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RECEIVED
SEP 25 2015
PB 9-99
DEPT. OF TECHNICAL SERVICES
PLANNING DIVISION

McCULLOUGH, GOLDBERGER & STAUDT, LLP
ATTORNEYS AT LAW
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Copies 7 Planning Board
. Town Board
. Zoning Board
. Legal Dept.
FRANK B. McCULLOUGH (1908-1988)
EVANS V. BREWSTER (1922-2007)
. P.E. Director
. C.A.C.
. A.R.C.
. Applicant
. _____
. _____
MGS#2224.03 Sent 9/25/15

JAMES STAUDT
LINDA B. WHITEHEAD
SETH M. MANDELBAUM
JOANNA C. FELDMAN
DEBORAH A. GOLDBERGER
EDMUND C. GRAINGER, III
PATRICIA W. GURAHIAN
MEREDITH A. LEFF
RUTH F.-L. POST
KEVIN E. STAUDT
STEVEN H. WRABEL
CHARLES A. GOLDBERGER
KEITH R. SETENSKY
COUNSEL

September 25, 2015

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

**Re: Application of Beaver Brook Cortlandt, LLC (formerly Furnace Dock, Inc.),
16 lot cluster subdivision, Furnace Dock Road**

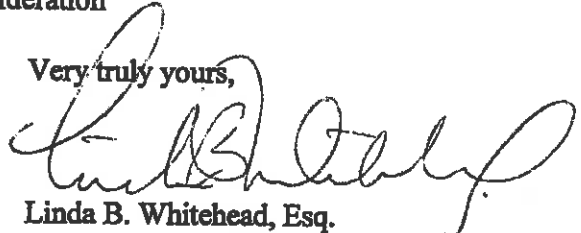
Dear Chairperson Taylor and Members of the Planning Board:

As you will recall, by Resolution No. 17-11 dated July 6, 2011, the Planning Board granted conditional final plat approval for the above referenced application. You have previously granted thirteen (15) ninety (90) day extensions of the conditional approval.

We hereby request a sixteenth (16th) ninety (90) day extension of the final plat approval and the time to satisfy the conditions of the approval.

We have recently received the Town's consultants approval on the stormwater plans and based thereon have resubmitted the plat to the Department of Health for re-approval. We are also finalizing the required documentation.

We would appreciate if this extension request could be placed on the agenda for your October meeting. Thank you for your consideration

Very truly yours,

Linda B. Whitehead, Esq.

cc: Ron York
Cosmo Marfione, P.E.
Dan Ciarcia, P.E.
Gary Peresiper

**TOWN OF CORTLANDT
PLANNING BOARD
PB 9-99**

DRAFT

RESOLUTION NO. 16-15

WHEREAS, an 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 submitted by **Beaver Brook Cortlandt, LLC** for a 16 lot cluster subdivision of a 42.43 acre parcel of property as shown on a Final Plat entitled "Subdivision Plat for Furnace Dock, Inc" latest revision dated April 11, 2011 prepared by Scott B. Gray, L.S and on a 12 page set of improvement drawings entitled "Furnace Dock Subdivision" prepared by Dan Ciarcia PE, latest revision dated April 14, 2011 was approved by Planning Board Resolution 17-11 adopted on July 6, 2011, and

WHEREAS, the subject property is located on the north side of Furnace Dock Road, 1,500 feet east of Albany Post Road and is designated on the Town of Cortlandt Tax Maps as Section 55.19, Block 1, Lot 1, and

WHEREAS, by Resolutions 3-12, 11-12, 21-12, 29-12, 4-13, 15-13, 28-13, 42-13, 3-14, 12-14, 21-14, 29-14, 2-15, 6-15 and 12-15 the Planning Board previously granted fifteen (15) 90-day time extensions the latest of which expired on September 23, 2015, and

WHEREAS, by a letter dated September 25, 2015 Linda Whitehead, Esq. requested the 16th 90-day time extension of Final Plat Approval to satisfy conditions of said approval.

NOW THEREFORE BE IT RESOLVED, that the request of Linda Whitehead, Esq. for the 16th 90-day time extension of the above mentioned Final Plat is **APPROVED** said extension to expire on December 22, 2015.

TO BE CONSIDERED FOR ADOPTION: OCTOBER 6, 2015

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: Linda D. Puglisi, Town Supervisor
Ed Vergano, Dir. DOTS
Chris Kehoe, Dep. Dir. DOTS ✓
Rosemary Boyle-Lasher, Dep. Dir. DOTS
Ken Hoch, Dep. Dir. DOTS

From: Jo-Ann Dyckman, Town Clerk

Re: Local Law #3-15

Date: September 24, 2015

Copies..... ⁷ Planning Board
..... Town Board
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..... Legal Dept.
..... DOTS Director
..... C.A.C.
..... A.R.C.
..... Applicant
.....
.....
Sent 9/24/15

At their regular meeting held September 15, 2015 the Town Board adopted Local Law #3-15 establishing a Moratorium on certain issues under the Zoning Ordinance.

Copy of said resolution is enclosed.

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

Enc.

RECEIVED
SEP 24 2015

DEPT. OF TECHNICAL SERVICES
PLANNING DIVISION

LOCAL LAW NO. 3 OF 2015
A LOCAL LAW ESTABLISHING A MORATORIUM ON
CERTAIN USES UNDER THE ZONING ORDINANCE

SECTION ONE: LEGISLATIVE INTENT

In 2013 the Town Board exercised its authority and appointed a Special Committee to prepare an updated Master Plan for the Town. Said Committee commenced meeting monthly in October of 2013.

The Town applied for a grant to provide professional guidance and assistance to the Master Plan Committee and was awarded said grant which allowed the Town to engage the services of a professional planning consultant who commenced working with the Master Plan Committee in early 2014.

The Master Plan Committee has been working diligently in preparing a Master Plan and it is anticipated that the proposed Master Plan will be presented to the Town Board at their October 2015 Town Board meeting. The Town Board will then engage in the approval and review process which is estimated to take 90 to 120 days.

The Master Plan contains many new and innovative approaches to creating various uses and concepts of new development idea concepts for various parts of the Town. Some of these proposals would require modification of existing provisions of the Zoning Ordinance and others would require the insertion of new provisions in their totality.

The Town Board is concerned that applications filed under the existing provisions of the Zoning Ordinance may be contrary to the vision set forth in the proposed Master Plan and should the proposed Master Plan be enacted, future development should be in accordance with said plan.

Recently a new proposal along the Hudson River Shoreline was filed and is in the Planning Board process. This use of the property is totally contrary to that envisioned by the Master Plan.

Another recent application proposes a use that requires the destruction of hundreds of trees.

While neither of these applications will be halted by this Moratorium, the need for this action is highlighted by them.

The uses sought by these applications are still envisioned under the Master Plan but in areas and under conditions that more appropriately address the environment and other community concerns.

It is with this and all many other issues in mind that the Town Board deems it appropriate to establish a moratorium on certain uses in areas of the Town pending the Town Board's adoption of the new Master Plan and associated Zoning Ordinance changes.

SECTION TWO: MORATORIUM

No application shall be considered, nor approvals granted, by the Planning Board, Zoning Board or the Building Inspectors of the Town with respect to the following provisions of the current Town Zoning Ordinance:

- Section 307-94 – Community Betterment District;
- Section 307-61 – Junk Yards;
- Section 307-52 – Country Club;
- Section 307-53 – Tennis Club, Yacht Club or similar membership, sports and recreation club;
- Section 307-50 – University, College or Seminary;
- Section 307-59 – Hospital or Nursing Home; or similar such facilities.

Additionally, no new application shall be received or considered for any non-residential development except for a change in use of existing buildings within one-half mile radius of the Metro North Railroad track and its intersection with Route 9A in Montrose.

No new applications will be entertained within 2000 feet of the Hudson River shoreline for other than residential development or modification of existing previously issued permits or approvals.

SECTION THREE: EXEMPTION

Any application which has already been scheduled for a Public Hearing or has had a Public Hearing conducted on its application prior to the effective date of this Local Law shall be allowed to proceed forward.

SECTION FOUR: DURATION

The moratorium established herein shall be effective for nine (9) months from the effective date of this Local Law unless earlier terminated.

