

DRAFT

RESOLUTION

NUMBER _____

(RE: NEGATIVE DECLARATION RE: A LOCAL LAW AMENDING THE TOWN CODE TO CORRECT ZONING INCONSISTENCIES)

WHEREAS, the Town Board of the Town of Cortlandt has expressed its intent to consider, after conducting a Public Hearing hereon, local law amending the Town Code to correct zoning inconsistencies; and

WHEREAS, in accordance with the requirements of the New York State Environmental Quality Review Act (“SEQRA”), the Town Board must make a determination as to the Environmental Impact of this proposed action; and

WHEREAS, in accordance with 6 NYCRR, Part 617.6, the Town Board is the only Agency required to approve the proposed action, and is therefore the Lead Agency; and

WHEREAS, a short Environmental Assessment Form has been prepared, signed by the Supervisor, and accepted by the Town Board; and

WHEREAS, the Town Board has duly considered all of the environmental aspects of the proposed action;

NOW, THEREFORE, BE IT RESOLVED, based on a review of the Project, there appear to be no significant adverse environmental impacts; and

BE IT FURTHER RESOLVED, that based upon the Environmental Assessment Form submitted to and reviewed by the Town Board, that this is an Unlisted Action; and

BE IT FURTHER RESOLVED, that based upon the Environmental Assessment Form, the Town Board of the Town of Cortlandt does hereby **ADOPT** the attached **NEGATIVE DECLARATION** with respect to this matter.

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF CORTLANDT
LAROUÉ ROSE SHATZKIN
TOWN CLERK**

**Adopted on August 15, 2023
At a Regular Meeting
Held at Town Hall**

NEGATIVE DECLARATION
Notice of Determination of Non-Significance

Date: August 15, 2023

This notice is issued pursuant to Part 617 of the implementing regulation pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Town of Cortlandt Town Board has determined that the proposed action described below will not have a significant effect on the environment and a Draft Environmental Impact Statement will not be prepared.

Name of Action: **A LOCAL LAW Amending Zoning Code to Correct Zoning Inconsistencies**

Description of Action: **While enforcing the Town Code, Town Staff discovered certain inconsistencies present in the Zoning Chapter. For example, there are certain uses which have existed for decades at a location, but per the Table of Permitted Uses, are not permitted to operate in that Zone. Specifically, "Automobile Dealers and Service Stations" shall now be permitted in the CD Zone. Further, Salons and other types of personal service establishments which are not permitted in the RG Zone, despite operating at properties located in the RG (General Residential) Zone for decades, are proposed to be allowed if the property is located on a state or county road. In addition, if a property owner is able to provide evidence to the satisfaction of the Town Attorney's Office that it conveyed property to an adjacent property owner who was encroaching upon its property rather than bring an action for ejectment, then the zoning will be modified to so that zoning setbacks for the property conveying a portion of its land shall be calculated using the boundaries prior to the conveyance.**

SEQR Status: Type I Conditioned Negative Declaration? Yes
Unlisted No

Location of Action: Town of Cortlandt, County of Westchester

The following documentation was analyzed in making this negative declaration:

- Short Form EAF
- Supplemental Part III Information
- Storm Water Pollution Prevention Plan (SWPPP)
- Other (Describe)

Name of Action: **A LOCAL LAW Amending Zoning Code to Correct Zoning Inconsistencies**

For Further Information:

Contact Person: Laroue Rose Shatzkin
Cortlandt Town Clerk
1 Heady Street
Cortlandt Manor, NY 10567
P: 914.734.1020 F: 914.734.1102

REASONS SUPPORTING THIS DETERMINATION:

(See 617.7(c) for requirements of this determination; see 617.7(d) for conditioned Negative Declaration)

The proposed action would correct inconsistencies in the zoning code and would not be expected to result in any significant adverse impacts for the following reasons:

1. It will not generate a significant amount of additional vehicles, noise or emission levels.
2. It will not affect rare or endangered species of animal or plant, or habitat of such species.
3. It will not result in any impacts to historic or archeological resources.
4. It will not result in any impacts related to hazardous materials.
5. It will not result in a significant effect on air, water quality or ambient noise levels for adjoining areas.
6. It will not be subjected to unacceptable risk of flooding or major geological hazards.
7. It will not involve adversely affect any surface water or groundwater.
8. It will not allow for improper uses within specified zoning districts.
9. It will not result in adverse cumulative impacts.
10. It will not result in adverse growth-inducing impacts.
11. It will not conflict with the Town's Comprehensive Plan.

In conclusion, no significant potential impacts were identified as a result of the Proposed Action.

Based on a review of 6NYCRR 617.7, there appear to be no significant adverse environmental impacts.

THIS NEGATIVE DECLARATION WAS AUTHORIZED AT A MEETING OF THE TOWN BOARD OF THE TOWN OF CORTLANDT HELD ON AUGUST 15, 2023.

