

Right to Know/FOIL

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**TOWN OF CORTLANDT
PLANNING BOARD APPLICATION**

CHECK APPROVAL(S) REQUESTED

- Lot Line Adjustment
- Preliminary Subdivision
- Conventional
- Cluster-open space
- Final Subdivision
- Site Development Plan
- Site Development Plan Amendment
- Special Permit
- Wetlands Permit
- Steep Slopes Permit

For Official Use Only:
 PB No. 2018-5
 Date Received 4/17/18
 Fee Paid \$500.00 application fee
\$500.00 Escrow fee

RECEIVED

- Name of Proposed Development Modification to Approved Site Plan
- Name of Applicant 3120 Lexington, LLC Phone 914-338-8050
 Address c/o Keith Betensky, Esq., 26 Village Green, Suite 4, P.O. Box 22, Bedford, New York 10506-0022
 Street No. & Name Town State Zip
- Owner of Record 3120 Lexington, LLC Phone 917-699-9500
 Address 100 Carver Terrace, Yonkers, New York 10710, Attention: Jack Ahearn
 Street No. & Name Town State Zip
- Engineer/Architect Hudson Engineering & Consulting Phone 914-909-0420
 Address 45 Knollwood Road, Suite 201, Elmsford, New York 10523, Attention: Michael Stein, P.E.
 Street No. & Name Town State Zip
- Land Surveyor TC Merritts Land Surveyors Phone 914-769-8003
 Address 394 Bedford Road, Pleasantville, New York 10570
 Street No. & Name Town State Zip
- Attorney Keith Betensky, Esq. Phone 914-338-8050
 Address 26 Village Green, Suite 4, P.O. Box 22, Bedford, New York 10506-0022
 Street No. & Name Town State Zip
- Site Location: On the East side of Lexington Avenue
 (direction) (street)
 _____ feet _____ of _____
 (direction) (street)
- Tax lot designation: Section: 24.15 Block 1 Lot(s) 8
- Total Area: 1.524 acres No. of Lots 1 Sq. Ft. of Building 23%
 Zoning Dist. CC Proposed Use Retail No. Of Parking Spaces _____
- If this application is for a cluster-open space subdivision give date and Resolution number of Town Board authorization. Date: N/A Res. # _____

PLEASE CHECK APPROPRIATE SPACE: I consent to the extension of the 62-day Public Hearing and review period. See instructions item # 4. YES NO

CONFIRMATION ALL TAXES PAID: _____ Date: 4-17-2018
 Receiver of Taxes

STATE OF NEW YORK:)
 COUNTY OF WESTCHESTER:) SS
 TOWN OF CORTLANDT)

I, Jack Ahearn** hereby depose and say that all the above statements and the statements contained in the papers submitted herewith are true.

Jack Ahearn

Mailing Address
100 Carver Terrace
Yonkers, New York 10710

SWORN to before me this 12th day of APRIL, 2018
 NOTARY PUBLIC Sylvia F. Ezell

Sylvia Ezell
 NOTARY PUBLIC, STATE OF NEW YORK
 No. 01EZ6029813
 Qualified in Bronx County
 Commission Expires 8/30/2021

**as member of 3120 Lexington, LLC

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			
Name of Action or Project: Proposed Modification to Approved Site Plan			
Project Location (describe, and attach a location map): 3120 Lexington Avenue Mohegan Lake NY 10547			
Brief Description of Proposed Action: The proposed action consists of renovations to the existing building, improvements to the existing parking lot, associated landscaping, and related improvements.			
Name of Applicant or Sponsor: 3120 Lexington, LLC C/O Hudson Engineering & Consulting, Michael Stein P.E.		Telephone: 914-909-0420 E-Mail: Michael@hudsonec.com	
Address: 45 Knollwood Road - Suite 201			
City/PO: Elmsford	State: NY	Zip Code: 10523	
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"/>
			YES <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:			NO <input type="checkbox"/>
			YES <input type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		1.5 acres	
b. Total acreage to be physically disturbed?		0.3 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		+/- 2.9 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 checked="" 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>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<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>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<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>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</p> <p>Applicant/sponsor name: <u>Hudson Engineering & Consulting - Michael Stein, P.E.</u> Date: <u>3-22-18</u></p> <p>Signature: <u></u></p>		

The Law Offices of Keith R. Betensky

The Empire Building
26 Village Green, Suite 4
P.O. Box 22
Bedford, New York 10506-0022

RECEIVED
APR 17 2018

writer's direct dial: 914-338-8050
e-mail: keith@betenskylaw.com

Keith R. Betensky
Admitted in N.Y. & N.J.

