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Planning Board

Town Board

Zoning Board

Legal Dept.

DOTS Director

C.A.C.

A.R.C.

Applicant

October 24, 2017

Sent 10/25/17

David J. Cooper
Jody T. Cross •
Katelyn E. Ciolino •
Michael J. Cunningham •
Marsha Rubin Goldstein
Helen Collier Mauch •
Zachary R. Mintz •
Daniel M. Richmond
Kate Roberts
Brad K. Schwartz
Lisa F. Smith •
David S. Steinmetz •
Edward P. Teyber
Michael D. Zarin

. Also admitted in D.C.

Also admitted in CT
 Also admitted in NI

Via Email & Regular Mail

Hon. Loretta Taylor
Chairperson of the Town of Cortlandt Planning Board
and Members of the Planning Board
Town of Cortlandt Town Hall
One Heady Street
Cortlandt Manor, New York 10567

Re:

Yeshiva Ohr Hameir (the "Yeshiva")

141 Furnace Woods Road; Cortlandt Manor, NY 10567

Planning Board Resolution No. 12-15

Dear Chairperson Taylor and Members of the Planning Board:

This letter report is submitted pursuant to Condition No. 2 of your Board's Resolution No. 5-16, which renewed the Yeshiva's Special Permit.

We are in receipt of Ken Hoch's Memorandum, dated October 20, 2017, which reports that Code Enforcement received no complaints for the Yeshiva at any time between October 15, 2016 and October 7, 2017.

We are also in receipt of correspondence from Holly M. Haight, the Senior Fire Inspector, dated October 19, 2017, which sets forth certain "minor issues" she observed during her inspection of the Yeshiva. The Yeshiva is already addressing the issues outlined by the Fire Inspector, including ordering certain items for installation. It anticipates that being able to fully address all issues set forth by the Fire Inspector by November 14, 2017.

We are unaware of any other issues or outstanding code violations, substantial or otherwise. It is our understanding that this letter will be received and filed by your Board.

As always, please do not hesitate to contact us with any questions or comments.

Respectfully submitted,

ZARIN & STEINMETZ

y: // wo, /

DSS/mth

cc: Rabbi Elya Kanarek
Yaakov Rothberg
Yeshiva Ohr Hameir
David Wald
Dan Ciarcia, P.E.
Chris Kehoe, AICP
John Klarl, Esq.



TOWN OF CORTLANDT

DEPARTMENT OF TECHNICAL SERVICES CODE ENFORCEMENT DIVISION

Michael Preziosi, P.E. Director – D.O.T.S

Martin G. Rogers, P.E. Director of Code Enforcement/D.O.T.S.

Ken HochAssistant to the Director/D.O.T.S.

Town Hall, 1 Heady Street Cortlandt Manor, NY 10567 Main #: 914-734-1010 Fax #: 914-293-0991 Town Supervisor Linda D. Puglisi

Town Board
Richard Becker
Debra A. Costello
Francis X. Farrell
Seth M. Freach

Date: Oct. 20, 2017

To: Loretta Taylor, Chairperson and Planning Board Members

From: Ken Hoch

Code Enforcement

Re: Congregation Yeshivath Ohr Hameir

141 Furnace Woods Rd.

For the period from Oct. 15, 2016 - Oct. 7, 2017

Code Enforcement has received no complaints for this property during the above time period.



RA

Coples Planning Eoard
••••• Town Board
···· Zoning Board
· · · · Legal Dopt.
••••• C.A.C.
••••• A.R.C.
•••• Applicant
Dance Kulmus, Esq.

Sent 10/23/17

Chris Kehoe

From:

Holly Haight

Sent:

Thursday, October 19, 2017 2:21 PM

To:

Chris Kehoe; Michael Preziosi; Chris Kehoe

Cc:

Tom Wood [internet]; John J. Klarl (jjklarl@aol.com); garybrach@gmail.com; John

Schembari; David Wald (dmwaid@waldrealty.net)

Subject:

FIRE INSPECTION - OHR HAMEIR 141 FURNACE WOODS ROAD

Gentlemen:

On October 18, 2017, I inspected all the buildings located at the Yeshiva on 141 Furnace Woods Road. Present with me were Gary Brach for the Yeshiva, and Asst. Building Inspector John Schembari.

During that inspection I found the following minor issues in the various buildings and exterior:

- 1. Throughout many buildings, baseboard covers were missing and need replacement;
- 2. A few door handles need repair/replacement in dorm rooms;
- 3. There is a pile of debris outside of the Wolowitz building (former pool building) (which I was advised will be picked up shortly per Gary)

The following minor issues were found in the following buildings:

Wolowitz Building (former pool):

- 1. Exterior metal staircase has erosion on several treads which should be replaced/repaired immediately. (The stairs do not need to be taken out of service at this time).
- 2. Basement needs storage to be orderly.

Dallas Building:

- 1. In storage room: Ceiling missing small area of sheetrock; replace.
- 2. In storage room: Exposed wire in ceiling: Needs cover
- 3. Exit light out near Room #13
- 4. Toilet tank cover needed in Room #3 and light fixture cover needed in Room #16.

Classroom/Kitchen/Dining Building:

- 1. [Kitchen] Grease trays under hood not secured (hanging secure);
- 2. [Kitchen] Missing section of grease catcher (replace);
- 3. [Classroom] switch plate cover missing (replace);
- 4. [Classroom] Smoke detector covered with foam bowl (uncover);

Offices/Apartments:

- 1. Replace heat detector in living room of apartment (disc bent);
- 2. Install additional CO detector as discussed;

Chalet Building:

- Outlet cover missing in Room #6;
- 2. Secure voids in furnace pipe with appropriate sealant;

All fire alarm systems are secure and operational in each building and are maintained by Ken Marcus. I looked at the most recent copy of the alarm inspection report where I found no deficiencies noted. All fire extinguishers are hung, in service and tagged appropriately. The ansul system in the kitchen is in service, and in date. Hood is free from grease accumulation. Grease trap is maintained. All emergency lighting and exit lights are operational (other than the one noted). The exterior property other than noted is in good shape.

Building counts are: Wolowitz Building: 87

Chalet: 36

Dallas: 80

I will follow up with Gary Brach in the next few weeks to do a re-inspection and provide you with an updated inspection report. Otherwise, other than the items noted, the site is in minimal compliance with the New York State Codes as of this date.

If you require anything further, please let me know.

Holly

Holly M. Haight

Senior Fire Inspector

Town of Cortlandt

1 Heady Street

Cortlandt Manor, New York 10567

(914) 734-1015

hollyh@townofcortlandt.com

TOWN OF CORTLANDT PLANNING BOARD PB 2017-5

WHEREAS, an application for Planning Board approval of a Site Development Plan pursuant to Chapter 307 (Zoning), a Special Permit pursuant to Chapter 307-49 (Office, residential and certain commercial uses of historic structure) and a Parking Special Permit as per Section 307-34.1 of the Town of Cortlandt Code was submitted by Mikiko Ino for a proposed museum/art gallery to be located in the former St. Patrick's School as shown on a 5 page set of drawings entitled "Site Development Plan for Mikiko Ino" prepared by Cronin Engineering, P.E., P.C. latest revision dated August 23, 2017, and

WHEREAS, the subject property of approximately 1 acre is zoned R-G, General Residential, is located at 115 7th St. in the hamlet of Verplanck and is designated on the Town of Cortlandt Tax Maps as Section 54.16, Block 1, Lot 69, and

WHEREAS, as required by Article 8 of the New York State Environmental Conservation Law for the proposed Unlisted Action the applicant completed and submitted Part 1 of the Short Environmental Assessment Form dated July 19, 2017, and

WHEREAS, the reuse of historic buildings for certain office, residential and commercial use is permitted by Special Permit (307-49) of the Zoning Code in the R-G zoning district, and

WHEREAS, the applicant applied to the Town Board to have the former St. Patrick's School designated a site of local historic significance as contemplated in both the 2004 and 2016 Town Comprehensive Master Plans, and

WHEREAS, by Town Board Resolution 222-17, adopted on September 19, 2017, the Town Board designated the site as a Town of Cortlandt Important Historic Place thereby permitting the use of the main school building for both residential and commercial use subject to the issuance of the special permit and site plan approval from the Planning Board, and

WHEREAS, the applicant is proposing to re-purpose the vacant, approximately 5,000 sq. ft. St. Patrick's School, into a multi-use art space including an office, small store (postcards, apparel, art books), two galleries, a framing studio, workshop and a classroom on the first floor and two artist in residence and studio spaces each containing a minimum of 700 sq. ft. and a theater space on the second floor, and

WHEREAS, the applicant proposes to convert the approximately 2,500 sq. ft. former gym

(continued on page 2)

building into a gallery space and art storage and occupy the existing single family residence on the site, and

WHEREAS, the applicant also proposes other site improvements including a sculpture garden, greenhouse, landscaping and additional parking as shown on the subject site plan, and

WHEREAS, as required by Chapter 307-29 of the Town Zoning Code (Table of required offstreet parking) a total of 33 parking space is required to be provided on site, and

WHEREAS, the subject drawing is showing 21 parking spaces provided on site with an additional 12 parking spaces shown as "land banked" on site, and

WHEREAS, these 12 land banked parking spaces can be converted into permanent, marked spaces if in the judgement of the Planning Board they become needed based on the usage of the property, and

WHEREAS, the applicant has also demonstrated nearby on-street parking exists and in addition the applicant has agreed to provide a shuttle van to get people to the site for the few (approximately 2) larger special events anticipated to occur at the site, and

WHEREAS, the Planning Board analyzed the proposed land banked parking spaces as per the requirements of Section 307-34.1 (Zoning), Special Permits for parking, and

WHEREAS, a Public Hearing was held pursuant to Chapter 307 (Zoning) of the Town of Cortlandt Code and pursuant to Chapter 274-a of the New York State Town Law on said application at the Cortlandt Town Hall, 1 Heady Street, Cortlandt Manor, New York on October 3, 2017, and

WHEREAS, the Public Hearing Notice for this application was published in the "Journal News" and in the "Gazette", and

WHEREAS, the subject Public Hearing Notice was mailed to adjacent and across the street property owners and the subject property was posted with a sign giving notice of the public hearing, and

WHEREAS, the subject application was referred to the Town Engineering Division and the Fire Advisory Board, and

WHEREAS, comments in response to referrals of the subject application were considered by the Planning Board as well as written and verbal comments made in response to the subject

(continued on page 3)

application at the public hearing, and

WHEREAS, the Planning Board conducted a site inspection of the subject premises, and WHEREAS, the Planning Board reviewed the subject application and request for a Special Permit for an Office, residential and certain commercial uses of a historic structure as per Chapter 307-49 (Zoning) of the Town Code and pursuant to the general requirements for Special Permits as per Chapters 307-40,41 & 42 (Zoning) of the Town Code.

NOW THEREFORE BE IT RESOLVED, that pursuant to Section 617.7 of the SEQR Regulations, as stated in this Resolution and throughout the course of this application as contained in the minutes of the public hearing and other regular meetings of the Planning Board, the Planning Board considered the impacts which may be reasonably expected to result from the proposed action by comparing them against the applicable criteria in said section and finds that:

- 1. The proposed action will not result in a substantial adverse change to existing air quality, ground or surface water quality and quantity, traffic or noise levels; a substantial increase in solid waste production; nor generate a substantial increase in potential for erosion, flooding, leaching or drainage problems.
- 2. The proposed action will not result in the removal or destruction of large quantities of vegetation or fauna; will not substantially interfere with the movement of a resident or migratory fish or wildlife species; will not impact a significant habitat area; and will not result in any substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species, or other significant adverse effects to natural resources.
- The proposed action will not result in the impairment of the environmental characteristics of a Critical Environmental Area.
- 4. The proposed action will not result in the creation of a material conflict with the adopted 2016
 Town Sustainable Comprehensive Master Plan and Town Zoning Ordinance.
- 5. The proposed action will not result in the impairment of a character or quality of important historical, archeological, architectural or aesthetic resources or of existing community or neighborhood character.
- 6. The proposed action will not significantly impact the use of either the quantity or type of energy.
- 7. The proposed action will not create a hazard to human health.

