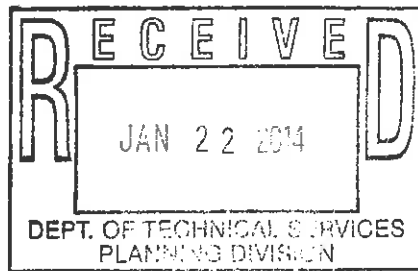


Right to Know / FOIL

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January 21, 2014



Town of Cortlandt Planning Board
One Heady Stret
Cortlandt Manor, NY 10567

Ref: Stackhouse/DeLulio/ Ben-David Subdivision
Case #PB 21-05
Hillside Estates

Dear chair lady Mrs Taylor and Board Members:

As of are last extension we are working with Guion Insurance in Plesantville, New York on the bond for the blacktopping of the road. I received a call last week from Dianne from the insurance company that the bonding company wanted something in writing from the town on there letter heading. We are working with Ed and Chris on this matter.

So we are asking for one more extension to get this matter worked out thank you.
Jesse Stackhouse/John DeLulio/ Shiome Ben- David

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Copies Planning Board
 Town Board
 Zoning Board
 Legal Dept.
 DOTS Director
 C.A.C.
 A.R.C.
 Applicant
 _____
 _____
 Sent 1/22/14

WHEREAS, the application of **Jesse Stackhouse and John DeIullo** for Planning Board approval of a Final Plat pursuant to Sections 276, 277 and 280a of the New York State Town Law and Chapter 265 (Subdivision Regulations) of the Town of Cortlandt Code for a 5 lot major subdivision of a 6.6 acre parcel of land with a lot line adjustment with the adjacent property owned by Shimon and Joyce Bendavid as shown on a final plat entitled "Subdivision Map known as Hillside Estates" latest revision dated October 20, 2008 and a drawing entitled "Improvement & Integrated Plot Plan for Hillside Estates", latest revision dated October 22, 2008 both prepared by Badey & Watson, P.C. was approved by Planning Board Resolution 8-09 adopted on March 3, 2009, and

WHEREAS, the subject property is located on the north side of Locust Avenue, 500 feet east of Gabriel Drive and is designated on the Town of Cortlandt Tax Maps as Section 23.12, Block 1, Lot 8, and

WHEREAS, by Resolutions 40-10, 59-10, 7-11, 12-11, 23-11, 32-11, 7-12, 16-12, 27-12, 34-12, 9-13, 20-13, 31-13 and 45-13 the Planning Board previously granted fourteen (14) 90-day time extensions of the final plat approval the latest of which will expire on February 12, 2014, and

WHEREAS, by a letter dated January 21, 2014 Jesse Stackhouse requested the 15th 90-day time extension to satisfy the conditions of that approval.

NOW THEREFORE BE IT RESOLVED, that the request of Jesse Stackhouse for the 15th 90-day time extension of the above mentioned Final Plat is hereby granted said time extension to expire on May 13, 2014.

TO BE CONSIDERED FOR ADOPTION: FEBRUARY 4, 2014

TOWN OF CORTLANDT



TOWN HALL
1 HEADY STREET
CORTLANDT MANOR, N.Y. 10567-1254
(914) 734-1020 - FAX: (914) 734-1102
www.townofcortlandt.com

Jo-Ann Dyckman
Town Clerk

To: Chris Kehoe, Dep. Dir. DOTS/Planning
Planning Board Members ✓

From: Jo-Ann Dyckman
Town Clerk

Re: Memo from Thomas Wood, Town Attorney with
Respect to a proposed Local Law to amend
The Zoning Ordinance.

Date: January 27, 2014

At their regular meeting held on January 14, 2014 the Town Board referred to you the following memo from Thomas Wood, Town Attorney with respect to a proposed Local Law to amend the Zoning Ordinance.

Please forward any comments to my attention. The Town Supervisor is expecting this to be placed on the agenda for a public hearing at the Town Board meeting on March 11, 2014.

If this office can be of any assistance, please do not hesitate to contact me.

Enc.
JAD/cc

Cc: Agenda file



TOWN OF CORTLANDT

(WESTCHESTER COUNTY)

OFFICE OF THE TOWN ATTORNEY
2131 ALBANY POST ROAD
MONTROSE, NY 10548

LINDA D. PUGLISI
Town Supervisor

Town Board Members
RICHARD H. BECKER
DEBRA A. COSTELLO
FRANCIS X. FARRELL
SETH M. FREACH

TEL: (914) 736-0930
FAX: (914) 736-9082

7
Adler
THOMAS F. WOOD
Town Attorney
tfwesq@aol.com

JOHN J. KLARL
Deputy Town Attorney
jjklarl@aol.com

MEMORANDUM

TO: SUPERVISOR LINDA PUGLISI
& MEMBERS OF THE TOWN BOARD

FROM: THOMAS F. WOOD
TOWN ATTORNEY

DATE: January 8, 2014

RE: Proposed Amendments to Definitions

Previously in early 2013, we had forwarded to you the enclosed draft Local Law for your consideration and review.

As you know, part of this was generated by an application before the Zoning Board and while that situation has subsided, it probably would be appropriate to proceed with a definition of a school run for-profit.

Additionally, it proposes to change the method by which fines can be imposed and allows for civil penalties instead of just a criminal action and then it further amends the parking requirements of the Town, which allows for further flexibility on the part of Planning Board.

