

TOWN OF CORTLANDT
PLANNING AND ZONING BOARDS

PLANNING BOARD MEETING

Town Hall
1 Heady Street
Cortlandt Manor, NY 10567

April 1, 2025
6:15 p.m. - 6:51 p.m.

April 1, 2025

MEMBERS PRESENT:

Steven Kessler, Chairperson

Thomas A. Bianchi, Vice-Chairperson

David Douglas, Member

Nora Hildinger, Member

Kevin Kobadsa, Member

Peter McKinley, Member

Jeff Rothfeder, 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 6:15 p.m.)

3 MR. STEVEN KESSLER: All right, we're
4 going to get going. Welcome to the April 1st
5 planning board meeting. Please rise for the
6 pledge.

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

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

14 MR. CHRIS KEHOE: Mr. Kobadsa?

15 MR. KEVIN KOBADSA: Here.

16 MR. KEHOE: Ms. Hildinger?

17 MS. NORA HILDINGER: Here.

18 MR. KEHOE: Mr. Rothfeder?

19 MR. JEFFREY ROTHFEDER: Here.

20 MR. KEHOE: Mr. Kessler?

21 MR. KESSLER: Here.

22 MR. KEHOE: Mr. Bianchi?

23 MR. THOMAS BIANCHI: Here.

24 MR. KEHOE: Mr. Douglas?

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2 MR. DAVID DOUGLAS: Here.

3 MR. KEHOE: Welcome back. Mr. McKinley?

4 MR. PETER MCKINLEY: Here.

5 MR. KESSLER: Excellent. All right, we
6 have no changes to the agenda this evening. Can I
7 please have a motion to adopt the minutes from
8 our March 4th meeting?

9 MR. BIANCHI: So moved.

10 MR. KESSLER: Second, please.

11 MR. MCKINLEY: Second.

12 MS. HILDINGER: Second.

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

15 MULTIPLE: Aye.

16 MR. KESSLER: Opposed? All right. First
17 item under correspondence is a letter dated
18 February 10, 2025 from James Annicchiarico,
19 requesting --

20 MR. KEHOE: Annicchiarico.

21 MR. KESSLER: Thank you, Annicchiarico,
22 for the third six-month time extension for
23 preliminary plat approval for the Pomona
24 Development, LLC subdivision located on the south

1 April 1, 2025

2 side of Revolutionary Road, south of Eaton Lane.

3 Mr. Bianchi?

4 MR. BIANCHI: Mr. Chairman, I'll move
5 that we adopt resolution number 7-25. I have a
6 question here. It says five month extension, and
7 then on the letter it says six months. Is it five
8 months?

9 MR. KEHOE: He asked for six months. You
10 gave him one month last time and five months this
11 time.

12 MR. BIANCHI: Oh, so it's five more
13 months?

14 MR. KEHOE: Yeah.

15 MR. BIANCHI: Okay. So I, I, I move that
16 we adopt resolution number 7-25 as written,
17 granting it.

18 MR. KESSLER: Second please.

19 MS. HILDINGER: Second.

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

22 MULTIPLE: Aye.

23 MR. KESSLER: Opposed? Next item under
24 resolutions, the application of Briga Enterprises

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2 Inc. and Bilotta Realty of Westchester Inc. for
3 amended site plan approval for a 2,400 square
4 foot storage building located at 2099 Albany Post
5 Road, drawings latest revised February 18, 2025.
6 So, Mr. Kobadsa?

7 MR. KOBADSA: Didn't Brian want to
8 speak, sorry.

9 MR. CUNNINGHAM: So Brian, the board's
10 ready for a vote unless you have something to say
11 about the resolution.

12 MR. KESSLER: Oh, you do?

13 MR. BRIAN SINSABAUGH: Sorry.

14 MR. KESSLER: Oh, okay.

15 MR. SINSABAUGH: Yeah.

16 MR. KESSLER: Then stand up.

17 MR. SINSABAUGH: All right. Good evening
18 Chairman and members of the board. My name is
19 Brian Sinsabaugh. I'm an attorney with Zarin and
20 Steinmetz on behalf of the applicant. Before you
21 go into vote, I just had a couple of comments
22 with regard to the proposed resolution. First,
23 with regard to material storage within the
24 proposed building, well, sorry, I should say the

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2 building that's proposed for approval tonight.

3 That is condition number five that you have on

4 here, or sorry, condition 10. It makes a

5 statement as it's used for vehicle storage,

6 automotive or small engineer repair and similar

7 mechanical storage is not permitted as part of

8 the application. I just want to state for the

9 board, with regard to the use of this, there are,

10 there are, there is some equipment that is stored

11 in here overnight on occasion with regard to the

12 actual use of the storage yard. So you'll have

13 like, say, lifts other items that are used to

14 move the materials that are in that storage yard

15 sometimes stored within that structure. That's

16 partially just because of weather, inclement

17 weather, or also on instances with regard to just

18 security of having those items within a store

19 building. The building classification, we

20 verified with building department is made to

21 allow for storage of equipment and vehicles.

22 We're not proposing personal vehicles. We're not

23 proposing vehicle storage per se. We're just

24 asking with regard to equipment that, that be

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2 permitted. We don't want to find ourselves in a
3 situation where we're coming back before the town
4 having allegedly violated this condition for
5 having certain equipment that pertains to that
6 storage yard and the uses.

7 MR. KESSLER: And so where's this
8 equipment now?

9 MR. SINSABAUGH: So the equipment, for
10 now, I guess it's stored outdoors pending your
11 approval on this. But with regard to the
12 equipment moving forward, we'd like to have it,
13 have the option at least to be able to store it
14 within the building without having any concern of
15 violating a condition.

