So we're, we're
5 taking 600 -- proposing to take 600 square feet
6 out of that.

7 MR. KESSLER: The basement, got it.
8 Okay.

9 MR. VAN CAMPEN: And just, I mean, if we
10 don't use that -- if we, you know, we're -- well,
11 if we had to use less, then that basement space
12 is unused. So it's, it's, I think, good use for
13 the space to make a reasonably sized apartment.

14 MR. KESSLER: Any, any questions from
15 staff or the board here?

16 MR. ROTHFEDER: Just curious about the
17 ADU I was just curious about the, the ADU
18 program. I don't really know what that is. But
19 does that have certain rules about --

20 MR. VAN CAMPEN: New York State?

21 MR. ROTHFEDER: Yeah, the New York State
22 plus one ADU program?

23 MR. VAN CAMPEN: That is a New York
24 State program that gives grants to homeowners

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2 that meet their criteria up to \$125,000. It's,
3 it's, you can't be too rich. It's for basically
4 low, lower and moderate income people that, to
5 help them create ADUs, you know, because
6 obviously we have a housing shortage. And so
7 that's kind of an aside. I mean, you can do an
8 ADU and --

9 MR. KEHOE: And so the town opted into
10 the ADU plus one program.

11 MR. VAN CAMPEN: Right.

12 MR. KEHOE: And then we're also, as you
13 recall, revising our accessory apartment law. We
14 made that presentation to you. We, we also made a
15 presentation to the town board that would change
16 some of the math, make it a little bit easier,
17 also not require planning board approval. Because
18 as you see here, if you're doing all within a
19 building, there really aren't planning issues,
20 it's more zoning issues. The town board hasn't
21 adopted that change to the zone yet. So he's
22 still operating under our current accessory
23 apartment law.

24 MR. VAN CAMPEN: I just decided because

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2 that's kind of open-ended to go through the
3 normal process.

4 MR. ROTHFEDER: But does that -- and
5 that program doesn't have size rules and that,
6 that sort of thing?

7 MR. KEHOE: No.

8 MR. VAN CAMPEN: No.

9 MR. KEHOE: You know, to be frank, the
10 goal of that program is a lot of accessory
11 apartments, you know, and what they're finding is
12 a lot of communities have accessory apartment
13 laws with lots of rules and lots of math and lots
14 of difficulties. So the state program is trying
15 to encourage accessory apartments. So that's one
16 of the reasons why we're looking at our
17 ordinance. If, if you want to do an accessory
18 apartment in a, in an existing structure such as
19 a shed or a garage that's on the property, we
20 would still have that come back to the planning
21 board in our new proposal, the new law. But if
22 you're doing something interior to the house
23 without any change, then it would be handled at a
24 staff level. That's a way to sort of make it

1 February 4, 2025

2 easier.

3 MR. ROTHFEDER: Okay. Interesting.

4 MR. VAN CAMPEN: If you look up plus one
5 ADU, you know, online, there's a lot of info
6 about it.

7 MR. KESSLER: Any, any further comments?
8 Okay. So we'll refer this back to staff and we'll
9 await the ZBA review.

10 MR. ROTHFEDER: Yeah.

11 MR. KEHOE: One more thing.

12 MR. KESSLER: I'm sorry, but I'm sorry,
13 but we're going to make, I'm sorry. You're
14 absolutely right, I forgot about that. Kevin?

15 MR. KOBASA: Motion to refer to ZBA for
16 review and then direct the staff to draft of
17 resolution for March, for March.

18 MR. KEHOE: Alright, assuming the ZBA
19 wraps this up at their February 27th meeting,
20 we'll have an approving resolution ready for you
21 for the March 4th meeting. And that assumes that
22 you can meet all the deadlines to get on the
23 February 27th zoning board agenda.

24 MR. VAN CAMPEN: We'll talk about that

1 February 4, 2025

2 tomorrow.

3 MR. BIANCHI: Okay. Second.

4 MR. KESSLER: Okay. Thank you. On the
5 question? All in favor?

6 MULTIPLE: Aye.

7 MR. VAN CAMPEN: Thank you.

8 MR. KESSLER: Opposed. Good luck.

9 MR. VAN CAMPEN: Thank you. Thanks.

10 MR. KESSLER: Alright, the next item is
11 the application of 77 Montrose Station LLC for
12 preliminary plat approval and for tree removal
13 and steep slope permits for a proposed three-lot
14 major subdivision of an approximately 9.7 acre
15 parcel of property located at 77 Montrose Station
16 Road, drawings dated January 22, 2025.

17 MR. JAMES C. ANNICCHIAARICO: Good
18 evening, Jim Annicchiarico, with Cronin
19 Engineering. So yes, we represent 77 Montrose
20 Station LLC in this application, as you
21 mentioned, Chairman Kessler, a three-lot
22 subdivision. There is an existing single family
23 house on the lot now all the way at the southern
24 portion of the lot, up in that corner. That house

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2 is currently undergoing renovation and we are
3 looking to subdivide and create two new lots.
4 Each of those lots would be accessed from
5 Montrose Station Road with a very short common
6 driveway. And then separate driveways to each
7 residence. We've located, you know, areas where
8 we would do storm water mitigation for each
9 individual house. We have met with the Department
10 of Health and done deep test hole investigation
11 for septic systems for each of the two new
12 houses, as well as a brand new septic system for
13 the existing house. This area has public water,
14 so there'll be public water services for each of
15 the new house, and the existing house has a very
16 long water service to it. Happy to answer any
17 questions you may have.

