

TOWN OF CORTLANDT
PLANNING AND ZONING BOARDS

BOARD MEETING

Town Hall
1 Heady Street
Cortlandt Manor, New York 10567

July 7, 2026

7:10 p.m. - 7:55 p.m.

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MEMBERS PRESENT:

Steven Kessler, Chairman

Nora Hildinger, Member

Peter McKinley, Member

Jeff Rothfeder, Member

Kellan Cantrell, Member

ABSENT:

Thomas Bianchi, Vice Chairman

Kevin Kobasa, Member

ALSO PRESENT:

Michael Cunningham, Esq., Deputy Town Attorney

Heather LaVarnway, CNU-A, Planner

Catherine Brosnan, P.E., Assistant Civil Engineer

Chris Lupine, P. E., Engineer

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2 (The board meeting commenced at 7:10 p.m.)

3 MR. STEVEN KESSLER: All right, let me
4 get started. Welcome to the Planning Board
5 meeting, July 7th. Sorry we're running a little
6 late, but thank you for your patience. If you're
7 able, please rise for the pledge.

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

13 MR. KESSLER: Thank you. Can we have a
14 roll, please?

15 MS. HEATHER LAVARNWAY: Kellan Cantrell?

16 MR. KELLAN CANTRELL: Here.

17 MS. LAVARNWAY: Nora Hildinger?

18 MS. NORA HILDINGER: Here.

19 MS. LAVARNWAY: Jeff Rothfeder?

20 MR. JEFF ROTHFEDER: Here.

21 MS. LAVARNWAY: Steve Kessler?

22 MR. KESSLER: Here.

23 MS. LAVARNWAY: Karen Timko.

24 MS. KAREN TIMKO: Here.

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2 MS. LAVARNWAY: Peter McKinley?

3 MR. PETER MCKINLEY: Here.

4 MS. LAVARNWAY: Tom Bianchi and Kevin
5 Kobasa noted as absent.

6 MR. KESSLER: Thank you. We have two
7 changes to the agenda this evening. The first one
8 is -- oh, that's even better. First one is a
9 public hearing for the special trade contractor
10 yard at 1201 Oregon Road. That hearing is going
11 to be adjourned per the request of the applicant.
12 And the last item on the agenda under new
13 business concerning a self-storage and
14 contractor's yard at 44 Regina Avenue, the
15 applicant also asked that this item be withdrawn
16 from the agenda. Can I have a motion please to
17 remove those from the agenda?

18 MR. MCKINLEY: So moved.

19 MR. KESSLER: Second, please.

20 MS. HILDINGER: Second.

21 MR. KESSLER: And on the question? All
22 in favor?

23 MULTIPLE: Aye.

24 MR. KESSLER: Opposed? Thank you. Can I

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2 have a motion to adopt the minutes from last
3 month's meeting?

4 MR. ROTHFEDER: So moved.

5 MR. KESSLER: Second, please.

6 MS. TIMKO: Second.

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

9 MULTIPLE: Aye.

10 MR. KESSLER: Opposed? Thank you. All
11 right. First item tonight, correspondence, it's
12 regarding Accokeek Creek Solar LLC, letter dated
13 June 26, 2026 from Matthew Liponis of Hodgson
14 Russ Attorneys, requesting a fourth one-year time
15 extension for the conditional site plan approval
16 on behalf of the Cortlandt CSG LLC for property
17 of Cortlandt LLC, an affiliate of Bullrock
18 Renewables, for their application for a solar
19 energy system located on Lexington Avenue. Nora?

20 MS. HILDINGER: I'd like to make a
21 motion for PB case 2020-10 to grant the
22 Resolution 13-26 for the fourth one-year time
23 extension.

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

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2 MR. MCKINLEY: Second.

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

5 MULTIPLE: Aye.

6 MR. KESSLER: Opposed? All right, next
7 item under correspondence, we received a draft
8 zoning omnibus text amendment from the town
9 board. We discussed this at the work session.
10 There were a couple of concerns that were raised
11 by various members, Kellan and others. I believe
12 staff has those items to take under consideration
13 now and refer those back to the town board with
14 our, with those comments, concerns.

15 MR. MICHAEL CUNNINGHAM: We do. And some
16 examples that I know from the work session were
17 lot coverage and the ability to build vertically
18 in preexisting nonconforming structures. So,
19 things like that will be addressed in a memo --

20 MR. KESSLER: Okay --

21 MR. CUNNINGHAM: -- from the planning
22 board to the town board.

23 MR. KESSLER: Okay, thank you. So, with
24 that, Kellan?

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2 MR. CANTRELL: Chairman, I'll make a
3 motion to direct staff to prepare a memo to the
4 town board with the planning board comments.

5 MR. KESSLER: Okay. Second, please.

6 MR. ROTHFEDER: Second.

7 MR. KESSLER: Okay. On the question? All
8 in favor?

9 MULTIPLE: Aye.

10 MR. KESSLER: Opposed? All right, the
11 next item is a resolution. It's the application
12 of 70 Roa Hook Realty LLC for site development
13 plan approval to redevelop the site of the
14 partially constructed Crystal Clean car wash
15 facility to a proposed Peterbilt sales and
16 service facility for property located at 70 Roa
17 Hook Road, drawings revised March 25, 2026,
18 except sheet 2-7, which was revised on May 21,
19 2026. Karen?

20 MS. TIMKO: Mr. Chairman, I'd like to
21 make a motion with respect to PB case 2025-18,
22 Resolution 14-26. I'd like to make a motion to
23 approve that resolution.

24 MR. KESSLER: Second, please.

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MR. ROTHFEDER: Second.

MR. CANTRELL: Second.

MR. KESSLER: Okay. And on the question?

MR. ROTHFEDER: I just have one point.

The same point about the solar that we talked about, about the yeshiva, just to change the wording to just say economically feasible in that one as well. That's on, it's 14.

MR. KESSLER: Condition 14?

MR. ROTHFEDER: Condition 14, yeah.

MR. DAVID STEINMETZ: The applicant has no objection to that. And same answer that you got on the other matter.

MR. ROTHFEDER: Right.