16 MR. KESSLER: And, and the types of
17 vehicles, again that you're proposing per perhaps
18 to be in there?

19 MR. SINSABAUGH: I believe that there is
20 a forklift. There may be another, some other
21 equipment like that is used to move some of the
22 items that they do have in the storage yard. But,
23 and then on top of that, other items that are
24 stored in there are basically just materials, but

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2 I don't believe that that pertains to this
3 particular provision.

4 MR. KEHOE: Well, I, I, -- and Chris and
5 MC, you can chime in too, but we, they definitely
6 don't want automotive or small engine repair
7 happening in there.

8 MR. SINSABAUGH: Yeah, we don't have
9 any. I mean, there's no repairmen that we have on
10 site. We don't do any repair within it.

11 MR. KEHOE: Right. So, so that
12 prohibition can remain.

13 MR. SINSABAUGH: Yes, the repair is
14 fine. Um, and I think it's just the fact that,
15 and I was just looking back at a message that I
16 have on here, a forklift and a loader are two
17 items, that at times will go in there. But
18 they're, those both deal with the mason yard.
19 They don't deal with anything that's for -- on
20 the other portion of the property that's not
21 before you this evening.

22 MR. KOBADSA: Are forklifts and, what's
23 it called, your frontend loaders, are they
24 technically considered motor vehicles? Could this

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2 be amended to state motor vehicles?

3 MR. CUNNINGHAM: I'd have to look at the
4 definition in the code and I don't even know if -
5 - I doubt we even define motor vehicle.

6 MR. DOUGLAS: My guess is they are,
7 because years back, the planning board had
8 addressed the definition of what a quote motor
9 vehicle was. And it was pretty broad covered just
10 about anything on -- anything with wheels and a
11 steering, you know, steering wheel and wheels.

12 MR. KOBADSA: Okay.

13 MR. CUNNINGHAM: So I, I think it could
14 be motorized equipment that's ancillary to the,
15 to the wholesale operation. I think Brian, is
16 that what you're asking for?

17 MR. SINSABAUGH: Yeah, that's, that
18 would be good -- I mean, we'd be, we'd be
19 agreeable to that language.

20 MR. BIANCHI: So no passenger vehicles
21 in other words, no --

22 MR. SINSABAUGH: No. But stuff like --

23 MR. BIANCHI: Just --

24 MR. SINSABAUGH: -- anything that's

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2 ancillary, like he said, anything that's used --

3 MR. BIANCHI: -- contractor vehicles?

4 MR. SINSABAUGH: Yeah, correct.

5 MR. KESSLER: And you're basically
6 saying that's a forklift and frontend loaders.

7 MR. SINSABAUGH: Those, those are the
8 two items, yes, that I've been informed of.

9 MR. KESSLER: So do we like Mike's
10 language?

11 MR. CUNNINGHAM: Of equipment ancillary
12 to the wholesale operation and then he's also
13 asking for the retail language to be changed, for
14 retail sales to wholesale, wholesale operations,
15 right?

16 MR. KESSLER: From retail to wholesale?

17 MR. SINSABAUGH: Correct. Retail to
18 Wholesale.

19 MR. KESSLER: And where, where is that
20 word listed here?

21 MR. SINSABAUGH: There are three
22 different sections within this. It'd be the
23 fourth, whereas on the first page makes reference
24 to a retail operation.

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2 MR. KESSLER: What, where, one, two --

3 MR. SINSABAUGH: The top of page four,
4 the first, first line on the top of page four and
5 the first line in condition eight at the top of
6 page five.

7 MR. KESSLER: I would think and correct
8 me if I'm wrong, wholesale is probably less
9 onerous than retail?

10 MR. CUNNINGHAM: I would think, right.
11 It's less intensive really --

12 MR. KESSLER: Yes.

13 MR. CUNNINGHAM: -- with who would be
14 coming to the site.

15 MR. KESSLER: Anybody have any
16 objections to changing wholesale to retail? Uh,
17 retail to wholesale? No.

18 MR. ROTHFEDER: If that, that's
19 accurate. I'm assuming that's accurate, right?

20 MR. CUNNINGHAM: That, that's the
21 applicant's representation. It's accurate. So
22 we've --

23 MR. ROTHFEDER: That's what you guys do?

24 MR. SINSABAUGH: That's, that's correct,

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2 yes. That's correct.

3 MR. ROTHFEDER: It's less intrusive.

4 MR. KESSLER: Okay. And then amended
5 also then with Michael's language in terms of
6 vehicles that are consistent with the operation
7 of the wholesale -- consistent with the
8 wholesale operation.

9 MR. KEHOE: Do you, Mike, do you want to
10 say equipment or do you want to say vehicles
11 ancillary?

12 MR. CUNNINGHAM: I think it could be, I
13 think equipment would really be safe because if
14 there's something we're not thinking of right now
15 on beyond a forklift or loader, I think just
16 equipment ancillary to the wholesale operation.
17 Okay. Any other concerns with the resolution that
18 you have?

19 MR. SINSABAUGH: The one last item that
20 I do have is with regard to the material storage.
21 And this is in reference to condition five. It
22 states that there should be removal of material
23 storage from the front yard, relocation to the
24 storage yard as part of the updated zoning table

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2 and site plan drawing. And I know that that's
3 currently shown on the area of the parking lot
4 that previously was used as part of the driving
5 range. So there is a portion of that paved
6 parking area that does, is shown on their site
7 plan as having pavers in that location. We did
8 receive a letter from the Montrose Fire
9 Department with regard to site circulation
10 currently as it exists today, stating that
11 they're okay with the way the site circulation
12 was on the site based on a, a review of coming to
13 the site and taking a look around. I just don't
14 know if -- what I'm asking is whether or not this
15 could have an addition additional language shown
16 on here in terms of the relocation of the
17 material so as to not impose a burden on the site
18 circulation as it currently exists.