If this is acceptable to the Board, I would request that the resolution that you generate refer this matter to the Planning Board for comment and schedule it for a Public Hearing at your March meeting.

If you have any questions or wish to discuss it further, please so advise.

TFW/lb
cc: Ed Vergano, PE
Chris Kehoe, AICP
Ken Hoch

LOCAL LAW NO. OF 2014
AMENDING THE ZONING ORDINANCE OF THE TOWN OF CORTLANDT KNOWN
AS LOCAL LAW OF .

SECTION ONE:
LEGISLATIVE INTENT

WHEREAS, from time to time the Town Board encounters situations where issues under the Zoning Ordinance need to be redefined or clarified. Recently the Zoning Board of Appeals has had to deal with issues of a for profit school, where the activity of such facility should be allowed.

Additionally, the Town Board, from time to time, is called upon to make changes and clarifications to the Zoning Ordinance and it is with this intent in mind that this Local Law is adopted.

SECTION TWO:
DEFINITION

There shall be added to the list of definitions under the Town Zoning Ordinance the following:

SCHOOL (FOR PROFIT) a business that engages in academic tutoring, exam preparation and any other educational activity conducted on a for profit basis by an individual or corporation (uses vocational school parking).

SECTION THREE:
TABLE OF PERMITTED USES

The table of permitted uses of the Zoning Ordinance shall be amended so as to provide that a school for profit shall be permitted under institutions, recreation and public uses in the CC, HC, CD, HC9A, MD, and M1 zones.

SECTION FOUR :
SPECIAL PERMIT – ADVERTISING

Section 307-41 of the Town's Zoning Ordinance be and hereby is amended to provide that the notification with respect to Special Permits shall be the same as required in Section 307-72.



TOWN OF CORTLANDT
DEPARTMENT OF TECHNICAL SERVICES
PLANNING DIVISION

TOWN HALL, 1 HEADY STREET, CORTLANDT MANOR, N.Y. 10567-1254

(914) 734-1080

FAX (914) 788-0294

www.townofcortlandt.com

Planning Staff e-mail:

chrisk@townofcortlandt.com

LINDA D. PUGLISI

Town Supervisor

Town Board Members

RICHARD H. BECKER

DEBRA A. COSTELLO

FRANCIS X. FARRELL

SETH M. FREACH

EDWARD VERGANO, P.E.

Director

CHRIS KEHOE AICP

Deputy Director

MEMO

TO: Linda D. Puglisi, Town Supervisor
Members of the Town Board

Loretta Taylor, Chairperson
Members of the Planning Board

FROM: Chris Kehoe, AICP *CK*
Deputy Planning Director

RE: Annual Planning Board Report - 2013

DATE: January 24, 2014

Please find attached a copy of the 2013 Annual Planning Board Report

CRK/crk

Enc.

cc: Ed Vergano, P.E., Director DOTS
John Klarl, Esq. Deputy Town Attorney
Art Clements, AAC
David Douglas, CAC
Michael Huvane, PRC
Ed Coccozza, TSAC
Jo-Ann Dyckman, Town Clerk

2013 ANNUAL REPORT - PLANNING BOARD

2013 MAJOR SUBDIVISIONS GRANTED PRELIMINARY APPROVAL

None

2013 MAJOR SUBDIVISIONS GRANTED FINAL APPROVAL

1. Mountain View Estates	4 lots
2. Valeria	147 lots
TOTAL	151 lots

2013 MINOR SUBDIVISIONS GRANTED PRELIMINARY APPROVAL

None

2013 MINOR SUBDIVISIONS GRANTED FINAL APPROVAL

None

2013 SUBDIVISION RE-APPROVALS

None

2013 PRELIMINARY SUBDIVISION APPROVAL TIME EXTENSIONS

1. PB 13-05	Mill Court Crossing	2 extensions
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2013 FINAL SUBDIVISION APPROVAL TIME EXTENSIONS

1. PB 21-05	Hillside Estates	4 extensions
2. PB 20-06	Picciano	3 extensions
3. PB 9-99	Furnace Dock Inc.	3 extensions
4. PB 5-08	Montes	4 extensions
5. PB 43-06	Ryan	3 extensions
6. PB 21-08	Nida Associates	1 extension
7. PB 23-08	Mountain View Estates	2 extensions

2013 AMENDED SUBDIVISION APPROVALS

None

2013 PERFORMANCE SECURITY REDUCTIONS

None

2013 SPECIAL PERMITS WITH SITE DEVELOPMENT PLAN APPROVAL

None

2013 SPECIAL PERMIT RECOMMENDATION TO TOWN BOARD

None

2013 SITE DEVELOPMENT PLAN APPROVALS

1. PB 1-12 Springvale
2. PB 6-13 Dr. Robert Gold
3. PB 9-13 Calvary Chapel (Mohegan Colony)

2013 SPECIAL PERMITS

1. PB 1-13 Yeshiva Ohr Hamier University, College, Seminary Special Permit
2. PB 13-13 Brookfield Junkyard Special Permit
3. PB 10-13 After Dark Attractions Amusement Center Special Permit

2013 SITE DEVELOPMENT PLAN AMENDMENTS

1. PB 8-13 Hudson Valley Hospital Center
2. PB 5-13 Carrols, LLC (Burger King)
3. PB 11-13 Children of America Childcare Center
4. PB 12-13 Back Nine Indoor Golf Center