MR. STEINMETZ: They would very much like to do some kind of sustainable measure.

MR. ROTHFEDER: Right.

MR. KESSLER: Okay.

MR. ROTHFEDER: Thank you.

MR. KESSLER: Thanks. All right. We're on the question. All in favor?

MULTIPLE: Aye.

MR. KESSLER: Opposed? Okay, thanks.

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2 MR. STEINMETZ: Thank you, and I think
3 my client wants to say thank you as well.

4 MR. MAURICIO LEAL: Chairman, just one
5 minute, members of the board and township
6 officials, I want to thank you on behalf of Joe,
7 John, and Brad that's not here today. Thank you
8 for your kindness and your professionalism. I
9 served on my planning board in my township many
10 years ago. And I'll tell you, the experience has
11 been different. You guys are really, really
12 professionals. You conduct yourself with --

13 MR. KESSLER: Thank you.

14 MR. LEAL: -- the highest honor, and if
15 I ever wanted to be back on a planning board,
16 this would be the one.

17 MR. KESSLER: Well, thank you.
18 Appreciate that. And best of luck.

19 MR. LEAL: Thank you, sir. Thanks. Thank
20 you guys.

21 MR. KESSLER: Very nice. We did it. All
22 right, next item under resolution, it's the
23 application of Yeshiva Ohr Hameir for site plan
24 approval, an amended special permit for a

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university, college, or seminary, and for wetland and tree removal permits for a proposed 51,730 square foot dormitory building, a 1,640 square foot storage building, the repurposing of other buildings on site and site improvements including storm water, landscaping, and building facade renovations located at the existing Yeshiva Ohr Hameir campus at 141 Furnace Woods Road, drawings revised June 12, 2026. Good evening, Mr. Steinmetz.

MR. STEINMETZ: Good evening, Mr. Chairman.

MR. KESSLER: So we had a lengthy discussion about the proposed resolution. We all, I think, received the resolution yesterday, and we had a number of comments on that and made some adjustments to it, after an interesting discussion. So, I think, Michael, you have those changes that you wish to make. So if you would, please put them in the record.

MR. CUNNINGHAM: I do. And as the chairman said, we had actually the lengthiest work session discussion I can remember about a

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2 resolution since I've been with the board for the
3 past eight years, and the board --

4 MR. STEINMETZ: I second that motion.

5 MR. CUNNINGHAM: The resolution already
6 had 31 conditions. Now, based on the changes at
7 the work session, it would have 32. And there
8 were some other language changes throughout the
9 existing conditions, which I'll summarize now for
10 the record. So there was condition five, which
11 talked about the sequencing of the increase in
12 student cap. So one change that the board wanted
13 to make clear was that before there's -- so
14 after, just to summarize this condition, after
15 the new building is built and receives a
16 certificate of occupancy, the new dormitory
17 building itself, there would, could be an
18 increase in the student cap to -- there would be
19 an increase in the student cap to 256 students,
20 which would be part of a ministerial review,
21 meaning it's done internally by staff.

22 The applicant also requested an increase
23 to, of the student cap upon other conditions
24 being met, which would be the full build-out of

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the site, to 320 students. The board reviewed the condition as drafted and proposed amendments to it. So with the amendments, the board wanted to make clear that before there would be any increase to 320 students, there would have to be a full review by this board of any state building code requirements, fire code, New York State dormitory code, and all approving agencies with jurisdiction over sewer and water connections. And before there would be an increase in the student cap to 320, there would have to be a presentation before the planning board, and the planning board would have to provide final approval after receiving all requested data. And at the time, the planning board would determine if a public hearing would be required after reviewing the necessary information. That's change number one. And that was to condition five, just to be clear.

The change to condition 19 was that there would be a full economic analysis of the potential addition of solar.

And the new condition 32 is the

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2 applicant must provide proof of all water flows
3 to the, to the property, and there's going to be
4 semiannual reporting that's going to be done via
5 correspondence with the planning board.

6 MR. STEINMETZ: Mr. Chairman, if I can
7 just be heard very briefly?

8 MR. KESSLER: Of course.

9 MR. STEINMETZ: First, I want to start
10 by thanking your staff for all of the hard work
11 that I know they put into the resolution, despite
12 my complaining to them over the last week that I
13 wanted to see it earlier. I do appreciate, I know
14 how hard Heather, Michael, Tom, Katie, MP all
15 worked. So I want that to be -- And Chris Lapine.
16 Sorry, sorry Chris.

17 MR. CHRIS LAPINE: It's all right.

18 MR. STEINMETZ: That's right. And Chris
19 Kehoe, apparently, like his last act of being
20 town planner was to work on this, and we really
21 do appreciate it. I want to be heard on one
22 thing.

23 MR. KESSLER: Sure.

24 MR. STEINMETZ: And I have no choice but

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to do this one final time. Because to the extent that you are now re-crafting a condition that will likely necessitate that we come back at some point in the future, whether I'm here, whether any of you are here, the record needs to be clear. And I want to make sure that I leave behind me, and I hope I'm here, but I want to leave behind me something that somebody can say on the record and read. So I'm going to say it for the final time.

You have no legal right under New York state law to impose a cap on students. Summit School v. Nugent, and I believe the town attorney's office is very well aware of that. We agreed 15 years ago to a student cap. Part of it was related to a failing septic system and the fact that we wanted to keep this school, which is now in existence for over 40 years, alive and well, and we agreed to it.

When we came back this time, I was very clear with you from the outset that I didn't think it was appropriate. It wasn't appropriate legally, and it wasn't appropriate pragmatically.

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Pragmatically, because in the interim, we have spent, together with the town, millions of dollars to build a sewer system that will benefit not only the yeshiva, but other properties that may choose to connect to it.

Having said that, we also acknowledge, and your counsel used the word ministerial when he explained the condition, whatever number it is now. It was a ministerial review leading to the CO once that building is completed. When that ministerial review is completed, there's no reason that the town should preclude us from having 320 people occupy at that point. But yet, we conceded again.

