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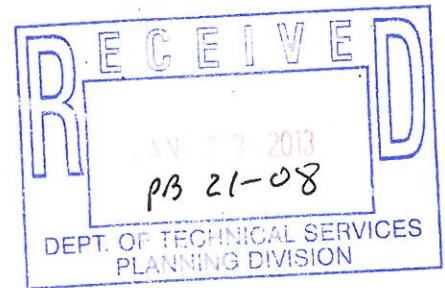
RALPH G. MASTROMONACO, P.E., P.C.
Consulting Engineers
13 Dove Court, Croton-on-Hudson, New York 10520
Tel: (914) 271-4762 Fax: (914) 271-2820

Civil / Environmental
www.rgmpepc.com

Chris Kehoe, Deputy Director
Department of Technical Services, Planning Division
Town Hall
1 Heady Street
Cortlandt Manor, New York 10567

January 23, 2013

Re: Proposed Subdivision for Nida Associates, Inc.
Section 67.06, Block 3, Lots 7, 8, 9 & 10
Town of Cortlandt, New York



Dear Chris:

We are requesting placement on the agenda of the February 5, 2013 meeting of the Planning Board for the approval of the second 90-day extension of Resolution No. 13-12.

Please call me if you have any questions.

Sincerely,

Ralph Mastromonaco
Enclosures
cc: Heino Bastys
Ann Carlson, Esq.

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**TOWN OF CORTLANDT
PLANNING BOARD
PB 21-08**

DRAFT

RESOLUTION NO. 7-13

WHEREAS, the application for Planning Board approval of a 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 3 lot major subdivision of 4.28 acres as shown on a drawing entitled "Subdivision Plat for Nida Associates, Inc.", prepared by Scott Gray, P.L.S. latest revision dated December 3, 2011 was approved by Planning Board Resolution 13-12 adopted on May 1, 2012, and

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, Lots 7,8,9 & 10, and

WHEREAS, by Resolution 36-12 adopted on December 4, 2012 the Planning Board granted the 1st 90-day time extension that expired on January 30, 2013, and

WHEREAS, by a letter dated January 23, 2013 from Ralph G. Mastromonaco, P.E. the applicant requested the 2nd 90-day time extension of Final Plat approval to meet the conditions of said approval.

NOW THEREFORE BE IT RESOLVED, that the request of Ralph G. Mastromonaco, P.E. for the 2nd 90-day time extension of the above mentioned Final Plat is hereby granted said time extension to expire on May 1, 2013.

TO BE CONSIDERED FOR ADOPTION: FEBRUARY 5, 2013

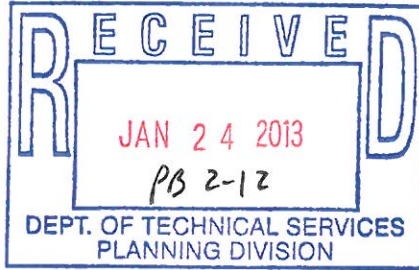
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Chairwoman Loretta Taylor
 Town of Cortlandt Planning Board
 Town Hall, 1 Heady Street
 Cortland Manor, NY 10567



January 23, 2013

Chairwoman Taylor & Members of the Planning Board,

As per our discussion at the January 8, 2013 meeting of the Town of Cortland Planning Board and in an effort to address the concerns of the Planning Board, Architectural Advisory Committee, and residents of the Valeria Community; Toll Brothers, Inc. has made several revisions to the architectural details of the proposed units for our Valeria Amended Site Plan application.

The enclosed renderings and elevations reflect the following changes & revisions:

- The use of HardiBoard & HardiTrim (or equal) cement board siding & trim in lieu of the September 2010 approval to use vinyl siding & trim.
- The use of earth tone colors for the siding, trim & garage doors to coordinate with the existing Valeria buildings.

Proposed Color Scheme:

HardiPlank Siding:	Montery Taupe
HardiPlank Shakes:	Woodstock Brown
HardiTrim:	Sandstone Beige
Roof Shingles:	Style: Natural Shadow – Color: Weathered Wood
Shutters:	Style: Raised Panel – Color: Tuxedo Gray
Cultured Stone:	Style: Country Ledge Stone – Color: Chardonnay

- The incorporation of HardiShakes and the use of additional stone on front & side elevations of all proposed homes, significantly beyond that of the previous proposal.

