

### **Right to Know/FOIL**

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**TOWN OF CORTLANDT  
PLANNING BOARD  
PB 2017-6**

**DRAFT**

**RESOLUTION NO. 21-18**

**WHEREAS**, an application for Planning Board approval of a Site Development Plan pursuant to Chapter 307 (Zoning) of the Town of Cortlandt Code was submitted by Meenan Oil Company, Inc. for the reconstruction of an existing garage as shown on a 3 page set of drawings entitled "Site Plan for Meenan Oil Co." prepared by Ralph Mastromonaco, P.E. latest revision dated May 16, 2018 and on a 4 page set of elevations and floor plans entitled "Renovations & Alterations to Meenan Oil, L.P" prepared by Philip H. Cerrone, III, AIA dated February 7, 2018, and

**WHEREAS**, the subject property of approximately 7.739 acres is located at 26 Bayview Road, is zoned M1A Light Industrial and is designated on the Town of Cortlandt Tax Maps as Section 22.19, Block 1, Lot 4, 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 18, 2017, and

**WHEREAS**, the applicant is proposing the demolition of an existing approximately 7,500 sq. ft. garage/office building and it's reconstruction in generally the same location, and

**WHEREAS**, this property is located in FEMA Flood Zone AE and FEMA released preliminary updates to the base flood elevations (BFE) and these Preliminary Flood Insurance Rate Maps (FIRMs) show a proposed elevation increase; the Applicant and their Design Professional have been advised that the preliminary maps indicate a higher base flood elevation and it has been recommended to incorporate the higher elevation into the design; and the Applicant has chosen to design to the effective base flood elevation in accordance with the current NFIP and Uniform Code requirements, 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 April 3, 2018, 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

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property owners and the subject property was posted with a sign giving notice of the public hearing, and

**WHEREAS**, the subject application was referred to the Town Engineering Division, the Fire Advisory Board, the Conservation Advisory Council, Westchester County and the City of Peekskill, 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 conducted a site inspection of the subject premises, 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 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

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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 Ralph G. Mastro Monaco, P.E. dated May 18, 2017 and Part II of the Short EAF prepared by the Planning Division dated June 5, 2018 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 Meenan Oil Company, Inc. for Site

Development Plan approval for the reconstruction of an existing garage as shown on a 3 page set of drawings entitled "Site Plan for Meenan Oil Co." prepared by Ralph Mastromonaco, P.E. latest revision dated March 12, 2018 and on a 4 page set of elevations and floor plans entitled "Renovations & Alterations to Meenan Oil, L.P" prepared by Philip H. Cerrone, III, AIA dated February 7, 2018 is hereby **approved**, 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. (a) **Submit four paper prints and a set of mylar prints of said drawing set to the Planning Office following the Chairman and required Department Head signatures on the site plan mylar(s), (b) After the Planning Board Chairperson's signature submit an electronic version, .pdf is acceptable, of the entire drawing set (c) Upon completion of all improvement submit a comprehensive as-built survey in hard copy, AutoCAD and PDF formats.**
2. **Add the correct signature block to the subject drawing (attached).**
3. **Obtain the signature of the Receiver of Taxes on an appropriate form indicating that taxes on the subject property have been paid.**

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4. Within 90 days of this approval, the southern property shall be field staked by a NY State Licensed Land Surveyor and a "stake-out sketch" shall be submitted to the Director of the Department of Technical Services. All material and encroachment on the property owned by the New York Central and Hudson River Railroad shall be removed from the and all disturbed areas stabilized in accordance with the general recommended standards for erosion and sedimentation control.
5. Prior to the issuance of any building permit, the Applicant shall obtain the required coverage under the SPDES Multi-Sector General Permit for Industrial Activities, proof of coverage, or written non-jurisdictional determination from the NYSDEC.
6. Prior to the issuance of a building permit, the Applicant shall submit all WCDOH approvals and permits for the proposed well and verify that the existing onsite wastewater treatment system meets the design flows of the proposed uses and is acceptable by the WCDOH.
7. Posting of a combined soil erosion security and maintenance security pursuant to Section 307-73.1 of the Town Code in the amount of \$5,000. 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, submission of the required as-built survey and an inspection by the Town. Prior to the release of the signed Site Development Plan by the Planning Division said security shall be submitted to and approved by the Town Department of Law which will then be forwarded to the Town Clerk and a copy to the Planning Division. 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.
8. 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.

TO BE CONSIDERED FOR ADOPTION: JULY 10, 2018