19 MR. KOBADSA: Your concern is relocating
20 this material to the storage yard could impact
21 the circulation that exists now, right?

22 MR. SINSABAUGH: Correct. Because based
23 on the current configuration of the site,
24 Montrose Fire Department conducted a site visit

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2 and based on that site visit determined that site
3 circulation was okay. I just in, in terms of
4 bringing that, those materials into the site out
5 of an area that already was paved, was already
6 moved and set for parking of vehicles at one
7 point in time, that there's a possibility, I'm
8 not saying that's a definite possibility, but
9 there is a possibility that it could impose some
10 impact on site circulation and they might have to
11 maneuver a few things around. But I don't want
12 this to cause any issues with regard to site
13 circulation, which is I know a concern of the
14 board.

15 MR. KEHOE: But I, I think that point of
16 the condition is that you can't have the material
17 storage in the front yard.

18 MR. SINSABAUGH: Mm-hmm.

19 MR. KEHOE: So it's got to be moved. The
20 question is where it gets moved to.

21 MR. SINSABAUGH: Correct.

22 MR. KOBADSA: So where would you move it
23 if it's not in the front yard?

24 MR. SINSABAUGH: That's the, that's the

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2 question that we have in terms of -- I just
3 looking at the site plan, I think that there is
4 some maneuverability, I know there's two parking
5 spaces that's over there and it could be shifted
6 in that same location without impacting any of
7 the site circulation elsewhere if we just
8 relocate those parking spaces. So that's
9 something we're going to look into.

10 MR. KOBADSA: But --

11 MR. KESSLER: But, but ultimately the
12 way it's written, it's, you guys are going to
13 review this and decide where it should move to
14 and what's -- where it's appropriately,
15 appropriate to go.

16 MR. KEHOE: Yes. The, the removal and
17 moving of the stuff is to the director of
18 technical services' satisfaction.

19 MR. KESSLER: Okay.

20 MR. KEHOE: So, but I think what we're
21 saying is it's got to be moved from the front
22 yard.

23 MR. KESSLER: Right.

24 MR. KEHOE: So where it ends up once

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2 it's out of the front yard is up to Mike
3 Preziosi.

4 MR. ROTHFEDER: Right. That's, that's
5 what the concern is, right? Not, not stating
6 precisely where it's going, but that it needs to
7 be removed is okay?

8 MR. CHRIS LAPINE: Correct. It's a
9 compliance issue at this point in time.

10 MR. ROTHFEDER: Sorry?

11 MR. LAPINE: it's a compliance issue,
12 because it's sitting in the front yard, so --

13 MR. ROTHFEDER: Right, no, it's got to
14 be moved.

15 MR. LAPINE: So it's got to be moved.

16 MR. ROTHFEDER: That, that's understood.
17 But I guess your question is not to state
18 precisely where it's going at this point?

19 MR. SINSABAUGH: Well, yeah, I mean I,
20 I'm, I'm assuming, I can't say for certain as an
21 attorney. I, I'm not, not an engineer, but the
22 relocation of these materials on site, whether or
23 not that has any impact on the site circulation,
24 because the review based on -- that Montrose Fire

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2 Department conducted was based upon those
3 materials being located where they are today.

4 MR. ROTHFEDER: Right.

5 MR. SINSABAUGH: So, what I don't want
6 to do is find ourselves in a position where we
7 can't immediately re relocate these items until
8 they may be sold or there may be some other
9 configuration that could be done, that we find
10 ourselves in violation of the condition.

11 MR. LAPINE: So, one of our comments was
12 to provide a site circulation vehicle maneuvering
13 plan. So when you are relocating this material,
14 that can be included as part of that plan. You
15 still have to submit that plan to satisfy our
16 comments that were generated.

17 MR. SINSABAUGH: Understood, understood.

18 MR. LAPINE: So they may have been on
19 site, but we still haven't seen a site
20 circulation plan. So we can't, we can't say that
21 we've addressed that comment. There's been
22 nothing submitted to address that. And I think as
23 part of that, you have to relocate this material.
24 And you may, you may find when you're doing your

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2 vehicle maneuvering plan that you may have to
3 also relocate some of your storage bins in order
4 to accommodate truck turning movements.

5 MR. SINSABAUGH: Okay.

6 MR. CUNNINGHAM: Well, if it's just
7 relocation to a compliant area of the site, is
8 that, does that satisfy it rather than saying a
9 specific --

10 MR. SINSABAUGH: I mean, I guess to the,
11 I was looking for like mostly to moving to a site
12 that's to the satisfaction of the director of
13 technical services, only on the basis of the fact
14 that this was already a area for parking of
15 vehicles, even though it was in the front yard
16 and that storage is already in that location.
17 It's just -- it's how we're looking at it.

18 MR. KESSLER: The point is it needs to
19 come more out of the front yard and the
20 [unintelligible] [00:14:40] area is where it goes
21 will be subject to the review --

22 MR. LAPINE: Correct. Mm-hmm.

23 MR. KESSLER: -- together with the
24 circulation to make sure that it all works.

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2 MR. LAPINE: Correct. Exactly. It, it's
3 place it somewhere and then show your circulation
4 around it. That's all we're asking.

5 MR. SINSABAUGH: Okay.

6 MR. ROTHFEDER: So why does this have to
7 change at all? I guess --

8 MR. SINSABAUGH: Well, the, the reason I
9 was requesting is just in terms of the operation
10 of the site. There, there are, there's a decent
11 amount of material that's in that location. So
12 moving it out of the front yard, whether that
13 then becomes an issue of site circulation as
14 opposed to existing and continuing to exist in
15 the location where it is.

