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**TOWN OF CORTLANDT**  
 DEPARTMENT OF TECHNICAL SERVICES  
 ENGINEERING DIVISION

Michael Preziosi, P.E.  
 Director – D.O.T.S

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**Town Supervisor**  
 Linda D. Puglisi

Arthur D'Angelo, Jr., P.E.  
 Deputy Director  
 D.O.T.S – Engineering

**Town Board**  
 Richard H. Becker  
 Debra A. Costello  
 James F. Creighton  
 Francis X. Farrell

**REVIEW MEMORANDUM**

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 ..... Zoning Board  
 ..... Town Attorney  
 ..... Legal Dept.  
 ..... DOTS Director  
 ..... C.A.C.  
 ..... A.R.C.  
 ..... Applicant  
 ..... Michael Olson, P.A.  
 .....  
 Sent 8/6/18

To: Town of Cortlandt Planning Board

Cc: Chris Kehoe, AICP – Deputy Director – Planning, Department of Technical Services  
 Tom Wood, ESQ. – Town Attorney / Michael Cunningham, ESQ. – Dept. Town Attorney

From: Michael Preziosi, P.E. – Director, Department of Technical Services  
*Michael Preziosi, P.E.*

Date: August 3, 2018

RE: PB 2018-13 52 Scenic Drive – A Rising Star Children’s

I have reviewed the following document(s):

- “Site Location / Site Plan and Bulk Regulations” Sheet S-001.00 prepared by Olson and Partners dated 6/25/2018

and offer the following comments pertaining to this application.

**General Comments**

1. Applicant shall provide a grading plan showing all existing and proposed grading in intervals not to exceed 2-ft for the proposed limits of disturbance.
2. The Applicant shall submit the survey of the property the site plan references.
3. The Applicant shall submit a tree preservation and reforestation plan in accordance with Town Code Chapter 283. The Applicant shall provide a landscape plan meeting the requirements of Town Code Chapters 307-21, 22 & 23.
4. The site plan does not demonstrate if egress in accordance to the requirements of the NYS Uniform Code have been met. Accessible paths must be shown.

5. The plans must demonstrate that the proposed driveway and widening can accommodate fire apparatus maneuvering through the loop. Comment as to the adequacy of the sight lines of the driveway. Sight lines shall meet the minimum guidelines as provided by AASHTO.
6. The Applicant must provide a parking calculation in accordance with 307-29 – Table of Required Off-Street Parking Spaces.
7. The Applicant is proposing 7 additional spaces in the front yard beginning approximately 40-ft from Scenic Drive. Consideration shall be given to locate spaces further from the right-of-way.
8. Applicant shall document how the facility meets the requirements of the NYS Uniform Code for the proposed use and summary of potential alterations necessary to meet these requirements. A concept floor plan for each building level shall be provided.
9. Applicant shall prepare photometric analysis if any outdoor lighting is proposed.
10. Applicant is advised that playground equipment is not permitted in front yards. A zoning variance will be required.
11. The plan note pertaining to owner shall maintain integrity of fence to restrict access near the former pool is ambiguous. Fence must meet NYS Uniform Code for fence height, locking mechanism, etc... It is recommended that the pool area be backfilled with clean fill and graded as to not pose a life safety hazard.
12. The Applicant is advised that they must confirm that the Baltic Estates Wastewater Treatment Plant (Amberlands) can accept the sanitary flow of the proposed development.
13. The Applicant shall revise the plans and provide the following details at minimum.
  - a. Demographic data (school district, ambulance district, police, fire, etc...).
  - b. Pickup and drop-off areas, signage and pavement striping.
  - c. Handicap signage and striping. NYS Accessibility Signage Standards.
  - d. Provide details for handicap accessible paths (i.e. section)
  - e. Provide pavement section.
  - f. Provide ramp details as required.
  - g. Proposed outdoor lighting.
  - h. Proposed signage.
  - i. Existing utilities (water, sewer services, etc...)
  - j. Location of garbage receptacles and enclosure. Note: Private carting will be required.

Additional comments will arise upon further review. Error or omission does not mean acceptance by the Town.

Cc: Olson & Partners  
Director – Code Enforcement

W:\Planning Board\PB 2018-13 (52 Scenic Drive) Rising Star\2018-08-03 PB 2018-13\_Site Plan Review Memo (MP\_Engineering).Doc



**TOWN OF CORTLANDT**  
**DEPARTMENT OF TECHNICAL SERVICES**  
**PLANNING DIVISION**

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Linda D. Puglisi

**Town Board**  
Richard Becker  
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**MEMORANDUM**

**TO:** Planning Board Members

**FROM:** Chris Kehoe, AICP *CK*  
Deputy Director, Planning Division

**SUBJECT:** PB 2018-13 Application of A Rising Star Children's Center, for the property of the First Hebrew Congregation, for Site Development Plan approval and a Special Permit for a licensed day care center in an existing building located on a 3.7 acre parcel of property at 52 Scenic Drive.