- 8. The proposed action will not result in a substantial change in the use or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses.
- 9. The proposed action will not encourage or attract a substantially larger number of people to the subject property compared to the number of people who would come to such place absent the action.
- 10. The proposed action will not create a material demand for other actions which would result in one of the above consequences.
- 11. The proposed action will neither result in changes in two or more elements of the environment, no one of which has a significant impact on the environment, nor when considered together result in a substantial adverse impact on the environment.
- 12. The proposed action will neither result in two or more related actions undertaken, funded or approved by an agency, none of which has or would have a significant impact on the environment, nor when considered cumulatively, meet one or more of the criteria in this section, and the Planning Board considered possible long-term, short-term and cumulative impacts and found no significant effects which would result as a consequence of the proposed action, and **FURTHER BE IT RESOLVED** that the Planning Board as lead agency in this matter finds that based on Part 1 of the Short Environmental Assessment Form (EAF) prepared by James Teed dated July 19, 2017 and Part II of the Short EAF prepared by the Planning Division dated November 8, 2017 and based on the subject site development plan and the record of this application and for reasons stated in this resolution including the analysis of the criteria stated in 617.7(c)(i)-(xii), the proposed project will have no significant, adverse environmental impact upon the environment and therefore the Planning Board adopts said Part II of the Short EAF and a Negative Declaration and that no Draft Environmental Impact Statement is required with regard to this matter, and

FURTHER BE IT RESOLVED that the application of Mikiko Ino for Planning Board approval of a Site Development Plan pursuant to Chapter 307 (Zoning), a Special Permit pursuant to Chapter 307-49 (Office, residential and certain commercial uses of historic structure) and a Parking Special Permit as per Section 307-34.1 of the Town of Cortlandt Code for a proposed museum/art gallery to be located in the former St. Patrick's School as shown on a 5

page set of drawings entitled "Site Development Plan for Mikiko Ino" prepared by Cronin Engineering, P.E., P.C. latest revision dated August 23, 2017 is hereby approved, and FURTHER BE IT RESOLVED that approval of said Site Development Plan shall be valid for a period of twelve (12) months from the date of this Resolution to satisfy all conditions of approval and to obtain the signature of the Planning Board Chairman on the Site Development Plan. If there is no substantial change in the condition of the site and/or its environs, Site Development Plan Approval may be extended by the Planning Board for a maximum of two (2) additional years, granted in one year intervals, upon timely application by this applicant and a written explanation of the reasons for the delay which require the granting of a time extension, and

FURTHER BE IT RESOLVED that the approved site plan with the Planning Board Chairman's signature shall be valid for a period of twelve (12) months from the date of signing. If there is no substantial change in the condition of the site and or its environs, Site Development Plan Approval may be extended by the Planning Board for one (1) additional period of one (1) year, upon timely application by this applicant and a written explanation of the reasons for the delay which require the granting of a time extension.

CONDITIONS AND MODIFICATIONS:

- 1. (a) Submit four prints and the mylar of said drawing set to the Planning Office following the Chairman's signature on the site plan mylar(s), (b) After the Planning Board Chairperson's signature submit an electronic version, .pdf is acceptable, of the entire drawing set (c) Upon completion of all improvements submit a comprehensive as-built survey in hard copy, AutoCAD and PDF formats.
- 2. Add the correct signature block to the subject drawing (attached).
- 3. Obtain the signature of the Receiver of Taxes on an appropriate form indicating that taxes on the subject property have been paid.
- 4. Posting of a combined soil erosion security and maintenance security pursuant to Section 307-73.1 of the Town Code in the amount of \$5,000. Said security to be in effect for a period of not less than two years from the date thereof at which time the applicant can request the release of the security based upon completion of all required improvements, submission of the

(continued on page 6)

Res. 28-17 page 6

required as-built survey and an inspection by the Town. Prior to the release of the signed

Site Development Plan by the Planning Division said security shall be submitted to and

approved by the Town Department of Law which will then be forwarded to the Town Clerk

and a copy to the Planning Division. Any security or performance collateral required to be

posted shall be in accordance with Chapter 237 of the Town Code and as per Town Board

Resolution 190-04.

5. Payment of a 5% construction monitoring fee to the town based on the on-site construction

costs including grading, soil and erosion controls, site clearing, tree removal, planting and all

other improvements pursuant to Resolution 114-00 of the Cortlandt Town Board.

6. The applicant is advised that no occupancy of the St. Patrick's school building(s) is

permitted until all required permits (Town, County, State, Federal) have been obtained and a

Certificate of Occupancy has been issued.

7. Provide a detail of the proposed wrought iron gate at the 8th Street entrance to the

satisfaction of the Director of Technical Services.

8. Provide details of the proposed 5' by 8' greenhouse to the satisfaction of the Director of

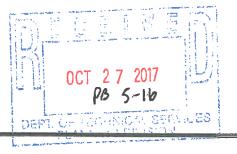
Technical Services.

9. Receive comments on the proposed landscape plan from the Conservation Advisory

Council prior to the Chairperson signing the subject site plan.

TO BE CONSIDERED FOR ADOPTION: NOVEMBER 8, 2017





Copies Planning Board
. Town Board
. Zoning Board

.... C.A.C.

Steven J. Ba

.... A.R.C.

Sant 18/27/17

October 24, 2017

Ms. Loretta Taylor, Chairperson Town of Cortlandt Planning Board 1 Heady Street Cortlandt Manor, NY 10567

Re:

Appian Way Ventures, LLC 260 6th Street, Verplanck, NY Site Plan Approval

Ms. Taylor,

Prior to the previous meeting of the Planning Board, this office received a forwarded email from Holly Haight, the fire inspector regarding her walkthrough of the above referenced site.

As this email was received the day before the meeting this office could not issue a formal response however I addressed the comments at the meeting that evening. This letter serves to offer an official response to those comments.

Tenant Verification:

- 1. Tenant space #140 is vacant. The sign was still on the door at the time of inspection however the tenant is no longer occupying the space.
- 2. Tenant space #142 is currently occupied by Komodo Reptiles.
- 3. Tenant space #136 is currently occupied by Gam World.
- 4. Tenant space #122/123 is currently occupied by 123 HVAC. The business operation is temporarily closed due to personal issues with the owner however they are current on their rent and vehicles are still parked in the parking lot.
- 5. Tenant space #120 is currently rented by AIS Distribution and Manufacturing. They have their materials and equipment stored in the space for the joint compound manufacturing business however they are still organizing the business and have not yet begun production. They are current on their rent.,
- 6. Tenant space #133/135/137 are currently occupied by Komodo Reptiles. They have an office in space #142 and their supplies and operations are contained in these three spaces.
- 7. Tenant space #155 is currently occupied by Marcell Zoninga Auto Repair however they do not currently have their DMV certificate. The NYS DMV requires that a Certificate of Occupancy for the space be issued along with the application. It was the prior understanding of the building's owner and this office that the C of O was contingent on the Site Plan approval. The building department has provided a Change of Tenant application and explained that the individual occupied spaces can be issued a type of C of O upon inspection that should satisfy the DMV requirements. This office has submitted the necessary Change of Tenant form along with copies of the completed DMV application at the request of the building department and are awaiting completion of this process. We ask that a resolution of approval be granted

- with a stipulation that this process be completed, and the certificate posted.
- 8. Tenant space #159 is currently occupied by C & K Little Garage. See response to item #7 above.

Property Maintenance/Fire Code Issues

- 1. Unregistered Vehicles. RC Transit Taxi Repair takes in properly registered vehicles, repairs them, and puts them back into operation. They also purchase unregistered vehicles, repair them, register them and put them into operation. There may be a couple of vehicles in front of the business at times that are unregistered however only temporarily. This is part of the business and they are not sitting unregistered for very long.
 - Other unregistered vehicles may be parked on the site from time to time by tenants and in those instances, it is the responsibility of the building's owner to have them removed. The proposed business operation for the Kennel on the 2nd floor will be operated by the building's owner as discussed and therefore he will be present on site daily to monitor this issue.
- 2. Any stray propane tanks have been removed from the site.
- 3. The fire alarm system in the utility room was under repair at the time of the inspection and has since been reconnected properly.
- 4. Any debris in from of the spaces that have not been claimed by the building tenants has been removed from the site.
- 5. The building has been inspected by a Fire Inspection company and all reports have been issued to the building department. The building owner has requested that they reinspect and any missing tags on extinguishers will be corrected.
- 6. The open electrical panel in the hallway was part of repairs and has since been closed.

It was also requested at the meeting that the applicant obtain approval from the Westchester County Department of Health for the change of use from an Office space to a Kennel. Included with this response memo is a copy of the letter from the Health Department approving the change of use and my original letter requesting their review.

Pending a final review of the Site Plan and corresponding documents, this office requests that a resolution of approval be issued for this application and that any outstanding requests by the Fire Inspector, Building Department or Planning Board be drafted as a stipulation of such approval.

Thank you for your consideration in this matter.

SJB ARCHITECTURE + DESIGN Steven J. Basini, RA, AIA **Chris Kehoe**

From:

Holly Haight

Sent:

Monday, October 02, 2017 1:21 PM

To:

Michael Preziosi; Martin Rogers

Chris Kehoe

Subject:

Walkthrough 260 6th Street

I did a tenant verification walkaround this a.m. I did not conduct any type of fire inspection of these spaces but spoke to a couple of owners whose spaces need immediate attention.

- 1. #140 plan indicates VACANT. Sign on door says Hollow State Electronics;
- 2. #142 plan indicates KOMODO REPTILES. Sign on door says same but they are selenger in that space (confirm)
- 3. #136 plan indicates GAM WORLD Unable to verify.
- 4. #122/123 plan indicates 123 HVAC. They are not tenants there anymore. However, 1 unregistered company van remains ifo the space and 1 registered/properly inspected vehicle remains parked across the parking lot.
- 5. #120 plan indicates AIS DISTRIBUTION AND MANUFACTURER My understanding from adjacent tenants is that they no longer occupy that space/have not seen anyone in or out for some time. Unsure of contents, storage visible in window. Confirm.
- 6. 3133/135/137 plan indicates KIMODO REPTILES. Sign on door says same but they are no longer in that space (confirm)
- 7. #155 plan indicates MARCELLO ZONINGA AUTO REPAIR f/k/a KNUCKLE BUSTERS unable to confirm. Plan indicates DMV Auto repair license. No tile showing on exterior of building.
- 8. #159 plan indicates C&K Little Garage (verified) Plan indicates DMV Auto repair license. No tile showing on exterior of building.

Other than the two business owners that I spoke to regarding conditions in their space, there is still property maintenance/fire code issues that need to be addressed:

- 1. Multiple unregistered/inspected vehicles on site including those associated with RC Transit (taxi repair)
- Stray propane tanks on site;
- 3. Found fire alarm system in utility room/ sprinkler room to be disabled. This should be connected to the sprinkler system flow and tampers immediately.
- 4. I spoke with a business owner regarding debris outside his business. He related it's from a previous tenant and will have removed.
- 5. Missed extinguisher inspections (out of date tags) for some areas of the property.
- 5. There is still an open electrical panel with new wiring in a common area hallway creating a safety hazard and previously discussed w/ property owner.

Finally, it would be easier to identify each space with the given numbers and letters that are on the space doors (i.e. 1A, 2B, etc.). Also, not all tenant spaces are identified with signage, Vacant spaces should say "vacant".

If you need anything further, please let me know.

Holly M. Haight Senior Fire Inspector Town of Cortlandt (914) 734-1015 (office) (914) 943-7000 (cell)





Robert P. Astorino County Executive

Shorlita Amler, M.D. Commissioner of Health

October 25, 2017

SJB Architecture & Design 2125 Albany Post Road – Ste. 305 Montrose, NY 10548 Attn: Steven Basini, R.A.

Re:

Appian Way Ventures, LLC

260 6th Street Cortlandt (T)

WCDOH Approval # 2017-01-CU

Dear Mr. Basini:

The Department has reviewed your correspondence dated October 15, 2017 and attached floor plan for the sacond floor office space at the above referenced commercial property. The proposal is for the floor space to be utilized by Canine Kindergarten, Inc. as an extension of their existing operation and for use as a dog kennel/rescue operation.

Based on this review and the information submitted, there is No Objection to the change in tenant occupancy proposed at this location.

Please note that the tenant is subjected to the conditions of the approval issued by the Department on February 14, 2017, under approval number 2017-01-CU, as well as the conditions outlined in the letter from Steven Basini, R.A. referenced above.

Should there be any questions, please contact this writer at 914-864-7349, or by email at aik2@westchestergov.com.

Telephone: (914) 864-7333

Very truly yours.