18 MR. KESSLER: So, just, so for the
19 record, this is R-80 zoning, two acres, R-80 --

20 MR. ANNICCHIARICO: R-80 zoning,
21 correct.

22 MR. KESSLER: And each one will be at
23 least two acres, as you said. So, one is
24 existing?

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2 MR. ANNICCHIARICO: Right. The, the
3 existing house will end up with a 5.6-acre parcel
4 and the two smaller new lots, lot number two
5 would be 1.86 acres and lot number three would be
6 2.23 acres. We also have actually we, we had a
7 tree report done by Save a Tree. We submitted
8 that as part of the record. Our disturbance for
9 the two proposed houses is almost three acres in
10 total. That's part of the record as well, on the
11 subdivision and site development plan drawings.

12 For the record, I'll run down what we
13 did submit. The planning board fee of \$3,000, the
14 escrow of 4,500, the planning board application,
15 the proxy statement, the adjoining property
16 owners list to be used for the public hearing, a
17 tree report prepared by Save a Tree. We submitted
18 a full environmental assessment form, property
19 deed, property survey, and of course the
20 subdivision and site development plans.

21 MR. KESSLER: Comments from the board? I
22 think --

23 MR. BIANCHI: Just one, one question. Is
24 that asphalt drive? That's an existing drive that

1 February 4, 2025

2 goes to the existing home right now?

3 MR. ANNICCHIARICO: That's correct. It
4 is actually --

5 MR. BIANCHI: Even the loop and
6 everything is there, it's -- that's all existing?

7 MR. ANNICCHIARICO: That is existing.
8 The, the lighter, the lighter gray area that's
9 existing.

10 MR. BIANCHI: Okay.

11 MR. ANNICCHIARICO: It goes up, loops,
12 there's a short piece that goes actually to a
13 shed just behind, kind of a garage shed that,
14 that goes, it's located behind the existing
15 house. And, and that driveway is also utilized by
16 another resident. So it is partially -- the first
17 maybe 200 feet is common driveway.

18 MR. BIANCHI: Who, who, who's the other
19 resident? Are they shown on this map?

20 MR. ANNICCHIARICO: Yes, they are. If
21 you look to the east of the property, there
22 should be, there should be the, we should have
23 laid out there --

24 MR. KEHOE: You're talking about this

1 February 4, 2025

2 lower section right here?

3 MR. ANNICCHIARICO: No, Chris, to the
4 left of the map, that's actually the east side of
5 the property. If you can zoom in there, it'll
6 give you the, the owner of that property right
7 there.

8 MR. KEHOE: It's in a trust.

9 MR. ANNICCHIARICO: I think then there's
10 another one, just, just right of that.

11 MR. KEHOE: So, so it's not the lightly
12 shaded road on this parcel. It's the one that
13 goes around it.

14 MR. ANNICCHIARICO: Right, exactly.

15 MR. BIANCHI: So That's a privately
16 owned road, is that right? It's not a town
17 serviced road, right?

18 MR. ANNICCHIARICO: No. That's correct.

19 MR. BIANCHI: And is that why you had
20 the entrance to, or the driveway to the proposed
21 four-bedroom that's on number two, instead of
22 coming from that drive, you have it coming from
23 Montrose Station Road?

24 MR. ANNICCHIARICO: We thought it'd be

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2 best to not have it be a four-person common
3 driveway. I think that creates problems in itself
4 for the subdivision. But --

5 MR. BIANCHI: It's a small, it's a, it's
6 not a wide road, I'm assuming.

7 MR. ANNICCHIARICO: Right, right. Mr.
8 Bianchi we reviewed this during the pre-
9 application meeting and they would be required to
10 expand that driveway to a 20 foot width --

11 MR. BIANCHI: Yeah, that's, yeah.

12 MR. ANNICCHIARICO: -- for the entire
13 stretch of it, even up to the private residence.

14 MR. BIANCHI: If they connected to that
15 road?

16 MR. ANNICCHIARICO: Correct.

17 MR. BIANCHI: Yeah.

18 MR. ANNICCHIARICO: And the disturbance
19 would --

20 MR. BIANCHI: I understand. Okay. Thank
21 you.

22 MR. ANNICCHIARICO: And I believe during
23 that meeting, Chris, correct me if I'm wrong, but
24 we did talk about that being a good location for

1 February 4, 2025

2 the common driveway to, to the, the new houses.

3 MR. CHRIS LAPINE: We did. That's where
4 you, you presented the alternatives.

5 MR. ANNICCHIARICO: Right.

6 MR. LAPINE: That was our second meeting
7 we had.

8 MR. ANNICCHIARICO: Right.

9 MR. LAPINE: We had a kind of a, a phone
10 conference on the pre-application meeting, and
11 then you came back with this second plan, which
12 had limited the disturbance compared to the first
13 plan.

14 MR. ANNICCHIARICO: Right.

15 MR. KESSLER: So, so if I read your tree
16 report correctly, you're saying that you're going
17 to remove 353 healthy trees and 104 trees, an
18 additional 104 trees that you, that your arborist
19 thought were in poor condition? Is that, is that
20 the right number?

21 MR. ANNICCHIARICO: I don't remember
22 that off the top of my head, but --

23 MR. KESSLER: Okay.

24 MR. ANNICCHIARICO: -- it sounds like it

1 February 4, 2025

2 could be, if that's on the plan. I think we have
3 a chart on the plan that in indicates the tree
4 removals.

5 MR. KEHOE: And just for the record,
6 that's our arborist.

7 MR. KESSLER: Oh, this is our arborist?

8 MR. ANNICCHIARICO: That is your
9 arborist.

10 MR. KEHOE: Meaning paid for by the
11 applicant, but it's our arborist.

12 MR. ANNICCHIARICO: The plans --

13 MR. KEHOE: So if you have questions at
14 any time, the arborist can come to a meeting and
15 answer any questions.

16 MR. KOBASA: Okay. The plans actually
17 show trees to be removed 247, which is totally
18 different than what it says in the report,
19 basically.