In this process, we have conceded to this two-step, going to 256, and then at some later date, when everything else is done, going to 320. The day that we get that certificate of occupancy, I believe, and I haven't heard any of you professionals say otherwise, the state building code will have been reviewed. The dormitory authority will have been reviewed. The building code will have been reviewed. Our plans

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will have been reviewed for that dormitory building to make sure that my client and its contractor built that building exactly the way these folks approved it.

You've now said you want us to come back to bump up to 320. We conceded to that by making a ministerial submission and review by the technical people. Your board has no enforcement authority. You should not be conducting a review. You have no technical expertise about anything that happens between the completion of the issuance of that CO and the ultimate increase to 320.

It's a fiction, gang. I mean no disrespect. I genuinely don't. You know I work with you. I'm going to get up and continue working with you tonight, but you've created a fiction for optics. That fiction is you want us to come back again so that you can show the public that, well, before they increased to 320, something else happened. We agreed to it. That's the something else. You should not be in the middle of that increase from 256 to 320. You will

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2 be doing nothing. You will have reviewed all of
3 this data. They will have reviewed all of this
4 data before I get a certificate of occupancy on
5 the completion of that building.

6 So I'm asking one final time, if you
7 wish us to have to come back here, and that's
8 what you choose to do, there is no basis in the
9 town of Cortlandt code or under New York State
10 Town Law for you to conduct a public hearing and
11 subject all of us, yourselves, your staff, my
12 client, and the public to another public hearing
13 along the lines, Mr. Chairman, that no one else
14 in the room besides really you and me, maybe a
15 couple of others, have now lived through on a
16 couple of different occasions, and it's the same
17 thing each time.

18 And you know that, and I know that. And
19 I appreciate your efforts during the unruly
20 public hearing that took place several months ago
21 to control the public here. So I implore the
22 board to reconsider the notion of the public
23 hearing. You want us to come back. You want the
24 material submitted to you. You want to look at

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it. You want to write letters to DOTS and say, shut them down, take away their CO, that's their decision. You shouldn't be conducting a public hearing. And I appreciate the opportunity to be heard on this, and I really appreciate, as Michael said, I've been here for 30 years, I've never had a work session like that. Thank you for allowing us to confer with you during the work session.

MR. KESSLER: David, when you go for your C of O, are you going to have four or five beds in the room?

MR. STEINMETZ: There will be four beds in the room. Each room will be capable of handling five different individuals.

MR. KESSLER: Okay, so you're going to get a C of O with people certifying the 256, not the 320.

MR. STEINMETZ: Under the way the code is -- under the way the resolution is written now.

MR. KESSLER: Under the way you just described it. I mean you said, you know, you're

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2 going --

3 MR. STEINMETZ: Because --

4 MR. KESSLER: -- to get all the
5 appropriate approvals, but you're going to get
6 the appropriate approvals for 256.

7 MR. STEINMETZ: Only because I was asked
8 during this process, Mr. Chairman, to agree to
9 this interim fictional number. My building,
10 again, I'll say it again --

11 MR. KESSLER: But that's --

12 MR. STEINMETZ: I apologize if I'm not
13 being clear. My building, my architect has, has
14 made quite clear to all of us that building will
15 be built for 320 lawful occupants. The sewer is
16 designed for 320 lawful occupants. The water is
17 capable of serving 320.

18 MR. KESSLER: Okay. And, and all --

19 MR. STEINMETZ: But Steve, you know
20 what? What I know, and I learned from the
21 yeshiva, they won't have 320 enrollees at that
22 point.

23 MR. KESSLER: I understand that, but --

24 MR. STEINMETZ: Right. So why -- I'm not

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2 going to fight over that.

3 MR. KESSLER: But what you're saying is
4 exactly what we want to validate, is that the
5 sewer and the water all can accommodate to 320 at
6 some point in the future.

7 MR. STEINMETZ: Do that at the 18-month
8 CO point then. Do it, do that then. That's when
9 you should do it.

10 MR. KESSLER: We're going to do it when
11 you come back and ask for 320. That's when we're
12 going to do it.

13 MR. STEINMETZ: You can do what you
14 choose to do.

15 MR. KESSLER: One other comment. I don't
16 remember if it's in the resolution, but at some
17 point, there's also a decertification that's
18 going to take place of the existing sanitary
19 sewer?

20 MR. STEINMETZ: Yes. We have to close it
21 in accordance with all Department of Health
22 requirements and then re-vegetate it is in the
23 resolution.

24 MR. KESSLER: Okay.

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2 MR. LAPINE: Yeah. That's phase one of
3 the project, where they have to install the water
4 and the sewer. That's in the resolution.

5 MR. KESSLER: Phase one is the sewer. Is
6 it --

7 MR. STEINMETZ: And so you're aware,
8 this is actually, it's not in the resolution, but
9 while we're on that topic, you should be -- we
10 want to connect to that sewer --

11 MR. KESSLER: Oh, sure.

12 MR. STEINMETZ: -- as soon as we can. So
13 even if it's before phase one is completed, if we
14 have submitted to the satisfaction of DOTs and
15 the Department of Health, to me, that sewer
16 connection is sort of outside this.

17 MR. KESSLER: I think we're all in
18 agreement. That should be top priority.

19 MR. STEINMETZ: Good. We at least agreed
20 on one thing tonight, Steve. I know.

21 MR. KESSLER: Yeah. And for the first
22 time ever. So were there any other things? I
23 think we covered everything in the, in terms of
24 the revisions? Notwithstanding Mr. Steinmetz's

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2 comments?

3 MR. CUNNINGHAM: Those were the notes I
4 had.

5 MR. KESSLER: Okay. Any other comments
6 from the board? All right. So if not -- oh,
7 Peter, I think we also have to adopt a neg dec
8 first also.

9 MR. MCKINLEY: First?

10 MR. KESSLER: Yeah.

11 MR. MCKINLEY: Okay. All right. Mr.
12 Chairman, I'd like to make a motion to adopt the
13 neg dec, and --

14 MR. KESSLER: Well, let's take them each
15 --

16 MR. MCKINLEY: Oh, sorry. Yeah, two.

17 MR. KESSLER: Second, please.

18 MR. CANTRELL: Second.

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

21 MULTIPLE: Aye.

22 MR. KESSLER: Opposed? Okay, Peter.

23 MR. MCKINLEY: And then continuing to
24 adopt a Resolution 15-26 on case 2025-7, Yeshiva

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dormitory and campus upgrades with specific details discussed in this meeting carried off by Michael Cunningham.

