

TOWN OF CORTLANDT
PLANNING AND ZONING BOARDS

PLANNING BOARD MEETING

Town Hall
1 Heady Street
Cortlandt Manor, NY 10567

November 6, 2025
6:29 p.m. - 9:17 p.m.

November 6, 2025

MEMBERS PRESENT:

Steven Kessler, Chairman

Thomas A. Bianchi, Vice Chairman

Kellan Cantrell, Member

Jeffrey Rothfeder, Member

Nora Hildinger, Member

Peter McKinley, Member

Kevin Kobadsa, Member

MEMBERS ABSENT:

David Douglas, Member

ALSO PRESENT:

Chris Kehoe, AICP, Director of Planning

Michael Cunningham, Esq., Deputy Town Attorney

Heather LaVarnway, CNU-A, Planner

Chris Lapine, P.E., Engineer

Catherine Brosnan, P.E., Assistant Civil Engineer

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2 (The board meeting commenced at 6:28 p.m.)

3 MR. CHRIS KEHOE: -- Cantrell?

4 MR. KELLAN CANTRELL: Here.

5 MR. KEHOE: Mr. McKinley?

6 MR. PETER MCKINLEY: Here.

7 MR. KEHOE: And Ms. Timko as an
8 alternate.

9 MS. KAREN TIMKO: Here.

10 MR. KEHOE: And also, just note for the
11 record David Douglas is absent.

12 MR. STEVEN KESSLER: Thank you. We have
13 no changes to the agenda this evening. Can I
14 please have a motion to adopt the minutes from
15 our meeting of October the 7th? So moved.
16 Second, please?

17 MR. MCKINLEY: Second.

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

20 MULTIPLE: Aye.

21 MR. KESSLER: Opposed? First item on
22 tonight's correspondence is a letter dated
23 October 24, 2025, requesting the second one-year
24 time extension of amended site plan approval for

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2 an addition to an existing dental office for JJM
3 Summit Realty, the property located on 1 Jerome
4 Drive. Peter?

5 MR. MCKINLEY: Yes, Mr. Chairman, I'd
6 like to make, call a resolution for 24-25 for a
7 one-year second year time extension for an
8 amended site plan for approval for, located at 1
9 Jerome Drive.

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

12 MR. THOMAS BIANCHI: Second.

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

15 MULTIPLE: Aye.

16 MR. KESSLER: Opposed? Good luck.

17 MR. BIANCHI: Thank you.

18 MR. KESSLER: Next item is a resolution
19 as to the application of Claudia Villeda for an
20 amended site plan approval for a proposed canopy
21 over an existing outdoor patio at Yuka's
22 Restaurant located at 2011 Albany Post Road. The
23 drawing is dated May 29, 2025. Kellan?

24 MR. CANTRELL: Chairman, I'd like to

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2 make a motion to approve Resolution 25-25 for
3 2011 Albany Post Road for an amended site plan
4 approval.

5 MR. KESSLER: Thank you. Second,
6 please?

7 MR. JEFFREY ROTHFEDER: Second.

8 MR. KESSLER: Thank you. And on the
9 question, all in favor?

10 MULTIPLE: Aye.

11 MR. KESSLER: Opposed? Okay, okay.

12 UNIDENTIFIED MALE 1: Thank you.

13 MR. KESSLER: Our next item on the
14 agenda, it's a public hearing. It's the public
15 hearing regarding the application of 77 Montrose
16 Station, LLC, for preliminary plat approval for
17 an, a, for a tree removal and steep slope permits
18 for proposed three-lot major subdivision of an
19 approximately 9.7 acre parcel of property located
20 at 77 Montrose Station Road, drawings latest
21 revised August 20, 2025. Before you start, just,
22 you know, we have a lot of people here. Just a
23 few comments. Thank you all for coming, by the
24 way. And just a few comments on the process here

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2 for those of you who are new to the process.

3 So, this application has been before us,
4 I think now for nine months. And we've done a
5 lot of work with the staff and the Board, getting
6 it to the point where it's ready for, now, a
7 public hearing. Understand that these seven
8 members up here are the people that make the
9 decision on this Boar-, on this application. We
10 have not come to any decision. That's why we're
11 having the public hearing, to hear your comments
12 for or against the Applicant. So, just to get a
13 sense, how many people are here to talk about
14 that? Okay, so maybe a dozen or so. Okay.

15 So, you'll come up to the podium. And,
16 first, I'm sure the Applicant is going to make
17 some opening remarks. I would be surprised if
18 Mr. Steinmetz did not. And, and then we'll ask
19 the public to come up and, and have their
20 comments. And we typically do not have any time
21 limits for making comments, but I do request that
22 you be as brief as possible, because we do have
23 two public hearings this evening. I try and let
24 everybody speak. If you wish to speak a second

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2 time, you're certainly entitled to. But let
3 everyone who wants to go first, go first.

4 Again, no decision has been made on this
5 application. It is not meant to be a debate.
6 You're here to inform the Board, you're here to,
7 to raise your issues with the Board. It's not a
8 back and forth between you and the Applicant, or
9 even you and the Board. If there are issues
10 raised, the Applicant has the ability to, to
11 answer the questions that, that come up, or we
12 can ask the Applicant on your behalf to answer
13 those questions as they arise, if we think they
14 are relevant and pertinent to, to the
15 application.

16 And I, I, I think, you know, that's it.
17 And we have the staff here to keep everybody
18 honest. We have our engineers, the planning
19 staff, and our attorney, Michael Cunningham,
20 here, if there are any issues that come up
21 related to that. But understand, again, that,
22 you know, a lot of work has gone into this, and
23 that's why it's now ready for a public hearing,
24 because of all the hard work this Board and the

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2 staff has done to get it to the point that it's
3 ready here for primetime.

4 So, with that, Mr. Steinmetz, good
5 evening.

6 MR. DAVID STEINMETZ: Good evening, Mr.
7 Chairman, members of the Board. David Steinmetz
8 from the law firm of Zarin and Steinmetz.
9 Pleased to be here tonight with regard to 77
10 Montrose Station, LLC. I am joined this evening
11 by our project engineer, Jim Annicchiarico from
12 Cronin Engineering.

13 Maybe the only thing that will surprise
14 you, Mr. Chairman, is we're going to try to be
15 very brief. We know you have an extensive agenda
16 in front of you. Jim and the technical team have
17 made a number of presentations. So, simply for
18 the benefit of the record, we are here tonight,
19 as the Chair indicated, for preliminary plat,
20 tree removal, and steep slopes review at a public
21 hearing.

22 This is an as-of-right, as you said
23 during the work session, Mr. Chairman, 2- 2-3 lot
24 subdivision. It is technically a three-lot

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2 subdivision. This 10-acre parcel in the R80 zone
3 presently has one home on it. That home is
4 serviced by a common driveway that services that
5 home and another home that is not part of the 10
6 acres. So, it is technically a three-lot
7 subdivision, but my, our client is simply seeking
8 to create two new lots. Both of those lots are
9 as-of-right and zoning compliant with regard to
10 lot area. They are consistent with the
11 surrounding area, in our opinion. They are in
12 excess of two acres. And, as I said, this is an
13 R80 two-acre zone.

14 The, the property itself will be served
15 by public water, connecting to an existing water
16 main on Montrose Station Road and have on-site
17 septic.

18 The subdivision itself is designed to
19 limit curb cuts. What do I mean by that? There
20 is an existing curb cut already on Montrose
21 Station Road that services the existing home.
22 And what Cronin Engineering has determined is
23 that the most prudent and safe way to proceed is
24 to have one more curb cut with another or second

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2 common driveway. That common driveway would
3 service the two proposed homes.

4 I, I know a number of you were out on
5 the site inspection. I was not. Mr.
6 Annicchiarico was. So, your, your Board and the
7 public should know your Board is familiar with
8 this site.

9 In terms of tree removal, trees were
10 identified and tagged. Jim can speak very
11 briefly to that in terms of the issuance of a
12 tree removal permit in August of 2024. We're
13 here tonight, really, to listen to the comments
14 of the public with regard to this application.
15 There have been a number of issues that have
16 arisen previously. I think they have been
17 addressed at prior meetings. Jim, do you want to
18 cover anything, or, or are you good and resting
19 on what you've --

20 MR. JIM ANNICCHIARICO: Yeah, I think
21 that's enough.

22 MR. STEINMETZ: So, you all have seen
23 the plan. The plan is on the screen before you.
24 It does display the entire 10 acres. It does

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2 display -- or 9.7 acres. It does display the two
3 new homes that you can see in the lower right
4 hand. And, as I said, Mr. Chairman, we're here
5 because, under section 276 of New York State Town
6 Law, as well as your code, we are required to
7 conduct a public hearing in connection with
8 subdivision approval. We're here to listen.
9 Whether we respond tonight or respond
10 subsequently with a submission or, or a
11 submission letter, we will make that
12 determination. However, should you, Mr.
13 Chairman, have any questions that you wish for
14 Mr. Annicchiarico to address, please just let us
15 know.

16 MR. KESSLER: Okay.

17 MR. STEINMETZ: Thank you.

18 MR. KESSLER: Thank, thank you, David.
19 So, this is a public hearing, so those who wish
20 to speak, please come up to the podium, state
21 your name and address for the record.
22 Understand, also, that this is being recorded and
23 you can view this meeting on the website. I
24 guess, within several days, it gets posted up on

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2 the website. So, please, let's start.

3 MR. BILL DALTON: Yeah, Bill Dalton, 72
4 Col--

5 MR. KESSLER: Yeah, make sure, make sure
6 you talk into the microphone, please.

7 MR. DALTON: Yeah. Bill Dalton, 72
8 College Hill Road.

9 MR. FRANKLIN DENNIS: Franklin Dennis,
10 54 College Hill Road.

11 MR. DALTON: Okay. I'm glad that you
12 said that there's been no decision made. But,
13 has there been any recommendations made to date
14 to approve?

15 MR. KESSLER: No.

16 MR. DALTON: And nothing's been
17 communicated to the Applicant?

18 MR. KESSLER: No.

19 MR. DALTON: Okay.

20 MR. MICHAEL CUNNINGHAM: They, they
21 received comment memos from staff.

22 MR. KESSLER: Yeah, as I said, the, the
23 first application, I believe, came in February.
24 So, since February, when we received the

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2 preliminary application, it's been worked on by
3 this Board, the staff, to get it to the point
4 where we're comfortable with the plan, as it's
5 being presented. That doesn't mean we approve of
6 the plan. It was just ready to hear the public
7 comment to see --

8 MR. DALTON: Okay.

9 MR. KESSLER: -- whether we should
10 approve the plan.

11 MR. DALTON: Alright. And I may send
12 something as a follow-up question to that. I'll
13 send it to you directly, then.

14 We have five points that we want to
15 raise tonight. What I'm going to do is just
16 briefly give you the points, and then Franklin
17 Dennis here will go through them in, in greater
18 detail.

19 Our first point has to do with the fact
20 that this is a three-lot subdivision, and there's
21 only two lots that are part of the study. When
22 we Googled New York State law, it said that there
23 should be no exclusion of any lots on a
24 subdivision application. So, there seems to be

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2 an inconsistency there. This lot was 58 percent
3 of the 9.7 acres. We'd just like to understand
4 what is the rationale for its exclusion.

5 Point two is that discrepancies exist
6 between the deeded metes and bounds and the plot
7 survey. We originally requested that these
8 differences be reconciled with the five adjacent
9 property owners. And we haven't heard anything
10 on that. We request that you consider that prior
11 to subdivision approval.

12 Point three, the property was sold for
13 \$800K; 9.7, subdividable, apparently, acres with
14 a house, garage, and two outbuildings. Fine.
15 But one of the clauses, when we took a look at
16 the filing with the county, said that the
17 \$800,000.00 would be held in escrow pending
18 renovations performed by the buyer and be duc-,
19 be deducted from the proceeds of the \$800,000.00.
20 We're raising this because this is an elderly
21 woman living in a nursing home, or assisted
22 living, and we have a concern that maybe
23 something was eyebrow raising. And we're
24 requesting that you look at it and, and alleviate

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2 those concerns, if you can.

3 The fourth point is where that, the
4 houses are being put, the new driveway, that's
5 what's really taken, taken down a lot of the
6 trees and changing the woodland look and feel of
7 Montrose Station Road. And the concern is not
8 only ours, but anybody that uses the road. And
9 it also will impact public safety by adding
10 another access point on a relatively busy road.

11 Which brings me to point five. We are
12 making a recommendation to modify the, the
13 layout, the plot layout. Basically, it will take
14 the two houses, move one of them further back,
15 switch them around, and have them use the common
16 driveway. And we will be showing a map of
17 exactly what we're recommending.

18 And, with that, I'll turn it over to
19 Franklin.

20 MR. KESSLER: Thank you.

21 MR. DENNIS: Thank you, Bill. I -- the
22 College Hill Road and Station Hill Road
23 community, in a sense we're standing in for here,
24 is about 20 households. So, it's a fairly

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2 substantial number of people who are concerned
3 about this. And to underscore what Bill said,
4 I've lived here all my life and I think one of
5 the assets about Station Hill Road is that it is
6 very rural. And if you start changing that, you
7 start putting houses next to the road, you put
8 lawns there that, that clash with this great
9 sense of you're going into a park, you're going
10 towards Blue Mountain, it has its charms. And we
11 would hate to see that, you know, diminished.

12 It's interesting to me that, when I
13 walked in here, I saw the name Vinnie Nyberg, I
14 think. This is the name of his -- this room is
15 named after him. And, you know, Vinnie was in
16 charge of Code Enforcement. And I remember, many
17 years ago, that he came up to College Hill Road
18 and there was a, what he described, what Vinnie
19 described as the worst violation he had ever
20 seen. And this, this was in- involving taking
21 soil from this area and using it for a new
22 development.

23 The point I'm trying to make is that the
24 person who was responsible for this, this

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2 violation said, oh, don't worry about it, we'll
3 take care of it. Now, they were levied the
4 highest fine and they were required to plant
5 trees. And I can tell you, four years later, you
6 wouldn't know there were any trees there.
7 They're all dead. And the idea that you cut down
8 trees and that you put in new trees to take care
9 of the old trees, you know, it doesn't really
10 work out. And you don't have a lot of people
11 there with watering cans, making sure that these
12 trees thrive, which is a reason why let's not
13 touch the trees any more than we have to.

14 The other name I saw when I walked in
15 here, of course, is, you know, Linda Puglisi. I
16 remember being in a meeting with Linda a week
17 after a young gentleman had basically committed
18 suicide on Station Hill Road. He decided that he
19 wouldn't become a man unless he drove his car 80
20 miles an hour down Station Hill Road. To say
21 that it is a dangerous road, I think is really,
22 it doesn't do justice how dangerous it really is.
23 People don't pay a damn bit of attention to any
24 of the speed signs there, I don't care how many

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2 signs you put there.

3 Secondly, the road narrows. The road
4 narrows beyond the area that we're talking about,
5 especially when you come towards Montrose and you
6 reach a very high hill, a very steep hill, going
7 down, down to where the old Montrose Station was.
8 The road narrows, just when people are
9 accelerating around this turn. On the other side
10 of the road are two or three poles. If they're
11 electric poles, telephone poles, I have no idea
12 what they are, but they narrow the road. And on
13 the other side of the road is a brick wall, is a
14 wall. So, you know, people are going too fast.
15 They go around this turn, and I can tell you,
16 every week I get to that point and I say, you
17 know, you've got to be very careful here.

18 So, we don't need any more driveways on
19 Station Hill Road, especially one that's going to
20 lead to a very dangerous, you know, entrance to
21 Station Hill Road, because it's going to be below
22 a hill, somebody is not going to see it, and
23 they're going to be going 20 miles an hour over
24 the speed limit, or 30 miles an hour over the

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2 speed limit. It is, it's a dangerous place. It
3 really is. And, of course, there are other roads
4 involved. There's Travis Lane, there's Oak Road,
5 there's the school, school buses, etcetera.

6 I think Bill did a great job, you know,
7 summarizing where we are. As I say, I, more or
8 less, am standing up here for about 20 families,
9 and we are concerned about maintaining what
10 Station Hill Road was. And I think we have also
11 submitted a very detailed critique of the, the
12 building that's been proposed. And we actually
13 have pictures from, what is it, Google?

14 MR. DALTON: Google Earth.

15 MR. DENNIS: Yeah, I mean, you can see,
16 you can see that, previously, there has been
17 tremendous work there with, you know, pulverizing
18 machines, which you could hear day in and day
19 out, you know, knocking down these rocks to
20 change the topography of the, of the existing
21 house. I think the town probably has on record
22 consistent complaints by contiguous neighbors.
23 So, this is, the work that's been going on there
24 has been suspect.

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2 And then, if you see these Google
3 pictures, you can see that, you know, this place
4 was, had, you know, foliage, trees. You, you
5 couldn't see the ground. And then, thanks to
6 Google, the place has all been, you know, cut
7 down very severely. So, I'm sure you've seen
8 that on your site inspection.

9 Which is to say that we have reason to
10 be skeptical about what's been going on there,
11 and we have been complaining consistently.

12 MR. DALTON: Yeah. We filed a FOIA
13 request, asking for what permits were granted.
14 And, basically, it said that they were going to
15 cut down --

16 MR. KESSLER: Microphone, please.

17 MR. DALTON: -- some dead trees.

18 MR. KESSLER: Speak into the microphone.

19 MR. DALTON: Oh, excuse me. We filed a
20 FOIA, a FOIA request. And it was basically, the
21 permits that were granted were to cut down some
22 dead trees and trees around the house. Yet, when
23 you take a look at the Google Earth and do a
24 measurement, trees have been clear cut 140 feet

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2 away from the house.

3 MR. KESSLER: So, let, let's just deal
4 with that quickly. So, my understanding, and
5 staff can help me out, is that it is your learned
6 opinion here that everything that was done on
7 that existing property was in accordance with
8 what was approved by the permit? Chris?
9 Somebody?

10 MR. CHRIS LAPINE: There was a permit
11 issued in August of 2024. Can you hear me?

12 MR. KESSLER: Yeah.

13 MR. LAPINE: Alright. There's a --

14 MR. KESSLER: Get a little closer.

15 MR. LAPINE: There was a permit issued
16 in August of 2024 for the removal of trees on the
17 site. Our understanding, that initial work was
18 observed by the Department of Technical Services.
19 Our company came out in September. We did
20 conduct a site visit with the two members of the
21 Department of Technical Services in September.
22 They acknowledged that the tree clearing that had
23 taken place was in accordance with the original
24 permit for the site.

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2 There were two additional trees that
3 were requested to be removed. There were two
4 other dead trees that were not taken down as part
5 of the original plan.

6 MR. DALTON: Town Code requires, when 10
7 or more trees are cut down, that there be a
8 survey done of what's being cut down and
9 notification given to the neighbors. There was
10 no notification and there is no survey. So, it
11 was not according to Code. And, as I said, take
12 a look at Google Earth. This was not just trees
13 near the house or dead trees. So, I mean, you've
14 got the pictures.

15 The other thing is, we heard the, you
16 know, the hydraulic or, you know, rock hammering
17 on an excavator. We believe there should be a
18 permit for that, as well. But, when I Googled --
19 when I requested it in the FOIA request, I didn't
20 see any type of permits granted for that type of
21 work.

22 MR. CUNNINGHAM: We'll ask the Applicant
23 to respond to, to anything [unintelligible]
24 [00:21:12] about the permits, just so it's not

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2 necessarily a back and forth with you all.

3 MR. KESSLER: Okay. So --

4 MR. CUNNINGHAM: So, so you can bring up
5 any sort of permit issues you have, any sort of
6 work you think was not done properly.

7 MR. DALTON: Well, what I did is I did a
8 FOIA request. I heard what was said at the last
9 meeting, I filed another FOIA request --

10 MR. KESSLER: Okay.

11 MR. DALTON: -- saying here's what was
12 said, please explain it. Right?

13 MR. KESSLER: Okay.

14 MR. DALTON: I filed that October 7th.
15 I was supposed to hear by November 4th. I have
16 yet to hear anything. And I went online today to
17 see if anything was put out there, and I, and
18 there's nothing there.