SECTION FIVE: HARDSHIP

The Town Board retains onto itself the right to consider variances to this Local Law and to make all determination with respect to its applicability and interpret and determine the same. Any issues with respect to the interpretation of and variances from this Law shall be determined by the Town Board upon written request of a property owner.

SECTION SIX: EFFECTIVE DATE

This Local Law shall take effect immediately upon its filing with the Secretary of State of the State of New York.

Dated: September 15, 2015

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF CORTLANDT
JO-ANN DYCKMAN, TOWN CLERK**

Certified Copy
9/23/15 **Date**
Christine B. Cothen
Deputy Town Clerk

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

September 23, 2015

VIA HAND DELIVERY

Hon. Loretta Taylor
Chairman of the Town of Cortlandt Planning Board
and Members of the Planning Board
Town Hall
1 Heady Street
Cortlandt Manor, NY 10567

Sent 9/27/15

RECEIVED
SEP 23 2015

**DEPT. OF TECHNICAL SERVICES
PLANNING DIVISION**

Re: Acadia Cortlandt Crossing, LLC ("Acadia")
Proposed Cortlandt Crossing Retail Development
PB No. 14-13

Dear Chairman Taylor and Members of the Planning Board:

On behalf of Acadia Cortlandt Crossing, LLC (the "Applicant") we are pleased to submit a response to AKRF's comments on the conceptual landscape plan as well as renderings depicting the architecture and the materials proposed for the Cortlandt Crossing development as requested by the Planning Board at their meetings on August 4, 2015 and September 1, 2015. These materials are being submitted in support of the pending Site Plan application. The updated plans and renderings included herewith were modified in response to comments from the Planning Board, and discussions with Town staff. The revisions include: (i) a modified landscaping plan with respect to the plantings on the berm, (ii) updated site geometry plan that provides a path connecting the pedestrian bridge to the proposed picnic bench area and the retail building sidewalk, and (iii) rendered views of the proposed development from vantage points along Cortlandt Boulevard and from within the retail area.

Divney Tung Schwalbe, LLP
Re: Acadia Realty Trust

September 11, 2015
Page 2

Based on questions raised by the Planning Board at its September 1, 2015 hearing, the proposed landscape plan has been updated to include two (2) distinct areas of planting; a transitional planting area and a forested buffer. The forested buffer and landscape berm would provide screening and buffering between the proposed retail structures and the adjacent properties. The transitional area, comprised of a combination of shade trees with native shrubs and seed mix, has been expanded to replace the meadow area previously proposed along the western side of the berm. This planting plan would continue to be more representative of a traditional successional planting plan occurring in nature to create distinct wildlife habitats, while also providing screening and buffering from neighboring properties.

Additional comments made at the August 4 and September 1 Planning Board hearings pertaining to the Town's on-going SEQRA review will be addressed in the FEIS. The FEIS will be submitted to the Town Board for its acceptance as complete and distribution for public review shortly.

Divney Tung Schwalbe, LLP
Re: Acadia Realty Trust

September 11, 2015
Page 3

1. **Comment:** *In general, the Conceptual Landscape Plan appears to be well thought out and the plant species shown are predominantly native, non-invasive and appropriate for the project site.*

Response: Comment noted.
2. **Comment:** *A pedestrian bridge with a path to the parking area has been provided. A greater benefit would be realized if a path continued to connect the bridge to the proposed picnic bench area and also connected to the nearest building's sidewalk.*

Response: To further maximize the pedestrian circulation within the site and to the connect the various proposed site amenities, Sheet SP-1.1, *Site Geometry Plan*, has been revised to show an extension of the path which links the pedestrian bridge to the proposed picnic and also to the sidewalk located adjacent to the parking spaces and retail building located at the northeastern corner of the retail area.
3. **Comment:** *The 1:1 planted slope shown in section 1 of Sheet SP-4.5 is not recommended as it is too steep to be planted with shrubs or maintaining with mowing. The applicant should consider an approximate 7-foot high wall with a landscaped slope to reduce the slope to 3:1.*

Response: A tiered retaining wall has been incorporated into the site plan, within the area proximate to Cortlandt Boulevard, in order to maintain a 2:1 slope as shown on Sheet SP-4.5.
4. **Comment:** *Guide rails are called out on Sheet SP-1.1 as 'wood guide rail' and 'bumper guard' in two different locations. Will these rails have a similar appearance to one another?*

Response: Only wood bumper guards will be utilized within the parking areas, as shown on the revised Sheet SP-1.1, *Site Geometry Plan*. A detail of the

Divney Tung Schwalbe, LLP
Re: Acadia Realty Trust

September 11, 2015
Page 4

wood bumper guard is provided on Figure 1, attached to this letter.

5. **Comment:** *Addition of bicycle racks are noted.*

Response: Comment noted.

6. **Comment:** *The Applicant is proposing plantings in the raised traffic islands. We recommend that the applicant increase the number of canopy trees and ornamental trees throughout the parking area. We also recommend that the areas of lawn be minimized and all areas immediately adjacent to a parking space be planted with groundcover or shrubs rather than lawn. The landscape plan can be finalized as part of site plan approval. We recommend that the final landscape plan be reviewed by a landscape architect prior to site plan approval.*

Response: The Applicant is proposing plantings in the raised traffic islands. To add variety to the site, the plantings in the traffic islands include a mix of ornamental and canopy trees, shrubs, groundcover and lawn. It should also be noted that several of the raised traffic islands include site lighting, as shown on the Typical Parking Lot Island Landscaping detail shown on Sheet SP-4.3, *Landscape Details*. Groundcover, shrubs and lawn area are proposed within the traffic islands that contain parking lot light poles. The proposed site lighting has been optimally located throughout the site to provide for uniform and appropriate lighting of the parking areas. The proposed landscape plan, SP-4.1, has been revised to show additional ornamental and canopy trees within several of the areas previously shown as lawn and within traffic islands that do not include parking lot light poles.

7. **Comment:** *We recommend that Street Trees (large canopy trees at regular 30' to 50' intervals) with understory plantings of groundcover and low shrubs be planted in the area called out as 'proposed lawn' in the 'Typical Streetscape Landscaping' detail plan on sheet SP-4.3.*

Response: Where feasible, the Applicant proposed street tree plantings along

Divney Tung Schwalbe, LLP
Re: Acadia Realty Trust

September 11, 2015
Page 5

Cortlandt Boulevard while avoiding conflicts with existing utilities both overhead and underground along this portion of Cortlandt Boulevard, as shown on Figure No. 2, *Streetscape Landscape and Utilities*. Additionally, in consideration of site maintenance and to avoid conflicts with snow plows in the winter, the area immediately adjacent to Cortlandt Boulevard shown on the “Typical Streetscape Landscaping” on Sheet SP 4.3 is proposed to be lawn area.

8. **Comment:** *We recommended the final Landscape Plan be reviewed by a Landscape Architect during site plan review to confirm the species and to verify that the layout and spacing of the plantings is appropriate.*

Response: Comment noted.

9. **Comment:** *We recommend that the applicant and Town review the Replanting Plan to determine the appropriate number of trees that should be planted in each location on the site to maximize plant survival while also providing appropriate screening. The Town should consider relocating any additional plantings that are identified along Cortlandt Boulevard (Route 6) to support the Town’s ongoing efforts to establish a landscaped boulevard in this location.*

Response: The Applicant will work with Town staff to determine the appropriate number of trees that should be replanted in each location on the site while bearing in mind the need for snow storage, maintenance considerations and the locations of both underground and aboveground utilities in and immediately adjacent to the site. A Tree Removal Permit and Project Landscape Plan Narrative is attached further describing the proposed landscaped plan for the Cortlandt Crossing project.

Divney Tung Schwalbe, LLP
Re: Acadia Realty Trust

September 11, 2015
Page 6

We look forward to answering any questions you may have regarding the revised plans at the Board's October 6th continuation of the public hearing, and resolving any outstanding matters so that the Board is ready to complete the Site Plan process following the Town Board's completion of SEQRA.