MR. KESSLER: Okay. With --

MR. ROTHFEDER: Second.

MR. KESSLER: -- a second, again, with the revisions noted by Mr. Cunningham. So on the question, all in favor?

MULTIPLE: Aye.

MR. KESSLER: Opposed? Okay.

MR. STEINMETZ: Thank you.

MR. KESSLER: Thank you. All right, moving on --

MR. ELYA KANAREK: Excuse me, Mr. Chairman?

MR. KESSLER: Oh, yes, sir?

MR. KANAREK: Can I thank you for the last 20 years of putting up with me, putting up with the public. I hope in three years from now it'll be a lot easier. Thank you very, very much, everybody.

MR. KESSLER: I hope we're all here in three years.

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2 MR. KANAREK: And thank you to everybody
3 on the staff for all the hard work that you've
4 done. Thank you.

5 MR. KESSLER: Thank you. All right, so
6 next item is a continued public hearing, it is
7 the Evergreen Assisted Living Facility, it's the
8 application of VS Construction Corporation for
9 site plan approval and tree, wetland, and steep
10 slope permits, proposed 96,850 square foot
11 assisted living facility located in the medical
12 oriented district at 2003 Crompond Road. Drawings
13 revised June 24, 2026.

14 MR. STEINMETZ: Good evening, Mr.
15 Chairman. Unfortunately, I'm still David
16 Steinmetz, with Zarin and Steinmetz, here on
17 behalf of the applicant. We're here first to talk
18 about the assisted living. Before we present
19 that, I have some information that my client and
20 our team feel you all need to know, some bad news
21 and some good news. The bad news is that based
22 upon the process that we've been through, which
23 preceded your board, and includes your board, we
24 have now lost the second assisted living

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provider. Benchmark Senior Living has canceled and decided that it no longer wanted to be part of this. Part of that was the duration of the review process.

The good news is that through the hard work of Val and Mandy Santucci, they have been able to attract Sunrise Senior Living. Sunrise Senior Living, you may know, is actually the largest senior living provider in the United States. There are several that they have in the immediate area, in Westchester County, on Long Island, across the river as well, and we are now working to get them on board completely. The additional good news is that Sunrise, at the moment, has, as we have, as the Santuccis have made it quite clear to them, they really need to do the same exact concept that Benchmark was doing.

So, as of this moment, we are no longer referring to this as Benchmark Senior Living in Cortlandt. It is now Sunrise Senior Living in Cortlandt, and we have certainly not downgraded the assisted living provider. It's important that

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2 we all recognize, just some of your board members
3 were not on, we had Trammell Crow, one of the
4 largest developers in the nation, at the table at
5 the beginning of this. We lost them. We had
6 Benchmark Senior Living. We lost them. We now
7 have Sunrise.

8 That having been said, the good news is
9 we're here tonight with some minor changes that
10 Mark Gratz from DTS is going to walk us through
11 regarding fencing, planting plan, some lighting
12 revisions. We have been trying to finalize some
13 of the details, and tonight is a public hearing.

14 I am hoping Mr. Chairman and members of
15 the board that you will consider after tonight,
16 because I don't think you're going to hear much,
17 closing the public hearing and referring this
18 back to staff to prepare a draft resolution so
19 that we can do our best to advance this process
20 and keep Sunrise at the table. So, having said
21 that, I'm going to turn it over to Mark to just
22 very briefly walk through some of the technical
23 information that has been submitted to staff. If
24 you have questions, we're here to answer all of

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2 it.

3 MR. MARK GRATZ: Thank you, David. Good
4 evening, Mr. Chairman, members of the board. Mark
5 Gratz with DTS Provident, civil site engineer and
6 land planner. I've been asked just to give kind
7 of a quick walkthrough of what was just recently
8 submitted. And for parcel one, we were generally
9 responding to planning and engineering comments
10 that had been provided to us. On the planning
11 side, we were addressing fencing comments, which
12 also, I believe, came up at the last planning
13 board meeting, to adjust some fences in the area
14 of the refuse enclosure. So, we provided more of
15 a construction detail on that enclosure and also
16 extended it further to also screen the generator
17 in the area.

18 On the planting side, there was the
19 removal of some non-native material that had been
20 specified. There was a cotoneaster plant, which I
21 think was removed from the plans. And there was
22 also a confirmation of a discrepancy of evergreen
23 trees. There was a discrepancy between 58 versus
24 60 on the plan. We've confirmed the 60 that will

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be provided.

Site lighting, there were comments about their being too bright of a light ambiance in the area of the porte cochere, that's been reduced 50 percent on the current submission. There was the addition of a security light and the newly added walk that was added along the north side of the building, primarily to provide emergency access for -- that came out of our meetings with the fire department. That gives them access all the way around the building. So, there was a wall-mounted fixture that was installed at that area. And also adjustments in the lighting levels down to a 2700 Kelvin. Also listed on the plans was the requirement to have a downlit monument sign in the front of the project, I believe in conformance with town code.

In terms of the engineering comments, we're still continuing to work with LaBella's office. We did submit a full SWPPP, demonstrating we have met all the water quality and storm water runoff requirements in our belief in accordance with New York State DEC's requirements and the

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town's local regulations. Most of the comments there that we're starting to address were things like providing additional spot elevations, revising grading, but nothing that would materially alter the site plan. Utilities, some pipe sizing, and cleanups of utility profiles. And some of that is still ongoing, and we're going to continue to work with LaBella on that item. That pretty much sums up the general nature of the comments.

MR. KESSLER: So basically, what I'm hearing is no substantive changes occurring because of the change of vendees to Sunrise Senior Living.

MR. GRATZ: Correct.