16 MR. KEHOE: But it can't exist in the
17 location that it's in.

18 MR. CUNNINGHAM: Yeah. That, that
19 wouldn't be compliant with our zoning code.

20 MR. SINSABAUGH: Okay. All right.

21 MR. KEHOE: So it's got to go someplace
22 else.

23 MR. SINSABAUGH: Understood.

24 MR. KEHOE: Which understood will be

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2 determined through discussions with Seth.

3 MR. SINSABAUGH: Understood. Okay.

4 MR. LAPINE: Well, I, I think it's best
5 for the applicant to depict where they think it's
6 best for their needs, not the staff determining
7 how they should locate their [unintelligible]
8 [00:15:34] --

9 MR. KEHOE: Well they're going to show
10 it and you're going to say whether you like it or
11 not.

12 MR. LAPINE: Yeah. Okay.

13 MR. SINSABAUGH: Yes. Yes. In the
14 storage yard.

15 MR. KEHOE: Okay.

16 MR. LAPINE: I didn't want to dictate
17 their business.

18 MR. KESSLER: Okay. Did you --

19 MR. SINSABAUGH: I have nothing else.
20 That's it.

21 MR. KESSLER: All right. So, with those,
22 those changes that he was talking about, the
23 wholesale and --

24 MR. CUNNINGHAM: And equipment that's

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2 ancillary to the wholesale operation will be
3 allowed in the storage building.

4 MR. KOBADSA: All right. I'd like to
5 make a motion to adopt resolution 8-25, with the
6 changes discussed here changing retail to
7 wholesale and adding in equipment ancillary to
8 wholesale operation under number 10 for vehicles
9 allowed to be parked in the storage or the shed.

10 MR. KESSLER: Thank you. Second, second
11 please.

12 MR. BIANCHI: Second.

13 MR. MCKINLEY: Second.

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

16 MULTIPLE: Aye.

17 MR. KESSLER: Opposed? Thank you.

18 MR. SINSABAUGH: All right, thank you
19 very much.

20 MR. KESSLER: Okay, next item under
21 resolution. It's the application of Zachary Kamm,
22 on behalf of Kitzbuehel Realty for amended site
23 plan approval to convert the former ShopRite
24 store to a Floor and Decor store for property

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2 located at 2094 East Main Street, drawings latest
3 revised March 20, 2025. Anybody here with the
4 applicant? Good evening.

5 MR. ZACHARY KAMM: Good evening Chairman
6 and members of the board. I don't have any
7 comments on the resolution.

8 MR. KESSLER: Oh, perfect. I like that.
9 So, and if there are no comments from staff or
10 the board, Mr. Douglas.

11 MR. DOUGLAS: Yeah, I make the motion
12 that we, on case number 25-4, that we, we grant
13 the application in accordance with the resolution
14 that's been drafted.

15 MR. KESSLER: That's resolution, is that
16 9-25, right? Is that the -- for the record?

17 MR. CUNNINGHAM: Yes.

18 MR. KESSLER: All right, second, please.

19 MS. HILDINGER: Second. And on the
20 question?

21 MR. ROTHFEDER: On the question, I'll be
22 voting against it. And just for the record, my
23 reasoning is that I don't think the applicant has
24 given sufficient consideration to adding solar

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2 panels or EV charging stations, which at least
3 I've brought up for them to look into. And the
4 Westchester County Planning Board in their
5 assessment of the application also suggested that
6 they look into it.

7 MR. KESSLER: Okay. Thank you. So --

8 MR. DOUGLAS: Okay, I don't, I join in
9 Mr. Rothfelder's thoughts. So we're on the
10 question. All in favor?

11 MULTIPLE: Aye.

12 MR. KESSLER: Opposed?

13 MR. ROTHFEDER: No.

14 MR. DOUGLAS: No.

15 MR. KESSLER: All right, poll the board
16 please.

17 MR. KEHOE: Mr. Kobadsa?

18 MR. KOBADSA: I said aye.

19 MR. KEHOE: Ms. Hildinger?

20 MS. HILDINGER: Aye.

21 MR. KEHOE: Mr. Rothfeder?

22 MR. ROTHFEDER: No.

23 MR. KEHOE: Mr. Bianchi?

24 MR. BIANCHI: Yes.

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2 MR. KEHOE: Mr. Douglas?

3 MR. DOUGLAS: No.

4 MR. KEHOE: Mr. McKinley?

5 MR. MCKINLEY: Yes.

6 MR. KEHOE: Chairman Kessler?

7 MR. KESSLER: Yes.

8 MR. KEHOE: The motion -- the resolution
9 passes, five to two.

10 MR. KAMM: Thank you.

11 MR. KESSLER: Okay. The final item this
12 evening, and it's a public hearing. It is the
13 application of George McCombe for preliminary and
14 final plat approval for a two-lot minor
15 subdivision of a two-acre parcel of property
16 located at 107 Mountain View Road, improvement
17 drawings latest revised February 20, 2025, plat
18 dated August 7, 2024. Good evening.

19 MR. KEITH STAUDOCHAR: Good evening.
20 Keith Staudohar, Cronin Engineering. We're here
21 to represent the applicant, George McCombe. This
22 is a two-lot minor subdivision proposal at 107
23 Mountain View Road. Fairly straightforward,
24 there's no wetlands, there's no steep slopes.

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2 There are only 12 trees that are proposed to come
3 down and we're planning on planting 13. All of
4 the things are good. We went, did our testing
5 with the health department. We have good soils
6 for the septics, so we're ready to move forward.
7 Hopefully we can close and have a resolution for
8 next month.

