

Right to Know / FOIL

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Copies 7 Planning Board
 Town Board
 Zoning Board
 Legal Dept.
 DOTS Director
 *Admitted in NY & CA
 C.A.C.
 A.R.C.
 Applicant

 Sent 7/23/14

EDWARD D. SCHMITT & ASSOCIATES, LLC

**Attorney & Counselor at Law
2121 Albany Post Road
Montrose, New York 10548**

**Telephone (914) 737-2440
Facsimile (914) 737-2442**

July 23, 2014

Via – Via Facsimile and First Class U.S. Mail: (914) 788-0294
Chris Kehoe, Clerk to the Planning Board
TOWN OF CORTLANDT – PLANNING BOARD
1 Heady Street
Cortlandt Manor, New York 10567

**Matter: Updated Resolution – Lot Line Adjustment
My Clients: Patrick Harbolic & Joanne Harbolic
Premises: 214 & 216 5th Street, Verplanck, NY**

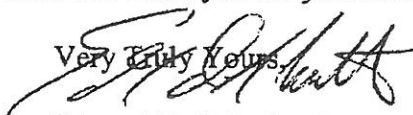
Dear Mr. Kehoe:

Please consider this correspondence my request to have the above referenced matter placed on the Planning Board’s August 5th agenda, for a new and/or updated resolution permitting the previously granted lot line adjustment to be filed. I spoke with the Town Attorney on July 22nd and he advised me to request that this matter be placed on the Board’s agenda.

Attached hereto are the copies of the resolutions approving the lot line adjustments dated June 6, 2002 and August 7, 2002. Unfortunately, my client’s never took the final step of filing the corrected property deeds with the County Clerk back in 2002. The resolutions required said filings be accomplished within 90 days of approval, which time has long expired.

Mr. Harbolic is currently in contract to sell his residence at 216 5th Street and just recently discovered the omission of not filing the corrected deeds. To facilitate this sale in a timely fashion we are requesting updated resolutions so that the correction deeds can be filed.

Please confirm that this matter will be on the agenda for the August 5th meeting. Feel welcome to call me if you have any questions and thank you for your attention to the above.

Very Truly Yours,

Edward D. Schmitt, Esq.

EDS:els
Attachments: (As Indicated)
cc: Tom Wood, Esq. (914) 736-9082

WHEREAS, Patrick J. Harbolic and Joanne Harbolic submitted an application for approval of a lot line adjustment between two existing lots pursuant to Section 265-13 D of the Town of Cortlandt Subdivision Regulations in April 2002, and

WHEREAS, Patrick J. Harbolic is the owner of Section 54.05, Block 1, Lot 33 which contains an existing residence and Joanne Harbolic is the owner of Section 54.05, Block 1, Lot 32 which also contains an existing residence as shown on a drawing entitled "Map Showing Proposed Lot Line Revision prepared for Patrick Harbolic" prepared by Robert E. Baxter, L.S. latest revision dated July 2002, and

WHEREAS, the lot line request, which sought to reduce the size of Lot 32 (SBL 54.05, 1, 32) by 250 feet from 5,00 sq. ft. to 4,750 sq. ft. and increase Lot 33 (SBL 54.05-1-33) by 250 from 2,500 sq. ft. to 2,750 sq. ft. was conditionally approved by Planning Board Resolution 42-02 adopted on August 6, 2002, and

WHEREAS, the applicant never filed the corrected property deeds as required by the Resolution.

NOW THEREFORE, BE IT RESOLVED, the Planning Board **re-approves** said proposed lot line adjustment subject to the following conditions:

CONDITIONS AND MODIFICATIONS:

- 1) **Submit written proof that the applicant has recorded with the County Clerk corrected property deed(s) for both lots within (90) days of the adoption date of this resolution and to the satisfaction of the Town Department of Law. It is suggested that the applicant contact the Town Department of Law before the preparation and execution of the deed(s).**

TO BE CONSIDERED FOR ADOPTION: AUGUST 5, 2014

WHEREAS, an application for Planning Board approval of a Site Development Plan pursuant to Chapter 307 (Zoning) of the Town of Cortlandt Code was submitted by D&N Contracting Inc., for the property of D & N Housing, LLC for a change of use from a tavern to an office and showroom for a kitchen cabinet, window and door and tile contractor, with no on-site fabrication of items, and for four (4) existing apartments as shown on a drawing entitled "Amended Site Development Plan for D & N Contracting, Inc." prepared by Cronin Engineering, P.E., P.C. latest revision dated June 12, 2014, and