Very truly yours,

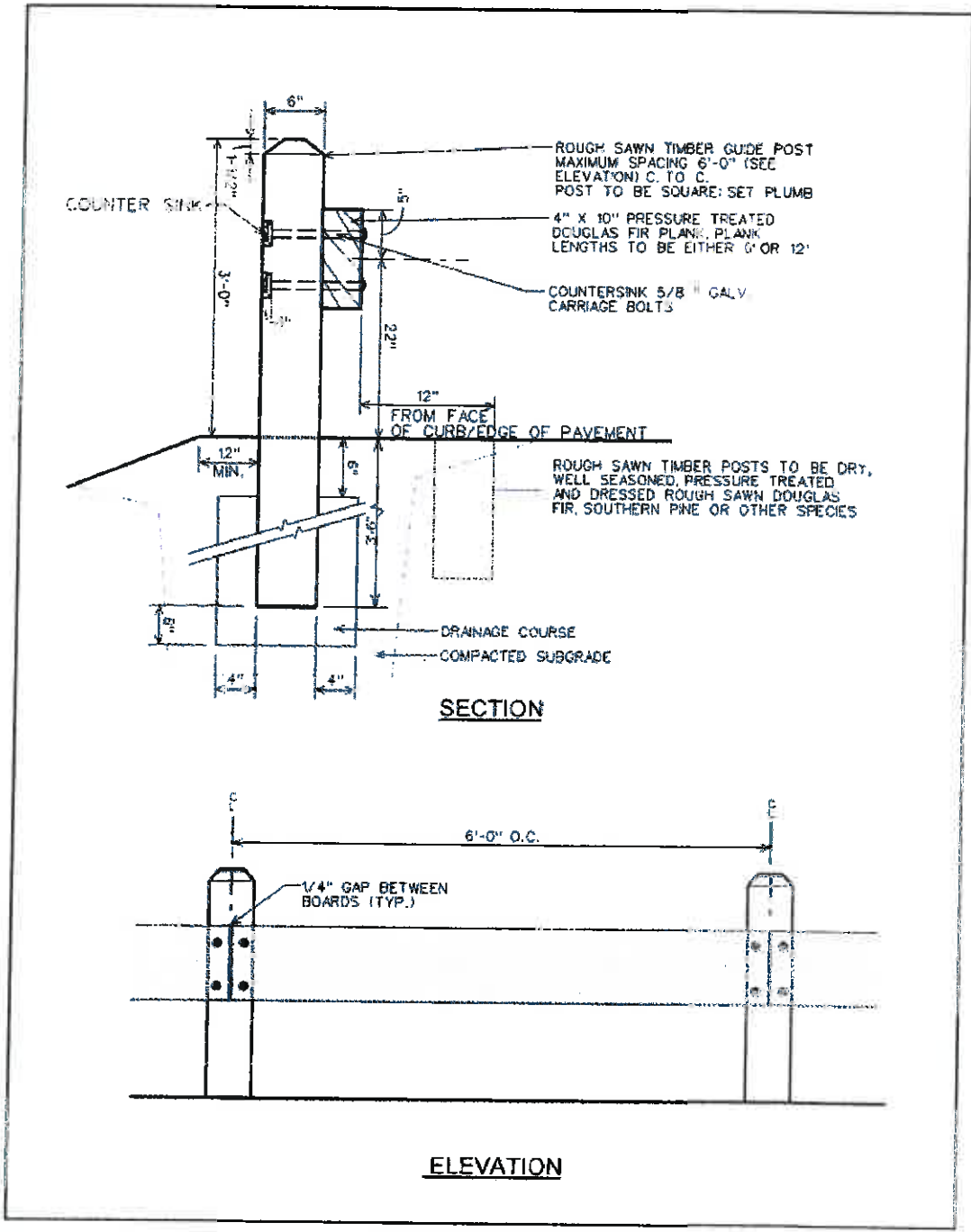
DIVNEY TUNG SCHWALBE, LLP



Matthew N. Steinberg, AICP
Associate

Enclosures

cc: Acadia Realty Trust
David Steinmetz and Brad Schwartz
Anthony Russo and Michelle Robbins, AKRF
757

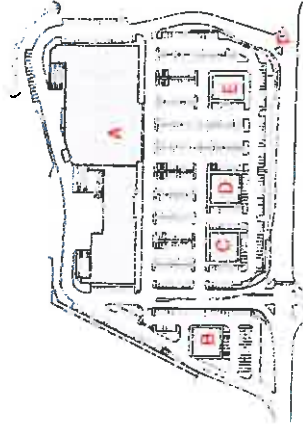


WOOD BUMPER GUARD
 CORTLANDT CROSSING
 TOWN OF CORTLANDT, NEW YORK

FIGURE NO. 1



PERSPECTIVE 1



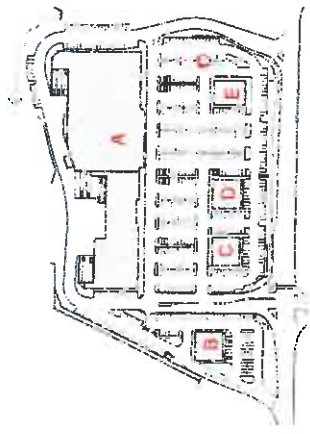
PERSPECTIVE 2







PERSPECTIVE 5



PERSPECTIVE 6

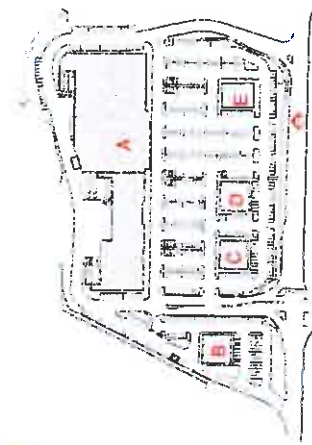




PERSPECTIVE 7



PERSPECTIVE 8





CORTLANDT CROSSING SITE PLAN APPLICATION

Tree Removal Permit and Project Landscape Plan

The landscaping plan proposed for the site includes a landscaped berm which is generally located in the northeastern portion of the site and has been updated to include three (2) distinct areas of planting; a transitional planting area and a forested buffer. The forested buffer and landscape berm would provide screening and buffering between the proposed retail structures and the adjacent properties. This planting plan is more representative of a traditional successional planting plan occurring in nature than a plan which would completely reforest the entire arc of the proposed berm. As described above, the plan provides two (2) distinct wildlife habitat areas: a transitional area and a forested buffer area.

Additionally, adjacent to the proposed retail buildings and within the parking lot islands the landscaping will include a combination of hardscape elements, shade and ornamental trees, evergreen and deciduous shrubs, and ornamental grasses and ground cover plantings where appropriate. The Town's planning consultant, AKRF, reviewed the Conceptual Landscape Plan and concluded in its August 4, 2015 letter that it "appears to be well thought out and the plant species shown are predominantly native, non-invasive and appropriate for the project."

Section 283-3C(3)(d) of the Town Code requires that for every 1,000 square feet of lot area disturbed, 1 tree of a minimum 3-inch caliper shall be planted. For the proposed 790,422 square feet (18.15 acres) of disturbance 791 trees would be required to be planted. The Applicant proposes to plant 565 trees throughout the Site as part of the mitigation to meet the requirement. Per §283-7.A(7) of the Tree Ordinance in its review of the removal of a regulated tree the approving authority may consider, "if the property owner will replant replacement trees of a similar species or add other vegetation to offset the negative effects of the tree removal to the satisfaction of the approving authority." In addition to the 565 proposed new trees, the applicant also proposes to plant the following vegetation throughout the Site in order to provide for additional wildlife habitat areas, visual interest, and screening:

- Approximately 1,100 deciduous and evergreen shrubs and groundcovers ranging in size from 12 to 36-inches in height within the Cortlandt Boulevard streetscape, parking lot islands and perimeter buffer areas of the Site;
- 200 one gallon containers of ornamental grasses with the parking lot islands;
- 400 one gallon containers of assorted annuals and perennial plants within the parking islands and entry landscape features;
- 500 stream buffer shrubs and 500 stream buffer emergent plants encompassing within the proposed stream corridor;
- Over 200,000 square feet of various seed mixes within lawn areas, steep slope areas, the transitional area and restoration area;
- Landscape improvements within the new Town right-of-way and on the south side of Cortlandt Boulevard associated with the proposed improvements of the Cortlandt Boulevard and Baker Street intersection.