20 MR. ROTHFEDER: Plus 12.

21 MR. KOBASA: Uh, they're -- yeah. I
22 mean, you're moving 247 trees and you're planting
23 12.

24 MR. ANNICCHIARICO: I believe there's

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2 probably a lot of very small trees, you know,
3 meaning, you know, you know, your code, it's four
4 inch and greater I believe. So that's --

5 MR. KOBASA: That's still significant.

6 MR. ANNICCHIARICO: Well, that's
7 something that we would obviously work on with,
8 with your board and, and town staff. I mean,
9 that's, that was just the starting point.

10 MR. KOBASA: Okay.

11 MR. ANNICCHIARICO: Yeah.

12 MR. KOBASA: The other thing I see when
13 I look at this is you have two driveways that are
14 coming all the way down to Montrose Station Road,
15 right, these two new ones. How are you collecting
16 the storm water coming off of those driveways,
17 because they're draining straight to the road?

18 MR. ANNICCHIARICO: I mean, those are
19 existing driveways, it's not something --

20 MR. KOBASA: The two -- no.

21 MR. ANNICCHIARICO: Which are you
22 talking about?

23 MR. KOBASA: The two new driveways?

24 MR. ANNICCHIARICO: Oh, the new

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2 driveways, yes.

3 MR. KOBASA: How Are they getting
4 collected?

5 MR. ANNICCHIARICO: Again, we haven't,
6 we haven't gotten that far, you know. I, I don't
7 want to go into, you know, a full storm water
8 design until we know that we're, you know, moving
9 forward with a layout or, or even the two lots,
10 you know, with, you know, with being approved by
11 your board, so,

12 MR. KOBASA: I mean, that's going to
13 have a [unintelligible] [00:34:37].

14 MR. ANNICCHIARICO: We know we would
15 have to, yeah, we're, we're fully aware and, and
16 you know, we can, we can come up with, you know
17 something like an infiltration trench alongside
18 of the driveway to capture runoff off the
19 driveway to treat it that way.

20 MR. KOBASA: Okay. I mean --

21 MR. ANNICCHIARICO: So yeah.

22 MR. KOBASA: -- that's going be
23 important for me to see.

24 MR. ANNICCHIARICO: Sure.

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2 MR. KOBASA: -- to understand how --

3 MR. ANNICCHIARICO: Absolutely

4 MR. KOBASA: -- those are approved.

5 Because right now I don't see the space for it,
6 so the way it's graded and everything. Also, the
7 way this is currently graded in there, you're,
8 you have one driveway that's super steep to try
9 to preserve the grade and fit everything in. And
10 then you have the driveway going to the house to
11 the west, where it's a much, not a steep
12 driveway, which is incurring much more grading
13 and impact. And it also looks like you're
14 installing a nice big lawn for the sake of
15 installing a lawn in a naturally wooded area. So
16 I think you should look at trying to reduce that.

17 MR. ANNICCHIARICO: Sure.

18 MR. KOBASA: I'm good.

19 MR. KESSLER: Any more comments from the
20 staff or?

21 MR. KEHOE: No, just for the record, we
22 know there are members of the public here.

23 MR. KESSLER: Okay.

24 MR. KEHOE: So the process is, you know,

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2 all of the planning board meetings are open to
3 the public, but not each case is a public
4 hearing. So this case will be referred back to
5 staff for review memos, both from planning and
6 engineering. The applicant will be required to
7 address those comments, submit revised drawings,
8 and then the planning board will eventually
9 conduct a site inspection, which are held on
10 Sunday mornings, we don't know when that will be.
11 It could be, you know, two, three, four months
12 from now. And then after the site inspection is
13 the normal time that a public hearing will be
14 held.

15 MR. KESSLER: Right. Which, yeah. Then
16 public would then, of course, be invited to say
17 whatever they'd like to say about this
18 application. But clearly there's some more work
19 to be done in terms of the staff review. I'd be
20 interested to know, I, I can't find it exactly,
21 you know, what percentage of steep slopes are
22 being disturbed versus non-steep slopes, you
23 know, 15 percent more and less. And of course,
24 the tree issue certainly is going to be a topic

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2 of discussion. Will there be a, a review of if
3 there's any special species on that side?

4 MR. KEHOE: We'll confirm whether it's
5 on one of the biodiversity habitat corridors that
6 are mapped.

7 MR. KESSLER: Okay.

8 MR. KEHOE: We can take a look at that.

9 MR. KESSLER: Okay.

10 MR. KEHOE: And also for the public, you
11 don't have to wait for the public hearing. You
12 can always submit written comments to my office
13 and I'll share them with the planning board.

14 MR. KESSLER: Yeah. So as Chris said,
15 you know, it's, again, we're, we're probably in
16 the first inning here. And, and once the staff
17 reviews it, and once we're satisfied, we do our
18 site visit, we'll, we'll advertise the public
19 hearing on this application in which you're all
20 invited to come and, and, and, and speak your
21 mind. And then of course, once we close the
22 public hearing, then this board will make a
23 decision. And that'll be the process. But it is
24 going to be a multiple month process.

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2 MR. LAPINE: Mr. Chairman, if I may ask
3 a question?

4 MR. KESSLER: Sure.

5 MR. LAPINE: This may piggyback on what
6 Kevin was referring to. Of the 250 trees to be
7 removed, are 100 of those the unhealthy trees
8 that were documented in the report?

