

Right to Know / FOIL

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TOWN OF CORTLANDT
DEPARTMENT OF TECHNICAL SERVICES
CODE ENFORCEMENT DIVISION

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

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

Ken Hoch
 Assistant to the Director/D.O.T.S.

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

Town Supervisor
 Linda D. Puglisi

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

Date: Oct. 7, 2016

To: Loretta Taylor, Chairperson and Planning Board Members

From: Ken Hoch
 Code Enforcement

Re: Congregation Yeshivath Ohr Hameir
 141 Furnace Woods Rd.



For the period from Oct. 15, 2015 – Oct. 7, 2016

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

Copies.....¹ Planning Board
 Town Board
 Zoning Board
⁶ Legal Dept.
⁶ DOTS Director
 C.A.C.
 A.R.C.
¹ Applicant
¹ David Sternwatz, Esq.

 Sent 10/11/16



Via Email & Regular Mail

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

**Re: Yeshiva Ohr Hameir (the "Yeshiva")
141 Furnace Woods Road; Cortlandt Manor, NY 10567
Planning Board Resolution No. 12-15**

Dear Chairperson Taylor and Members of the Planning Board:

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

We are also in receipt of Ken Hoch's Memorandum, dated October 7, 2016, which reports that Code Enforcement received no complaints for the Yeshiva at any time between October 15, 2015 and October 7, 2016.

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

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

Respectfully submitted,

ZARIN & STEINMETZ

By: 
David S. Steinmetz

Copies 1 Planning Board

- Town Board
- Zoning Board
- Legal Dept.
- DOTS Director
- C.A.C.
- A.R.C.
- Applicant

October 14, 2016

Sent 10/17/16

- David J. Cooper
- Jody T. Cross
- Michael J. Cunningham
- Marsha Rubin Goldstein
- Helen Collier Mauch
- Zachary R. Mintz
- Matthew R. Pisciotta
- Daniel M. Richmond
- Kate Roberts
- Brad K. Schwartz
- Lisa F. Smith
- David S. Steinmetz
- Michael D. Zarin

- Also admitted in D.C.
- Also admitted in CT
- Also admitted in NJ

DSS/mth

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

WHEREAS, an application for Planning Board approval for the renewal of a Junkyard Special Permit pursuant to Chapter 307-61 of the Town of Cortlandt Zoning Ordinance was submitted by Brookfield Resource Management Inc., for the property of 2114 APR, LLC, for the renewal of a Junkyard Special Permit as shown on a drawing entitled "Brookfield Resource Management Site Plan" prepared by Nosek Engineering dated October 22, 2010, and

WHEREAS, the subject property of approximately 8.7 acres is located on the east side of New York and Albany Post Road, 300 feet north of Dutch Street and is designated on the Town of Cortlandt Tax Maps as Section 54.08, Block 2, Lots 29 and 30, and

WHEREAS, pursuant to Part 617 of the implementing regulations of Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law the subject application is a Type II action, and

WHEREAS, the Planning Board held a public hearing on the subject application as required by Section 307-41 of the Town Code at the Cortlandt Town Hall, 1 Heady Street, Cortlandt Manor, New York on October 4, 2016 at 7:00 P.M., notice of which was published in the official newspaper of the Town, "The Croton-Cortlandt Gazette" and was also published in "The Journal News" and

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

WHEREAS, the subject application was referred to the Town of Cortlandt Conservation Advisory Council (CAC), the Westchester County Planning Board and the Town Engineering Division, and

WHEREAS, responses to the above mentioned referrals were considered by the Planning Board as well as comments made at the public hearing, and

WHEREAS, the front part of the subject property is zoned HC/9A, Highway Commercial/Multi Family to a depth of 200 feet and the remainder of the property is zoned M-1, Light Industrial, and

WHEREAS, the Planning Board considered this renewal of a Junkyard Special Permit pursuant to the requirements, conditions and standards contained in Sections 307-40, 307-41, 307-42 and 307-61 of the Town of Cortlandt Zoning Ordinance, and

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WHEREAS, the Planning Board conducted a thorough review of a new Site Plan and Junkyard Special Permit application by PB Case No. 9-09 and issued Site Development Plan approval and a Junkyard Special permit by PB Resolution 56-10 adopted on December 7, 2010 and the first three (3) year renewal of the Special Permit was granted by PB Res. 44-13 adopted on October 1, 2013, and

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

NOW THEREFORE BE IT RESOLVED that the Planning Board as lead agency in this matter finds 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

FURTHER BE IT RESOLVED, that the application of **Brookfield Resource Management** for the property of 2114 APR, LLC for the renewal of the Junkyard Special Permit pursuant to Section 307-61 of the Town of Cortlandt Zoning Ordinance to allow the continued operation of Brookfield Resource Management is **approved** for a period of three years subject to the conditions listed below, and

FURTHER BE IT RESOLVED, that the granting of this special permit is in harmony with the general purpose and intent of the Zoning Ordinance and will not be injurious to the neighborhood and will not change the character thereof, or otherwise be detrimental to the public welfare.