**DATE:** August 6, 2018

1. The Planning Division conducted a review of the application consisting of a drawing entitled "ARSA, LLC Site Location, Site Plan and Bulk Regulations" prepared by Mark Steven Olson, R.A. dated June 25, 2018.
2. Based on a review of the above mentioned drawing and application, the following information as required by Chapter 307-71 of the Town of Cortlandt (Zoning) and other regulations should be submitted for the subject application unless waived by the Planning Board at the applicant's request:
  - a. The applicant should submit one print of photographs showing the site and surroundings. This data is supplemental and will not be made an integral part of the approved site development plan.
  - b. A complete landscape plan shall be submitted for the subject site with number, size and species of the proposed plantings.
  - c. The subject drawing should show provisions, if any, for additional outdoor lighting for the entire site and the proposed play area.

(continued on page 2)

- d. The subject drawing shall show the location, height and design of any proposed signs.
  - e. The applicant shall provide conceptual floor plans for the Board to get an understanding of the proposed intensity of use for the center.
  - f. Please note on the subject site plan the proposed hours of operation.
3. The applicant is seeking site plan approval and a Special Permit for the conversion of an existing structure to licensed nursery/day care center located at 52 Scenic Drive. The subject property is zoned R-40 single family residential and was previously used as a synagogue and pre-school. The subject site is approximately 3.7 acres and is comprised of two (2) tax lots. The applicant is proposing minimal site improvements, along with more significant interior building modifications, to provide day care services for approximately 60-70 students. The proposed day care center is required to be under the regulation of the Commissioner of Education for New York State.
  4. The subject property is made up of two parcels, 67.07-1-8 & 9. The parcels shall be merged to the satisfaction of the Town Assessor.
  5. The subject drawing shows a parking easement and an existing macadam parking area on the subject property that provides parking for an adjacent apartment building. The applicant shall provide a copy of the easement.
  6. A total of 26 parking spaces is shown on the subject site plan, a ratio of 2 spaces/13 proposed staff members. The subject drawing shall be revised to number the parking spaces by area.
  7. Section 307-65.4 (attached) permits the Planning Board to waive certain dimensional requirements. A 75 ft. rear yard setback is required and an existing setback of 55 ft. is proposed.
  8. Add a detail to the subject drawing of any proposed or existing fencing. The fencing should be "non-climb" fencing.
  9. The subject site plan should show any proposed pieces of play apparatus proposed for the playground. If permanent playground equipment is proposed a variance from the Zoning Board of Appeals would be required as accessory structures, such as a playground, are not permitted to be located in the front yard in residential zoning districts.
  10. Staff recommends the application be classified as an unlisted action pursuant to the New York State Environmental Quality Review Regulations. The applicant shall submit Part One

(continued on page 3)

of the Short Environmental Assessment Form for the Board to use together with all information submitted with this application to evaluate what, if any, significant environmental impacts may result from the proposed project by completing parts two and three thereof, as applicable.

11. Also attached herewith for the Planning Board's information is an aerial view of the subject site and the character of the surrounding area of this application. The subject drawing was transmitted to the members of the Planning Board at the time the application was submitted.
12. Referrals of this application include Town Engineering Division, the Village of Croton-on-Hudson, Westchester County Planning Department and as required by Section 307-65.4.C.5 the Fire Advisory Board, the Department of Environmental Services and the County Police.

CRK/crk  
attachments

cc: Linda D. Puglisi, Town Supervisor  
Richard H. Becker, Town Board Liaison  
Michael Cunningham, Esq., Assistant Town Attorney  
Michael Preziosi, P.E, Director, Department of Technical Services  
Tom Vayda/Gloria Foster  
Mark Olsen, R.A.  
Martin Rogers, P.E., Code Enforcement



Town of Cortlandt

Legend

- Parcels
- Road Labels

*SITE*

Notes



1: 4,375

729.2 Feet

364.58

0

729.2

Disclaimer: "The information contained in this data is NOT to be construed as a 'legal description'. The Town and its consultants do NOT provide any guarantee of accuracy or completeness and will NOT be held liable for any damages or losses due to its use."