9 MR. ANNICCHIARICO: Probably.

10 MR. LAPINE: Okay. So we're taking about
11 154 unhealthy trees, it seems. Okay.

12 MR. KOBASA: As long as that is, you're
13 not including the Norways, which are invasives.

14 MR. LAPINE: Correct.

15 MR. KOBASA: If they are healthy, that's
16 a different story.

17 MR. ROTHFEDER: Right. Because the
18 report went right away to the invasives and --

19 MR. LAPINE: Yeah. There -- if you look
20 at the report and you look at the plans, it's two
21 different things.

22 MR. KOBASA: Yeah.

23 MR. LAPINE: So I'm trying to get my
24 arms --

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2 MR. KOBASA: That's what I'm -- yeah,
3 yeah, yeah.

4 MR. LAPINE: I'm trying to get my arms
5 around how many trees we're actually talking
6 about, which ones are unhealthy, which ones are
7 healthy.

8 MR. ROTHFEDER: Right, exactly.

9 MR. LAPINE: So it seems like we're
10 talking about --

11 MR. KOBASA: There's a disconnect
12 between the report and the plans.

13 MR. LAPINE: Correct.

14 MR. KOBASA: Is what I'm trying to
15 figure out too, yeah.

16 MR. KESSLER: Okay. Last call, comments?
17 If not, Peter.

18 MR. MCKINLEY: Mr. Chairman, I'd like to
19 make a motion for PB 2025-3 for the application
20 of 77 Montrose Station Road, LLC., refer back to
21 staff for additional comments and review memos.

22 MR. KESSLER: Okay, second, please.

23 MR. ROTHFEDER: Second.

24 MR. KESSLER: And on the question, all

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2 in favor?

3 MULTIPLE: Aye.

4 MR. KESSLER: Opposed? Okay. Thank you.

5 See you soon.

6 MR. ANNICCHIARICO: Thank you very much.

7 I look forward to it.

8 MR. KESSLER: Next item, under new
9 business is the application of Luke Butler on
10 behalf of Ktizbuehel Realty for amended site plan
11 approval to convert the former ShopRite store to
12 a Floor and Decor store for property located at
13 2094 East Main Street, drawings dated January 23,
14 2025. Good evening.

15 MR. ZACH CAM: Good evening chairman and
16 members of the planning board. For the record, my
17 name is Zach Cam from Dynamic Engineering. I'm
18 here, I'm here on behalf of the applicant, Floor
19 and Décor, located at 2094 East Main Street. It's
20 the site of the former ShopRite. We are proposing
21 to redevelop the existing building. It's about
22 56,000 square feet. And we are planning to
23 remodel the internals of the store to facilitate
24 the Floor and Decor, as well as some minor site

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2 improvements, including upgrading the lighting,
3 some ADA accessibility, a customer pickup area in
4 the rear of the site, to facilitate the new
5 development.

6 MR. KESSLER: Okay. So you mentioned
7 lighting. There's new lighting, we have new code
8 on lighting. And you'll be compliant with that
9 code?

10 MR. CAM: Yes.

11 MR. KESSLER: I thought you said you
12 were going to keep, excuse me, you're going to
13 keep what's currently there?

14 MR. CAM: We're going to keep the
15 existing light poles, but upgrade the fixtures to
16 LED.

17 MR. KESSLER: Okay. And then, the light
18 poles are compliant?

19 MR. CAM: Yes.

20 MR. KESSLER: Okay.

21 MR. CAM: As well as some additional
22 lighting above some of the vestibule changes near
23 the main entrance.

24 MR. KESSLER: And, and, and as we talked

1 February 4, 2025

2 about at the work session do you need all that
3 parking?

4 MR. CAM: So it's a good question. You
5 know, the existing site required based on your
6 code, about 290 spaces, the site has about 330.
7 We're removing a few of those to facilitate the
8 new ADA stalls. Our parking demand is
9 significantly lower than the previous supermarket
10 use, but based on the code, we're only over
11 parked by, you know, 30 or so parking spaces.

12 MR. KESSLER: Are you repaving it or
13 anything to the parking lot?

14 MR. CAM: We're going to be doing some
15 minor milling and paving in the area of the
16 improvements, kind of in that northern main
17 parking lot and around the customer pickup area.

18 MR. KEHOE: And is that reflected by the
19 dark gray?

20 MR. CAM: Yes.

21 MR. KEHOE: All of that will be milled
22 and paved?

23 MR. CAM: For the most part, I think
24 the, the northern edge, we would look at and

1 February 4, 2025

2 anything that needs to be repaired, milled and
3 pave, we would do.

4 MR. KESSLER: And it was raised also at
5 the work session, there's a connecting road going
6 back to the Kohl's parking lot. Any, any changes
7 to that?

8 MR. CAM: Nope.

9 MR. KESSLER: Okay.

10 MR. CAM: No, no [unintelligible]
11 [00:41:28] changes.

12 MR. KESSLER: Okay.

13 MR. KEHOE: Your, your signage is quite
14 aggressive. You know, so you'll, they'll
15 definitely have to go to the zoning board for
16 signage.

17 MR. KESSLER: For a variance.

18 MR. KEHOE: And, and what they're
19 proposing isn't even variable.

20 MR. KESSLER: Oh.

21 MR. KEHOE: You know, so we have to talk
22 about some of that sort of stuff.

23 MR. ROTHFEDER: And I noticed you're
24 keeping the same utilities. Have you looked into

1 February 4, 2025

2 going to solar? Because that would be a perfect
3 spot for solar it would seem to me, it's so open.