19 MR. LAPINE: There, there, there was a
20 complaint that was made, and, and I'm trying to
21 recollect here, either, maybe October of 2024
22 that came in via e-mail, that was conveyed to the
23 owner of the parcel. I believe they may have
24 been hammering, maybe around 7:00 in the morning

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2 or so. And they were told to adhere to the
3 Town's Code's hours for that, and I understood
4 that that was taking place afterwards.

5 MR. DALTON: So, with, with an
6 excavator, with that type of equipment on the
7 head, do you need a permit? And there's no
8 permit.

9 So, here's our issue. This occurred on
10 Lot 1. But that's the reason why we're all here
11 tonight. Lot 1 was excluded from the subdivision
12 filing. We want to know why.

13 MR. KESSLER: Tech- technically, it's
14 not. It's a three-lot subdivision.

15 MR. DALTON: Cor- cor-, right. So, if
16 there were violations on Lot 1 that have yet to
17 be corrected, you have the right to refuse or
18 reject the application. Because I looked up your
19 rules, and that's what it says. That's why this
20 is important.

21 MR. KESSLER: Okay. We will have, we'll
22 look to see if there's any violations and we'll
23 have the Applicant respond, as well.

24 MR. DALTON: Yeah, yeah. And we've got

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2 exhibits. We've got the exhibits of what it, the
3 State law said.

4 MR. KESSLER: Okay.

5 MR. DALTON: And we've got all that in
6 here. And, and references in your own Code in
7 there, as well. We've submitted them just
8 earlier this evening.

9 MR. KESSLER: Okay.

10 MR. DALTON: But you've seen it, a lot
11 of it you've seen before, because we're, we've
12 been here almost every hearing.

13 MR. KESSLER: Right. And we've got, we
14 -- staff distributes all the materials to us, as
15 well. Okay, we good?

16 MR. DALTON: Okay, that was point one.

17 MR. KESSLER: Oh, okay.

18 MR. DALTON: Well, okay, point two --

19 MR. KESSLER: I thought, I thought
20 heard, I thought I heard five. But, okay.

21 MR. DALTON: Well, that was point one,
22 right, but it was a big point, and the last one
23 will be a big point. And we have a display that
24 we'd like to have put up for, for you to see.

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2 The point two was the fact that there
3 were inconsistencies with the deed metes and
4 bounds versus the surv-, the survey that was
5 submitted in the application, and they weren't
6 insignificant. They were, like, nine feet here,
7 and, and, and in almost every area, there was a
8 difference. And there's five property owners
9 that surround this, this subdivision proposal.
10 We just ask that they be addressed with the other
11 party and resolved before any prior -- before any
12 approval is given.

13 The, the, the next one was the \$800k. I
14 pretty much, I think I did it justice. And what
15 we're asking is, we can't ask, but we believe you
16 can ask what was the deal. It's been 16 months.
17 Has she received anything of the \$800k? What
18 were the deductions? Because the money is being
19 held in escrow and she doesn't get it until, I
20 don't know when. I don't know if it's going to
21 be a CO or whatever. And what's her net going to
22 be? Our concern, as I said, she's an elderly
23 woman in assisted living, and this did not go
24 through multiple listings. It was a private

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2 sale. So, we, we'd just like for you to ask the
3 question and give us a --

4 MR. KESSLER: Honestly, I don't think
5 that's an issue for this Board to consider.

6 MR. DALTON: I, I, I got it. But
7 shouldn't somebody ask?

8 MR. KESSLER: Well, you're, you're
9 asking it. But I, again, I don't think that's
10 [unintelligible] [00:25:09] --

11 MR. DALTON: But I have no auth--

12 MR. KESSLER: -- our deliberations.

13 MR. DALTON: -- we have no authority.

14 MR. KESSLER: You know, who buys a
15 property and how they, how they sell it, you
16 know, and how much money people get, --

17 MR. DALTON: Okay.

18 MR. KESSLER: -- that's not our concern.

19 MR. DALTON: I understand you can reject
20 it, but is there anything preventing you from
21 asking?

22 MR. KESSLER: Does --

23 MR. DALTON: Is there anything
24 preventing anybody here from asking?

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2 MR. KESSLER: Does it further
3 understanding whether this application should be
4 approved or not? I don't think so.

5 MR. DALTON: I think we talked about
6 violations, I think we talked about what, what
7 happened with this trans-, this unusual ag-, you
8 know. It's, it's part of the subdivision
9 application. You're playing a role in it. It's,
10 I'm asking is there anything that prevents you
11 from asking. Are you curious? If there's a law
12 that says you can't, then I'm okay. But if you
13 don't want to ask...

14 MR. CUNNINGHAM: I don't know if there's
15 a law that prevents it, but I just don't think
16 we've ever really asked anyone to give us the
17 contract di--

18 MR. DALTON: You may have never had this
19 [unintelligible] [00:26:01] before.

20 MR. CUNNINGHAM: I, I --

21 MR. DALTON: This situation before.
22 Okay, we, we said our piece on that one.

23 MR. LAPINE: Sir, just to clarify, you
24 indicated that the description on the deed

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2 doesn't match the description on the survey that
3 was provided?

4 MR. DALTON: Yeah, that was off what was
5 submitted. Right?

6 MR. ANNICCHIARICO: I would say you have
7 to give us --

8 MR. KESSLER: No, [unintelligible]
9 [00:26:22] --

10 MR. LAPINE: No, no, no, no, I just want
11 to clarify. I'm only asking for clarification on
12 that.

13 [CROSSTALK] [00:26:25]

14 MR. LAPINE: I just want --

15 MR. DALTON: I've got a copy.

16 MR. LAPINE: Okay.

17 MR. KESSLER: When, when, when you're
18 done, they can respond, if they choose to.

19 MR. DALTON: Okay.

20 MR. LAPINE: Yeah, I just wanted to
21 clarify that.

22 MR. DALTON: Okay. Again, the houses
23 are being placed further away from Lot 1, where
24 the owner is going to have his house. And it's

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2 being put out on the road where they're being
3 placed, putting in a new driveway. That's what's
4 resulting in the change of the look and feel of
5 the neighborhood, in addition to putting the
6 access out onto Montrose Station Road.

7 When I looked at the survey, the
8 property only abuts Montrose Station Road where
9 the existing driveway is today. It does not abut
10 where the driveway is being proposed. You'd have
11 to give him a, I'm assuming, you'd have to give a
12 10, 10-foot variance to put the driveway where he
13 wants to, yet the existing driveway already has a
14 50-foot right-of-way. So, the property, back in,
15 in 53 College Hill Road, it goes all the way
16 back. It's a 50-foot right-of-way. Why are you
17 creating a new access point where there is no
18 access to the road when there's already a huge
19 right-of-way that exists?

20 Also, where the proposal is, that's all
21 rock ledge. We had to listen to the
22 jackhammering already, and what you're going to
23 do is put us through all this two more times. I
24 mean, if you did the site visit, you saw the road

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2 and you saw all the rock and see where the, the
3 houses would go in, and where they want to put
4 this driveway in.

5 Oh, and the other thing, the existing
6 driveway is sloped back. Where they want to put
7 in the driveway and all the material they're
8 going to have to take out to make this slope
9 legal, so, you know, whatever, the 4 percent
10 grade or whatever it is, that water is going to
11 be out in the road. I know that you're saying
12 about more drainage. But why do all these
13 complex things when it's cheaper, safer, and
14 simpler to go to the original driveway and
15 connect that?

16 Okay. What we're proposing -- could we
17 get the -- okay, I hope you can see it. The
18 colors aren't coming out too well. You see the
19 yellow triangle. That's along Montrose Station
20 Road. That's the new driveway that's proposed.
21 That's one house on the right there, and then the
22 other one is that one on the left. What I did
23 here is I took the one on the right, moved it
24 further back to that common driveway. And, by

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2 the way, there's two driveways to the one house.
3 This is all paved and there's parking in front.
4 So, if there's any concern about soil, you know,
5 absorption of water or whatever, this, this was
6 amazing. And when you, you look at, at the
7 photographs, it is pretty amazing. And we have
8 clearer ones, as well, if you need them. So,
9 what we did is we, we moved the house back,
10 turned both of them around, and connected them to
11 the existing driveway. And, and it saves at
12 least a third of the trees, it creates a barrier
13 so nobody driving down the road has to see lawns
14 and houses, and it goes to the, where everybody
15 knows there's a driveway right now.

16 MR. KESSLER: So, so, we've seen this
17 proposal from you before. We had our staff look
18 at this, the engineers. First of all, and please
19 help me out on this. You know, you have four
20 houses off one driveway. That driveway would
21 have to be expan- expanded?

22 MR. LAPINE: It would have to be a
23 minimum of 20 feet wide the entire access way to
24 accommodate [unintelligible] [00:30:12] --

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2 MR. KESSLER: So, the driveway would
3 have to be widened, number one.

4 MR. LAPINE: Doubled in size.

5 MR. KESSLER: And, and number two, that
6 it is the opinion of the staff, the, the experts
7 here, that the, to go from that existing driveway
8 to those houses, the terrain does not really
9 allow for it to occur.

10 MR. DALTON: What? It doesn't allow for
11 -- okay, got it.

12 MR. KESSLER: There, there's a, there's
13 a swale there or something. There's a -- please
14 help me out.

15 MR. LAPINE: The, where the houses are
16 being proposed, and the Applicant's engineer can
17 confirm, that's where their septic are being
18 identified.

19 MR. DALTON: The septic are there.
20 They're in the front of the house. If you start
21 to look at what we were saying, all the benefits
22 of this happening --

23 MR. LAPINE: The septic are, the
24 septic are located to the rear of the dwellings.

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2 MR. DALTON: We're saying they should be
3 to the front and they would provide you with a
4 front lawn, a clear front lawn, and you wouldn't
5 have to cut down more trees.

6 MR. LAPINE: Their, their, their septic
7 locations are based upon the suitability of the
8 soil that they've encountered.

9 MR. DALTON: We didn't move the septic.
10 We just moved the house.

11 MR. CUNNINGHAM: You can't --

12 MR. KEHOE: But I, I, I -- we shouldn't
13 be doing the debate here.

14 MR. KESSLER: Right. Okay, right.
15 Yeah, yeah.

16 MR. KEHOE: Just keep raising the issue.

17 MR. CUNNINGHAM: Well, we'll let the
18 Applicant --

19 MR. KESSLER: I think we'll let the
20 Applicant address that.

21 MR. DALTON: Well, let me con-, the
22 benefits would be, rotating the houses, the
23 septic area would serve as a front lawn, so you'd
24 have dual use, septic, and you have to clear

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2 trees, and they got a front lawn. Moving the
3 proposed structure to Lot 3 helps maintain the
4 modest level of privacy for the adjacent
5 neighbor, because it moves it further away from
6 them, closer to the house on Lot 1, but at least
7 further away from them. It will avoid
8 significant rock ledge alterations and hammering
9 and po-, and I don't know if they're going to
10 blast. I don't know. And, and the most
11 important point, it helps maintain safety. And
12 if you have to widen it 20 feet, that's already
13 50-foot, what is, what's all the black top from
14 this going to add up to be?

15 MR. KESSLER: Okay. Well, we've got --

16 MR. DALTON: Okay?

17 MR. KESSLER: -- a lot of people that --
18 look, I appreciate you. We've, we've seen your,
19 we've seen your proposal. Staff's looked at it.
20 They'll make their recommendations to this Board
21 as to how, whether it's feasible or not. But, as
22 of now, from what we've heard from previous
23 meetings, they did not think that that was a
24 feasible thing. And also, I would add, you know,

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2 is somebody going to want to have put in place a,
3 a, an agreement for a driveway that covers four
4 different houses? You know, how --

5 MR. DALTON: We --

6 MR. KESSLER: -- how's that going to
7 work? I'm not asking you to answer it. I'm
8 just, I'm just raising the issue.

9 MR. DALTON: Okay.

10 MR. KESSLER: So, thank you. Thank you
11 for your comments.

12 MR. DALTON: I, I live on a road with 17
13 houses on it, and it's a dirt road that accesses
14 Montrose Station Road. It shouldn't be a
15 problem, 10 feet, 20 feet, [unintelligible]
16 [00:32:55].

17 MR. KESSLER: If it's a dirt road. It's
18 not really maintained, then. Or, again, I don't
19 want to get into a debate.

20 MR. DALTON: Okay. Aright, but --

21 MR. KESSLER: But thank, thank you.
22 Thank you for your comments.

23 MR. DALTON: Okay.

24 MR. KESSLER: Who else wishes to comment

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2 on the application?

3 MS. SUSAN PANDOLFINO: Hi. Susan
4 Pandolfino. I live at 59 College Hill Road. I
5 just want to say that I agree with everything
6 that they said. So, yeah.

7 MR. KESSLER: Okay, thank you.
8 Appreciate the comments.

9 MS. KATHLEEN GILLIS: Hi. I'm Kathleen
10 Gillis, 47 College Hill Road. Thank you for
11 responding to e-mails that I sent in the past.
12 Thank you for listening to us. I agree with a
13 lot of what they were saying. You know, I'm
14 extremely concerned about the trees that have
15 already been taken down and the number of trees
16 that are proposed.

17 I was surprised to hear that there's
18 been no indication or advice about what was
19 happening, because when I opened up my e-mail
20 this morning, I got an invoice from the Planning
21 Commission. That must have been sent in error.
22 But it, it thanked me for the application at 77
23 and it said:

24 Planning staff has conducted a

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2 comprehensive review, including evaluation of
3 slope stability...

4 Etcetera, etcetera.

5 Based on this review, your application
6 has been recommended for approval.

7 And then, there was the invoice to pay
8 to continue with all that. So, maybe the
9 Applicant didn't get it. Maybe it just went to
10 my e-mail box. But there you have it.

11 Thank you.

12 MR. KESSLER: What do we do with that?

13 MR. CUNNINGHAM: Can we see that letter?

14 MR. KESSLER: Wait, can you, can you --

15 MR. CUNNINGHAM: Can we see that letter?

16 MR. KESSLER: Excuse me, ma'am?

17 MR. CUNNINGHAM: Can we see the letter?

18 MR. KESSLER: Could you -- please,
19 please. Could you share that with the staff over
20 here so that they can investigate that? But give
21 it to Michael.

22 Okay, next up? Anybody else wish to
23 comment on the application? I thought there were
24 a dozen people that wanted to speak. No?

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2 David, do you care to respond to
3 anything?

4 MR. STEINMETZ: So, we'll be very brief
5 in terms of the response. I want to just state
6 for the record that we, we were just retained
7 within the last couple of months, so we were not
8 retained at the time that permit was issued for
9 the tree removal. So, I can't speak to the issue
10 of the tree removal. I appreciate the Board and
11 staff indicting, and, and Mr. Lapine indicating
12 that the trees were removed in accordance with
13 that permit.

14 In terms of the discrepancy of the deed
15 and the survey, I assume that that's something
16 you can address?

17 MR. ANNICCHIARICO: Sure. Hi. Jim
18 Annicchiarico with Cronin Engineering. It would
19 probably be beneficial for the people who spoke
20 about those discrepancies to actually give us the
21 actual discrepancies where they, where they find
22 them. But it's typical of any old deed to not
23 actually, you know, match the actual, you know, a
24 new survey. There were, there, you know,

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2 obviously, survey has come a long way in, in, in,
3 you know, since its inception. So, that, that's
4 not an uncommon, you know, practice.

5 MR. STEINMETZ: And I, I think, again, I
6 have to assume that Jim's office submitted an
7 application to subdivide the 9.7 acres in
8 accordance with the deed that our client got at
9 the time of acquisition. If there is a
10 discrepancy, as Mr., Messrs. Dalton and Dennis
11 indicated, that sounds like it might be a private
12 issue between neighboring property owners. And I
13 would suggest that your Board confer with Mr.
14 Cunningham. That may not be an issue that your
15 Board really would get involved in. That would
16 be an issue that we need to address with our
17 neighbors.

18 MR. CUNNINGHAM: Sorry, I just want to
19 address this letter. That was from --

20 MR. STEINMETZ: Yeah, I was actually,
21 the point is --

22 MR. CUNNINGHAM: That, that was from --

23 MR. STEINMETZ: -- we, we didn't get
24 that. And if we'd been given the --

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2 MR. CUNNINGHAM: But, but that is from -
3 -

4 MR. KEHOE: Hang, hang on.

5 MR. CUNNINGHAM: -- a fake e-mail
6 address. Planning.townofcortlandtny.gov@usa.com
7 doesn't exist.

8 MR. KEHOE: Yeah, it's fake.

9 MR. CUNNINGHAM: You got spammed.

10 MR. KEHOE: We, we, we could copy it.
11 We'll copy it for the Board.

12 MR. CUNNINGHAM: We're going to give it
13 to our IT department, but I've never seen that e-
14 mail address before.
15 Planning.townofcortlandtny.gov@usa.com also
16 doesn't sound like a real e-mail address.

17 MR. STEINMETZ: Thank you for stating
18 that for the record.

19 MR. KEHOE: Can I see that?

20 MR. STEINMETZ: In terms of, Mr.
21 Chairman, the third comment, I don't know
22 anything about this escrow and the payment, and
23 we were not involved in the acquisition. It
24 sounds irrelevant to the processing of a

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2 subdivision. So, no, no, no response on that.

3 And my, my col--

4 MR. KESSLER: Please, please, please,
5 keep the conversations down.

6 MR. STEINMETZ: Thank you. My comment
7 about my response, or our response about changing
8 the look and feel of Montrose Station Road, these
9 are zoning compliant lots. Your law allows our
10 client to seek the subdivision of this property.
11 It is presumed that the legislative intent of the
12 Town of Cortlandt, when it adopted the R80 zone
13 and placed the R80 zone on this property, it
14 allowed for someone who owns that property to
15 come before this Board, and it is not
16 inconsistent with your zoning plan for the
17 potential division of the property.

18 And I appreciate the comments, Mr.
19 Chairman, that you made with regard to the fifth
20 point on modifying the common driveway. My
21 understanding, and Jim can speak to it, there was
22 a lot of time spent about whether or not they
23 should tie into that driveway. And a, an
24 intelligent, prudent, and cautious engineering

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2 determination was made that creating one
3 additional curb cut on Montrose Station Road to
4 accommodate this (a) would be lawful, (b) would
5 be in accordance with the Town's subdivision
6 regulations, and (c) would be consistent with the
7 Applicant's goals and objectives.

8 So, with that having been said, we have
9 nothing further that we wish to respond to. Mr.
10 Chairman, I, I would ask that the Board consider,
11 in light of the fact that the public has had
12 their opportunity to speak to this, we've heard
13 the issues, I would ask the Board to entertain
14 closing the subdivision public hearing so that we
15 can further respond and proceed.

16 MR. KESSLER: Alright. Before that, any
17 -- la- last call. Anybody else? Any, any more
18 comments? Should --

19 MR. DALTON: Just one more issue. He
20 said that it's for --

21 MR. KESSLER: Well, come up. You've got
22 to come up to the, come up to the podium, please.

23 MR. DALTON: Just because they can --

24 MR. KESSLER: Again, your name.

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2 MR. DALTON: Yeah, Bill Dalton, 72
3 College Hill Road. Just because you can doesn't
4 -- can, doesn't make it right. We, we feel we
5 provided a better proposal, better for everybody.

6 MR. KESSLER: Thank you. Okay, any
7 comments from the Board?

8 MR. BIANCHI: I, I attended the site
9 visit and I really asked the same question about
10 the driveways. And it was explained to me about
11 the configuration that was proposed versus one
12 that would connect it to the main road was the
13 better position, a better proposition because of
14 the type of ledge rock and hills and valleys that
15 were involved in that area. So, I did ask that
16 question and I, by seeing it, I was convinced
17 that the, the proposal is a better alternative.

18 MR. KESSLER: Thank you. Thank you,
19 Tom. Any other comments? An- any more comments
20 from the staff? Chris, anybody else? Chris,
21 Chris, no?

