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Copies 1 Planning Board
 Town Board
 Zoning Board
 Legal Dept.
 NOTS Director

Steven J. Basini, RA

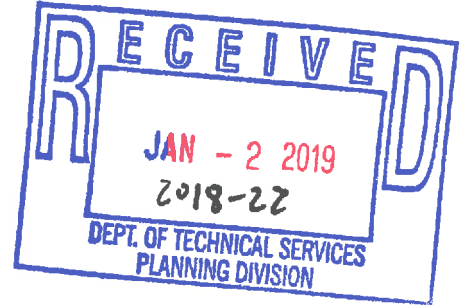
December 31, 2018

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

Re: 2nd Chance Rescue
 Appian Way Ventures, LLC
 260 6th Street, Verplanck, NY
 Site Plan/Special Permit Approval

..... C.A.C.
 A.R.C.
 Applicant

 Sent 1/2/19



Ms. Taylor,

This office has received a memo from the Department of Technical Services dated November 8, 2018 with plan review comments from the director, Michael Preziosi, P.E. This letter is in response to those comments.

1. A stair detail and notations have been added to the site plan to address the concerns of access to the play areas. The revised plan accompanies this letter.
2. Specifications for the fence enclosure are included on Sheet A-100 as well as an installation detail for the proposed sound absorption mat.
3. No storage of dog crates is proposed for the side yard or the entrance driveway. At times, damaged crates left on the driveway for a short term until they can be dismantled for parts and disposed of.
4. All solid waste is removed within the building, bagged and disposed of in a dumpster on site dedicated to the Rescue business. No solid waste is disposed of on the ground outside the facility. All liquid waste is mopped up inside the building. Once the waste is removed, the pans are brought outside and cleaned on the gravel driveway with a hose. The water is filtered by the gravel and the soil below. While walking the dogs on-site and off-site, the employees carry multiple bags to pick up waste and dispose back at the facility.
5. The overhead door is used solely for the transfer of cages outdoors for cleaning and/or disposal. It is opened while a cage is dragged outside and then immediately shut. Once a cage is cleaned and dries, the door is opened again to bring it back inside. The cages are too large to fit through a standard hinged door. All dogs enter and exit the building through the hinged door only.
6. An outline of the operation was issued in a previous letter however the basic information is repeated here. The business operates 7 days a week from 8am to 8pm. Employees and trainers are on site during that 12-hour period. On average, the ratio of staff to dogs is 1:7. There are currently 4 people on staff. Once a

month, certified trainers visit the facility to work with the staff over a 2-day period to provide up-to-date training methods and techniques. The facility is monitored 24 hours a day with a video surveillance system triggered by both noise and motion. After normal operating hours, the video feed is available to all staff members and the closest staff lives several blocks from the facility. Dogs are double leashed on all walks and are limited only to the rear of the building so as not to interfere with dogs being dropped off at the front for Canine Kindergarten. On average, dogs are walked 3 times a day.

The purpose of the proposed outdoor pens is twofold. The pens will allow the dogs more exercise which in turn improves health and sleeping habits. It also helps to improve social skills. By learning how they interact with people and other dogs, the trainers can more accurately assess the dog's disposition and helps in the placing/adoption process. The pens would have 5 dogs in them at a time. At 3 pens total there would be 15 dogs exercising at a time. Exercise sessions would average about 45 minutes and each dog would be exercised multiple times during the day. No dogs would be in the pens before 9:30 am and they would all be returned by 7:45pm.

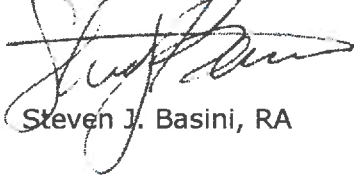
7. The floor plan of the space has not changed since the previous application for a rescue kennel was approved by the Planning Board.
8. This office believes that the existing soundproofing within the kennel space was determined to be ample based on the December site walk.
9. This office believes that no noise study was required based on the results of the December site walk.

In addition to the comments addressed in the DOTS memo, the department requested an explanation for fluctuation of on-site water consumption during the last 2 years as compared to previous years. There is a seasonal fluctuation that occurs in the summer months. No increase in occupancy occurs during these times however it is expected that an increase in the use of exterior hose bibs would occur during warmer weather. This does not affect the on-site septic system.

There was a large increase in water consumption from the 2nd quarter of 2017 through the 2nd quarter of 2018. An existing tenant who raises live food for exotic pets was raising aquatic animals during this period of time. When the increase in water usage was discovered by the building's owner, they were asked to discontinue this part of their operation. Since then the water usage has been on par with previous years.

Thank you for your consideration in this matter.