2013 SITE DEVELOPMENT PLAN TIME EXTENSIONS

1. PB 7-09 Yeshiva Ohr Hamier

2013 SITE PLAN TIME EXTENSIONS TO OBTAIN BUILDING PERMIT

1. PB 11-11 CRP Sanitation

2013 WETLAND PERMITS

1. PB 6-13 Dr. Gold

2013 STEEP SLOPE PERMITS

None

2013 TREE REMOVAL PERMITS

None

2013 SEQR DEIS REVIEW

1. PB 1-10 Hanover Estates

2013 TOWN BOARD RECOMMENDATIONS

None

2013 LOT LINE ADJUSTMENTS

None

ANNUAL REPORT-2013 PLANNING BOARD

PLANNING BOARD- PRELIMINARY PLAT APPROVALS

	<u>1997</u>	<u>1998</u>	<u>1999</u>	<u>2000</u>	<u>2001</u>	<u>2002</u>	<u>2003</u>	<u>2004</u>	<u>2005</u>	<u>2006</u>	<u>2007</u>	<u>2008</u>	<u>2009</u>	<u>2010</u>	<u>2011</u>	<u>2012</u>	<u>2013</u>
<u>Minor Subdivisions</u>																	
Number of Plats	4	3	3	2	3	1	1	4	6	6	0	1	0	0	0	0	0
Number of Lots	8	6	6	2	2	2	2	6	6	6	0	2	0	0	0	0	0
<u>Major Subdivisions</u>																	
Number of Plats	2	2	6	6	2	5	2	3	5	3	4	5	0	2	2	0	0
Number of Lots	15	5	27	21	4	15	38	8	11	8	26	15	0	20	5	0	0
Condominium Units (NYS Section 278)				5*	92**		115		147								
Preliminary Subdivision Time Extensions	8	2	5	9	5	7	6	8	11	15	17	12	17	11	7	3	2
Time Extensions Denied			2					1									
Amendments		2	2	1	2		3	1			2	2		1			
Denials	1							2						1			

PLANNING BOARD: FINAL SUBDIVISION APPROVALS

	<u>1997</u>	<u>1998</u>	<u>1999</u>	<u>2000</u>	<u>2001</u>	<u>2002</u>	<u>2003</u>	<u>2004</u>	<u>2005</u>	<u>2006</u>	<u>2007</u>	<u>2008</u>	<u>2009</u>	<u>2010</u>	<u>2011</u>	<u>2012</u>	<u>2013</u>
<u>Minor Subdivision</u>																	
Number of Plats	4	0	3	2	3	1	1	1	4	6	2	0	0	2	0	0	0
Number of Lots	8	0	6	4	2	2	2	0	8	6	4	0	0	4	0	0	0
<u>Major Subdivision</u>																	
Number of Plats	3	3	3	6	2	4	3	2	0	6	5	4	2	2	2	5	2
Number of Lots	99	21	10	23	8	11	11	32	0	20	11	5	8	6	4	13	151
Condominium Units (NYS Section 278)					5*		85	30			147	92**					
Reapproval	2	1	1											3			
Final Subdivision Time Extensions	3	5		2	4	8	3	1	2	2	7	15	14	13	9	16	20

*Rental dwelling units- Mark Picucci, U.M.I. Corp.
 **Roundtop- 92 apartments
 *** Furnace Dock Inc. Cluster
 **** Valeria - Modification of 2007 Approval

PLANNING BOARD: SITE DEVELOPMENT PLAN APPROVALS

	<u>1997</u>	<u>1998</u>	<u>1999</u>	<u>2000</u>	<u>2001</u>	<u>2002</u>	<u>2003</u>	<u>2004</u>	<u>2005</u>	<u>2006</u>	<u>2007</u>	<u>2008</u>	<u>2009</u>	<u>2010</u>	<u>2011</u>	<u>2012</u>	<u>2013</u>
<u>Site Development Plans (SDP)</u>	6	3	8	7	5	5	3	2*	4	7	6	9	4	4	4	1	4
<u>SDP Amendments</u>	18	7	7	3	4	2	7	9	3	2	2	3	1	1	1	2	3
<u>SDP and Special Permits</u>	2	5	3	3	2	3	2		1	4	1	1	2	3	1	1	
<u>SDP TOTALS</u>	26	15	18	13	11	10	12	11	8	11	9	13	7	8	3	4	7
<u>SDP Time Extensions</u>	3	3	2	1	5	8	2	3	2	3	4	5	7	5	2	1	1
<u>SDP Time Extensions Denied</u>				1													
<u>SDP Denials</u>		2							1								
<u>Zoning Code Amendment Recommendations</u>	1	2	1	2		2	2	3	2	3	4	1	3	2	2		
<u>Wetland Permits</u>	3	2	3	3	2	3	2	1	4	4	4	5	2	3	2	1	1
<u>Tree Removal Permits **</u>														5	1		
<u>Steep Slope Permits</u>	2	1	3	2	2	3	2	4	4	2	4	5	1	2	1	1	1
<u>Special Permits</u>	1	1	1	2		1	2		1		1		0	3		1	3
<u>Special Permit Recommendations</u>															1***		
<u>Lot Line Adjustments</u>	3	4	1	3	1	8	4		3	3	2	2	0	1	1		
<u>Lot Line Adj. Time Extensions</u>			3	3	2						2		0	0			
<u>Performance Security Reductions</u>	1	5	4	4	1	2	1	3	2				0	1		1	
<u>Cluster Recommendations</u>	2				1	2							0	0			
<u>DEIS Scores</u>		7	2	2	2	1			2		3		0	1		1	