22 MR. KEHOE: No. No, we're, we're just
23 concerned about this, because it was actually a
24 phishing scheme, which we're checking, that has

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2 happened to the City of Poughkeepsie, where they
3 actually wanted Ms. Gillis to pay them \$4,903.00
4 so she could get her permit to build. It's a
5 very complicated phishing scheme, but it is
6 certainly not from anyone in Town Hall. So,
7 we'll be checking with our IT Department about
8 this, as well.

9 MR. STEINMETZ: Just a point of
10 information for the Town. I can name two other
11 municipalities where clients experienced the
12 exact same thing, and the Town should be aware
13 and staff should be aware, there, there are
14 people phishing applicants to submit escrow funds
15 to the municipality, and it's actually not the
16 municipality providing that information. I had a
17 client call an unnamed municipality, because I
18 don't need to pull them into this, and they said
19 we don't, we don't give out our wire instructions
20 and, and ask for money. So, if you're aware of
21 that, Heather, that's what's going on.

22 MS. HEATHER LAVARNWAY: Right. That's,
23 that's what this one is saying, you know, click
24 here to get our instructions.

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2 MR. STEINMETZ: There you go. So, that
3 --

4 MS. LAVARNWAY: That's not how it works.

5 MR. STEINMETZ: This is happening in
6 other places, unfortunately.

7 MS. LAVARNWAY: Yep. So, please be
8 careful and be aware.

9 MR. KESSLER: Thank you for clearing
10 that up.

11 MR. STEINMETZ: Yeah.

12 MR. LAPINE: Mr. Chairman, I do think we
13 should have the Applicant take another look at
14 their deed versus the boundaries of the property
15 so that we can confirm with confidence that the
16 minimum lot areas that are being provided are two
17 acres. If there is a discrepancy, as the
18 gentleman stated, of, he thought he came across
19 nine feet, if I heard that correctly, that may
20 alter the minimum lot area. So, --

21 MR. STEINMETZ: Jim --

22 MR. LAPINE: -- that's one thing we
23 should have them look at.

24 MR. STEINMETZ: Chris, I totally

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2 appreciate the, the, the comment. Jim, are your
3 lots that close? Are your two-acre lots that
4 close that a nine-foot difference would render it
5 non-compliant?

6 MR. ANNICCHIARICO: It depends how long
7 that nine-foot difference would be.

8 MR. STEINMETZ: Okay, alright.

9 MR. LAPINE: Correct. That's, that's
10 why I'm saying I think we need to take a look at
11 that.

12 MR. STEINMETZ: So, if you can get us
13 the information that you want us to look at to
14 verify that, Chris, we're happy to do that. But
15 we can't just do that out of thin air. So, if
16 there's some discrepancy that you're aware of,
17 apprise us.

18 MR. LAPINE: I, I'm hearing it tonight
19 for the first time.

20 MR. STEINMETZ: Well, you're, you're
21 relying on that, so you're --

22 MR. LAPINE: I, I don't have a copy of
23 the deed. I'm just --

24 MR. STEINMETZ: Nor do I.

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2 MR. LAPINE: -- asking for the deed.

3 MR. STEINMETZ: I have the deed, but I
4 don't have the, I don't have the piece that's
5 creating the discrepancy. I have a deed.

6 MR. KEVIN KOBADSA: Sorry. On the
7 actual plan, it specifically states a length for
8 the survey and a length for the deed, spelled
9 out. And that's where the discrepancies lie, so.

10 MR. ANNICCHIARICO: Right. I, I mean, I
11 don't, I don't typic-, I don't --

12 MR. KOBADSA: Yeah, I know.

13 MR. ANNICCHIARICO: -- typically follow,
14 you know, I don't typically read the deed and
15 then, you know, compare it to the, to the survey
16 before I submit it. It's done by the sur-, you
17 know, that is done by the surveyor themselves.
18 So, you know, I get a professional, you know,
19 signed and sealed survey from, from the surveyor.
20 I rely on that, to use that as my base plan for
21 the, for the subdivision.

22 We'll certainly look at it. I have no
23 problem with that. I'll actually have the
24 surveyor look at it, is what I'm going to do.

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2 But it would be helpful if they could give us the
3 appro-, you know, the exact locations of those
4 discrepancies so I can show that to the surveyor.
5 And, like I said, many old deeds, which I would
6 imagine this deed is very old, we did submit it
7 as part of the record, as, and as part of the
8 application package back in February. So, that,
9 you do have that, Chris. And, like I said, I
10 have no problem, you know, talking to the
11 surveyor and getting you answers for that. But
12 it would help if we could get the specifics.

13 MR. KESSLER: Alright, that'd be
14 helpful. Yes, ma'am.

15 MS. GILLIS: Kathleen Gillis, 47 College
16 Hill Road again. I just want to respond to the
17 e-mail that I -- respond about the e-mail that I
18 showed you there. It was incredibly detailed and
19 apropos to the situation. So, having, just
20 saying that it's got the wrong address on it, all
21 these other things linking me to this and linking
22 Mr. Kehoe to all of this, can you say, indeed,
23 nothing of this sort went from your office or is
24 going --

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2 MR. KEHOE: Oh, oh, with 100 percent
3 certainty, that was a fake e-mail. A hundred --
4 and it, it's addressed to you, saying we are,
5 we're, we're thankful to tell you your
6 application has been approved. You just need to
7 send us this \$4,000.00. Here's the wiring
8 instructions.

9 MS. GILLIS: Well, it, it had --

10 MR. KEHOE: It's very tricky.

11 MS. GILLIS: -- it had a lot of details
12 about the, about the case.

13 MR. KEHOE: Oh, yes.

14 MS. GILLIS: Anyway, the most disturbing
15 thing is that it said that the application, you
16 were recommending approval of the application.
17 You're saying that that's not --

18 MS. LAVARNWAY: That's, that's not a
19 document that we generate.

20 MS. GILLIS: And, and so you --

21 MS. LAVARNWAY: And it doesn't have cor-
22 , the correct name of the department. It's --

23 MS. GILLIS: Okay.

24 MR. KEHOE: But, but, it, it looked it -

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2 -

3 MS. LAVARNWAY: And there is a known
4 scam going on.

5 MR. ROTHFEDER: But it is important that
6 IT looks into this, because what, whoever hacked
7 this got her e-mail address because she had
8 communicated --

9 MS. LAVARNWAY: Yes.

10 MR. ROTHFEDER: -- with the Town.

11 MS. LAVARNWAY: Probably.

12 MR. CUNNINGHAM: Oh, we agree, it's
13 serious.

14 MR. ROTHFEDER: And connected to that
15 application.

16 MR. CUNNINGHAM: Meaning you're a victim
17 here. We're, we're not saying -- we, we could
18 see it's very convincing.

19 MR. ROTHFEDER: So, there is some, there
20 is some hole there, yeah.

21 MR. CUNNINGHAM: Right. We have to give
22 this to our IT department tomorrow morning.

23 MS. GILLIS: Thank you.

24 MR. KESSLER: Thank you. Okay. So,

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2 seeing no more questions and, and last call for
3 the Board as well. So, with that, I think, I
4 think we can close the public hearing and reserve
5 decision here for our next meeting and figure out
6 how we want to proceed on this application. So,
7 Nora, with that?

8 MR. KEHOE: Well, hang, hang on. Are we
9 okay with that? Chris?

10 MR. LAPINE: I'm okay with, as --

11 MR. KESSLER: Well, I'm assuming that
12 they'll resolve the metes and bounds issue, you
13 know, before our next meeting.

14 MR. CUNNINGHAM: And we'll leave, we can
15 leave a 30-day written comment period open, too.

16 MR. KESSLER: Oh, absolutely.

17 MR. KEHOE: Okay.

18 MR. KESSLER: Oh, yes, yes. We always,
19 when we close a public hearing, we always leave a
20 comment period open, if anyone wishes to write
21 to, to the staff and to the Board. So,
22 certainly, you're entitled to do that and it'll
23 become part of the record.

24 So, again, if not, Nora?

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2 MS. NORA HILDINGER: Okay. I'd like to
3 make a motion to close the public hearing.

4 MR. KESSLER: Thank you. Second,
5 please?

6 MR. MCKINLEY: Second.

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

9 MULTIPLE: Aye.

10 MR. KESSLER: Opposed? Alright, thank
11 you.

12 MR. STEINMETZ: Thank you all.

13 MR. KESSLER: Okay. Our next item on
14 the agenda is a, another public hearing. It is
15 the application of Yeshiva Ohr Hameir for site
16 plan approval and amended special permit for a
17 university/college/seminary -- I'm sorry --
18 university, college, or seminary, and a wetland
19 permit for a proposed 51,730-square-foot
20 dormitory building, the repurposing of other
21 buildings on-site, and other site improvements,
22 to include stormwater, landscaping, and building
23 façade renovations located at the existing
24 Yeshiva Ohr Hameir campus at 141 Furnace Woods

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2 Road, drawings latest revised October 13, 2025.

3 So, again, just to get a sense, how many
4 people wish to comment on this application?

5 Okay, I see a few. Alright. So, you know,
6 again, this application has been before us for a
7 while and, and it's gotten to the point where
8 it's ready for, for a public hearing. Again, no
9 decision has been made, as, as with the previous
10 application, and we're here to just discuss what
11 I just said. We're here to discuss the site
12 plan, we're here to discuss the refurbishing of
13 the buildings, and we're here to discuss
14 landscaping. We're not here to discuss sewers.
15 The sewers was a Town Board issue. The Town
16 Board approved the sewer. Not -- it is outside
17 the purview of this Board that we certainly, you
18 know, for us, it's inappropriate for us to
19 revisit it, and it's not our issue, quite
20 honestly.

21 So, what that, again, it's, this is
22 specifically focused on the site plan and what
23 the Applicant wishes to do at this, at this, at
24 this address. So, Mr. Steinmetz, you're on.

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2 MR. STEINMETZ: Good evening, Mr.
3 Chairman, members of the Board. David Steinmetz
4 from the Law Firm of Zarin and Steinmetz,
5 appearing this evening on behalf of Yeshiva Ohr
6 Hameir. With me this evening is the Executive
7 Director of the Yeshiva, Rabbi Yaakov Rothberg,
8 our project architect, Chana Weisz, our project
9 engineer, Dan Ciarcia, Steve Marino, our
10 environmental planner and wetlands scientist, and
11 Vincent Pedone, my associate.

12 As the Chair indicated, we are here
13 tonight for a public hearing with regard to an
14 application for amended site plan approval and
15 amended special use permit. And I specifically
16 state and stress the word amended, because this
17 site and the Yeshiva received both a special
18 permit and site plan approval in January of 2010,
19 over 15 years ago. We have kept those approvals
20 valid and subsisting for the entire 15-year
21 period. As I think most of you who have been on
22 the Board know, we are required by that special
23 permit to reappear for renewal and extensions,
24 and we have done that consistently. The Town,

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2 itself, the record should reflect, has conducted
3 a variety of inspections in connection with fire,
4 safety, and occupancy for 15 years, and your
5 Board and your staff have regularly generated, or
6 your staff has regularly generated reports that
7 have gone to your Board and are on file with the
8 Town, all in connection with the compliance with
9 the special permit.

10 So, the only thing that's really changed
11 is, in this 15 years, is the Yeshiva and the Town
12 have been able to facilitate the construction of
13 a public sewer designed to serve this site, along
14 with upwards to 135 other properties along the
15 route of this proposed sewer. I state that
16 because the sewer is relevant for why we're back
17 at this time with some modifications.

18 I've stated this to your Board and, and
19 not everybody that's here tonight was at the
20 prior meetings. When I was in front of your
21 Board in 2010 and was here the night that your
22 Board unanimously voted to grant special use
23 permit and site plan approval for an onsite
24 sewage treatment facility, I was directed, or

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2 encouraged, by then-vice -- we had this
3 discussion whether he was vice-chairman or not,
4 and maybe I was wrong, Tom. John Bernard, who I
5 thought was the vice-chairman at the time, turned
6 to me and said, Mr. Steinmetz, I really hope
7 that, somehow, your client will figure out how to
8 turn this into a sewer connection rather than an
9 onsite sewage treatment plant. Two years later,
10 in 2012, we returned to your Board and got
11 amended approval, because, at that time, we had
12 committed to pursue a connection to a sewer.

13 It took quite some time, and I'm not
14 going to bore the Board or the record with the
15 circuitous procedural path we went through,
16 exploring circuitous sewer line paths over 13
17 years until we finally arrived at something that
18 was acceptable to the DEC, the EFC, the
19 Westchester County Department of Health, and your
20 Town and your professionals. So, I'm really
21 pleased that that sewer situation has been
22 achieved, and it allowed us to come back before
23 your Board with what we believe is a series of
24 proposed improvements to the Yeshiva campus.

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2 They are consistent with what you approved 15
3 years ago -- a dormitory, a new dormitory in
4 place of the Dodge City Building that had, that
5 had been burned down; a, a variety of
6 improvements associated with the sanctuary
7 building, the, the actual room for prayer; and
8 now, as you have all come to learn during this
9 process, the Yeshiva has committed to literally
10 refacing and changing the aesthetic appearance of
11 all of the buildings on campus.

12 So, we're really pleased that they
13 engaged the services of a wonderful and talented
14 architect, Chana Weisz, who has displayed her
15 design illustrations before you. She's going to
16 make a brief presentation now. And what we're
17 asking her to do, for the benefit of the Board,
18 the public, and the record, is to explain what
19 buildings are being addressed, the uses in each
20 of those buildings, the intended occupancy of
21 each building, and the residential occupancy
22 limits of each building.

23 You all requested that of us at the last
24 meeting. We were uncertain exactly of what was

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2 being asked at the time. But, tonight, Chana and
3 I are going to walk through that so that you get
4 all of the information you asked for. And the
5 only thing that I would add is that we're going -
6 - one of the reasons we're addressing occupancy
7 is that, as I, as I have said from day one and I
8 have put in writing in connection with this
9 application, the original special use permit that
10 was issued by the Town was for a maximum of 225
11 students. In light of the fact that the septic
12 system can now be retired and a connection to a
13 sewer system can now be implemented, we are
14 requesting relief from that 225-student cap,
15 because it is no longer necessary, it is no
16 longer required, it is no longer connected to the
17 operation of the, of the Yeshiva.

18 So, with that, Chana, if you would come
19 up. And Chris and Heather, I think we're going
20 to try to walk through a couple of the
21 illustrations, and we're going to do this
22 briefly.

23 MR. KESSLER: Just adjust the microphone
24 for her, please.

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2 MS. CHANA WEISZ: Good evening. Chana
3 Weisz from Weisz Architects.

4 MR. KESSLER: You've got to speak,
5 you've got to speak up.

6 MS. WEISZ: Is that better?

7 MR. KESSLER: Yep.

8 MS. WEISZ: Chana Weisz from Weisz
9 Architects. Good evening. I'd like to begin by
10 walking you through the --

11 MULTIPLE: We can't hear you. We can't
12 hear her.

13 [OFF MIC CONVERSATION]

14 MS. WEISZ: I have to shout. Sorry.

15 MR. KESSLER: Scream.

16 MS. WEISZ: Scream? Okay, I'll try.
17 I'd like to start by walking you through the
18 existing campus. So, here's an aerial shot of
19 the existing campus. The Yeshiva is located on
20 an approximately 30-acre campus, which was
21 formerly the site of a ranch. The campus
22 consists of multiple buildings which serve a
23 range of functions. So, there are classrooms,
24 library, administrative offices, dormitories, a

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2 cafeteria, staff housing, and the sanctuary,
3 which is a space for religious services.

4 Because the campus was adapted from a
5 ranch, the current configuration is not ideal for
6 the Yeshiva's functions. In addition, many of
7 the facilities are inadequate for the current
8 functions. And, as David mentioned, the
9 buildings are outdated and in need of updates and
10 improvements. Can you go to the next one?

11 So, this is an aerial view of our
12 proposal for the campus. We are aiming to bring
13 everything up to date, improve the function of
14 the campus buildings, provide adequate spaces for
15 the Yeshiva's functions, and establish a
16 consistent and attractive architectural
17 aesthetic. Here, you can see the existing and
18 proposed site plan. All of the buildings -- or
19 the roofs, as you can see from here -- that are
20 shaded in gray represent existing buildings on
21 campus. All of the buildings which are shaded in
22 black represent proposed footprints or additions
23 to existing buildings.

24 As David mentioned, the Yeshiva

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2 previously received Board approval for a new
3 dormitory building to be located on the previous
4 Dodge City building footprint. We are proposing
5 to revise that footprint for a new three-story
6 building which will better accommodate the
7 Yeshiva's current needs. So, you can see the
8 large, black footprint on the screen is the
9 proposed new three-story building, which is also
10 in the location of the previous Dodge City dorm
11 building. Heather, can you zoom in a bit on this
12 so we can walk through? Thank you.

13 Currently, the campus has classrooms
14 located in the cafeteria and dining buildings, as
15 well as a classroom in the kitchen building. We
16 have dormitories located in multiple buildings
17 throughout the site -- the pool building, the
18 Dallas building, and the Sanctuary building,
19 which is also known as the Chalet building. The
20 proposed new three-story building, which you can
21 see here, will consolidate those functions into
22 one central facility. The first floor of the
23 proposed buildings will -- building -- will house
24 the main entry, classrooms, and support spaces

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2 for the sanctuary, which will include a library,
3 a rabbi's office, coat rooms, locker rooms,
4 etcetera.

5 MR. STEINMETZ: The height is zoning
6 compliant?

7 MS. WEISZ: The height is zoning
8 compliant. It will also serve as the main
9 entrance to the sanctuary building.

10 The upper two floors will have dormitory
11 rooms, 64 dorm rooms, 32 per floor, and those
12 will be, provide centralized dormitory space for
13 the students. Each dorm room is designed to
14 accommodate four students, and I'll go through
15 all of the numbers. Go to the next slide. This
16 is another view of the proposed dormitory
17 building. You can go to the --.

18 With the new classroom/dormitory
19 building in place, the sanctuary will now be able
20 to expand, within its current footprint, into
21 areas that were previously used for support
22 spaces and dormitory rooms. Those spaces will be
23 completely removed from this building, so that
24 the entire building can be dedicated to an

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2 updated, more spacious sanctuary space. So, we
3 are not proposing to increase the footprint of
4 this building, but rather to remove some of the
5 functions from this building so that the
6 sanctuary itself can function more properly. Go
7 to the next slide.

8 It's a little bit hard to see zoomed
9 out, but we're also proposing, you can see on the
10 left side of this image, a breezeway which will
11 connect the new dormitory classroom building to
12 the existing sanctuary building, to allow for a
13 more cohesive campus experience and better flow
14 between the two buildings. As you can see, we're
15 also demonstrating a more unified architectural
16 appearance to the different campus buildings with
17 one aesthetic identity. Next slide.

18 Relocating the classrooms from the
19 existing dining room building, which is pictured
20 here, will allow the cafeteria space, the serving
21 space, the function of this building, to work
22 more properly and efficiently. We are also
23 proposing to update the roofline of a portion of
24 this building to improve the overall campus

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2 aesthetic and roofline. Right now, there is a
3 silo type roof that is adjoining to this
4 building, which we're proposing to streamline
5 with the building itself. Next slide.

6 Here, you can see a view of a number of
7 campus buildings. So, in addition to the
8 functional improvements, as David mentioned, we
9 are proposing to update all of the buildings with
10 a uniform, cohesive palette of materials and
11 colors. It will have a campus identity, and
12 we're looking to update/improve.

13 So, you can kind of see on the far left
14 of this image the existing, what's known as the
15 pool building. That building is currently
16 functioning as a dormitory building. It will be
17 repurposed as staff housing, three staff housing
18 units. So, it will house three families. The
19 Dallas Building, which is another current dorm
20 building, will be repurposed as guest
21 accommodations, with 16 guest rooms.

22 MR. STEINMETZ: Are there guest
23 accommodations there currently?

24 MS. WEISZ: No. This is a current

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2 dormitory -- that's a current dormitory building
3 that will now function as a guest housing.