We believe the attached integrates well with our proposal to incorporate as many first floor, master bedroom floorplans as possible while keeping within the requirements of the approved plan regarding colors, materials and the desire to coordinate with the existing Valeria buildings.

Thank you for your consideration in this matter and we look forward to further discussions with the Planning Board and Architectural Advisory Board.

Regards,

A handwritten signature in blue ink, appearing to read 'James Fitzpatrick', with a large, stylized flourish at the end.

James Fitzpatrick
Vice-President, Toll Brothers, Inc.

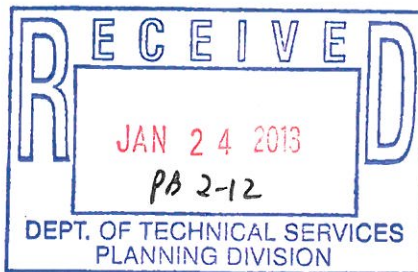
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January 23, 2013

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



RE: Valeria Subdivision
Furnace Dock Road
Town of Cortlandt, NY

Response to Memorandum issued by Mr. Chris Kehoe and Mr. Ed Vergano dated 1/17/13 Sent 1/24/13

Enclosed please find the following documents in support of Preliminary and Final Plat Approval for changes to Section III and Section IV of the Valeria Subdivision, recently submitted to the Town of Cortlandt Planning Board.

1. Summary of Impacts Table and associated 11x17 Color Exhibits (10 copies)
2. Letter to Chairwoman Loretta Taylor from Mr. James Fitzpatrick dated 1/23/13 (10 copies)
3. Architectural elevations and floor plans. (10 copies)

I also want to offer the following responses to each of the comments included in the above referenced 1/13/17 Memorandum. The below numbered comments and associated responses correspond to the numbered comments included in the above referenced 1/17/13 Memorandum.

1. The Planning Division conducted a review of the subject application as shown on a 42 page set of drawings entitled "Valeria" prepared by Joseph Riina, P.E., latest revision dated December 2012.

Response: Comment noted.

2. Based on a review of the above mentioned drawings and application, the following information as required by Chapter 356-20 of the Town of Cortlandt (Subdivision Regulations) and other regulations should be submitted for the subject application unless waived by the Planning Board at the applicant's request:
 - a. The applicant should provide a clear comparison both in written and tabular form and via map overlay of differences in tree removal and protection, site disturbance, steep slope disturbance and impervious coverage between the approved subdivision and the proposed amended subdivision.

Response: Please refer to enclosed "Summary of Impacts" Table and associated 11x17 Exhibits which illustrate in color changes to tree removal and protection, site disturbance, steep slope disturbance and impervious coverage. Note that in all instances, the proposed amended subdivision plans reduce each of these impacts.

- b. The applicant shall provide additional information regarding the building elevations and floor plans including information on proposed colors and materials. This material will be provided to the Town's Architectural Advisory Council for their review and comment.

Response: Please refer to the enclosed letter to Chairwoman Loretta Taylor from Mr. James Fitzpatrick dated 1/23/13, and the associated architectural elevations and floor plans. This can be provided directly to the Architectural Advisory Council.

- c. The applicant shall submit a revised plat.

Response: A revised plat is currently being prepared by the Surveyor of Record. The Plat will be submitted in approximately one month.

3. Toll Brothers, Inc., as contract vendee, is seeking Preliminary and Final Plat approval to modify 33 of the 147 approved lots at Valeria. The modification of the size of the lots is necessary due to the changes in building architecture being proposed by Toll Brothers. The applicant is proposing to modify the majority of the approved architecture to replace the previously approved RPA architecture that included 25 tuck-under (garage under) units and 21 "double walk down" units with a more conventional at grade, walk-out units. This will allow for 117 of the 147 home sites to have a first floor master bedroom. All units will remain as 2 bedroom units. Toll Brothers is proposing to retain 30 of the previously approved RPA style units.

Response: Comment noted and verified.

4. The Planning Board previously granted Final Plat Approval for the subject property by Resolution 27-07 adopted on May 3, 2007. All conditions of that approval were met and the Final Plat was signed on April 22, 2008. The Planning Board granted revised Final Plat approval by Resolution 440-10 adopted on September 7, 2010 and all conditions of the revised Final Plat approval were met and the plat was signed on August 2, 2011.

Response: Comment noted.