4 MR. CAM: Yeah, we are planning on
5 keeping all the existing utilities. There is an
6 existing pump station that serves sanitary that
7 we're going to have to kind of inspect and see if
8 it's still in working order. And if it needs to
9 be replaced, we'll replace that. But everything
10 else we're planning on keeping as it is,

11 MR. ROTHFEDER: I'd suggest you look
12 into solar.

13 MR. CAM: Sure.

14 MR. ROTHFEDER: I mean there's no point
15 in retrofitting these buildings and all if we're
16 not going to begin to include more renewable
17 resources.

18 MR. CAM: We could look into that.

19 MR. ROTHFEDER: Okay.

20 MR. KESSLER: Any, any more comments
21 from the board? Well obviously, you know, first
22 time we're seeing this, we'll refer this back to
23 staff as we've done with the previous
24 applications and they'll write you a review memo

1 February 4, 2025

2 with all sorts of questions for you to respond
3 to. And then we'll bring it back to this board
4 once they're satisfied to move this forward.

5 MR. KEHOE: And, and also I think I, I
6 don't know if it's you particularly, but our code
7 enforcement building department, Martin Rogers
8 will be heavily involved in this. I believe some
9 people from your office have been talking
10 directly to him. He's working on a review memo,
11 which should be done relatively quickly as well.

12 MR. CAM: Absolutely. And I spoke with
13 Martin the other day.

14 MR. LAPINE: Mr. Chairman, based on the
15 additional parking that's on site, it may provide
16 an opportunity to provide up to 5,000 square feet
17 of landscaping, if the board's --

18 MR. KESSLER: Yeah. And what did you
19 say? You think you have what, 36 extra parking
20 spots there?

21 MR. CAM: Above the zoning requirement,
22 yes.

23 MR. KESSLER: Okay. So maybe you want to
24 take a look at where those are and where you

1 February 4, 2025

2 might want to eliminate them and landscape. I'm
3 not -- I don't want you to redo the whole parking
4 lot, obviously. I mean, that would be too much to
5 ask, but --

6 MR. CAM: Yeah, we are trying to
7 minimize the site improvements, obviously, as
8 this is retrofit in existing building.

9 MR. KESSLER: Sure.

10 MR. CAM: But we can look into that.

11 MR. KESSLER: Okay.

12 MR. KEHOE: And, and also just for the
13 record, you're a tenant?

14 MR. CAM: Correct.

15 MR. KEHOE: Right. They're, they're not
16 the underlying owner of the property.

17 MR. LAPINE: But in some cases though,
18 if they're milling and repaving, it may be less
19 expensive to mill and remove and landscape as
20 opposed to repave as well. It's just something
21 for consideration.

22 MR. KESSLER: Any additional comments?

23 MR. ROTHFEDER: I, I was just thinking
24 about that point of, of them, them being a

1 February 4, 2025

2 tenant, but --

3 MR. KEHOE: Well, I, I only bring that
4 up because they may have arrangements with the
5 owner, or they may have some sort of contract or,
6 you know, it's not your problem. We'll, we'll
7 have to figure that out.

8 MR. ROTHFEDER: But then we'd have to
9 speak to the owner, right. I mean, if we want --

10 MR. KEHOE: The owner's in the audience.

11 MR. ROTHFEDER: Sorry?

12 MR. KEHOE: A representative of the
13 owner in the audience.

14 MR. ROTHFEDER: Okay.

15 MR. KEHOE: So they're here.

16 MR. ROTHFEDER: So no, what, what I'm
17 saying is like our ideas about landscaping or
18 solar energy, if they can't make it happen
19 because they're just renting, then we're talking
20 to the wrong person.

21 MR. KEHOE: Yeah. The, the owner's here.

22 MR. ROTHFEDER: Well, Well, I mean, he's
23 heard us again, but what --

24 MR. KEHOE: So we'll have to have a

1 February 4, 2025

2 conversation, yes, yes.

3 MR. ROTHFEDER: I'm just saying as this
4 plays out.

5 MR. KEHOE: Yes.

6 MR. ROTHFEDER: Yeah.

7 MR. KEHOE: Because that's one of the
8 things, you know. You know, they want to get in
9 and out fast, you know, and that's what the, the,
10 you know, that's why we're bringing it to the
11 planning board to see, you know -- to, to ensure
12 within reason that that can happen, but to see if
13 there's some improvements that can be made as
14 well.

15 MR. ROTHFEDER: Okay.

16 MR. KESSLER: Anything additional? If
17 not, Jeff?

18 MR. ROTHFEDER: I move that we refer
19 this application back to staff.

20 MR. KESSLER: Second, please.

21 MR. BIANCHI: Second.

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

24 MULTIPLE: Aye.

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2 MR. KESSLER: Opposed? Okay, thanks, see
3 you soon.

4 MR. CAM: Okay, cool.

5 MR. KESSLER: Alright, final item this
6 evening. It's the application of VS Construction
7 for site plan approval and for tree, wetland and
8 steep slope permits for a proposed 97,700 square
9 foot assisted living facility located in the
10 Medical Oriented District at 2003 Crompond Road,
11 drawings dated January 23, 2023. Mr. Steinmetz,
12 hello.

13 MR. STEINMETZ: Good evening, Mr.
14 Chairman, members of the board, David Steinmetz
15 from the law firm of Zarin and Steinmetz here
16 this evening representing VS Construction once
17 again. I'm joined tonight by Mandy Santucci,
18 Armando Santucci, Matt Steinberg from DTS
19 Provident, our project engineer and planning
20 firm. And I'm very pleased to also introduce Eric
21 Gardner, from Benchmark Senior Living.