4 MR. STEINMETZ: Are there guest
5 accommodation currently on the campus?

6 MS. WEISZ: No.

7 MR. STEINMETZ: In the Chalet?

8 MS. WEISZ: In the Chalet? So, the
9 second story of Chalet is --

10 MR. STEINMETZ: Can you explain --

11 MS. WEISZ: Yeah. And I'm going to run
12 through all of these. We'll go to the next
13 slide, and then I'll go through every building's
14 current proposed function/occupancy.

15 MR. KESSLER: Please.

16 MS. WEISZ: To evaluate the impacts of
17 these improvements, we've modeled the visual
18 impact of this project from different locations
19 along Furnace Woods Road. You can see the red
20 markings. Each represents an existing view on
21 campus, and proposed leaf-on and leaf-off
22 conditions for how the buildings, although we
23 think they're beautiful and we're happy for
24 everybody to see them, but how the buildings will

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2 be perceived from the public street. So, you
3 could just run through these. That's the last
4 one? So, Heather, if you can go back to the site
5 plan, I'll go through, building by building, the
6 existing and proposed. Can you go to the, the,
7 the colored rendered one from the previous
8 presentation? I think it's the third slide.
9 Yep.

10 So, as I mentioned, the Yeshiva
11 currently has student housing in three different
12 buildings. The pool building -- the tot-, sorry,
13 the total student count is 217 students at
14 present, across three separate buildings. The
15 pool building, which is kind of near the courts
16 on the left side, currently accommodates 101
17 students. We are proposing converting that
18 building into staff housing with three housing
19 units. There will no longer be any students
20 located in that building.

21 The existing Dallas Building, which is
22 on sort of center-right side, attached to the
23 kitchen cafeteria building -- yep. That building
24 has 16 rooms, currently accommodates 80 students.

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2 We are no longer proposing students to be located
3 in that building, and we're converting those
4 rooms into guest accommodations.

5 The Chalet, or sanctuary building, which
6 is bottom right on the page, currently
7 accommodates 36 students. We are completely
8 removing all of those spaces from that building.
9 There will no longer be any sleeping rooms within
10 that building at all.

11 In terms of our proposed occupancy, we
12 are proposing a centralized dormitory building,
13 as we looked at. That building has 32 rooms per
14 floor, on the two upper floors, for a total of 64
15 rooms. These rooms are proposed to be used as
16 quads, with a student count of approximately 250
17 students. In terms of maximum potential
18 occupancy, the dormitory rooms in the new
19 proposed dormitory can each accommodate five
20 students, for a total of 320 students per -- in
21 that building. If, in some event, a decision was
22 made by the Yeshiva to -- this was asked at a
23 previous meeting -- to repurpose the Dallas
24 Building back into dormitory rooms, that would

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2 have another 80 students. So, the maximum
3 potential occupancy, this is not what the Yeshiva
4 is planning, but it's the maximum potential, with
5 these improvements would be 400 students.

6 MR. KESSLER: So, I would imagine, if
7 you wanted to do that, you would come back to the
8 Board for approval to do that? David?

9 MR. STEINMETZ: So, I, if we were to
10 repurpose the pool building, there is no question
11 we would be coming back, because there would be a
12 substantial change in the use of the pool
13 building. I want to stay on that for a moment.
14 Why? In order for Chana to take the pool
15 building and turn it into three family units,
16 three, for three different families, in terms of
17 firewalls, room configuration, etcetera, it is
18 absolutely not conducive to that building
19 becoming a dormitory. So, for that building,
20 there is no question, we have discussed with
21 staff that we would definitely be coming back for
22 a modification.

23 With regard to the Dallas Building, our
24 position, Mr. Chairman and members of the Board,

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2 and I have raised this with your staff prior to
3 this evening and, and I gather they are studying
4 it, the Dallas Building is currently a building
5 for residential occupancy. As Chana said, it's
6 currently housing --

7 MS. WEISZ: Eighty students.

8 MR. STEINMETZ: -- 80 stud-, currently
9 80 students.

10 MS. WEISZ: There are currently 80
11 students.

12 MR. STEINMETZ: There are currently 80
13 students living in there now. The proposal is we
14 don't need 80 students, we don't want 80 students
15 residing in that building. It makes much more
16 sense to centralize everyone. So, they're going
17 to be in the dormitory. That gives the Yeshiva
18 the ability to have some overnight accommodations
19 for family members who may come to the campus,
20 and do come to the campus, and spend the Sabbath
21 or some high holiday there.

22 So, the short answer, Mr. Chairman, is I
23 believe if you took those 16 rooms and converted
24 them from somebody spending the night there as a

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2 guest to the same room for residential occupancy,
3 as they are now, provided they are compliant with
4 New York State Building Code, Fire Code, and New
5 York State dormitory requirements, which they are
6 and which they would be, I don't think there's a
7 change of use and, therefore, I don't think we
8 would have to come back to the Planning Board.
9 That's a decision for staff.

10 MR. KESSLER: Okay. But you'd have no
11 problem coming back to the Planning Board, right,
12 David?

13 MR. STEINMETZ: If we don't need to come
14 back to the Planning Board, as much fun as it is
15 always coming here, I would --

16 MR. KESSLER: Well, what if it was a
17 condition?

18 MR. STEINMETZ: That would be something
19 that you'd have to determine.

20 MR. KEHOE: Yes.

21 MR. KESSLER: Okay.

22 MR. STEINMETZ: Whether, whether you
23 believe that that would be a lawful exercise.

24 MR. KESSLER: I, I, I'm certainly

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2 leaning that way, yes.

3 MR. STEINMETZ: Anything else on
4 occupancy?

5 MS. WEISZ: No.

6 MR. STEINMETZ: If you have any other
7 questions for --

8 MR. KESSLER: No, let, so let's, let's
9 just go through this so that we're clear for
10 everybody before they speak.

11 MR. STEINMETZ: We have a presentation
12 behind this. So, we have --

13 MR. KESSLER: Oh, another one?

14 MR. STEINMETZ: Yeah. Oh, yes.

15 MR. KESSLER: Another one with -- I'm
16 sorry?

17 MR. STEINMETZ: Yes.

18 MR. KESSLER: Okay, go ahead.

19 MR. STEINMETZ: So, Mr. Chairman and
20 members of the Board, we have reviewed the
21 petition that was filed by Ms. Cook, the numerous
22 e-mails that your Board has received from
23 neighbors. We've spent quite a bit of time
24 reviewing all of the questions, the comments, the

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2 assertions. Everyone has a right to be heard and
3 to participate in a public process like this, but
4 no one has the absolute right to distort the
5 record, let alone be wrong and present
6 misstatements of, of law and misstatements of
7 fact. And, and it's incumbent upon us to make
8 sure that you have the correct information in
9 front of you.

10 I suspect that, unlike most of the folks
11 in the room behind me, I'm probably the only one
12 who has been literally standing before this Board
13 since 1990. So, for me, tonight, tonight is not
14 different from any other night. Tonight, I'm
15 going to make sure that you get the facts and you
16 get the law as accurately as possible, because
17 that's what you're entitled to, that's what you
18 should get, and that's what your record needs to
19 reflect.

20 So, first, while the so-called petition
21 seeks to rescind the special permit and the site
22 plan, I want to state for the record, Mr.
23 Chairman and members of the Board, this Board has
24 no jurisdiction or authority to rescind a special

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2 use permit. That is an enforcement issue for
3 DOTS, the Department of Technical Services, and
4 the Building Department. Any basis to challenge
5 the special use permit and, for that matter, the
6 site plan approval, ironically expired about 15
7 years ago. There's a statute of limitation in
8 terms of challenging the issuance of that special
9 use permit. And just putting it in some
10 perspective, your Town and your Town attorney
11 recently won a lawsuit and an appeal on a very
12 similar issue where a neighbor brought an
13 assertion that your Board had issued an improper
14 approval 17 years ago, and that was thrown out as
15 invalid under the applicable statute of
16 limitations.

17 Second, even if you had the legal
18 authority to entertain rescission, and I don't
19 think you do, but even if you did, we don't
20 believe there's any legitimate basis. Your Town
21 has inspected this site regularly for 15 years.
22 The County of Westchester, the DEC, and the
23 Westchester County Health Department have all
24 been involved with this site since its initial

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2 approvals. There is no question and no dispute
3 that this property, dating back to the dude ranch
4 days, had an aging septic system. It is why we,
5 as a team, have spent the last 13 years trying to
6 figure out a way to make sure that there could be
7 a connection for this property and a lot of
8 others along the way, some of which may well have
9 failing septic systems, could connect to a sewer
10 line.

11 Third, there are, unfortunately, several
12 fact- factual issues that have to be clarified
13 and restated. And while I'm, I'm going to tell
14 you, I, what I'm about to address I think is
15 completely irrelevant to your disposition and
16 your deliberations, I have no choice but to state
17 some clarification, Mr. Chairman -- and bear with
18 me, I'll do this as efficient as possible --
19 because it's in the record, it's voluminously in
20 the record, and I would be, I would be doing a
21 disservice to my client if I did not correct the
22 record and state things accurately. I would not
23 be doing what I have done in front of you, Steve,
24 for, literally, 35 years.

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2 The property is zoned R40. It is not a
3 resort complex 583. As you all know, and, Chris
4 and Michael, and Chris can confirm, there is no
5 such zoning district in the Town of Cortlandt.
6 That's some kind of classification that your
7 assessor uses, and I gather maybe that's the way
8 they assessed the property back in the good old
9 days when there was a dude ranch here. But that
10 is not the zoning on this property.

11 No one ever said that there were only 25
12 -- I certainly never said there were only 25
13 students on this campus. That might have been
14 misheard. But I want the record to be clear,
15 and, Chana, thank you for redoing it, there are
16 217 students currently. And the existing special
17 use permit allows up to 225. Yeshiva Ohr Hameir,
18 or, and I should say, before I pass by that,
19 every single year, every single year, your fire
20 inspector comes to the campus and does a count of
21 the beds and the number of students on campus,
22 and you get a written report about that.

23 Ohr Hameir has been operating as a
24 yeshiva since the 1960s. It originally was down

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2 county. It moved up to Cortlandt in 1985. It is
3 a state-registered and approved school for
4 secondary education. In addition to high school
5 or Regents diplomas that are issued, Ohr Hameir
6 issues what's referred to as First Talmudic and
7 Second Talmudic degrees. In fact, the New York
8 State Education Department, and we'll submit this
9 piece of paper to you in writing so you have it,
10 the New York State Education Department wrote a
11 letter that says, quote:

12 Ohr Hameir Theological Seminary is a
13 religious institution and, therefore, does
14 not require authorization by the New York
15 State Board of Regents or the New York State
16 Department of Education to perform its post-
17 secondary education functions.

18 I point that out because the Yeshiva and
19 the format and the type of instruction, and the
20 students that are there, are a little bit
21 different from what you might be used to in a
22 secular situation. There are both secondary, or
23 high-school aged young men there, and there are
24 college aged young men there. So, we are

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2 governed, they are governed, by both secondary
3 and post-secondary requirements.

4 The Yeshiva itself is accredited by the
5 Association of Advanced Rabbinical and Talmudic
6 Study Schools, Advanced Rabbinical and Talmudic
7 Schools, an accredited agency recognized by the
8 United States Department of Education. The
9 Yeshiva is approved as an eligible institution of
10 higher education by the United States Department
11 of Education and it's approved by the New York
12 State Higher Education Services Corporation. We
13 will be submitting some written materials simply
14 so that it's in the record, because of some of
15 the material that you have received.

16 No one mysteriously applied for state
17 grants or funding for the sewer system. In fact,
18 that's been openly discussed, worked on,
19 agreements with the Town, with the New York State
20 Environmental Facilities Corporation (EFC), the
21 New York State Department of Environmental
22 Conservation. There has been wonderful
23 assistance provided to the Town by your local
24 State senator. And the Town applies for the

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2 types of grants, and the Town applied for the
3 grants in this instance, with some assistance
4 from our team in terms of providing technical
5 information. Those things happen customarily,
6 and we thank the Town and the staff for, for
7 doing so.

8 The Yeshiva secured 501(c)(3) tax-exempt
9 status from the IRS in 1963. It was reconfirmed
10 by the IRS in a communication from the IRS on
11 November 6, 2000. Nothing has changed with
12 regard to the Yeshiva's not-for-profit status.

13 The Yeshiva has also renewed its real
14 property tax exemption for a non-profit
15 organization as recently as this year. And there
16 was a question about, well, why were taxes
17 suddenly paid in 2023? Because we had the
18 benefit of finally being placed in a Town sewer
19 district. And when you get placed in a Town
20 sewer district, even if you're a not-for-profit
21 tax-exempt organization, you have to start paying
22 sewer tax. You're not exempt from that.

23 So, I want to thank you for allowing me
24 to just simply state those facts. I, I wish I

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2 didn't have to, Mr. Chairman and members of the
3 Board, and I, and I hope I didn't belabor the
4 point.

5 In 1985, after the -- I want to set the
6 record straight. In 1985, after acquisition,
7 Town Planner John Felt -- and some of us remember
8 John Felt -- John Felt issued a determination
9 that the Yeshiva was a lawful use of this
10 property. It had been a dude ranch for decades.
11 I sat and listened to former County Executive
12 Andy Spano talk about how he rode horses at the
13 dude ranch as a teenager, growing up in
14 Westchester. The Yeshiva received site plan and
15 special permit from this Board, as I said, in
16 2010, specifically focused on the Dodge City
17 dormitory. The good news for all of us, thank
18 you, Chana, it looks a lot better today than the
19 version of Dodge City that I got approved in
20 2010. It's much nicer architecture and we
21 finally have somebody who's looked at the campus
22 and tried to figure out how best to improve flow
23 and benefit the students and staff.

24 In March of 2010, your Zoning Board of

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2 Appeals, two months after site plan approval,
3 issued a written determination, David Douglas and
4 his Board. The ZBA found that the Yeshiva was a
5 place of worship, a seminary, and a religious
6 institution permitted in the R40 zone, and it
7 issued a duly authorized resolution to that
8 effect. So, the Town of Cortlandt knew it was a
9 place of worship, a place of religious
10 instruction, and a seminary. The Town took
11 testimony. We spent a few months in front of
12 Chairman Douglas and his Board, and we got that
13 resolution. The approvals issued, as I said,
14 allow for 225 residential students, and there are
15 now fewer than that.

16 No one is seeking a rezoning, and there
17 are some comments about that. We are not here
18 tonight, Mr. Chairman and members of the Board,
19 seeking a rezoning. We don't need a rezoning.
20 We are not seeking a text amendment. The use of
21 this property is not before the Planning Board.
22 It's beyond your jurisdiction and we're, we're
23 permitted to be here. You've, you've given the
24 special use permit.

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2 Bear with me for a moment on the
3 applicable law. And, again, I wish I didn't have
4 to do this, but you have received submissions
5 about the applicable law, which, it is our
6 position, are specious and inaccurate. Take a
7 step back with me. And I should say -- I'll,
8 I'll hold that for a moment.

9 In the 1980s, Cornell University came
10 under attack as a school in a residential area.
11 For those of us who practice in this, in this
12 area, in this niche, we are all familiar with
13 Cornell v. Bagnardi. In Cornell v. Bagnardi, the
14 New York State Court of Appeals said, and I
15 quote:

16 On a broader level, the courts held that
17 schools, public, parochial, and private, by
18 their very nature, singularly serve the
19 public's welfare and morals. Colleges and
20 universities were also regu- recognized as
21 serving the public's welfare in the same
22 important ways. Because of the inherently
23 beneficial nature of churches and schools to
24 the public, we --

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2 The court.

3 -- held that the total exclusion of such
4 institutions from a residential district
5 serves no end that is reasonably related to
6 the morals, health, welfare, and safety of
7 the community.

8 Cornell v. Bagnardi was originally
9 adopted largely as a school case. It has
10 evolved, since 1986, to be a case that's cited
11 even in the religious context. And there are
12 numerous cases from New York Court of Appeals and
13 the Appellate Division that state that, when
14 we're dealing with religious institutions, it's
15 not just the place of worship, it also relates to
16 related uses, such as schools, residential
17 dormitories, guest accommodations. I'm going to
18 share these citations with your counsel for the
19 record, but I want you to know there have been
20 some comments about, well, maybe it could be an
21 afterschool program or something. No, the courts
22 -- New York State Law protects that.

23 Then, in 2000, 2000, the federal
24 government decided it was going to deal with

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2 this. The federal government adopted RLUIPA, the
3 Religious Land Use and Institutionalized Persons
4 Act, R-L-U-I-P-A. And I should state for the
5 record that, while I'm here this evening
6 representing a yeshiva, you all don't know it,
7 because you know -- David, you're here regularly,
8 talking about development and residential and
9 commercial situations here in Cortlandt -- I
10 represent the Yeshiva, I represent the
11 Archdiocese of the State of, of New York. I
12 represent a Buddhist temple. I represent a Hindu
13 temple. Colleagues of mine have represented an
14 Islamic facility. Two of my partners regularly
15 lecture on RLUIPA. So, we're familiar with this
16 federal statute. I have not had to talk about
17 this at any great length in front of this Board,
18 but, tonight, I'm, I'm compelled to do so
19 briefly.

20 New York Law, as well, as well as
21 federal RLUIPA, the Yeshiva is actually entitled,
22 categorically, to "special treatment." I have
23 not banged this Board over the head with that for
24 15 years. There may have, may have been some

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2 allusions to it, but it, it wasn't necessary.
3 Tonight, I have no choice but to make sure your
4 Board is aware, and consult with your learned
5 counsel, quote:

6 It is well established, as a matter of
7 public policy, that educational or religious
8 uses of land are presumed to have a
9 beneficial effect on the community.

10 That's a case involving a Jewish day
11 school out of Mamaroneck. Because of their
12 presumed beneficial effect, New York Law
13 establishes, quote:

14 That religious and educational
15 institutions enjoy special treatment with
16 regard to residential zoning ordinances,
17 because these institutions presumptively
18 serve the public's welfare and morals.

19 That's a case involving a church,
20 Apostolic Holiness Church v. Babylon. The
21 requisite special treatment for religious and
22 educational institutions means that, quote:

23 They are not exempt from local zoning
24 laws. Greater flexibility is required in

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2 evaluating an application for religious use
3 and an application for another use, and every
4 effort to accommodate --

5 And I have to stress that.

6 -- every effort to accommodate the religious
7 use must be made.

8 That's a case --

9 MR. KESSLER: Okay, but RLUIPA/zoning.
10 We're not -- you started off saying we're not
11 dealing with zoning.

12 MR. STEINMETZ: No, no, but, Mr.
13 Chairman --

14 UNIDENTIFIED MALE 2: Wait a second.
15 Are we just going to let him talk all this --

16 MR. KESSLER: No, he's the --

17 UNIDENTIFIED MALE 2: Listen, that
18 [unintelligible] [01:23:54] --

19 MR. KESSLER: Sir, please, you're out of
20 order.

21 UNIDENTIFIED MALE 2: What is, why won't
22 -- what are the benefits to the neighborhood that
23 he talked about?

24 MR. KESSLER: Just, you'll, you'll have

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2 your opp--

3 UNIDENTIFIED MALE 2: [Unintelligible]

4 [01:24:01]

5 [APPLAUSE]

6 MR. KESSLER: Sir, please. You'll have
7 your opportunity. The Applicant --

8 UNIDENTIFIED MALE 2: There's too much
9 going on [unintelligible] [01:24:05] --

10 MR. KESSLER: The Applicant is allowed
11 to make a presentation. Sir, sir --

12 UNIDENTIFIED MALE 2: My
13 [unintelligible] [01:24:10] --

14 MR. KESSLER: Either sit down or get
15 out. Sit down or get out. RLUIPA zoning, we
16 were saying.

17 MR. STEINMETZ: No. Everything we're
18 talking about tonight is the administration of
19 your zoning ordinance with regard to this
20 application.