5. According to the applicant areas of disturbance will be reduced, less trees will be removed and impervious area will be reduced. This will need to be confirmed as per (2 a.) above. In addition, according to the applicant building heights will not exceed 35 ft. The applicant shall provide the Town with revised building height calculations to confirm. The applicant is proposing to use earth tone siding and roofing colors for the units as well as on the garage doors and trim. In addition the applicant has stated that they will be going back to using "hardie" plank siding instead of vinyl siding that was previously approved. This will need to be confirmed as per (2 b.) above.

Response: Comment noted and verified. Refer to enclosed letter to Chairwoman Loretta Taylor from Mr. James Fitzpatrick dated 1/23/13, and the associated architectural elevations and floor plans.

6. As approved by PB Resolution 15-11 the applicant is advised that the current \$1 million Letter of Credit will be required to be increased to the originally approved amount of \$7.8 million 60 days prior to the commencement of on-site infrastructure work less the cost of any already completed infrastructure work as approved by the Town's Director of Technical Services (see attached Declaration and Res. 15-11)

Response: *It is acknowledged that the current \$1 million letter of credit is required to be replaced with a \$7.8 million surety prior to the start of construction, less the cost of any already completed work. However, it is our understanding that a performance bond can be used in lieu of a letter of credit.*

7. The applicant is advised that all previously approved conditions of approval will remain in effect and notes required to be added to the previously approved Final Plat (latest revision dated March 21, 2011 as approved by PB Resolution 44-10) shall be carried over to the modified Final Plat.

Response: *Comment noted.*

8. The Applicant shall inform the Planning Board if an Offering Plan or Prospectus describing the Applicant's previously approved project has been filed with the Attorney General's office, or if there have been any sales or if there are any pending sales of units under the Applicant's previously approved project.

Response: *The Offering Plan incorporating the proposed changes to the approved Subdivision will be filed with the Attorney General prior to opening for sale. No units have been sold to date, nor are there any pending sales of units.*

9. The subject is classified as an unlisted action pursuant to the New York State Environmental Quality Review Regulations. The applicant submitted Part One of the Full Environmental Assessment Form (attached) for the Board to use together with all information submitted with this application to evaluate what, if any, significant environmental impacts may result from the proposed project by completing parts two and three thereof, as applicable.

Response: *Comment noted.*

10. The subject drawing was transmitted to the members of the Planning Board at the time the application was submitted.

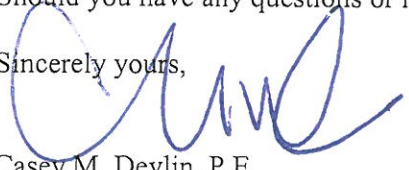
Response: *Comment noted.*

11. Referrals of this application include the Cortlandt Conservation Advisory Council, the Architectural Advisory Council and Town Engineering Division.

Response: *Comment noted.*

Should you have any questions or require additional, please feel free to contact me at (845) 897-8900.

Sincerely yours,


Casey M. Devlin, P.E.
Senior Land Development Manager

cc: Joseph Riina, Site Design Consultants
Dan Zalinsky, TBI
James Fitzpatrick, TB



Dick and Bernis Nelson
Valeria 40
341 Furnace Dock Road
Cortlandt Manor, New York 10567

January 8, 2013

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

Mr. Edward Vergano, P.E., A.R.C.
Director of Technical Services
Town of Cortlandt
1 Heady Street
Cortlandt Manor, New York 10567

Mr. Chris Kehoe
Deputy Director of Technical Services – Planning
Town of Cortlandt
1 Heady Street
Cortlandt Manor, New York 10567

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Sent 1/10/13

Re: Valeria – PB 2-12 – Amended Site Plan and Subdivision Plat Review
Earthtone Colors, Cement Board Siding, and Stone Facing

Dear Chairwoman Taylor, Members of the Planning Board, and Messrs. Vergano and Kehoe:

We are pleased to have learned at tonight’s Planning Board meeting that Toll Brothers is revising its plans to follow the Planning Board’s requirements for earthtone colors on all exterior elements of the new townhouses at Valeria (instead of the white trim and garage doors shown in its December 2012 submission), and that Toll Brothers also plans to return to the use of HardieBoard and HardieTrim cement board siding and trim as originally approved by the Planning Board in May 2007 (instead of the vinyl siding and trim for which in September 2010 the then developer obtained approval from the Planning Board).