Anthoby J Kunny Assistant Engineer

Fax: (914) 864-7341

Bureau of Environmental Quality

Co: M. Rogers - Building Inspector - Town of Cortlandt

File





October 15, 2017

Anthony J. Kunny, P.E. Assistant Engineer Westchester County Department of Health 25 Moore Avenue - 1st Floor Mount Kisco, NY 10549

Re:

Appian Way Ventures, LLC 260 6th Street, Verplanck, NY 2nd Floor Change of Use/Tenant Westchester Rescue Kennels, LLC

Mr. Kunny,

As per our conversation recently regarding the above referenced project, I'm submitting this narrative to describe the change in Use/Tenant.

Previously you had approved an application for change of use from Storage to Office use for the 2nd floor of the Industrial building at 260 6th in Verplanck, NY. A building permit was issued for the work to be done in the space and construction commenced. Subsequently, the proposed tenant walked away from the project and the owner of the building found a new tenant to move into the space.

The new tenant is proposing a dog kennel/rescue adoption business for the same space. It is an off-shoot of an existing business on the ground floor of the same building occupied by Canine Kindergarten, Inc. The space would house approximately 50 dogs in cages with facilities to exercise, train and show the dogs for adoption. The number of employees required to operate the business will be between 3-4 daily. This is a decrease of 2 employees from the previously approved office use.

The kennel will take in rescued dogs and find them homes. There is no increase in daily flow rate and all waste from the dogs is bagged and removed from the premises daily by a pet waste removal business. Compliance with the 2015 IBC does not require any additional changes to the plan and the Planning Board of the Town of Cortlandt is prepared to approve this application at the upcoming November meeting.

I've attached a sketch of the space for you record. I would appreciate if you can issue an approval of this alteration in time for the November 2nd work session of the Planning Board.

Thank you as always for your consideration in this matter.

SJB ARCHITECTURE + DESIGN Steven J. Basini, RA, AIA TOWN OF CORTLANDT PLANNING BOARD PB 5-16

WHEREAS, an application for Planning Board approval of a Site Development Plan pursuant to Chapter 307 (Zoning) of the Town Zoning Code and for a Parking Special Permit as per Chapter 307-34.1 was submitted by Appian Way Ventures, LLC, for approval of an existing multitenanted industrial building and for a change of use of a 2nd floor tenant space from office to a kennel as shown on a 3 page set of drawings entitled "Site Plan Approval. Appian Way Ventures, LLC" prepared by Steven J. Basini, R.A. latest revision dated August 15, 2017, and

WHEREAS, the subject property of 3.21 acres is located 260 Madeline Ave., is zoned MD, Designed Industrial and designated on the Town of Cortlandt Tax Maps as Section 54.05, Block 1, Lot 1, and

WHEREAS, as required by Article 8 of the New York State Environmental Conservation Law for the proposed Unlisted Action the applicant completed and submitted Part 1 of the Short Environmental Assessment Form dated August 15, 2017, and

WHEREAS, a Public Hearing was held pursuant to Chapter 307 (Zoning) of the Town of Cortlandt Code and pursuant to Chapter 274-a of the New York State Town Law on said application at the Cortlandt Town Hall, 1 Heady Street, Cortlandt Manor, New York on October 3, 2017 at 7:00 p.m., and

WHEREAS, the Public Hearing Notice for this application was published in the "Journal News" and in the "Gazette", and

WHEREAS, the subject Public Hearing Notice was mailed to adjacent and across the street property owners and the subject property was posted with a sign giving notice of the public hearing, and

WHEREAS, the applicant is seeking Site Development Plan Approval for the existing approximately 42,000 sq. ft. multi-tenanted industrial building with 114 parking spaces and for a change of use in a second floor vacant tenant space from office to a kennel to permit the boarding of dogs, and

WHEREAS, Canine Kindergarten is currently a tenant on the first floor of the building and they

(continued on page 2)

provide day care and overnight boarding for dogs and they wish to expand their business to provide boarding and rescue services for dogs in an existing vacant 3,800 tenant space on the 2nd floor, and

WHEREAS, the applicant provided a floor plan showing existing tenants and vacant tenant spaces of the facility for the Planning Board to determine parking requirements and to provide a "snap shot" of the current tenant mix to guide future applications for changes of use, and

WHEREAS, based on the current tenant mix a total of 127 parking spaces are required with 114 spaces shown, and

WHEREAS, the applicant is requesting a waiver of the 13 parking spaces as permitted by Section 307-34.1 of the Zoning Code (Parking Special Permits) and the applicant submitted the required analysis as per Section 307-34.1 (B) stating that the current parking lot is never completely filled, that the industrial nature of several of the tenants leads to much less parking demand than required by code and that there is space to accommodate additional parking if there is demand, and

WHEREAS, the subject application was referred to the Town Engineering Division, the Town Code Enforcement Division and the Fire Inspector, and

WHEREAS, comments in response to referrals of the subject application were considered by the Planning Board as well as written and verbal comments made in response to the subject application at the public hearing,

WHEREAS, the Town Fire Inspector completed a site inspection of the premises.

NOW THEREFORE BE IT RESOLVED, that pursuant to Section 617.7 of the SEQR Regulations, as stated in this Resolution and throughout the course of this application as contained in the minutes of the public hearing and other regular meetings of the Planning Board, the Planning Board considered the impacts which may be reasonably expected to result from the proposed action by comparing them against the applicable criteria in said section and finds that:

 The proposed action will not result in a substantial adverse change to existing air quality, ground or surface water quality and quantity, traffic or noise levels; a substantial increase in solid waste production; nor generate a substantial increase in potential for erosion, flooding, leaching or drainage problems.

- 2. The proposed action will not result in the removal or destruction of large quantities of vegetation or fauna; will not substantially interfere with the movement of a resident or migratory fish or wildlife species; will not impact a significant habitat area; and will not result in any substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species, or other significant adverse effects to natural resources.
- The proposed action will not result in the impairment of the environmental characteristics of a Critical Environmental Area.
- 4. The proposed action will not result in the creation of a material conflict with the adopted 2016 Town Sustainable Comprehensive Master Plan and Town Zoning Ordinance.
- 5. The proposed action will not result in the impairment of a character or quality of important historical, archeological, architectural or aesthetic resources or of existing community or neighborhood character.
- The proposed action will not significantly impact the use of either the quantity or type of energy.
- 7. The proposed action will not create a hazard to human health.
- 8. The proposed action will not result in a substantial change in the use or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses.
- 9. The proposed action will not encourage or attract a substantially larger number of people to the subject property compared to the number of people who would come to such place absent the action.
- 10. The proposed action will not create a material demand for other actions which would result in one of the above consequences.
- 11. The proposed action will neither result in changes in two or more elements of the environment, no one of which has a significant impact on the environment, nor when considered together result in a substantial adverse impact on the environment.
- 12. The proposed action will neither result in two or more related actions undertaken, funded or approved by an agency, none of which has or would have a significant impact on the environment, nor when considered cumulatively, meet one or more of the criteria in this section,

(continued on page 4)

and the Planning Board considered possible long-term, short-term and cumulative impacts and found no significant effects which would result as a consequence of the proposed action.

NOW THEREFORE BE IT RESOLVED that the Planning Board as lead agency in this matter finds that based on Part I of the Short Environmental Assessment Form (EAF) prepared by Steve Basini, R.A. dated August 15, 2017 and Part II of the Short EAF prepared by the Planning Division dated November 8, 2017 and based on the subject site development plan and the record of this application and for reasons stated in this resolution including the analysis of the criteria stated in 617.7(c)(i)-(xii), the proposed project will have no significant, adverse environmental impact upon the environment and therefore the Planning Board adopts said Part II of the Short EAF and a Negative Declaration and that no Draft Environmental Impact Statement is required with regard to this matter, and

FURTHER BE IT RESOLVED that the application of <u>Appian Way Ventures</u>, <u>LLC</u>, for Site Development Plan pursuant to Chapter 307 (Zoning) of the Town Zoning Code, for a parking Special Permit as per Chapter 307-34.1 and for a change of use of a 2nd floor tenant space from office to a kennel is **APPROVED** subject to the conditions listed below and that the Chairman of the Planning Board be authorized to endorse approval on said Site Development Plan upon compliance by the applicant with such conditions as listed below, and

FURTHER BE IT RESOLVED that approval of said Site Development Plan shall be valid for a period of twelve (12) months from the date of this Resolution to satisfy all conditions of approval and to obtain the signature of the Planning Board Chairman on the Site Development Plan. If there is no substantial change in the condition of the site and/or its environs, Site Development Plan Approval may be extended by the Planning Board for one (1) additional period of one (1) year, upon timely application by this applicant and a written explanation of the reasons for the delay which require the granting of a time extension, and

FURTHER BE IT RESOLVED that the approved site plan with the Planning Board Chairman's signature shall be valid for a period of twelve (12) months from the date of signing. If there is no substantial change in the condition of the site and or its environs, Site Development Plan Approval may be extended by the Planning Board for one (1) additional period of one (1) year, upon timely application by this applicant and a written explanation of the reasons for

(continued on page 5)

the delay which require the granting of a time extension.

CONDITIONS AND MODIFICATIONS:

- 1. (a) Submit four prints and the mylar of said drawing set to the Planning Office following the Chairman's signature on the site plan mylar(s), (b) After the Planning Board Chairperson's signature submit an electronic version, .pdf is acceptable, of the entire drawing set (c) Upon completion of all improvements submit a comprehensive as-built survey in hard copy, AutoCAD and PDF formats.
- 2. Obtain the signature of the Receiver of Taxes on an appropriate form indicating that taxes on the subject property have been paid.
- 3. The applicant is advised that the conditions of this approval must be satisfied and the site plan drawing signed by the Planning Board Chairman and any required permits obtained prior to beginning any related work on the subject property.
- 4. All issues raised in the Town Fire Inspector's October 2, 2017 notes from the site inspection must be addressed to the satisfaction of the Director of Technical Services prior to the Certificate of Occupancy/Compliance being issued for the Westchester Rescue Kennel's, LLC.
- 5. The applicant shall submit all meter readings in accordance with the Westchester County Department of Health (WCDOH) 2017-01-CU from 3/1/2017 through the current date and shall copy the Town of Cortlandt on all correspondence including water meter reads submitted to WCDOH subsequent to. The design professional shall certify that the existing capacity of the on-site sewage treatment system has not been exceeded and that the proposed flows as designed have not exceeded the approved capacity.
- 6. Prior to a Certificate of Occupancy/Compliance being issued the applicant shall supply correspondence from WCDOH and New York State Department of Agriculture and Markets that all required permitting is up to date for the existing Canine Kindergarten and the proposed rescue kennel.



TOWN OF CORTLANDT ZONING BOARD OF APPEALS

TOWN HALL, 1 HEADY STREET, CORTLANDT MANOR, NY 10567 914-734-1010 FAX 914-293-0991

http://www.townofcortlandt.com

David S. Douglas
Chairman
Wai Man Chin
Vice-Chairman
Members:
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TOWN BOARD RICHARD BECKER DEBRA A.COSTELLO FRANCIS X. FARRELL SETH M. FREACH

To: Chris Kehoe, AICP, Deputy Director Department of Technical Services

From: Ken Hoch

Clerk of the Zoning Board

Date: Nov. 1, 2017

Re: ZBA-Case #2017-26 Steven Auth

PB #13-16

At their Oct., 18 meeting, the Zoning Board indicated they are in favor of granting a variance for the side yard setback for the building from a required 30 feet down to 4.9 feet. The Decision and Order will be issued after the Planning Board grants Site Plan approval.

