

Right to Know/FOIL

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ZARIN &
STEINMETZ

September 17, 2018

Via Hand Delivery

Hon. Linda Puglisi and the
Members of the Town Board
Town of Cortlandt Town Hall
One Heady Street
Cortlandt Manor, New York 10567

**Re: NY Indoor Sports, Inc.
Proposed Sports Physical Fitness Facility**

Matthew J. Acocella
Katelyn E. Ciolino •
David J. Cooper
Jody T. Cross •
Marsha Rubin Goldstein
Helen Collier Mauch •
Zachary R. Mintz •
Erik P. Pramschufer •
Daniel M. Richmond
Kate Roberts
Brad K. Schwartz
Lisa F. Smith •
David S. Steinmetz •
Edward P. Teyber •
Michael D. Zarin

• Also admitted in DC
• Also admitted in CT
• Also admitted in NJ
• Also admitted in MD

Dear Supervisor Puglisi and Members of the Town Board:

As you recall, this Firm and the engineering and planning firm, Divney Tung Schwalbe, LLP (“DTS”) represent NY Indoor Sports, Inc. (“Cortlandt Pitch”) in connection with the development of its approximately six-acre property into a physical fitness facility, located at 2226 Crompond Road (Section 34.6, Block 1, Lot 20) (the “Property”). Cortlandt Pitch and its development team appeared before your Board at its July 19, 2016 Meeting (the “July 19th Meeting”) for an introductory presentation to further explain its preliminary site plans and its Petition for Zoning Map and Text Amendments (the “Petition”).

Since the July 19th Meeting, Cortlandt Pitch has diligently worked with the New York State Department of Transportation (the “DOT”), the New York City Department of Environmental Protection (the “DEP”), and the Town of Cortlandt (the “Town”) Staff. Cortlandt Pitch respectfully requests placement on the Town Board’s earliest possible agenda to schedule the matter for a public hearing and to continue pursuing its required approvals.

The Project

By way of background, Cortlandt Pitch proposes to develop an indoor recreational sports facility on the Property (the “Project”). The Property is located directly adjacent to the Cortlandt Lanes Bowling Alley.¹ Lincoln Titus Elementary School is also located behind the Property (to the North). The facility would be for sports, agility and related fitness training, as well as for competitive game play. The facility would include a building approximately 67,700 square feet in size (the “Building”), containing, among other things, a high-quality, ecologically sound

¹ Cortlandt Lanes is located in the Community Commercial “CC Zone.”

turf field; a sports specific weight training and cardio room; a flexibility and core training room; an accessory sports supply booth; kids' zone; a coaching/training staff office; a small concession and reception area; ADA compliant bathrooms; a party room; a climate controlled seating and spectator area with long tables on the mezzanine level; an isolated field area for players and coaches; warm-up and waiting areas; and video games. Soccer players are the primary group currently contemplated to benefit from the Project, although the field can easily be used for other sports such as lacrosse and field hockey.

To build the Project, the Petition requested that the Property be rezoned from the R-20 Zone to the Community Commercial Zone ("CC Zone"). The Petition also requested that the Town of Cortlandt Code ("Town Code") define the term Physical Fitness Facility so as to remove any doubt that the Project would be permitted by right in the CC Zone.

Updated Features and Improvements of the Project as Currently Proposed

As your Board is aware, DTS submitted additional studies and several iterations of plans to the Town as part of an Expanded Part III of the Environmental Assessment Form ("EAF") pursuant to the State Environmental Quality Review Act ("SEQRA"). Comments to these materials have been submitted by NYS DOT, NYC DEP, Town Staff and AKRF, the Town's traffic consultant.

The location of the building on the Property has been moved since Cortlandt Pitch last appeared before your Board, as seen in the Illustrative Site Plan, annexed to this Letter. Based on comments received from Town Staff, the Applicant has adjusted the location of the proposed indoor sports facility building and parking lot by shifting it west to provide approximately 135 feet to the eastern property line. This modification provides additional area for on-site wetland disturbance mitigation and screen planting within the eastern portion of the site. The building adjustment would reduce the area west of the building and parking lot previously proposed as a future outdoor field. This revised plan proposes to maintain this reduced area as lawn.

Substantial amounts of time and effort have been dedicated to addressing a multitude of traffic and circulation concerns. As a result of an extensive collaborative effort of the Town, NYS DOT and the Applicant, it has now been determined that the Project would best be served and the community least impacted by a "single driveway ingress and egress" which will be restricted to "right in and right out movements" only. A Maple Row connection will be presented as an "alternative" in the Traffic Impact Study², but that is not presented as the preferred approach. The Applicant is also presenting plan that illustrates a potential future connection to the Cortlandt Lanes site, but that remains an issue for the Town's future consideration and implementation.

² The Traffic Impact Study will be separately submitted by the Town's traffic consultant.

Cortlandt Pitch Believes a Special Permit to Reduce Parking Would be Appropriate

Cortlandt Pitch will be requesting a Special Permit to reduce the required number of parking spaces pursuant to Sections 307-29(C) and 307-34.1 of the Town Code. The Project will include 125 paved parking spaces and 50 land banked parking spaces for a total of 175 spaces (the "Proposed Parking Layout").