22 What we're hoping to do tonight is just
23 simply an initial brief introduction. We have all
24 been waiting for the moment where we would begin

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2 processing our site plans in connection with the
3 MOD. So I'm going to take one very quick step
4 back. As you talked about at the work session, we
5 do have a preliminary approval on a two-lot
6 subdivision. You will recall my standing before
7 you last year explaining the importance of
8 getting that two-lot subdivision before you, so
9 that we could establish the initial parameters of
10 the road, the entry road, the infrastructure that
11 that was discussed briefly at the work session in
12 terms of sewer and water, and most importantly,
13 creating a parcel preliminarily with a six-acre
14 dimension, which would allow for the introduction
15 of the assisted living use.

16 I remind your board that if we go back
17 almost 10 years to Envision Cortlandt, one of the
18 initial predicates of the MOD was bringing an
19 assisted living use into the town of Cortlandt
20 and into this hamlet area proximate to the
21 hospital. So from the get go, the Envision
22 Cortlandt, which led to the MOD draft, which
23 ultimately led to the adoption of the MOD, this
24 use was not only contemplated, it was lauded as

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2 something that we wanted to bring into the town
3 of Cortlandt.

4 So tonight we are kicking off on this
5 six-acre parcel for site plan approval. The
6 concept in front of the board is for 100 units of
7 assisted living. We took it through the SEQOR
8 process conservatively with 120 units of assisted
9 living, where I'm going to walk you through the
10 preliminary site plan. Matt's going to describe
11 the site plan so you understand the building, the
12 orientation of the building, the parking, some of
13 the utility connections. You, you mentioned
14 briefly at the work session, the possibility of a
15 emergency access. We will describe that. And then
16 I'm going to have Eric come forward and, and just
17 talk briefly about Benchmark, to introduce
18 Benchmark, a little bit about assisted living.

19 We spent a while in front of the town
20 board discussing the, the use of what is assisted
21 living, what are activities of daily living. We
22 have really not done that whole presentation
23 before your board. We are happy to do that,
24 introduce it tonight as we go forward.

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2 Some of you may know I, I'm, I'm not
3 just an, an advocate for assisted living. I was a
4 consumer for a number of years. I had a father
5 who was in independent living for a number of
6 years and graduated from independent living into
7 assisted living. So, I speak not only as an
8 advocate and a representative of, of a number of
9 different senior providers, but having lived
10 through it as a quote, QCG, as the market refers
11 to it, a qualified caregiver, typically an adult
12 child between the age of 45 to the age of 65, who
13 may -- he or she may have a parent who needs
14 these services. This is, to me something that the
15 town of Cortlandt has, has long awaited, some
16 quality assisted living of this nature.

17 So, with that I'm going to turn it over
18 to Matt Steinberg to discuss the site plan, do
19 some introductory layout issues, and then we'll,
20 we'll talk a little bit more about Benchmark and
21 the site in particular for AL.

22 MR. MATT STEINBERG: Good evening. Thank
23 you. Matt Steinberg, DTS Provident Design
24 Engineering. So Chris actually, if you could step

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2 back just to the, the subdivision. So this is,
3 this lot is a six-acre portion of the site. It's
4 located in the northeast section of the larger
5 28-acre Evergreen Manor Project. It's on the, the
6 east side of the main entry road from that
7 subdivision. Thanks.

8 So this site fronts right on Crompond
9 Road. It, it slopes upward from an elevation
10 approximately 350 down near the intersection of
11 Crompond Road, Evergreen, the new Evergreen Manor
12 Road and Conklin Ave and slopes up to an
13 elevation of approximately 430 along the eastern
14 boundary next to the residences.

15 The site was designed to comply with the
16 MOD regulations and the mitigation plan that was
17 reviewed by the town board, which calls for
18 pulling the building up front, fronting on
19 Crompond Road with parking to the rear inside.
20 That parking is not on Crompond Road. Upon
21 entering the main, the future main roadway,
22 vehicles would circulate into the parking lot and
23 around the building. There'd be a covered drop
24 off area. There'd be sidewalks throughout the

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2 site for pedestrians and visitors to traverse.
3 That would connect to the main sidewalk system on
4 Evergreen, the Evergreen Manor access road, and
5 then onto the, into the greater MOD area.

6 The planting plan calls for, for shade
7 trees throughout the parking lot, evergreen trees
8 kind of framing the, the garden areas for the
9 residents, a series of shrub areas around the
10 foundation of the buildings. And then additional
11 slope plantings adjacent to the retaining walls
12 and the parking lot.

13 In particular, you can see the green
14 band along the left side of the page. That's a
15 100-foot buffer area that has a substantial
16 amount of trees that exist. That wooded area
17 would remain. That's actually a requirement of
18 the MOD zoning as part of the whole SEQR process.

19 The lighting would be all LED. There'd
20 be parking lot lights, downward down lights
21 within the parking lot and then along the
22 sidewalks, there'd be pedestrian level lighting
23 that would follow essentially the town standard
24 light that would go up the -- that would match

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2 essentially the Evergreen Manor Roadway lighting.

3 The parking lot contains 69 parking
4 spaces, 59 are required under the MOD zoning.
5 That's also consistent with industry standards.
6 ITE, which is the Institute of Transportation
7 Engineers, recommends between 48 and 60 spaces
8 for a facility of this size, so this is all
9 consistent with that requirement.

10 There are no wetlands actually on this
11 particular parcel in Evergreen Manor. But a piece
12 of the wetland buffer does cross onto it, so we
13 applied, obviously for that permit. The storm
14 water would be captured through a series of
15 basins, underground infiltration systems and
16 storm water planters along the building. The
17 water, because the slope down flows towards the
18 front, it would all be captured within those
19 facilities. And that's something that we would
20 obviously work with staff to discuss. Water and
21 sewer will be part of the part of the development
22 in the, in the Evergreen Manor main roadway that
23 this would connect to.

