

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

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**WHEREAS**, an application for Planning Board approval of an amended Site Development Plan pursuant to Chapter 307 (Zoning) of the Town of Cortlandt Code was submitted by Dimovski Architecture, for the property of AT&T Montrose, for a proposed 2,500 gallon above ground fuel oil tank to replace an existing underground fuel storage tank located at 7 Trinity Avenue as shown on a 2 page set of drawings entitled "Site Plan" prepared by Dimovski Architecture, PLLC dated August 14, 2018 and a 2 page set of drawings entitled "Site Plan –Mechanical" prepared by Dahoud Mahmud latest revision dated August 14, 2018, and

**WHEREAS**, the subject property of approximately 22,354 sq. ft. is zoned HC/9A, Highway Commercial/Multi-Family Residential, and is designated on the Town of Cortlandt Tax Maps as Section 55.09, Block 1, Lot 14, 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 June 27, 2018, and

**WHEREAS**, the applicant is proposing a new 2,500 above ground fuel storage tank to replace an existing underground fuel storage tank at the facility located at 7 Trinity Avenue, and

**WHEREAS**, the subject application was referred to the Town Engineering Division, 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.

**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

the delay which require the granting of a time extension.

**CONDITIONS AND MODIFICATIONS:**

1. (a) Obtain the signature of the Planning Board Chairperson and the required Department Heads on a paper set of prints. Following the signatures submit four paper sets of prints with signatures to the Planning Office, (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 improvements 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.
3. Posting of a combined soil erosion security and maintenance security pursuant to Section 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. 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.
4. 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.
5. Revise the subject drawing to show the proposed arborvitae screening to be located in front of the proposed 4' high retaining wall to the satisfaction of the Director of Technical Services.
6. The applicant shall obtain all approvals with agencies having jurisdiction for petroleum bulk storage (WCDOH, NYSDEC, etc...) prior to the Chairperson signing the site plan and the issuance of any building permit.

**TO BE CONSIDERED FOR ADOPTION: OCTOBER 2, 2018**