

DRAFT

**TOWN OF CORTLANDT
PLANNING BOARD
PB 2020-14**

RESOLUTION NO. 3-21

WHEREAS, an application for Planning Board approval of a renewal of a Special Permit pursuant to Sections 307-65.3 and Section 307-56 of the Town of Cortlandt Zoning Ordinance and for a Tree Removal Permit as per Chapter 283 (Trees) of the Town of Cortlandt code for a private nature preserve open to the public to conduct school programs, summer camp programs and weekday and weekend public programs as described in a letter dated September 21, 2020 from Dianne Barron, Managing Director and for a “Meadow Restoration Program and Revegetation Plan” as described in a packet dated September 22, 2020, and as shown on a drawing entitled “Teatown-Cliffdale Farm Special Permit Site Plan” prepared by John M Watson, P.E. dated October 27, 2020 was submitted by **Teatown Lake Reservation Inc.**, and

WHEREAS, the subject property is located on the north side of Teatown Road, 3,000 feet east of Quaker Ridge Road and is designated on the Town of Cortlandt Tax Maps as Section 79.08, Block 1, Lot 1, and

WHEREAS, the subject property is 83.18 acres and is zoned R-80, single family residential which permits private nature preserves open to the public, and

WHEREAS, the subject property known as Cliffdale Farm is part of the Teatown Lake Reservation, an organization that promotes public awareness of the natural environment and has been used for various farm activities and contains various buildings and other improvements including a parking, and

WHEREAS, the applicant proposes to conduct educational programs at the site including a school program, a summer camp program, a weekend public program, a weekday public program, and the keeping of a standard flock of approximately 30 adult chickens and a spring flock of an additional 100 chicks with no changes from what was previously approved by the Planning Board as described in the “Cliffdale Program Plan Summary” December 1, 2015 – November 30, 2020 and in a letter from Dianne Barron, Managing Director dated September 21, 2020, and

WHEREAS, the applicant previously received three, 5-year Special Permits to operate programs at the site by Planning Board Resolutions 49-05 adopted on March 1, 2005, 49-10 adopted on October 5, 2010 and 19-15 adopted on November 5, 2015, and

WHEREAS, the subject Special Permit remained in place while the Planning Board was considering

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the renewal of the permit and the details of the Meadow Restoration Plan, and

WHEREAS, Teatown is proposing a Meadow Restoration Plan funded by an Environmental Quality Incentives Program (EQIP) grant to remove approximately 83 trees and 675 feet of existing stone wall to create a meadow habitat for nesting birds, and

WHEREAS, Teatown provided details of a proposed revegetation plan made up of three (3) potential options, and

WHEREAS, the Planning Board reviewed all three options, and

WHEREAS, the Planning Board received comments from the Town's Conservation Advisory Council regarding replanting and in addition completed a site inspection of the subject premises, and

WHEREAS, the Planning Board considered trees to be removed and trees to be preserved as per Chapter 283 (Trees) of the Town Code, and

WHEREAS, pursuant to Part 617 of the State Environmental Quality Review Regulations the proposed project is classified as an unlisted action for which the applicant submitted a completed Part One of the Short Environmental Assessment Form prepared by Diane Barron dated October 15, 2020, and

WHEREAS, the Planning Board held a Zoom public hearing on the subject application as required by Section 307-72 of the Town on November 4, 2020 at 7:00 p.m. adjourned to December 1, 2020 and January 5, 2021 and

WHEREAS, the Public Hearing Notice was published in the "Journal News" and in the "Gazette" and a "Notice of Public Hearing" sign was posted in front of the subject property and the Public Hearing Notice was given by the applicant to adjoining property owners and property owners directly across the street from the subject property, and

WHEREAS, the subject application was referred to the Conservation Advisory Council (CAC) and as required by Chapter 307-65.3 of the Zoning Code, the Fire Advisory Board, the Westchester County Department of Public Safety, the New York State Police, the Town of Cortlandt Department of Environmental Services and the Division of Code Enforcement, and

WHEREAS, the Division of Code Enforcement responded by a memo dated August 27, 2020 that there have been no complaints or violations for the property since the previous renewal was approved, and

WHEREAS, comments in response to referrals of the subject application were considered by the

Planning Board as well as written and verbal comments made in response to the subject application at the public hearing, and

WHEREAS, the Planning Board considered the issuance of the subject Special Permit pursuant to the requirements, conditions and standards contained in Sections 307-40, 307-41, 307-42 and 307-65.3 of the Town of Cortlandt Zoning Ordinance for a private nature preserve open to the public.

NOW THEREFORE BE IT RESOLVED, that pursuant to Sections 307-56 and 307-65.3B, Standards and Conditions of the Town Code, the Planning Board finds that:

1. The application satisfies the 10-acre minimum lot area
2. That the applicant will have the same hours of operation as the previously approved Special Permit
3. Adequate on-site parking is provided based on the number of programs and program participants.
4. That the number of proposed programs and the number of program participants are acceptable.

FURTHER 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 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 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.

NOW THEREFORE BE IT FURTHER 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 Diane Barron dated October 15, 2020 and Part II of the Short EAF prepared by the Planning Division dated February 2, 2021 and based on the subject 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

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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 Teatown Lake Reservation Inc. for Planning Board approval of a Renewal of a Special Permit pursuant to Sections 307-65.3 and 307-56 of the Town of Cortlandt Zoning Ordinance to permit a private nature preserve open to the public to conduct school programs, summer camp programs, weekday and weekend public programs and the keeping of chickens at Cliffdale Farm and for the proposed “Meadow Restoration Plan” be **APPROVED** subject to the conditions listed below.

CONDITIONS AND MODIFICATIONS:

- 1. The permitted activities, programs and general conditions for this special permit are as previously approved, and with no change, as listed in the “Cliffdale Program Plan Summary” December 1, 2015 – November 30, 2020.**
- 2. The subject special permit for a Private Nature Preserve open to the public is subject to conditions of approval contained in Section 307-65.3.B of the Town Code including but not limited to the inspection of the subject premises by the Division of Code Enforcement and Administration.**
- 3. The applicant is advised that they are responsible for obtaining all required permits and/or approvals for the proposed programs from involved agencies.**
- 4. The subject 5-year Special Permit shall run from December 1, 2020 to December 1, 2025.**
- 5. Teatown will follow Option 3 as outlined in the attached “Cliffdale Meadow Revegetation Plan”. The number of saplings to be planted will be increased from 25 to 50. All saplings will be monitored yearly with an annual report submitted no later than Nov. 15th for a period of 3 years after all saplings have been planted. All saplings shall be planted no later than June 30, 2022.**

TO BE CONSIDERED FOR ADOPTION: FEBRUARY 2, 2021