Map produced by: user

Town of Cortlandt, NY  
Monday, August 6, 2018

## Chapter 307. Zoning

### Article XI. Additional Special Permit Standards and Conditions for Specific Uses

#### § 307-65.4. Conversion of existing structure to licensed nursery/day care center.

[Added 12-12-2006 by L.L. No. 8-2006]

- A. Purpose. The Town recognizes that safe, well-situated facilities should be provided in the Town to meet the needs of nursery care, day-care and child education programs. The Town further recognizes that such facilities should be provided in a manner that does not disrupt residential neighborhoods while providing such neighborhoods with access to such facilities. The purpose of this section is to allow for certain types of NYS Department of Education licensed nursery/day-care-center facilities that are most compatible in certain residential zoning districts and to establish standards which ensure protection of those neighborhoods. To the extent that the NYS Social Service Law preempts local jurisdiction, these regulations do not apply to certain types of day-care facilities.
- B. Application requirements. A site development plan showing the location of structures, recreation areas, parking and dropoff areas and other requirements or conditions of a site development plan shall be submitted as part of the application for a special permit. Site development plan approval shall be as required by § 307-66.
- C. Standards and conditions:
- (1) The minimum lot area on which a nursery/day-care center shall be located is 2.5 acres.
  - (2) The structure to be converted to such center must be an existing structure with a minimum of 5,000 square feet, having setbacks from property lines from all sides of a minimum of 75 feet.
  - (3) The lot must be located in the R-40 or R-80 Residential Zoning District.
  - (4) The lot must be located on a public road.
  - (5) Application requirements. Upon receiving a complete application for a special permit, the Planning Board shall forward the application to the Town Departments of Technical Service and Environmental Services for recommendations regarding all applicable Town Codes and to the Fire Advisory Board and to the Police Department for recommendations regarding public safety.
  - (6) Hours of operation. All activities open to the public shall be carried on during hours as determined by the permit-granting authority.
  - (7) Fencing, landscaping and other buffering techniques shall be provided in such a manner as to mitigate noise, glare, visual and other adverse impacts on adjoining properties.
  - (8) Inspection. The Director of the Department of Technical Services and his or her designee shall be granted access to the areas of activity at all reasonable hours to inspect the same for compliance with



the conditions of any special permit.

- (9) Permits hereunder shall be issued for terms of five years and may be renewed by the Planning Board. Anytime prior to the expiration of any permit issued hereunder, upon receipt of a request for renewal by the property owner and/or revision of such permit, and upon publication and notice as provided in § 307-41B and C of this chapter, the Planning Board will schedule a public hearing to be held to consider the renewal of any permits hereunder for an additional five-year period or the revision of any such permit. Upon a finding that the permit holder has substantially complied with the prior permit, the Planning Board may extend the permit for an additional five-year period. The same renewal process shall occur for any permit or renewal granted hereunder.
- (10) The proposed facility must be under the regulation of the Commissioner of Education of New York State.
- (11) Traffic controls. The Planning Board shall consider and may require, as appropriate in its judgment, any combination of the following:
  - (a) Personnel to provide for the control of traffic coming to and leaving from the site during functions.
  - (b) The use of buses and/or vans to provide the transportation to and from the site; and specify the vehicle size and type and the travel route to be followed.
  - (c) Limited or no on-street parking.
  - (d) The number and location of off-street parking spaces consistent with the standards in Article VII of this chapter.
- (12) Conditions of operations.
  - (a) Programs. The Planning Board may establish reasonable limits for all special permit uses, including, but not necessarily limited to, maximum number of participants per program, maximum number of programs per day, minimum time interval between programs and/or the starting times thereof, bus/van transportation, registration and scheduling records.
  - (b) All activities shall be operated pursuant to the regulations of this chapter and the conditions of the special permit. Upon failure to do so, the special permit may be rescinded after a public hearing thereon at which the permittee shall have an opportunity to be heard.
- (13) Records. Program registration and scheduling records shall be maintained by the owner for at least the three most recent years for the duration of the special permit and shall be available for inspection by authorized Town representatives, upon reasonable notice, during normal business hours.
- (14) The Planning Board may, in granting a special permit for a nursery/day-care center, require such conditions and regulations as to the operation and conduct of such center as it may deem proper and appropriate for the safety, health and welfare of the children and employees of such center.
- (15) Standards Section 307-65.4C(1), (2) and(3) as noted herein may be varied by the Planning Board.