MR. KESSLER: So, well, first it's a public hearing. Is there anybody that wishes to comment on this application? Okay, hearing none. So, where are we then? So, they've responded to your concerns, Chris?

MR. LAPINE: Yeah, they've responded to multiple numbers of our concerns. I know their office was recently just given the offsite

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2 drainage analysis by Collier Engineering. They're
3 working on behalf of the town regarding the
4 Crompond Road improvements. I know Mark's office
5 just received this on July 1st, so did we, and
6 they're going to be incorporating this
7 information into their drainage report.

8 MR. KESSLER: Okay.

9 MR. LAPINE: And I know Michael Preziosi
10 also just provided a letter on July 1st that was
11 circulated to the board about setting the
12 drainage criteria as dictated in the town code,
13 so that they have some guidance and objectives to
14 strive for in their storm water pollution
15 prevention report. So, they're working towards
16 meeting these objectives, so I feel good.

17 MR. KESSLER: So where are we then in
18 the process? There are things for you to review.
19 David's requesting closing the public hearing.
20 Are we ready to do that? I mean obviously,
21 there's nobody here to comment on it, but we can
22 keep the record open for a while, right?

23 MR. STEINMETZ: Nobody has commented on
24 this at all throughout this whole process. So

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2 yeah, obviously, keep the record open.

3 MR. KESSLER: You'll give us extensions
4 as needed?

5 MR. STEINMETZ: Absolutely. We know we
6 have work to do, and as I said, I feel like on
7 behalf of the Santuccis, it's sort of in
8 everyone's mutual interest, the town and VS
9 Construction, to try to get to a resolution so
10 that we can show a provider that we have a
11 resolution.

12 MR. KESSLER: Okay. Well, you've got to
13 clean up the back and forth before we get to that
14 point.

15 MR. STEINMETZ: Yep. Understood. And --

16 MR. LAPINE: They're confident that
17 there's no changes to the elevations that have
18 been reviewed by the planning board?

19 MR. STEINMETZ: That is correct. As of
20 right now, we believe that the Santuccis will
21 still likely be the ones padding that site. They
22 have, you know, Chris, that they know better than
23 anyone the soil condition on that site.

24 MR. LAPINE: Right.

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2 MR. STEINMETZ: And the utilization of
3 soil from the assisted living parcel to try to
4 bring it to the Lenore parcel. They know that.
5 They've explained that to both of their contract
6 vendors.

7 MR. LAPINE: Okay.

8 MR. CUNNINGHAM: If you do close the
9 public -- if the board decides to close the
10 public hearing tonight, too, if there are any
11 significant changes to the elevations or anything
12 else --

13 MR. STEINMETZ: We come back.

14 MR. CUNNINGHAM: -- with the next
15 provider --

16 MR. KESSLER: Okay.

17 MR. CUNNINGHAM: -- then you could
18 reopen the public hearing.

19 MR. STEINMETZ: And just so you're all
20 clear, I know that. I acknowledge that. On the
21 record, I'm stating, if in fact we change things,
22 we're coming back. We know that. We don't want to
23 do that, but I do want to try to get to a
24 resolution.

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2 MR. KESSLER: Okay, but as long as, as
3 we've said that the 62-day clock is going to be
4 held in abeyance.

5 MR. STEINMETZ: At the moment, we're
6 good. So if you -- he's got my number, he'll call
7 me if he needs the extension.

8 MR. KESSLER: Okay.

9 MR. CUNNINGHAM: David, I think that was
10 just, I don't know if necessarily you have mutual
11 understanding there.

12 MR. KESSLER: I said the same thing.

13 MR. CUNNINGHAM: I think the chairman
14 was asking to just suspend --

15 MR. STEINMETZ: Suspend it?

16 MR. CUNNINGHAM: Suspend the 62-day
17 clock.

18 MR. KESSLER: It may not be necessary,
19 but it just gives us the leeway, the flexibility.

20 MR. STEINMETZ: How about we give you
21 124-day clock, and then I get to do a public
22 hearing if I don't want to extend?

23 MR. KESSLER: Right.

24 MR. CUNNINGHAM: How about we extend to

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2 the October 6th meeting at this point, and then
3 there could always be another extension. October
4 6th would be over 90 days or so.

5 MR. STEINMETZ: That's fine. Do whatever
6 you need to do.

7 MR. KESSLER: Okay, fine.

8 MR. ROTHFEDER: So should we prepare the
9 resolution?

10 MR. KESSLER: No, I think we're just
11 going to --

12 MR. STEINMETZ: No.

13 MR. KESSLER: -- they still have to work
14 out some of the details, but correct.

15 MR. STEINMETZ: Are they authorized to
16 begin before we come back to work on that? So we
17 don't need to do another comeback for no reason.
18 We would only come back if they're ready with a
19 resolution.

20 MR. ROTHFEDER: Yeah.

21 MR. CUNNINGHAM: You could close the
22 public hearing and direct staff to prepare a
23 resolution once the necessary information is
24 submitted.

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2 MR. STEINMETZ: Exactly.

3 MR. CUNNINGHAM: In a sufficient level
4 for the planning board to review.

5 MR. KESSLER: When you're ready to start
6 preparing it, prepare it?

7 MR. CUNNINGHAM: Yes.

8 MR. KESSLER: Okay.

9 MR. STEINMETZ: Yes. Thank you.

10 MR. ROTHFEDER: So are we directing to
11 prepare it for the next meeting?

12 MR. KESSLER: Well, to --

13 MR. STEINMETZ: When they're ready.

14 MR. ROTHFEDER: I mean, it's two months,
15 right? So --

16 MR. KESSLER: We're directing them to
17 prepare it when they think they're ready to start
18 preparing it.

19 MR. ROTHFEDER: Okay. Mr. Chairman, that
20 we close the public hearing and direct staff to
21 prepare a resolution of approval when they're
22 ready to.

23 MR. KESSLER: Okay. I think that's a
24 first. Second, please.

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2 MS. HILDINGER: I second.