However, Toll Brothers’ submitted plans do not include the amount of stone facing as most recently shown on the architectural plans approved by the Planning Board in September 2010 following its direction for additional stone facing in May 2007.

The following is a synopsis of the earthtone color and stone facing requirements of the Planning Board:

- January 25, 2005: the Planning Board directed that “...proposed homes will be finished with a selection of earth tone siding and roofing to coordinate with the existing Valeria buildings...” See enclosed page 5 of the SEQRA Findings Statement.
- May 1, 2007: the Planning Board directed that “(i)ndicate on the building architectural drawings additional stone to the elevations visible from the entrance road and use of earth tone colored trim and garage doors....” See enclosed Section 17 of Resolution No. 27-07.
- January 8, 2008: Following the Architectural Advisory Committee’s acceptance of warm gray clay colored garage doors to complement the earthtone-colored cement board siding, the Planning Board accepted the use of Benjamin Moore “Sail Cloth” pre-colored material for all

Chairwoman Loretta Taylor and
Members of the Planning Board
Mr. Edward Vergano, P.E.
Mr. Chris Kehoe
January 8, 2013
Page Two

the building trim including but not limited to corner boards, windows, fascia, columns, and if possible gable vents, instead of the white trim color as originally proposed by the then developer. See enclosed October 26, 2007 memorandum from the Architectural Advisory Committee regarding the color of the garage doors, together with colored architectural rendering; "Sail Cloth" paint chip; and highlighted portion of January 8, 2008 meeting minutes regarding use of "Sail Cloth" trim color.

- September 7, 2010: the Planning Board granted amended site plan and subdivision approval relying on the May 18, 2010 architectural plans by EDI Architecture showing substantial stone facing, and relying on the representations by the then developer in its application and in its presentation at the August 3, 2010 public hearing that the earthtone colors of the buildings would remain the same as previously approved by the Planning Board (although the siding would be changing to vinyl). See enclosed portion of August 3, 2010 meeting minutes regarding retaining earthtone colors and May 18, 2010 architectural plans by EDI Architecture entitled "New Plan ABA" and "New Plan EFE Walk-Out Condition" showing substantial stone facing.

As you know, Section 307-73.H of the Town's Zoning Code gives the Planning Board jurisdiction to impose "...*appropriate conditions...in regard to architectural and site design which will result in appropriateness in relation to any other structures...for which a permit has been issued...within 500 feet of the proposed site with respect to...materials, color....*" The existing Valeria Clubhouse and residential buildings in Condominiums I and II, for which permits have previously been issued by the Town and which share an aesthetic of complementary design, building materials, and earthtone coloring, are located within 500 feet of the proposed new townhouses in Sections III and IV. See enclosed March 20, 2007 letter from The Jacob and Valeria Langeloth Foundation, previously submitted to the Planning Board; front and back photograph covers of "Valeria – The Story of Jacob Langeloth"; and photographs of Valeria Clubhouse and residential buildings, previously submitted to the Architectural Advisory Committee.

Thank you for your kind attention to these architectural issues.

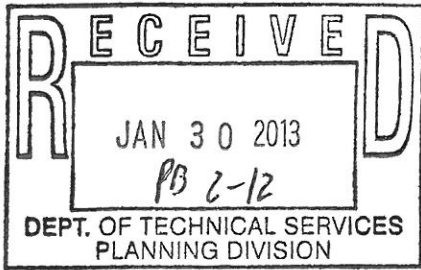
Sincerely,



Dick and Bernis Nelson

Encs.

cc: Arthur Clements, Chairperson, Architectural Advisory Committee
James Fitzpatrick, Assistant Vice President, Toll Brothers
Kyler Cragnolin, President, Dickerson Pond Association Inc.