# olson + partners

20 August 2018

Loretta Taylor, Chairperson  
Town of Cortlandt Planning Board  
1 Heady Street  
Cortlandt Manor, NY 10567

Copies ..... 1 ..... Planning Board  
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..... Zoning Board  
..... Legal Dept. 1  
..... DOTS Director  
..... C.A.C.  
..... A.R.C.  
..... Applicant  
.....  
.....  
Sent 8/21/18



RE: A Rising Star Childrens Center  
52 Scenic Dr, Croton-on-Hudson, NY

Dear Loretta:

In response to the Planning and Engineering comments received 6 August 2018:

Planning –

1. We are including herewith a few photos of the existing buildings and its surroundings. There is much overgrowth on the property to be removed to develop healthy landscape. We will consult with a Landscape designer to determine the best indigenous species for the use.
2. We are now showing proposed lighting to address minimal lighting levels for egress and safety.
3. Proposed sign location is shown at entry drive. The intent is to identify the business without obscuring the sightlines of those exiting the parking area. The sign design will be submitted by the sign designer.
4. Conceptual floor plans are included with this submission and shall be presented at the meeting.
5. Hours of operation are now so noted on the plan as 6:30am to 6:30pm.
6. The Site Plan is now noting that the two lots will be merged pursuant to this action.
7. A copy of the adjacent property owners parking easement is attached to this submission and so noted on the plan.
8. We have numbered all the parking spaces.
9. We have previously requested that the Rear Yard setback requirement of 75' be reduced to 55 feet since that is what is existing.
10. The current design includes a play area inside the existing tennis court. This play area does not include any apparatus. The fence and gate will be assessed once the overgrowth is removed.
11. We ask to be provided with the basis for considering this an Unlisted action as opposed to a Type 2 action. Further we ask that based on an Unlisted Action that the coordinated review process be commenced as soon as possible and that a Public Hearing is scheduled for the next Planning Board Meeting. A copy of the previously completed EAF is included in this submission.

Engineering-



1. There is no appreciable change in grades across the site. We would ask that a grading plan needn't be required.
2. An additional copy of survey is attached to this submission.
3. It is the owner's desire is to preserve as much of the natural landscape as is practical. The existing property is residentially developed and we do not foresee the removal of in excess of the three permitted trees to be removed to place the requisite parking spaces and improve the drive for safe ingress and egress.
4. The lower entrance at the rear of the building along with the main entry are to be modified for accessibility. The existing deck shall have a wheelchair lift installed adjacent to it to maintain accessibility to each floor. All those elements are under architectural design.
5. The proposed improvements to the existing paved surfaces are intended to provide safe ingress and egress for children to be dropped off at the facility. While the circle can accommodate the fire apparatus that would be dispatched for this facility with a minimum 42'-0 radii (ours is 48'-0) the egress radius would be difficult to negotiate. Further it should be confirmed with the Fire Department that they would pull their apparatus adjacent to the burning facility to fight a fire or if they would back out of the facility once complete. Further this existing driveway is at the apex of the curve in the road. There is no place along the curve that would improve the sight distance in one direction that wouldn't worsen it in the other direction. The sight distance as it exists is more than 200'-0.
6. The bulk table on the site plan indicates the requirement of 2 Parking spaces per staff member. The applicant finds this requirement excessive as they have been operating a daycare facility for many years and have not required such number of spaces.
7. There are specific areas of the lot that are not vegetated and we are looking to these that are adjacent to already paved surfaces. In this way we can be protective of the majority of the trees. If the board would entertain the reduction of required spaces to an actual number the facility requires we can move the proposed parking away from Scenic Drive and reduce the impact to the vegetative areas of the lot.
8. The facility must meet the Building Code 2015 New York State both to apply for a Building Permit as well as to comply with the Office of Child and Family Services. There are several exists from the building that will be modified and protected as part of the development of this facility. The drawings are in development for the building itself and conceptual drawings have been provided as part of this submission.
9. Basic lighting is being shown on the plan to demonstrate code compliance.
10. No playground equipment is being proposed for the play area within the existing Tennis Court.
11. The existing fence is identified as a 6'-0 chain-link fence. The intent of the note is that it is to be maintained to restrict access to the pool area. We have added that it shall be maintained locked and code compliant so that it is less ambiguous.
12. We are including a letter provided by the Baltic Estates Wastewater Treatment Facility indicating their intent to continue servicing the property. We are currently determining the overall fixture counts to provide for analysis.
13. Additional notations, information and detailing has been added to the submission.



We look forward to further discussing these items at the 28 August 2018 meeting of the Planning Board.

Regards

Olson + Partners, Inc.

Mark S Olson, AIA

