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INSITE
ENGINEERING, SURVEYING &
LANDSCAPE ARCHITECTURE, P.C.

Copies... 7
..... Planning Board
..... Town Board
..... Zoning Board
..... Legal Dept.
..... DOTS Director
..... ~~October~~ October 22, 2012
..... A.R.C.
..... Applicant
..... _____
..... _____
Sent 10/24/12

Mr. Edward Vergano, P.E., Director
Department of Technical Services
Town Hall, 1 Heady Street
Cortlandt Manor, NY 10567

RE: Sunset Ridge Subdivision
Locust Avenue
Tax Map # 23.12-1-3

Dear Mr. Vergano:

At the request of Mr. Orlando Papaleo, we are requesting a Performance Bond Reduction for the above-referenced project.

With reference an email from Mr. Arthur D'Angelo, Jr. dated July 13, 2012 relative to the remaining work to be completed we offer the following:

1. We believe the stormwater management practices (basins) have been substantially completed (80% complete) in conformance with the approved plans. We recommend that 20% of the original cost of construction for these basins be held by the Town to cover the costs of fastening the grates on the outlet structures, installing the threaded caps with orifices within the outlet structures, and for converting the ponds from Temporary Sediment Basins to Permanent Stormwater Basins. The stone material, fabric and small outlet pipe from the basin to the outlet structure will be removed, the basins will be cleaned out, the 4-foot high non-climb fence and gates will be installed, and vegetation will be established in the basins during and subsequent to converting the basins to Permanent Stormwater Basins. It should also be noted that Basin 1.3P was constructed in substantial conformance with the approved plans including top and bottom of basin elevations and rims and invert elevations of the drainage structures. Also, a minor adjustment is required to the southern embankment of Basin 1.3P to maintain the required 50-foot separation distance from the high-water mark of the Basin to the proposed septic system on Lot 3.
2. As shown on the As-Built Survey, previously submitted to the Town Engineering Department, the grass swales along the western property boundary are partially located outside the easement. We recommend that 50% of the original cost of construction for these swales be held by the Town to cover the costs of relocating these swales to within the easement, to redefine the northern portion of the swale to Basin 1.3P, and to install the channel liner in the relocated sections of these swales.
3. We believe that the majority of the erosion controls were implemented in conformance with the approved plans, but recommend that 50% of the original cost of construction for erosion control be held by the Town to cover the costs of stabilization of the remaining disturbed areas beyond the stormwater basins and swales.

4. We believe the shift in the high point of the grass swales along the western property boundary is insignificant and should not be adjusted.
 5. We have recommended that the grass swales along the western property boundary be relocated and redefined. See response #2 above.
 6. See response #2 above.
 7. We believe the Item 4 subbase has been substantially completed (80% complete) and recommend that 20% of the original cost of construction for this item be held by the Town to cover the costs of regrading and leveling small areas of the roadway.
 8. We recommend that the asphalt binder course be installed upon installation of the conduits under Carly Court, and final grading of the Item 4 subbase and adjustments/installation of the catch basins are completed. We also recommend that the asphalt top course not be installed until some of the proposed Lot improvements have been constructed. We recommend that the full amounts for the asphalt binder course and top course be held by the Town at this time.
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9. We are in agreement with the amount to be held by the Town for the installation of the proposed chain link fence and gates around the basins.
 10. We are in agreement with the amount recommended by Mr. D'Angelo to be held by the Town for the installation of the road patch in Locust Avenue.
 11. See response #3 above.
 12. We are in agreement with the amount recommended by Mr. D'Angelo to be held by the Town for the installation of the proposed trees.
 13. The new contractor has been retained by Mr. Papaleo to address most of the remaining items indicated herewith, including the removal of fallen trees and branches.
 14. The previously submitted As-Built Survey includes all of the proposed improvements up to the date of this letter.
 15. The catch basins, and catch basin frames and grates were adjusted to the satisfaction of the Highway Superintendent and our office. Minor adjustments to the frames and grates may be needed prior to installation of the asphalt binder course and one of the grates is missing. We have recommended that 10% of the original cost of construction be held by the Town to cover these costs.
 16. See response #1.
 17. The easement agreements were reviewed by the Town and filed with the Westchester County Clerk's Office.
 18. The previously submitted As-Built Survey includes all improvements to date.
 19. We are aware that a Notice of Termination (NOT) must be submitted once the overall site has received final stabilization.
 20. We are unaware of any outstanding Planning Board resolution items and fees.

21. The improvements installed to date with the exceptions noted in this letter have been substantially completed in accordance with the approved plans.
22. Based on a telephone conversation between Mr. D'Angelo and our office on October 16, 2012, Mr. D'Angelo indicated that an area along Locust Avenue has been washing out and requires Item 4 subbase. We recommend that 5% of the original cost of construction for the Locust Avenue improvements be held by the Town to cover the costs of installing the Item 4 subbase.

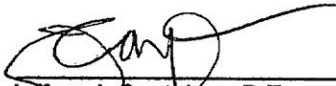
Based on our latest site visit and review of the As-Built Survey prepared by David L. Odell, P.L.S. dated October 9, 2012 we hereby certify that the proposed improvements have been substantially completed in conformance with the approved Site Plans with the exception of the items noted above. We also certify that the road profile is generally in conformance with the proposed road profile based on the as-built top of curb and catch basin rim elevations shown on the above-referenced survey. We request, on behalf of the applicant, that the Letter of Credit be reduced from \$255,000.00 to \$125,000.00, which is the amount agreed upon by the Town's Engineering Department, Mr. Papaleo, and our office.