RA

Planning Eoerd
Town Board
Zoning Board
Legal Dept.
DOTS Director
C.A.C.
Applicant

TOWN OF CORTLANDT PLANNING BOARD PB 13-16

WHEREAS, an application for Planning Board approval of a Site Development Plan pursuant to Chapter 307 (Zoning) of the Town of Cortlandt Code and for a Steep Slope Permit (Chapter 259) and a Tree Removal Permit (Chapter 283) of the Town of Cortlandt Code was submitted by Steven Auth, for the property of VS Construction Corp., for an approximately 4,759 sq. ft. building with 12 parking spaces, with bays for car washing, motorcycle washing and oil changes as shown on a 9 page set of drawings entitled "Crystal Clean Car Wash, LLC" prepared by John J. Gilchrist, R.A. latest revision dated October 20, 2017, and

WHEREAS, the subject property of approximately 28,000 sq. ft. is located on the northwest side of Route 9, approximately 1,000 feet north of Annsville Circle and is designated on the Town of Cortlandt Tax Maps as Section 22.20, Block 2, Lot 1, and

WHEREAS, as required by Article 8 of the New York State Environmental Conservation Law for the proposed Unlisted Action the applicant completed and submitted Part 1 of the Short Environmental Assessment Form dated November 21, 2016, and

WHEREAS, the applicant is proposing to construct an approximately 4,759 sq. ft. facility with 3 self serve car washing bays, 2 quick lube oil change bays, two automatic car wash bays, 3 bays for motorcycle washing, 2 vacuum stations, and an office and mechanical area with 12 parking spaces, landscaping and other site improvements located on the northwest side of Route 9, and WHEREAS, the applicant provided a traffic study completed by John Canning, P.E. of Kimley-Horn dated April 18, 2017 with additional information submitted in a report dated August 1, 2017, and

WHEREAS, the subject drawing shows a right turn into the site from southbound Route 9, a right turn out of the site to head southbound on Route 9 and a left turn into the site from northbound Route 9, and

WHEREAS, the subject site plan and traffic study included an analysis of existing conditions, trip generation and distribution, future traffic volumes, traffic operations, and a queuing and on-site circulation analysis, and

WHEREAS, the subject traffic report was referred to the NYSDOT for review and comment, and

(continued on page 2)

WHEREAS, the applicant has submitted a Stormwater Pollution Prevention Plan (SWPPP), latest revision dated September 21, 2017, and

WHEREAS, the proposed car-wash is to be served by an on-site wastewater treatment system and water is proposed to be provided to the site by an on-site well, and

WHEREAS, according to the subject landscaping plan the applicant is proposing to remove trees from the subject site requiring the issuance of a tree removal permit, and

WHEREAS, the applicant is proposing a landscape plan with significant planting proposed on adjacent property owned by the New York State Division and Military and Naval Affairs, and

WHEREAS, the Planning Board has considered trees to be removed and trees to be preserved as per the requirements of Chapter 283 of the Town Code and finds the proposed landscaping and planting plan to be sufficient mitigation for the proposed tree removals, and

WHEREAS, the subject drawing shows that in order to construct the required retaining walls the applicant is proposing work off of the subject property and on to the property of the New York State Division and Military and Naval Affairs, and

WHEREAS, the applicant is proposing to disturb approximately 3,197 sq. ft. of regulated Steep Slope for the construction of the facility, and

WHEREAS, the Planning Board analyzed the proposed impact to areas of steep slope as required by Chapter 259-6 (Steep Slopes) of the Town Code, and

WHEREAS, the proposed layout of the building and site require a side yard variance, a landscape coverage variance and a landscape buffer variance, and

WHEREAS, a Public Hearing was held pursuant to Chapter 307 (Zoning) of the Town of Cortlandt Code and pursuant to Chapter 274-a of the New York State Town Law on said application at the Cortlandt Town Hall, 1 Heady Street, Cortlandt Manor, New York on September 5, 2017 adjourned to October 3, 2017, and

WHEREAS, the Public Hearing Notice for this application was published in the "Journal News" and in the "Gazette", and

WHEREAS, the subject Public Hearing Notice was mailed to adjacent and across the street property owners and the subject property was posted with a sign giving notice of the public hearing, and

(continued on page 3)

WHEREAS, the subject application was referred to the Town Engineering Division, the Fire Advisory Board, the Architectural Advisory Council, the Conservation Advisory Council, the NYSDOT, Westchester County and the City of Peekskill, and

WHEREAS, comments in response to referrals of the subject application were considered by the Planning Board as well as written and verbal comments made in response to the subject application at the public hearing, and

WHEREAS, the Planning Board conducted a site inspection of the subject premises, and NOW THEREFORE BE IT RESOLVED, that pursuant to Section 617.7 of the SEQR Regulations, as stated in this Resolution and throughout the course of this application as contained in the minutes of the public hearing and other regular meetings of the Planning Board, the Planning Board considered the impacts which may be reasonably expected to result from the proposed action by comparing them against the applicable criteria in said section and finds that:

- The proposed action will not result in a substantial adverse change to existing air quality, ground or surface water quality and quantity, traffic or noise levels; a substantial increase in solid waste production; nor generate a substantial increase in potential for erosion, flooding, leaching or drainage problems.
- 2. The proposed action will not result in the removal or destruction of large quantities of vegetation or fauna; will not substantially interfere with the movement of a resident or migratory fish or wildlife species; will not impact a significant habitat area; and will not result in any substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species, or other significant adverse effects to natural resources.
- The proposed action will not result in the impairment of the environmental characteristics of a Critical Environmental Area.
- 4. The proposed action will not result in the creation of a material conflict with the adopted 2016
 Town Sustainable Comprehensive Master Plan and Town Zoning Ordinance.
- 5. The proposed action will not result in the impairment of a character or quality of important historical, archeological, architectural or aesthetic resources or of existing community or neighborhood character.

(continued on page 4)

- 6. The proposed action will not significantly impact the use of either the quantity or type of energy.
- 7. The proposed action will not create a hazard to human health.
- 8. The proposed action will not result in a substantial change in the use or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses.
- 9. The proposed action will not encourage or attract a substantially larger number of people to the subject property compared to the number of people who would come to such place absent the action.
- 10. The proposed action will not create a material demand for other actions which would result in one of the above consequences.
- 11. The proposed action will neither result in changes in two or more elements of the environment, no one of which has a significant impact on the environment, nor when considered together result in a substantial adverse impact on the environment.
- 12. The proposed action will neither result in two or more related actions undertaken, funded or approved by an agency, none of which has or would have a significant impact on the environment, nor when considered cumulatively, meet one or more of the criteria in this section, and the Planning Board considered possible long-term, short-term and cumulative impacts and found no significant effects which would result as a consequence of the proposed action, and **FURTHER BE IT RESOLVED** that the Planning Board as lead agency in this matter finds that based on Part 1 of the Short Environmental Assessment Form (EAF) prepared by Steve Auth dated November 21, 2016 and Part II of the Short EAF prepared by the Planning Division dated November 8, 2017 and based on the subject site development plan and the record of this application and for reasons stated in this resolution including the analysis of the criteria stated in 617.7(c)(i)-(xii), the proposed project will have no significant, adverse environmental impact upon the environment and therefore the Planning Board adopts said Part II of the Short EAF and a Negative Declaration and that no Draft Environmental Impact Statement is required with regard to this matter, and

FURTHER BE IT RESOLVED that the application of Steven Auth, for the property of VS Construction Corp., for Planning Board approval of a Site Development Plan pursuant to

(continued on page 5)

Chapter 307 (Zoning) and for a Steep Slope Permit (Chapter 259) and a Tree Removal Permit (Chapter 283) of the Town of Cortlandt Code for an approximately 4,759 sq. ft. building with 12 parking spaces, bays for car washing, motorcycle washing and oil changes as shown on a 9 page set of drawings entitled "Crystal Clean Car Wash, LLC" prepared by John J. Gilchrist, R.A. latest revision dated October 20, 2017 is hereby approved, and

FURTHER BE IT RESOLVED that approval of said Site Development Plan shall be valid for a period of twelve (12) months from the date of this Resolution to satisfy all conditions of approval and to obtain the signature of the Planning Board Chairman on the Site Development Plan. If there is no substantial change in the condition of the site and/or its environs, Site Development Plan Approval may be extended by the Planning Board for a maximum of two (2) additional years, granted in one year intervals, upon timely application by this applicant and a written explanation of the reasons for the delay which require the granting of a time extension, and

FURTHER BE IT RESOLVED that the approved site plan with the Planning Board Chairman's signature shall be valid for a period of twelve (12) months from the date of signing. If there is no substantial change in the condition of the site and\or its environs, Site Development Plan Approval may be extended by the Planning Board for one (1) additional period of one (1) year, upon timely application by this applicant and a written explanation of the reasons for the delay which require the granting of a time extension.

CONDITIONS AND MODIFICATIONS:

- 1. (a) Submit four paper prints and a set of mylar prints of said drawing set to the Planning Office following the Chairman and required Department Head signatures on the site plan mylar(s), (b) After the Planning Board Chairperson's signature submit an electronic version, .pdf is acceptable, of the entire drawing set (c) Upon completion of all improvement submit a comprehensive as-built survey in hard copy, AutoCAD and PDF formats.
- Add a title page to the drawing set and include a table of required permits. In addition add the correct signature block to the subject drawing (attached).

(continued on page 6)

- 3. Obtain the signature of the Receiver of Taxes on an appropriate form indicating that taxes on the subject property have been paid.
- 4. Address all comments in the October 30, 2017 Technical Review Memorandum (attached) prepared by the Director of Technical Services prior to obtaining the Planning Board Chairperson's signature on the subject site plan to the satisfaction of the Director of Technical Services.
- 5. Posting of a combined soil erosion security and maintenance security pursuant to Section 307-73.1 of the Town Code in the amount of \$15,000. Said security to be in effect for a period of not less than two years from the date thereof at which time the applicant can request the release of the security based upon completion of all required improvements, submission of the required as-built survey and an inspection by the Town. Prior to the release of the signed Site Development Plan by the Planning Division said security shall be submitted to and approved by the Town Department of Law which will then be forwarded to the Town Clerk and a copy to the Planning Division. Any security or performance collateral required to be posted shall be in accordance with Chapter 237 of the Town Code and as per Town Board Resolution 190-04.
- 6. Payment of a 5% construction monitoring fee to the town based on the on-site construction costs including grading, soil and erosion controls, site clearing, tree removal, planting and all other improvements pursuant to Resolution 114-00 of the Cortlandt Town Board.
- 7. The applicant shall fund a traffic escrow account, in the amount of \$7,500, to fund a post construction traffic analysis, to be completed one year from the date of opening. The applicant shall perform an updated traffic study to see if any off-site mitigation is required. The report shall be forwarded to the NYSDOT and Town's Traffic Consultant. If it is determined that off-site mitigation is required the applicant is required to re-appear before the Planning Board for review of the proposed improvements.
- 8. Prior to the Chairperson signing the site development plan the applicant shall obtain all of the required variances from the Zoning Board of Appeals.
- 9. The subject drawings shall be revised to show all green building design elements as described by the applicant during the public hearing process including but not limited to solar panels, the closed loop AOS water-purification and recycling system and the use of

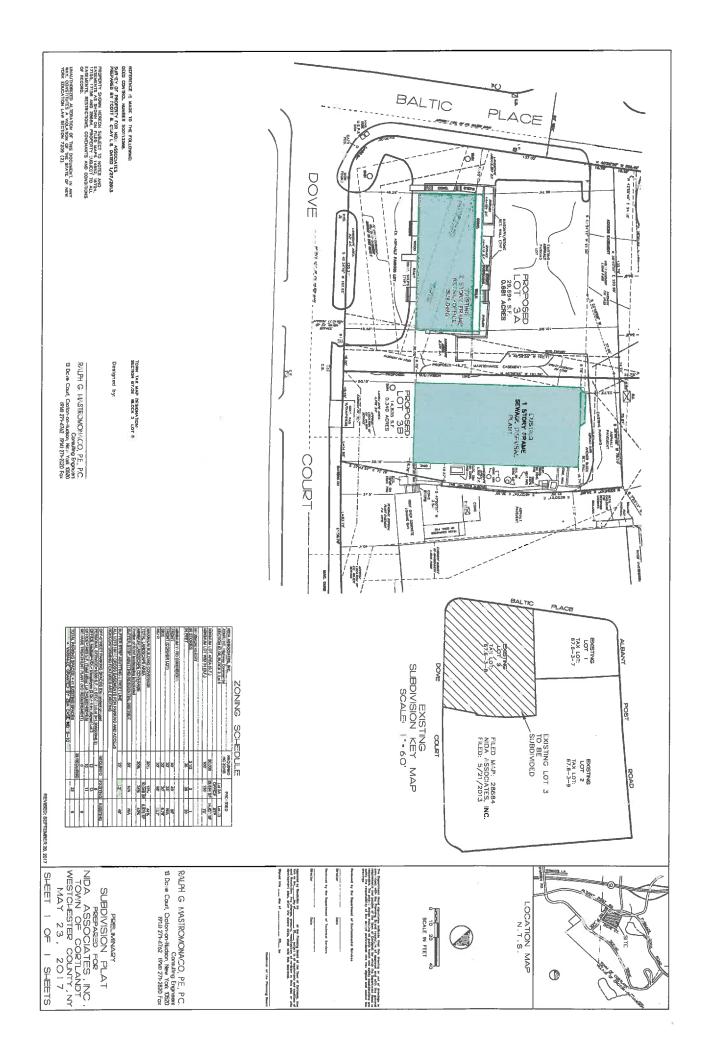
Res. 30-17 page 7

recycled oil to fuel the heating system to the satisfaction of the Director of Technical Services.