As part of the environmental review, AKRF reviewed the general health and conditions of the trees proposed to be removed as part of the Project.¹ AKRF concluded that many of the existing trees within the limit of disturbance are in a state of decline due to invasive vines that grow unchecked. Over mature trees at the site continue to decline as well due to the invasive vines. Trees in areas of the project site with less vine cover would continue to mature, although the invasive vines may continue to grow into these areas over time.

Although not required by Code, the Applicant is proposing that as part of the project, the northern 21-acre portion of the Property would be maintained in perpetuity as open space and/or conservation land. The proposed open space area will have beneficial impacts on the long-term protection of the existing wetland system and the future diversity of the wildlife and ecological communities within the northern portion of the Site. Furthermore, the area adjacent to the daylighted stream and transitional areas within the northern portion of the property will feature amenities such as benches, picnic tables and a gazebo for use by visitors and employees of the Site.

¹ Cortlandt Crossing Project Tree Condition and Conceptual Landscape Plan Assessment, prepared by AKRF, dated July 16, 2014.

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

September 23, 2015

Hand Delivered

Re: Proposed Driving Range and Private Teaching Facility
Hudson National Golf Club
Section 67.08, Block 1, Lot 31, Town of Cortlandt, New York

PB 1-14

Dear Chris:

Please find enclosed the fourteen (14) sets of following information:

1. Report from Steve Marino, PWS of Tim Miller Associates, Inc. dated September 14, 2015,
2. Letter from Steve Stuart, Club President of the Hudson National Golf Club dated September 15, 2015, with attachments,
3. Letter from this office to Michael Preziosi, P.E. dated September 22, 2015 responding to various comments,
4. Site Plan for Hudson National Golf Club Driving Range and Teaching Facility dated September 22, 2015 (Sheet 1 of 3 Sheets),

The above materials represent responses to comments made by Board Members and staff.

We are requesting placement on the agenda of the October 6, 2015 meeting of the Planning Board for consideration of Site Plan Approval and a Special Permit.

Sincerely,



Ralph G. Mastromonaco

Enclosures

cc: Hudson National Golf Club
Robert Davis, Esq.

Copies 1
..... Planning Board
..... Town Board
..... Zoning Board
..... Legal Dept.
..... DOTS Director
..... C.A.C.
..... A.R.C.
..... Applicant
..... 1 Steve Coleman
.....
Sent 9/24/15

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SEP 23 2015

DEPT. OF TECHNICAL SERVICES
PLANNING DIVISION

**TIM
MILLER
ASSOCIATES, INC.**

10 North Street, Cold Spring, NY 10516 (845) 265-4400 265-4418 fax www.timmillerassociates.com

September 14, 2015

Mr. Chris Kehoe, Deputy Director
Department of Technical Services, Planning Division
Town of Cortlandt, Town Hall
1 Heady Street
Cortlandt Manor, NY 10567

Re: Hudson National Golf Club
Proposed Driving Range/Teaching Facility

Dear Mr. Kehoe:

At the public hearing the Board and a few interested parties had some comments and questions regarding the proposed driving range. We would like to take this opportunity to respond to and clarify some of the outstanding issues as they relate to the wetlands on the site.

As you know, we have had several meetings with staff and Steve Coleman, the Town's wetland consultant. These meetings resulted in changes to the plan and the overall mitigation concept. A substantial amount of information and analysis of the site and the impacts has been provided to the Board in several submissions, but it seems that it would make sense to summarize here since the Board and Mr. Buckhout did not seem quite up to date.

Overview. The wetland that will be disturbed is of far less ecological value than the existing pond. The existing wetland/drainage system was created in large part by the construction activities of the 1990's. The proposed mitigation plan will result in the expansion and enhancement of that pond (at a ratio of greater than 2:1), adding significant ecological value to the pond for birds, amphibians and reptiles, recreational opportunities for hikers and birders, and aesthetic improvements for the golf course. This very beneficial work, favorably recommended by the Town's consultant, will not occur if the driving range work that will result in the disturbance of the smaller wetland area does not occur.

The wetland to be disturbed is of marginal ecological value. As discussed in our report dated July 13, 2015, the "wetland" that is to be disturbed provides only marginal beneficial functions. The wetland does not appear on DEC, National Wetland Inventory or Westchester County maps due to its small size. Reputedly, the wetland only began to develop as anything other than a drainageway following final construction of the golf course and the adjacent detention basin. This basin has an outlet that drains through the northern watercourse of the delineated area following storm events and snow melt. This would explain the vegetative and soils condition of the wetland.

Vegetation in the wetland portion is predominantly invasive stiltgrass (*Microstegium vimineum*). While some native species are intermixed with the stiltgrass, the seasonal hydrology provided by the groundwater seepage and occasional overflow of the detention basin on the golf course is not optimal for a healthy vegetative community or the development of hydric soils. The two watercourses that flow out of the wetland are ephemeral in nature and do not flow long enough during the growing season to support a mature community of wetland vegetation along the banks or provide habitat for amphibians such as two-lined salamanders or macroinvertebrates. The small size of the wetland prevents it from being anything more than a small part of the watershed that feeds the more significant stream corridor and wetland system downstream. It is important to note that subsurface drainage from under the riving range will continue to be routed through the two watercourses downstream of the new slope area.

The proposed mitigation provides much greater ecological value than the wetland to be disturbed. The proposed mitigation area, on the other hand, currently provides a variety of beneficial functions which can be significantly enhanced as part of this proposal. The existing pond and adjacent wetlands are over an acre in size, and provide both open water and emergent wetland habitat. Because the outlet structure controls the rate at which water leaves the pond, water quality enhancement is improved due to the increased residence time of water in the pond. Vegetative diversity is significant compared to the wetland in the driving range area, although an infestation of reed grass (*Phragmites australis*) exists in the northwest corner of the wetland. This *Phragmites* will be removed as part of the mitigation plan.

In addition to expanding the size of the wetland by almost 50 percent, the proposed planting plan significantly adds to the wetland vegetation diversity, introducing native trees and shrubs that provide food and cover for resident wildlife. The proximity of the pond/wetland to the Audubon and Village properties to the south adds a recreation and aesthetic aspect to the proposal, with the possibility of trails being extended to the vicinity of the pond for birdwatching opportunities. This location was preferred by the Town's consultant, who recommended this location rather than the previous mitigation proposal. **The resulting wetland will be far superior in function and value than the areas that will be impacted. However, this improvement will not occur if the driving range is not approved as proposed.**

Regarding the specific comments that were made at the public hearing, we offer the following responses to the comments related directly to the wetlands.

1. Avoidance of the existing wetland area. As discussed at the public hearing, it is our position that the driving range in its current configuration is necessary and unavoidable if this project is to move forward. There is no practical alternative. A detailed explanation of the distance and tee location requirements is being provided by others under separate cover. However, one factor that has been overlooked up to this point is our analysis of the existing wetland and its functions, which must also play a part in determining if the impacts to the wetland are in fact significant.

As described in our report dated July 13, 2015, the small wetland at the northern end of the site is approximately 8,300 sf (about one-fifth of an acre). It is fed by the outflow of water from the detention basin on the golf course property installed in the 1990's, as well as the seepage of shallow lateral flow from under the golf course and the adjacent areas to the east. These flows join at a relatively flat area, which is dominated primarily by herbaceous vegetation. Woody wetland plants are found along the edges of the delineated area.

The narrow outlets/overflows are better defined as intermittent watercourses, which generally flow when the soils in the wetland become too saturated to hold any more water and discharge to these narrow channels. The main outflow is approximately 2,900 sf in area when the bed and banks of the channel are included. Significantly, these features are not identified on DEC or NWI mapping, or on mapping developed by the Town or in the MCA report. The Town's 2004 Open Space Plan documentation did not identify wetlands or waterbodies on the parcel, although some areas of wetland soils were noted. Water leaves the site through these narrow drainage channels, and eventually connects with the riparian system to the northwest that flows to the Hudson.

