



TOWN OF CORTLANDT

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

Chris Kehoe, AICP
Director

Planning Staff
Michelle Robbins, AICP
Rosemary Boyle-Lasher

Town Hall, 1 Heady Street
Cortlandt Manor, NY 10567
Main #: 914-734-1080

Town Supervisor
Richard H. Becker, MD

Town Board
James F. Creighton
Francis X. Farrell
Cristin Jacoby
Robert Mayes

MEMORANDUM

TO: Planning Board Members

FROM: Chris Kehoe, AICP, Director ^{CK}
Department of Planning & Community Development

SUBJECT: PB 2022-7 Application of MCAS Roofing & Contracting for the renewal of a Special Permit for a Specialty Trade Contractor located at 2006 Albany Post Road located at 2006 Albany Post Road (Route 9A) and designated on the Town of Cortlandt Tax Maps as Section 67.06, Block 2, Lot 15.

DATE: August 8, 2022

1. The Planning Division conducted a review of the subject application consisting of a drawing entitled "Amended Site Plan for MCAS Roofing and Contracting, Inc." prepared by Joseph C. Riina, P.E. dated October 7, 2020 and a Cover Letter dated June 22, 2022.
3. The applicant is seeking a renewal of a specialty trade contractor special permit (as per Section 307-65.6) of the Town Zoning Code. The subject site received a special permit and site plan approval by PB Resolution 20-16 and Amended Site Plan Approval and a 3-year renewal of the Special Permit by PB Resolution 21-19 . The subject special permit requires renewal every three (3) years. The subject property is approximately 17,933 sq. ft. in area and is zoned HC, highway commercial which requires a minimum lot area of 20,000 sq. ft. As required by PB Resolution 20-16 the applicant received the required area variance for minimum lot size on September 21, 2016. (ZBA D&O 2016-14).
3. At the time of the last Special Permit Renewal the applicant also received amended site Development Plan Approval for the construction of a storage shed by Res. 21-19 (attached). In addition, the applicant also received a variance as per ZBA D&O 2020-8 (attached) for a side yard setback for the shed due to field error during the pouring of the foundation for the shed. In addition, the ZBA required the construction of a fence to buffer adjacent residents. The site is in compliance with all approvals and the Office of Code Administration and Enforcement has issued a Certificate of Compliance (attached).

(continued on page 2)

4. The subject application is classified as an unlisted action pursuant to the New York State Environmental Quality Review Regulations. The applicant submitted Part One of the Short Environmental Assessment Form (attached) for the Board to use together with all information submitted with this application to evaluate what, if any, significant environmental impacts may result from the proposed project.
5. Enclosed are aerial view(s) of the subject site. A site plan drawing was transmitted to the members of the Planning Board at the time the application was submitted.
6. Referrals of this application include, the Town Engineering Division, the Fire Advisory Board and the Village of Croton.

CRK/crk
attachments

cc: Richard H. Becker, MD, Town Supervisor
James Creighton, Town Board Liaison
Michael Cunningham, Esq. Assistant Town Attorney
Joe Fusillo, P.E., Labella/Chazen
Michael Casolaro



1: 1,125



Town of Cortlandt

Legend

- Parcels
- Road Labels
- 2021 Aerial Photos
- Red: Band_1
- Green: Band_2
- Blue: Band_3

SITE

Notes

187.5 0 93.75 187.5 Feet

Map produced by: user

Disclaimer: "The information contained in this data is NOT to be construed as a 'legal description'. The Town and its consultants do NOT provide any guarantee of accuracy or completeness and will NOT be held liable for any damages or losses due to its use."

Town of Cortlandt
1 Heady Street
Cortlandt Manor, NY 10567-1254
(914) 734-1010

CERTIFICATE OF COMPLIANCE

Certificate No:	20220630	Date of Issue:	7/26/2022
Permit No:	20200320	Permit Issue Date:	5/26/2020
Tax Map No:	67.6-2-15	Construction Cost:	28000.00
Location:	2006 ALBANY POST RD		
Parcel Owner:	MLC EXPANSIONS LLC 3342 PETER LN		

YORKTOWN HEIGHTS NY 10598

This certificate covers the construction of:
STORAGE SHED.

The application having heretofore an application for a building permit pursuant to the Town Code, Sanitary Code, the Uniform Building & Fire Code and the Laws in effect in the Town of Cortlandt, NY, having paid the required fee therefor and the undersigned having by personal inspection ascertained that improvement of the proposed structure is in compliance with the requirements of the laws as aforementioned; that the said work and materials meet every requirement of the laws as aforementioned. Now, therefore, the Certificate of Compliance is hereby issued by Town of Cortlandt.



Signature of Official

DIRECTOR OF CODE ENFORCEMENT

Stamp

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.