10. Submit three (3) copies of the property and topographic survey signed and sealed by the NYS Professional Land Surveyor.

TO BE CONSIDERED FOR ADOPTION: NOVEMBER 8, 2017

.......,



TOWN OF CORTLANDT PLANNING BOARD PB 2017-7

WHEREAS, an application for Planning Board approval of a Preliminary & Final Plat pursuant to Sections 276 and 277 of the New York State Town Law and Chapter 265 (Subdivision Regulations) of the Town of Cortlandt Code was submitted by Nida Associates for a 2-lot subdivision of an approximately 1 acre parcel of property located at 5 Dove Ct. as shown on a drawing entitled "Preliminary Subdivision Plat prepared for Nida Associates" prepared by Ralph G. Mastromonaco, P.E. latest revision dated September 20, 2017

WHEREAS, the subject property is located at the northeast corner of Albany Post Road (Route 9A) and Baltic Place and designated on the Town of Cortlandt Tax Maps as Section 67.06, Block 3, Lot 8, and

WHEREAS, the technical requirements of Article 8 of the New York State Environmental

Conservation Law have been satisfied for the proposed action which is classified as an unlisted action for which the applicant submitted a completed Part One of the Short Environmental Assessment form prepared by Ralph G. Mastromonaco, P.E. dated August 20, 2017, and WHEREAS, the requirements for Preliminary and Plat approval in Chapter 265, (Subdivision Regulations) of the Town of Cortlandt Code have been met by said subdivision application and Preliminary Plat, and

WHEREAS, a Public Hearing was held as required by Section 276 of the Town Law on said application at the Cortlandt Town Hall, 1 Heady Street, Cortlandt Manor, New York on November 8, 2017, and

WHEREAS, the Public Hearing Notice was published in the "Journal News" and in the "Gazette" and a "Notice of Public Hearing" sign was posted in front of the subject property, and

WHEREAS, pursuant to the Town of Cortlandt Subdivision Regulations (Chapter 265) the Public Hearing Notice was given by the applicant to adjoining property owners and those directly across the street from the subject property and, and

WHEREAS, the subject parcel was part of a previous subdivision application, PB 21-08, a three lot subdivision of a 4.28 acre parcel of property that created a 23,104 sq. ft. parcel with an existing bank (Lot 1), a 119,009 sq. ft. parcel with an existing supermarket (Lot 2) and a 44,529 sq. ft. parcel (continued on page 2)

containing both the office building and the sewage treatment plant (Lot 3), that was granted final plat approval by Resolution 13-12, and

WHEREAS, the applicant is requesting preliminary and final subdivision approval as shown on the subject drawing to further subdivide Lot 3, the 44,529 sq. ft. parcel, into two (2) lots with proposed Lot 3A being a 29,694 sq. ft. lot containing the existing 2-story frame retail/office building and proposed Lot 3B being a 14,835 sq. ft. lot containing the existing 1-story frame sewage disposal plant, and

WHEREAS, the subject parcel is zoned HC, Highway Commercial that requires 20,000 sq. ft. per lot, and

WHEREAS, the Town Attorney submitted a memo dated September 19, 2017 in which he stated that the existing sewage treatment plant is operated by Jonas Bastys Inc. on behalf of sewage district #3 that was created by the Town Board in the 1970's and is regulated by the Town Board pursuant to the provisions of the New York State Transportation Corporation law and therefore is a quasipublic facility thus exempting it from the rigid requirements of the zoning ordinance, and

WHEREAS, proposed Lot 3B containing the existing plant does not need to conform to the size, or any other requirements under zoning, as long as it remains of sufficient size and with sufficient easements that will allow it to continue to perform its quasi municipal function, and

WHEREAS, the Planning, Board considered responses from involved agencies and comments made at the public hearing.

NOW THEREFORE BE IT RESOLVED, that pursuant to Section 617.7 of the SEQR Regulations, as stated in this Resolution and throughout the course of this application as contained in the minutes of the public hearing and other regular meetings of the Planning Board, the Planning Board considered the impacts which may be reasonably expected to result from the proposed action by comparing them against the applicable criteria in said section and finds that:

- 1. The proposed action will not result in a substantial adverse change to existing air quality, ground or surface water quality and quantity, traffic or noise levels; a substantial increase in solid waste production; nor generate a substantial increase in potential for erosion, flooding, leaching or drainage problems.
- 2. The proposed action will not result in the removal or destruction of large quantities of vegetation or fauna; will not substantially interfere with the movement of a resident or migratory fish or wildlife

(continued on page 3)

species; will not impact a significant habitat area; and will not result in any substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species, or other significant adverse effects to natural resources.

- The proposed action will not result in the impairment of the environmental characteristics of a Critical Environmental Area.
- 4. The proposed action will not result in the creation of a material conflict with the adopted 2016

 Town Comprehensive Master Plan and Town Zoning Ordinance.
- 5. The proposed action will not result in the impairment of a character or quality of important historical, archeological, architectural or aesthetic resources or of existing community or neighborhood character.
- 6. The proposed action will not significantly impact the use of either the quantity or type of energy.
- 7. The proposed action will not create a hazard to human health.
- 8. The proposed action will not result in a substantial change in the use or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses
- 9. The proposed action will not encourage or attract a substantially larger number of people to the subject property compared to the number of people who would come to such place absent the action.
- 10. The proposed action will not create a material demand for other actions which would result in one of the above consequences.
- 11. The proposed action will neither result in changes in two or more elements of the environment, no one of which has a significant impact on the environment, nor when considered together result in a substantial adverse impact on the environment.
- 12. The proposed action will neither result in two or more related actions undertaken, funded or approved by an agency, none of which has or would have a significant impact on the environment, nor when considered cumulatively, meet one or more of the criteria in this section, and the Planning Board considered possible long-term, short-term and cumulative impacts and found no significant effects which would result as a consequence of the proposed action.

FURTHER BE IT RESOLVED that the Planning Board as lead agency in this matter finds that based on Part 1 of the Short Environmental Assessment Form (EAF) prepared by Ralph G. Mastromonaco, P.E. dated May 18, 2017 and Part II of the Short EAF prepared by the Planning Division dated November 8, 2017 and based on the subject preliminary subdivision plan and the

(continued on page 4)

record of this application and for reasons stated in this resolution including the analysis of the criteria stated in 617.7(c)(i)-(xii), the proposed project will have no significant, adverse environmental impact upon the environment and therefore the Planning Board adopts said Part II of the Short EAF and a Negative Declaration and that no Draft Environmental Impact Statement is required with regard to this matter, and

FURTHER BE IT RESOLVED, that the application of Nida Associates, for Preliminary and Final Plat Approval pursuant to Sections 276 and 277 of the New York State Town Law and Chapter 265 (Subdivision Regulations) for a 2-lot subdivision of an approximately 1 acre parcel of property located at 5 Dove Ct. as shown on a drawing entitled "Preliminary Subdivision Plat prepared for Nida Associates" prepared by Ralph G. Mastromonaco, P.E. latest revision dated September 20, 2017 be approved subject to the modifications and conditions listed below, and the Chairman of the Planning Board be authorized to endorse approval of said Final Plat upon compliance by the applicant with such conditions as listed below. However, if such conditions are not complied with within one hundred and eighty (180) days from the date of this Resolution, the Final Plat shall be deemed expired, unless extended by the Planning Board, by timely request by the applicant, for additional periods of ninety (90) days each, and

FURTHER BE IT RESOLVED, in accordance with law, the approval or approval with conditions of any Final Plat shall expire within sixty two (62) days of the date of the signature of the Chairman of the Planning Board on the Final Plat if said Final Plat has not been filed in the Office of the County Clerk. Conditional approval of the Final Plat does not entitle the owner to file said Final Plat until the listed conditions are accomplished and the Chairman signs the Final Plat.

CONDITIONS AND MODIFICATIONS:

- Submit a final plat in accordance with the requirements of the Westchester county Division
 of Land Records prepared by a licensed surveyor.
- 2. Obtain the signature of the Westchester County Department of Health on the mylar of the Final Plat.
- 3. Submit (a) the mylar transparency and four paper prints of the subdivision plat to the Planning Office following the signatures of the County Health Department, the required Department Heads and the Planning Board Chairperson prior to filing the final subdivision plat in the County Clerk's office

(continued on page 5)

Res. 31-17 page 5

4. Obtain the signature of the Receiver of Taxes on an appropriate form indicating that taxes

on the subject property have been paid in compliance with the Town Code.

5. Revise the subject plat to label proposed Lot 3A as Lot 8.1 and proposed lot 3B as Lot 8.2.

6. The applicant must comment as to the applicability of the requirements of the New York

State Uniform Code pertaining to minimum building separation to a property line to the

satisfaction of the Director of Technical Services.

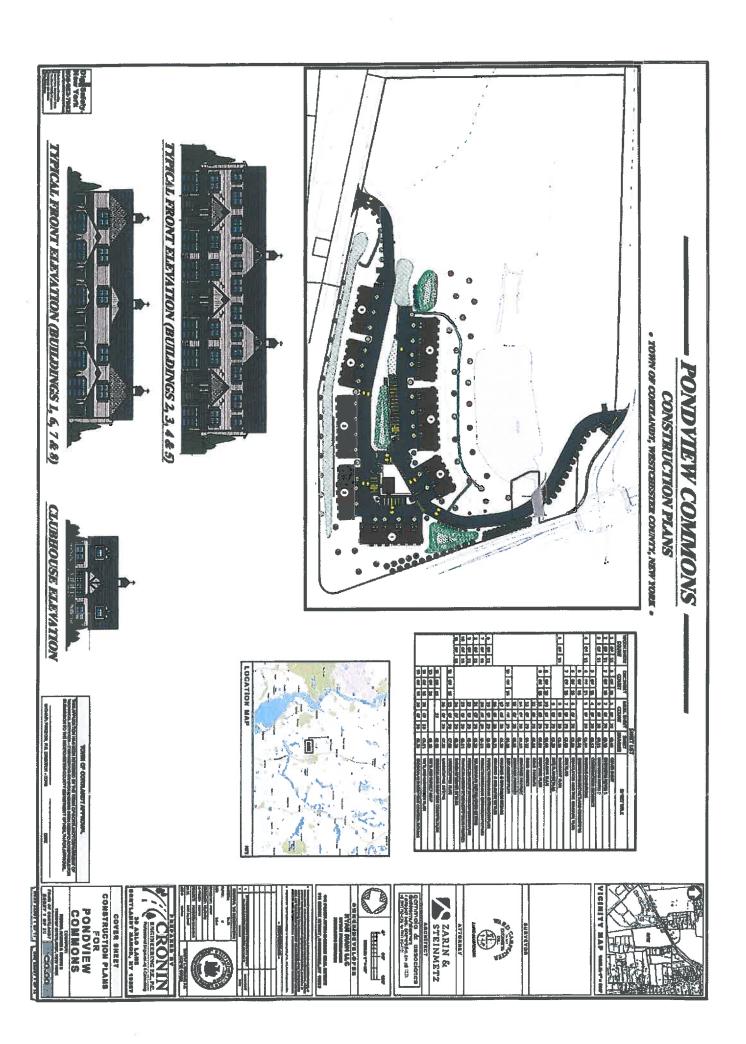
7. The applicant shall meet with the Department of Technical Services and the Department of