21 MR. KESSLER: But you started off saying
22 we're not here to discuss zoning, it's allowed
23 under the --

24 MR. STEINMETZ: No, Mr. Chairman. I

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2 said we're not here to talk about a zoning change
3 or a text amendment. We are absolutely here to
4 talk about -- and there are a hundred people
5 behind me who want to talk to you about the
6 implementation and the utilization of zoning to
7 preclude the use. So, it's incumbent upon all of
8 us --

9 UNIDENTIFIED FEMALE 1: No.

10 MR. KESSLER: Alright, look. Let's,
11 please -- let, let's -- David, please finish up
12 so we can get to the audience, because they're
13 getting antsy here.

14 MR. STEINMETZ: I, I will, but I'm, I'm
15 going to make my record, Mr. Chairman. All
16 improvements to this building, all improvements
17 proposed are in accordance with applicable zoning
18 and the New York State Building Code, New York
19 State dormitory requirements.

20 Student cap limits, last, last topic for
21 me. As for the limitation on students, or a
22 student cap, I want to be perfectly clear with
23 your Board. I believe I've been clear with your
24 counsel on this already. We will answer your

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2 questions. I think Chana actually already did.
3 We'll make sure you fully understand all the
4 occupancy numbers. You, some of you asked those
5 questions last time. We made, we did everything
6 we could tonight to make sure you, you heard
7 them, and I want to make sure you're totally
8 clear. But this property, like all churches,
9 synagogues, and other religious institutions, is
10 governed by something very clear, and it's not
11 some fictional, arbitrary number out of thin air.
12 It's, it's by the New York States Building Code,
13 Fire Code, and the New York State Dormitory
14 Regulations.

15 There's one more case that I have to
16 state for the record, that you need to be aware
17 of, and you need to talk to Mr. Cunningham about.
18 The Village of Upper Nyack attempted to regulate
19 the number of students in a private school in a
20 special permit. They tried to do exactly what I
21 know people would love you to try to do here.
22 They frequently cited case of, of Summit School
23 v. Nugent. The Court of Appeals said, quote:

24 Provisions in a special use permit which

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2 relate to the total number of students are
3 invalid because they apply to the details of
4 the operation of the business and not the
5 zoning use of the premises.

6 Mr. Cunningham can explain, Summit
7 School followed a whole line of cases about
8 regulating business operations, and it has been
9 analyzed and applied in the use of schools, and
10 government trying to impose regulations on
11 schools. My simple point is, picking a student
12 cap number and sticking it in a special use
13 permit by mandate from your Board, I don't think
14 you have the authority to do that.

15 MR. KESSLER: So, are you saying when we
16 did that last time, we didn't have the authority
17 to do so?

18 MR. STEINMETZ: We consented to the 225,
19 based upon a number of factors, not the least of
20 which was the sep-, the septic system that
21 governed capacity.

22 MR. KESSLER: So, you set, you set a
23 precedence, is what you're saying?

24 MR. STEINMETZ: Based upon a safety

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2 issue, based upon a legitimate issue, not out of
3 thin air.

4 MR. KESSLER: Wait, let him finish,
5 please.

6 MR. STEINMETZ: Thank you. Last issue,
7 wetlands. It's a legitimate issue. We had a
8 wetlands permit, and we are improving that
9 situation. And the good news is, we have one of
10 the pre-eminent wetlands biologists who's been
11 working in this town for three decades. We, we
12 can do it now or we can hold. I was going to
13 have Steve --

14 MR. KESSLER: Okay.

15 MR. STEINMETZ: -- very briefly state,
16 so the record's clear, and, and the public hears
17 that these --

18 MR. KESSLER: Why don't you state it?

19 MR. STEINMETZ: So, I'm going to ask
20 Steve to just briefly state the wetlands
21 implications and the improvements that are being
22 made, and then we can sit back and listen to the
23 comments.

24 MR. STEVE MARINO: And I promise to be

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2 brief. As you know, since the early 2000s, we
3 have looked at this project and this property a
4 number of different times. Steve Coleman,
5 representing the Town, has looked at the property
6 over the years. Paul Jaehnig, representing the
7 Town, has also recently redelineated the wetlands
8 on the site. I think we can pass that one.
9 Heather, we'll just go to the next one.

10 That one is just, the slide that's up
11 there now is an aerial photo of the site in 1976,
12 showing what the dude ranch -- I guess maybe, I
13 guess we should go back to it after all --
14 showing what the dude ranch looked like and the
15 number of structures on the property at that
16 time. The Dodge Building, which has since been
17 demolished, was on the property in the same areas
18 where the proposed building is going. Within the
19 wetland and the wetland buffer, there was a large
20 riding ring. And within the wetland and the
21 wetland buffer, there was a barn structure on, on
22 an existing concrete slab. The, the green blob
23 to the north of the, of the site there is the
24 DEC wetland, as it was flagged originally.

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2 There's a yellow line that shows what the current
3 DEC regula- regulated area is on the property,
4 and I'll get to, back to that in a minute. Next
5 one, please.

6 This is the Town regulated wetland, as
7 flagged by Mr. Jaehnig on behalf of the Town.
8 That's it right there. Yeah, we can use that
9 one.

10 MR. KOBADSA: Steve? Excuse me, Steve.
11 Can you just --

12 MR. MARINO: Yes, Chris? Kevin.

13 MR. KOBADSA: -- note how you, the
14 orientation of the plan changed?

15 MR. MARINO: Yes, absolutely.

16 MR. KOBADSA: I don't know if most
17 people pick up on that, so.

18 MR. MARINO: Yeah. As, as Ms., Ms.
19 Weisz pointed out, there is a sanctuary building
20 on the eastern side of the property -- on the
21 southern side of the property, that was
22 originally going to be expanded approximately 75
23 feet to the, to the south. That would have put
24 it within the buffer of the New York State DEC

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2 wetland. Based on site walk, our site walk and
3 some comments that we heard, concerns of the
4 members of the Board, that expansion has been
5 eliminated. That's the yellow section that you
6 see to the south. Originally, it was planned to
7 be in the buffer. We recognized that we would
8 have had to get DEC approval to do that. Well,
9 after consideration and discussions with the
10 Board and staff, that expansion has been
11 eliminated. So, there's no new encroachment into
12 the DEC wetland or buffer on the south side of
13 the site, which had been previously proposed.
14 Okay, next one, Heather, please.

15 This is the current site plan now. I'll
16 just go through really quick. There is some
17 minor encroachment into the Town wetland buffer
18 for, for new activities related to parking and
19 ro- road access around the new building. But
20 they're essentially within the same footprint of
21 existing impervious surfaces. We've gone through
22 the numbers based on Mr. Jaehnig's survey. We
23 are now actually decreasing the amount of
24 impervious surface on the site by about 1,500

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2 square feet. We are eliminating some impervious
3 surface in the buffer that's no longer going to
4 be required, and we are converting the existing,
5 one of the existing septic system areas into a
6 stormwater treatment area. Currently, on the
7 site, there is no stormwater treatment. Water
8 runs off the parking lots and buildings, directly
9 into the wetlands and buffers. We are providing
10 stormwater treatment with the new plan.

11 The three existing septic -- four
12 existing septic systems on the site will be
13 abandoned. Several of them are actually located
14 within the wetland, delineated wetland. Those
15 will be abandoned. There will be no more
16 increased nutrient loading to the wetlands from
17 those structures.

18 Stormwater management, the, the, the
19 Yeshiva has provided the property for the new
20 pump station and for the sewer treatment, sewer
21 pump station, and that's considered part of the
22 mitigation. There are walking trails now
23 proposed around the existing property as part of
24 mitigation, as well as ac-, you know, physical

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2 activity for the students on the site. And in
3 the area what was currently, originally, when the
4 dude ranch was in operation, where the sanctuary,
5 just outside the sanctuary building there to the
6 south, where the DEC wetlands con- con-, still
7 extends to the south and east in that area, we
8 are proposing restoration of that wetland area, a
9 removal of an existing building that was, that
10 housed the mechanicals for the ski lift for that
11 part, part of the property which was used as a
12 ski hill back in the day, that's being eliminated
13 in that area of the wetland which has been, over
14 the years, has been, there's dumping and such in
15 that area, that will be cleaned out and replanted
16 as wetland again. So, that will be re-, there's
17 a wetland restoration there.

18 And then, we've also provided at this
19 time a preliminary landscape plan, both for the
20 buffers, for the new stormwater treatment basin,
21 and for the wetland there to the south.

22 Again, there's a difference in the
23 delineation of the wetland between what the DEC
24 has flagged on the site, and that DEC delineation

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2 was bast- based on past historic delineations
3 done in the early 2000's. I've walked the site
4 with DEC a number of times. They recognize that
5 the areas no longer function at wetland.
6 However, from a regulatory standpoint, they still
7 want us to get permits through that office. And
8 that did lead, certainly, to the elimination of
9 part of the, part of the le-, what led to the
10 elimination of that expansion of the sanctuary
11 building. But the Town wetland, as you see, is
12 that greenish, light green color there. There
13 are minor, minor improvements in the buffer to
14 that area in what are already impervious
15 surfaces.

16 And I think that's, I'm going to stop at
17 that. And, --

18 MR. KESSLER: Okay, thank you.

19 MR. MARINO: -- certainly, there are
20 questions that are remaining, and we will
21 continue to discuss those.

22 MR. KESSLER: Okay. Well, let, let's
23 now open it up to the public. So, please, ma'am,
24 come on up. And name, address, and tell us what

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2 you think.

3 MS. SHERI ANN COOK: Ladies and
4 gentlemen, --

5 MR. KESSLER: Please, please, yeah, the
6 mic.

7 MS. COOK: Ladies and gentlemen of the
8 Town of Cortlandt Planning Board, thank you for
9 hearing me. My name is Sheri Ann Cook. I think
10 I should give you a little bit of background for
11 me with this.

12 I was contacted by residents the
13 Thursday before the Labor Day weekend. So, a lot
14 of people are angry and upset about this whole
15 thing. You're a paralegal; can you look into
16 this for me? I made it specifically known to
17 everybody I've spoken with, I am a paralegal in
18 complex litigation, specifically, personal
19 injury, medical practice, product liability,
20 labor law, that kind of thing, and I am out of my
21 depth when it comes to land use law. I have made
22 that extraordinarily clear. And I said I could
23 see what I could come up with. I committed to
24 the people who looked to me for a little bit of

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2 help and support. When I make a commitment, I do
3 it one billion percent, whether it's good for me
4 or not. That's just who I am, as a neighbor, a
5 resident, as a person who believes in civics.

6 If Mr. Cunningham thinks for one second
7 that he can tell me what is going to be and going
8 to happen when I haven't even had the opportunity
9 to speak, I believe this Board is well aware of
10 the response anybody will get to trying to shut
11 me up. I hope that's understood.

12 [APPLAUSE]

13 Anyway, I would like to make a couple of
14 points based on what I've submitted to the Town,
15 which is related to this. First of all, I find
16 it interesting that the 15 years it took them to
17 get their act together for their septic system
18 and the sewer coincides with the statute of
19 limitations he claims. It would be nec-, it
20 would have elapsed for anybody to take action.
21 This Town issued all of the resolutions, and they
22 have the right to withdraw them, rescind them,
23 rebut them, if they so choose.

24 I don't care how long the congregation

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2 has been operating. If they had been operating
3 in any fu- fugazy manner -- and that's a Brooklyn
4 term, I am from Brooklyn -- then, everybody has
5 the right to know about it, investigate the law
6 for themselves. I have taken down administrative
7 judges, Supreme Court judges. I put attorneys
8 behind bars. If I think there is a hint of
9 corruption anywhere, or impropriety, I'm going to
10 do something about it, because that's my civic
11 duty. So, any of you who are insulted by calling
12 me Ms. Cook instead of addressing me as Dear Ms.
13 Cook, like I give you that respect in e-mails,
14 well, that's just childish and nasty.

15 Now, Mr. Steinmetz has not brought up
16 the issue that the property owner, Congregation
17 Yeshivath Ohr Hameir, is the only entity that has
18 the legal standing to apply for anything to do
19 with that property. Not a tenant, not a school
20 that operates on it, the property owner. There
21 has been no legal establishment between the
22 authority of this Yeshiva to act on behalf of the
23 property owner.

24 I have given you reason to believe that

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2 their financial transactions from 2006, all the
3 way up till 2025, have been substantially in New
4 Jersey, and I ask you to look at that particular
5 issue because these articles of incorporation for
6 the religious incorporation of, in 1962 for
7 Congregation Yeshiva Ohr Hameir, looks like it's
8 been replaced with New Jersey stuff, and that
9 should be looked into.

10 Mr. Steinmetz, in his letter in October
11 that was filed with this agenda meeting, talked
12 about, oh, there hasn't been any legalities or
13 misrepresentations. Well, I was smart enough to
14 look at NYSCEF records, which is part of what I
15 do as a paralegal. So, just to name a few, maybe
16 his own clients are not being completely honest
17 with him, to give Mr. Steinmetz the benefit of
18 the doubt. {Unintelligible} [01:38:44]
19 Corporation, BMS Printing, [unintelligible]
20 [01:38:49] Decorators, Payton Auto, Nine Stevens
21 Café, Saxon Co., Neptune Gem, and there are more
22 judgments that were taken. Some have
23 satisfactions of judgment, but why did a judgment
24 have to be taken in the first place?

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2 The idea of the capacity, despite what
3 the New York State Court of Appeals says, I can
4 guarantee you, if you took a 30-parcel acre of
5 land and tried to put over 1,000 people on that
6 parcel of property, I'm very sure the courts
7 would be willing to hear about the safety and the
8 wellbeing of the Town, in general. There are
9 well-established laws to preserve our bucolic
10 territory.

11 I do not deny the congregation to have
12 their worship. I have nothing against them
13 personally. I, I, I have seen what went on in
14 Brooklyn. I lived in Monroe. I saw what went on
15 there. And I believe a lot of people fear that
16 this, along with what they've been doing for 15
17 years, is just the start of what is going to be
18 happening. And people here do not want what
19 happened in Monsey or Ramapo, or Monroe-Woodbury
20 School District, where my children used to go, or
21 any of that to happen here. And they want it
22 stopped beforehand.

23 So, I think, considering that Mr.
24 Steinmetz can argue that you can't do what you

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2 want to do, but if I want to say you can't do it,
3 then it's okay. That's not alright.

4 You're right, Mr. Kessler. They set the
5 precedent by agreeing to only 225 people, and you
6 can use that to the Town's benefit. Because I
7 think what they have been allowed to do with
8 dumping septic effluents, creating cholera,
9 people have to install aerators in, like, rows
10 out of their own personal expense. You're going
11 to want people to hook up, to pay to hook up to
12 this property. And might I remind you, just in
13 the Town of Cortlandt alone, we are over --
14 Cortlandt Manor, I should say -- we are over
15 20,000 residents just in Cortlandt Manor area.
16 The Town of Cortlandt may have over 40,000
17 residents. How is an addition of 130 extra
18 hookups going to serve us, as a whole? It will
19 not. And I think the fact that they let all
20 those problems, the Town would normally say to
21 any property owner, you've got a problem, you've
22 got to fix it. Fix it fast, fix it qui-, fix it
23 quick. Sorry.

24 But they got away with doing whatever

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2 they wanted, however they wanted. And they
3 fooled this town by not talking about their
4 business in, in New Jersey. They're not going to
5 give you the information that you deserve to
6 have, that we deserve to have. And they have had
7 zero transparency in all the time they are here.

8 I've given you much to think about, and
9 I hope that you take heed to how vehemently many
10 of the residents here are opposed to this
11 expansion. We don't deny them having their
12 religious obser- observations, their religious
13 instructions, because, well, you know, it's still
14 on the Town's website that it's a 530, zoned as a
15 530 commercial 1, light commerce property, on the
16 Town's own records. I don't -- that's not
17 mentioned in any of your resolutions.
18 Congregation Yeshivath Ohr Hameir is not
19 mentioned in any of your resolutions. They're
20 defective.

21 The type of student that would be
22 attending and the type of programs that would be
23 given was not considered by this Board, ever.
24 It's not mentioned in any of the resolutions.

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2 And I would prefer that we can come to some sort
3 of understanding between the congregation Ye-,
4 Congregation Yeshivath, property owner, Ohr
5 Hameir, the Town, and the very worried and
6 concerned residents of all the damage that they
7 have created previously in almost two decades,
8 and what that portends for the future. Thank
9 you.

10 MR. KESSLER: Thank you, Ms. Cook.

11 [APPLAUSE]

12 MS. FALK KESSLER: Good evening. I'm
13 Janet Falk Kessler. I live at 1515 Washington
14 Street, and I do have a disclosure, and that is I
15 am a professor in higher education, so I'm very
16 sensitive to how learning needs are impacted by
17 environments. And like other professors, I
18 apologize in advance, I may, some of my, my
19 comments may sound a little too academic.

20 My comments are directed both at the
21 Planning Board and to the Yeshiva. The changes
22 you are proposing to the Planning Board, from my
23 opinion, are long overdue. And from what I've
24 seen, it is a great improvement from what I had

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2 seen in the past. And it also appears that the
3 new dormitory, while centralizing all housing,
4 which is a good thing, I might add, is positioned
5 for potential expansion, just as Mr. Steinmetz
6 explained to all of us and gave us the numbers.

7 I assume that comments, though, on
8 expanding enrollment is inappropriate, because
9 many colleges and universities change their
10 enrollment numbers all the time. But what I
11 think is appropriate to ask is, how might these
12 future expansion plans built on this proposal
13 affect the larger community?

14 That question is related to this. I did
15 a little bit of homework to try to learn about
16 the Yeshiva from the academic perspective, and it
17 appears -- and correct me if I, if I
18 misunderstood -- that the curriculum is built, in
19 part, of the traditions of the Mussar, a Hebrew
20 word, which, among other things, promotes self-
21 exploration, moral and ethical conduct. It's a
22 wonderful system, as I understand it. I also
23 understand that it has to do with balancing one's
24 own needs with the needs of others, and this

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2 applies not just to individuals, but to
3 institutions and organizations. So, to put that
4 in perspective, it's about the needs of the
5 Yeshiva and recognizing the needs of the
6 surrounding community.

7 We all know, or many of us certainly
8 know, that the synagogues in the area and the
9 churches in the area, along with private schools,
10 whether they're religious or secular, offer some
11 type of community service, and those are great
12 examples of the principles of Mussar. And since
13 I am naïve about your contributions to the
14 community, but in keeping with Mussar, I wonder
15 if you can share with us how these plans will not
16 only impact our area, but what types of community
17 service are currently provided and may be
18 provided in the future, regardless of the outcome
19 of this application. Thank you.

20 [APPLAUSE]

21 MR. GREG GALE: Good evening, Chairman
22 Kessler and members of the Board. Good to see
23 you all. I have, since this has taken a little
24 while, my memory may be a little cloudy as to

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2 what I saw tonight. But it seems to me as though
3 the lifting of the cap really serves us, as a
4 community, no service at all. I mean, what, what
5 controls are we going to have if the cap is gone?
6 I think Chairman Kessler brought up a very valid
7 point. You know, if you want more kids after you
8 build this out, come before the Board, we can
9 consider it. As a member of the community, as a
10 good faith gesture, I'm sure you'll have no
11 trouble at all coming before us once again, once
12 you've completed all your, all your upgrades.

13 Also, you know, it seems to me as though
14 you've got plans or potential for 400 students.
15 I can't see where that would be a benefit to the
16 community. Judging -- I live at 80 Furnace Woods
17 Road, right down the road from you guys. And
18 there is real, a real problem with foot traffic
19 on the road, a serious problem. Such to the
20 point that I am putting the Board on notice of
21 civil liability should you allow this, because I
22 would think you guys would all be looking down
23 the barrel of a 50-H hearing. This is, this is
24 crazy. You can't have 400 kids walking all over

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2 the place, or kids or students, or whatever they
3 are. It's, this doesn't make any sense. Right
4 down the road, south of the Yeshiva, there's a
5 very sharp turn, blind, there's no sidewalks. It
6 just makes no sense.

7 Now, I could understand that the Yeshiva
8 wants to improve the facility, and I think
9 Chairman Kessler brought up a very good point,
10 that this is not just about the sewers, or
11 septic. By the way, we, we all need to thank
12 you, because you decided not to dump it into Rose
13 Lake. Thank you very much. Because I was here
14 10-, in 2010, when that was actually an option.