WHEREAS, the subject property of approximately 17,656 square feet is located at 2101 Albany Post Road, is zoned HC-9A Highway Commercial/Multi-Family Residential and is designated on the Town of Cortlandt Tax Maps as Section 55.09, Block 1, Lot 2, 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 May 15, 2014, and

WHEREAS, the subject site is currently developed and was previously operated as a tavern, a small engine repair shop, an office for an oil company and for an ATV sales and service business but the site never received site development plan approval for the changes in use over the years, and

WHEREAS, the applicant is proposing no changes to the site other than additional landscaping, the screening of an existing dumpster and new signage, and

WHEREAS, the four (4) existing apartments located in the building are to remain, and

WHEREAS, a mixed use building is permitted in the HC-9A zoning district, 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 August 5, 2014, and

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

WHEREAS, the subject Public Hearing Notice was mailed to adjacent and across the street

property owners 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 Engineering Division, the Architectural Advisory Council and the Fire Advisory Board, and

WHEREAS, the Architectural Advisory Council reviewed the proposed signage and recommends approval of the signage as proposed, 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 a site inspection 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 2004 Town Comprehensive Master Plan and Town Zoning Ordinance.
5. The proposed action will not result in the impairment of a character or quality of important

(continued on page 3)

historical, archeological, architectural or aesthetic resources or of existing community or neighborhood character.

6. The proposed action will not significantly impact the use of either the quantity or type of energy.
 7. The proposed action will not create a hazard to human health.
 8. The proposed action will not result in a substantial change in the use or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses.
 9. The proposed action will not encourage or attract a substantially larger number of people to the subject property compared to the number of people who would come to such place absent the action.
 10. The proposed action will not create a material demand for other actions which would result in one of the above consequences.
 11. The proposed action will neither result in changes in two or more elements of the environment, no one of which has a significant impact on the environment, nor when considered together result in a substantial adverse impact on the environment.
 12. The proposed action will neither result in two or more related actions undertaken, funded or approved by an agency, none of which has or would have a significant impact on the environment, nor when considered cumulatively, meet one or more of the criteria in this section, and the Planning Board considered possible long-term, short-term and cumulative impacts and found no significant effects which would result as a consequence of the proposed action, and
- FURTHER BE IT RESOLVED** that the Planning Board as lead agency in this matter finds that based on Part I of the Short Environmental Assessment Form (EAF) prepared by Keith Staudohar dated May 15, 2014 and Part II of the Short EAF prepared by the Planning Division dated August 5, 2014 and based on the subject site development plan and the record of this application and for reasons stated in this resolution including the analysis of the criteria stated in 617.7(c)(i)-(xii), the proposed project will have no significant, adverse environmental impact upon the environment and therefore the Planning Board adopts said Part II of the 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 D&N Contracting Inc., for the property of D & N Housing, LLC, for a change of use from a tavern to an office and showroom for a kitchen cabinet, window and door and tile contractor, with no on-site fabrication of items, and for four (4) existing apartments as shown on a drawing entitled "Amended Site Development Plan for D & N Contracting, Inc." prepared by Cronin Engineering, P.E., P.C. latest revision dated June 12, 2014 is **APPROVED** subject to the conditions listed below and that the Chairman of the Planning Board be authorized to endorse approval on said Site Development Plan upon compliance by the applicant with such conditions as listed below, and

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

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

CONDITIONS AND MODIFICATIONS:

- 1. Obtain the required signature from the Director of Technical Services and the Director of Environmental Services on a mylar of the subject drawing and submit (a) two prints and the mylar of said drawing to the Planning Office following the Chairman's signature on the site plan mylar**
- 2. Obtain the signature of the Receiver of Taxes on an appropriate form indicating that taxes on the subject property have been paid.**

3. Revise the subject drawing to show a light fixture in the eastern end of the parking area to the satisfaction of the Director of Technical Services.
4. 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 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.
5. Add additional Item 4 in the parking area to eliminate trip hazards to the satisfaction of the Director of Technical Services.
6. Revise the subject drawing to include a “No Parking – Loading Zone” sign in front of the subject building to the satisfaction of the Director of Technical Services.