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

5 MULTIPLE: Aye.

6 MR. KESSLER: Opposed. Excellent. See?

7 MR. STEINMETZ: Yeah, you've got to do
8 the next one.

9 MR. KESSLER: Oh, you're both standing
10 there, so I didn't know --

11 MR. STEINMETZ: We're not going to sit
12 down.

13 MR. KESSLER: All right. Onto old
14 business, it's the application of VS Construction
15 Corp. for site development plan approval and for
16 steep slope and tree removal permits for a
17 proposed 9,600 square foot commercial building
18 located on future parcel three within the
19 medical-oriented district for property located at
20 2003 Crompond Road. Drawings revised June 24,
21 2026, also known as the Evergreen Commercial
22 Building parcel three.

23 MR. STEINMETZ: So just like the last
24 item, we're going to do a quick little, very

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brief update on what DTS has been working on. You should all know that we have been speaking with staff. We are exploring multiple different ways to try to address concerns that you've all expressed to our client about the retaining rail, the setback from the adjacent property, as well as possible different ways to address the wetland crossing. But for the moment, we are advancing with this commercial building, and I'll let Mark address that.

MR. GRATZ: Good evening, Mr. Chairman. Once again, Mark Gratz, DTS Provident, soil site engineer. Here, it's going to be even briefer. Basically, once again, we were just trying to address planning and engineering comments as we continue to move the process forward. Two requested sight lines that were requested at the last board meeting were added to the site sections that showed the view from the adjoining property, not only from the ground level, from the second floor, from the eyesight of somebody in the second floor of the residence. That was shown on two different proposals, one that had

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the commercial building located closer towards the northerly property line. Let me take that back. Closer to the southerly property line was the first one, which is the current proposal, with the parking in between the building and Crompond Road.

And then we had also been asked to do the same for an earlier version that was under consideration, which would've flipped, showing the building closer to Crompond Road with the parking in the rear closer to the residence, but would've also placed the rear of the building closer to Crompond Road, which I think was one of the reasons also for shifting the building back on the property.

In addition to that, we had submitted basically the tree information that was gathered by the town's planning consultant, SavATree. In the end, a total of, I think, 68 trees are proposed to be planted to basically meet the town's requirements. There were no specimen trees that were found that fall under the town's Appendix A.

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2 In the one engineering item which we did
3 address, because we were kind of surprised to
4 hear it, and thank you, Chris, on the emergency
5 access drive, we looked at the 20 percent grade,
6 but we've modified the grading on the grading
7 plan so that now it's showing just under 10
8 percent for the grades on the emergency access
9 drive that come in off of Lafayette.

10 That was primarily the changes. Again,
11 it was also just to kind of advance things with
12 staff and to address the past comments of the
13 board.

14 MR. KESSLER: Thanks. You've given us
15 two proposals, right? As you said, one closer to
16 the road.

17 MR. GRATZ: Mm-hmm.

18 MR. KESSLER: Weren't we supposed to see
19 something more visually about that, or is this
20 it?

21 MR. STEINMETZ: I don't think that,
22 Steve, I don't think that changed since the last
23 meeting. We did do that at the last meeting. We
24 gave you architectural elevation angles from

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eastbound and westbound. Heather, I don't know if you -- normally, I'd turn to Chris and say, Chris, can you bring those up?

MR. KESSLER: I don't recall.

MR. LAPINE: It was SK-2, Heather.

MS. LAVARNWAY: What's that?

MR. LAPINE: SK-2 of their drawing set.

MS. LAVARNWAY: But not from today?

MR. STEINMETZ: No.

MS. LAVARNWAY: Not today's --

MR. STEINMETZ: No, this would be last month's submission that we did at the --

MR. KESSLER: I mean, I have that, that was it?

MR. LAPINE: SK-2 is the sheet.

MR. STEINMETZ: That's it. The answer's yes.

MR. KESSLER: Okay. And you don't have a preference?

MR. STEINMETZ: So --

MR. KESSLER: I thought the board's preference was two, I think, if I recall. Was that closest to the road?

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MR. LAPINE: No. It's got to go back to where they were originally proposing it.

MR. STEINMETZ: Actually, I didn't think that was -- Mandy, you may want to come closer, so I don't have to like --

MR. LAPINE: Yeah.

MR. STEINMETZ: I actually did not think that's what you all ultimately --

MR. KESSLER: No?

MR. STEINMETZ: We, we prefer the one that is further back with the wall up against that 30 foot --

MR. MCKINLEY: That's correct.

MR. STEINMETZ: -- setback.

MR. KESSLER: Is that right?

MR. MCKINLEY: That is correct.

MR. KESSLER: Oh, okay. I had it backwards.

MR. MCKINLEY: The parking was not preferred.

MR. STEINMETZ: And I think you didn't like when we brought it all the way forward. We received some objection to that, but we tested

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it.

MR. KESSLER: Oh, okay.

MR. MCKINLEY: By Kevin, specifically.

MR. STEINMETZ: Exactly.

MR. MR. MCKINLEY: Correct.

MR. STEINMETZ: Thank you, Peter, for clarifying. That was definitely my recollection. So now we're kind of tweaking the one that we prefer, and think with vegetation and some careful crafting of that wall, we can achieve it.

MR. KESSLER: And the neighbor, you think, will be sufficiently screened out? So are you able to speak to that?

MR. MANDY SANTUCCI: Yes.

MR. STEINMETZ: Somebody?

MR. SANTUCCI: Yes. So what we've found is that with moving the building to the back, there will also be a parapet wall in the back that will help visually, actually, screen a portion of the roof. I can't say it'll screen out all the mechanical equipment, but almost, I would say, close to 50 percent of the roof area would actually be screened.

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2 MR. KESSLER: Got it.

3 MR. SANTUCCI: Just from the view and
4 the placement of both, realistically, the six-
5 foot fence and/or the parapet wall.

6 MR. KESSLER: And would the mechanical
7 equipment be placed the furthest away from the
8 neighbor?

9 MR. SANTUCCI: Yes.

10 MR. KESSLER: Is that the intent, or --

11 MR. SANTUCCI: I think the intent would
12 be to try and screen the mechanical equipment
13 from the adjoining neighbor to the extent
14 possible.

