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The Law Offices of Keith R. Betensky

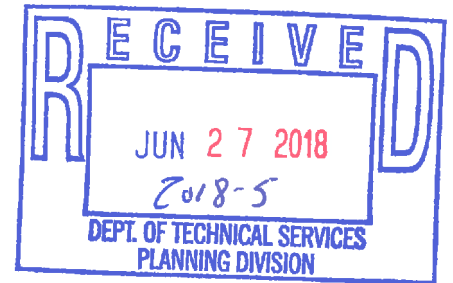
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Keith R. Betensky
Admitted in N.Y. & N.J.

June 27, 2018

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



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:

As you recall, 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"). I am pleased to enclose the following materials in response to (i) the memorandum from Mr. Chris Kehoe, AICP, dated May 21, 2018 ("Town Planner Memo"); (ii) the memorandum from Mr. Michael Preziosi, P.E., dated May 21, 2018 ("Town Engineer Memo"); and (iii) comments from the Westchester County Planning Board, dated May 25, 2018:

[X] Itemized Response to the Town Planner Memo and Town Engineer Memo, dated June 26, 2018, prepared by Hudson Engineering & Consulting, P.C.;

[X] Revised Stormwater Management Plan & Drainage Analysis, dated June 25, 2018, prepared by Hudson Engineering & Consulting, P.C.;

[X] Revised Site Plan, dated June 25, 2018, prepared by Hudson Engineering & Consulting, P.C.;

[X] Revised Landscape Plan, dated June 24, 2018, prepared by Sherwood & Truitt LLC;

[X] Revised Architectural Drawings, dated June 20, 2018, prepared by Heike A. Schneider, LLC; and

Additional photographs of the Property and surrounding area.

In response to the Westchester County Planning Board comments, dated May 25, 2018, the Applicant plans to install a recycling container in the warehouse, solar panels on the warehouse roof, a bicycle rack, and energy efficient lighting fixtures. Therefore, the Applicant has addressed the County's comments regarding recycling, green building technology and bicycle parking.

I understand the site walk has been scheduled for July 8, 2018. Due to the nature of the project i.e. an amendment to an existing approved site plan with no new structures proposed, we respectfully request that the Planning Board waive the public hearing.

I look forward to discussing the matter further with you on July 10, 2018. 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
Ben Truitt



HUDSON
ENGINEERING
&
CONSULTING, P.C.

June 26, 2018

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

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:

Below please find the itemized responses to the memorandum from Mr. Michael Preziosi, P.E., dated May 21, 2018 ("Town Engineer Memo") and the memorandum from Mr. Chris Kehoe, AICP, dated May 21, 2018 ("Town Planner Memo"), in connection with the property known as 3120 Lexington Avenue, Cortlandt, New York (herein, the "Property").

A. Town Engineer Memo:

1. The On-Site Wastewater Treatment System (OWTS) has been added to the revised site plan, prepared by Hudson Engineering and Consulting, P.C., dated June 25, 2018, a copy of which is enclosed herewith. The OWTS was approved by the Westchester County Department of Health on September 8, 1970. According to the Owner, the OWTS is generally in good repair and the Owner is not aware of any violations with respect to the OWTS. Therefore, the Owner may continue to use the existing OWTS at the Property.
2. A wheelchair accessible path has been added to the architectural drawings and site plan.
3. The proposed signage is shown on Architectural Drawing A-2, dated June 20, 2018, prepared by Heike A. Schneider, LLC, a copy of which is enclosed herewith.
4. The site plan shows 24 off-street parking spaces whereas the Zoning Code requires 28 parking spaces for the proposed retail and warehouse use. It should be noted that although the existing building will continue to be used to retail and warehouse use, according to the Owner the warehouse will serve only the retail hardware store. Therefore, the 7 parking spaces required under the Zoning Code for the warehouse use are arguably unnecessary. Nevertheless, the site plan shows 4 land banked parking spaces in accordance with Section 307-34.1(A)(2) of the Town of Cortlandt Code. It should be further noted that the Owner plans to install a bicycle rack within the warehouse for employee use with the goal of reducing the number of vehicles on site. It should be further noted that according



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to the Town's records, on May 11, 1976 the Town of Cortlandt Zoning Board of Appeals granted a variance from the parking requirements for this property due to the belief that the nature of the business would not require the number of parking spaces required under the Zoning Code.