Chairperson/Designee

Date

For Type I Actions and Conditioned Negative Declarations, a Copy of this Notice Sent to:

- Commissioner, Department of Environmental Conservation, 50 Wolf Road, Albany, New York 12233-0001
- Appropriate Regional Office of the Department of Environmental Conservation.
- Office of the Chief Executive Officer of the political subdivision in which the action will be principally located.
- Applicant (if any)
- Other involved agencies (if any)

617.20
Appendix B
Short Environmental Assessment Form

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information				
Name of Action or Project: Amending the Town Code to Correct Zoning Inconsistencies				
Project Location (describe, and attach a location map): Townwide				
Brief Description of Proposed Action: While enforcing the Town Code, Town Staff discovered certain inconsistencies present in the Zoning Chapter. For example, there are certain uses which have existed for decades at a location, but per the Table of Permitted Uses, are not permitted to operate in that Zone. Specifically, "Automobile Dealers and Service Stations" shall now be permitted in the CD Zone. Further, Salons and other types of personal service establishments which are not permitted in the RG Zone, despite operating at properties located in the RG (General Residential) Zone for decades, are proposed to be allowed if the property is located on a state or county road. In addition, if a property owner is able to provide evidence to the satisfaction of the Town Attorney's Office that it conveyed property to an adjacent property owner who was encroaching upon its property rather than bring an action for ejectment, then the setbacks for the property conveying a portion of its land shall be calculated using the boundaries prior to the conveyance. In no event shall the setbacks be less than one-third (1/3) of that required for the particular Zoning District.				
Name of Applicant or Sponsor: Town of Cortlandt		Telephone: 914-734-1081 E-Mail: chrisk@townofcortlandt.com		
Address: 1 Heady Street				
City/PO: Cortlandt Manor		State: NY	Zip Code: 10567	
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			NO <input type="checkbox"/>	YES <input type="checkbox"/>
3.a. Total acreage of the site of the proposed action? _____ acres				
b. Total acreage to be physically disturbed? _____ acres				
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres				
4. Check all land uses that occur on, adjoining and near the proposed action. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ <input type="checkbox"/> Parkland				

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO	YES	N/A
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation service(s) available at or near the site of the proposed action?	<input type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	<input type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
b. Is the proposed action located in an archeological sensitive area?	<input type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input type="checkbox"/> YES b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: <input type="checkbox"/> NO <input type="checkbox"/> YES _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ _____	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor name: _____		Date: _____
Signature: _____		

Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:		
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	No, or small impact may occur	Moderate to large impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Part 3 - Determination of significance. The Lead Agency is responsible for the completion of Part 3. For every question in Part 2 that was answered “moderate to large impact may occur”, or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

The proposed action is the adoption of zoning amendments to correct inconsistencies present in the Zoning Chapter. The proposed changes would not change the character of the land or result in any significant changes in the intensity of the land use. The proposed action would not result in any new development. Any development proposed under the amended zoning would still be subject to a site specific SEQR analysis. Therefore, the proposed action would not be expected to result in any significant adverse impacts.

<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
<input checked="" type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.
Town of Cortlandt	August 15, 2023
_____ Name of Lead Agency	_____ Date
Richard Becker	Town Supervisor
_____ Print or Type Name of Responsible Officer in Lead Agency	_____ Title of Responsible Officer
_____ Signature of Responsible Officer in Lead Agency	_____ Signature of Preparer (if different from Responsible Officer)

PRINT

RESOLUTION

DRAFT

NUMBER -23

(RE: LOCAL LAW TO REMEDY ZONING INCONSISTENCIES IN THE TOWN OF CORTLANDT)

RESOLVED, that the Town Board of the Town of Cortlandt does hereby adopt Local Law No. __ of 2023.

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF CORTLANDT
LAROUÉ ROSE SHATZKIN
TOWN CLERK**

**Adopted on August 15, 2023
At a Regular Meeting
Held at Town Hall**

Local Law No. ___ of 2023**(A LOCAL LAW AMENDING THE TOWN CODE TO CORRECT ZONING INCONSISTENCIES)****Section 1. Legislative Intent**

While enforcing the Town Code, Town Staff discovered certain inconsistencies present in the Zoning Chapter. For example, there are certain uses which have existed for decades at a location, but per the Table of Permitted Uses, are not permitted to operate in that Zone. Upon learning of this, the Supervisor and Town Board scheduled a public hearing to amend the Town Code.

Section 2. Automobile Dealers and Service Stations

Currently there is an inconsistency in which certain properties in commercial corridors zoned as HC (Highway Commercial) can be used as car dealerships while other neighboring properties zoned as CD (Designed Commercial) cannot be. The following uses shall now be permitted in the CD Zone, and the Table of Permitted Uses shall be updated accordingly:

- 1. New and used car dealer**
- 2. Recreational vehicle, motor home, boat dealer**
- 3. Automotive dealer n.e.c. (SIC Sec. 5599)**

Section 3. Salons

Currently, salons and other types of personal service establishments are not permitted in the RG Zone, despite operating at properties located in the RG (General Residential) Zone for decades. The following use shall now be permitted in the RG Zone, and the Table of Permitted Uses shall be updated accordingly:

- 1. Other personal services (SIC Secs. 722-729) (except adult massage establishments)**

In addition, a footnote shall be added to the Table of Permitted uses noting that **“Other personal services (SIC Secs. 722-729) (except adult massage establishments)’ shall only be permitted in the RG Zone on lots with frontage on a State Road”**.

Section 4. Setback Measurements After Property Conveyances Due to Encroachments

There are certain situations when a property owner encroaches onto a neighboring property. At times, rather than bring an action for ejectment, the property owner being encroached upon decides to convey property to the encroaching neighbor. The following language shall be added to the Town Code to address these situations:

If a property owner is able to provide evidence to the satisfaction of the Town Attorney’s Office that it conveyed property to an adjacent property owner who was encroaching upon its property rather than bring an action for ejectment, then the setbacks for the property conveying a portion of its land shall be calculated using the boundaries prior to the

conveyance. In no event shall the setbacks be less than one-third (1/3) of that required for the particular Zoning District.

Section 5. Severability

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 6. Effective Date

This local law shall take effect immediately upon filing with the Secretary of State.