DEPT. OF TECHNICAL SERVICES
PLANNING DIVISION

April 16, 2018

Chairperson Loretta Taylor and Members of the
Town of Cortland Planning Board
1 Heady Street
Cortlandt Manor, New York 10567

PB 2018-5

Copies ¹ Planning Board
..... Town Board
..... Zoning Board
..... Legal Dept.
..... DOTS Director
..... C.A.G. via e-mail
..... A.R.G.
..... Applicant
.....
.....
Sent 4/17/18

Re: **APPLICATION FOR AN AMENDMENT TO
THE APPROVED SITE PLAN AND WETLAND PERMIT FOR
3120 LEXINGTON AVENUE, CORTLANDT, NEW YORK**

Dear Chairperson Loretta Taylor and Members of the
Town of Cortland Planning Board:

I am the attorney for 3120 Lexington, LLC ("Applicant") in connection with its application ("Application") for an amendment to the approved site development plan and wetland permit for 3120 Lexington Avenue, Cortlandt, New York ("Property"). As detailed herein, the Applicant requests approval pursuant to Section 307-67 of the Town of Cortlandt Code ("Town Code"). The Property consists of an approximately 66,402 square foot lot in a commercial ("CC") zoning district.

By way of background, the Town of Cortlandt Planning Board previously granted site plan approval for the existing commercial building at the Property, parking lot and related improvements on November 9, 1977. At that time the building was operated by Best Plumbing Supply Inc. as a retail showroom and warehouse. Most recently, the Property was owned by J.A. Mohegan Realty Corp, and operated as a roofing supply showroom and warehouse.

The Applicant now wishes to continue the retail/warehouse use of the Property by operating it as a hardware store and warehouse for the hardware store. The Applicant is not proposing any new square footage or any increase in impervious surface. The proposed use is permitted as of right in the CC zoning district and no area variances are required.

The Property is currently in a state of disrepair and as part of the renovation process, the Applicant wishes to clean up, beautify, repair and improve the Property by, among other things, removing dead trees and construction debris (presumably left by prior owners) from the wetlands, install a new façade on the building, install plantings, stripe the parking area and make certain

interior improvements.

Please accept the following materials in support of the Application:

- [X] Site Plan, prepared by Hudson Engineering & Consulting;
- [X] Stormwater Management Plan & Drainage Analysis, prepared by Hudson Engineering & Consulting;
- [X] Elevation Drawings, prepared by Heike A. Schneider, LLC;
- [X] Landscaping Plan, prepared by Sherwood & Truitt LLC;
- [X] Site Plan, dated October 14, 1976, prepared by Pierre R. Foss, P.E., approved by the Town of Cortlandt Planning Board November 9, 1977;
- [X] Environmental Assessment Form;
- [X] Wetland and Soils Survey, prepared by Paul Jaehnig, dated January 15, 2018; and
- [X] Checks payable to the Town of Cortlandt for the required application fee and escrow deposit.¹

Pursuant to Section 307-73 of the Town Code, the Applicant meets the standards for site development plan approval and a wetland permit for the following reasons:

- (i) The proposed use is permitted as of right in the CC zoning district and the Applicant is utilizing an existing building without increasing the square footage thereof. Therefore, the Application is consistent with the public health, safety and general welfare, as well as the comfort and convenience of the public in general.
- (ii) The Applicant is utilizing an existing driveway with access to Lexington Avenue, as shown on the enclosed Site Plan. Therefore, the proposed traffic access and egress is designed for maximum safety and is adequate in width, grade, alignment, sight distance and other safety controls, devices and facilities.
- (iii) The Applicant has designed striped parking spaces and aisles within the existing parking area, all with access from Lexington Avenue, as shown on the enclosed Site Plan. Therefore, the proposed traffic access and egress is designed for maximum safety and is adequate in width, grade, alignment, sight distance and other safety controls, devices and facilities.
- (iv) The location, power, direction and time of any exterior lighting of the site will have no adverse effect upon any properties in adjoining residence districts.