*Includes Jacobs Hill Village PVD 103 Apartments and 58 Condominiums

** Began tracking in 2010

*** RRUSP Pondview Recommendation

WHEREAS, Dominick Santucci submitted an application for approval of a lot line adjustment between two existing lots pursuant to Section 265-13-D of the Town of Cortlandt Subdivision Regulations and for the elimination of two notes on the approved plat, and

WHEREAS, Dominick Santucci is the owner of two lots located immediately adjacent to each other with one lot designated as Section 43.16, Block 7, Lot 12 and the other lot designated as Section 43.16, Block 7, Lot 12.1, and

WHEREAS, lot 12.1 is located along Travis Lane and is approximately 20,086 sq. ft and is vacant, and Lot 12 is a “flag lot” located behind Lot 12.1 and is approximately 34,467 sq. ft. and is also vacant, and

WHEREAS, submitted with this application is a drawing entitled “Proposed Lot Line Adjustment – Travis Lane” prepared by Michael F. Stein, P.E. dated December 17, 2013, and

WHEREAS, the proposal is to transfer approximately 1,401 sq. ft. from Lot 12 to Lot 12.1 thereby increasing Lot 12.1 to approximately 21,487 sq. ft. and reducing Lot 12 to approximately 33,066 sq. ft., and

WHEREAS, the said conveyance neither creates any additional lots, nor decreases or increases the subject lot areas by more than 20% and will not decrease or increase the subject lots by more than 20,000 square feet of its original lot area, and

WHEREAS, the subject properties are zoned R-20, Single-Family Residential, and

WHEREAS, the lots were originally created by a previous subdivision (PB 26-91) approved by Planning Board Resolution 40-93 adopted on July 20, 1993 and the subject plat was filed in the Westchester County Clerk’s Office on July 20, 1994, and

WHEREAS, a note on the plat for the original subdivision required that the proposed house located on Lot 12.1 shall be no more than 3 bedrooms and that the rear building line of the proposed residence to be constructed on Lot 12.1 shall be no more than 66 ft. from the front property line, and

WHEREAS, the applicant has requested the Planning Board eliminate the 3 bedroom condition and the limitation on the location of the rear building line to permit the applicant to construct a 4 bedroom larger residence more in keeping with the size of the existing houses in the neighborhood, and

WHEREAS, the number of bedrooms in the house is partially governed by the size of the septic system that is approved by the Westchester County Health Department, and

WHEREAS, the previous approval of the subdivision also required a westerly side yard principal building setback of 25 ft. instead of 10 ft. on both lots adjacent to existing residences along Marisa Court as well as the planting of a row of 6 ft. white pine trees, and

WHEREAS, the application is considered a Type II action pursuant to the Article 8 of the New York State Environmental Conservation Law and Type II actions are not subject to SEQR review and the proposed action will have no significant adverse environmental impact, and

NOW THEREFORE, BE IT RESOLVED, the Planning Board determines that the said conveyance will not adversely affect the public health, safety and welfare of the immediate neighborhood or general community, and

BE IT FURTHER RESOLVED, that the Planning Board **approves** said proposed lot line adjustment subject to the following conditions:

- 1. Submit a lot line adjustment plat and obtain the signature of the Westchester County Department of Health on a mylar said plat. Submit a mylar transparency and two prints of the lot line adjustment plat to the Planning Office following the Department Heads signatures and the Planning Board Chairman's signature prior to filing the lot line adjustment plat in the County Clerk's office.**
- 2. Add the attached signature block to the lot line adjustment plat.**
- 3. Add to the subject drawing prepared by Hudson Engineering the existing and proposed lot areas.**
- 4. The applicant is advised that the 25' westerly side yard setback required by the previous Planning Board preliminary approval (PB Res. 51-91) and the additional planting of the white pines trees as required by the Planning Board final approval (PB Res. 40-93) will still be required as part of the individual site plan approval process for the proposed houses. The subject drawing prepared by Hudson Engineering shall be revised to clearly delineate and label this 25 ft. setback.**
- 5. The applicant's request to eliminate the 3-bedroom requirement for the proposed house and the requirement that the rear building line of the proposed house shall be no more than 66 ft. from the front property line for the lot located along Travis Lane (SBL 43.16-7-12.1) is**

approved. The final location of the proposed houses shall be approved as part of the individual site plan approval process through the Code Enforcement Division. The general location of the houses proposed for both lots shall remain in the general location as shown on the subject drawing prepared by Hudson Engineering.

6. The applicant is advised that new environmental permits for the construction of the proposed houses may be required from the Code Enforcement Division as part of the individual site plan approval process.