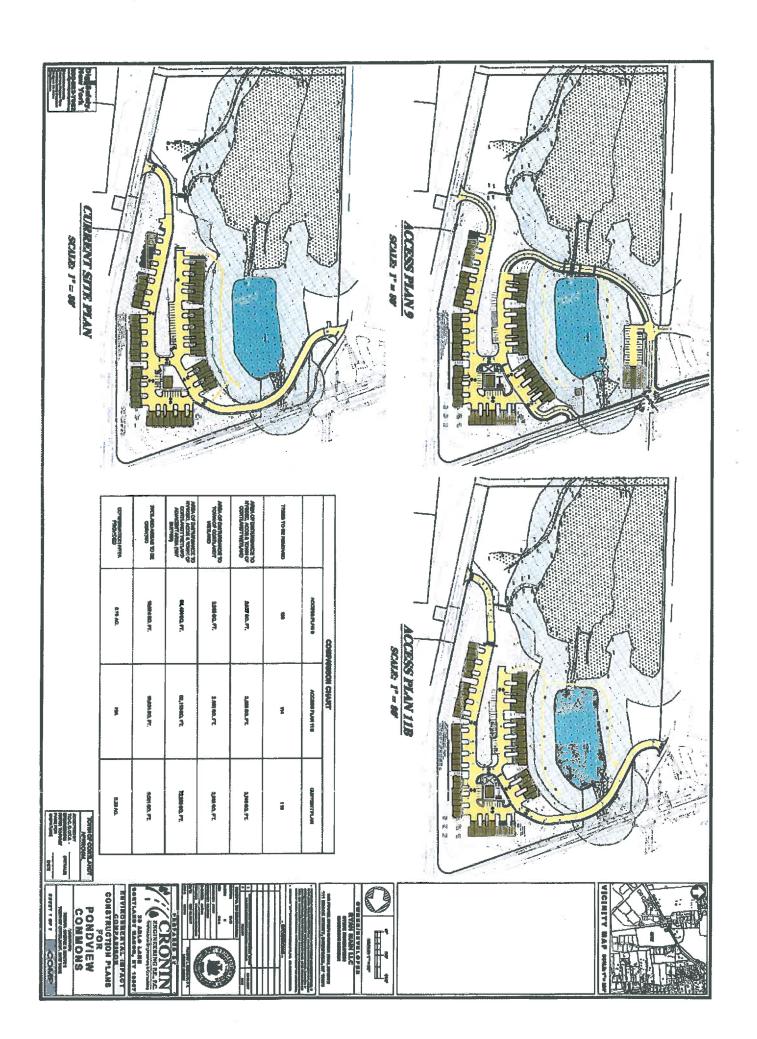
Law and identify, locate, prepare, execute and record all necessary cross-easements including

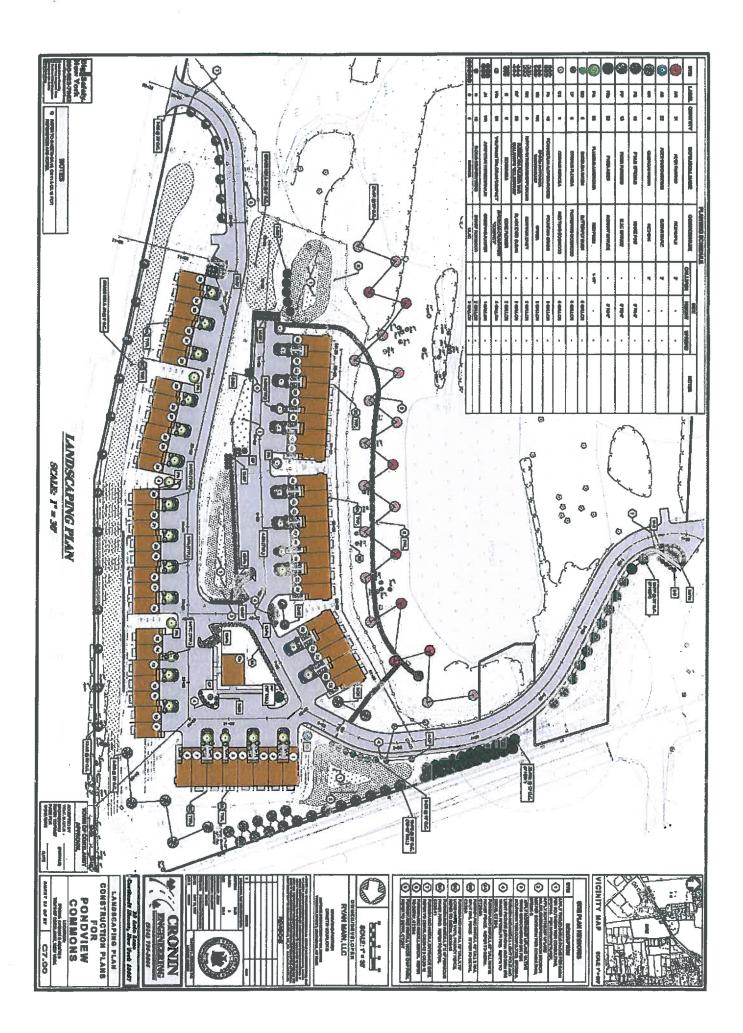
but not limited to pedestrian/vehicle easements and utility easements, etc.; all to the

satisfaction of the Department of Technical Services and the Department of Law.

TO BE CONSIDERED FOR ADOPTION: NOVEMBER 8, 2017



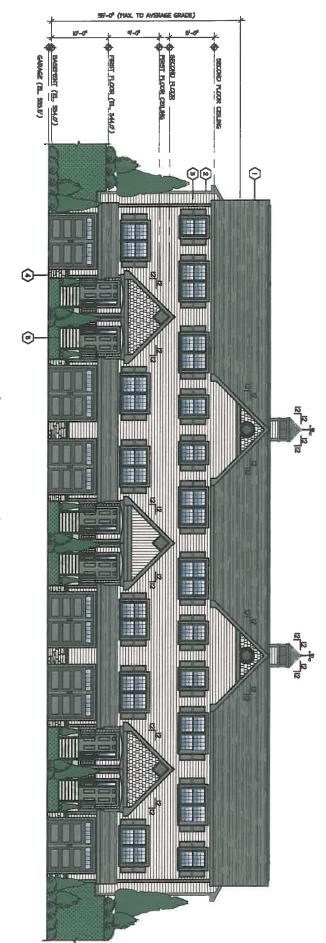




PROPOSED RESIDENTIA DEVELOPMENT

REGINA AVENUE -(11)-PONDVIEW COMMONS ROUTE 6, CORTLANDT MANOR, NEW YORK

gemmola & associates architects / planners 317 elwood avenue, hawthorne, new york 10532 tel: (914) 862-0202 fax: (914) 862-0204



PROPOSED FRONT ELEVATION (BLDG. #4)

SCALE: 3/32" = 1'-0"
NOTE! SEE PG. 10 FOR MATERIAL AND COLOR SCHEDULES

DATE: 09/20/17

A-201

ARTIST'S RENDERING



LINDA D. PUGLISI TOWN SUPERVISOR

TOWN BOARD MEMBERS

Richard H. Becker Francis X. Farrell Seth Freach Debra Costello

TOWN OF CORTLANDT ARCHITECTURAL ADVISORY COMMITTEE

TOWN HALL, 1 HEADY STREET, CORTLANDT MANOR, NY 10567 914-734-1080 FAX 914-788-0294 www.townofcortlandt.com Planning Staff e-mail:

chrisk@townofcortlandt.com

Arthur Clements, AIA Chairman

Members: Christopher Borchardt, A!A Michael Lenihan, RA Kimberly Miller, AIA

Memorandum To: Chris Kehoe

From:

Art Clements

Subject:

Hudson National Golf Course - Teaching Building

Date:

October 20, 2017



We have reviewed the revisions to this Project, find them to be acceptable and we recommend approval.

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Copies Planning Board
••••• Town Board
Zoning Board
· · · Legal Dept.
DOTS Director
••••• C.A.C.
••••• A.R.C.
• • • • Applicant
Askert aus, Esq
hulch Metaroparo, P.E.
Sent (9/21/17



Michael Preziosi, P.E. Director – D.O.T.S

Arthur D'Angelo, Jr., P.E.
Deputy Director
D.O.T.S – Engineering

October 31, 2017

Ralph Mastromonaco, P.E. 13 Dove Court Croton-On-Hudson, NY 10520

RE: PB 1-14:

Application of <u>Hudson National Golf Club</u>
Amended Site Development Plan

Tax ID: 67.8-1-31

TOWN OF CORTLANDT
DEPARTMENT OF TECHNICAL SERVICES

ENGINEERING DIVISION

Town Hall, 1 Heady Street Cortlandt Manor, NY 1055 F.S

Main #: 914-734-1060 Fax #: 914-734-1066

6

Town Supervisor

Town Board
Town Board
Zoning Boardichard Becker
Debra A. Costello
Legal Dep Francis X. Farrell
DOTS Director M. Freach

A R.C.

Applicant

Bis Dus Esq.

Augustus

A

Mr. Mastromonaco,

A review of the "Amended Site Plan Grading/Layout Hudson National Golf Club" dated September 28, 2016 last revised September 15, 2017 was reviewed and the following comments are required to be satisfactorily addressed prior to approval of the amended plan.

- Teaching Building shall be labeled proposed. Provide an updated zoning compliance table for the proposed structure.
- 2. The amended site plan indicates a 20-ft wide access road to be permanently constructed from Arrowcrest in the Village of Croton-on-Hudson to the teaching facility. This is additional disturbance and impervious areas part of a common plan of development which must be adequately addressed in a revised SWPPP. Provide sufficient documentation that the water quality volume and pre-treatment volume has been met.
- 3. Obtain all required permits from the Village of Croton-on-Hudson for the proposed driveway, tree removal, wetlands impacts, etc... or written no objection.
- 4. Provide an overview of the proposed emergency access road including a profile. The proposed access roadway must meet the requirements of the NYS Uniform Fire Prevention and Building Code "Uniform Code". Plans shall be referred to the Fire Advisory Board for comment.
- 5. Revise the site plan to clary demonstrate that an emergency response vehicle can access the teaching building and have sufficient space to turn around in accordance to the Uniform Code.
- 6. Provide a detail of the proposed pavement cross sections for the asphalt parking area, access road and grass pavers.

- 7. Quantify additional trees to be removed as part of the construction of the teaching facility, its access road and sanitary system. Provide a revised landscape plan and mitigate these removals. Revised plans shall be referred to the Conservation Advisory Council for comment.
- 8. Provide Westchester County of Health Approvals for the on-site wastewater treatment system (OWTS) and domestic potable well as shown. If still under review, provide a letter of no objection for the OWTS which is located over the Municipal Boundary and is not located on the parcel in which it serves.
- 9. Reference the previous Planning Board Approving Resolution.
- 10. Revise the erosion and sedimentation control plan based upon the proposed limits of disturbance.
- 11. Provide a revised cost estimate for review and submit the appropriate 5% construction inspection fee.

Add the following notes to the amended site plan.

- Prior to the issuance of a certificate of occupancy, the Notice of Termination shall be filed with the NYSDEC in accordance with the SPDES General Permit for Construction Activity.
- 2. A comprehensive as-built site survey including centerline profile of emergency access road shall be submitted. The as-built shall be prepared by a licensed professional surveyor.
- 3. At the completion of all storm water best management practices, the Applicant's Engineer shall certify that all infrastructure was installed in accordance to the approved plans on file with the Department of Technical Services and there is no adverse impacts to adjacent or downstream neighbors.
- 4. The Applicant shall submit and obtain a building permit through the Department of Technical Services Office of Code Enforcement prior to any work beginning on the teaching facility.

The above comments are required to be satisfactorily addressed prior to final amended site plan approval. Additional comments may arise during further review. Architectural submissions are being reviewed by the Office of Code Enforcement. Omission does not mean acceptance by the Town.

Sincerely,

Michael Preziosi, P.E.

Michael Preziosi, P.E. Director - DOTS

Cc:

Ryan Oliver, Hudson National - Applicant
Robert Davis, ESQ. – Applicant's Attorney
Town of Cortlandt Planning Board (PB 1-14)
Chris Kehoe – Deputy Director, DOTS – Planning Division
John Klarl – Deputy Town Attorney

W:\Planning Board\PB 1-14 (Hudson National)\Amended Site Plan\2017-10-31_PB 1-14_Engineering Review Memo (MP).Doc



Scott Cullen Registered Consulting Arborist

P.O. Box 31152, Greenwich, CT 06831-0852 914-471-1671 (Cell) E-Mail: dscottcul@att.net

October 23, 2017

Chris Kehoe, AICP
Town of Cortlandt Planning Division
1 Heady Street
Cortlandt Monor, NY 10567

Cortlandt Manor, NY 10567

VIA E-MAIL chrisk@townofcortlandt.com

RE: Hudson National Golf Club ("Club")

Section 67.08, Block 1, Lot 31 (19.427 acres "Site")

Site Meeting October 16, 2017

Tree Protection and Reforestation

Dear Chris:

This will confirm my recollection of the outcome of the October 16 site meeting with you, Mike Prezziosi, and arborist Trevor Hall.

This concerns only the Tree Protection Plan (§283-3C(3)(c)) and Reforestation Plan (§283-3C(3)(d)) which we have described as mitigation or landscaping). This is not concerned with architectural and engineering issues that were addressed to the Club or Ralph Mastromonaco.