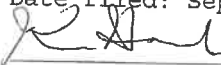
Part 1 - Project and Sponsor Information									
MCAS Roofing & Contracting, Inc.									
Name of Action or Project: Amended Site Plan for MCAS Roofing & Contracting									
Project Location (describe, and attach a location map): 2006 Albany Post Road Cortlandt, NY 10520									
Brief Description of Proposed Action: Re-Application of Specialty Trade Permit - The removal of existing storage building to be replaced by larger storage building in the rear yard of the property.									
Name of Applicant or Sponsor: Michael Casolaro - MCAS Roofing & Contracting Inc.		Telephone: 914-455-0976							
Address: 2006 Albany Post Road		E-Mail: mike@mcasroofing.com							
City/PO: Cortlandt Manor		State: NY	Zip Code: 10520						
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 governmental Agency? If Yes, list agency(s) name and permit or approval:			YES <input type="checkbox"/>						
3.a. Total acreage of the site of the proposed action?			NO <input checked="" type="checkbox"/>						
b. Total acreage to be physically disturbed?			YES <input checked="" type="checkbox"/>						
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?									
<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;">0.4117 acres</td> <td style="width: 50%; border: none;"></td> </tr> <tr> <td style="border: none;">.034 acres</td> <td style="border: none;"></td> </tr> <tr> <td style="border: none;">0.4117 acres</td> <td style="border: none;"></td> </tr> </table>				0.4117 acres		.034 acres		0.4117 acres	
0.4117 acres									
.034 acres									
0.4117 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 checked="" type="checkbox"/> Commercial <input checked="" 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									

<p>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: _____ _____ _____</p>	NO	YES
	<input checked="" 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>	NO	YES
	<input checked="" 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>	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</p>		
<p>Applicant/sponsor name: Michael J. Casolaro</p>	<p>Date: 06/21/2022</p>	
<p>Signature: <u>Michael Casolaro</u></p>		

Applicant is Granted An Area Variance for the minimum lot size from a required 20,000 square feet down to 17,935 square feet; an Area Variance for the minimum lot width from a required 100 feet down to 58.5 feet; and an Area Variance for the side yard setback from a required 30 feet down to 13.7 feet for a shed shown on an site plan approved by the Planning Board by Resolution No. PB 20-16 for a roofing specialty trade contractor.

NOW THEREFORE, Petition is granted and it is further ordered that in all other respects Petitioner comply with all of the rules, regulations and ordinances of the Town of Cortlandt and all other agencies having jurisdiction.

Adopted: Sept. 21, 2016
Cortlandt Manor, New York
Date filed: Sept. 23, 2016



Ken Hoch
Clerk, Zoning Board



David Douglas
Chairman, Zoning Board

**TOWN OF CORTLANDT
PLANNING BOARD
PB 2019-13**

RESOLUTION NO. 21-19

WHEREAS, an application was submitted by MCAS Roofing & Contracting for Planning Board approval for the renewal of a Special Permit for a Specialty Trade Contractor and for Amended Site Plan approval for an approximately 1,160 sq. ft. storage shed as shown on a drawing entitled "Amended Site Plan for MCAS Roofing and Contracting, Inc." prepared by Joseph C. Riina, P.E. latest revision dated July 16, 2019, and

WHEREAS, the subject property is approximately 17,933 sq. ft. in area, is zoned HC, highway commercial, is located at 2006 Albany Post Road (Route 9A) and is designated on the Town of Cortlandt Tax Maps as Section 67.06, Block 2, Lot 15, 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 21, 2019, and

WHEREAS, the subject site previously received site plan approval and a special permit by Resolution 20-16 adopted on September 6, 2016 for a specialty trade roofing contractor, and

WHEREAS, as per Chapter 307-65.6 of the Zoning Code (Specialty Trade Contractors) the special permit is valid for a period of three (3) years and must be renewed, and

WHEREAS, the applicant has submitted the required application seeking a renewal of the special permit and is also seeking amended site development plan approval for the construction of an approximately 1,160 sq. ft. storage building to store materials associated with the roofing business, and

WHEREAS, the applicant is proposing to remove four (4) regulated trees from the property in order to construct the storage building which requires the issuance of a tree removal permit, and

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WHEREAS, the Planning Board has considered the trees to be removed and the trees to be saved on the subject property as per the requirements of Chapter 283 (Trees) of the Town of Cortlandt Code, and

WHEREAS, no other changes to the exterior of the existing building or the site, and

WHEREAS, the Planning Board reviewed the applicant's proposal with the required conditions of Section 307-65.6 (Specialty Trade Contractors) and the general Special Permit conditions of Section 307-40, 307-41 & 307-42 (Zoning) of the Town of Cortlandt Code and found the proposal to be consistent with the standards and conditions thereof, 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 September 10, 2019, and

WHEREAS, the Public Hearing Notice for this application was published in "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 applicant previously received the required area variances from the Zoning Board of Appeals, and

WHEREAS, the subject application was referred to the Westchester County Department of Planning, 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.

