

**DRAFT**

**TOWN OF CORTLANDT  
PLANNING BOARD  
PB 2018-12**

**RESOLUTION NO. 5-19**

**WHEREAS**, an application for Planning Board approval of a Site Development Plan, a Tree Removal Permit and a Special Permit for an office for a health care practitioner located in an existing building at 2 Ogden Avenue pursuant to Chapter 307 and Chapter 307-60 (Zoning) of the Town of Cortlandt Code was submitted by Dr. Ravikumar, for the property of Richard DeLorenzo, as shown on a 6 page set of drawings entitled “Site Plan” prepared by Thomas M. Leigh, R.A., latest revision dated February 22, 2019, and

**WHEREAS**, the subject property is located at 2 Ogden Road and currently contains an existing building used as a real estate office and an apartment, is approximately 13,428 sq. ft., is zoned R-10, single-family residential and is designated on the Town of Cortlandt Tax Maps as Section 33.08, Block 3, Lot 19, and

**WHEREAS**, the subject property is eligible to apply for a Special Permit as per Section 307-60 of the Zoning Code as it is located with frontage on a state highway within 1,000 feet of the NY Presbyterian/Hudson Valley Hospital Center, 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 September 18, 2018, and

**WHEREAS**, the subject site is currently developed with a converted residential building, that houses a real estate office and an apartment with a paved driveway, and

**WHEREAS**, the applicant is proposing to use the entire building as a medical office for one doctor and two employees with modifications to the parking area, construction of a new retaining wall, a new sidewalk, and additional landscaping, and

**WHEREAS**, originally the project was proposed to use the basement for an additional procedure room with a recovery room and waiting area, with an additional procedure room and 3 treatment rooms proposed on the main floor, and

**WHEREAS**, the proposed improvements to the interior of the dwelling have been modified and reduced and now the proposal is for 3 treatment rooms, a reception and billing area, waiting room, conference room, consultation room and a restroom on the main floor, a break room and eat-in kitchen and bathroom in the attic and no improvements proposed for the unfinished

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basement, and

**WHEREAS**, the subject site plan has been revised to reduce the number of delineated parking spaces to 6 including one handicapped space, and

**WHEREAS**, the applicant is proposing to remove several trees from the property and the Town's consulting arborist completed an inspection of the trees proposed to remain and the trees proposed to be removed and submitted a report and an inventory dated January 2, 2019 which found of the 20 trees on site 6 were dead or in imminent decline, 12 are invasive Norway maples and only one tree, #767 a 21" dbh honey locust tree should be preserved, and

**WHEREAS**, as required by Chapter 283 of the Town Code the Planning Board considered trees to be removed and trees to be preserved, and

**WHEREAS**, the Planning Board reviewed the applicant's proposal with the required conditions of Section 307-60 (Offices of doctors, dentists or other health care practitioners) 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 February 5, 2019, and

**WHEREAS**, the Public Hearing Notice for this application was published in the "Journal News" and in the "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 has applied for area variances for lot area and for front and rear yard setbacks from the Zoning Board of Appeals, and

**WHEREAS**, the subject application was referred to the Town Engineering Division, the Fire Advisory Board, and

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

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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 conducted a site inspection of the subject premises.

**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.
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 I of the Short Environmental Assessment Form (EAF) prepared by Thomas Leigh R.A, dated September 18, 2018 and Part II of the Short EAF prepared by the Planning Division dated March 5, 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 Dr. Ravikumar, for the property of Richard DeLorenzo, for Planning Board approval of a Site Development Plan, a Tree Removal Permit and a Special Permit for a for an office for a health care practitioner located in an existing building at 2 Ogden Avenue pursuant to Chapter 307 and Chapter 307-60 (Zoning) of the Town of Cortlandt Code as shown on a 6 page set of drawings entitled "Site Plan" prepared by Thomas M. Leigh, R.A., latest revision dated February 22, 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. Add the appropriate signature block to the subject drawing and coordinate with the Planning Office to (a) obtain the required signatures from the Director of Technical Services, the Director of Environmental Services and the Planning Board Chairperson on the subject drawing set and (b) submit four paper prints of said drawing to the Planning Office following the Chairman's signature on the site plan.**
- 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. The applicant is advised that the design of any signage proposed for the building and/or the site is subject to the review and comments of the Architectural Advisory Committee.**
- 5. Posting of a combined soil erosion security and maintenance security pursuant to Section**

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307-73.1 of the Town Code in the amount of \$2,500. 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.

6. Payment of a 5% construction monitoring fee to the town based on the on-site construction costs including grading, soil and erosion controls, site clearing, tree removal, planting and all other improvements pursuant to Resolution 114-00 of the Cortlandt Town Board.

7. The applicant shall obtain all necessary building permits for interior alterations to the building and for proposed site improvements (i.e., stripe the parking lot, appropriately delineate the proposed handicapped space, retaining wall, etc.) and receive certificate of completion(s) or occupancy to the satisfaction of the Director of Technical Services prior to use and occupancy of the site within 12 months of this approval.

8. The applicant shall obtain the required variances from the Zoning Board of Appeals and note the variances on the subject site plan.

9. Modify the subject drawing to show tree protection details for tree #767, the 21 dbh honey locust to ensure its protection during construction.

10. Add a note to the subject site plan that the facility is permitted a maximum of three exam rooms and that only one doctor can practice at the facility on a given day.

**TO BE CONSIDERED FOR ADOPTION: MARCH 5, 2019**