15 MR. KESSLER: But it would be on the
16 right side of the building?

17 MR. SANTUCCI: On the roof.

18 MR. KESSLER: On the roof, but on the
19 right side as opposed to the left side?

20 MR. STANTUCCI: I don't think it matters
21 left or right. I think it's just going to be on
22 the roof.

23 MR. KESSLER: No, I'm just thinking
24 about the noise for the neighbor.

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2 MR. STEINMETZ: Move it back. Push it
3 back.

4 MR. SANTUCCI: I think --

5 MR. CUNNINGHAM: The chairman's
6 requesting that you move it as far away from the
7 neighbor as possible.

8 MR. STEINMETZ: Yeah. We can certainly
9 do that.

10 MR. LAPINE: I thought one of the things
11 we talked about was -- I thought one of the
12 things --

13 MR. STEINMETZ: Brought back makes a
14 little bit more sense.

15 MR. LAPINE: I thought we talked about
16 the mechanicals not being on the roof at one of
17 the previous meetings, that they were going to be
18 on the ground, the mechanicals. That was
19 discussed at one of the previous meetings.

20 MR. GRATZ: We can explore that.

21 MR. LAPINE: Yeah.

22 MR. GRATZ: And if it turns out to be
23 viable, we can definitely show you.

24 MR. STEINMETZ: And Mandy, did you want

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2 to make a point about --

3 MR. SANTUCCI: Yeah, so the two site
4 sections that are up there will show you that if
5 you set the building back into the hill the
6 neighbor would see less of the building. I mean,
7 common sense.

8 MR. STEINMETZ: The further forward it
9 comes, the more it --

10 MR. SANTUCCI: Correct

11 MR. STEINMETZ: -- becomes optically
12 visible from the neighbor.

13 MR. SANTUCCI: Yeah. And that's what
14 these sections will show you.

15 MR. KESSLER: So you think the
16 mechanicals are on the ground, Chris?

17 MR. LAPINE: I think, I think
18 mechanicals in this particular situation would be
19 better placed on the ground than they would be on
20 the top of the building itself.

21 MR. KESSLER: Is it shown on the plan
22 now?

23 MR. LAPINE: The mechanicals aren't
24 shown on the top of the building.

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MR. KESSLER: Where is it shown on the plan on the ground?

MR. LAPINE: They're not. What I'm referencing is, we had this discussion, I think it was Matt Steinberg referenced that they would be on the ground, with DTS.

MR. KESSLER: Okay.

MR. LAPINE: There's, there's room to the west of the building. There's a, right outside of the sidewalk area, there's a green, green space where they could place the mechanicals.

MR. STEINMETZ: Towards the emergency access?

MR. LAPINE: Towards the emergency access.

MR. STEINMETZ: Okay.

MR. SANTUCCI: Mr. Chairman, we have no problem in locating them on the ground. I got to be honest, this is the first that I'm really hearing that we were going to go in that direction. I heard it was a possibility. I think it was more just not wanting to rule out which

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2 way we'd go, but --

3 MR. KESSLER: Okay.

4 MR. SANTUCCI: -- we could definitely.

5 MR. KESSLER: I just wanted to just be
6 mindful of the neighbor in terms of the noise.

7 MR. SANTUCCI: Exactly, yeah.

8 MR. KESSLER: That's all.

9 MR. SANTUCCI: Yeah. And moving it to
10 the ground could potentially put it behind the
11 retaining wall that does get built along the
12 south side, so the retaining wall helps to screen
13 it both visually and acoustically.

14 MR. KESSLER: All right, well, you guys
15 will work this out I'm sure.

16 MR. SANTUCCI: Yeah.

17 MR. KESSLER: So, what, sending this
18 back to staff?

19 MR. CUNNINGHAM: I would think before it
20 goes to a public hearing, you'd want to at least
21 have the mechanicals, determine where they're
22 actually going to go, because I think that would
23 be a big topic of conversation for the public
24 hearing.

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2 MR. KESSLER: Have we heard from the
3 neighbor on this at this point?

4 MR. CUNNINGHAM: I think the neighbor
5 actually showed up for a different public hearing
6 for the MOD and brought up

7 MR. KESSLER: Oh, okay.

8 MR. CUNNINGHAM: Yeah.

9 MR. LAPINE: He brought up the well
10 issue.

11 MR. CUNNINGHAM: And brought up the well
12 issue.

13 MR. STEINMETZ: That's the only
14 individual who has shown up in connection with
15 this.

16 MR. KESSLER: Yeah, but we haven't
17 advertised anything yet, in terms of a public
18 hearing.

19 MR. CUNNINGHAM: And I think when that
20 neighbor did come out, the neighbor was concerned
21 about this area of the property. So, I think it
22 makes sense to have the mechanicals figured out.

23 MR. KESSLER: Okay, so refer this back,
24 what do you think, one more time, and hopefully

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2 get this into a public hearing?

3 MR. CUNNINGHAM: Yes.

4 MR. KESSLER: All right. Any other
5 comments, staff, board? If not, who's got it,
6 Jeff? You do? No, no, I'm sorry. Nora?

7 MS. HILDINGER: It's me. I'd like to
8 make a motion for case 2026-3 to refer it back to
9 staff.

10 MR. KESSLER: Second please.

11 MR. ROTHFEDER: Second.

12 MR. KESSLER: Thank you. On the
13 question? All in favor?

14 MULTIPLE: Aye.

15 MR. KESSLER: Opposed? Okay.

16 MR. STEINMETZ: Thank you.

17 MR. KESSLER: Thank you.

18 MR. SANTUCCI: Thank you.

19 MR. KESSLER: Thank you. All right,
20 continuing with our old business, the application
21 of 77 Montrose Station LLC for a six-month time
22 extension of their preliminary plat approval,
23 originally granted on January 6, 2026, via
24 Planning Board Resolution 3-26, proposed three-

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2 lot major subdivision of an approximately 9.7-
3 acre parcel located at 77 Montrose Station Road.
4 Kellan?