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF CORTLANDT
LAROUÉ ROSE SHATZKIN, TOWN CLERK**

**Adopted August 15, 2023
At a Regular Meeting
Held at Town Hall**

DRAFT

RESOLUTION

NUMBER _____

(RE: NEGATIVE DECLARATION RE: A LOCAL LAW ESTABLISHING RESTRICTIONS FOR THE SALE OF PRODUCTS CONTAINING NICOTINE AND TOBACCO PRODUCTS)

WHEREAS, the Town Board of the Town of Cortlandt has expressed its intent to consider, after conducting a Public Hearing hereon, local law establishing restrictions for the sale of products containing nicotine and tobacco products; and

WHEREAS, in accordance with the requirements of the New York State Environmental Quality Review Act (“SEQRA”), the Town Board must make a determination as to the Environmental Impact of this proposed action; and

WHEREAS, in accordance with 6 NYCRR, Part 617.6, the Town Board is the only Agency required to approve the proposed action, and is therefore the Lead Agency; and

WHEREAS, a short Environmental Assessment Form has been prepared, signed by the Supervisor, and accepted by the Town Board; and

WHEREAS, the Town Board has duly considered all of the environmental aspects of the proposed action;

NOW, THEREFORE, BE IT RESOLVED, based on a review of the Project, there appear to be no significant adverse environmental impacts; and

BE IT FURTHER RESOLVED, that based upon the Environmental Assessment Form submitted to and reviewed by the Town Board, that this is an Unlisted Action; and

BE IT FURTHER RESOLVED, that based upon the Environmental Assessment Form, the Town Board of the Town of Cortlandt does hereby **ADOPT** the attached **NEGATIVE DECLARATION** with respect to this matter.

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF CORTLANDT
LAROUÉ ROSE SHATZKIN
TOWN CLERK**

**Adopted on August 15, 2023
At a Regular Meeting
Held at Town Hall**

State Environmental Quality Review
NEGATIVE DECLARATION
 Notice of Determination of Non-Significance

Project Number N/A

Date: 08/15/2023

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Town Board of the Town of Cortlandt as lead agency, has determined that the proposed action described below will not have a significant adverse environmental impact and a Draft Impact Statement will not be prepared.

Name of Action:

Local Law No. 7-2023 pertaining to a Local Law Establishing Restrictions for the Sale of Products Containing Nicotine and Tobacco

SEQR Status: Type 1
 Unlisted

Conditioned Negative Declaration: Yes
 No

Description of Action:

In recent years, there has been an increase in the consumption of nicotine through alternative means, such as electronic cigarettes. Electronic cigarettes have appealed to a younger demographic, which have associated risks for the individual using the product. To help protect the Town's youth and other vulnerable populations, it is in the Town's interest to ensure that regulations are in place to protect Town residents from the harmful effects of nicotine and tobacco products.

Location: (Include street address and the name of the municipality/county. A location map of appropriate scale is also recommended.)

Reasons Supporting This Determination:

(See 617.7(a)-(c) for requirements of this determination ; see 617.7(d) for Conditioned Negative Declaration)

No Significant Environmental Impact.

If Conditioned Negative Declaration, provide on attachment the specific mitigation measures imposed, and identify comment period (not less than 30 days from date of publication in the ENB)

For Further Information:

Contact Person: Laroue Rose Shatzkin, Town Clerk

Address: 1 Heady Street, Cortlandt Manor, NY 10567

Telephone Number: 914.734.1020

For Type 1 Actions and Conditioned Negative Declarations, a Copy of this Notice is sent to:

Chief Executive Officer , Town / City / Village of

Other involved agencies (If any)

Applicant (If any)

Environmental Notice Bulletin, 625 Broadway, Albany NY, 12233-1750 (Type One Actions only)

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information			
Town of Cortlandt			
Name of Action or Project: Local Law No. 7-2023 - A Local Law establishing restrictions for the sale of products containing Nicotine and Tobacco			
Project Location (describe, and attach a location map): N/A			
Brief Description of Proposed Action: In recent years, there has been an increase in the consumption of nicotine through alternative means, such as electronic cigarettes. Electronic cigarettes have appealed to a younger demographic, which have associated risks for the individual using the product. To help protect the Town's youth and other vulnerable populations, it is in the Town's interest to ensure that regulations are in place to protect Town residents from the harmful effects of nicotine and tobacco products.			
Name of Applicant or Sponsor: Town of Cortlandt		Telephone: 914.734.1020 E-Mail: townclerk@townofcortlandt.com	
Address: 1 Heady Street			
City/PO: Cortlandt Manor		State: NY	Zip Code: 10567
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:			YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ acres b. Total acreage to be physically disturbed? _____ acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres			YES <input type="checkbox"/>
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify): <input type="checkbox"/> Parkland			

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES	
If Yes, identify: _____	<input type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation services available at or near the site of the proposed action?	<input type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: _____ _____	<input type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____ _____	<input type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____ _____	<input type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	<input type="checkbox"/>	<input type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____			

<p>14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:</p> <p><input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional</p> <p><input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban</p>		
<p>15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?</p>	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
<p>16. Is the project site located in the 100-year flood plan?</p>	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
<p>17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,</p> <p> a. Will storm water discharges flow to adjacent properties?</p> <p> b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?</p> <p>If Yes, briefly describe: _____</p> <p>_____</p>	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
<p>18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment: _____</p> <p>_____</p>	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
<p>19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____</p> <p>_____</p>	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
<p>20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____</p> <p>_____</p>	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
<p>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</p> <p>Applicant/sponsor/name: <u>Laroue Rose Shatzkin</u> Date: <u>08/15/2023</u></p> <p>Signature: _____ Title: <u>Town Clerk</u></p>		

Project:

Date:

**Short Environmental Assessment Form
Part 2 - Impact Assessment**

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing: a. public / private water supplies? b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

PRINT FORM

Project:

Date:

**Short Environmental Assessment Form
Part 3 Determination of Significance**

For every question in Part 2 that was answered “moderate to large impact may occur”, or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
<input checked="" type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.
Town of Cortlandt	08/15/2023
_____ Name of Lead Agency	_____ Date
Richard Becker	Supervisor
_____ Print or Type Name of Responsible Officer in Lead Agency	_____ Title of Responsible Officer
_____ Signature of Responsible Officer in Lead Agency	_____ Signature of Preparer (if different from Responsible Officer)

PRINT FORM

RESOLUTION

DRAFT

NUMBER -23

**(RE: LOCAL LAW TO REGULATE THE SALE OF PRODUCTS CONTAINING
NICOTINE AND TOBACCO)**

RESOLVED, that the Town Board of the Town of Cortlandt does hereby adopt Local
Law No. __ of 2023.

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF CORTLANDT
LAROUÉ ROSE SHATZKIN
TOWN CLERK**

**Adopted on August 15, 2023
At a Regular Meeting
Held at Town Hall**

Local Law No. ___ of 2023**(A LOCAL LAW ESTABLISHING RESTRICTIONS FOR THE SALE OF PRODUCTS CONTAINING NICOTINE AND TOBACCO)****Section 1. Legislative Intent**

In recent years, there has been an increase in the consumption of nicotine through alternative means, such as electronic cigarettes. Electronic cigarettes have appealed to a younger demographic, which have associated risks for the individual using the product. To help protect the Town's youth and other vulnerable populations, it is in the Town's interest to ensure that regulations are in place to protect Town residents from the harmful effects of nicotine and tobacco products.

Section 2. Definitions**NICOTINE DELIVERY PRODUCT**

Any article or product made wholly or in part of a tobacco substitute or otherwise containing nicotine that is expected or intended for human consumption, but not including a tobacco substitute prescribed by a licensed physician or a product that has been approved by the United States Food and Drug Administration for sale as a tobacco use cessation or harm reduction product or for other medical purposes and which is being marketed and sold solely for that approved purpose. Nicotine delivery products include, but are not limited to, e-cigarettes, vapes, vaporizers, vape pens, lozenges or other candy, drinks, and inhalers.

PERSON

A person, firm, company, corporation, partnership, sole proprietor, limited partnership, limited liability company, or association.

RETAIL ESTABLISHMENT

Any retail service establishment whose primary purpose is to sell or offer for sale to consumers, but not for resale, any goods, wares, merchandise, articles, other things, or services.

TOBACCO PRODUCTS

One or more cigarettes or cigars, bidis, chewing tobacco, powdered tobacco, blunt papers or wrappers, cigarette rolling papers of any kind, or any other tobacco products.

Section 3. Retail Sale of Tobacco Products and Nicotine Delivery Products

A. No person shall sell tobacco products, liquid nicotine products or nicotine delivery products in the Town of Cortlandt unless the sale of such products is controlled by an employee of the establishment. A person may only sell tobacco products or nicotine delivery products in a direct, face-to-face exchange between the retailer and the consumer. Self-service displays of tobacco products or nicotine delivery products shall be prohibited.

B. No person shall sell tobacco products, liquid nicotine products, or nicotine delivery products to any person under the age of 21 years.

C. The sale of tobacco products, liquid nicotine products and nicotine delivery products shall only be made to an individual who demonstrates through a government-issued photographic identification containing the bearer's date of birth that no person purchasing the tobacco or nicotine containing products is younger than 21 years of age.

Section 4. Enforcement

The Westchester County Police, the New York State Police, and the Town of Cortlandt's Division of Code Enforcement shall enforce the provisions of this chapter.

Section 5. Penalties for Offenses

A violation of any provision of this chapter shall be punishable by a fine not to exceed \$350 for a first offense, \$700 for the second offense, and \$1,000 for each subsequent offense or by imprisonment not to exceed fifteen (15) days, or both such fine and imprisonment.

Section 6. Severability

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 7. Effective Date

This local law shall take effect immediately upon filing with the Secretary of State.

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF CORTLANDT
LAROUÉ ROSE SHATZKIN
TOWN CLERK**

**Adopted August 15, 2023
At a Regular Meeting
Held at Town Hall**

DRAFT

RESOLUTION

NUMBER -23

(RE: AUTHORIZE UPGRADE OF TOWN HALL ALARM PANELS)

WHEREAS, the alarm panels in Town Hall were installed in 1999 and are in need of an upgrade;

NOW, THEREFORE, BE IT RESOLVED, the Town Board does hereby authorize the upgrade of the alarm panels in Town Hall at a cost not to exceed \$6,000.

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF CORTLANDT
LAROUÉ ROSE SHATZKIN
TOWN CLERK**

**Adopted on August 15, 2023
At a Regular Meeting
Held at Town Hall**

RESOLUTION

DRAFT

NUMBER -23

(RE: AUTHORIZE OF CONTRACT FOR SECURITY SERVICES AT TOWN HALL)

WHEREAS, a Request for Proposal entitled “RFP for Security Services” was authorized by the Town Board on December 11, 2018 and the awarded services under NYS Contract will be implemented at a pro-rated annual amount not to exceed:

Town Hall Meetings (\$15,000), Regular Daily Town Hall Officer (\$65,000) and additional per diem may be required as per proposal; and

WHEREAS, Multiple Town Officials and Department Heads have recommended this contract for professional services be awarded to Securitas Security Services, USA, Inc., located at 9 Campus Drive, Parsippany, New Jersey, based on the evaluative criteria set forth in the RFP and under New York State Contract PS68264;

NOW, THEREFORE, BE IT RESOLVED, the Supervisor is hereby authorized to execute the contract documents of said Securitas Security Inc and the Town Comptroller will secure the necessary funds (subject to the approval of the same by the Town Attorney).