15 So, I think that, you know, we have to
16 look at this in total, not just focus on the
17 upgrades to the, to the sewer or septic, or
18 whatever you call it. Sewer? I think there,
19 there's a lot more issues around it than that.
20 And I also think that, you know, there was, there
21 was one building on the lower right that's being
22 abandoned, but it's, nobody told us what's gonna,
23 what's going in there. I mean, if you're not
24 going to use it, why leave it? Or do you really

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2 intend on putting in 400 students?

3 So, also, I think that there's an issue
4 with the number of guest housing. While I can
5 appreciate that there has to be, you know, guest
6 housing, I heard there was, I think he said 16
7 rooms. Is, is, is that --. How big are they and
8 how many people can fit in them? And is it
9 option- optional to put students in there? Would
10 they guarantee us that students will never go in
11 there if it's for visitors? There's a lot of
12 questions here that, you know, the Applicant
13 really has not addressed, and I think that they,
14 they really need to come back before the Board
15 again and, you know, lay out how they're going to
16 protect the community from a lot of pedestrian
17 traffic.

18 I would also like to know what benefits
19 they want to bring to the community. I mean, if
20 they want to be a member of our community, you
21 should bring something along with it to help us
22 out. Maybe open up your doors and explain to us
23 what you do. You know, maybe, maybe be a member
24 of the community. Don't be isolated in an island

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2 of yourselves.

3 So, that, that's basically all I have to
4 say right now. I'm sure that I'll come up with
5 more. But I think there is a precedent set 15
6 years ago. I think if the, if the cap is lifted,
7 that will be very detrimental to the community.
8 I think, if you, if you want to propose a cap of,
9 if you said the, the current structure is going
10 to be 2-, and my math, my public school math says
11 256, put a cap at 250. Be, be compatible with
12 what you're building. I mean, but don't lift the
13 cap and have no cap. That just provides us with
14 zero protection. Thank you.

15 MR. KESSLER: Thank you, Greg.

16 [APPLAUSE]

17 MS. JUDY FALK: Hi. My name is Judy
18 Falk. I live at 5 Lake Road. I've actually --

19 UNIDENTIFIED MALE 2: We can't hear you,
20 hon.

21 MS. FALK: I'm sorry. Can you hear me
22 now?

23 MULTIPLE: Yep.

24 MS. FALK: Okay. Judy Falk, 5 Lake

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2 Road. I've been a resident since 1991. I'm
3 going to point out, whether it's important or
4 not, that I'm a really proud liberal Jewish
5 person, but I'm also a really, I'm really proud
6 of my community, okay, and I, it's important to
7 me. And, over the years, I've done a lot of
8 improvements. I'm followed every rule, whether
9 it's the Building Department, I've dealt with the
10 Department of Engineering, I've dealt with the
11 Department of Health. I've done whatever is
12 required.

13 I just want to point -- I've been
14 racking my brain trying to think of ways that
15 expanding the cap and just giving carte blanche -
16 - I'm not saying that's going to happen. I've
17 been racking my brain trying to think of ways how
18 this serves our community. I can't come up with
19 anything at the moment. So, you know, maybe they
20 can open their doors, maybe they can help out, I
21 don't know, with the lake, environmental issues,
22 okay. But something.

23 But I do want to point out that I'm very
24 concerned about the cap. I respectfully ask that

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2 you be very prudent when you think about numbers.
3 Okay? It's very important. We can't just, I
4 don't think that we should just let loose.
5 That's one thing.

6 Two, I'm very concerned about commuting
7 and traffic patterns. These roads are narrow.
8 There are no sidewalks. It's dangerous, okay.
9 And I don't know what's going to happen with
10 respect to back and forth and commuting and day
11 trips and so forth. I, I don't know. I don't
12 know anything about them. But please, all I ask
13 is that you be very careful about what you agree
14 to.

15 And, oh, the other thing I wanted to
16 point out, there was mentioned the fact that they
17 think they can expand because of the sewer
18 system. Okay. But understand, it's my
19 understanding, and if I'm saying this incorrectly
20 I apologize. The sewer system is being shared.
21 It's being utilized not just by the Yeshiva. So,
22 let's keep in mind what needs may be required of
23 others that are using the sewer in the future.
24 There has to be some, you know, planning in that

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2 regard with what needs might be in the future.
3 So, that also -- just be, I'm just asking. I'm
4 concerned about my community. I'm very proud of
5 it. I want it to, you know.

6 An, and I want to, I want to say that
7 I'm very in support of helping different
8 communities and different faiths and learning
9 about different groups and so forth. I'm, I'm
10 all for that. I just, I just can't figure out
11 how this will help us. Okay? So, that's all I
12 really wanted to share. Thank you.

13 MR. KESSLER: Thank you, thank you.

14 [APPLAUSE]

15 UNIDENTIFIED MALE 3: Good evening,
16 ladies and gentlemen. Thank you for listening to
17 me.

18 MR. KESSLER: Please, just turn the
19 microphone a little bit.

20 UNIDENTIFIED MALE 3: Oh, sorry. Is
21 that a little better?

22 MR. KESSLER: Much better.

23 UNIDENTIFIED MALE 3: Okay. A couple of
24 things that I noticed, that I haven't had all

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2 that much time to evaluate the current proposal.
3 However, I did notice in the latest letter from
4 the Steinmetz organization, it lists a two-story
5 building as opposed to the three-story building
6 that we currently see. So, I don't know if
7 that's another obfuscation of the facts or a
8 deliberate des-, directional scenario to, so
9 people don't understand fully what's going on
10 over there. But I think that needs to be looked
11 through, as well.

12 A couple of things is, this looks like a
13 wonderful thing here in a certain way. However,
14 it's just not for this area. It is not conducive
15 to the neighborhood. Like the other people
16 bringing up the fact that it's extremely
17 dangerous territory. This runoff is going to
18 continuously inundate our school system. There
19 are so many problems with this particular issue
20 that it's just not conducive to this area. It's
21 a simple state of facts. It's, it's common
22 sense. And it makes absolutely no sense to
23 continue this and raise the, the amount of people
24 that can occupy this site.

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2 You've got 225 people currently, now.
3 You want to go to 340 people. Then, there's
4 another potential to go to 400 people. That is
5 another staffing issue that, how many families
6 are going to be there? Well, some of these
7 families can be extremely large. You could be
8 talking another 100 people. So, you're talking
9 about an area that can't support five people
10 walking down the road, and you have over 500 to
11 600 people on that site, particularly on
12 holidays, etcetera.

13 The other thing is the buses that come
14 flying through here. They, those roads can't
15 handle buses going in or out of that facility.
16 There's a reason that these things are supposed
17 to go on county or state roads, you know, access
18 and egress. And it's just not a safe scenario.
19 Somebody is going to get killed. And it's just
20 not good.

21 This is just the wrong area. I, I wish
22 them all the luck in the world, but the situation
23 is that this facility does not belong here, plain
24 and simple. They're tearing up our roads. This

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2 has been a detrimental situation to this entire
3 community for over 20 years, and it's not going
4 to stop.

5 Where are they bringing in the water
6 lines? Are we going to rip up the road again to
7 bring in new 8-inch water mains, stormwater
8 assessments, water for the fire hydrant system?
9 Who is paying for all of this? I want a
10 guarantee that nobody in this town is paying one
11 dime for any of this. It's not for us to support
12 this finan-, fiscally. I have no problem with
13 your religious aspects and what they're trying to
14 do religiously, but this is just not the right
15 place for it.

16 Thank you for hearing me out.

17 [APPLAUSE]

18 MR. LOU SOLOMON: Good evening. I'm Lou
19 Solomon. I live at 2509 Maple. Mr. Chairman and
20 members and staff, thank you for hearing me
21 briefly.

22 We moved in about 20 years ago next mon-
23 , next year. We wandered into the Yeshiva at the
24 time. They were entirely open and welcoming to

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2 us. My son and I started going there and
3 attending. I've been there probably 200 times
4 over the 20 years or so. When my son graduated
5 high school and was looking for a place to go
6 post-high school, he decided to go there, we
7 decided to go there. And so, in terms of what
8 the Yeshiva is doing for the community, I'm
9 actually quite glad that there was enough room
10 for him to go. He got an extraordinary education
11 there. It is a, an absolute gem of a place. And
12 now, seeing what, what is being planned for it,
13 maybe it will look like the gem of a place that
14 it actually is, because we're, we're, because his
15 dorm was, was what you saw. It was on a, at a
16 dude ranch.

17 I have observed the, the, the young men
18 there in a variety of, of circumstances, mostly
19 in, in prayer, but not exclusively. I've
20 observed them in celebration, I have observed
21 them in learning and in teaching. I, I have not
22 seen the, the, the mass of marauding young men
23 walking on the streets. But, if that's
24 happening, then --

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2 MR. KESSLER: Hey, hey, please, please,
3 please, please.

4 MR. SOLOMON: If, but if that's --

5 MR. KESSLER: Let him speak, please.

6 MR. SOLOMON: But if that's happening,
7 then, I mean, if, if --

8 MR. KESSLER: A little, a little
9 decorum, please.

10 MR. SOLOMON: What I meant by that is
11 that if there are a large number of, of students
12 that are walking on the streets and it's creating
13 a hazard, then the Yeshiva should be told about
14 it, and I can guarantee you that they will, they
15 will do something about it. I, I just have not
16 observed that.

17 In all of the circumstances where I have
18 observed these, these young men, they have been
19 absolutely exemplary. I haven't seen any -- the,
20 the, the professor spoke about Mussar, and, by
21 that, she meant that the Yeshiva focuses both on
22 mind and on manners. And they do that
23 extraordinarily well. And the young men who are
24 there act like that. And we, we walk there on,

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2 on the Sabbath. I've, I've, I've taken to always
3 finding the wrong part of the afternoon to get
4 there. And, so, there's a big storm, and I get
5 there soaking wet. And, and the only group of
6 kids that come up to me at that point is, is,
7 say, can, can we give you a shirt, or can we, you
8 know, help you change your coat? It's an
9 extraordinary place, and I think that the Town of
10 Cortlandt should be very proud to have it.

11 And I, I think that all of the state
12 laws that are going to be observed, like, like
13 how many people can be in a room and how many
14 people can be there, of course, all of those
15 should be observed. But, from my own personal
16 view, if I had more sons, I would like to send
17 them there and I would like there to be enough
18 people allowed so that they could go. Thank you
19 very much.

20 MR. KESSLER: Thank you.

21 [APPLAUSE]

22 MR. JOHN DEBENEDICTIS: Good evening.
23 John DeBenedictis. I live down off of Watch
24 Hill [phonetic] Road.

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2 I don't think anybody could question to
3 the right of the Yeshiva to exist. Okay? It's
4 been here quite a while now. But, when I listen
5 to the proposal, and I have some questions, Blue
6 Mountain Middle School has approximately 500
7 children. Okay? If there was to grow into that
8 many students, and we don't really know how this
9 will evolve, that's a large contingent of
10 students.

11 There's a, one of the things that I
12 still don't understand, and maybe I missed it and
13 somebody can tell me. But there's a housing
14 proposal for instructors, I guess. Are they
15 single, like studio apartments? What are they
16 and what do they consist of? Is it an
17 instructor? Or is it an instructor, and if he
18 has a spouse? Is it, does he have a spouse, does
19 he have a family, and do they live there? Okay?
20 The potential could be very high, okay, high
21 density. And for those of us who are stuck in a
22 runaway Hendrick Hudson School System, which is
23 totally out of control, you know, if they have
24 children who need to go to the Hendrick Hudson

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2 School System, okay, right now, like I say,
3 Hendrick Hudson is out of control. They're
4 spending over 40-some-thousand dollars a kid.
5 And they only got 2,200 kids in the whole place,
6 and they spend \$97 million. Okay? If you have
7 to have, say, 100 instructors or 75 instructors,
8 and then you add a, a wife to that, okay, now
9 you're up to 150. And then, if you have
10 children, okay, do those children, who will be
11 under, you know, age, they'll be anywhere from
12 pre-kindergarten up to, all the way up to high
13 school, do they go into the Hendrick Hudson
14 School District? And that can be a really
15 horrible problem because, as I said, Hendrick
16 Hudson is out of control as it is. And if you
17 put even 50 children or 100 children into the
18 Hendrick Hudson School District, you will be over
19 caps in certain classes. Right then and there,
20 they have to hire a teacher, okay. And the
21 class, I forget what the classroom size is. I
22 haven't been involved now, luck-, thank goodness,
23 in Hendrick Hudson in a while. But the potential
24 for the impact on Hendrick Hudson School District

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2 can be very large. And it's going to be a high
3 tax item. It's not the fact if you put 100
4 students in there it knocks the 40-some-thousand
5 dollars per student down. What it will do is it
6 will be increasing the \$40,000.00. Okay?

7 And that many parents can have an impact
8 on the school district. In other words, if you
9 have 150, 200 people, say, who can vote, if they
10 claim residence in the town, that's a, that's a
11 good impact on the school district. You can have
12 it, you can, you can bang it out. And, you know,
13 that's, it can be a real problem.

14 So, I think part of the problem, as I
15 said, you can't, I don't think you can deny the
16 Yeshiva's existence. It's been here a long time.
17 And, but I think it needs to be carefully
18 controlled as to the number of students.

19 And I have to contradict the gentleman
20 who just spoke. Unfortunately, if they do this
21 project, this whole project, I certainly hope
22 they enhance some hiking trails back there.
23 You've got 30 acres, okay. The students -- and,
24 and again, I understand, you know, they get

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2 cooped up. So, they, but they do walk all up and
3 down Watch Hill Road, you know, and Lexington
4 Avenue. They do. I mean, it's just, some days,
5 you know, you come close to clipping them. You
6 do. Okay? And, but I'm not blaming them.
7 They've got no place to go. But the Yeshiva
8 needs to take care of that somehow. Put a
9 walking track in there. I don't care what you
10 do.

11 But so, as I said, I think, I think the
12 Town has to really regulate -- and I, and I know
13 Mr. Steinmetz has given a lot of legal, you know,
14 bunch of stuff. But the potential of what can
15 happen with an overpopulation of the site, I
16 think, has to be really considered, and closely.
17 And especially what if -- and nobody has answered
18 the question. How many, how many of those
19 apartments are going to be lived in by one
20 person, two people, or is it a family? No-, that
21 question hasn't been answered, okay? And I think
22 all that has to be answered. In fact, I wish the
23 Town had not plowed ahead with the sewer thing
24 until all these questions had been answered. But

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2 now it's too late, you know. I mean, the Town is
3 -- and, again, I was told the Town is not going
4 to lose a dollar. It's not going to cost the
5 Town a dollar. You know, we'll talk about that
6 later.

7 So, as I said, I wish the Board would
8 take into consideration the density of it, and
9 whether you're going to have families. Because
10 you don't want this to be a housing development,
11 and that's what it can be if you have all those
12 converted buildings into housing units. And I
13 think that really has to be addressed before you,
14 you know, make, sign off on all this. Thank you.

15 MR. KESSLER: Thank you.

16 [APPLAUSE]

17 MR. DAVID WALD: Good evening, Chairman,
18 Board, and staff. My name is David Wald. I'm a
19 resident of the Town of Cortlandt and I'm
20 privileged tonight to speak forcefully in support
21 of the Yeshiva's application.

22 The Yeshiva has been in Cortlandt for 40
23 years. Repeat, 40 years. They moved here to the
24 former dude ranch from New Rochelle, and have

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2 constantly operated as an educational religious
3 seminary. Day and night, the students study, in-
4 depth, established religious text, sacred, holy
5 text, with the goal of creating refined human
6 beings. And I want to echo what Mr. Solomon said
7 about the students in this Yeshiva, because I
8 know many of them.

9 [OFF MIC CONVERSATION]

10 MR. WALD: This is what they do. It is
11 a serious and noble undertaking.

12 The hearing tonight is about the
13 proposed site plan for the property's
14 improvements. I will focus on several important
15 elements that are typically addressed during site
16 plan review. However, before I do, I would like
17 to divert for 30 seconds to refer to another
18 property in the town which is instructive.

19 Most people here tonight are probably
20 familiar with the Cortlandt Medical Center
21 complex located opposite the hospital on Crompond
22 Road. It is a sprawling 30,000-square-foot
23 building in an R40 zone, and it exists per a
24 special permit. The point that I'm making is

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2 that special permits are not a novelty, they're
3 not an aberration, or they're not insidious.

4 Traffic. Almost every development plan
5 submitted before this Board, traffic is viewed as
6 the main consequential impact. It is often the
7 most significant and problematic concern that
8 arises. In this instance, with this application,
9 there is unequivocally no use for the site that
10 would generate less traffic, less of a traffic
11 impact. This is a fact that is not debatable,
12 it's not subject to interpretation. The students
13 are not allowed cars.

14 I want to talk just for a moment about
15 site infrastructure and environmental impact.
16 Municipal sewer expansion should often be a Town
17 priority, despite the time-limited inconvenience
18 of construction. I am sure that, in the future,
19 many properties will benefit from the ability to
20 connect. I know this area well, and many septic
21 systems are marginal due to the area's high water
22 table and rock ledge. In fact, some properties
23 do not even qualify as septic systems, they are
24 rather cesspools.

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2 With respect to building and facility
3 improvements, I acknowledge that aesthetics are
4 not the primary concern of the Planning Board,
5 but it should be noted that the architectural
6 vision presented is stunning. An eyesore is
7 eliminated and the renderings illustrate a
8 dignified, restrained building using earthtones
9 and fitting nicely into the property's contours.

10 Home values. I'm going to talk about
11 that for a minute, because, in some of the e-mail
12 correspondence, it hasn't come up yet tonight,
13 but it's been mentioned. The assertion that
14 approval of this site plan will lower property
15 values is a talking point, fabricated scare
16 tactic, with no basis in historical reality.
17 Don't take my, don't take my word for this.
18 Zillow confirms the empirical fact that homes in
19 the neighborhood have increased in value,
20 consistent with home values throughout
21 Westchester County.

22 UNIDENTIFIED FEMALE 2: It doesn't
23 [unintelligible] [02:13:29]

24 MR. WALD: No, please. Okay. Yeshiva

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2 expansion. I'm not going to get into a lot of
3 details on this. I would only ask that people
4 stand back for a moment and objectively look at
5 this issue. A 51,000-square-foot building is
6 replacing a demolished 30,000-square-foot
7 building. This is not a large addition on a 36-
8 acre site.

9 In sum, the Yeshiva will go to great
10 lengths to address any legitimate, reasonable
11 concern related to the planned property
12 improvement.

13 With respect to foot traffic, I recall,
14 years ago, there was a lot of discussion at these
15 meetings about proper signage that would be
16 similar, perhaps, to what's down at the Blue
17 Middle School, in- indicating that it's a school
18 zone, caution, traffic, speeding limitations, and
19 so forth. Perhaps that also should be looked at
20 again.

21 I would urge the Town to expedite the
22 approval of this project. Thank you very much.

23 MR. KESSLER: Before Mr. Gale, anybody
24 else that hasn't spoken wish to speak before we

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2 go up for seconds here?

3 MR. LUKE MCDONALD: Good evening. Luke
4 McDonald, 9 Amanda Court. So, I'm a local
5 resident, two blocks down from the Yeshiva. What
6 many people don't know is I also grew up at a
7 missionary kids' boarding school. So, Rabbi,
8 thank you for improving your facilities to your
9 students.

10 There's a couple of notes I would like
11 to reference and clarify. From what I
12 understand, there is actually substantial
13 precedence set forth, and legal laws, that the
14 Town Planning Board can, in fact, go off of for
15 community feeling, welfare, safety, and feel. We
16 have both New York State and Bulgardi (phonetic),
17 and then there's also Cor-, or Cornell v.
18 Bagnardi and Pine Knolls Alliance Church. So,
19 some other references, as we also had other
20 references against.