SJB ARCHITECTURE + DESIGN



Steven J. Basini, RA

**TOWN OF CORTLANDT
PLANNING BOARD
PB 2018-22**

DRAFT

RESOLUTION NO. 2-19

WHEREAS, an application for Planning Board approval of an Amended Site Development Plan pursuant to Chapter 307 (Zoning) of the Town Zoning Code was submitted by Appian Way Ventures, LLC for 3 proposed chain link fence enclosed dog runs for a tenant, 2nd Chance Rescue, as shown on a drawing entitled “Existing Site Plan, Location Map, Zoning Map” prepared by Steven J. Basini, R.A. latest revision dated December 31, 2018, and

WHEREAS, the subject property of 3.21 acres is located 260 Madeline Ave., is zoned MD, Designed Industrial and designated on the Town of Cortlandt Tax Maps as Section 54.05, Block 1, Lot 1, 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 September 17, 2018, 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 November 7, 2018 adjourned to December 4, 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 property owners and the subject property was posted with a sign giving notice of the public hearing, and

WHEREAS, the applicant is seeking amended Site Development Plan Approval for the construction of 3 outdoor fenced dog runs to serve a tenant at the facility, 2nd Chance Rescue, in an existing approximately 42,000 sq. ft. multi-tenanted industrial building with 114 parking spaces, and

WHEREAS, the 3 proposed chain link dog runs, totaling approximately 60 ft. by 21 ft., are proposed to be located in the rear of the building along Madeline Avenue, and

WHEREAS, there exists a significant landscaping buffer between the proposed dog runs and

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Madeline Avenue and the proposed dog runs are located in an area that is approximately 10-12 feet below the grade of Madeline Avenue, and

WHEREAS, in addition the applicant is proposing an AcoustiBlok sound absorbing mat to be hung around the perimeter of the proposed pens to further assist with the control of any possible noise emanating from the pens, and

WHEREAS, by PB Resolution 29-17 the Planning Board previously approved a Parking Special Permit as per Section 307-34.1 of the Town of Cortlandt Code reducing the required parking on the site, based on the current tenant mix from 127 to 114, and

WHEREAS, the applicant has previously provided a floor plan showing existing tenants and vacant tenant spaces of the facility for the Planning Board to determine parking requirements and to provide a “snap shot” of the current tenant mix to guide future applications for changes of use, and

WHEREAS, the subject application was referred to the Town Engineering Division, the Town Code Enforcement Division and the Fire Inspector, 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,

WHEREAS, the Planning Board completed a site inspection of the premises.

NOW THEREFORE BE IT RESOLVED, that pursuant to Section 617.7 of the SEQRA 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.

NOW THEREFORE BE IT RESOLVED that the Planning Board as lead agency in this matter finds that based on Part 1 of the Short Environmental Assessment Form (EAF) prepared by Steve Basini, R.A. dated September 17, 2018 and Part II of the Short EAF prepared by the Planning Division dated January 8, 2019 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 Appian Way Ventures, LLC, for Amended Site Development Plan pursuant to Chapter 307 (Zoning) of the Town Zoning Code for 3 proposed chain link fence enclosed dog runs for a tenant, 2nd Chance Rescue, as shown on a drawing entitled "Existing Site Plan, Location Map, Zoning Map" prepared by Steven J. Basini, R.A. dated December 31, 2018 is **APPROVED** subject to the conditions listed below and that the Chairman of the Planning Board be authorized to endorse approval on said Site Development Plan upon compliance by the applicant with such conditions as listed below, 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 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**, 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 to obtain any required building permits. 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**

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written explanation of the reasons for the delay which require the granting of a time extension.

CONDITIONS AND MODIFICATIONS:

- 1) (a) Submit a paper set of plans and obtain the signature of the Planning Board Chairman and the required Department Heads after all Planning Board Conditions have been met (b) Submit four sets of prints of said drawing set with the required signatures to the Planning Office (c) Upon completion of all improvement submit a comprehensive as-built survey in hard copy, AutoCAD and PDF formats.
2. Obtain the signature of the Receiver of Taxes on an appropriate form indicating that taxes on the subject property have been paid.
3. The applicant is advised that the conditions of this approval must be satisfied and the site plan drawing signed by the Planning Board Chairperson and any required permits obtained prior to beginning any related work on the subject property. The applicant shall file and obtain a building permit within 12 months from date of resolution. At time of filing for a building permit, Applicant's design professional shall provide accurate and complete details for proposed stairwell and associated re-grading.
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. In the event noise complaints persist, and is determined by the Department of Technical Services to be at a level reaching or exceeding the Town's noise ordinance, than an acoustical engineer or qualified noise expert shall be retained at the expense of the applicant to further evaluate the day to day operations. The applicant shall post an escrow account of \$3,500 to be held by the Town for a minimum of 24 months after the start of operations. Any money not drawn down from this escrow account shall be returned to the applicant upon request.
6. Add the outline of business operations and the proposed hours to the subject drawing to the satisfaction of the Director of Technical Services.

TO BE CONSIDERED FOR ADOPTION: JANUARY 8, 2019