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF CORTLANDT
LAROUÉ ROSE SHATZKIN
TOWN CLERK**

**Adopted on August 15, 2023
At a Regular Meeting
Held at Town Hall**

RESOLUTION

DRAFT

NUMBER -23

**(RE: AUTHORIZE UPGRADE OF TOWN'S FINANCIAL SOFTWARE TO
SPRINGBROOK)**

WHEREAS, the Comptroller's Office currently operates on a system called KVS that was acquired at least 20 years ago; and

WHEREAS, the software is in need of an upgrade to allow for more efficient and streamlined financial processing;

NOW, THEREFORE, BE IT RESOLVED, the Town Board does hereby authorize the upgrade from KVS to Springbrook at a cost not to exceed \$55,000.

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF CORTLANDT
LAROUÉ ROSE SHATZKIN
TOWN CLERK**

**Adopted on August 15, 2023
At a Regular Meeting
Held at Town Hall**

DRAFT

RESOLUTION

NO.

**(RETAIN NAPOLI SHKOLNIK TO REPRESENT THE TOWN IN LITIGATION
REGARDING AFFF)**

WHEREAS, Napoli Shkolnik is representing municipal entities that provide drinking water in lawsuits related to potential contamination from AFFF and PFAS; and

WHEREAS, Napoli Shkolnik presented to the Northern Westchester Joint Water Works Board at its meeting on August 4, 2023, and thereafter, the NWJWW retained the firm; and

WHEREAS, the Town receives its water after being processed by the NWJWW; and

WHEREAS, after speaking with the attorneys at Napoli Shkolnik, it is in the Town's best interest to join the ongoing litigation as its own separate entity;

NOW, THEREFORE, BE IT RESOLVED that the Town retains Napoli Shkolnik to represent it with respect to AFFF litigation.

BE IT FURTHER RESOLVED that the Town Attorney and Deputy Town Attorney are authorized to execute the retainer with Napoli Shkolnik on behalf of the Town.

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF CORTLANDT
LAROE ROSE SHATZKIN, TOWN CLERK**

**Adopted August 15, 2023
At a Regular Meeting
Held at Town Hall**

RESOLUTION

NO.

DRAFT

(AUTHORIZE A ONE-YEAR SPECIAL PERMIT EXTENSION FOR A PREVIOUSLY APPROVED SOLAR PROJECT ON THE CORNER OF LEXINGTON AVENUE AND 202)

WHEREAS, a company previously completed the land use review process for a community solar energy system to be located on the corner of Lexington Avenue and 202 (SBL 34.7-1-2.1); and

WHEREAS, after an extensive review, the Applicant received Site Plan Approval from the Planning Board and Special Permit approval from the Town Board; and

WHEREAS, thereafter, the contract-vendee decided not to pursue the project, and the owner of the property has asked for a one-year time extension of the Town Board Special Permit to find a development partner; and

WHEREAS, the Planning Board previously extended its approval by one year;

NOW, THEREFORE, BE IT RESOLVED that the Town Board extends the Special Permit approval (Resolution Number 250-22) for one year.

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF CORTLANDT
LAROUÉ ROSE SHATZKIN, TOWN CLERK**

**Adopted August 15, 2023
At a Regular Meeting
Held at Town Hall**

DRAFT

RESOLUTION

NUMBER -23

(AUTHORIZING A RENEWAL AND EXTENSION OF THE CORTLANDT HEATING OIL PROGRAM)

WHEREAS, in the winter of 2008/2009, the Town established the Cortlandt Heating Oil Program; and

WHEREAS, said program was highly successful in that over 1,700 residents of the Town entered and maintained membership into said program; and

WHEREAS, it is the desire of the Town Board to allow said program to continue for an additional year;

NOW, THEREFORE, BE IT RESOLVED, that the Cortlandt Heating Oil Program as previously established for the 2022/2023 year shall be extended and continued for the 2023/2024 heating season; and

BE IT FURTHER RESOLVED, that anyone who has previously signed up and joined the program will not need to re-register and their names will be carried over without further cost or charge; and

BE IT FURTHER RESOLVED, that the Town Supervisor and Town Attorney be and hereby are authorized to execute memorandums of understanding with said companies participating in said program.

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF CORTLANDT
LAROU SHATZKIN
TOWN CLERK**

**Adopted on August 15, 2023
at a Regular Meeting
Held at Town Hall**

DRAFT

RESOLUTION

NUMBER -23

(RE: AUTHORIZE FIREWORKS PERMIT TO GARDEN STATE FIREWORKS, INC. WITH RESPECT TO FAMILY FUN DAY)

WHEREAS, pursuant to Chapter 35 of the Town Code, and pursuant to Section 405.00 of the Penal Law of the State of New York, Garden State Fireworks, Inc., on behalf of The Town of Cortlandt, submitted to the Department of Technical Services - Code Enforcement Division an application for a fireworks permit in preparation for a fireworks display on September 9, 2023, (Alternate Rain Date of September 10, 2023):

WHEREAS, upon careful review by the Town of Cortlandt Fire Inspector, said fireworks application will be approved:

WHEREAS, said application upon careful review and endorsement by the Chief of the Local Fire District, The Town of Cortlandt Fire Inspector, and the Town Supervisor will be approved; and