5. The Owner has obtained a letter from its waste carting company, a copy of which is enclosed herewith as **Exhibit A**.
6. The proposed floor plan is shown on Architectural Drawing A-1, dated June 20, 2018, prepared by Heike A. Schneider, LLC.
7. IFC Chapter 5. – The proposed site layout is in compliance with IFC Chapter 5, Fire Service Features.
8. Material and equipment will be delivered to the existing loading dock on the south side of building each Thursday from approximately 10:00am – 11:00am. During that time, approximately 6 parking spaces adjacent to the loading dock will be barricaded. During that approximately one hour delivery period the remaining 18 parking spaces will be adequate.
9. According to the Owner, the following property maintenance equipment will be stored within the warehouse: a fork lift, lawn mower, small machine to remove snow and a small delivery truck. Additional small equipment may be stored within the warehouse for sale to the retail store customers.
10. The wetlands flagging is shown on the revised site plan enclosed herewith.
11. The Executive Summary of the Phase I Environmental Site Assessment is enclosed herewith as **Exhibit B**.
12. According to the Owner, the estimated cost to complete the work shown on the site plan is One Hundred Thousand Dollars (\$100,000.00).
13. The typical planting details are shown on the revised Landscape Plan LP-1, prepared by Sherwood & Truitt, LLC, dated June 24, 2018, a copy of which is enclosed herewith.
14. The proposed plants within the Town's right of way have been removed, as shown on the revised Landscape Plan enclosed herewith.
15. The replanting and reforestation plan is shown on the revised Landscape Plan enclosed herewith. The revised Landscape Plan meets the 1.5 times mitigation ratio.
16. According to Sherwood & Truitt, all removed trees are shown on the revised Landscape Plan, including two trees in the rear, and one tree in the front.



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17. No response required. We understand that the Town Planner will execute all necessary referrals. Please advise if that is not the case.
18. The Owner will submit the tree planting security as a condition of approval as required by the Town Code.
19. The proposed island has been modified in order to eliminate any conflict between the landscaping and lighting, as shown on the revised site plan.
20. The Owner proposes to mitigate any potential impact to the wetland by reducing the total amount of impervious surfaces, using the existing structures without expanding said structures or proposing any new structures, planting trees and shrubs, as shown on the revised Landscape Plan, by removing debris from the wetland, as noted in comment number 2 on the site plan, and by restoring all disturbed areas. It should be further noted that the Owner has already removed the wood chip berm and stabilized the soil with grass seed in accordance with the NYSDEC requirements. The Owner is not proposing to encroach any further into the wetland. Rather, the Owner proposes to establish the wetland boundary to minimize erosion into the wetland. The Owner is willing to coordinate with Paul Jaehnig to develop a Wetlands Monitoring Protocol as a condition of approval.
21. The purpose of the retaining wall is to stop the creeping of the wetlands onto the paved area. A structural engineer will submit detailed calculations under separate cover.
22. The recycled item 4 has been replaced with clean washed stone, as noted on the site plan.
23. The lighting details, including a photometric analysis are shown on Architectural Drawing E-1, prepared by Heike A. Schneider, LLC. According to Ms. Schneider, lights will be pointed down and angled away from the property line such that there will be no light spillage onto adjacent properties.
24. Gravelpave is being installed in order to provide access to the rear of the building for maintenance purposes. The Gravelpave is pervious. If the water table rises the area will become inundated and then the water will drain out leaving the Gravelpave in place.
25. An energy dissipater is not necessary, though the Owner has agreed to install it as a condition of approval if required by Mr. Jaehnig.
26. All existing utilities are shown on the revised site plan enclosed herewith.
27. The handicap accessibility detail is shown on Drawing C-2 of the revised site plan enclosed herewith.



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28. The owner is not proposing any external dumpster. Trash and recycling will be stored in the warehouse as shown on Architectural Drawing A-1 and carted off site by a private waste hauler.
29. The information regarding the hydrodynamic separator has been added to the revised stormwater report.
30. The maintenance protocol has been added to the revised stormwater report.
31. The photometric analysis is shown on Architectural Drawing E-1, prepared by Heike A. Schneider, LLC.
32. The elevations included in the Architectural Drawings, prepared by Heike A. Schneider, LLC have been revised to demonstrate site accessibility.
33. Architectural Drawings A-2 and A-3, prepared by Heike A. Schneider, LLC have been revised to show complete elevations.
34. The north and east elevations are shown on Architectural Drawings A-2 and A-3, prepared by Heike A. Schneider, LLC.
35. The cross sections on the Architectural Drawings have been omitted because they are not relevant to the application for site plan amendment/approval.