The wetlands and watercourses on the property, as described above and in the Steve Coleman report, are areas of groundwater discharge or trapped runoff, resulting in conditions that support hydrophytic vegetation. The drainage channels which are found in several locations are intermittent in nature, flowing only when seasonal high water and snow melt are present, or immediately after significant rain events. Spring peepers, pickerel frogs, and green frogs, all very common and adaptable species, are expected and were observed in these locations.

The primary function of the site wetland is the capture and conveyance of the overland flow and groundwater seepage, contributing to the baseflow of the downstream wetland system. It also provides some small local habitat for smaller wetland dependent species. It is unclear based on the site history whether this small pocket of wetland has existed for a long time, or if it was in fact created by the construction of the golf course and changes in site hydrology due to the discharge from the detention basin. It is noted that a past owner started legal action against the Golf Club for what he believed was the course contributing to the creation of wetlands on this property, so there remains some question about how long these wetlands have existed. Regardless, we concede that the area is now regulated by the Town of Cortlandt. Based on this regulation we are providing a comprehensive mitigation plan to offset the loss of 7,550 sf of these wetlands and drainageways. It is also noted that subsurface drainage will be provided under the new driving range so that the existing groundwater seepage can be captured and discharged back into the system so that this function will stay as it currently exists. We also acknowledge that prior to the commencement of construction a Pre-Construction Notification (PCN) for a Nationwide Permit must also be filed with the Army Corps of Engineers.

2. Mitigation concept. As you know, we originally proposed to expand the wetland areas below the new graded slope to replace those wetlands that would be filled for the driving range. It was clear however that there was not enough area available to fully offset the 7,550 square feet of wetland to be filled, and Steve Coleman had concerns about the construction and long term efficacy of these areas. It was at that time that we presented an alternative mitigation scheme, of which Mr. Buckhout and the CAC are apparently not aware. Steve Coleman, however, endorsed the concept and has made positive comments about the plan.

The following comprehensive mitigation and enhancement plan is proposed in order to offset the impacts of the project:

1. The existing pond on the Hudson National site (which lies within the Village of Croton and also drains through the Audubon parcel) will be expanded as shown on the Wetland

Creation/Expansion Plan. The pond is approximately 1,800 feet to the southwest of the proposed impact area. Detailed plans, photos and location maps were provided with previous submissions. The pond is within the same drainage basin as the impacted wetland. This mitigation proposal has been developed to utilize the standing water elevation of the pond as a baseline for hydrology in the newly graded areas. Proper construction will result in the creation of approximately 16,000 square feet of new wetland to offset the loss of 7,550 square feet of existing wetland/watercourse, at a more than 2:1 ratio. In response to Steve Coleman's memo dated July 28, 2015, we revised the mitigation plan for the referenced project, providing more details and a separate Mitigation Specification for the project.

Nuisance and nonnative vegetation will be removed from within the wetland expansion/enhancement and buffer areas, including phragmites, multiflora rose, climbing bittersweet, purple loosestrife, hardy kiwi and ailanthus. A patch of Phragmites approximately 3,400 square feet in size will also be cleared and restored. No native species will be removed except as required within the proposed grading areas. Native trees will be preserved to the extent allowable.

2. Additional hydrology will be provided by creating a swale connected to an existing stormwater outfall, which will then convey runoff to the wetland expansion area during storm events. This water currently flows to the pond via overland flow, but will be diverted through the new mitigation area.

3. A minimum of 19 trees and 125 shrubs will be planted to enhance the hydrophytic plant community on site as per the plant list on the mitigation plan. These trees and shrubs will be in addition to those planted as part of the Tree Preservation Plan. Newly graded areas will also be seeded with high quality wetland seed mixes.

The wetland mitigation plan is provided to offset the potential impacts of the disturbance to regulated wetland habitats. The expansion of the pond will provide greater habitat opportunities for wading birds and waterfowl, reptiles and amphibians and be located such that access from the Audubon lands to the north can be provided.

3. Concerns about pollution of downstream waters due to tree clearing and the use of fertilizer and pesticides on the new driving range. Mr. Buckhout expressed concerns about the impact of tree clearing and the use of turf maintenance products.

As the Board knows, the owner of the property proposes to construct a driving range and teaching facility on 12 acres of the 19 acre site. Approximately 1,200 trees that meet the Town permitting criteria will be removed for this project. Due to the nature of the project as a golf driving range, it is impossible to preserve additional trees within the area of play, and the site requires significant earth movement to provide the relatively flat surface needed for golf. This will result in a change to the site from second growth forest to open meadow and maintained grassland over approximately 12 acres of the parcel.

It is estimated that 696 trees will be saved on the 19.4 acre site and a substantial unknown number of unregulated trees. An additional 100 trees, 250 tree saplings and 1,000 shrubs will be planted. The shrubs and trees to be planted will be of species which are native or naturalized to Westchester County. A list of these species was previously provided.

A tree preservation plan was also prepared to offset some of the impacts associated with tree clearing. It is also noted that 3.6 acres of the site along the western edge, adjacent to the Audubon/Village lands, will remain undisturbed and placed in a deed-restricted open space area. A total of 6.7 acres of the site will remain undisturbed by this project. New walking trails will be developed through these areas, connecting to existing trails.

Regarding the use of turf management products, it is important to note that the existing course operates under an Environmental Management Plan prepared by The Turf Science Group of Raleigh, North Carolina, a group that specializes in preparing environmentally sound management plans for golf courses world wide. Many Audubon Signature courses operate under these same guidelines. This plan prohibits the use of certain fertilizers and pesticides, limits or restricts the use of others, and carefully monitors all applications based on necessity, weather conditions, and a number of other factors. Hudson National has committed to following this same plan on the new driving range area, as presented in our submission of July 22, 2015. The plan itself was included with that submission.

A final Stormwater Pollution Prevention Plan, which covers possible impacts during and after construction, will be prepared based on the final grading plan, and this plan will meet all Town and State requirements for the capture and treatment of runoff.

We hope that this clarifies the issues related to the wetlands on the site. We look forward to continuing our discussions with the Board at the next meeting.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Marino". The signature is fluid and cursive, with a small mark at the end.

Steve Marino, PWS
Senior Wetland Scientist
Tim Miller Associates, Inc.

Michael Preziosi, PE
Town of Cortlandt
1 Heady Street
Cortlandt Manor, NY

September 22, 2015

Re: Hudson National Golf Course – Teaching Facility and Driving Range

Dear Michael:

This is in response to your email to me requesting further information on the driving range.

Plan comments:

1. Notes pertaining to range management (i.e. operations, movement of the tee boxes, when both will be used simultaneously, etc.

The club has responded to this comment in their letter.

2. Indicate how many range boxes there will be for both tee areas.

The tee boxes are to be 10 feet apart. There are no demarcations – it is a natural grass area. A note has been added to the plan to ensure the teeing areas are kept to 10 feet. There are 30 and 10 tees likely in the main and secondary tee area, respectively.

3. Call out parking area for carts for both tee areas.

The carts park along the exterior cart paths or the parking area as shown.

4. How will the second range area be accessed? There is a 2:1 slope around the area.

The golfers walk from the cart path to the teeing area. I have added an indication of the route at the far Tee Box.

5. Indicate distances to landing areas on the range. Station or call out the total range length. Indicate maximum and minimum distances from the center of the tee box alignments. Comment on how the tee boxes will be adjusted

I have added the short dimension to the landing areas, therefore, the plan now shows the long and short dimensions.

The site plan does show the maximum range. I have added the shortest range as requested.

The tee boxes are adjusted by the golf course superintendent to allow re-growth of the grass. This is a standard operational characteristic and is left up to the golf course as they see fit.

7. Explain the fence layout. Specifically why it is shown to be behind the north tee area but not behind the larger range area by the teaching building. Is this teaching building, path and other areas reachable by the second tee box? Will netting be required along the path side?

The tall fence is now removed from behind the second tee area.

Netting is not required to the uphill side due to the tree line that protects the adjoining fairway.