TO BE CONSIDERED FOR ADOPTION: FEBRUARY 4, 2014

WHEREAS, an application for Planning Board approval of a Site Development Plan pursuant to Chapter 307 (Zoning) and for a Wetland Permit pursuant to Chapter 179 (Wetlands) and a Tree Removal Permit pursuant to Chapter 283 (Trees) of the Town of Cortlandt Code was submitted by Frontier Development, for the property of William W. Geis Jr., for a retail development of two buildings totaling approximately 11,460 sq. ft. with associated parking, landscaping, stormwater and other site improvements for property located 3025 E. Main Street (Cortlandt Boulevard) as shown on a 18 page set of drawings entitled "Site Plan Approval Drawings, Shoppes on the Boulevard" prepared by John Meyer Consulting originally consisting of 15 sheets dated April 22, 2013 with the following additions and revisions: SP-1 and SP-2 latest revision dated July 17, 2013, SP-16 and SP-17 dated July 17, 2013, SP-6, SP-7 & SP-8 latest revision dated October 23, 2013, SP-3, SP-5 and SP-9 latest revision dated November 11, 2013, SP-18 dated December 18, 2013 and SP-4 latest revision dated December 19, 2013 and improvements also as shown a two page set of elevations and renderings prepared by Excel Engineering latest revision dated December 19, 2013, and

WHEREAS, the subject property of 80,091 sq. ft. is located at 3025 E. Main Street (Cortlandt Boulevard) and is designated on the Town of Cortlandt Tax Maps as Section 24.09, Block 4, Lot 3, 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 Full Environmental Assessment Form dated April 24, 2013, 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 December 3, 2013, adjourned to January 7, 2014, 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

(continued on page 2)

property owners and the subject property was posted with a sign giving notice of the public hearing, and

WHEREAS, the subject application proposes approximately 11,460 sq. ft. of retail/restaurant development located in two (2) buildings at the former Geis Toyota site located on Route 6 (Cortlandt Boulevard), and

WHEREAS, the applicant proposes to remove the existing 6,410 sq. ft. former car dealership building on the site and replace it with two buildings with one building proposed to be approximately 4,270 sq. ft. with a proposed drive thru and the second building proposed to be approximately 7,190 sq. ft., improve the landscaping and stormwater controls and consolidate access on Route 6 from two access points to one access point and provide for a new access to the existing Cortlandt Town Center Access Drive so vehicles exiting the subject parcel can proceed to the existing traffic signal on Route 6 to make a left turn to travel west on Route 6, and

WHEREAS, the subject site of 80,091 sq. ft. is zoned HC, Highway Commercial which permits retail development, and

WHEREAS, a traffic study dated February 2013 was completed for the subject property by the Town Traffic Consultant, VHB, (paid for by the applicant) that analyzed the potential change in traffic volumes, existing operating conditions, future operating conditions, sight distance and the operation of the proposed new site driveway on the Cortlandt Town Center Access Drive and found the proposal would not have significant adverse impacts on traffic as the project proposes to eliminate one driveway and prohibit left turns out of the remaining driveway, thereby increasing separation between proposed site driveway and the adjacent signalized intersection (Route 6/Cortlandt Town Center Access Drive/Westbrook Drive) by up to 160 feet, and

WHEREAS, with respect to the potential impact of the proposed new driveway connection to the Cortlandt Town Center Access Drive the traffic study recommended additional improvements including the re-striping of the northbound Cortlandt Town Center Drive approach to Route 6 to provide two left-turn lanes and one through/right turn lane, pulling the stop bar back on the east bound approach to the Cortlandt Town Center Access Drive and Route 6 intersection to provide 30 feet of receiving width on westbound Route 6 and to improve sight distance by selectively pruning tall growing shrubs and trees in the easement area behind the subject property, and

(continued on page 3)

WHEREAS, the town's traffic consultant completed a speed survey dated October 25, 2013 on the northbound Cortlandt Town Center Access Road and found that 99.96% of the motorists on the access road were travelling at or below 30 mph which indicated that sufficient stopping distance could be provided for cars travelling north on the access drive as they approached the proposed new driveway, and

WHEREAS, the applicant will install several traffic signs including a flashing warning sign, as well as "Do Not Block Side Road" pavement markings, and a 6" raised concrete median to prohibit left turns into the site from the Cortlandt Town Center Access Drive, and

WHEREAS, the Town's consulting arborist visited the site and completed a report dated December, 14 2013 in which he made recommendations regarding the pruning of existing vegetation located in the conservation easement to improve sight distance, and

WHEREAS, the Town's wetland consultant visited the site and wrote a report dated December 27, 2013 in which he made recommendations regarding the implementation of an ongoing maintenance program to ensure the existing wetland vegetation does not interfere with sight distance, and

WHEREAS, the Town's wetland consultant also made recommendations regarding the implementation of an ongoing wetland monitoring program to ensure the overall health of the wetland, and

WHEREAS, a wetland area exists at the rear of the subject site and the 100' regulated wetland buffer extends into the subject property, and

WHEREAS, the proposed site plan will impact the 100' regulated wetland buffer and a wetland permit is required for the subject action, and

WHEREAS, the applicant submitted the required wetland evaluation as per Town Code Section 179-6, "Criteria for approval, disapproval or approving with modifications" of the Town of Cortlandt Code and the Planning Board makes the following findings based on Section 179-6 of the Town Code (Wetland Ordinance):

(1) The environmental impact of the proposed action.

FINDINGS:

The redevelopment of the existing vacant car dealership will provide a benefit to the Town of Cortlandt, including by enhancing the visual appearance and aesthetics of the site with two new

buildings, parking, and landscaping. Disturbance of the wetland and 100 foot adjacent area will be limited to previously disturbed areas, with the exception of pruning existing plant material to improve and maintain adequate sight distance along the Cortlandt Town Center driveway and the pruning and possible removal of invasive species to improve the function of the wetlands. The net reduction of impervious surfaces and incorporation of water quality structures as part of the redevelopment will result in improved quality of the storm water being discharged to the wetland. The removal of rubbish from the wetland and adjacent area will benefit their natural functions and restore this portion of the wetland to a more natural state.