Dick and Bernis Nelson
Valeria 40
341 Furnace Dock Road
Cortlandt Manor, New York 10567

January 30, 2013

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

Mr. Edward Vergano, P.E.
Director of Technical Services
Mr. Chris Kehoe
Deputy Director of Technical Services
Town of Cortlandt
1 Heady Street
Cortlandt Manor, New York 10567

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..... Applicant
..... Planning Jac King, PE
.....
Sent 1/30/13

Re: Valeria – PB 2-12 – Amended Site Plan and Subdivision Plat Review
White Window Trim, Vinyl Siding and Shakes, Stone Facing, and Basement Floor Plans

Dear Chairwoman Taylor, Members of the Planning Board, and Messrs. Vergano and Kehoe:

We have reviewed Toll Brothers’ letters dated January 23, 2013 and enclosures thereto and have the following architectural concerns in follow-up to our January 8, 2013 letter to you:

White Window Trim. The White window trim shown on the colored renderings should be changed to Earthtone color, pursuant to the Planning Board’s direction on May 1, 2007 to use “...earthtone colored trim...” as set forth in Section 17 of Resolution No. 27-07 enclosed with our January 8, 2013 letter.

Vinyl Siding and Vinyl Shakes. The plans entitled “Elevation Study” by Toll Architecture should be revised to indicate the use of HardiBoard, HardiTrim, and HardiShakes as stated in Toll Brother’s architectural letter dated January 23, 2013, instead of the “Vinyl Siding” and “Vinyl Shakes” written on such plans.

Stone Facing. The colored renderings and plans entitled “Elevation Study” should be revised to include a comparable amount of stone facing as approved by the Planning Board on September 7, 2010 in accordance with the May 18, 2010 architectural plans by EDI Architecture enclosed with our January 8, 2013 letter to you.

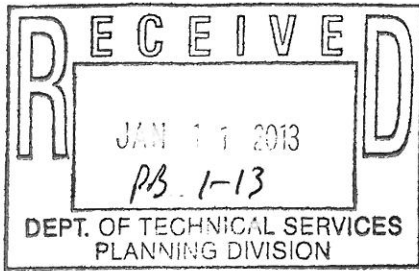
Basement Floor Plans. The floor plans should be revised to show layouts for the basement areas and any options for finished basements including bathrooms. Note that the plans entitled “Elevation Study” indicate walk-out basements.

Thank you for considering our architectural concerns.

Sincerely,

Dick and Bernis Nelson

cc: Arthur Clements, Chairperson, Architectural Advisory Committee
James Fitzpatrick, Assistant Vice President, Toll Brothers
Kyler Cragolin, President, Dickerson Pond Association Inc.



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

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

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

January 10, 2013

Via Email & Overnight 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 Nos. 01-10 & 18-12**

Dear Chairperson Taylor and Members of the Planning Board:

By this letter, the Yeshiva respectfully requests the renewal of the Special Permit granted by the Board pursuant to Resolution No. 01-10, adopted January 13, 2010.

As your Board will recall, by Resolution No. 01-10, the Board granted the Yeshiva a Special Permit, Wetland Permit, Tree Removal Permit, and Site Development Plan Approval, (the "Approval"). The Board established that the Special Permit would expire three (3) years from the date of the adoption of the Approval Resolution, by which time the Yeshiva was required to make an application to renew or amend its Special Permit. At that time, certain Board Members suggested that, notwithstanding the Approval, the Yeshiva consider eliminating the approved construction of an on-site wastewater treatment plant ("WWTP") in favor of connecting the Yeshiva to the existing sewer lines in the area. The Yeshiva undertook this analysis in good faith, and confirmed that it was feasible to connect the Yeshiva to local sewer services.

Accordingly, at the Yeshiva's request, by Resolution No. 18-12, adopted July 12, 2012, your Board granted the Yeshiva amended Site Development Plan Approval, a Wetland Permit, a Steep Slope Permit, and a Tree Removal Permit to allow for elimination of the approved WWTP and to permit the construction of an on-site pump station for a sewer line that will be installed within the municipal right-of-way (the "Amended Approvals").

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..... DAVID J. COOPER
..... JODY T. GROSS*
..... ERIN P. HONAKER
..... JEREMY E. KOZIN
..... Applicant
..... MARSHA RUBIN GOLDSTEIN
..... HELEN COLLIER MAUCH*
..... LISA F. SMITH*
..... OF COUNSEL
Sent 1/23/13

Following its receipt of the Amended Approvals, the Yeshiva amended its Plans to conform to your Board's conditions, and developed a complete set of engineering plans for the connection of the Yeshiva to the existing force main at Lafayette Avenue and Ridge Street, and the construction of an on-site pump station. The Yeshiva submitted these plans to the Town for review in December 2012. On January 9, 2013, the Yeshiva's consulting engineer, Dan Ciarcia, P.E., met with Ed Vergano, Director of Technical Services, Arthur D'Angelo, Senior Engineer, and Lee Beauchamp, Deputy Director of the Department of Environmental Services. At that meeting, the Town representatives recommended certain changes as part of their technical review. The Yeshiva also understands that the Town may be providing additional comments shortly. The Yeshiva anticipates being able to submit the revised plans within one week of its receipt of all comments from the Town. Once the Yeshiva secures approval from the Town, it will submit the plans to the Westchester County Department of Health for its review and approval, at which time the Project will be put out to bid for construction.