General Comments:

Comment: A point you will want to definitively hammer out with the Applicant is the distance of the range and how it pertains to the dual tee boxes. During the presentation it was mentioned on numerous occasions that the client of the course can easily reach 300 yards (thereby reaching the secondary tee area) rendering it useless, unless it is managed to only permit irons simultaneously, which then defeats the purpose of requiring a 300 yard range. Couldn't the existing driving range and proposed range be used simultaneously during outings and tournaments and managed to coordinate wood and iron use?

Response: The club has submitted this information in their letter.

Comment: I believe a more suitable alternative would be max out your range by shifting the tee areas southwest and eliminating the northern tee box altogether and just grade it out more subtly (3:1). You can still get your 300+ yard range, utilize all clubs and have the existing range area for overflow (i.e. one tee area to distance you can reasonably achieve with the grading you show).

Response:

We have tried your suggestion to move the main tee box to the southwest, however, this would create substantial new problems that would be difficult for the Planning Board to accept. Here are just a few of the problems:

1. The move would increase the steep slope disturbance, unfortunately, in an area that we would have less control over since it would be at the extrema of the site and erosion could affect other properties. In the current plan we have kept a significant buffer from the property line to allow us to employ proper erosion control measures.
2. In viewing a profile of the range, substantially more fill needs to be imported to make up for the steep drop at the south west. A simple estimate of the additional fill required is on the order of 20,000 cubic yards that will have to be trucked in to the site.

In the current plan the cut and fill balances – no mass fill needs to be imported.

Alternatively, a move to the south west may require a 30 to 40 plus foot retaining wall (475 ft. to 517 ft. elevs.) to keep the grade of the main tee box. In the current plan there are no walls and the site is designed to look natural in the surroundings.

I have provided a graphic of the alternative tee box movement to that area.

3. We are also mindful that moving the main tee box to the south west would eliminate the vegetated buffer at the nature preserve and would shrink the proposed conservation easement. The current plan provides a significant green buffer as well as a conservation easement.

4. Importantly, if we moved the tee box to the south west the construction would be much closer to a flagged wetland, a small stream and a specimen 50" white oak tree. The current plan respects these features to a much greater extent.
5. The movement to the south west would present construction problems since the slope in that area is about 20%. It would be a challenge to develop such a large, stable constructed slope upon that already steep slope.

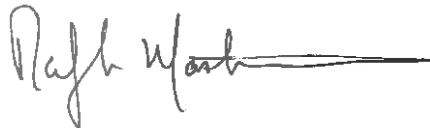
As a side note, if we felt the tee box could be built on that steep slope to the southwest, we would have proposed it originally, to make the range even longer as the Club would prefer.

Comment: Finally present an alternative which eliminates the second range area and does not impact the wetlands (see attached). Clearly show the maximum and minimum distance you can obtain. This should be a realistic representation and if only 240 yards can be obtained then show that. It will only reinforce your position for the preferred alternative.

Response:

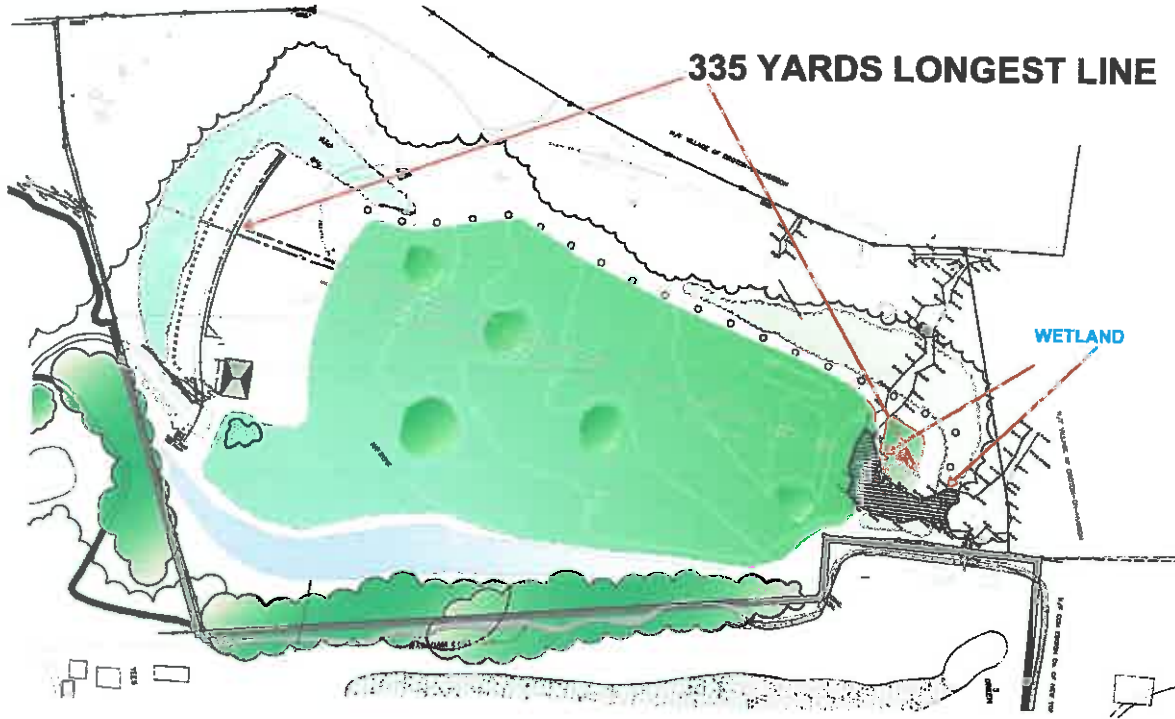
The included graphics indicate your suggestion. To avoid the wetland area we would wind up with only about 225 yards from the front of the tee box to the landing area and there is no possibility of using the range in two directions. Of course, this limited length does not meet the objective of the club in building a new driving range.

Submitted by:

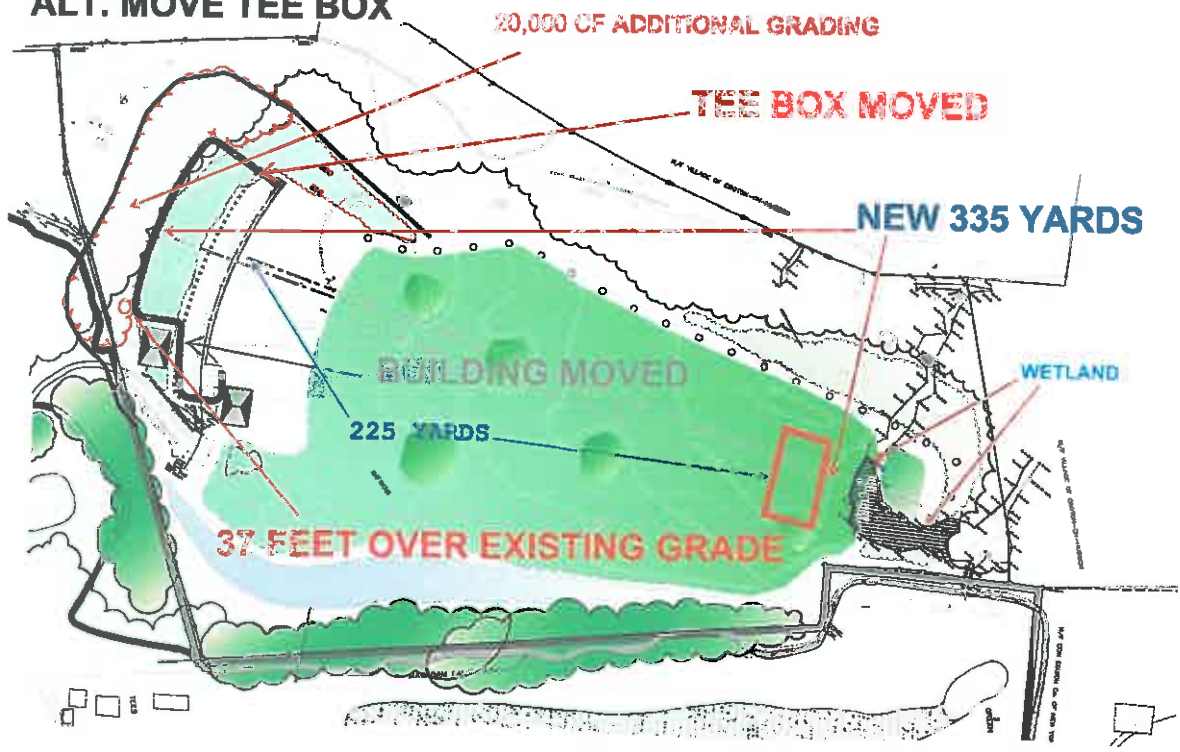


Ralph G. Mastro Monaco

APPLICATION PLAN



ALT. MOVE TEE BOX





**TIM
MILLER
ASSOCIATES, INC.**

10 North Street, Cold Spring, NY 10516

(845) 265-4400

www.timmillerassociates.com

September 24, 2015

Loretta Taylor, Chairperson
Town of Cortlandt Planning Board
Town Hall - 1 Heady Street
Cortlandt Manor, NY 10567-1249