WHEREAS, in accordance with Section XIII, Paragraph D of the Town Code, authorization for the loading of said fireworks is conditioned upon the licensee's submission to the Town Clerk of the Town of Cortlandt a Certificate of Insurance in the sum of Five Million Dollars naming thereon the Town as additionally insured; which certificate has been approved as to form by the Town Attorney; and

WHEREAS, the Town Board has agreed to waive the fee of \$250.00 for a fireworks display application,

NOW, THEREFORE, BE IT RESOLVED, that on the condition that Garden State Fireworks, Inc. application is approved and that they operate only on property for which they have written permission, that the Town Board of the Town of Cortlandt does hereby conditionally **GRANT** a Non-Transferable Permit to **Display** Fireworks on September 9, 2023 alternate date of September 10, 2023, from property owned by the Town of Cortlandt; and

BE IT FURTHER RESOLVED, that said permit shall require the Fire Inspector of the Town of Cortlandt Code Enforcement Department to be present when the fireworks are loaded; and

BE IT FURTHER RESOLVED, that the Supervisor be, and hereby is, authorized to execute said permit on behalf of the Town Board.

BE IT FURTHER RESOLVED, that said Permit will be granted and issued only upon the completion of all and any required conditions for said Permit by the applicant to the satisfaction of the Town of Cortlandt.

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF CORTLANDT
LAROUE ROSE SHATZKIN
TOWN CLERK**

**Adopted on August 15, 2023
At a Regular Meeting
Held at the Town Hall**

DRAFT

RESOLUTION

NO.

(APPROVE FEE SCHEDULE FOR VIDEOGRAPHY FOR “TAKING CARE OF BUSINESS” TO PROMOTE LOCAL BUSINESSES IN THE TOWN OF CORTLANDT)

WHEREAS, the Town of Cortlandt has had a program for years called “Taking Care of Business” to promote local businesses; and

WHEREAS, “Taking Care of Business” is videotaped; and

WHEREAS, costs to the videographer have risen, but what the Town has paid for videography has stayed constant for approximately five years;

NOW, THEREFORE, BE IT RESOLVED that the Comptroller is authorized to issue payment in the amount of \$650 to the videographer for each “Taking Care of Business” production.

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF CORTLANDT
LAROUÉ ROSE SHATZKIN
TOWN CLERK**

**Adopted August 15, 2023
At a Regular Meeting
Held at Town Hall**

RESOLUTION

NO.

DRAFT

**(AUTHORIZE A CYCLING FUNDRAISER BENEFITTING CANCER RESEARCH TO
USE THE CHARLES COOK POOL COMPLEX)**

WHEREAS, the Town received a request from the representatives of “Velocity: Columbia’s Ride to End Cancer” to use the Charles Cook Pool pavilion as a rest stop for their cycling fundraiser in October; and

WHEREAS, the fundraiser benefits cancer research; and

WHEREAS, the event will take place after pool season;

NOW, THEREFORE, BE IT RESOLVED that Velocity may use the Charles Cook Pool Pavilion as a rest stop subject to the event organizers providing an insurance certificate indemnifying the Town and paying for all costs associated with traffic control and cleanup of the area.

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF CORTLANDT
LAROUÉ ROSE SHATZKIN
TOWN CLERK**

**Adopted August 15, 2023
At a Regular Meeting
Held at Town Hall**

DRAFT

RESOLUTION

NUMBER -23

(RE: AUTHORIZATION TO PERMIT PARKING ALONG THE WEST SIDE OF QUAKER BRIDGE ROAD ON SEPTEMBER 22, 2023)

WHEREAS, the Friends of Old Croton Aqueduct, Inc. plan to remove invasive vines and plants from the Old Croton Aqueduct on September 22, 2023; and

WHEREAS, the Friends of Old Croton Aqueduct, Inc. have requested that parking be permitted between 99 and 124 Quaker Bridge Road on the west side of the street during daylight hours on September 22, 2023; and

WHEREAS, the Department of Environmental Services has evaluated the request and recommends that the request be granted; and

NOW, THEREFORE, BE IT RESOLVED, that parking shall be permitted along the West Side of Quaker Bridge Road between 99 and 125 Quaker Bridge Road between the hours of 8:00 AM and 4:00 PM on September 22, 2023.

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF CORTLANDT
LAROUÉ ROSE SHATZKIN
TOWN CLERK**

**Adopted on August 15, 2023
At a Regular Meeting
Held at Town Hall**

RESOLUTION

DRAFT

NUMBER _____

RE: (AWARD TE CONTRACT 2023.02, “TOWN OF CORTLANDT WATERFRONT PERFORMANCE STAGE & WALKING TRAIL”)

WHEREAS, sealed bids were received and opened by the Town of Cortlandt for “Town of Cortlandt Waterfront Performance Stage & Walking Trail” (Contract No. TE 2023.02); and

WHEREAS, bids were received in the amounts shown below:

<u>Company</u>	<u>Base Bid</u>
Jablko Construction, LLC 2 Young Road Katonah, NY 10536	\$1,150,000.00
Con-Tech Construction Technology, Inc. 1961 Route 6, Suite R-3 Carmel, NY 10512	\$1,436,129.00
Paladino Concrete Creations Corp. 315 N. MacQuesten Parkway Mount Vernon, NY 10550	\$1,452,825.00
Kemp Grp Corp. 44 Executive Blvd., Suite 201 Elmsford, NY 10523	\$1,755,177.76

and;

WHEREAS, the lowest responsible bidder, Jablko Construction, LLC, 2 Young Road, Katonah, NY 10536 has indicated that providing a Letter of Credit for performance security represents a hardship; and