Kindly review the enclosures and contact our office to schedule a meeting to further discuss this request.

Very truly yours,

INSITE ENGINEERING, SURVEYING & LANDSCAPE ARCHITECTURE, P.C.

By:


Jeffrey J. Contelmo, P.E.
President/Principal Engineer

JJC/tr

cc: Orlando Papaleo
Artie D'Angelo, Jr.
Chris Kehoe



Insite File No. 02175.100

WHEREAS, the application of **Orlando Papaleo** 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 for a 6 lot major subdivision of 13.9 acres located on the northeast side of Locust Avenue across from Broadie Street as shown on a final plat entitled “Final Subdivision Plat prepared for Sunset Ridge” prepared by David O’Dell dated April 12, 2007 and on a 7 page set of improvement drawings entitled “Sunset Ridge Subdivision” prepared by Jeffrey Contelmo, P.E. latest revision dated April 12, 2007 was approved by Planning Board Resolution 35-07 on July 10, 2007, and

WHEREAS, as required by condition #6 of Planning Board Resolution No. 35-07 Orlando Papaleo posted a \$255,000 letter of credit guaranteeing the completion of all site improvements and the certified installation of the proposed monuments which was accepted by Town Board Resolution 191-10 adopted on July 20, 2010, and

WHEREAS, by letter dated October 22, 2012 Jeffrey Contelmo, P.E. requested a reduction in the performance security to \$125,000, and

WHEREAS, Edward Vergano, PE, Director of the Department of Technical Services has reviewed the request and finds that \$125,000 is sufficient security to cover the remaining subdivision improvements at this time.

NOW THEREFORE, BE IT RESOLVED, that the Planning Board recommends to the Town Board that the performance security for the Sunset Ridge subdivision be reduced as recommended to \$125,000.

TO BE CONSIDERED FOR ADOPTION: NOVEMBER 7, 2012



Nicolas Zachary
80 Tate Ave
Buchanan, NY 10511

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

Applicant
 October 14, 2012
 Jill Davis, Hendrick Hudson Library

 Sent 10/25/12

Dear Mr. Kehoe,

I am writing regarding the site plan for the Hendrick Hudson Free Library. Earlier this summer, following the removal of twenty to thirty trees on library property adjoining my own, I obtained copies of the site plan and hearing minutes from 1995 from the Town of Cortlandt. At that time, you and I, along with Ken Hoch and library director Jill Davis, met and discussed workable options.

The site plan, which was not adhered to, contains blatant inaccuracies. This final site plan shows a sewer easement through my property which was never awarded. It also fails to show anything resembling the discussions at the planning board hearings including the undisturbed buffer which was shown on a proposed site plan at the last hearing I attended. I am now requesting that the site plan be amended to correct its inaccuracies and to reflect the current agreement so that future library administrators understand their obligation to the library's neighbors.

Background information:

I attended the hearings at the Town Planning Board in 1995 and expressed a few concerns including the screening and sound insulation for my property and other neighboring properties. At the 6/6/95 hearing Mr. Art Clements of Lathrop Associates Architects, representing the library, said *"For the most part there will be selective clearing of the site and minimal disturbance as possible to create the new parking lot. There will be dense foliage along the east side of the parking lot to screen the parking lot from the neighboring residences."* My property is directly east of the parking lot.

Dr. Stuart Rickett, the chair of the library Building Committee, added, *"We've tried to make our building as neighborhood friendly as possible. As Mr. Clements mentioned, there's a buffer zone that we intentionally left to help cut down on noise, lights, things like that between our driveway and the Tate Avenue neighbors. The Tate Avenue people will never have to worry about lights coming on and off or noises or things like that."*

Also, in response to a question from planning board member, Steve Kessler, Mr. Clements replied, *"the existing vegetation is not going to be disturbed. We are not regrading back in this area at all, so we're going to leave as much vegetation back there as exists."*

At this hearing, a proposed site plan showing this natural buffer was on display. When the library was built, the lot was largely cleared but the natural buffer was left from the south end of my property to the northern most end of the library property. You can see this buffer, which remained until this past June, on the attached Google Earth photo. Natural processes had resulted in a few trees being lost and new, young trees growing in. My property had complete screening, privacy, and shade from April to November until this summer when the library removed *virtually every tree across about 2/3 of my backyard as well as the entire next property to the north*. Only at this time did I discover that the final site plan approved does not show the natural buffer referred to above.

I believe the Town and Library failed to act in the spirit of what was said and shown at the public hearings and that they now need to address this in the simplest way possible.

I did agree at our impromptu meeting at the library site earlier this summer to accept the planting of shade trees instead of ornamental trees and the library has planted two as agreed. My wife and I attended the June Library board meeting and when asked what we would want now, I asked that the shade trees be maintained and *that should any of the existing trees die or come down in a storm, that they be replaced*. Ironically, while several healthy young maples were removed by the library's landscaper, the one large shade tree he left has since died (see the attached photo). In a phone conversation with my wife a few weeks ago, Ms. Davis informed her that the dead tree will be removed and there are no plans to replace it. You can imagine our frustration.

I request that the site plan be revised to make it clear that the library must maintain this line of shade trees and that there is no sewer easement. While Ms. Davis may intend well, clearly the original intent never got passed along in an effective way from the prior library administration. Given the history, I have no faith that it will be accurately passed on to subsequent administrations either.

Please let me know what will be done in response to this situation and feel free to contact me if you have any questions at this email address or 739-3161.

Sincerely,

Nick Zachary

To see all the details that are visible on the screen, use the "Print" link next to the map.

Google



LIBRARY

PREVIOUS
TREE
BUFFER

OUR
HOUSE