RE: Abee Rose Subdivision Application

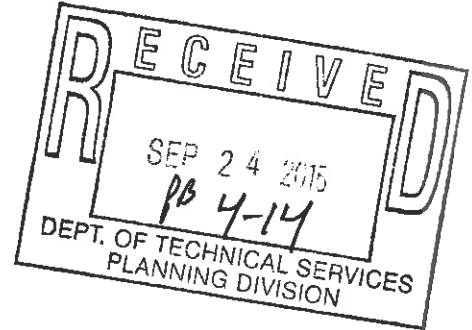
Dear Planning Board:

On behalf of the Applicant for the Abee Rose Subdivision Application, we request that this matter be adjourned to the November meeting.

Sincerely,



Frederick Wells, RLA
Senior Vice President
TIM MILLER ASSOCIATES, INC.



7
Copies Planning Board
..... Town Board
..... Zoning Board
..... Legal Dept.
..... DOTS Director
..... C.A.C.
..... A.R.C.
..... Applicant
..... _____
..... _____
Sent 9/24/15

Copies ⁷ Planning Board

..... Town Board

..... Zoning Board

..... Legal Dept.

..... DOTS Director

..... C.A.C.

..... A.R.C.

..... Applicant

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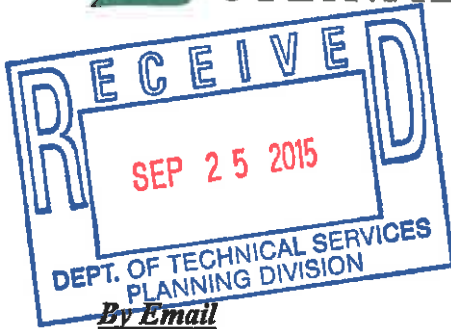
..... _____

Sent 9/25/15

- David J. Cooper
- Jody T. Cross ●
- Marsha Rubin Goldstein
- Jeremy E. Kozin
- Helen Collier Mauch ▲
- Matthew R. Pisciotta
- Daniel M. Richmond
- Brad K. Schwartz
- Lisa F. Smith ●
- David S. Steinmetz ■
- Krista E. Yacovone
- Michael D. Zarin

■ Also admitted in D.C.
 ● Also admitted in CT
 ▲ Also admitted in NJ

September 25, 2015



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

Re: PB 3-09 - Application of Ryan Main, LLC
Pondview Commons on the Boulevard

Dear Chairman Taylor and Members of the Planning Board:

As you may recall, we represent Ryan Main, LLC in connection with its Application for approval of the Pondview Commons on the Boulevard (the "Project"). In sum, the Project involves the redevelopment of the existing Mohegan Mews site, located on Route 6 and Regina Avenue, with 56 condominium units to replace the existing 56 units currently on the 19-acre site.

We respectfully request placement on your October 6th agenda. We wish to make a presentation to re-introduce the Board to the Project, and discuss next steps for processing the Final Site Development Plan and associated environmental permits (wetland, tree removal, steep slopes). Enclosed is "Access Plan 9," prepared by Cronin Engineering, which is the last site plan reviewed by the Board in 2011.


The Planning Board previously conducted a comprehensive SEQRA review of the Project, culminating in the adoption of a Negative Declaration on September 7, 2011. As part of the SEQRA review, the Applicant submitted a full binder of technical materials and studies entitled "Site Development Report," in accordance with a Scope of Studies adopted by the Board. This Report supplemented the Full Environmental Assessment Form. As part of the prior SEQRA process, the Board's Consultants extensively analyzed and issued reports relating to natural resources/biodiversity, wetlands, and traffic. The Planning Board also conducted a Public Hearing over the course of four meetings.

The Planning Board's Resolution (No. 26-11) approving the Negative Declaration and completing the SEQRA process also recommended that the Town Board issue the necessary Residential Reuse Special Permit ("RRUSP"), and required the Applicant to return to the Planning Board for Final Site Development Plan and associated environmental permits. The Town Board issued a RRUSP by Resolution dated November 29, 2011. The Applicant now seeks to pursue and complete the final site plan process with the Planning Board.

We look forward to appearing before the Board on October 6th. In the meantime, please do not hesitate to contact us or Cronin Engineering with any questions.

Respectfully submitted,

ZARIN & STEINMETZ

By: 
David S. Steinmetz
Brad K. Schwartz

Encl.

cc: Ryan Main, LLC
John J. Klarl, Esq.
Chris Kehoe, AICP
Michael Preziosi, P.E.
Tim Cronin, III, P.E./Keith Staudohar, CPESC CPSWQ

September 18, 2015

PB 7-15

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

Re: *Site Development Plan*
School Bus Parking, formerly PB 26-97
GLPT Land, Inc.
Highland Avenue

Dear Chairman Taylor and Members of the Planning Board:

Find enclosed the following information for the above-referenced Project:

1. One copy of the Planning Board Application form.
2. Application fee of \$500 (\$5 x 100 parking spaces).
3. One copy of the ZBA's Decision & Order, adopted October 15, 2104.
4. One copy of the property deed.
5. One copy of the list of officers of the corporation.
6. One copy of the adjoining property owners list.
7. One copy of the Short Environmental Assessment Form.
8. Twelve copies of the Site Development Plan.
9. One Copy of the Violation from the Town Code Enforcement Officer.
10. One copy of the Letter of Authorization.

This office has been retained by the Applicant, George Liaskos, to seek Site Plan Approval from the Planning Board for the operation of a School Bus parking facility at the subject property. The ZBA previously issued an Interpretation on October 15, 2014 that School Bus parking is permitted as-of-right in the HC (Highway Commercial) Zoning District.

We respectfully request placement on the Board's October 06, 2015 meeting agenda.

PROJECT NARRATIVE

The Property is located on the south side of Highland Avenue and completely surrounded by Old Highland Avenue on all other side. The Property measures approximately 3.59 acres, and is located in the HC Zoning District.

The Property received Site Plan approval via a Planning Board Resolution in 1998 for the construction of a five story hotel, parking lot and other associated improvements. As part of the original approval, the former hill (formerly the south side of the "rock cut") was to be mined to prepare the site for the approved construction of the hotel. Since the original approval, the mining operations are now in the final stages of operation. The hill has been completely removed and the site is now relatively level and stabilized with either grass cover, vegetation cover or gravel surfaces.

This application is being made as a determination was made by the Town of Cortlandt Code Enforcement Officer in a violation issued on July 07, 2015 (see attached) that the parking of school buses requires Site Plan approval. Presently, while the mining operation is being finalized, the Applicant is currently storing school buses on site. At this time, the Applicant is desirous of providing parking / storage of school buses

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..... Legal Dept.
..... DOTS Director
..... C.A.C.
..... A.R.C.
..... Applicant

Sent 9-21-15
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SEP 17 2015
DEPT. OF TECHNICAL SERVICES
PLANNING DIVISION

on site along with potentially boats, recreational vehicles, and trailers, all permitted as of right in the HC District.

There is no inherent construction associated with the proposed activity other than preparing the ground surface for the buses and installing a privacy fence and/or an earthen berm to screen the buses from Highland Avenue. The general business plan is that buses would be stored on site. At this time, there is no proposal to utilize the buses for school operations. Since the proposal is to only store the buses, therefore there are no hours of operation.

The Applicant has provided mechanisms in the Site Plan to ensure that the buses are screened from and positioned as far away from Highland Avenue as is reasonable.