24 If you go to the next slide, Chris,

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2 please. So Benchmark provided a series of
3 photographs of some of their other facilities
4 that kind of have similar styles and
5 architectural elements, such as the vertical and
6 horizontal siding, materials such as stone and
7 wood. These are things that would be considered
8 as part of this project.

9 We had submitted full architectural
10 floor plans and elevations that were done by
11 Benchmarks architect that kind of start to
12 incorporate those elements. The facility would
13 be, it's a, you know, essentially a residential
14 style architecture, obviously a bigger facility.
15 That's really it for the site plan.

16 MR. KESSLER: Can I just have a
17 question? What, what's the thinking of orienting
18 the building? So it looks like the rooms will be
19 facing Crompond Road? The entrance is, the
20 entrance is at the top of the screen?

21 MR. STEINBERG: Right. So the entrance
22 is at the top of the screen. So, actually from
23 Crompond Road and the Evergreen Manor Road, there
24 are sections that are -- that three levels would

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2 be visible. And then as you get to the back of
3 the facility, two levels would be visible.
4 Because it, it uses the slope.

5 MR. KESSLER: The, the back of the
6 facility facing Crompond Road.

7 MR. STEINBERG: Well, it's not really
8 the back. I mean, it's, it's, it's not the main
9 entrance, but yes, those -- there would be the
10 top elevation actually is that facing Crompond
11 Road.

12 MR. KESSLER: Which one?

13 MR. KEHOE: The top one.

14 MR. STEINBERG: The top one. So you
15 could see at that point there, you know, there
16 are windows, there are, there would be you know,
17 living spaces inside of that. The one just below
18 that is what's facing Evergreen Manor, the main
19 access road. That would have some of the, the
20 loading area. And then the, the two lower ones
21 are the, the elevations that are from the parking
22 lot.

23 MR. STEINMETZ: And Steve, as we go
24 forward, we're, we're happy to get further into

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2 the architecture and the layouts, and at some
3 point, possibly even have Benchmark's architect
4 come in and explain the layout. But there are
5 rooms facing Crompond Road. There are rooms
6 facing internal to some of the courtyard areas.
7 They, they are spread out. There's also, as, as
8 Matt was just saying, some of the back of house
9 and loading, obviously I, I assume you all
10 realize, but there is a communal dining area and
11 a communal commercial kitchen. There are a bunch
12 of amenities. I'm going to have Eric describe all
13 of that.

14 Benchmark has and, Chris, go back one
15 slide. Benchmark has 68 different residential
16 facilities in, in the northeast and in the U.S.
17 We shared these precedent images simply to make
18 sure the board understands Benchmark has a degree
19 of flexibility in terms of colors, materials
20 concept. Nothing has been finalized. You do have
21 the architectural elevations, but there is no
22 fully rendered plan, because the architects are
23 still working on what they think fits best.

24 MR. KESSLER: Probably more appropriate

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2 to work with our Architectural Review Committee
3 rather than the board.

4 MR. STEINMETZ: Absolutely true.
5 Absolutely true. So with that, I'm going ask Eric
6 to come up and talk a little bit about Benchmark.
7 And I want to make sure your board understands
8 the amenities inside. That is relevant for some
9 of the rec fee issues, et cetera.

10 MR. ERIC GARDNER: Good evening. Eric
11 Gardner, Benchmark Senior Living. I just want to
12 take a moment to introduce Benchmark. We've been
13 in business for about 28 years, started in 1997,
14 founded by Tom Grape. He's still our CEO. Today
15 we're an owner/operator of senior housing. So we
16 both own the communities and we operate them. We
17 have all different types of senior housing in our
18 portfolio. We have all memory care buildings. We
19 have assisted living and memory care combined,
20 standalone buildings. We've got independent
21 living buildings and we've got full scale CRCs,
22 which offer a continuum of care from independent
23 living all the way through to skilled nursing.

24 As David said, we have 68 communities in

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2 in our company. There are 67 that are open and
3 operating, one that is under construction in
4 Mount Pleasant, not too far from here. That
5 should be opening in about a couple of months
6 from now, maybe two or three months. So that will
7 be our newest community. And we have two others
8 in New York that are operational and stabilized.
9 They're both on Long Island. And yeah, those are
10 our New York communities.

11 There's a tremendous need for senior
12 housing in this country today, about 10,000
13 seniors every day turn 65. That number is
14 creeping up by the end of 2025, that number is
15 expected to be 12,000 seniors a day turning 65.
16 The 85 plus cohort is the fastest growing
17 demographic in this country, and it's certainly
18 true here.

19 We've obviously studied the market
20 before we became interested in this particular
21 project, and there's a tremendous need today for
22 additional senior housing units. And that need is
23 only going to grow as that population grows.

24 What we're going to propose for this

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2 site is a standalone assisted living and memory
3 care, so we'll offer two levels of care, if you
4 will. It will be a rental model. So the residents
5 moving in won't have to pay a large entrance fee.
6 They will rent their units on a monthly basis.
7 The typical structure for our, our community is
8 that residents pay a, a basic rental service that
9 provides for the real estate, and then a basic
10 set of services, which includes dining services,
11 all their meals, three meals a day, and all the
12 nutritional needs. It includes programming, it
13 includes transportation and housekeeping and
14 linens and things like that. And then we charge
15 for care on top of that. So that would, it's sort
16 of like an a la carte. Residents don't have to
17 pay for care if they don't need it.

18 We'll offer a variety of apartments in
19 the, in the building styles. There'll be studio
20 units, one bedroom units, and two bedroom units.
21 Not everybody wants to live in the same unit. So
22 we try to offer a variety to meet the needs of
23 the different residents that come in.