9 MR. KESSLER: Okay. But it, it is in the
10 watershed area, correct?

11 MR. STAUDOCHAR: It is in the city
12 watershed, yes.

13 MR. KESSLER: Okay.

14 MR. STAUDOCHAR: We went out, we went out
15 with the DEP to do the test soils.

16 MR. KESSLER: So, it's a public hearing.
17 Is there anybody that wishes to comment on this
18 application? Okay. Any, any comments from the
19 board?

20 MR. DOUGLAS: Do we have a, a
21 landscaping plan? I mean, I, I know what you
22 gave, what we saw tonight.

23 MR. STAUDOCHAR: We, we have a -- yes, we
24 have a, it's SP-2.1.

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2 MR. KEHOE: Yeah.

3 MR. DOUGLAS: I can't --

4 MR. KEHOE: We do have a planting list.
5 Sugar maple, red oak, river birch.

6 MR. DOUGLAS: And what's, what's the
7 caliper size on those

8 MR. KEHOE: Twos.

9 MR. DOUGLAS: Can we do threes?

10 MR. STAUDOCHAR: Sure.

11 MR. DOUGLAS: Thank you.

12 MR. STAUDOCHAR: Absolutely.

13 MR. KESSLER: Again, this is the 13
14 trees we're talking about.

15 MR. STAUDOCHAR: Yeah, I think there may,
16 there's the number of trees in, at the end of the
17 day will vary based on what Chris said earlier in
18 the work session. So it's at least 13. It's going
19 to be more probably.

20 MR. KESSLER: Okay. Any, any other
21 comments, staff of the board? If not, last call?
22 Nope.

23 MS. CATHERINE OAKLEY: Can I just ask a
24 question?

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2 MR. KESSLER: Sure. Come on up. I --

3 MR. CUNNINGHAM: You have to come up to
4 the --

5 MR. KESSLER: Yeah, sure. Come on up.
6 And name and address for the record, please.

7 MS. OAKLEY: Sure. Hi, my name is
8 Catherine --

9 MR. KESSLER: No, wait, go to the
10 microphone, You've got to go to the microphone.

11 MS. OAKLEY: Hi, my name is Catherine
12 Oakley. I live at one 17 Mountain View Road. I'm
13 to the right of the subdivision. We've lived at
14 the home for 22 plus years, so, this is new to us
15 that they're subdividing. I guess my question is,
16 I, I think, I don't know enough, but is this
17 meeting just strictly just for the subdivision or
18 is it in addition to this house that's going to
19 be put on the property that we're seeing appear?

20 MR. KESSLER: We're approving the
21 subdivision and then they will get a building
22 permit to build the house.

23 MS. OAKLEY: Okay.

24 MR. KESSLER: That, that's the process.

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2 MS. OAKLEY: Okay, so --

3 MR. KESSLER: So once we approve the
4 subdivision, then they have a buildable lot.
5 They'll go back to the town and ask for a,
6 building permit.

7 MR. KEHOE: Right. And just to be clear,
8 and Keith can answer this, there's no guarantee
9 that that's exactly the house that is presented
10 is necessarily going to be built there.

11 MR. KESSLER: Right.

12 MR. KEHOE: The planning board is not
13 approving that house.

14 MS. OAKLEY: Okay.

15 MR. KESSLER: Yeah.

16 MR. KESSLER: By them showing it, I'm
17 assuming that's the type of house they want to
18 build.

19 MS. OAKLEY: Okay.

20 MR. KEHOE: But the planning board
21 doesn't get involved in the, in the design of the
22 house.

23 MS. OAKLEY: Okay. Thank you.

24 MR. KEHOE: And then I think, I'm not

1 April 1, 2025

2 sure, adjoining neighbors would get noticed at
3 the time of the building permit being issued --

4 MS. OAKLEY: Thank you.

5 MR. KEHOE: -- unless there are steep
6 slopes or wetland permits that have to go out.
7 But you can keep in touch with the building
8 department. We never know, this group, when the
9 house is going to be built, because once it's
10 through the planning board, it's done and it's in
11 the building department. Sometimes it takes a
12 long time. Sometimes it happens right away.

13 MS. OAKLEY: Okay. Thank you for that
14 clarification. We've never had to come. Like I
15 said, we live on a nice little 13 --

16 MR. BIANCHI: Did you have a concern
17 about --

18 MS. OAKLEY: -- 13 home street, so this
19 was --

20 MR. BIANCHI: Did you have a concern
21 about the house or -- I mean, you can raise it
22 if, if you --

23 MS. OAKLEY: I mean, it, it is what it
24 is. I just don't want a monster of a house in my

1 April 1, 2025

2 backyard. That's my concerns. And this isn't
3 obviously the forum for --

4 MR. KESSLER: So you are to the --

5 MS. OAKLEY: I'm to the right of this
6 home.

7 MR. KESSLER: Of the proposed home?

8 MS. OAKLEY: Yes. Yes. So the
9 subdivision and then that's my home that I've
10 lived in too for 22 plus years.

11 MR. KESSLER: So there'll be -- let's,
12 let's just discuss what the requirements are in
13 terms of, you know, setbacks here.