(2) The alternatives to the proposed action.

FINDINGS:

The alternative to implementing the Site Plan to construct the retail center redevelopment, including two new buildings, parking and access improvements, a portion of which is within regulated area, would be to leave the existing building and parking in place. This no-build alternative would exacerbate existing adverse visual and aesthetic impacts, and allow for the continued degradation of storm water discharges from the site.

(3) Irreversible and irretrievable commitments of resources that would be involved in the proposed activity.

FINDINGS:

Irreversible and irretrievable commitments of resources would be limited to the materials and labor associated with the actual construction of the improvements and the perpetual pruning of the plant material and the pruning and possible removal of invasive species within the wetland and adjacent area to improve the wetland function and to maintain the required sight distance.

(4) The character and degree of injury to or interference with safety, health or the reasonable use of property that is caused or threatened.

FINDINGS:

The construction of the project would significantly improve the safety and reasonable use of the subject property. The project involves wetland and adjacent area enhancement with removal of rubbish and incorporation of water quality structures for drainage. Site access and off-site improvements will enhance vehicular movement at the Cortlandt Town Center driveway.

(5) The suitability or unsuitability of such activity to the area for which it is proposed.

FINDINGS:

The project improvements, including the limited wetland and adjacent area disturbance, are suitable for the Site. The retail center, as shown on the Site Plan, is a permitted use under the Zoning Code, and is consistent with the other retail and commercial developments in the immediate area. Currently the site is a vacant car dealership.

(6) The effect of the proposed activity with reference to the protection or enhancement of several functions of wetlands, water bodies and watercourses.

FINDINGS:

The functions of wetlands, water bodies and watercourses in the area will be positively affected by the improvements. By removing rubbish and debris within the wetland and adjacent area to the extent possible on this property, incorporating water quality structures and the pruning and possible removal of invasive species within the wetland the wetland will be returned to a more natural state thus allowing the wetland to function in a greater capability.

(7) The availability of preferable alternative locations of the subject parcel or proposed action.

(continued on page 5)

FINDINGS:

Viable alternative locations for the retail center are not available on the property due to the limited size of the property and restraints of the existing conservation easement. The proposed location of the retail center is fully within areas previously disturbed for the development of the existing vacant car dealership.

(8) The availability of mitigation measures that could feasibly be added to the plan or action.

FINDINGS:

The project includes wetland and adjacent area enhancement measures.

(9) The extent to which the exercise of property rights and the public benefit derived from such use may outweigh or justify the possible degradation of the wetland, water body or watercourse, the interference with the exercise of other property rights and the impairment or endangerment of the public health, safety or welfare.

FINDINGS:

The project improvements will provide a public benefit by enhancing an existing vacant facility, and restoring this site to active and productive use. The improvements within the adjacent area on the site, such as perpetual pruning to improve sight distance along the Cortlandt Town Center driveway and the pruning and possible removal of invasive species within the wetland would improve the existing conditions in this area. The off-site improvements within the adjacent area, including the various traffic improvements shown on the site plan and perpetual pruning to improve sight distance along the Cortlandt Town Center driveway, would improve vehicular circulation at the Cortlandt Town Center driveway.

WHEREAS, the applicant applied to the Zoning Board of Appeals for variances for side yard setback, front yard parking, parking area landscaping requirements, number of parking spaces and for the size of proposed wall signage and monument sign and the Zoning Board indicated they were in favor of granting certain variances after the Planning Board completed their review of the subject site plan, and

WHEREAS, the applicant submitted a Stormwater Pollution Prevention Plan (SWPPP) dated April 24, 2013, and

WHEREAS, the subject application was referred to the Town of Cortlandt Conservation Advisory Council (CAC), the Architectural Advisory Council, the Town Engineering Division, the Fire Advisory Board, the Westchester County Planning Board, the City of Peekskill, the Town of Yorktown and the New York State Department of Transportation, and

WHEREAS, the Town Architectural Advisory Council recommended approval of the subject elevations in a memorandum dated December 13, 2013, and

WHEREAS, the NYSDOT responded to the referral by a letter dated November 5, 2013 in which they stated "The proposed access to the Cortlandt Town Center Driveway is desirable for

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access management and it is also providing an opportunity to exiting vehicles going westbound on Route 6 by utilizing the traffic signal. However, there needs to be an active left turn prohibition (raised island at the driveway) from Cortlandt Town Center Driveway to the new development", and

WHEREAS, the subject site plan has this raised island as recommended by the NYSDOT, and

WHEREAS, the Planning Board considered trees which will be removed from the subject property due to the proposed action, trees to be saved and additional trees and landscaping to be provided pursuant to Chapter 283 (Trees) of the Town of Cortlandt Code, 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 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:
4. The proposed action will not result in the creation of a material conflict with the adopted 2004 Town Comprehensive Master Plan and Town Zoning Ordinance.