The proposed Site Plan involves re-purposing this formerly approved site for the storage of school buses and the proposed improvements are limited and include:

- Removal of stone piles, minor grading and gravel installation for portions of the parking areas. In total, there would be approximately 100 parking spaces for buses.
- Relocation of the site access road approximately 230 feet to the southwest along Old Albany Post Road.
- Installation of an earthen berm and/or fencing along Highland Avenue for screening purposes.

We look forward to appearing on October 06th. Should you have any questions or require additional information please contact me at the above number. Thank you for your time and consideration in this matter.

Respectfully submitted,



Keith C. Staudohar
Cronin Engineering P.E. P.C.

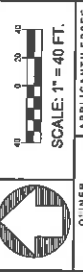
cc: George Liaskos w/ encl.



VICINITY MAP SCALE: 1" = 1000'

OWNER
GLPT LAND, INC.
 12 OLD ALBANY POST ROAD
 GARRISON, NY 10884

APPLICANT/LESSEE
GEORGE LIASKOS
 12 OLD ALBANY POST ROAD
 GARRISON, NY 10884



REVISIONS

NO.	DATE	DESCRIPTION
1	08/11/10	ISSUED FOR PERMIT
2	08/11/10	ISSUED FOR PERMIT
3	08/11/10	ISSUED FOR PERMIT
4	08/11/10	ISSUED FOR PERMIT
5	08/11/10	ISSUED FOR PERMIT
6	08/11/10	ISSUED FOR PERMIT
7	08/11/10	ISSUED FOR PERMIT
8	08/11/10	ISSUED FOR PERMIT
9	08/11/10	ISSUED FOR PERMIT
10	08/11/10	ISSUED FOR PERMIT



CRONIN ENGINEERING
 PROFESSIONAL ENGINEERS AND ARCHITECTS
 (914) 736-3664
 39 Avila Lane
 Cortlandt Manor, New York 10567

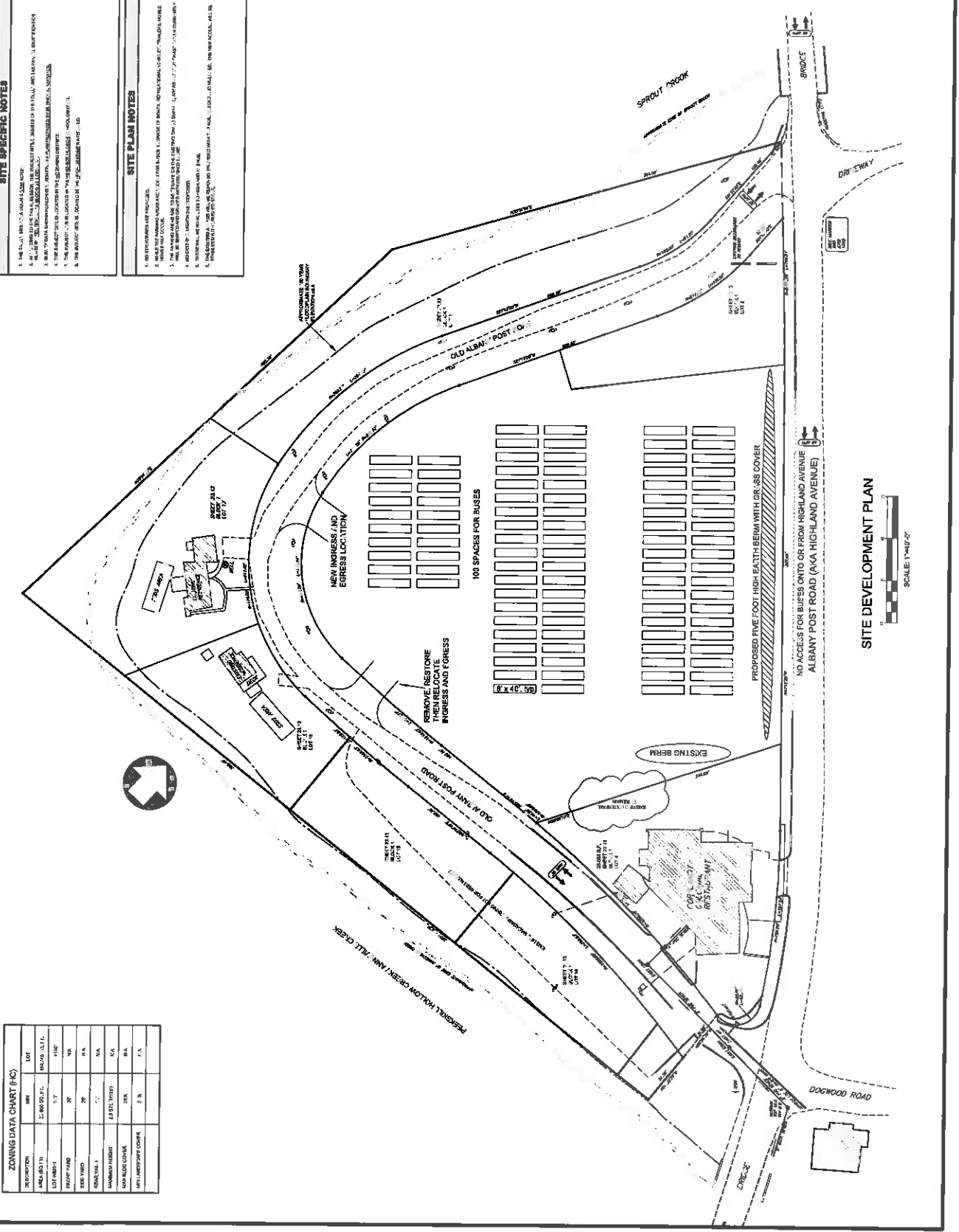
SITE PLAN
 SITE DEVELOPMENT PLAN
 FOR
GEORGE LIASKOS

LOCATION:
 HIGHLAND AVE & OLD ALBANY POST ROAD
 CORTLANDT MANOR, NEW YORK 10567

SHEET 1 OF 1 **SP-1.1**

- SITE SPECIFIC NOTES**
- THE SITE IS ZONED R-100A (SINGLE-FAMILY RESIDENTIAL).
 - ALL UTILITIES SHOWN ARE BASED ON RECORD DRAWINGS AND FIELD SURVEY. VERIFY ALL UTILITIES PRIOR TO CONSTRUCTION.
 - THE PROPOSED DRIVEWAY IS TO BE CONSTRUCTED IN ACCORDANCE WITH THE CITY OF ALBANY DEPARTMENT OF PUBLIC WORKS SPECIFICATIONS.
 - THE PROPOSED DRIVEWAY IS TO BE CONSTRUCTED IN ACCORDANCE WITH THE CITY OF ALBANY DEPARTMENT OF PUBLIC WORKS SPECIFICATIONS.
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- SITE PLAN NOTES**
- ALL DIMENSIONS ARE IN FEET.
 - ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
 - THE PROPOSED DRIVEWAY IS TO BE CONSTRUCTED IN ACCORDANCE WITH THE CITY OF ALBANY DEPARTMENT OF PUBLIC WORKS SPECIFICATIONS.
 - THE PROPOSED DRIVEWAY IS TO BE CONSTRUCTED IN ACCORDANCE WITH THE CITY OF ALBANY DEPARTMENT OF PUBLIC WORKS SPECIFICATIONS.
 - THE PROPOSED DRIVEWAY IS TO BE CONSTRUCTED IN ACCORDANCE WITH THE CITY OF ALBANY DEPARTMENT OF PUBLIC WORKS SPECIFICATIONS.



SITE DEVELOPMENT PLAN
 SCALE: 1" = 40'

ZONING DATA CHART (FC)

REQUIREMENT	MIN	LOT
AREA (SQ FT)	25,000 SQ FT	BRK 105 (3,711)
LOT AREA	5,7	1,100'
FRONT YARD	20'	10%
REAR YARD	20'	10%
MAXIMUM HEIGHT	35 FT (SEE NOTES)	35A
MINIMUM SETBACK	20 FT	20A
MINIMUM LOT COVER	20%	20A
MINIMUM LOT COVER	20%	20A