WHEREAS, the Department of Technical Services has reviewed the bids and recommends awarding the contract to Jablko Construction, LLC, 2 Young Road, Katonah, NY 10536; and

NOW, THEREFORE, BE IT RESOLVED, that a variance is hereby granted under Section 237-5 of the Town Code and performance and payment bonds may be accepted in lieu of the normally required Letter of Credit; and

BE IT FURTHER RESOLVED, that a contract be awarded to the lowest responsible bidder, Jablko Construction, LLC, 2 Young Road, Katonah, NY 10536, in the amount of One Million One Hundred Fifty Thousand Dollars and No Cents (\$1,150,000.00); and

BE IT FURTHER RESOLVED, that the Director of Technical Services is authorized to extend the contract for special inspection services with Tectonic Engineering & Surveying Consultants P.C., 280 Little Britain Rd., Building #2, Newburgh, NY 12550,) at a cost not to exceed Thirty-Five Thousand Dollars (\$35,000.00).

BE IT FURTHER RESOLVED, that the Supervisor is hereby authorized to execute the contract documents subject to approval of the same by the Town Attorney; and

BE IT FURTHER RESOLVED, that the Town Comptroller is hereby authorized to utilize ARPA funds, as necessary, for this project.

BE IT FURTHER RESOLVED, that the Town Comptroller is hereby authorized to amend the budget accordingly.

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF CORTLANDT
LAROUÉ SHATZKIN
TOWN CLERK**

**Adopted on August 15, 2023
at a Regular Meeting
Held at the Town Hall**

RESOLUTION

DRAFT

NUMBER _____

RE: (AWARD TE CONTRACT 2023.06, “PICKLEBALL COURTS AT 3 MEMORIAL DRIVE”)

WHEREAS, sealed bids were received and opened on Tuesday August 8, 2023 by the Town of Cortlandt for “Pickleball Courts at 3 Memorial Drive” (TE Contract); and

WHEREAS, bidders were requested to provide pricing for two (2) alternates;

#1 requiring repair to the existing surface, sealing, painting and incidentals;
#2 requiring replacement of asphalt wearing surface, painting and incidentals;

and;

WHEREAS, bids were received in the amounts shown below:

<u>Company</u>	<u>Bid Alternate 1</u>	<u>Bid Alternate 2</u>
Sport-Tech Construction Corp. 410 NY-22 Brewster NY, 10509	\$0.00	\$221,550.00
Raj Contractors Bellrose, NY 11426	\$181,400.00	\$389,400.00
ADP Group 27 E. 33 rd Street Paterson, NJ 07514	\$503,000.00	\$800,000.00

and;

WHEREAS, the Department of Technical Services has reviewed the bids and recommends awarding bid alternate #3 to to Sport-Tech Construction Corp., 410 NY-22, Brewster NY, 10509; and

WHEREAS, the lowest responsible bidder, has indicated that providing a Letter of Credit for performance security represents a hardship.

NOW, THEREFORE, BE IT RESOLVED, that a variance is hereby granted under Section 237-5 of the Town Code and performance and payment bonds may be accepted in lieu of the normally required Letter of Credit; and

BE IT FURTHER RESOLVED, that a contract be awarded to the lowest responsible bidder, Sport-Tech Construction Corp., 410 NY-22, Brewster NY, 10509, in the amount of Two Hundred Twenty-One Five-Hundred Fifty Dollars (\$221,550.00).

BE IT FURTHER RESOLVED, that the Supervisor is hereby authorized to execute the contract documents subject to approval of the same by the Town Attorney; and

BE IT FURTHER RESOLVED, that the Town Comptroller is hereby authorized to utilize ARPA funds, as necessary, for this project.

BE IT FURTHER RESOLVED, that the Town Comptroller is hereby authorized to amend the budget accordingly.

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF CORTLANDT
LAROUÉ SHATZKIN
TOWN CLERK**

**Adopted on August 15, 2023
at a Regular Town Board Meeting
Held at the Town Hall**

DRAFT

RESOLUTION

NUMBER _____

RE: (AUTHORIZE DEPARTMENT OF TECHNICAL SERVICES “DOTS” TO DESIGN THE GALLOWS HILL ROAD CULVERT REPLACEMENT)

WHEREAS, the Gallows Holl Road Culvert (adjacent to #30 Gallows Hill Road) is prone to flooding and overtopping during significant rain events; and

NOW THEREFORE BE IT RESOLVED, that DOTS is hereby authorized to begin design of the Gallows Hill Road Culvert.

BE IT FURTHER RESOLVED, that DOTS is hereby authorized to obtain proposals from qualified surveying and engineering firms to assist in the design, permitting and grant application process.

**BY ORDER OF THE TOWN
BOARD
OF THE TOWN OF CORTLANDT
LAROUE SHATZKIN
TOWN CLERK**

**Adopted on August 15, 2023
at a Regular Meeting
Held at the Town Hall**

DRAFT

RESOLUTION

NUMBER _____

RE: (AUTHORIZE DEPARTMENT OF TECHNICAL SERVICES “DOTS” TO DESIGN THE ROOT STREET CULVERT REPLACEMENT)

WHEREAS, the Root Street Culvert is prone to flooding and overtopping during significant rain events; and

NOW THEREFORE BE IT RESOLVED, that DOTS is hereby authorized to begin design of the Root Street Culvert.

BE IT FURTHER RESOLVED, that DOTS is hereby authorized to obtain proposals from qualified surveying and engineering firms to assist in the design, permitting and grant application process.