(continued on page 7)

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 Full Environmental Assessment Form (EAF) prepared by Joseph P. Modafferi Jr., RLA dated April 24, 2013 and Part II of the Full EAF prepared by the Planning Division dated February 4, 2014 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 Full

(continued on page 8)

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 Frontier Development, for the property of William W. Geis Jr. for a retail development of two buildings totaling approximately 11,460 sq. ft. with associated parking, landscaping, stormwater and other site improvements for property located 3025 E. Main Street (Cortlandt Boulevard) as shown on a 18 page set of drawings entitled "Site Plan Approval Drawings, Shoppes on the Boulevard" prepared by John Meyer Consulting originally consisting of 15 sheets dated April 22, 2013 with the following additions and revisions: SP-1 and SP-2 latest revision dated July 17, 2013, SP-16 and SP-17 dated July 17, 2013, SP-6, SP-7 & SP-8 latest revision dated October 23, 2013, SP-3, SP-5 and SP-9 latest revision dated November 11, 2013, SP-18 dated December 18, 2013 and SP-4 latest revision dated December 19, 2013 and improvements also as shown a two page set of elevations and renderings prepared by Excel Engineering latest revision dated December 19, 2013 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 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)

(continued on page 9)

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. Obtain the required signature from the Director of Technical Services and the Director of Environmental Services on a mylar of the subject drawing and submit (a) two prints and the mylar of said drawing to the Planning Office following the Chairman's signature on the site plan mylar, (b) Submit an as-built survey in AutoCAD file in digital format.
2. Add the most recent signature block to the subject drawing.
3. Obtain the signature of the Receiver of Taxes on an appropriate form indicating that taxes on the subject property have been paid.
4. Note on the Site Plan that a building permit shall be obtained within one (1) year of the Planning Board Chairman's signature on the subject Site Plan.
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 \$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 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. 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.
7. The Applicant shall implement the Post Construction Traffic Study Protocol dated January 28, 2014 attached hereto to the satisfaction of the Director of Technical Services, and establish an escrow fund for the Town's Traffic Consultant's review of the Applicant's

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work pursuant to the Protocol in such reasonable amount as may be determined by the Director of Technical Services.

8. Obtain the approval of the Stormwater Pollution Protection Plan (SWPPP) dated April 24, 2013 from the Director of Technical Services.

9. As recommended by the Town Arborist in his report dated December 14, 2013 and Town Wetland Consultant in his report dated December 27, 2013 existing trees shall be pruned and shrubs cut back in the conservation easement area to improve sight distance. An escrow account in the amount of \$5,000 shall be set-up to fund the required monitoring of this work by the Town consulting arborist and wetland consultant. The applicant shall install orange construction fence around the perimeter of the conservation easement to the satisfaction of the Director of Technical Services for the duration of the construction and note such on the subject site plan.

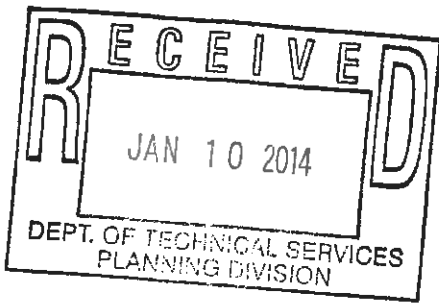
10. The applicant shall prepare a wetland mitigation and monitoring plan, to be approved by the Town wetland consultant, that provides details on the mitigation measures proposed by the Town wetland consultant in his report dated December 27, 2013. The applicant shall fund, in an amount of \$5,000, the mitigation and monitoring plan to include the monitoring, maintenance and replacement of wetland vegetation after construction for a period of 5 years minimum to the satisfaction of the Director of Technical Services.

11. The applicant shall obtain the required variances from the Zoning Board of Appeals.

12. Payment of a 5% inspection construction monitoring fee to the town based on the on-site and off-site construction costs including grading, roads, soil and erosion controls, utilities, site clearing, tree removal, planting and all other improvements pursuant to Resolution 114-00 of the Cortlandt Town Board.

13. The applicant is advised that a Highway Work Permit is required from the New York State Department of Transportation.

TO BE CONSIDERED FOR ADOPTION: FEBRUARY 4, 2014



ZARIN & STEINMETZ
ATTORNEYS AT LAW
81 MAIN STREET
SUITE 415
WHITE PLAINS, NEW YORK 10601

DAVID S. STEINMETZ*
MICHAEL D. ZARIN
DANIEL M. RICHMOND
BRAD K. SCHWARTZ

TELEPHONE: (914) 682-7800
FACSIMILE: (914) 683-5490
WEBSITE: WWW.ZARIN-STEINMETZ.NET

* ALSO ADMITTED IN D.C.
* ALSO ADMITTED IN CT
* ALSO ADMITTED IN NJ

Copies 1
..... Planning Board
..... Town Board
..... Zoning Board
..... Legal Dept.
..... DOTS Director
..... C.A.C.

..... ABC
..... DAVID J. COOPER
..... JODY T. CROSS*
..... APPLICANT
..... KRISTA E. YACOVONE
..... MARSHA RUBIN-GOLDSTEIN
..... HELEN COLLIER MAUCH*
..... LISA R. SMITH*
OF COUNSEL
Sent 1/14/14

January 10, 2014

PB 1-11

By Email and Regular Mail

Hon. Linda Puglisi
Supervisor of the Town of Cortlandt
and Members of the Town Board
Town Hall
1 Heady Street
Cortlandt Manor, New York 10567

Re: **Hanover Estates**

Dear Supervisor Puglisi and Members of the Town Board:

We represent Croton Realty & Development, Inc. (Mr. Seth Jacobson and his family) in connection with the Hanover Estates residential subdivision currently pending before the Planning Board. The Project proposes a subdivision of an approximately 35.9-acre parcel located along Croton Avenue in an R-40 Zoning District.