14 MR. KEHOE: It's a 30-foot side yard
15 setback. The issue is the driveway turnaround is
16 not required to be outside of that 30 foot
17 setback. So you can see as you go up the
18 driveway, you know that, that doesn't have to
19 respect the 30 foot setback. There is some
20 additional planting proposed over there and some
21 existing planting that already exists that won't
22 be removed. The planning board could require
23 additional planting over there if you wanted
24 that. If, if you thought that that would be

1 April 1, 2025

2 beneficial or helpful. I mean, it's a very wooded
3 area. I mean, that's why we chose the area. I
4 mean, it's most of the property is two acre
5 property --

6 MR. KESSLER: Right.

7 MS. OAKLEY: -- on our street. So this
8 is just another subdivision and --

9 MR. KESSLER: Do you know how far your
10 house is from the property line?

11 MS. OAKLEY: I, I don't, because like I
12 said, I --

13 MR. KESSLER: I mean roughly or --

14 MS. OAKLEY: I don't want to be a pain
15 in the butt, but --

16 MR. KESSLER: That's all right.

17 MS. OAKLEY: -- I just don't want it.

18 MR. KESSLER: You won't be the first
19 person that comes here.

20 MS. OAKLEY: I don't want it on my
21 property and I still want to have some privacy.
22 That's why I chose --

23 MR. KESSLER: Well, there definitely
24 will be a 30-foot buffer on their property.

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2 MS. OAKLEY: Yeah, that's why I chose
3 where I did to live.

4 MR. KESSLER: I'm just wondering how
5 much buffer you have, you know, from your house.

6 MR. STAUDOCHAR: I don't know if it's on
7 that aerial Chris, or not, but --

8 MR. KESSLER: What's it --

9 MR. STAUDOCHAR: There's an aerial on the
10 -- if you can zoom into the top corner. I don't
11 know if you can see. The house is, from what I
12 remember, the stone wall and the tree line is
13 basically the property line, right?

14 MS. OAKLEY: Yes. Correct.

15 MR. STAUDOCHAR: No trees are coming down
16 off that, near that stone wall or property line.
17 If you do want to add a couple of privacy --

18 MR. KEHOE: You've got to us the mic.

19 MR. KESSLER: Yeah, microphone please.

20 MR. STAUDOCHAR: I forgot what I just
21 said.

22 MR. KOBADSA: You promised six inch
23 caliber.

24 MR. STAUDOCHAR: The property line is

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2 delineated with a stone wall and there's a whole
3 bunch of hedgerow trees along, on that stonewall.
4 They're probably not in great condition, but it
5 provides a buffer right now as how close the
6 house is to the property lines. Let me just take
7 a look.

8 MR. KESSLER: So your house is right
9 above where it says site?

10 MS. OAKLEY: Mm-hmm.

11 MR. STAUDOCHAR: Yes.

12 MR. KESSLER: Their house?

13 MR. STAUDOCHAR: Yes. That little gray up
14 and in, closer to the road, right.

15 MR. KESSLER: Mm-hmm. Yeah.

16 MR. STAUDOCHAR: So I would say we're
17 probably at least 100 feet, 150 feet from the
18 house.

19 MR. KEHOE: We're trying, we're trying
20 to determine on the GIS. Because your question
21 is, I mean, there's, there's a 30 foot buffer to
22 the property line, then there's a certain amount
23 of property to your house. And we're just trying
24 to figure out what that total --

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2 MS. HEATHER LAVARNWAY: It'd be about
3 60.

4 MR. KEHOE: About 60.

5 MR. BIANCHI: And, and it looks like
6 there are trees on your property, at the property
7 line also.

8 MR. STAUDOCHAR: Yes. That's what I was
9 saying.

10 MR. BIANCHI: Is that right?

11 MR. STAUDOCHAR: There's about --

12 MR. BIANCHI: On both sides?

13 MR. STAUDOCHAR: There's a whole row of
14 trees on their common property line.

15 MR. BIANCHI: Okay. That that's, yeah.

16 MR. MCKINLEY: Keith, one other thing is
17 I don't think the houses are going to be in line
18 with one another either. I think yours is set
19 back a little bit more. Yeah,

20 MS. OAKLEY: It's going to be set behind
21 my home.

22 MR. MCKINLEY: Yeah.

23 MR. BIANCHI: Yeah.

24 MR. STAUDOCHAR: We could shift it up 20

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2 feet if you want.

3 MR. KESSLER: Is that, is that a
4 concern? That's your concern?

5 MR. STAUDOCHAR: Well, your house is
6 actually closer to the road.

7 MS. OAKLEY: We kind of lose privacy,
8 but --

9 MR. KESSLER: Okay, well, no, no, that's
10 what you, that's why it's a public hearing. Tell
11 us, tell us your concerns.

12 MS. OAKLEY: Like I said, I don't want
13 to be a pain.

14 MR. STAUDOCHAR: All right. See right
15 across the road, it says Mountain View. That's
16 their house.

17 MR. BIANCHI: Yeah.

18 MR. KESSLER: Over by the M, okay, in
19 Mountain View. Yeah. Okay.

20 MR. STAUDOCHAR: Right. And then SI is,
21 it's roughly where our house is.

22 MR. BIANCHI: Right.

23 MR. STAUDOCHAR: So we're behind your
24 house. But from house to house, it's got to be --

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2 MR. BIANCHI: No, it's not --

3 MR. STAUDOHAR: -- 200 feet, 150 feet or
4 something, I'm just guessing. Right.

5 MR. KEHOE: Well, well from the existing
6 house.

7 MR. STAUDOHAR: Yes.

8 MR. KEHOE: The, the proposed house --

9 MR. STAUDOHAR: Between, between the
10 houses, there's a whole bunch of trees. You can
11 see them.

12 MR. KESSLER: So, just roughly Keith
13 then, where would the front of the proposed house
14 be? Is it going to be like at the end of the E in
15 the word site?

