

DRAFT

**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

(continued on page 2)

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

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.

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.

(continued on page 4)

5. The proposed action will not result in the impairment of a character or quality of important historical, archeological, architectural or aesthetic resources or of existing community or neighborhood character.
6. The proposed action will not significantly impact the use of either the quantity or type of energy.
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

(continued on page 5)

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 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**

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**

(continued on page 7)

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.

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.

TO BE CONSIDERED FOR ADOPTION: OCTOBER 10, 2019