TO BE CONSIDERED FOR ADOPTION: AUGUST 5, 2104

RECEIVED

gemmola & associates

architects // planners

317 elwood avenue, hawthorne, ny tel 914-862-0202 fax 914-862-0204

July 25, 2014

PB 5-14

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

Attn: Chris Kehoe

Re: Hill Top Nursery & Garden Center, LLC

Dear Mr. Kehoe:

As per your request, I am providing this narrative to document the changes that the new owner is requesting as follows:

- Copies 7 .. Planning Board
- Town Board
- Zoning Board
- Legal Dept.
- DOTS Director
- C.A.C.
- A.R.C.
- Applicant

.....
.....
Sent 8/4/14

- Proposed (3) greenhouse (temporary) structures to the right of the main existing 2-story frame building indicated on site plan as #'s 7,8 & 9.
 - (1) 10'x14' = 140sf
 - (2) 10'x20' = 200sf each
- Proposed (2) 1-story additions (+/-)174sf & (+/-) 261sf to the main existing building #1 on the front and side existing porch under the existing roof line.
- Proposed 1-story addition (+/-) 161sf at the rear of the existing main building.

Revisions to the areas at the rear of the site to include:

- Proposed (3) nursery stock access along the rear gravel drive with fences in front of structures #2 & #3.
- Proposed (3) parking spaces to the left front of building #2.
- Proposed (3) parking spaces between buildings #2 & #3.
- Proposed (6)- 15'x25' landscape material storage bins to the right of building #3 off the gravel apron.
- Relocation of existing trash area off existing dirt drive to rear property of proposed gravel apron.
- Relocate existing (6)- 15'x25' landscape material storage bins to allocate area for a proposed cold storage tent at right rear corner of property off proposed gravel apron.

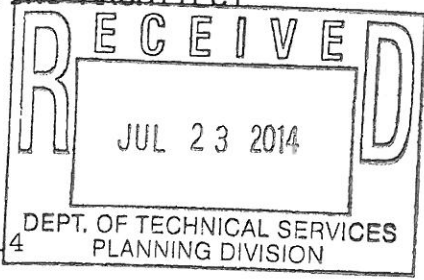
Please contact me at my office if you have any questions.

Yours truly,


Edmond A. Gemmola, P.A., A.I.A.



JOHN A. LENTINI ARCHITECT



July 23, 2014

TOWN OF CORTLANDT
PLANNING BOARD
1 Heady Street
Cortlandt Manor, NY 10567

Attn: Mr. Chris Kehoe, Planning Board Director

Re: 2081 E. Main Street, 24.13 - 3 - 50 , Former Lakeland Sleep Shop

Gentlemen:

Please find, herewith, 14 copies of A-1, architectural plan submitted for review and approval. Also submitted 2 copies of survey, short environmental form , deed and filing fee check in the amount of \$500.

The owner has abandoned plans to convert the site to a beauty shop and was painting and trimming the structure, to attract a retail tenant, when the Town cited the work performed. The work was stopped by the Town, however, it had been completed. In addition to painting the structure two tone, using a terra-cotta and tan texture paint over the concrete masonry units, the contractor installed a dental trim and four pilasters in masonry to simulate limestone.

The new tenant will provide a sign submission, under a separate application. The new tenant will be a retail use in order to preserve any prior rights that the property enjoys.

We request to be put on the agenda in order to advance the approval process.

Respectfully

JOHN A. LENTINI ARCHITECT

John A. Lentini RA

Cc: Ms. Tracy Cong, Pres. Doan Properties Inc.

Copies 7 Planning Board
..... Town Board
..... Zoning Board
124 Allan Street
Cortlandt, NY 10567

(914) 673-2800 Director

..... C.A.C.

..... A.R.C.