16 MR. STAUDOHAR: No, it's going to be --

17 MR. LAPINE: No.

18 MR. STAUDOHAR: -- by the S.

19 MR. LAPINE: Correct.

20 MR. KESSLER: The front, the what, the
21 front of the house?

22 MR. STAUDOHAR: Yeah. I mean between the
23 S in --

24 MR. CUNNINGHAM: Microphone.

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2 MR. STAUDOCHAR: -- so a little closer to
3 those

4 MR. LAPINE: Chris, the need you --

5 MR. KESSLER: Microphone, mic, mic, mic.

6 MR. STAUDOCHAR: Got it. Sorry about
7 that.

8 MR. KESSLER: So the house is going to
9 be set well back is what you're saying?

10 MR. STAUDOCHAR: It's back and it's
11 distance wise, it's, you know, a good 150 feet
12 between houses.

13 MR. KESSLER: But, but the, the, and,
14 and it's -- just to be clear, the front of the
15 proposed house is going to align, let's say with
16 the back of their house. Is that, is that what
17 you're now saying?

18 MR. STAUDOCHAR: No.

19 MR. KEHOE: The, the, the house is going
20 to be more or less where the I is in site.

21 MR. KESSLER: Okay. So the front of the
22 house would be basically --

23 MR. STAUDOCHAR: Right above the --

24 MR. KESSLER: -- aligned with the back

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2 of their house?

3 MR. STAUDOCHAR: Right above the SI,
4 right, Right above SI is is where the house is.
5 And it faces --

6 MR. KOBADSA: The road.

7 MR. STAUDOCHAR: -- the east.

8 MR. KOBADSA: This is the road to the
9 east.

10 MR. DOUGLAS: Can I, can I just add
11 some, some words of reassurance to you? I live in
12 a very similar situation, a nine person road in
13 the woods. You know, everything's set apart. And
14 I would, I, my closest house to me is probably
15 about 150, 200 feet away. It's set the same sort
16 of like front to back angle things that you'll
17 get plenty of privacy. You won't, after the first
18 month, you won't even notice the house. So if
19 that, if that helps, so. I'm not saying you want
20 the house there, I'm just, I'm just saying for
21 whatever, whatever it's worth. Yeah.

22 MR. KESSLER: But you're open to
23 considering some additional landscaping?

24 MR. STAUDOCHAR: Sure.

1 April 1, 2025

2 MR. KESSLER: In, in that, in that,
3 buffer area, I mean in the setback area?

4 MR. STAUDOCHAR: I mean, I could propose
5 landscaping, but it's, it, it's going to be under
6 the existing tree line. You know, the tree's not
7 going to get enough sunlight or too, too shady
8 or, or, so we can plant stuff in there to fill in
9 some of the gaps.

10 MR. KESSLER: Okay.

11 MR. STAUDOCHAR: If that makes any sense,
12 but there aren't many gaps on that line. But
13 we'll take a look.

14 MR. KEHOE: You're going to plant three
15 inch caliber trees? According to Jeff, you're
16 going to plant three inch.

17 MR. STAUDOCHAR: Yes.

18 MR. KESSLER: That's what he agreed to.

19 MR. STAUDOCHAR: Yes. Well, I mean,
20 listen, I can't get an eastern redwood in three
21 inch, I don't think, so.

22 MR. ROTHFEDER: That's true.

23 MR. STAUDOCHAR: Right. So I'll get,
24 I'll, get minimum three and if I have a question,

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2 maybe I'll contact you through the planning
3 department, we can --

4 MR. ROTHFEDER: I'd appreciate that.
5 Thank you.

6 MR. KEHOE: And then there's a, a
7 possibility of shortening the driveway a little,
8 Chris Lapine?

9 MR. LAPINE: Yeah. There is an
10 opportunity to shorten it if needed.

11 MR. STAUDOCHAR: I mean, that's in the,
12 where we chose the spot, it sits nice out there
13 in the field, but we could probably, we, we may,
14 may be able to shift it 20 feet to the north. I
15 mean to the east.

16 MR. LAPINE: You're also dictated by
17 your foundation drains as well. So that's, that's
18 the other issue you have.

19 MR. STAUDOCHAR: Yes.

20 MR. LAPINE: Because you don't have a
21 lot of slope there.

22 MR. KESSLER: Is there a reason why you
23 want to set the house that far back?

24 MR. STAUDOCHAR: It just, it just felt

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2 right, right where that is.

3 MR. KESSLER: It's what?

4 MR. STAUDOCHAR: It felt right where
5 we're showing it. It's, you know, it sits nicely.
6 Like I said, we're only taking down 12 trees and
7 most of those trees are really not good. If you
8 look at the list of trees, they're fair at best,
9 poor, dead.

10 MR. LAPINE: I think you also have some
11 topography as in the rear of your property as
12 well that hinders you from locating it back there
13 as well.

14 MR. STAUDOCHAR: Yes. Oh, yeah. We got,
15 yeah. This, like I said, we do this a long time.
16 We, I, I place, I try to design it the best I can
17 to make sense. It is what it is. If the, if the
18 neighbor's looking for some screening, we can, we
19 can provide that. We're not going to go crazy
20 because there's already screen. But if you feel
21 we should add an additional half dozen trees
22 along the driveway or something, we would, we
23 would consider that.

24 MS. OAKLEY: That's fine. Like I said --

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2 MR. KESSLER: Come on to the microphone
3 again, please.

4 MS. OAKLEY: Sorry. I mean that's fine.
5 Like I said, I think my biggest concern is the
6 size of that house that's going in.

7 MR. CUNNINGHAM: So, so also there are -
8 -

9 MS. OAKLEY: And that's not to be
10 determined.

11 MR. CUNNINGHAM: -- there are, I mean,
12 there are height limitations in our code and
13 there's a floor area ratio in our code. So at
14 most it could be two and a half stories or, or 35
15 feet.