We are pleased that, in the interim, a number of upgrades and improvements have been made to the Yeshiva's Property, and the old Dodge City building has been demolished and removed.

Finally, we remind your Board that a Special Permit renewal process like the instant application is a Type II action under the State Environmental Quality Review Act. See 6 N.Y.C.R.R. § 617.5(c)(26); see also Atlantic Cement Co., Inc. v. Williams, 129 A.D.2d 84, 516 N.Y.S.2d 523, 525 (3d Dept. 1987) ("Where the Court held that "in the absence of a material change in conditions or evidence of a violation of the terms of the permit, a renewal should be granted without unduly burdening the applicant.").

We look forward to appearing before your Board at its February Meeting to answer any questions it may have regarding the Yeshiva's request. In the interim, as always, please do not hesitate to contact us with any questions or comments.

Respectfully submitted,

ZARIN & STEINMETZ

By: _____

David S. Steinmetz
Daniel M. Richmond

DSS/mth

cc: Rabbi Elya Kanarek
Yaakov Rothberg
Yeshiva Ohr Hameir
David Wald
Tim Miller, AICP
Dan Ciarcia, P.E.

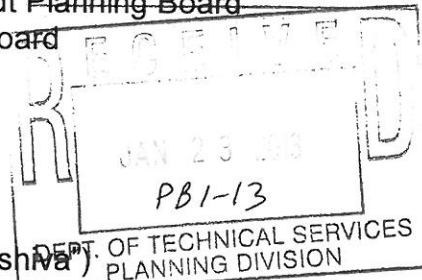
Edward Vergano, P.E.
Chris Kehoe, AICP
John Klarl, Esq.

CIARCIA ENGINEERING, P.C.

360 Underhill Avenue • Yorktown Heights • New York 10598 (914) 245-0123 Fax (914) 245-5670

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

January 22, 2013



Re: Yeshiva Ohr Hameir (the "Yeshiva")
141 Furnace Woods Road; Cortlandt Manor, NY 10567
Planning Board Resolution Nos. 01-10 & 18-12

Dear Chairperson Taylor and Members of the Planning Board:

As you are aware, the Yeshiva is seeking a renewal of the special use permit granted by the Planning Board in 2010. The attorneys for the Yeshiva, Zarin & Steinmetz, have made this request to the Board in their letter dated January 10, 2013. In order to process this request, we are providing the Board with the following materials:

1. Fourteen (14) copies of the Planning Board application form.
2. Application fee in the form of Zarin & Steinmetz Check #14948.
3. Fourteen (14) copies of the list of abutters.
4. Fourteen (14) sets of plans consisting of the following sheets:
 - a. Site Plan New Dormitory Addition Prepared for Yeshiva Ohr Hameir dated February 12, 2012, last revised July 25, 2012 (Sheet 1 of 3).
 - b. Details New Dormitory Addition Prepared for Yeshiva Ohr Hameir dated July 16, 2012, last revised July 25, 2012 (Sheet 2 of 3).
 - c. Details New Dormitory Addition Prepared for Yeshiva Ohr Hameir dated July 16, 2012 (Sheet 3 of 3).

Should you have any questions or require additional information, please call.