(continued on page 3)

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

1. The proposed action will not result in a substantial adverse change to existing air quality, ground or surface water quality and quantity, traffic or noise levels; a substantial increase in solid waste production; nor generate a substantial increase in potential for erosion, flooding, leaching or drainage problems.
2. The proposed action will not result in the removal or destruction of large quantities of vegetation or fauna; will not substantially interfere with the movement of a resident or migratory fish or wildlife species; will not impact a significant habitat area; and will not result in any substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species, or other significant adverse effects to natural resources.
3. The proposed action will not result in the impairment of the environmental characteristics of a Critical Environmental Area.
4. The proposed action will not result in the creation of a material conflict with the adopted 2016 Town Sustainable Comprehensive Master Plan and Town Zoning Ordinance.
5. The proposed action will not result in the impairment of a character or quality of important historical, archeological, architectural or aesthetic resources or of existing community or neighborhood character.

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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 1 of the Short Environmental Assessment Form (EAF) prepared by Michael Casolaro dated May 21, 2019 and Part II of the Short EAF prepared by the Planning Division

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dated October 10, 2019 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 MCAS Roofing and Contracting for Amended Site Development Plan approval and the renewal of a Special Permit for a Specialty Trade Contractor pursuant to Chapter 307 and Chapter 307-65.6 (Zoning) of the Town of Cortlandt Code as shown on a drawing entitled "Amended Site Plan prepared for MCAS Roofing & Contracting, Inc." prepared by Joseph Riina, P.E. latest revision dated July 16, 2019 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**

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FURTHER BE IT RESOLVED that the approved site plan with the Planning Board Chairman's signature shall be valid for a period of twelve (12) months from the date of signing.

If there is no substantial change in the condition of the site and/or its environs, Site Development Plan Approval may be extended by the Planning Board for one (1) additional period of one (1) year, upon timely application by this applicant and a written explanation of the reasons for the delay which require the granting of a time extension.

CONDITIONS AND MODIFICATIONS:

- 1. Obtain the required signatures from the Director of Technical Services, the Director of Environmental Services and the Planning Board Chairperson on the subject drawing and following the required signatures submit four (4) paper prints of the subject drawing.**
- 2. Obtain the signature of the Receiver of Taxes on an appropriate form indicating that taxes on the subject property have been paid.**
- 3. The applicant is advised that the conditions of this approval must be satisfied and the site plan drawing signed by the Planning Board Chairman and any required State, County and Town permits obtained prior to beginning any related work on the subject property.**
- 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 \$3,500. 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. 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.**

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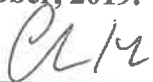
7. The applicant shall add the following notes to the site plan:

- a) The subject Special Permit expires on October 10, 2022. The applicant shall submit an application to the Planning Board for renewal of the subject Special Permit at the July 2022 Planning Board meeting.
- b) No outside storage of materials is permitted.
- c) Note on the subject site plan that only vehicles and equipment related to business operations shall be permitted to be stored onsite unless otherwise depicted and approved by the Planning Board.

8. As per Chapter 283 (Trees) of the Town Code and Town Board Resolution 231-19 the applicant shall plant four (4) trees on the subject property to mitigate the removal of the four (4) trees or shall contribute \$600 to the Town's in-lieu of planting fund.

Adopted: October 10, 2019
Cortlandt Manor, New York

Filed in the Office of the Town Clerk
and Planning Board this 11th day
of October, 2019.



Chris Kehoe
Clerk to the Planning Board

1. No undesirable change will be produced in the character of the neighborhood and no detriment to nearby properties will be created by the granting of the area variance. The location of the garage/shed was approved by the Planning Board and is located in the rear of the specialty-trade contracting business. No structures on adjacent properties will be affected by the 3.6 ft. variance.
2. The benefit sought by the applicant cannot be achieved by some method, feasible for the applicant to pursue, other than an area variance.
3. The requested area variance is not substantial.
4. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.
5. The alleged difficulty is partially self-created as a mistake was made during the laying out and construction of the foundation. However, the other factors and the de minimis nature of the request are mitigative.

Applicant is hereby GRANTED an Area Variance for a proposed garage/shed, the foundation of which has been already been installed, from 13.7 ft. to 10.1 feet. The applicant shall obtain a building permit and any other required permits. As a further condition of this approval, the applicant shall install a fence, not to exceed 8 ft. in height, to buffer adjacent properties prior to the issuance of a Certificate of Occupancy for the garage/shed.

This is a Type II application under SEQRA. Therefore, no further compliance is required.

NOW THEREFORE, Petition is granted and it is further ordered that in all other respects Petitioner comply with all of the rules, regulations and ordinances of the Town of Cortlandt and all other agencies having jurisdiction.

Adopted: October 21, 2020
Cortlandt Manor, New York
Date filed: October 23, 2020



Chris Kehoe, AICP
Clerk, Zoning Board



David Douglas
Chairman, Zoning Board