16 MR. KESSLER: Right, 35 feet is the
17 maximum it could be.

18 MR. CUNNINGHAM: And they haven't asked
19 for any variances from the code. So, it's going
20 to be, the house is going to be compliant with
21 what's permitted for any other lot.

22 MR. STAUDOCHAR: It's going to be nice.
23 It's going to be a nice addition to the
24 neighborhood.

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2 MS. OAKLEY: And, and I guess my other
3 comment too is we do live on a street with 13
4 houses that are basically all two acre property.
5 So is my street going to now become a 26 home
6 street as we're going to keep letting this
7 happen?

8 MR. KESSLER: Well, the, the zoning
9 there is R40?

10 MR. KEHOE: Yeah, it's one acre zoning.

11 MR. KESSLER: So it's one acre zoning.
12 So I mean, if, if somebody can properly subdivide
13 their lot into two distinct one acre lots,
14 technically they could, they could do that as
15 well.

16 MS. OAKLEY: Okay.

17 MR. KEHOE: But most of the lots are not
18 two acres in size. They, they, they may be, they
19 may appear to be bigger.

20 MR. KESSLER: Okay.

21 MR. KEHOE: But most of them can't be
22 subdivided.

23 MR. STAUDOCHAR: Yes, that's true.

24 MR. KESSLER: Yeah. You could probably

1 April 1, 2025

2 go in, you know, you can probably come into, uh,
3 see Chris in the office and they'll show you, you
4 know, the size.

5 MS. OAKLEY: It's, like I said, I lived
6 there for 22 years. This is just all new.

7 MR. KESSLER: Yeah.

8 MS. OAKLEY: And I've never had to come
9 here before. All right. Thank you. And thank you
10 for all the information.

11 MR. KESSLER: Okay.

12 MR. LAPINE: Mr. Chairman, since --

13 MR. KESSLER: Thank you for coming in.

14 MR. LAPINE: Since the property line has
15 some existing trees along there, maybe the
16 visibility concern is at the lower level from
17 zero to six feet. And maybe we can accomplish
18 what's being desired, maybe with some shrubs as
19 opposed to trees. That'll provide a similar
20 purpose.

21 MR. KESSLER: Okay. But how, how would
22 this get worked out with, you know, because once
23 it leaves here --

24 MR. KEHOE: With a condition that the

1 April 1, 2025

2 final landscape plan will be worked out to the
3 satisfaction of the various departments.

4 MR. KESSLER: Okay, so you'll put that
5 in a resolution?

6 MR. KEHOE: You're actually issuing the
7 tree removal permit.

8 MR. KESSLER: Right.

9 MR. KEHOE: So as long as the applicant
10 doesn't remove any additional trees, there's no
11 additional permit for tree removals that would be
12 coming from the building department. But they
13 would be showing a landscape on this plan and
14 then you're going to sign the plan and then that
15 is exactly the landscape that has to be built
16 unless it's modified. And then depending on how
17 modified it is, it never happens, but it could
18 have to come back to you. But I, I don't think
19 they ever modify it down, they'd only modify it
20 more.

21 MR. KESSLER: Okay.

22 MR. BIANCHI: What kind of trees
23 currently exist along the property line that you
24 pointed out before?

1 April 1, 2025

2 MR. STAUDOCHAR: Well, I don't have all
3 the numbers, but there's a lot of sugar maples.

4 MR. BIANCHI: Are they evergreens?
5 They're not evergreens.

6 MR. STAUDOCHAR: There's no, there's
7 really no, not many evergreens at all. Right?

8 MS. OAKLEY: No.

9 MR. STAUDOCHAR: Yeah.

10 MR. BIANCHI: Well that's probably one
11 of your concerns is that during the winter time
12 you're going to have a wider view than you
13 normally would in the spring --

14 MR. STAUDOCHAR: Well, to Chris's point -
15 -

16 MR. BIANCHI: -- and the summer.

17 MR. STAUDOCHAR: To Chris's point,
18 Lapine, Mr. Lapine, we could put in six foot high
19 evergreens instead of trees.

20 MR. BIANCHI: Yeah. I would think that's
21 -- if you do anything, that's what you'd want to
22 do.

23 MR. LAPINE: Correct.

24 MR. KEHOE: Right. So the final details

1 April 1, 2025

2 of the landscape plan will be worked out.

3 MR. KESSLER: Okay. Okay.

4 MR. STAUDOCHAR: Great. Thank you very
5 much.

6 MR. KESSLER: We'll do that.

7 MS. OAKLEY: Okay. Thank you.

8 MR. KESSLER: Okay. Thanks for coming.
9 So any other comments from the board?

10 MR. ROTHFEDER: No.

11 MR. KESSLER: So, if not, Peter?

12 MR. MCKINLEY: Mr. Chairman, I move to
13 make a motion to close the public hearing and
14 have staff prepare a resolution for PB 2024-2 for
15 the property, property located at 107 Mountain
16 View Road.

17 MR. KESSLER: Second, please.

18 MR. DOUGLAS: Second.

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

21 MULTIPLE: Aye.

22 MR. KESSLER: Opposed? Okay, Mr.
23 Kobadsa?

24 MR. KOBADSA: All righty. the time is 6

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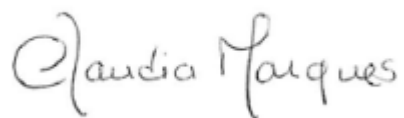
51. Meeting's adjourned.

(The public board meeting concluded at
6:51 p.m.)

CERTIFICATE OF ACCURACY

I, Claudia Marques, certify that the foregoing transcript of the Planning Board meeting of the Town of Cortlandt on April 1, 2025 was prepared using the required transcription equipment and is a true and accurate record of the proceedings.

Certified By

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

Date: April 16, 2025

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