Although 1 space per 300 square feet is prescribed for facilities other than those specifically listed in Section 307-29(C) of the Town Code,³ Cortlandt Pitch believes it can be adequately parked per the Proposed Parking Layout. The Town Code allows the Planning Board to grant a special permit to an applicant to reduce the number of parking spaces for waived parking, land-banked parking, shared parking,⁴ and pedestrian access. See Town Code, § 307-34.1(A). Therefore, Cortlandt Pitch will be applying for a special permit based on parking waiver and land-banking parking spaces.

The Parking Layout meets the criteria for a Special Permit as found in Section 307-34.1(B) of the Town Code. A new parking lot would be added, so Section 307-34.1(B)(1)(a) is inapplicable. Requiring additional parking spaces will lead to poor site design and is unnecessary since Cortlandt Pitch has the ability to stagger games so that the Property would never be overparked. See Town Code, § 307-34.1(B)(1)(b). Requiring more parking spaces would actually harm traffic, since it would encourage Cortlandt Pitch to increase the number of invitees to the Property; more invitees would increase traffic in the surrounding area. See Town Code, § 307-34.1(B)(1)(c).

Requiring 225 parking spaces would decrease the safety of pedestrians due to the potential increase in the number of cars using the parking lot. See Town Code, § 307-34.1(B)(1)(d). The facility with the Proposed Parking Layout will provide reasonable access by walking distance, thus satisfying Section 307.41-B(1)(e) of the Town Code. In addition, the Proposed Parking Layout complies with all parking coverage limitations as prescribed by the Town Code. See Town Code, § 307-34.1(B)(1)(g).

Requiring additional paved parking spaces would be more harmful to the environment, and would negatively impact Cortlandt Pitch's stormwater management plan. The Proposed Parking Layout seeks to minimize pervious surface area to avoid unnecessary runoff into the New York City Watershed. Therefore, Cortlandt Pitch satisfies the criteria as found in Sections 307-34.1(B)(1) (f), (h), and (i) of the Town Code.

³ Based on this calculation, 225 parking spaces would be required.

⁴ Cortlandt Pitch has repeatedly tried to work out a shared parking arrangement with Cortlandt Lanes. The owner of Cortlandt Lanes has been unwilling to engage in substantive communications about a shared parking arrangement. Therefore, it is not currently a viable option.

Submission Materials

We are pleased to submit herewith the following materials:

BINDER with:

- Illustrative Site Plan
- Revised EAF Part 1
- Expanded EAF Part 3 Narrative
- Studies & Correspondence
 - SWPPP
 - Wetland and Soils Survey Report (Town Consultant)
 - Wetland and Habitat Assessment
 - Phase 1A Literature Search and Sensitivity Assessment & Phase 1B Archaeological Field Reconnaissance Survey
 - Tree Preservation Plans and Tree Protection Action Key
 - Traffic Impact Study (to be provided by Town's traffic consultant)
 - Correspondence

DRAWING SET:

Full-Size Site Plan Drawings, dated 9/17/18

CONCLUSION

Cortlandt Pitch and its development team have worked hard to create a viable Project that both the Applicant and the Town could be proud of. It looks forward to appearing before your Board to schedule and then conduct a public hearing. In the meantime, please do not hesitate to contact me with any questions.

Respectfully submitted,

ZARIN & STEINMETZ

By: _____

David S. Steinmetz

DSS/mth

Encls.

cc: Martin Russo, Esq.
Jerry M. Schwalbe, P.E.
Matthew Steinberg, AICP
Chris Kehoe, AICP
Michael Preziosi, PE
Thomas F. Wood, Esq.

RESOLUTION

NUMBER 288-18

**(RE: SCHEDULE A PUBLIC HEARING FOR JANUARY 15, 2019
TO CONSIDER AMENDING THE ZONING CODE)**

RESOLVED, that the Town Board of the Town of Cortlandt, Westchester County, New York will conduct **PUBLIC HEARING** on the 15th day of January, 2018 at 7:00 o'clock P.M., prevailing time, or as soon thereafter as possible, in the Vincent F. Nyberg General Meeting Room of the Town Hall located at One Heady Street, Cortlandt Manor, New York to consider amending the Zoning Code.

All persons interested in this proposed action will be heard at this time, date and place specified above, and written comments in regard thereto should be submitted to the Town Clerk no later than 4:00 pm, of the day of said Public Hearings to be included in the transcript of the proceedings of this hearing.

The Town Hall is a handicapped accessible facility.

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF CORTLANDT
LAROUÉ ROSE SHATZKIN
TOWN CLERK**

**Adopted November 13, 2018
At a Regular Meeting
Held at the Town Hall**

Copies ¹ Planning Board
..... Town Board
..... Zoning Board
..... Legal Dept.
..... DOTS Director
..... C.A.C.
..... A.R.C.
..... Applicant
..... _____
..... _____
Sent 11/22/18