- The tree removal, protection, and preservation in the area of the approved Limit of
 Disturbance is acceptable to Town staff and arborist, and is consistent with approvals. No
 additional report is required, and no additional inspection will be required in the spring of
 2018.
- 2) The approved landscaping plan L-1 is a general representation of what will be planted and where it will be planted. The Club has flexibility in species substitutions and plant placement generally within Areas A, B, and C. Quantities (or equivalent quantities as described below) are not to be reduced. We asked for no credit against quantity because of 43, net, additional trees saved. The Town prefers trees to shrubs and is not opposed to substituting one 3-3.5" tree for ten 12-18" shrubs, or one 3-3.5" tree for four 24-36" small maturing trees. The final planting, however, should include a mixture of shade trees, small maturing trees, and shrubs. If planned substitutions or relocations are substantial or extensive, the Club should meet with staff before planting to discuss such changes. Staff will determine if proposed substitutions or relocations can be approved administratively, or will require Planning Board approval.

- 3) Ryan Oliver anticipates doing all planting in spring, 2018, probably near the end of April.
- 4) After planting is completed, as requested by the Town, as the Club's arborist I will to do an inspection confirming quantities, sizes, and species; and submit a final report.
- 5) Trevor Hall, as the Town's arborist, would separately and subsequently do an inspection confirming my report.

I would appreciate your confirming that this is also the Town's understanding.

Respectfully submitted,

Scott Cullen,

Registered Consulting Arborist

CC: Alan Milton

amilton@bestweb.net

Ryan Oliver

roliver@hudsonnational.org

Robert Davis

rdavis@sdslawny.com

TOWN OF CORTLANDT PLANNING BOARD PB 1-14

WHEREAS, an application for Planning Board approval of an Amended Site Development Plan pursuant to Chapter 307 (Zoning) of the Town of Cortlandt Code and for a revised tree removal permit as per Chapter 283 (Trees) of the Town of Cortlandt Code was submitted by the Hudson National Golf Club for modifications to the approved site plan for the golf driving range and teaching facility including changes to the location of the teaching facility building, cart path, practice area, the construction of a new 20' emergency access road, removal of the northern tee box, changes to the permitted tree removals and additional tree plantings located on an approximately 19.4 acre parcel of property located north of the existing Hudson National Golf Club, south of Hollis Lane, as shown on a drawing entitled "Amended Site Plan, Grading/Layout Hudson National Golf Course Driving Range and Teaching Facility" prepared by Ralph G. Mastromonaco, P.E. latest revision dated September 15, 2017 and on a 6 page set of renderings and elevations for the proposed teaching studio prepared by Kenneth R. Nadler Consulting, LLC received by the Planning Division on September 20, 2017, and

WHEREAS, the subject property of approximately 19.4 acres is located north of the existing Hudson National Golf Club, south of Hollis Lane and is designated on the Town of Cortlandt Tax Maps as Section 67.08, Block 1, Lot 31, and

WHEREAS, as required by Article 8 of the New York State Environmental Conservation Law for the proposed Unlisted Action the applicant completed and submitted Part 1 of the Short Environmental Assessment Form dated May 18, 2017, and

WHEREAS, the construction of the golf driving range, approved by Planning Board Resolution 2-16 approved on January 5, 2016 is substantially complete, and

WHEREAS, based on field inspections several changes to the approved site plan were noticed and the applicant was required to return to the Planning Board for approval of the proposed amendments, and

WHEREAS, the applicant's arborist, Scott Cullen, submitted a revised "Field Reconciliation of Trees after Construction" report dated September 15, 2017 in which Mr. Cullen stated that based on field changes 3 trees that should have been saved were removed but 43 additional trees were

(continued on page 2)

saved due to a conservative installation of the required limit of disturbance line, and

WHEREAS, Town staff and the Town Arborist completed a site inspection with representatives from the golf course to confirm Mr. Cullen's report, and

WHEREAS, in a follow-up to the field visit Mr. Cullen submitted a report dated October 23, 2017 to confirm that the completed tree removal, protection and preservation in the approved area of disturbance is acceptable and consistent with previous Town approvals and the previously approved Landscaping Plan entitled "Landscape/Planting Plan" prepared by Antonio Zaino, RLA dated January 13, 2017 is a representative of what will be planted but with some flexibility in species substitution and plant placement within the defined areas known as Area A, B and C, and WHEREAS, the Town's Arborist is in agreement with Mr. Cullen's October 23, 2017 follow-up report, and

WHEREAS, the proposed modifications to the teaching building were referred to the Town's Architectural Advisory Council who recommended approval of the modifications, and

WHEREAS, the subject application was referred to the Town of Cortlandt Conservation Advisory Council (CAC), the Town of Cortlandt Architectural Advisory Council, the Town Engineering Division and the Town Fire Inspector, and

WHEREAS, comments in response to referrals of the subject application were considered by the Planning Board as well as written and verbal comments made in response to the subject application at the public hearing, and

NOW THEREFORE BE IT RESOLVED, that pursuant to Section 617.7 of the SEQR Regulations, as stated in this Resolution and throughout the course of this application as contained in the minutes of the public hearing and other regular meetings of the Planning Board, the Planning Board considered the impacts which may be reasonably expected to result from the proposed action by comparing them against the applicable criteria in said section and finds that:

- 1. The proposed action will not result in a substantial adverse change to existing air quality, ground or surface water quality and quantity, traffic or noise levels; a substantial increase in solid waste production; nor generate a substantial increase in potential for erosion, flooding, leaching or drainage problems.
- 2. The proposed action will not result in the removal or destruction of large quantities of

(continued on page 3)

vegetation or fauna; will not substantially interfere with the movement of a resident or migratory fish or wildlife species; will not impact a significant habitat area; and will not result in any substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species, or other significant adverse effects to natural resources.

- 3. The proposed action will not result in the impairment of the environmental characteristics of a Critical Environmental Area.
- The proposed action will not result in the creation of a material conflict with the adopted 2016
 Town Comprehensive Master Plan and Town Zoning Ordinance.
- 5. The proposed action will not result in the impairment of a character or quality of important historical, archeological, architectural or aesthetic resources or of existing community or neighborhood character.
- 6. The proposed action will not significantly impact the use of either the quantity or type of energy.
- 7. The proposed action will not create a hazard to human health.
- 8. The proposed action will not result in a substantial change in the use or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses.
- 9. The proposed action will not encourage or attract a substantially larger number of people to the subject property compared to the number of people who would come to such place absent the action.
- 10. The proposed action will not create a material demand for other actions which would result in one of the above consequences.
- 11. The proposed action will neither result in changes in two or more elements of the environment, no one of which has a significant impact on the environment, nor when considered together result in a substantial adverse impact on the environment.
- 12. The proposed action will neither result in two or more related actions undertaken, funded or approved by an agency, none of which has or would have a significant impact on the environment, nor when considered cumulatively, meet one or more of the criteria in this section, and the Planning Board considered possible long-term, short-term and cumulative impacts and

found no significant effects which would result as a consequence of the proposed action, and **FURTHER BE IT RESOLVED** that the Planning Board as lead agency in this matter finds that based on Part I of the Short Environmental Assessment Form (EAF) prepared by Ralph G. Mastromonaco, P.E. dated May 18, 2017 and Part II of the Short EAF prepared by the Planning Division dated November 8, 2017 and based on the subject amended site development plan and the record of this application and for reasons stated in this resolution including the analysis of the criteria stated in 617.7(c)(i)-(xii), the proposed project will have no significant, adverse environmental impact upon the environment and therefore the Planning Board adopts said Part II Short EAF and a Negative Declaration and that no Draft Environmental Impact Statement is required with regard to this matter, and

FURTHER BE IT RESOLVED that the application of Hudson National Golf Club for Amended Site Development Plan pursuant to Chapter 307 (Zoning) of the Town of Cortlandt Code and for a revised tree removal permit as per Chapter 283 (Trees) of the Town of Cortlandt Code for modifications to the approved site plan for the golf driving range and teaching facility including changes to the location of the teaching facility building, cart path, practice area, the construction of a new 20' emergency access road, removal of the northern tee box, changes to the permitted tree removals and additional tree plantings as shown on a drawing entitled "Amended Site Plan, Grading/Layout Hudson National Golf Course Driving Range and Teaching Facility" prepared by Ralph G. Mastromonaco, P.E. latest revision dated September 15, 2017 and on a 6 page set of renderings and elevations for the proposed teaching studio prepared by Kenneth R. Nadler Consulting, LLC received by the Planning Division on September 20, 2017 is APPROVED subject to the conditions listed below and that the Chairman of the Planning Board be authorized to endorse approval on said Site Development Plan upon compliance by the applicant with such conditions as listed below, and

FURTHER BE IT RESOLVED that approval of said Amended Site Development Plan shall be valid for a period of twelve (12) months from the date of this Resolution to satisfy all conditions of approval and to obtain the signature of the Planning Board Chairman on the Site Development Plan. If there is no substantial change in the condition of the site and/or its environs, Amended Site Development Plan Approval may be extended by the Planning Board for a maximum of two

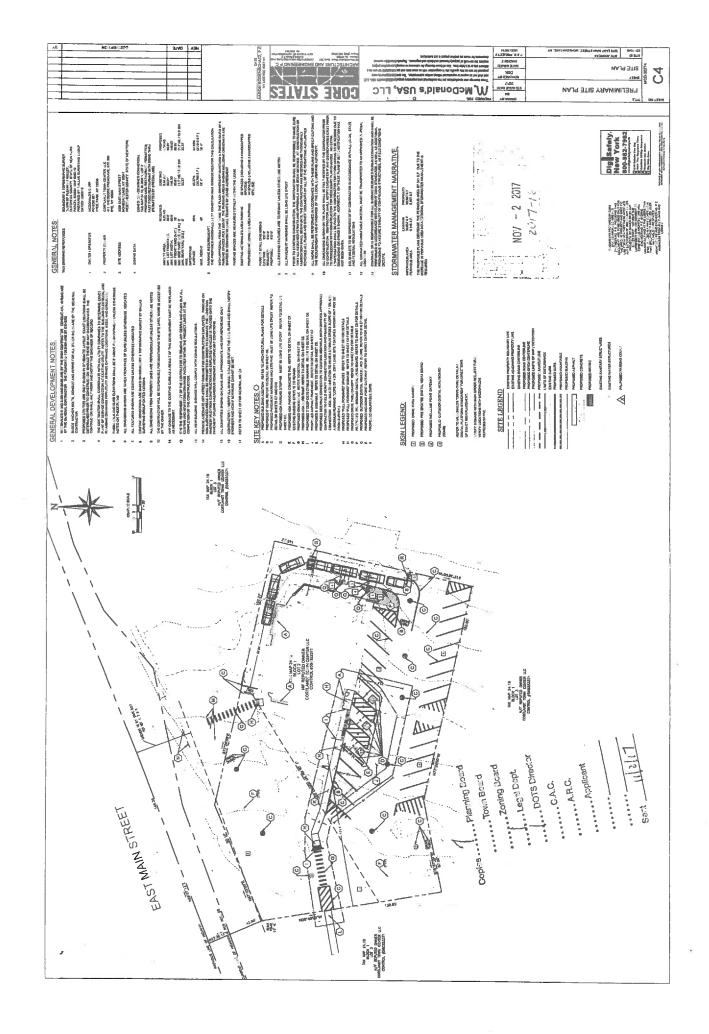
(continued on page 5)

(2) additional years, granted in one year intervals, upon timely application by this applicant and a written explanation of the reasons for the delay which require the granting of a time extension, and

FURTHER BE IT RESOLVED that the approved site plan with the Planning Board Chairman's signature shall be valid for a period of twelve (12) months from the date of signing. If there is no substantial change in the condition of the site and/or its environs, Site Development Plan Approval may be extended by the Planning Board for one (1) additional period of one (1) year, upon timely application by this applicant and a written explanation of the reasons for the delay which require the granting of a time extension.

CONDITIONS AND MODIFICATIONS:

- 1. (a) Submit four prints and the mylar of said drawing set to the Planning Office following the Chairman's signature on the site plan mylar(s), (b) After the Planning Board Chairperson's signature submit an electronic version, .pdf is acceptable, of the entire drawing set (c) Upon completion of all improvements submit a comprehensive as-built survey in hard copy, AutoCAD and PDF formats.
- 2. Add a title page to the drawing set and include a table of required permits. In addition add the correct signature block to the subject drawing (attached).
- 3. Obtain the signature of the Receiver of Taxes on an appropriate form indicating that taxes on the subject property have been paid.
- 4. Address all comments in the October 31, 2017 Technical Review Memorandum (attached) prepared by the Director of Technical Services prior to obtaining the Planning Board Chairperson's signature on the subject site plan.
- 5. Payment of a 5% construction monitoring fee to the town based on the on-site construction costs including grading, soil and erosion controls, site clearing, tree removal, planting and all other improvements pursuant to Resolution 114-00 of the Cortlandt Town Board.