21 I would like a clarification on the size
22 of the largest building. Special use cases say
23 that you can have a largest building being 35
24 feet is our highest amount for zoning. Our

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2 zoning exceeds 35 feet. Their highest building
3 proposed height is 41 feet. So, they're going
4 six feet over max size in zoning height for our
5 area. They stated that it's for special use
6 cases, but that's used for medical facilities and
7 nursing homes, which this isn't, or main
8 buildings. This is a dormitory. So, if I, we
9 could get clarification on that, we'd love that.

10 So, increase in height, Town Code. I'd
11 also like to note that there's an extremely large
12 amount of foot traffic on the weekends. Driving
13 down the roads, there are a lot of people walking
14 on the roads, which that will only increase.
15 They've mentioned that they might increase
16 walking paths on the facility. From what I
17 understand on the wetlands permit and evaluation,
18 that was not addressed or looked at, or at least
19 commented on. So, if you could comment and make
20 a note of what the impact for additional, well,
21 foot traffic on the traffic would be, especially
22 if they're doing outer perimeter as a foot path.
23 It wasn't actually stated if they would do it, it
24 was just an idea, and a Board should not approve

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2 a thing based on future ideas. So, I'd like to
3 see that confirmed and finalized within the
4 plans, as well as some sort of a plan to the foot
5 traffic along the main road. As people are
6 driving down, we do not want anyone injured due
7 to the increase in populations.

8 I understand that this is a permit
9 requesting an increase in the size, not about
10 their facilities. So, I love the fact they're
11 improving the facilities. I would love to see it
12 somehow match, be less institutional. It's a
13 lovely design and diagrams. We'd love to see it
14 somehow less institutional looking and match more
15 of the community feel, as they are trying to help
16 accommodate and meet the characteristics of our
17 area. We'd like to see if there's any way they
18 can make it more characteristic and incorporated
19 with the people while meeting the requirements.

20 Thank you.

21 MR. KESSLER: Thank you.

22 [APPLAUSE]

23 MR. GALE: Oops, there we go. Tough act
24 to follow. I just want to make some

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2 clarification. And Mr. Wald's --

3 MR. KESSLER: Just, again, for the
4 record.

5 MR. GALE: Oh, yes. Gregory Gale, 80
6 Furnace Woods Road. I just want to add some
7 clarifications to Mr. Wald's comments. He, he
8 talked about the increase in traffic. I don't
9 think anybody here is talking about vehicular
10 traffic being increased by the Yeshiva, with the
11 exception that Mr. Rotella [phonetic] brought up
12 about the buses. There -- he's right. They go
13 flying past my house. I mean, they've got to be
14 going 40 miles an hour, easy. And they come in
15 in the dark of night on Fridays. They are,
16 they're moving. But my concern, just so that --
17 I want to clarify the record -- my concern is,
18 with the exception of the, the buses, my concern
19 is the pedestrian traffic. It is an issue. It's
20 an issue now. And if the cap is lifted, it will
21 be a big problem. Thank you.

22 [APPLAUSE]

23 MR. KESSLER: Okay. Anybody else at
24 this time wish to comment? Just, before we

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2 continue, I just want to make it clear that we're
3 probably going to keep this public hearing open
4 until the next meeting. So, we won't be closing
5 it tonight. So, there are things we need from
6 the Applicant, and we'll be back on the agenda
7 probably the first Tuesday. We haven't set the
8 meeting schedule yet for next year, for 2026.
9 But probably, I think January 6th probably is
10 looking like the most likely date of our -- I'm
11 sorry, we'll have December. We're back in
12 December. Forget it. Back in December. What
13 are we --

14 MR. CUNNINGHAM: Well, we were thinking
15 of adjourning it to January.

16 MR. KESSLER: Oh, yeah. I see, that's
17 why, yes.

18 MR. CUNNINGHAM: Till January. There
19 are some engineering items that the Applicant can
20 submit between now and then, and they'll also
21 have time to address the comments that we've
22 received tonight.

23 MR. KESSLER: So, yeah. So, we'll skip
24 a month and come back in, in January. So, David,

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2 just, I don't know if you want to respond to
3 anything. But just let me, from what I've heard,
4 I think -- you know, I'm a math guy, so I like
5 charts. So, I, you know, there seems to be a lot
6 of confusion, even though you went through the
7 numbers. But what I'd like to see is -- I
8 understand 217 students right now.

9 MR. STEINMETZ: Mm-hmm.

10 MR. KESSLER: What I don't understand is
11 the number of staff and families there right now.
12 I don't know whether you allow guests there right
13 now, or if not. So, I'd like to see a chart that
14 says what, what's the baseline situation here at,
15 at the Yeshiva and what do you expect them to be.
16 You mentioned the, the staff housing will now be
17 three families and five bedrooms -- three
18 families, rooms with five bedrooms or something.
19 So, I'd like to get an understanding of the staff
20 projected and --

21 MR. STEINMETZ: I'm, I'm -- I'm sorry.

22 MR. KESSLER: -- and dependents, then,
23 along with that, as well as your expectation as
24 to what the, the volume of guests will be, and

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2 for what period of time you expect the guests to,
3 to stay at the Yeshiva. And I think, and I'd
4 like from the staff just an understanding of
5 sewer capacity. Is there any constraints in
6 terms of, you know, if everybody hooked up and we
7 had, pick a number of students at the Yeshiva,
8 would the sewer capacity be sufficient for all
9 that?

10 And, tonight, somebody did bring up the
11 walking path. I believe your proposal does
12 include a walking path on --

13 MR. STEINMETZ: Correct, it does.

14 MR. KESSLER: -- on, on the property.
15 So, maybe you just want to touch on that. But
16 anything else that came up that you wish to
17 comment on?

18 MR. STEINMETZ: No. I think we will, we
19 want to go back and review the comments that we
20 got. If you're going to hold the public hearing
21 open, then we will respond, some of which in
22 writing and some we will present at the next
23 meeting. But your, your mathematical questions,
24 I hear you and we need to make sure that that's

1 November 6, 2025

2 clear and, and in the record.

3 MR. KESSLER: Okay. And, so, and the
4 students, when you do that chart, you'll have the
5 students with your 64 rooms with four and --

6 MR. STEINMETZ: Absolutely, yes.

7 MR. KESSLER: -- and 64 rooms with five.

8 MR. STEINMETZ: Right. And, and Chana
9 did that on the fly earlier, but --

10 MR. KESSLER: I understand. I, I --

11 MR. STEINMETZ: -- we will put that in
12 writing.

13 MR. KESSLER: I'm a visual guy, you
14 know. I'm a visual guy. I need a chart.

15 [OFF MIC CONVERSATION]

16 MR. KESSLER: Shh, please. And, oh, and
17 you wanted -- and the height of the building has
18 been reviewed by staff --

19 MR. STEINMETZ: It -- yeah.

20 MR. KESSLER: -- and it's within the
21 code of 35 feet?

22 MR. STEINMETZ: Yeah, actually --

23 MR. KEHOE: Well, well, well, the
24 special permit allows a height greater than 35,

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2 it allows a height greater than what they're
3 proposing.

4 MR. STEINMETZ: Thank you for stating
5 that. I, I --

6 MR. KESSLER: I'm sorry. It is?

7 MR. KEHOE: It allows up to 70 feet.

8 UNIDENTIFIED MALE 4: But that's, isn't
9 that for --

10 MR. KESSLER: But what, what's being
11 proposed?

12 MR. STEINMETZ: For- 41.

13 UNIDENTIFIED MALE 4: Isn't that a
14 hospital or a nursing home?

15 MR. STEINMETZ: Chana? I can't see her.
16 Forty-one? Yeah.

17 MR. KESSLER: Oh, it is 41. So --

18 MR. STEINMETZ: Our understanding, and
19 we've been in front of the Board and staff now
20 for months, is that the building is zoning-
21 compliant with regard to height, and Chris has
22 confirmed that and DOTS has confirmed that.

23 MR. KESSLER: Okay. Any comments from
24 the Board, questions from the Board that they'd,

1 November 6, 2025

2 you'd like them to answer?

3 MR. ROTHFEDER: The only thing I would
4 add is Michael Preziosi, his memo, I guess that,
5 that was from today, that we saw?

6 MR. KEHOE: Well, Michael sent an e-
7 mail. I don't know if I actually forwarded it to
8 the Applicant yet.

9 MR. ROTHFEDER: Oh, okay. Well, but
10 anyway, just, you'll see he's raised some points,
11 as you're going towards the site plan. And I
12 guess the few things that, that he's saying that
13 -- a couple of things he's saying that I, I
14 wanted to echo was he's bringing up ADA
15 accessibility. And also, I don't think we talked
16 about it with this project. I think I mentioned
17 it early on, looking into alternative energy
18 sources. That's been now kind of happening. I
19 mean, Michael brought it up. I think the State
20 brought it up, or, or the county sent something
21 about it. I, I, I, now that you, especially,
22 have expanded this thing this way, it really
23 looks perfect for alternative energy sources.
24 There's not a lot of trees around it and all.

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2 And then, the final thing I would say
3 is, in terms of the trees you are planting, and
4 shrubs, there's just, like, a couple of trees
5 being planted, go for the higher caliper, like
6 4", not, not 3", 3-1/2".

7 So that, that's all my comments.

8 MR. KESSLER: Alright, thank you, Jeff.

9 MR. ROTHFEDER: Thank you.

10 MR. KESSLER: Any other comments from
11 members of the Board?

12 MR. MCKINLEY: No, I'm good.

13 MR. KESSLER: Good, good, good?

14 MR. CANTRELL: I have a couple.

15 MR. KESSLER: Yeah, sure. Go ahead,
16 Kellan.

17 MR. MCKINLEY: Oh, sorry.

18 MR. CANTRELL: Yeah. I think that,
19 piggybacking off of what the Chairman said, the
20 traffic impacts, parking for any of the visitors
21 or folk, folks staying overnight, you know,
22 making sure that they have places to park if
23 they're, they're driving in.

24 And the, the trail through the wetland,

1 November 6, 2025

2 does that go through the DEC wetland and the Town
3 wetland? And what is the, you know, is this
4 going to be a, a woodchip path? Do you need a
5 partial JD for that? I don't know.

6 UNIDENTIFIED MALE 5: Well, we're the
7 process of going through --

8 MR. STEINMETZ: We're in the process of
9 dealing with the DEC on that, and we will
10 respond, Mr. Cantrell, on that, as well.

11 MR. CANTRELL: Thank you.

12 MR. KESSLER: Okay. Anything else?

13 MR. ROTHFEDER: Nope.

14 MR. KESSLER: Last call? Anybody else?
15 So, again, we'll, we'll adjourn this to our
16 January meeting in the New Year. I hope to see
17 you back there again. And, so, let's -- Jeff?

18 MR. ROTHFEDER: I move that we adjourn
19 the public hearing to the January meeting, right?

20 MR. KESSLER: January, yes.

21 MR. ROTHFEDER: Yes.

22 MR. KESSLER: Second, please.

23 MR. MCKINLEY: Second.

24 MS. HILDINGER: Second.

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

4 MULTIPLE: Aye.

5 MR. KESSLER: Opposed? Thank you.

6 MR. STEINMETZ: Thank you all.

7 MR. KESSLER: Thank you, David.

8 Alright. Alright, thank you.

9 Next item on the agenda is under old
10 business. It's the application of Teatown Lake
11 Reservation for renewal and modification of a
12 special permit for a private nature preserve to
13 conduct summer camp programs and weekday public
14 programs for an amended site plan approval and a
15 tree removal permit to implement a meadow
16 management plan at Cliffdale Farm for property
17 located on the north side of Teatown Road,
18 approximately 3,000 feet east of Quaker Ridge
19 Road. Good evening.

20 MR. ALAN SORKIN: Good evening, Mr.
21 Chairman, members of the Board, staff. My name
22 is Alan Sorkin. I'm the managing director at
23 Teatown Lake Reservation. We're principally
24 headquartered in the Town of Ossining, but, for

1 November 6, 2025

2 tonight, we're here to talk about, you know,
3 Cliffdale, which is resident in, you know, the
4 Town of Cortlandt.

5 Since the last meeting, we've received a
6 memo, you know, from the staff. We've met with
7 the arborist that the Town appointed, and we are
8 in the process of preparing a, a revegetation
9 plan to make up for the hedgerow removal that is
10 in the proposed permit application. So, with
11 that, I'm happy to answer any questions that you
12 may have.

13 MR. KESSLER: And our, our plan now is
14 to set a public hearing on your application for
15 next month. So, if there's no objection, Kevin?

16 MR. KOBADSA: I'd like to make motion to
17 schedule a public hearing on the 12/2.

18 MR. ROTHFEDER: So, is it -- I'm sorry.

19 MR. KESSLER: Yeah. On the question,
20 second, please?

21 MS. HILDINGER: Second.

22 MR. KESSLER: Thank you. On, on the
23 question.

24 MR. ROTHFEDER: So, about the landscape

1 November 6, 2025

2 plan, is that going to be coming before the next
3 meeting?

4 MR. SORKIN: We'll get it to you next
5 week.

6 MR. ROTHFEDER: Okay, thanks.

7 MR. KESSLER: Perfect.

8 MR. KEHOE: Just while you're on the
9 question, so, Heather reminded me. Obviously,
10 the trees and the planting and the vegetation
11 plan is important. And I just got the arborist
12 report today. I can't remember. I didn't share
13 it with you yet. I'll make sure I share it with
14 you. I'm off tomorrow, so I'll share it with you
15 on Monday. It, it's a fine report. There, there
16 are no concerns raised in it.

17 But the other thing that the Planning
18 Board should focus on, especially as you prepare
19 for the public hearing, is their modifications to
20 how they're running their programs.

21 MR. KESSLER: Sure.

22 MR. KEHOE: Which could be -- that's
23 just up to you to determine whether you feel any
24 of their modifications are significant. Just to

1 November 6, 2025

2 --

3 MR. KESSLER: Right. It's becoming more
4 year-round programs, those --

5 MR. KEHOE: Yeah.

6 MR. KESSLER: -- kinds of things? Yes.

7 MR. KEHOE: Okay.

8 MR. KESSLER: And the number of buses
9 associated with those programs.

10 MR. KEHOE: Yeah.

11 MR. KESSLER: I'm sure that'll all come
12 up at the public hearing. So, we're on the
13 question. All in favor?

14 MULTIPLE: Aye.

15 MR. KESSLER: Opposed? Okay, thank you.
16 See you next month.

17 MR. SORKIN: Thank you.

18 MR. KESSLER: Next item under old
19 business, the application of Richard Williams on
20 behalf of JAM Storage for the property of
21 Francisco Portillo for site plan approval and for
22 wetland, steep slope, and tree removal permits
23 for the construction of an approximately 60,000-
24 square-foot self-storage facility and related

1 November 6, 2025

2 site improvements for property located at 2059
3 Albany Post Road. The drawings were latest
4 revised October 23, 2025. Nobody here
5 representing the --

6 MR. KEHOE: Well, I, I believe we have
7 someone on Zoom.

8 MR. KESSLER: Oh, we do?

9 MR. CUNNINGHAM: And, and David
10 Steinmetz is also their attorney.

11 MR. KESSLER: No way. Glad to see he
12 has a job.

13 MR. KEHOE: Rich, can you hear us?

14 MR. RICHARD WILLIAMS: I can hear you.
15 Can you hear me?

16 MR. KEHOE: Barely.

17 MR. WILLIAMS: I'm trying to
18 [unintelligible] [02:29:29] the mic. And Tim,
19 Tim should also be on.

20 MR. KEHOE: So, just while they're
21 getting technically set up, I think we mentioned
22 at the work session --

23 MR. KESSLER: Yeah.

24 MR. KEHOE: -- that they, they have

1 November 6, 2025

2 submitted revised elevations. They don't really
3 have renderings yet, you know, really color
4 renderings. They have revised elevations with
5 references to their colors and materials. You
6 know, we do want to see some better renderings.

7 Also, there was a question regarding the
8 building elevations, where it appears their first
9 floor is, like, roughly 10 feet, and then their
10 second floor looks like it's 20 feet. So, we did
11 want to get some clarity on the building
12 elevations.

13 MR. KESSLER: I thought we're also
14 awaiting a wetland report?

15 MR. KEHOE: Yeah. Yes, we are waiting
16 for our wetland consultant, Michael Young, to
17 come back with his final report. We met him out
18 on the site with DEC. I think he generally
19 concurs with what's going on, but I don't have
20 his report yet.

21 MR. KESSLER: Okay. And a referral from
22 fire?

23 MR. KEHOE: Yes. I think Chris Lapine
24 finished up a memo recently, and I, and I think

1 November 6, 2025

2 Katie is involved. It has been referred to the
3 Fire Department, so we just haven't got the
4 comments back yet.

5 MR. KESSLER: Oh. So, given, given all
6 that, it looks like we need some more, we, I
7 guess we need a time extension from the
8 Applicant?

9 MR. KEHOE: Well, I think David extended
10 the time through the December meeting, but I
11 think we --

12 MR. KESSLER: You need 60?

13 MR. CUNNINGHAM: We, we need at least a
14 time extension to decide on the site plan on --
15 because we're going to blow through the 60-day
16 mark, at least until January. But I think the
17 Board is in a position to possibly vote on a neg
18 dec under SECRA at the next meeting.

19 MR. KESSLER: Next meeting or this
20 meeting?

21 MR. KEHOE: Yes.

22 MR. CUNNINGHAM: Next meeting, December.

23 MR. KEHOE: No, the Board would have to
24 prepare.

1 November 6, 2025

2 MR. ROTHFEDER: Even before -- oh, oh,
3 then vote?

4 MR. CUNNINGHAM: And then, so this Board
5 can --

6 [CROSSTALK]

7 MR. KEHOE: Well, yeah. Well, we do it
8 sometimes on really big projects. You might
9 remember, like, Hudson Wellness. Sometimes we do
10 a standalone neg dec.

11 MR. ROTHFEDER: Yeah.

12 MR. KEHOE: And a lot of times, we wrap
13 it up into the resolution. So, if you adopt the
14 standalone negative declaration, which would be
15 subject to the applicant answering our questions
16 sufficient prior to you considering that in
17 December, you would clear that environmental
18 hurdle, and then the approving resolution would
19 be held off until January.

20 MR. CUNNINGHAM: There's a complexity
21 here, too, because they're looking to purchase
22 land from the Town, so that would be a Town Board
23 action.

24 MR. KESSLER: But the recommendation is

1 November 6, 2025

2 to do a neg, neg dec tonight?

3 MR. KEHOE: No, not -- we have to write
4 it.

5 MR. CUNNINGHAM: In December.

6 MR. KESSLER: Okay.

7 MR. CUNNINGHAM: The, the recommendation
8 is the neg dec in September [sic] --

9 MR. KESSLER: Okay.

10 MR. CUNNINGHAM: -- and then, the
11 applicant agrees to extend the time for the Town
12 Board -- for the Planning Board to issue a site
13 plan decision to January.

14 MR. KESSLER: Well, usually, what is it,
15 62 days they give us?

16 MR. KEHOE: Well, no, but we closed the
17 public hearing a while ago, didn't we?

18 MR. CUNNINGHAM: At least one meeting
19 ago.

20 MR. KESSLER: Okay. So, we need maybe
21 to January 10th. Is that what we're looking for?

22 MR. KEHOE: Yes.

23 MR. CUNNINGHAM: Yes, yes.

24 MR. KESSLER: So, who, who, who is

1 November 6, 2025

2 authorized to do that here?

3 MR. CUNNINGHAM: Rich, can you --

4 MR. LAPINE: Mr. Chairman, would you
5 like me to get David, outside?

6 MR. KESSLER: What's that?

7 MR. LAPINE: David is right outside.
8 Would you like me to get him?

9 MR. KESSLER: Is he? Yeah, maybe we
10 should get David here as a --

11 MR. CUNNINGHAM: Rich, are you
12 authorized to agree to that timeline?

13 MR. WILLIAMS: I would prefer if we can
14 grab David, as the attorney, to do it. But, if
15 we can't, then I, that's fine.