Sincerely,

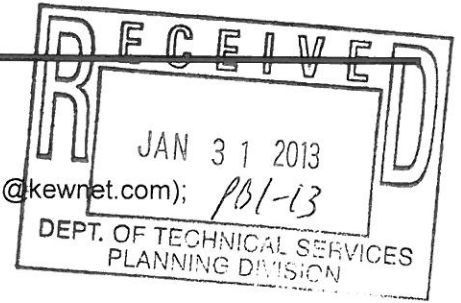
Daniel A. Ciarcia

DAC: mc

cc: Rabbi Elya Kanarek
Yaakov Rothberg
David S. Steinmetz, Esq.
Daniel M. Richmond, Esq.
Tim Miller, AICP
David Wald

Chris Kehoe

From: Daniel Richmond [dmrichmond@zarin-steinmetz.net]
Sent: Thursday, January 31, 2013 3:13 PM
To: Chris Kehoe
Cc: John Klarl; David Steinmetz; yaakov s rothberg (ysrothberg@kewnet.com); dmwald@waldrealty.net
Subject: Work Session - Yeshiva Oh Hameir



Chris:

As discussed, Yaakov Rothberg and I plan on attending the Planning Board's Work Session this evening to present our request that the Board hold the Hearing on the Yeshiva's Special Permit Renewal Request at its March Meeting. As we explained, the Board's April Meeting falls on the eighth day of Passover, which is a religious holiday. On that date, observant Jews cannot drive or conduct work of any kind, nor may their professional consultants act on their behalf.

As discussed, the Yeshiva will cooperate with Town Staff to ensure the Board has any information it needs, including confirmation that it is abiding by the student cap in its Special Permit Approval. This information should be relatively easy to put together, including because the Yeshiva just reported to the Board this past Fall (pursuant to Condition No. 2 of the Board's approval Resolution) that there are no outstanding violations, Town Staff went out to the Site to confirm this, and we remain unaware of any outstanding code violations, substantial or otherwise.

As always, we appreciate your time and attention. Please let us know if you have any questions.

Dan

Daniel M. Richmond, Esq.
LEED Accredited Professional
Zarin & Steinmetz
81 Main Street, Suite 415
White Plains, New York 10601
Telephone: (914) 682-7800
Facsimile: (914) 683-5490
E-Mail: dmrichmond@zarin-steinmetz.net

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Sent 1/31/13

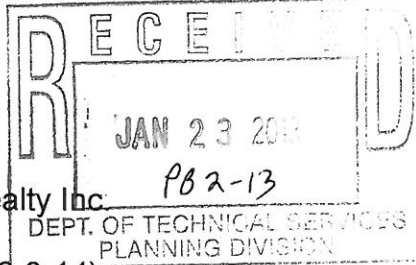
CIARCIA ENGINEERING, P.C.

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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

January 23, 2013

Re: Earthcon Equipment and Realty Inc.
Garden Supply Center
2279 Crompond Road (34.06-3-14)



Dear Chairperson Taylor and Members of the Planning Board:

The Planning Board approved a site plan for Patsy Fraioli on his property located at 2279 Crompond Road. The approved plan allowed for the storage of automobile dealership inventory consisting of 58 parking spaces. The improvements associated with this plan have been completed; however, the proposed tenant is no longer interested in this facility.

The new property owner, Earthcon Equipment and Realty Inc., wishes to establish a garden supply center at this location and is seeking site plan approval from the Planning Board. The table of permitted uses included in the Town of Cortlandt Zoning code indicates in the Retail Stores heading of the table that building materials and garden supplies (SIC Sec. 52) are permitted uses within the HC zone. Although we believed the proposed use was a permitted in the HC zoning district, this application was referred to the Zoning Board of Appeals (ZBA) for an interpretation. The ZBA issued a decision at their January 16, 2013 meeting concluding that the proposed garden supply center is a permitted use in the HC zone.

In order to process this application for site plan approval, we are providing the Board with the following materials:

1. Fourteen (14) copies of the Planning Board application form.
2. Application fee in the form of Earthcon Equipment and Realty Inc. Check #14948.
3. Fourteen (14) copies of the list of abutters.
4. Fourteen (14) copies of a plan entitled Garden Supply Center prepared for Earthcon Equipment and Realty Inc., dated October 29, 2012.
5. Two (2) copies of a property survey prepared by J. Henry Carpenter & Co. dated February 12, 2008
6. Fourteen copies of the ZBA decision

The improvements associated with the previously approved site plan have been completed. The proposed curb cuts and landscaping have been installed. The revised plan proposes the installation of nine (9) material storage bins, two (2) storage containers, a sales trailer, and a fenced in storage area. All the proposed construction activity is in areas previously disturbed during the construction of the improvements associated with the previous approval.

Should you have any questions or require additional information, please call.

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel A. Ciarcia", with a long horizontal flourish extending to the right.

Daniel A. Ciarcia

DAC: mc

cc: Kevin Fraioli