

DRAFT

**TOWN OF CORTLANDT
PLANNING BOARD
PB 2019-14**

RESOLUTION NO. 26-19

WHEREAS, an application for Planning Board approval of an Amended Site Development Plan pursuant to Chapter 307 (Zoning) was submitted by **2 Bayview Road, LLC** for the construction of a proposed 8,000 sq. ft. mechanics shop as shown on a 4 page set of drawings entitled “Amended Site Plan for Two Bayview Road, LLC” prepared by Cronin Engineering, P.E., P.C. latest revision dated August 28, 2019, and

WHEREAS, the subject property of 6.388 acres is located at 2 Bay View Road, is zoned M-1A Light Industrial and is designated on the Town of Cortlandt Tax Maps as Section 22.19, Block 1, Lot 1, 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 Full Environmental Assessment Form dated August 28, 2019, and

WHEREAS, the subject site contains a 10,300 sq. ft. 1-story office building, a 2,200 sq. ft. 1-story mechanics building and is currently used as the office and parking area for CRP Sanitation, for the storage of roll-off containers and port-o-potties and for the recently approved organic food composting facility, and

WHEREAS, the applicant is proposing to construct a 100’ x 80’ by 25’ steel building that will be added to the existing 2,200 sq. ft. mechanics building for the maintenance of the sanitation truck fleet that is currently taking place in 2 existing quonset huts that will be removed from the subject site, and

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WHEREAS, the subject application was referred to the Town of Cortlandt Conservation Advisory Council (CAC), the Westchester County Planning Board, the City of Peekskill and the Town Engineering Division, and

WHEREAS, the applicant is advised that the Federal Emergency Management Agency (FEMA) is updating the FEMA flood maps and the Town recommends that the site improvements be designed to the proposed new flood elevations, 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, and

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

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substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species, or other significant adverse effects to natural resources.

3. The proposed action will not result in the impairment of the environmental characteristics of a Critical Environmental Area.

4. The proposed action will not result in the creation of a material conflict with the adopted 2004 Town Comprehensive Master Plan and Town Zoning Ordinance.

5. The proposed action will not result in the impairment of a character or quality of important 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

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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 Full Environmental Assessment Form (EAF) prepared by James Annicchiarico dated August 28, 2019 and Part II of the Full EAF prepared by the Planning Division dated November 6, 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 Full 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 2 Bayview Road, LLC for the construction of a proposed 8,000 sq. ft. mechanics shop as shown on a 4 page set of drawings entitled “Amended Site Plan for Two Bayview Road, LLC” prepared by Cronin Engineering, P.E., P.C. latest revision dated August 28, 2019 is **APPROVED** subject to the conditions listed below and that the Chairman of the Planning Board be authorized to endorse approval on said

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Site Development Plan upon compliance by the applicant with such conditions as listed below, and

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

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

CONDITIONS AND MODIFICATIONS:

- 1. Obtain the required signature from the Director of Technical Services and the Director of Environmental Services on a mylar of the subject drawing and submit (a) four prints and the mylar of said drawing to the Planning Office following the Chairman's**

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signature on the site plan mylar, (b) Submit an as-built survey in AutoCAD file and in digital format (.pdf)

2. Obtain the signature of the Receiver of Taxes on an appropriate form indicating that taxes on the subject property have been paid.

3. Posting of a combined soil erosion security and maintenance security pursuant to Section 307-73.1 of the Town Code in the amount of \$10,000. 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 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.

4. 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 permits obtained prior to beginning any related work on the subject property.

5. The applicant is advised that a central sanitary sewer system may be installed on Roa Hook Road, which could provide sewer services to the subject property. The applicant agrees to join the sewer district formed for the purposes of funding sewer infrastructure improvements.

6. Prior to the issuance of a building permit a complete set of building elevations and proposed floor plans, with details proposed colors and materials, shall be referred to the Architectural Advisory Council for their review and comment.

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- 7. The applicant is advised that the submittal and acceptance of a completed Stormwater Pollution Prevention Plan (SWPPP) to the satisfaction of the Director of Technical Services is required prior to the issuance of a building permit. The SWPPP shall include good housekeeping measure associated with the proposed garage operations (e.g. waste handling, BMP maintenance, parts storage)**
- 8. Subject drawing shall be revised to show the proposed location of all storm water best management practices, onsite utilities, fuel storage tanks, waste tanks (e.g. oil, fluids), emergency egress paths and firematic response (e.g. swept path analysis for fire apparatus).**
- 9. The Applicant is advised that plans will be referred to the Westchester County Department of Health for comment as to the adequacy of the existing sanitary system and well for the proposed development.**
- 10. All permits from agencies with approval authority shall be submitted prior to the issuance of any building permit.**
- 11. Add a note to the subject site plan that a building permit must be obtained from the Department of Technical Services – Division of Code Enforcement within one-year of the date of this approving resolution.**
- 12. Add a note to the subject site plan that an operating permit must be obtained from the Department of Technical Services – Division of Code Enforcement within one-year of the date of this approving resolution.**

TO BE CONSIDERED FOR ADOPTION: NOVEMBER 6, 2019