16 MR. KESSLER: David.

17 MR. STEINMETZ: My apologies.

18 MR. KESSLER: JAM Storage, we need a
19 time extension to January, January 10th.

20 MR. STEINMETZ: Give me a coup--

21 MR. CUNNINGHAM: For the --

22 MR. STEINMETZ: -- give me a couple of
23 minutes to think about it.

24 MR. KESSLER: Alright. Now, what's your

1 November 6, 2025

2 opinion? What's your decision?

3 MR. STEINMETZ: Is my client on
4 somewhere?

5 MR. KESSLER: Yes.

6 MR. CUNNINGHAM: Yes.

7 MR. KESSLER: He deferred to you.

8 MR. LAPINE: He's listening.

9 MR. STEINMETZ: Tim, you okay if, if I
10 grant the time extension to allow them to review?
11 And the one thing that you and I did not have a
12 chance to talk about, because of the work
13 session, is my understanding, and I, I apologize,
14 I was in the hallway. I don't know if you've
15 said it in, on the record here. They are waiting
16 for, and I know there intercha-, e-mail exchange
17 with Heather earlier. They're waiting for more
18 detailed architectural, and I think they're
19 waiting for us to present some colors and give a
20 colored rendering.

21 MR. KEHOE: Right. We mentioned that
22 the main thing that, that I think you might have
23 heard at the work sessions, I think the Planning
24 Board would consider adopting a negative

1 November 6, 2025

2 declaration at their next meeting, which might
3 help you with the land issue with the Town Board.

4 MR. STEINMETZ: And, and I don't know --
5 and I heard that at the work session. I don't
6 know if my client heard that. So, in light of
7 the fact that you are prepared to have staff
8 draft a neg dec for the December meeting, and in
9 light of the fact that my client still needs to
10 finalize some of these architecturals, I would
11 recommend that we grant an extension so that
12 there's no time pressure and that work
13 constructively over the next 60 days to resolve
14 all this.

15 MR. KESSLER: January, January 10th is a
16 good date?

17 MR. STEINMETZ: Sounds, yeah, sounds
18 like I'm going to be back here in January,
19 anyway.

20 MR. CUNNINGHAM: Well, --

21 MR. KEHOE: Hang, hang, hang on a
22 second.

23 MS. LAVARNWAY: [Unintelligible]

24 [02:34:07].

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2 MR. STEINMETZ: Whatever the date. If
3 the meeting is the 6th, then extend it till --

4 MR. KESSLER: Well, we haven't set the
5 meeting yet. We do that in December.

6 MR. STEINMETZ: Oh. Then, then make it
7 the twe-, make it the 13th or something. Extend
8 -- we hereby grant an extension until the second
9 week of January.

10 MR. CUNNINGHAM: Why don't we say
11 January 14th, because, then, there are going to
12 be at least two Tuesdays.

13 MR. STEINMETZ: You just, you're
14 screwing me out of a day there, Michael. I don't
15 --

16 MR. CUNNINGHAM: Jan- January 14th.

17 MR. STEINMETZ: You got it.

18 MR. KESSLER: Perfect. What, Chris?
19 What --

20 MR. KEHOE: Well, we, we have something
21 on Zoom where someone is saying they want to
22 present, but we don't recognize the name. So,
23 we've asked them to identify themselves.

24 MR. STEINMETZ: Is it, is that, is that

1 November 6, 2025

2 Shulman? No?

3 MR. CUNNINGHAM: I don't, I don't think
4 the Board is really asking for a presentation
5 tonight either.

6 MR. STEINMETZ: Okay.

7 MR. CUNNINGHAM: I think the Board is, I
8 think the Board is prepared to move forward with
9 --

10 MR. KESSLER: Yeah, we've had --

11 MR. CUNNINGHAM: -- directing staff to
12 prepare a neg dec for the December meeting, and
13 then you could present whatever sort of
14 architecturalals you want at the December meeting,
15 as well.

16 MR. STEINMETZ: Is -- has, has Tim
17 responded on -- has anyone -- is Tim Fisher on
18 right now?

19 MR. KEHOE: No, Rich Williams is.

20 MR. STEINMETZ: Rich is? Besides rich,
21 is Tim --

22 MS. LAVARNWAY: The architect or --

23 MR. WILLIAMS: Tim is on. He's --

24 [CROSSTALK]

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2 MR. KEHOE: Oh, yeah, oh, yeah. That's
3 the, that's the architect from Design
4 Development.

5 MR. STEINMETZ: That's our architect.

6 MS. LAVARNWAY: Okay.

7 MR. STEINMETZ: So, if he wants to say
8 something, if he can be promoted to just --

9 MS. LAVARNWAY: Wait, wait.

10 MR. STEINMETZ: -- respond. I don't
11 know whether he wants to present some kind of
12 different architectural drawing. But --

13 MR. KEHOE: But, I know. We'll be
14 quick, Steve. Just, just briefly, are you on?
15 Can you hear us?

16 MR. TIM MILLER: I could hear you.

17 MR. KEHOE: Okay.

18 MR. MILLER: Can you hear me?

19 MR. KEHOE: Yes. Can you just briefly
20 explain the, the, the reasoning for the apparent
21 short first floor and very tall second floor?

22 MR. MILLER: From my understanding from
23 the client, we've learned from CubeSmart and
24 other facilities that operate these facilities,

1 November 6, 2025
2 that, typically, what they have on the ground
3 floor is a lot of ins and outs. It's merchandise
4 and storage for -- it's like a daily use for a
5 lot of, for a lot of people that use these
6 facilities. But what's on the 2nd floor is
7 typically stacked, and it allows them to keep
8 items in there for long period of time. So,
9 although you have, you do have a, a, a higher
10 floor to floor, or floor to roof on the 2nd
11 level, by the time you put the structure, the,
12 the sloping of the roof, it's actually not that
13 tall. But, again, on the 2nd floor, they use
14 items that are going to stay there longer and
15 they could stack them. And on the 1st floor is
16 items that move daily or weekly. And, and,
17 therefore, they don't need as much height.

18 MR. KESSLER: Okay.

19 MR. KEHOE: Okay. So, we'll investigate
20 that.

21 MR. KESSLER: Okay.

22 MR. WILLIAMS: Thank you, Christopher.
23 If I can also just jump in. If you, if you look
24 at the cross-section, the slab-to-slab on the 1st

1 November 6, 2025

2 floor is 11'8", and the slab of the 2nd floor to
3 the roof is also 11'8".

4 MS. LAVARNWAY: Rich, we, we received
5 new drawings today, and now the 1st floor is 10'
6 and the 2nd floor is 20'.

7 MR. WILLIAMS: Right, right.

8 MR. STEINMETZ: And we got a question
9 about that, we got a question about that by e-
10 mail earlier today. I saw it. So, I, so if
11 Design Development is not prepared to respond and
12 address that, and Rich, if you don't fully
13 understand it, then --

14 MR. WILLIAMS: [Unintelligible]
15 [02:37:39].

16 MR. STEINMETZ: -- we shouldn't be
17 discussing and debating it now. We should
18 clarify that. My client, Mr. Chairman and
19 members of the Board, has confirmed that there's
20 no objection to granting the extension. And our
21 understanding is that we can close out SECRA next
22 month. And, as I said earlier, we have 60 days
23 to resolve these architectural and design issues.

24 MR. KESSLER: It sounds like you need an

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extension. So, with that, any other comments?
If not, we've got Kellan. No, go ahead.

MR. MCKINLEY: Oh, Tom. Tom's going.

MR. KESSLER: No, Kellan.

MR. MCKINLEY: Oh, oh, I'm sorry.

MR. KESSLER: He, he already --

MR. MCKINLEY: I thought Tom --

MR. KESSLER: -- he already dele-
delegated it --

MR. CANTRELL: To the extent you --

MR. MCKINLEY: Oh, he did? Okay.

MR. KESSLER: -- to him before he left.

MR. MCKINLEY: Oh, I didn't know.

MR. CANTRELL: So, I make a motion to
ex-, to give the Applicant a time extension until
January 14th and to refer this back to staff.

MR. KESSLER: Second, please.

MR. KEHOE: To prepare the --

MR. CANTRELL: To prepare the --

MR. KEHOE: -- to prepare the neg dec.

MR. KEHOE: And to prepare the negative
declaration.

MR. KESSLER: Thank you.

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2 MR. MCKINLEY: Thank you. Thank you.

3 MR. KESSLER: Second, please.

4 MR. MCKINLEY: Second.

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

7 MULTIPLE: Aye.

8 MR. KESSLER: Opposed? Alright, moving
9 along. The next item is the application of VS
10 Construction Corporation for site plan approval
11 and for tree, wetland, and steep slope permits
12 for a proposed 97,700-square-foot assisted living
13 facility located in the medical oriented district
14 at 2003 Crompond Road, drawings latest revised
15 October 23, 2025.

16 So, we were at the work session, we
17 discussed this, and not quite ready for prime
18 time. So, we're going to refer this back to
19 staff?

20 MR. STEINMETZ: That's fine. The only
21 thing that -- that's fine. I was there. I did
22 hear that. My clients were here earlier. The
23 only thing I want to add so that you all know, I
24 did have a chance to speak with the Santuccis and

1 November 6, 2025

2 VS Construction. They understood the comments
3 and questions that were raised, I forget by whom,
4 about the movement of, of earth on-site and where
5 the piles would be staged. There is a, there, we
6 will submit a plan for the next meeting so that
7 you're clear on where that would go, an
8 expectation of the duration of that, as well as
9 somebody raised the question about the possible
10 clearing of trees associated with that.

11 So, I can tell you, and, and I want to
12 just remind everybody, this is, there are, there
13 are -- especially new members -- there are three
14 different development areas: the assisted
15 living, which is the site plan application that
16 we're specifically focusing on tonight; a large
17 area behind it, which is, you've, I have
18 foreshadowed and you have heard, and there is no
19 formal application, but we intend to come in, and
20 have spoken to staff about townhouses,
21 residential townhouses; and then, the Lafayette
22 side, or the western side of the property, which
23 is currently proposed to be a small medical
24 office. As a result of that, just so you all

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2 hear it from me, there is earth movement that
3 will occur. The Santuccis believe this will be a
4 balanced site. And somebody said, at, at the
5 work session, something about 40,000 cubic yards.
6 Am I correct on that number, approximately?

7 MR. LAPINE: Yeah, I, I was, I was
8 quoting what was conveyed in the document, --

9 MR. STEINMETZ: Understood.

10 MR. LAPINE: -- that it's 40,000 yards
11 from this project alone.

12 MR. STEINMETZ: Right. So, we, when,
13 when I heard that and I spoke to the Santuccis,
14 we will come back between now and the next
15 meeting and, and provide some clarity so you
16 understand how that can be done.

17 MR. KESSLER: Alright.

18 MR. STEINMETZ: Though, though we're
19 focusing on the assisted living side at the
20 moment, I, I just want the Board to be mindful
21 the Santuccis see this as a larger site with a
22 significant amount of earth that can be kept on-
23 site to preserve and minimize construction
24 impacts.

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2 MR. KESSLER: Thank you, David.

3 MR. STEINMETZ: Okay, that's it.

4 MR. KESSLER: Alright. So, we need a
5 motion? Do we have a motion? No. Peter?

6 MR. ROTHFEDER: Oh, Peter.

7 MR. MCKINLEY: Yes. I'd like to make a
8 motion for PB, make a motion for PB2025-5 to
9 refer back to stas- staff for the application of
10 VS Construction Corp.

11 MR. KESSLER: Thank you. Second?

12 MS. HILDINGER: Second.

13 MR. ROTHFEDER: Do we want to set a
14 public hearing for --

15 MR. KESSLER: No, we're not ready for
16 it. No.

17 MR. ROTHFEDER: Oh, no? Okay.

18 MR. STEINMETZ: You can, if you want,
19 Jeff.

20 [OFF MIC CONVERSATION]

21 MR. STEINMETZ: Too slow.

22 MR. KESSLER: A second on the question.
23 All in favor?

24 MULTIPLE: Aye.

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2 MR. KESSLER: Closed. Okay, thank you.

3 MR. STEINMETZ: Thank you, all.

4 MR. KESSLER: Now, I can --

5 MR. STEINMETZ: Not as, not as late as I
6 thought it would be.

7 MR. KESSLER: And me -- that makes two
8 of us. Are you done for the evening, though,
9 David? Is this --

10 MR. STEINMETZ: I'm out of here.

11 MR. KESSLER: Okay, good. Alright, on
12 to new business, two items left. The first is
13 the application of Joel Greenberg on behalf of
14 Robert Fucci for preliminary plat approval for a
15 two-lot minor subdivision of an approximately
16 22,000-square-foot parcel of property located at
17 12 Putnam Park Road, drawing dated October 22,
18 2025. Joel, it's been a while.

19 MR. JOEL GREENBERG: It's been a while.
20 It's good to be back.

21 MR. KESSLER: Good to see you.

22 MR. GREENBERG: Okay. This is, again,
23 Putnam Park Road, right off Oregon Road. We went
24 back and looked back into the archives and

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2 discovered that, believe it or not, this was part
3 of a three-lot subdivision many, many moons ago.
4 But, hey, right, right now, we'd like to divide
5 it, and it meets all the setback requirements and
6 the aerial requirements, two lots, so that we can
7 have one lot for Mr. Fucci, and the new lot will
8 be for his daughter.

9 MR. KESSLER: Okay. Well, and, you
10 know, new business, we refer it back to staff,
11 and they'll do a review memo and we'll get you
12 back on the agenda as soon as possible.

13 MR. GREENBERG: Okay.

14 MR. KEHOE: Any trees going to be
15 removed? Are you aware? It seems like it's
16 mainly --

17 MR. GREENBERG: Maybe one or two trees
18 in the, way in the back. But we'll have that
19 down on the next submission.

20 MR. KESSLER: So, Kallen?

21 MR. CANTRELL: Yes, Chairman, I'll make
22 a motion to refer PB2025-15 back to staff.

23 MR. KESSLER: Second, please.

24 MR. GREENBERG: Okay.

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2 MR. KESSLER: Second?

3 MR. ROTHFEDER: Second.

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

6 MULTIPLE: Aye.

7 MR. KESSLER: Opposed?

8 MR. GREENBERG: Okay. But I have to do
9 my usual tagline.

10 MR. KESSLER: I know. And we were
11 waiting for it.

12 MR. GREENBERG: I know. Happy
13 Thanksgiving, Merry Christmas, Happy Hannukah,
14 and Happy New Year.

15 MR. KESSLER: Thank you.

16 MR. KEHOE: I thought you might go
17 Veteran's Day, Joel. You just skipped that.

18 MR. GREENBERG: Well, that's, that's
19 next week.

20 MR. KESSLER: Thank you, Joel. Good
21 seeing you.

22 MR. GREENBERG: Alright. Good to see
23 you guys. Thank you.

24 MR. KESSLER: Alright. Last item is the

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2 application of Steven Basini for the property of
3 Marick [phonetic] Family Limited Partnership and
4 Marick 1903, LLC, for amended site plan approval
5 for a conversion of a portion of the existing
6 storage building into an auto body repair garage,
7 to include parking layout and interior
8 modifications for property located at 23 Arlo
9 Lane, drawings dated October 21, 2025. Good
10 evening.

11 MR. STEVEN BASINI: Good evening.
12 Steven Bassini, Architect. I know it's been a
13 long night, and I also know we're new business.
14 And like you just said to Joel, my old mentor --
15 I worked for him --

16 MR. KESSLER: Is that right?

17 MR. BASINI: -- I worked for him. Right
18 out of high school, I worked for Joel.

19 MR. KESSLER: Wow.

20 MR. BASINI: But that, we'd have to be
21 referred to the next meeting. But if you wanted
22 me to go through a narrative or anything, a
23 description of the project.

24 MR. KESSLER: You can, you can do a

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2 quick, you know, recap of what you're doing here.

3 MR. BASINI: You, you basically
4 explained it, but we have an existing building
5 that is, it was, it was originally designed or
6 recently approved for self-storage. A portion of
7 it is now going to be change of use to an auto
8 body repair shop. There is a higher parking
9 demand for that, so (1) we need a site plan
10 amendment, and (2) we need a, a change of use and
11 tenant in there.

12 But the big thing would be parking. The
13 Planning Board does have the right to, to, you
14 know, modify or lessen the degree that the
15 parking is required. Right now, I believe that
16 it's just a little bit too high for what the
17 purpose is there. It's 42 spaces required.
18 We're asking for relief of 10 spaces. We have 32
19 provided on the site. And in the building, there
20 is an adjacent building next door that's used by,
21 I think, I believe Verizon is part of the same
22 tax lot. We can't impact that, and we also don't
23 want to impact the hillside behind the bowling
24 alley over there. It's a forested area. We're

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2 doing minimal carving of some of the earth there
3 in order to get the spots in, but we're looking
4 to, to do as little impact as possible. And I do
5 think that 42 spots is, it would be about four
6 times --

7 MR. KESSLER: So, you have 32, you said,
8 now?

9 MR. BASINI: We have 32, yeah. It's
10 about four times more than we really would need.

11 MR. KESSLER: And you need 42?

12 MR. BASINI: Correct. So --

13 MR. KEHOE: But you might recall, there
14 is a Planning Board parking relief special permit
15 that you could grant relief without him having to
16 go to the Zoning Board. But we'll give you more
17 details about that.

18 MR. KESSLER: Oh, okay. I didn't know
19 that. Has anything happened on what we
20 previously approved?

21 MR. BASINI: Yeah. What was previously
22 approved, there's a sprinkler system going in,
23 there were some modification, there was an old
24 storage building on the site that was removed.

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2 There are a few of the things that the Board
3 requested then, which we're asking to not happen
4 at this point. Basically, there's a parking area
5 that was carved into the hillside in the back
6 that we don't want to do. I think that the
7 reason the parking was prohibited in the back of
8 the building originally, and there's signage
9 along the hillside in the back that says no
10 parking, for emergency vehicles, was because
11 there was a fire emergency access route that had
12 to get to the side of the building. Now, with
13 the sprinkler system, according to the Code, the
14 research I've done, it's not required.

15 MR. KESSLER: Okay.

16 MR. BASINI: So, that's why we're
17 putting parking in the back now.

18 So, some minor modifications, but in,
19 all in the nature with what you had originally
20 [unintelligible] [02:46:21].

21 MR. KEHOE: Is the other half of the
22 building currently being fitted out for storage
23 units, or that's on hold?

24 MR. BASINI: It's not, it's basically an

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2 open space right now. And it's on hold, yes.

3 MR. KESSLER: So, it's on hold, waiting
4 for all of this new -- for, for this application.

5 MR. BASINI: I think waiting for a
6 tenant, as well.

7 MR. KESSLER: Oh, okay.

8 MR. KEHOE: Well, yeah. So, so, that's
9 what I'm getting at. The other half may be, you
10 may come back at another time for some other use.

11 MR. BASINI: Correct. And may--

12 MR. KEHOE: The self-storage may never
13 go in, in other words?

14 MR. BASINI: The self-storage may never
15 go in. And, at that time, a site plan amendment
16 and parking review will have to happen again,
17 probably, yes.

18 MR. KESSLER: Okay. And it's enough
19 that they can be done independently? There's no,
20 the auto versus a delay in the self-storage?

21 MR. BASINI: Yeah, because the self-
22 storage, honestly, is one per 10,000 square feet.

23 MR. KESSLER: Okay.

24 MR. BASINI: So, it's, it's only,

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really, of course, two spaces, an employee and one spot. So, yeah, we, we, we have that accounted for.

MR. KESSLER: Okay. Any other questions? If not, Nora?

MS. HILDINGER: I'd like to make a motion to refer this back to staff.

MR. ROTHFEDER: Second.

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

MULTIPLE: Aye.

MR. KESSLER: Opposed?

MR. ROTHFEDER: Thank you.

MR. BASINI: Thank you very much. Happy Holidays, also.

MR. MCKINLEY: The time is 9:17.
Meeting's adjourned.

MR. KESSLER: Thank you.

MR. ROTHFEDER: Thank you.

(The public board meeting concluded at 9:17 p.m.)

CERTIFICATE OF ACCURACY

I, Claudia Marques, certify that the foregoing transcript of the Planning Board meeting of the Town of Cortlandt on November 6, 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: November 20, 2025

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