CONDITIONS & MODIFICATIONS:

- 1. The applicant is to reapply for renewal of said permit three months prior to December 7, 2019 which is the expiration date of the Special Permit issued by this Resolution.**
- 2. The applicant shall maintain his property in compliance with all laws, regulations and ordinances of the Town of Cortlandt as determined by the Division of Code Administration and Enforcement and all other governmental agencies having jurisdiction.**
- 3. The applicant shall submit an accident analysis, in the first quarter of 2017, covering all reported accidents on Route 9A in the vicinity of the site driveway through the end of 2016.**
- 4. The applicant shall submit a landscape “sketch plan” showing the planting of approximately 20 juniperus chinensis “torulosa”, referred to as Hollywood Juniper, to be planted along Route 9A to the satisfaction of the Director of Technical Services.**

TO BE CONSIDERED FOR ADOPTION: NOVEMBER 1, 2016

**TOWN OF CORTLANDT
PLANNING BOARD
PB 7-16**

DRAFT

RESOLUTION NO. 25-16

WHEREAS, an application for Planning Board approval of an Amended Site Development Plan pursuant to Chapter 307 (Zoning) was submitted by Paraco Gas Corp for the reconstruction of the existing replacement office as show on a drawing entitled “Amended Site Plan for Paraco Gas” prepared by Cronin Engineering, latest revision dated October 14, 2016, and

WHEREAS, the subject property of 1.5 acres is located at 8 & 14 Bay View Road, is zoned M-1, Light Industrial and is designated on the Town of Cortlandt Tax Maps as Section 22.19, Block 1, Lots 2 & 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 Short Environmental Assessment Form dated August 22, 2016, and

WHEREAS, the existing office building on site was reconstructed after Hurricane Sandy without the proper permits, and

WHEREAS, the subject site is currently developed and operates as a gas storage and distribution facility and contains two (2) 30,000 gallon propane storage tanks that are filled approximately every other day and from which approximately 6 fuel trucks make deliveries each day, and

WHEREAS, the reconstructed building will be built with a proper foundation and the finished floor elevation will be raised 2 feet about the 100 year flood elevation, and

WHEREAS, in addition an ADA complaint parking space with the required ramp up to the existing sidewalk will also be constructed, 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 November 1, 2016, and

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

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

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

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

WHEREAS, the Planning Board conducted individual site inspections of the subject premises.

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

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 2016 Town Sustainable Comprehensive Master Plan and Town Zoning Ordinance.
5. The proposed action will not result in the impairment of a character or quality of important historical, archeological, architectural or aesthetic resources or of existing community or neighborhood character.
6. The proposed action will not significantly impact the use of either the quantity or type of energy.

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

FURTHER BE IT RESOLVED that the Planning Board as lead agency in this matter finds that based on Part I of the Short Environmental Assessment Form (EAF) prepared by Keith Staudohar dated August 22, 2016 and Part II of the Short EAF prepared by the Planning Division dated November 1, 2016 and based on the subject site development plan and the record of this application and for reasons stated in this resolution including the analysis of the criteria stated in 617.7(c)(i)-(xii), the proposed project will have no significant, adverse environmental impact upon the environment and therefore the Planning Board adopts said Part II of the Short EAF and a Negative Declaration and that no Draft Environmental Impact Statement is required with regard to this matter, and

FURTHER BE IT RESOLVED that the application of Paraco Gas Corp for approval of an Amended Site Development Plan pursuant to Chapter 307 (Zoning) for the reconstruction of the existing replacement office as show on a drawing entitled "Amended Site Plan for Paraco Gas"

(continued on page 4)

prepared by Cronin Engineering, latest revision dated October 14, 2016 is hereby **approved**, and **FURTHER BE IT RESOLVED** that approval of said Site Development Plan shall be valid for a period of twelve (12) months from the date of this Resolution to satisfy all conditions of approval and to obtain the signature of the Planning Board Chairman on the Site Development Plan. If there is no substantial change in the condition of the site and/or its environs, Site Development Plan Approval may be extended by the Planning Board for a maximum of two (2) additional years, granted in one year intervals, **upon timely application by this applicant and a written explanation of the reasons for the delay which require the granting of a time extension, and**

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

CONDITIONS AND MODIFICATIONS:

- 1. Obtain the required signatures from the Director of Technical Services and the Director of Environmental Services on a mylar of the subject drawing and submit (4) four prints and the mylar of said drawing to the Planning Office following the Chairman's signature on the site plan mylar.**
- 2. Obtain the signature of the Receiver of Taxes on an appropriate form indicating that taxes on the subject property have been paid.**
- 3. Posting of a combined soil erosion security and maintenance security pursuant to Section 307-73.1 of the Town Code in the amount of \$2,500. 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**

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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.

4. 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 State, County and Town permits obtained prior to beginning any related work on the subject property.

5. The proposed improvements are located in a special flood hazard area as established by FEMA. The applicant shall submit information as required in Chapter 175-12 "Permit Application" and 175-15 "Standards for all Structures" of the Flood Damage Prevention Law of the Town Code to the satisfaction of the Director of Technical Services.

TO BE CONSIDERED FOR ADOPTION: NOVEMBER 1, 2016