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF CORTLANDT
LAROUÉ SHATZKIN
TOWN CLERK**

**Adopted on August 15, 2023
at a Regular Meeting
Held at the Town Hall**

DRAFT

RESOLUTION

NUMBER _____

RE: (AUTHORIZE OPERATIONS CONTRACT FOR DICKERSON POND WASTEWATER RECOVERY PLANT “VALERIA”)

WHEREAS, VRI Environmental Services, Inc., the current operator of the Dickerson Pond Wastewater Recovery Plant has exercised its option to terminate its service contract on August 31, 2023; and

WHEREAS, a certified wastewater operator, licensed and approved by NYS Department of Environmental Conservation and Westchester County Department of Health is required to monitor and maintain the treatment system; and

WHEREAS, the Department of Technical Services has prepared a request for proposals and circulated to approved operators and is awaiting response.

NOW THEREFORE BE IT RESOLVED, that upon receipt of proposals a selection committee consisting of the Directors of the Department of Technical and Environmental Services, Legal, Comptroller or designees and advisory committee consisting of members of the Dickerson Pond Association shall review the proposals.

BE IT FURTHER RESOLVED, that a recommendation shall then be provided to the Town Supervisor and Board.

BE IT FURTHER RESOLVED, that the Supervisor is hereby authorized to execute said contract documents subject to approval of the same by the Town Attorney; and

BE IT FURTHER RESOLVED, that all costs shall be levied against the Dickerson Pond Sewer District and individuals that benefit directly from said infrastructure.

BE IT FURTHER RESOLVED, that the Town Comptroller is hereby authorized to amend the budget accordingly.

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF CORTLANDT
LAROU SHATZKIN
TOWN CLERK**

**Adopted on August 15, 2023
at a Regular Meeting
Held at the Town Hall**

DRAFT

RESOLUTION

NUMBER _____

RE: (AUTHORIZE FLOW MONITORING WITHIN DICKERSON POND SEWER DISTRICT "VALERIA")

WHEREAS, two (2) proposal were received on Friday August 4, 2023 by the Town of Cortlandt for sanitary sewer flow monitoring services of the Dickerson Pond Sewer District "Valeria"

WHEREAS, proposals were received in the amounts shown below:

<u>Company</u>	<u>Proposal Amount</u>
Tam Enterprises 114 Hartley Road Goshen, NY 10924	\$4,575 / device
Fred A. Cook, Jr., Inc. P.O. Box 70 Montrose, NY 10548	\$6,500 / device

and;

WHEREAS, the Department of Technical Services has reviewed the proposals and recommends awarding the services to Tam Enterprises.

NOW, THEREFORE, BE IT RESOLVED, that sanitary flow monitoring is approved at a total cost not to exceed Thirty-Four Thousand Five Hundred Dollars (\$34,500.00).

BE IT FURTHER RESOLVED, that the Director of the Department of Technical Services is hereby authorized to execute the contract documents subject to approval of the same by the Town Attorney; and

BE IT FURTHER RESOLVED, that all costs shall be levied against the Dickerson Pond Sewer District and individuals that benefit directly from said infrastructure.

BE IT FURTHER RESOLVED, that the Town Comptroller is hereby authorized to amend the budget accordingly.

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF CORTLANDT
LAROU SHATZKIN
TOWN CLERK**

**Adopted on August 15, 2023
at a Regular Meeting
Held at the Town Hall**

DRAFT

RESOLUTION

NUMBER -23

(RE: AUTHORIZE DOTS TO DESIGN AND BID FLOORING ENHANCEMENTS AT CHARLES COOK POOL BATHHOUSE)

WHEREAS, some flooring enhancements are needed at the Charles Cook Pool Bathhouse;

NOW, THEREFORE, BE IT RESOLVED, the Town Board does hereby authorize DOTS to design and bid said enhancements.

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF CORTLANDT
LAROUÉ ROSE SHATZKIN
TOWN CLERK**

**Adopted on August 15, 2023
At a Regular Meeting
Held at Town Hall**

RESOLUTION

DRAFT

NUMBER -23

(RE: AWARD CONTRACT FOR LINE PAINTING WITH ATLANTIC PAVEMENT MARKING, INC)

WHEREAS, BID#23-13 Line Painting BID; sealed-bid received and opened on July 13, 2023 and pricing at lowest-total bid price; and

WHEREAS, DES and Highway Supervisor have reviewed the BID/CONTRACT;

NOW, THEREFORE, BE IT RESOLVED, the Supervisor is hereby authorized to allow contracts to be used at the Director of Purchasing AND Director of DES/Highway discretion; and

BE IT FURTHER RESOLVED, that if work is not budgeted than a resolution for said work will be provided when services are needed.

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF CORTLANDT
LAROU ROSE SHATZKIN
TOWN CLERK**

**Adopted on August 15, 2023
At a Regular Meeting
Held at Town Hall**

DRAFT

RESOLUTION

NUMBER -23

(RE: AWARD CONTRACT FOR HIGHWAY TRAFFIC SIGNS TO HIGHWAY TRAFFIC SIGNS INC)

WHEREAS, BID#23-11 Highway Traffic Signs BID; sealed-bid received July 11, 2023 and pricing is being awarded to the lowest, responsible bidder; and

WHEREAS, Director of DES and Highway Supervisor have reviewed bids and are satisfied with awarding to Highway Traffic Signs Inc.;

NOW, THEREFORE, BE IT RESOLVED, the Supervisor is hereby authorized to allow contracts to be used at the Director of Purchasing AND Director of DES/Highway discretion. These items are budgeted annually.

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF CORTLANDT
LAROUÉ ROSE SHATZKIN
TOWN CLERK**

**Adopted on August 15, 2023
At a Regular Meeting
Held at Town Hall**