24 And about 40 percent of the building is

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2 going to be devoted to com common areas and
3 amenity spaces for the residents. This includes
4 dining areas. We'll have probably two or three
5 separate dining areas so the residents don't eat
6 in the same space every day. They will be served
7 restaurant style in the dining room. We'll have a
8 variety of living room type spaces, maybe a
9 library. We have, typically have a bistro or a
10 pub on the first floor where the residents can
11 participate in and they can invite their families
12 and guests in.

13 It'll have a wellness center which will
14 include like a fitness center and a treatment
15 room where they can get consultations from a
16 podiatrist or a doctor, something like that. And
17 and a variety of other spaces in the building
18 which accommodate the residents' needs.

19 Many of the residents aren't able or
20 desirable to go out into the community once they
21 come so we try to provide as much amenity space
22 as we can. We do provide transportation for the
23 residents so they can get out into the community.
24 Many of the residents do still want to

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2 participate. They want to go to their church,
3 they want to go to where they get their hair done
4 and we try to do that. The other thing we try to
5 do is invite the community into our building. The
6 residents love to see the, you know, the high
7 school kids come in, musicians, various people,
8 they'll hold meetings there. So it's really a, an
9 important aspect of the larger and broader
10 community. And I think that's all I was gonna
11 touch on. Yeah, I was going to touch on parking,
12 but Matt already did that, so.

13 MR. KESSLER: A quick question.

14 MR. GARDNER: Yeah, sure.

15 MR. KESSLER: What regulatory authority
16 in the state do you operate under?

17 MR. GARDNER: It's Department of Health.

18 MR. KESSLER: And so they, they give you
19 ultimate approval, operating certificate?

20 MR. GARDNER: Yes, a license, Yeah,
21 yeah. And that usually happens at the end of the
22 process. What we'll do is we'll do, as we go
23 through the planning process, as we get far
24 enough along here, we'll design a set of plans

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2 that will get submitted to them. They do a plan
3 review, and then after we build the building,
4 they come in and make sure that the space has all
5 the requirements and meets all the dimensional
6 requirements and all that. And then they'll issue
7 the license and --

8 MR. KESSLER: Do they look at the
9 staffing also?

10 MR. GARDNER: They'll look at all the
11 staffing, they'll look at our emergency plans,
12 everything on how we operate the building. It's
13 all --

14 MR. KESSLER: So, just you said, so it's
15 a rental model and you said the care is what, on
16 a fee for service basis? Is that --

17 MR. GARDNER: Yes. Yeah. What -- every
18 resident that comes in gets an assessment on
19 their level of care that they would need. And the
20 pricing is based on levels of care. So, if
21 someone needs a little bit of care, then, then
22 they won't pay as much as someone who needs a lot
23 of, a lot of care.

24 MR. STEINMETZ: Explain, on the chair's

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2 question, activities of daily living. What, what
3 kind of assistance does somebody get inside their
4 unit?

5 MR. GARDNER: Sure. So this is different
6 than a nursing home. We don't provide skilled
7 nursing care. We're not licensed to do that, and
8 we don't provide that. We do provide assistance
9 with the activities of daily living, which were
10 things like bathing, getting dressed, feeding,
11 toileting those are the kind of things.

12 MR. STEINMETZ: Medication management.

13 MR. GARDNER: Medication management,
14 yes. Yep. We will have nurses on staff, but
15 they're not licensed to provide nursing care.

16 MR. MCKINLEY: And what's the price of a
17 rental?

18 MR. GARDNER: It varies depending on the
19 type of unit and how much um, how much care you,
20 you could get in general on a big picture, I
21 would say, you know, assisted living side of the
22 house typically like six to \$9,000 a month.
23 Memory care is more expensive because generally
24 they have more care needs. The care is a big

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2 piece of, of what the expense is. So in memory
3 care, someone might spend, you know, seven to 10
4 or even \$12,000 a month.

5 MR. MCKINLEY: Okay.

6 MR. GARDNER: Thank you.

7 MR. STEINMETZ: So all we were really
8 trying to do this evening was at least introduce
9 this to you. I remind the board that there are
10 other components of the Evergreen Manor, MOD. We
11 will be back with those other components as they
12 are ready. But it was made quite clear to us by
13 the town board during the SEQR process and in the
14 finding statement adopted by the town board as
15 lead agency that the assisted living needed to
16 get off the ground first and, and, and move
17 forward.

18 We're, we're really extremely pleased
19 that the Santuccis have been able to meet with
20 and, and bring Benchmark to the town of
21 Cortlandt. We're, we're excited to now begin
22 processing this. We would ask that you take our
23 application materials and refer it to staff so
24 that they can conduct their initial review. We'd

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2 like to come back at the earliest possible date
3 with answers to those questions. And we look
4 forward to working with your professionals as we
5 go forward.

6 MR. KESSLER: That sounds like the plan.
7 Any, any additional questions from board of
8 staff? If not, Mr. Bianchi.

9 MR. BIANCHI: Mr. Chairman, I'll move
10 that we refer this application back to staff for
11 further review and discussion.

12 MR. KESSLER: Second, please.

13 MR. MCKINLEY: Second.

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

16 MULTIPLE: Aye.

17 MR. KESSLER: Opposed? Kevin?

18 MR. KOBASA: The time is 7:27. The
19 meeting's adjourned.

20 MR. STEINMETZ: Thank you all. We'll see
21 you next month hopefully. Thank you.

22 (The public board meeting concluded at
23 7:27 p.m.)

24

CERTIFICATE OF ACCURACY

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

Certified By



Date: February 18, 2025

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