¹ Please note that due to the nature of the Application, i.e. an amendment to an approved site development plan with no increase in square footage in accordance with Section 307-67 of the Town Code, the escrow deposit is submitted under protest.

- (v) As shown on the enclosed landscaping plan, the scale and quality of the proposed landscaping enhances the character of the neighborhood and architectural quality of the structure.
- (vi) The proposed work is located on a commercial property in a previously disturbed area and the Applicant is not proposing to remove any specimen trees or significant environmental features. Moreover, the Applicant is proposing to mitigate any impact to the wetland with a planting plan, as shown on the enclosed landscaping plan.
- (vii) All proposed structures, equipment or material will be readily accessible for fire protection.
- (viii) As detailed on the enclosed Stormwater Report, the Application includes a drainage system that would afford a practical and functional solution to any drainage problems. It should be noted that the Applicant will not be adding any new impervious surfaces and the drainage work will improve current conditions.
- (ix) The architectural and site design will not result in excessive similarity or excessive dissimilarity.

Based on the foregoing, the Applicant's proposed improvements will enhance the condition of the Property by striping the parking area, removing dead trees, cleaning up the construction debris left by prior owners and beautifying the Property with a landscaping plan.

I look forward to discussing the matter with you at your next scheduled meeting. In the meantime, please feel free to call me if you have any questions.

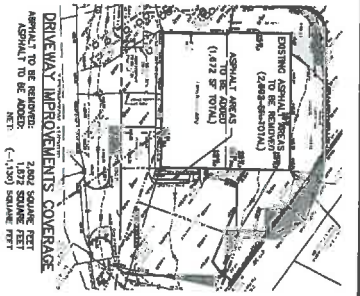
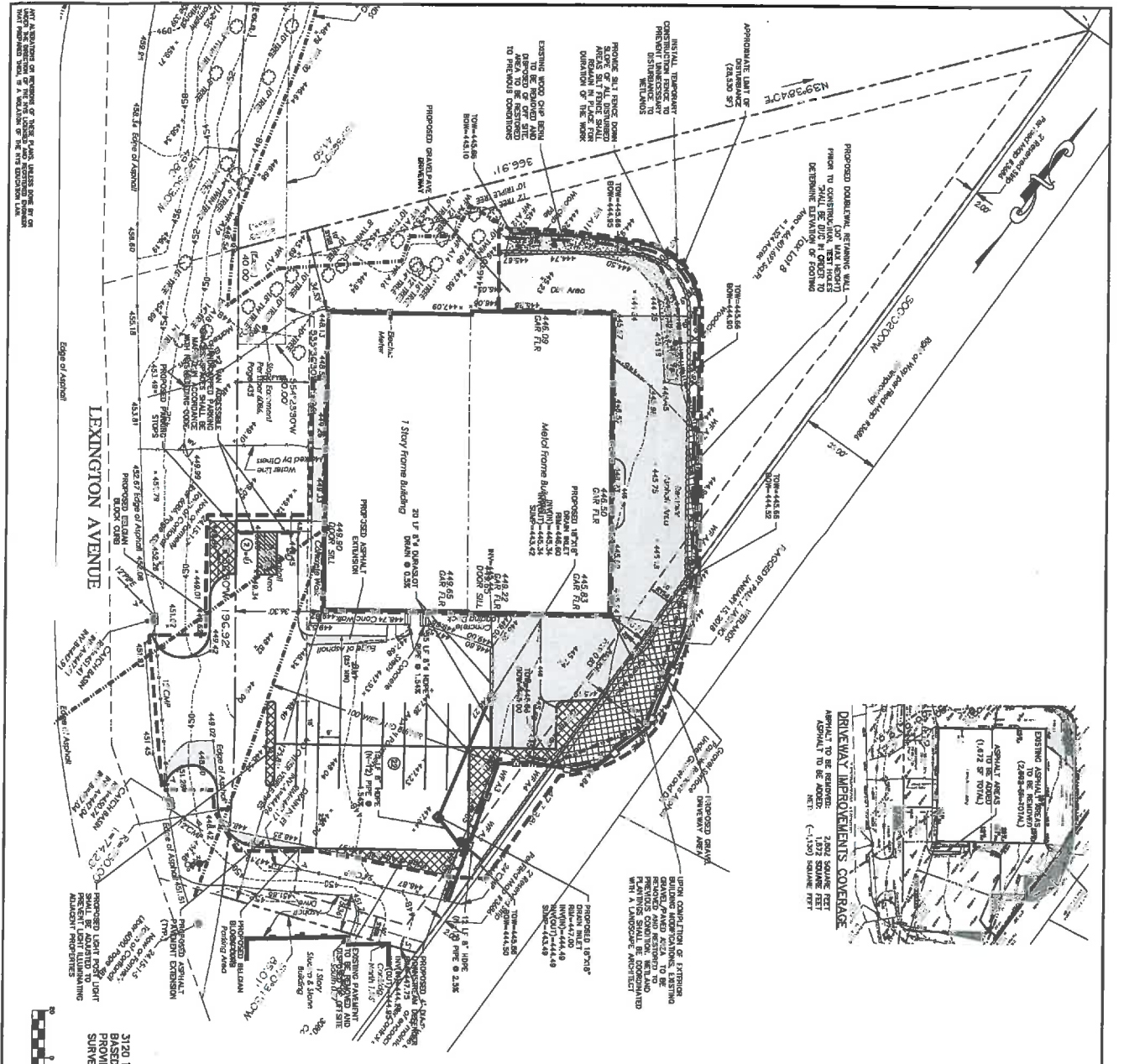
Thank you.