LAW OFFICES OF SNYDER & SNYDER, LLP 20 ARRYTOWN, NEW YORK 10591 **NEW YORK OFFICE** 445 PARK AVENUE, 9TH (914) 333-0700 NEW YORK, NEW YORK 10022 FAX (914) 333-0743 (212) 749-1448 FAX (212) 932-2693 WRITER'S E-MAIL ADDRESS LESLIE J. SNYDER lsnvder@snvderlaw.net ROBERT D. GAUDIOSO DAVID L. SNYDER

(1956-2012)

Hon. Chairperson Taylor and

Members of the Planning Board:

NEW JERSEY OFFICE ONE GATEWAY CENTER, SUITE 2600 NEWARK, NEW JERSEY 07102 (973)824-9772FAX (973) 824-9774

10/25/17

REPLY TO:

D. GAUDIOSO		Copies Planning Board
. SNYDER -2012)	October 11, 2017	Westchester office
Honorable Chairperson Loretta Taylor and Members of the Planning Board Town of Cortlandt 1 Heady Street		
Cortlandt Manor, New York 10567 RE: New York SMSA Limited Partnership d/b/a Ver		rizon Wireless
Colloca	tion at the Existing Tower located on rktown Road, Town of Cortlandt, NY	Applicant

We are the attorneys for New York SMSA Limited Partnership d/b/a Verizon Wireless ("Verizon Wireless") in connection with the collocation of its facility ("Facility") on an existing public utility personal wireless facility at the above referenced property ("Property"). The Facility consists of small panel antennas collocated on an existing tower with related equipment at the base thereof. As the collocated Facility will not increase the height of the tower, the application is subject to an expedited review by the Board in accordance with Section 277-8.C of the Town's Code. By way of background, Verizon Wireless is licensed by the Federal Communications Commission to provide wireless communication services throughout the New York metropolitan area, including the Town of Cortlandt, and seeks approval of the Facility to enhance its wireless service to the town.

Please note that Section 6409 of the Federal Middle Class Tax Relief and Job Creation Act of 2012 ("TRA") states that a local government "may not deny, and shall approve, any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station." Furthermore, the Federal Communications Commission adopted rules ("FCC Rules") implementing Section 6409 of TRA. See Title 47 C.F.R Section 1.40001. Under the FCC Rules, if a wireless facility is an eligible facilities request, review is limited in scope and the facility must be approved within 60 days of the filing the application. The proposed Facility is an eligible facilities request pursuant to the TRA and FCC Rules since it involves the collocation of transmission equipment that does not constitute a "substantial change" of the dimensions of the existing tower. Accordingly, Verizon Wireless' application should be approved forthwith.

In furtherance of the foregoing, Verizon Wireless is pleased to submit twelve (12) copies of the following materials:

- 1. Planning Board Application for special permit for the Facility with attached letter of authorization;
- 2. Statement in Support of Application, which includes a short Environmental Assessment Form¹; and
- 3. Site Plan.

In addition, please note that Verizon Wireless' special permit application has been forwarded to all adjacent municipalities and the Westchester County Planning Board in accordance with Section 277-6(U) of the Zoning Code. Copies of the letters to the adjacent municipalities and a copy of the letter to the Westchester County Planning Board have been included herewith.

We thank you for your consideration and look forward to discussing this matter at the next Planning Board meeting. If you have any questions, please call Michael Sheridan or myself at (914) 333-0700.

Very truly yours,

Leslie J. Snyder

Enclosures LJS:mps

cc: Verizon Wireless

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¹ It should be noted that the proposal is a Type II action, thereby deemed not to have any significant environmental effect, since it involves the expansion of a non-residential facility involving less than 4,000 square feet.

LAW OFFICES OF

SNYDER & SNYDER, LLP

94 WHITE PLAINS ROAD
TARRYTOWN, NEW YORK 10591

(914) 333-0700

FAX (914) 333-0743

NEW YORK OFFICE 445 PARK AVENUE, 9TH FLOOR NEW YORK, NEW YORK 10022

(212) 749-1448 FAX (212) 932-2693

LESLIE J. SNYDER ROBERT D. GAUDIOSO

DAVID L. SNYDER (1956-2012) 1 VRITER'S E-MAIL ADDRESS
1 Snyder@snyderlaw.net

OCT 1 2 2017

Z - 1 7 October 11, 2017

Honorable Chairperson Loretta Taylor and Members of the Planning Board Town of Cortlandt 1 Heady Street Cortlandt Manor, New York 10567

RE: New York SMSA Limited Partnership d/b/a Verizon Wireless Collocation at the Existing Tower located on

5742 Albany Post Road, Town of Cortlandt, NY

Hon. Chairperson Taylor and Members of the Planning Board: NEW JERSEY OFFICE ONE GATEWAY CENTER, SUITE 2600 NEWARK, NEW JERSEY 07102 (973) 824-9772 FAX (973) 824-9774

REPLY TO:

Westchester office

...... DOTS Director

.....Applicant

Sent 10/25/17

We are the attorneys for New York SMSA Limited Partnership d/b/a Verizon Wireless ("Verizon Wireless") in connection with the collocation of its facility ("Facility") on an existing public utility personal wireless facility at the above referenced property ("Property"). The Facility consists of small panel antennas collocated on an existing tower with related equipment at the base thereof. As the collocated Facility will not increase the height of the tower, the application is subject to an expedited review by the Board in accordance with Section 277-8.C of the Town's Code. By way of background, Verizon Wireless is licensed by the Federal Communications Commission to provide wireless communication services throughout the New York metropolitan area, including the Town of Cortlandt, and seeks approval of the Facility to enhance its wireless service to the town.

Please note that Section 6409 of the Federal Middle Class Tax Relief and Job Creation Act of 2012 ("TRA"), states that a local government "may not deny, and shall approve, any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station." Furthermore, the Federal Communications Commission adopted rules ("FCC Rules") implementing Section 6409 of TRA. See Title 47 C.F.R Section 1.40001. Under the FCC Rules, if a wireless facility is an eligible facilities request, review is limited in scope and the facility must be approved within 60 days of the filing the application. The proposed Facility is an eligible facilities request pursuant to the TRA and FCC Rules since it involves the collocation of transmission equipment that does not constitute a "substantial change" of the dimensions of the existing tower. Accordingly, Verizon Wireless' application should be approved forthwith.

In furtherance of the foregoing, Verizon Wireless is pleased to submit twelve (12) copies of the following materials:

- 1. Planning Board Application for special permit for the Facility with attached letter of authorization;
- 2. Statement in Support of Application, which includes a short Environmental Assessment Form¹; and
- 3. Site Plan.

In addition, please note that Verizon Wireless' special permit application has been forwarded to all adjacent municipalities and the Westchester County Planning Board in accordance with Section 277-6(U) of the Zoning Code. Copies of the letters to the adjacent municipalities and a copy of the letter to the Westchester County Planning Board have been included herewith.

We thank you for your consideration and look forward to discussing this matter at the next Planning Board meeting. If you have any questions, please call Michael Sheridan or myself at (914) 333-0700.

Very truly yours,

Leslie J. Snyder

Enclosures LJS:mps

: Verizon Wireless

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¹ It should be noted that the proposal is a Type II action, thereby deemed not to have any significant environmental effect, since it involves the expansion of a non-residential facility involving less than 4,000 square feet.

LAW OFFICES OF

SNYDER & SNYDER, LLP

94 WHITE PLAINS ROAD

TARRYTOWN, NEW YORK 10591

(914) 333-0700 FAX (914) 333-0743

WRITER'S E-MAIL ADDRESS

NEW JERSEY OFFICE ONE GATEWAY CENTER, SUITE 2600 NEWARK, NEW JERSEY 07102 (973) 824-9772 FAX (973) 824-9774

. Planning Bear

Tarifytowningflice

Applicant

REPLY TO:

LESLIE J. SNYDER ROBERT D. GAUDIOSO

NEW YORK OFFICE

FAX (212) 932-2693

(212) 749-1448

445 PARK AVENUE, 9TH FLOOR

NEW YORK, NEW YORK 10022

DAVID L. SNYDER (1956-2012) OCT 1 2 2017 msheridan@snyderlaw.net 2017 17 October 11, 2017

Honorable Chairperson Loretta Taylor and Members of the Planning Board Town of Cortlandt 1 Heady Street Cortlandt Manor, New York 10567

RE: NY – East Cortlandt Manor

NY - East Cortlandt Manor

New York SMSA Limited Partnership d/b/a Verizon Wireless

Special Permit Recertification for the Existing Wireless Facility
at the property known as 1033 Oregon Road, Cortlandt, New York

Hon. Chairperson Taylor and Members of the Planning Board:

We are the attorneys for New York SMSA Limited Partnership d/b/a Verizon Wireless ("Verizon Wireless") in connection with its request to recertify the special permit for its existing wireless telecommunications facility ("Facility") at the captioned site in accordance with Section 277-18 of the Town Code. In accordance with Section 277-18 of the Town Code, the Planning Board is responsible for such request.

Please note that Verizon Wireless' special permit for the Facility was originally approved by the Zoning Board of Appeals on October 15, 2008, and re-certified by the Zoning Board of Appeals on February 20, 2013, and such recertification is valid for five years in accordance with Section 277-18 of the Town Code, there have not been any changes to Verizon Wireless' Facility since its last recertification/like kind replacement, beyond routine maintenance, and the Facility is in compliance with its special permit and all applicable codes, laws, rules and regulations, as evidenced by the attached certification ("RF Certification") from Verizon Wireless' radio-frequency engineer. Hence, it is respectfully submitted that Verizon Wireless' Facility is entitled to a special permit recertification.

In connection with the foregoing, enclosed twelve (12) copies of the following items:

- 1. Application for Special Permit in connection with the special permit renewal and Antenna Work; and
- 2. RF Certification, evidencing compliance.

Please place this matter on your next available agenda for recertification and kindly notify us of the amount of the applicable fee, if any. If you have any questions, please feel free to contact me or Leslie Snyder at (914) 333-0700.

Respectfully submitted, Snyder & Snyder, LLP

Michael P Sheridan

MPS:ytp

CC: Verizon Wireless Z:SSDATAIWPDATAISS4;WP\NEWBANMJOE ROLLINS\LTE ZONING ANALYSES\EAST CORTLANDT MANOR (CORTLANDT)\RENEWAL 2017\RENEWAL LTR.MS.DOCX



39 Arlo Lane Cortlandt Manor, NY 10567 T: (914) 736-3664 F: (914) 736-3693

October 19, 2017

Via Hand Delivery

Ms. Loretta Taylor Planning Board Chairperson Town of Cortlandt 1 Heady Street Cortlandt Manor, NY 10567

Re: Cortlandt Self-Storage LP 44 Regina Avenue Mohegan Lake, NY 10547 Section: 24.10, Block: 1, Lot: 4 Amendment to PB Resolution #: 12345

Applicant

Dear Ms. Taylor and Members of the Planning Board:

The above referenced project received original site plan approval by way of Planning Board Resolution #:57-99 as adopted on December 14, 1999 and also by Resolution #:5A-97 as adopted on April 29, 1997. An additional site plan approval was granted by Planning Board Resolution #:1-07 on January 9, 2007.

Cortlandt Self-Storage LP is requesting an amendment to the approved site plan for the inclusion of two new parking areas and a stone retaining wall for one of the parking areas. The additional parking areas which comprise approximately 2,450 sf of paved surface are located adjacent to and across the travel way from Building No. 5. They shall be designated for customer monthly rental (RV, Boats, Cars/Vehicles), off road equipment, storage containers, trailers and truck parking/storage. In addition, a building permit application for the stone retaining wall (~75 LF) was recently submitted to the Building Department for approval.

The following items are included for your review:

- 1. Fourteen (14) Amended Site Plans (As-Built Surveys) showing the parking areas and wall as constructed.
- 2. One (1) Planning Board Application Form with Short EAF and Adjacent Property Owners list
- One (1) Check in the amount of \$250 for the Site Plan Amendment Fee.

We respectfully request placement on the November 8th Planning Board Agenda for approval of this amendment. Should you have any questions or require any additional information, please contact me at the number above.

Respectfully Submitted.

Timothy L. Cronin, III

Professional Engineer

Enclosure(s)

cc:

File: Giordano-Cortlandt Self Storage-Site Plan Amendment-JT-20171019.docx