We respectfully request placement on your next available Agenda for the Town Board to issue a Resolution (i) authorizing the Planning Board to approve a cluster subdivision design for the Project pursuant to Town Code Section 307-19 and New York State Town Law Section 278, and (ii) confirming that a cluster subdivision design would be able to connect to the Town sewer system in the nearby Cortlandt Ridge subdivision, in accordance with the attached email from Rosemary Boyle Lasher, dated September 26, 2011.

By way of background, on Tuesday, January 7, 2014, the Planning Board conducted a Public Hearing on the Project's Draft Environmental Impact Statement ("DEIS"), pursuant to the State Environmental Quality Review Act ("SEQRA"). The DEIS, a copy of which was submitted to the Town Board as part of the SEQRA process, evaluates the potential significant environmental impacts and appropriate mitigation measures associated with the

Project's "Base Plan." The Base Plan proposes twenty-five (25) conventional, zoning-compliant single-family lots, plus a conservation parcel. The DEIS also studies various Alternatives, including conventional and *cluster* subdivision layouts, both with and without land set aside for a multi-purpose sports field.

As a matter of law, the Planning Board cannot approve a cluster subdivision layout without authorization from your Board. It appears that a cluster subdivision is a potentially viable Alternative based on comments made at the Public Hearing (as well as the recommendations of the Charrette Committee). Accordingly, the Applicant respectfully requests that your Board provide the Planning Board with the authority to approve a cluster subdivision, so that everyone knows during the SEQRA and subdivision review processes that a cluster design is a real, and lawful, possibility.

In that regard, and as explained in the DEIS, any cluster subdivision would require a connection to the Town's sewer system. The smaller lot sizes that would result in a cluster layout would not be able to support both a home and septic system. We also explained this issue during the Charrette process in Fall 2011, which led to the enclosed email from Ms. Boyle Lasher. The email memorializes the Town Engineer's opinion that a cluster layout could be supported by a sewer connection to Cortlandt Ridge and the Stephens Lane pump station. Given that a sewer connection is a threshold issue for a cluster design, and that some speakers at the DEIS Public Hearing questioned the capacity and condition of the existing pump stations to service the Project, we further request that the Town Board confirm through its professional staff that a municipal sewer connection is possible, including formation/extension of appropriate Town and County sewer districts, subject to final approval by your Board after the completion of SEQRA.

Thank you for your Board's attention. Please let us know on what meeting agenda this matter will be placed.

ZARIN & STEINMETZ

By: _____

David S. Steinmetz
Brad K. Schwartz

Encls.

cc: Thomas F. Wood, Esq./John J. Klarl, Esq.
Chairman Taylor and Members of the Planning Board
Edward Vergano, P.E.
Chris Kehoe, AICP
Mr. Seth Jacobson
Tim Cronin III, P.E./Keith Staudohar

Brad Schwartz

From: Rosemary Boyle Lasher <RosemaryB@townofcortlandt.com>
Sent: Monday, September 26, 2011 2:39 PM
To: Anthony Russo; Brad Schwartz; Cynthia Kalangis (ckalangis@gmail.com); David Douglas; Ed Cocozza (tiebout2353@aol.com); James Creighton (jimlegal@optonline.net); John Milmore ; Marge Parsons (wjmparsons@aol.com); Michele McGovern (michelemcgovern1@mac.com); Michelle Robbins; Peter Kalangis (Pkalangis@msn.com); Robert Cusick (robertcusick@cs.com); Rosemary Boyle Lasher; Seth Jacobson (jacobson.seth@gmail.com); David Steinmetz; Tim Cronin
Subject: Hanover Charrette: Steep Slopes & Sewers

Hello all -

As requested, I have met with the Town Engineer, the Town Attorney and the Town Planner to discuss the two specific questions that were raised at our first Hanover Charrette meeting on 9/14/11.

1. On the issue of steep slopes disturbance for possible road across from Sassinoro: Under the Town's existing Steep Slopes Ordinance - the Planning Board may issue a Steep Slopes permit for any construction it sees fit within a steep slope area with mitigation. This possible proposed road might just be one of those instances where the PB will find it is appropriate to issue a Steep Slopes permit for construction.
2. On the issue of Sewers: According to the Town Engineer the existing pump station at Cortlandt Ridge has been sized to accept extra flow (including possible flow from future Hanover units). In addition, at the Charrette Mr. Cronin mentioned concerns at the Stephens Lane pump station. Mr. Vergano explained the issues at Stephens Lane will benefit from extra flow that could come from the sewerage of the Hanover Estates project, i.e. sewage would be conveyed more frequently which will lessen the amount of decomposition that occurs with sewage sediment.

Therefore, there is no impediment to consideration by the Charrette members to clustering as an alternative to be discussed and reviewed at the Charrette level.

We look forward to receiving from Mr. Cronin's office the sketch drawings showing the alternatives as discussed at the 9/14 meeting and the 9/24 site visit. If possible, we would like to have Cronin Engineering provide the FTP instructions to AKRF no later than the end of this week so we can all have time to review the plans in advance of our next Charrette Committee meeting scheduled for Wednesday, October 12th. Thank you.

Rosemary Boyle Lasher

Town of Cortlandt

Department of Technical Services