..... Applicant

..... _____

..... _____

Sent 7/23/14



July 22, 2014

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

Re: *Formerly PB 6-19, Amended Site Development Plan
Amended Site Development Plan for Appian Way Ventures, LLC
260 Madeline Avenue*

Dear Ms. Taylor and Members of the Planning Board:

Find enclosed the following information for the above referenced project:

1. Twelve copies of the Site Development Plan.
2. One copy of the Application form.
3. Application fee of \$250.
4. One copy of the Short Environmental Assessment Form.
5. One copy of the Deed.
6. One copy of the Lease.
7. One copy of the list of officers of the corporations.
8. One copy of the Letter of Authorization.
9. One copy of the list of adjoining property owners.

Copies ⁷ Planning Board
 Town Board
 Zoning Board
 Legal Dept.
 DOTS Director
 C.A.C.
 A.R.C.
 Applicant

 Sent 7/23/14

Project Narrative

The proposed Site Plan Amendment for 260 Madeline Avenue involves the addition of an automotive spray booth in an existing commercial building. The project applicant, Westchester Spray Zone, LLC has leased a portion of the building from Appian Way Ventures, LLC and wishes to install an automotive spray booth to allow the painting of vehicles inside the building. No repair or collision work is proposed for this space, only final preparation for painting including the masking or final sanding of vehicles. The leased space will also be used for indoor storage of the vehicles to be painted or for storage of freshly painted vehicles.

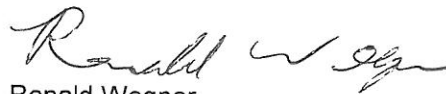
The building received Site Plan approval in Resolution No. 49-09 on November 9, 2009 for use as a commercial building and the majority of the building remains leased with permitted uses. The addition of the spray booth will allow the applicant to provide a service to nearby shops that do not have their own spray booths and will support other businesses in the vicinity. The applicant has had discussions with a number of shop owners and feels that the installation of the spray booth will fill a need in the nearby business community.

There will be no changes to the site or additional outdoor storage of vehicles that will be required for the proposed use. The only visible changes will be the addition of a ventilation stack on the roof for the release of the filtered spray booth emissions and the possible addition of a fresh air make up vent that could be located either on the side or the roof of the building. Prior to placing the spray booth into operation, the applicant will also be required to obtain an air emission permit from the Westchester County Health Department. Any additional signage on the site would be limited to the door of the proposed spray booth space.

The Amended Site Development Plan is being presented to reflect the needs of the new tenant and the needs of the nearby community. All components of the previously approved site plan are considered as part of this current application.

We would like to have this item placed on the August 6, 2014 Planning Board agenda. 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,



Ronald Wegner
Cronin Engineering P.E. P.C.

cc: Robert Losier
file



Copies.....⁷ Planning Board
 Town Board
 Zoning Board
 Legal Dept.
 DOTIS Director
 CAC. (via e-mail)

Cortlandt W.A.T.C.H.

(We Are The Cortlandt Homeowners)

P.O. Box 217, Crompond, NY 10517

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

June 30, 2014
 A.P.C.
 Applicant
 David Skinnote, Esq.
 Tim King, P.E.
 Sent 6/30/14

Re: PB 13-05 Kirquel Development - Application for Preliminary and Final Plat
 Approval for Phase I of the Mill Court Crossing Subdivision

Dear Chairwoman Taylor and Members of the Planning Board:

We understand that the above-referenced matter will be subject to public hearing at your next Planning Board meeting on July 1, 2014.

As you know, Cortlandt W.A.T.C.H. has from the beginning been concerned that as much open space as possible be preserved in this development. In this regard, we submit the following comments regarding the Conservation Easements and Conservation Parcel (A) as shown on the proposed plat for Phase I:

- Conservation Easements. We understand that the Conservation Easements will be held by the Town. We would suggest that the wording of the Conservation Easements be finalized in writing and made public prior to the Planning Board granting final plat approval for Phase I, and that the Conservation Easements contain the following elements at a minimum:

- The Conservation Easement shall be held in perpetuity
- No structures or roadways shall be permitted
- No encroachments shall be permitted
- No active recreational use shall be permitted
- No ATV's or other vehicles such as motorbikes and bicycles shall be permitted
- No disturbance of wetlands shall be permitted
- No removal of trees or other vegetation shall be permitted
- No hunting or trapping shall be permitted
- A baseline survey of the Conservation Easement Areas shall be kept on file with the Conservation Easement
- Annual monitoring shall be required by an identified monitor