B. Town Planner Memo:

1. No response required.
2. a. Photographs of the Property are attached hereto as **Exhibit C**.
 - b. The photometric analysis is included on Architectural Drawing E-1.
 - c. All proposed signage is shown on Architectural Drawing A-2, together with square footage calculations.
 - d. Note 1 has been added to the site plan. Architectural Drawing A-1 shows trash storage area. The Owner has submitted a letter from a private catering company.
 - e. The septic area is shown on the revised site plan.
 - f. All elevation drawings have been included on Architectural Drawings A-1, A-2 and A-3.
3. No response is required.
4. The parking area has been reconfigured as shown on revised site plan and Architectural Drawings. As noted above, the Owner respectfully requests permission to land bank 4 parking spaces in accordance with Section 307-34.1(A)(2) of the Town of Cortlandt Code.



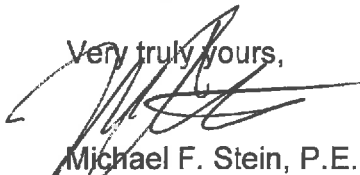
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5. As noted above, approximately 6 parking spaces will be barricaded during deliveries which are expected to take approximately one hour on Thursday mornings.
6. The revised Landscape Plan shows no plants in the Town right of way.
7. The Owner is simultaneously applying for NYSDEC wetland permit.
8. The existing loading dock on the south side of the building is the designed as primary receiving area. No regular parking or receiving is intended in the rear of the building (north).
9. The proposed landscaping is shown on the revised Landscape Plan enclosed herewith. No plants are shown within the Town's right of way.
10. No response is required.
11. No response is required.
12. No response is required.

Please call me if you have any further questions.

Thank you.

Very truly yours,



Michael F. Stein, P.E.
President

cc: Keith R. Betensky, Esq.
Mr. Jack Ahearn
Heike Schneider, Architect
Ben Truitt

Exhibit A



5/25/18

To Whom It May Concern,

My name is Michael Fiumara from CRP Sanitation located at 2 Bay View Rd, Cortlandt Manor, NY 10567. I have contracted with Jack Ahearn to service 3120 Lexington Avenue, Mohegan Lake, NY to remove all the trash and recycling. This work will commence when Jack gets his approvals. The trash and recycling removal will occur 1 time per week. With respect to the storage and collection, all Mohegan Lake codes and regulations will be followed. If you have any questions, please feel free to reach me on my cell 914-943-7543.

Thank you,

Michael F.
Michael Fiumara

CRP Sanitation

Exhibit B

**PHASE I ENVIRONMENTAL
SITE ASSESSMENT REPORT**

**3120 LEXINGTON, LLC
3120-3132 LEXINGTON AVENUE
MOHEGAN LAKE, NEW YORK 10547**

**TEAM ENVIRONMENTAL
CONSULTANTS, INC.
30 INDUSTRIAL DRIVE
MIDDLETOWN, NEW YORK
(845) 692-8124**

NOVEMBER 10, 2017

1.0 EXECUTIVE SUMMARY

Team Environmental Consultants, Inc. (TEAM), was authorized by 3120 Lexington, LLC to conduct a Phase I Environmental Site Assessment (ESA) of a commercial property found at 3120-3132 Lexington Avenue in Mohegan Lake, New York. TEAM's Phase I ESA was conducted in general conformance with ASTM Practice E 1527-13 (Standard Practice for Phase I ESA Process) guidelines. The objective of this effort was to identify significant environmental impairments and liabilities associated with the property. The scope of work included the following tasks: 1) Review of readily available historical and regulatory file information; 2) Performance of site/regulatory interviews and a walk-through property inspection; 3) Review of a federal and state environmental database report; and 4) Documentation of findings in a Phase I ESA report.

Based on the property setting and continued commercial site use, availability of a municipal water supply, review of available information, performance of Phase I ESA interviews, and findings of the property walk-through inspection, no significant and immediate environmental liability issues or "recognized environmental conditions" associated with the subject property were identified.

Exhibit C