Very truly yours,



Keith R. Betensky

cc: Mr. Jack Ahearn
Michael Stein, P.E., Hudson Engineering
Heike Schneider, Architect



PROPOSED	EXISTING	PROPOSED
11,000	60,000	10,000
20,000	27,000	27,000
10,000	40,000	10,000
10,000	10,000	10,000
10,000	10,000	10,000
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10,000	10,000	10,000

LEGEND

PROPOSED ASPHALT DRIVEWAY

PROPOSED 1 STORY FRAMING BUILDING

PROPOSED 20 FT DIA DRAINAGE DITCH

PROPOSED 1.5 STORY FRAMING BUILDING

EXISTING ASPHALT DRIVEWAY

EXISTING LIGHT PORT LIGHT ADJACENT PROPERTIES

EXISTING ASPHALT DRIVEWAY

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EXISTING ASPHALT DRIVEWAY

EXISTING LIGHT PORT LIGHT ADJACENT PROPERTIES

3120 LEXINGTON AVENUE SITE PLAN BASED UPON EXISTING INFORMATION PROVIDED BY TC HERBERT'S LAND SURVEYORS, DATED FEBRUARY 2, 2018

GRAPHIC SCALE

1 inch = 50 ft

PROPOSED SITE ALTERATIONS

3120 LEXINGTON AVENUE

TOWN OF CORTLAND

WESTCHESTER - NEW YORK

SITE PLAN

HUDSON ENGINEERING CONSULTANTS

1100 STATE STREET

WESTCHESTER, NY 10805

PHONE: 914-238-8200

WWW.HUDSONENR.COM

C-1

GENERAL NOTES:

1. THE LAYOUT SHALL NOT BE EXPANDED TO THE ADJACENT PROPERTIES OF THE PROPERTY.
2. ALL WORK SHALL BE IN ACCORDANCE WITH THE TOWN OF CORTLAND ZONING ORDINANCE.
3. ALL WORK SHALL BE IN ACCORDANCE WITH THE TOWN OF CORTLAND ZONING ORDINANCE.
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