Chairwoman Loretta Taylor and
Members of the Planning Board
June 30, 2014
Page Two

- **Conservation Parcel (A).** We understand that this 256,298.3 s.f. area is the easterly portion of the entire Conservation Parcel to be deeded to the Town as open space. We would suggest that the westerly portion of the open space area be deeded to the Town now as well, and that the deeding of the westerly portion not wait until the remaining thirteen (13) house lots are brought to the Planning Board for final plat approval. As such, we would suggest that the Phase I plat be revised to show the entire "Conservation Parcel" to be deeded to the Town (the combined easterly and westerly portions of open space), and that the area of "Lot 4" (the remaining lands for future development of the remaining 13 house lots in the subdivision) be reduced in area accordingly.

In addition, we would suggest that the entire Conservation Parcel be placed under a Conservation Easement, with the wording to be finalized in writing and made public prior to the Planning Board granting final plat approval, and containing the Conservation Easement elements listed above at a minimum, so that the Conservation Parcel cannot be sold or alienated for development or other use at a later time.

Sincerely yours,

A handwritten signature in cursive script that reads "Susan McDonnell". The signature is written in dark ink and is positioned above the typed name.

Susan McDonnell, President

revised

- Copies 7
- Planning Board
- Town Board
- Zoning Board
- Legal Dept.
- DOTS Director
- C.A.C.

RESOLUTION



A.R.C. (GRANTING CLUSTER AUTHORITY TO THE TOWN PLANNING BOARD - "HANOVER FARMS")

- Applicant
- Tim Conner Dave Hamrick, Esq.

8/4/14

WHEREAS, the Town Planning Board has filed a request with the Town Board that they be authorized to exercise cluster development approval with respect to the Hanover Farms Development located on Croton Avenue; and

WHEREAS, the Town Board has fully reviewed the project; and

WHEREAS, an issue that has arisen with the public during the course of this application is whether or not an active recreation facility should be included as part of this subdivision; and

WHEREAS, the Town Board, as the legislative body of the Town has reviewed the recreational needs of the Town and has determined that at the Sprout Brook Park there is sufficient land area available for the construction of an additional active recreational field; and

WHEREAS, locating a new field in an existing facility with other active recreational fields is more cost effective and would at the same time fulfill some of the recreational needs of the Town; and

WHEREAS, the Town Board has determined that an additional active recreational field is not necessary in the Croton Avenue area; and

WHEREAS, the developer of the "Hanover Farms" has indicated that in a addition to the \$6,000.00 per lot fee due and owing on each and every lot approved on said site, as a Recreation land in lieu of payment, the developer would agree to contribute an additional sum of \$338,000.00 making a total recreation contribution of \$500,000.00 for the purpose of the Town Board to use to construct an active recreation facility at Sprout Brook Park; and

WHEREAS, said sum shall be paid to the Town should 27 lots be approved on the site. If 26 lots are approved then the sum will be reduced by \$50,000.00 and if 25 lots are approved then the sum will be reduced by and additional \$50,000.00. For every lot under 25 the balance of the voluntary sum will be reduced on a per lot basis; and

WHEREAS, that said contribution by the developer is a voluntary contribution with the thought that this might resolve the recreation field dispute with respect to the site;

NOW THEREFORE BE IT FURTHER RESOLVED, that the Town Board does hereby determine that with respect to the recreational needs of the Town, that the construction of an active recreational field at Sprout Brook Park would satisfy the existing need for an additional field and that the contribution proposed by the developer would be used for the funding of said field, thus, no active recreational facility is needed in the Croton Avenue area; and

BE IT FURTHER RESOLVED, that the Planning Board is hereby granted cluster authority pursuant to Section 307-19 of the Town Code of the Town of Cortlandt as well as the respective provisions of New York State Town Law with no access to the Apple Hill subdivision and no recreation land set aside; and

BE IT FURTHER RESOLVED, that all officers and employees of the Town be and hereby are authorized to effectuate the intent of this Resolution;

BE IT FURTHER RESOLVED, that this cluster authorization expires two years from the date hereof unless a subdivision map is filed.