5 MR. CANTRELL: Chairman, I'll make a
6 motion to approve Resolution 16-26.

7 MR. KESSLER: Second, please.

8 MR. ROTHFEDER: Second.

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

11 MULTIPLE: Aye.

12 MR. KESSLER: Opposed?

13 MR. STEINMETZ: Thank you.

14 MR. KESSLER: All right, next item, also
15 77 Montrose Station Road. It's the introduction
16 of the application of 77 Montrose Station Road
17 for final plat approval of a proposed three-lot
18 major subdivision located at 77 Montrose Station
19 Road, final subdivision plat, and subdivision and
20 site plan drawings revised June 17, 2026. So just
21 so it's clear, you needed the extension for the
22 preliminary plat, but you also at the same time
23 are ready for final plat approval. The board, of
24 course, has the option to schedule or not a

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2 public hearing on the final plat. Staff informs
3 us that everything is in substantial --

4 MR. STEINMETZ: Substantial --

5 MR. KESSLER: -- compliance with the
6 preliminary plat. So, as we discussed at the work
7 session, we really don't think we need to have a
8 public hearing. I know that's going to shock you.
9 So, with that, we'll prepare a resolution, and
10 Peter's going to ask for one.

11 MR. MCKINLEY: Okay. Mr. Chairman, I'd
12 like to direct staff to prepare a resolution for
13 PB2025-15, Fucci two-Lot Subdivision.

14 MS. LAVARNWAY: Nope. Nope.

15 MR. KESSLER: Second, please.

16 MS. LAVARNWAY: Nope. Wrong.

17 MS. TIMKO: No.

18 MS. LAVARNWAY: We're on 77 --

19 MR. MCKINLEY: Which one?

20 MS. LAVARNWAY: -- -Montrose Station
21 Road. We were --

22 MR. MCKINLEY: Oh. I was misinformed, in
23 the very long meeting.

24 MS. LAVARNWAY: Sorry.

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2 MR. KESSLER: All right, all right.

3 Rewind.

4 MR. MCKINLEY: Rewind.

5 MS. LAVARNWAY: Did we get it?

6 MR. MCKINLEY: David's checking his
7 watch for a rewind.

8 MR. STEINMETZ: I'm checking to see, you
9 said it was such a long meeting, Peter. I'm
10 thinking --

11 MR. KESSLER: I'm sorry. You're right.
12 It was Karen. It was my mistake. I apologize. All
13 right, Karen, it's your turn. Sorry.

14 MS. TIMKO: Chairman, I'd like to make a
15 motion with respect to PB-2025, 77 Montrose
16 Station Road, to waive a public hearing and
17 direct staff to prepare a resolution for final
18 plat approval for consideration at the public
19 board or the planning board meeting on August 4,
20 2026.

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

22 MR. ROTHFEDER: Second.

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

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2 MULTIPLE: Aye.

3 MR. KESSLER: Opposed? Okay, see you
4 then.

5 MR. STEINMETZ: See you then. Thank you
6 for your time and your patience.

7 MR. KESSLER: Thank you. All right, I
8 think our final item of the evening is the
9 application of Joel Greenberg, RA, on behalf of
10 Robert Fucci for preliminary plat approval for a
11 two-lot minor subdivision of an approximately
12 22,000 square foot parcel of property located at
13 12 Putnam Park Road, drawing revised June 24,
14 2026. Mr. Greenberg. Good evening.

15 MR. JOEL GREENBERG: Good evening,
16 everyone. Joel Greenberg, architect for the
17 project. At the last meeting, there was a whole
18 series of things that were asked to be revised
19 for the presentation, which was done, and I
20 believe we're at a point where we can go for
21 resolution.

22 MR. KESSLER: I think you're right. So,
23 Peter.

24 MR. MCKINLEY: Twice the charm? Is that

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2 what you're doing? Okay. I'd like to direct staff
3 to prepare a resolution for PB2025-15 for the
4 Fucci Two-Lot Subdivision.

5 MR. CUNNINGHAM: And with this one, too,
6 did we ever have a public hearing on this?

7 MR. KESSLER: No.

8 MR. CUNNINGHAM: I don't believe we've
9 ever had a public, so I think we should have the
10 public --

11 MR. KESSLER: Really? How can we have a
12 public hearing on this?

13 MR. CUNNINGHAM: Because I think there
14 was some redesign that they did recently before
15 they were going to need a variance, and then they
16 actually went and redesigned, and now they don't
17 need a variance.

18 MR. KESSLER: Oh.

19 MR. CUNNINGHAM: So, I think you could
20 have a public hearing. You could have the
21 resolution ready as well, but --

22 MR. KESSLER: Okay.

23 MR. CUNNINGHAM: -- I think you need to
24 have the public hearing as part of the

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2 subdivision.

3 MR. MCKINLEY: So, in addition, I'd like
4 to declare a public meeting for next, the public
5 meeting for next, for next meeting, public --

6 MR. KESSLER: Okay. Well, August the
7 4th, we'll have a public hearing, and we'll have
8 staff prepare a resolution for that as well.

9 MR. MCKINLEY: Right.

10 MR. KESSLER: Okay, so second, please.

11 MR. ROTHFEDER: Second.

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

14 MULTIPLE: Aye.

15 MR. GREENBERG: Thank you very much. I
16 hope you had a good 4th, and at the next meeting,
17 I'll wish you a happy Labor Day. Thank you. We
18 have to continue the tradition, you know that.

19 MR. ROTHFEDER: We know. Thank you.

20 MR. KESSLER: Good night. Kellan?

21 MS. HILDINGER: Kellan?

22 MR. CANTRELL: Oh, yeah. Oh, the time is
23 7:55.

24 MR. KESSLER: Motion to adjourn.

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MR. CANTRELL: And I make a motion to
adjourn.

MR. KESSLER: Thank you.

MR. ROTHFEDER: He didn't just want the
time.

(The public board meeting concluded at 7:55 p.m.)

CERTIFICATE OF ACCURACY

I, Juan Penagos, certify that the foregoing transcript of the Board meeting of the Town of Cortlandt on July 7, 2026 was prepared using the required transcription equipment and is a true and accurate record of the proceedings.

Certified By

Juan Penagos

Date: July 29, 2026

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