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

**Adopted July 22, 2014
At a Regular Meeting
Held at Town Hall**

revised

- Copies 7
- Planning Board
- Town Board
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- Legal Dept.
- DOTS Director
- C.A.C.

RESOLUTION



A.R.C. (GRANTING CLUSTER AUTHORITY TO THE TOWN PLANNING BOARD - "HANOVER FARMS")

..... Applicant
..... Tim Curran *and Sprout Brook, CT.*

8/4/14

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WHEREAS, said sum shall be paid to the Town should 27 lots be approved on the site. If 26 lots are approved then the sum will be reduced by \$50,000.00 and if 25 lots are approved then the sum will be reduced by and additional \$50,000.00. For every lot under 25 the balance of the voluntary sum will be reduced on a per lot basis; and

WHEREAS, that said contribution by the developer is a voluntary contribution with the thought that this might resolve the recreation field dispute with respect to the site;

NOW THEREFORE BE IT FURTHER RESOLVED, that the Town Board does hereby determine that with respect to the recreational needs of the Town, that the construction of an active recreational field at Sprout Brook Park would satisfy the existing need for an additional field and that the contribution proposed by the developer would be used for the funding of said field, thus, no active recreational facility is needed in the Croton Avenue area; and

BE IT FURTHER RESOLVED, that the Planning Board is hereby granted cluster authority pursuant to Section 307-19 of the Town Code of the Town of Cortlandt as well as the respective provisions of New York State Town Law with no access to the Apple Hill subdivision and no recreation land set aside; and

BE IT FURTHER RESOLVED, that all officers and employees of the Town be and hereby are authorized to effectuate the intent of this Resolution;

BE IT FURTHER RESOLVED, that this cluster authorization expires two years from the date hereof unless a subdivision map is filed.

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

**Adopted July 22, 2014
At a Regular Meeting
Held at Town Hall**

revised

- Copies 7 Planning Board
- Town Board
- Zoning Board
- 1 Legal Dept.
- 1 DOTS Director
- 1 C.A.C.

RESOLUTION



A.R.C. (GRANTING CLUSTER AUTHORITY TO THE TOWN PLANNING BOARD - "HANOVER FARMS")

..... Applicant
..... Tim Conner *David Skimpek, Esq.*

8/4/14

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WHEREAS, locating a new field in an existing facility with other active recreational fields is more cost effective and would at the same time fulfill some of the recreational needs of the Town; and

WHEREAS, the Town Board has determined that an additional active recreational field is not necessary in the Croton Avenue area; and

WHEREAS, the developer of the "Hanover Farms" has indicated that in a addition to the \$6,000.00 per lot fee due and owing on each and every lot approved on said site, as a Recreation land in lieu of payment, the developer would agree to contribute an additional sum of \$338,000.00 making a total recreation contribution of \$500,000.00 for the purpose of the Town Board to use to construct an active recreation facility at Sprout Brook Park; and

WHEREAS, said sum shall be paid to the Town should 27 lots be approved on the site. If 26 lots are approved then the sum will be reduced by \$50,000.00 and if 25 lots are approved then the sum will be reduced by and additional \$50,000.00. For every lot under 25 the balance of the voluntary sum will be reduced on a per lot basis; and

WHEREAS, that said contribution by the developer is a voluntary contribution with the thought that this might resolve the recreation field dispute with respect to the site;

NOW THEREFORE BE IT FURTHER RESOLVED, that the Town Board does hereby determine that with respect to the recreational needs of the Town, that the construction of an active recreational field at Sprout Brook Park would satisfy the existing need for an additional field and that the contribution proposed by the developer would be used for the funding of said field, thus, no active recreational facility is needed in the Croton Avenue area; and

BE IT FURTHER RESOLVED, that the Planning Board is hereby granted cluster authority pursuant to Section 307-19 of the Town Code of the Town of Cortlandt as well as the respective provisions of New York State Town Law with no access to the Apple Hill subdivision and no recreation land set aside; and

BE IT FURTHER RESOLVED, that all officers and employees of the Town be and hereby are authorized to effectuate the intent of this Resolution;

BE IT FURTHER RESOLVED, that this cluster authorization expires two years from the date hereof unless a subdivision map is filed.

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

**Adopted July 22, 2014
At a Regular Meeting
Held at Town Hall**