

CIARCIA ENGINEERING, P.C.

360 Underhill Avenue • Yorktown Heights • New York 10598 (914) 245-0123 fax (914) 245-5670

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

June 25, 2020

Re: VS Construction
Contractors Yard
180 Roa Hook Road
PB 2017-03

Dear Chairperson Taylor:

Enclosed please find two (2) sets of plans for the V.S. Construction Yard consisting of the following sheets:

1. Plan entitled "180 Roa Hook Road prepared for V.S. Construction Corp., Existing Conditions" dated May 19, 2020, last revised June 23, 2020 (Sheet 1 of 3).
2. Plan entitled "180 Roa Hook Road prepared for V.S. Construction Corp., Site Plan" dated May 19, 2020, last revised June 23, 2020 (Sheet 2 of 3).
3. Plan entitled "180 Roa Hook Road prepared for V.S. Construction Corp., Details" dated May 19, 2020 (Sheet 3 of 3).

V.S Construction Corp. (VS) operates a construction yard facility at 180 Roa Hook Road in the Town of Cortlandt. The yard is located on a parcel that is comprised of approximately 5.45 acres. The property is within the M-1A zone established by the Town in 2017. The site was previously owned by the Town and functioned as a solid waste transfer station that utilized the trash compactor located in the building presently used as a shop.

The property was purchased by the present owner, Roa Hook Associates Inc. in 1990. The property has been used as a contractor's yard since that time by MJD Trucking, CK Industries, and beginning in 2007 by VS. C.K. and MJD stored construction equipment similar to the VS. VS is presently leasing the site and wishes to continue the use of the site for the storage of construction equipment and recycling certain construction and demolition materials.

The Town of Cortlandt enacted local law No. 12-2010 on July 20, 2010 which only permitted contractor's yards in the M-1 zone with a special use permit issued by the Planning Board. The subject parcel was utilized as contractor's yard prior to the enactment of local law 12-2010 which stated "any legally existing contractor's yard on the date of the enactment of this local law would be deemed to be granted a special permit".

Local Law 12-2010 also added a provision to the zoning code (§ 307-65.5 M.) that prohibits rock/stone/concrete crushing. Since this is a unique location that is suitable for crusher operation, the applicant sought relief from the crushing prohibition from the Town Board. There are no residential properties near this site.

In September of last year, the applicant requested an adjournment of the site plan application to allow the Town Board to consider the request to amend the zoning code to allow crushing in the M-1A zone. The Town Board amended the zoning code (§307-65.5) by enacting local law 5-2019 on November 19, 2019 which permitted the operation of a rock crusher in the M-1A zone on a limited basis with a special use permit. The zoning amendment allows crushing for two (2) thirty-day periods per year and limits crushing to 5,000 cubic yards per any 12-month period.

VS is seeking a solid waste facility registration from the NYSDEC to operate a rock crusher at this location for the purpose of crushing rock, concrete, and asphalt incidental to the construction activities of VS. The facility would be registered as a construction and demolition debris handling and recovery facility pursuant to New York State Department of Environmental Conservation (NYSDEC) Regulations (6 CRR-NY 361-5.2 Subpart 361-5). The applicant is not applying for a NYSDEC permit which would allow the processing of larger quantities of materials. The NYSDEC regulations limit the amount of each type of waste that a registered facility may receive to 500 tons per day based on a weekly average. VS is proposing to receive the following materials which would be limited by the NYSDEC registration:

- Concrete brick and rock [361-5.2(a)(1)],
- Asphalt pavement or millings [361-5.2(a)(2)]
- Soil/Sand/Gravel/Rock without contamination [361-5.2(a)(7)]

The facility will be prohibited from accepting historic fill, asbestos waste, garbage, corrugated container board, electrical fixtures such as fluorescent light ballasts or transformers, electrical wiring, fluorescent lights, carpeting, furniture, appliances, tires, containers in any size, fuel tanks, clay pipe, ceramic tile, coal and slag, mollusk shells, wood (including painted, treated and coated wood and wood products), wall coverings, plaster, drywall, plumbing fixtures, non-asbestos insulation, roofing shingles and other roof coverings, and plastics.

The solid waste activities associated with this facility will be between 7:00 AM to 5:00 PM Monday through Saturday. Facility maintenance activities may occur outside of the solid waste operating hours and be limited to those of a non-waste management nature that do not constitute an offsite nuisance. Facility personnel will be on-site during all active operating times to maintain facility security and control.

The site is comprised of two (2) major parcels identified on the survey as "Parcel A" and "Parcel B". Parcel B is a vacant parcel proposed for outdoor storage of processed and unprocessed material. Outdoor storage is not permitted on a property that does not have a primary use. We are proposing to merge the properties to satisfy this provision of the zoning code.

The applicant will prepare a SWPPP and apply to the NYSDEC for coverage under the SPDES Multi-Sector General Permit (MSGP) for Stormwater Discharges Associated with Industrial Activity (Permit No. GP-0-17-004). The applicant has repaired the drainage downstream of the project area and constructed a sediment pond. A deep catch basin equipped with a "Snout" oil and debris stop is proposed upstream of the sediment trap.

The applicant presently has Petroleum Bulk Storage (PBS) and air emission permits issued by the Westchester County Department of Health (WCDOH). The storage tanks contain diesel fuel and waste oil. The air contamination permits were required to operate the Extec S-5 screener owned by VS at the facility. Although the screener is portable, this equipment remains at the facility.

The enclosed plans have been revised in response to the comments of Town staff and the regulatory agencies having approval authority over the proposed activities. We believe we have addressed many of the issues that have been raised during the review process and are returning to your Board to obtain the site plan approval and special use permit required to operate the VS facility.

Should you have any questions or require additional information, please call.

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel A. Ciarcia", with a long horizontal line extending to the right.

Daniel A. Ciarcia, P.E.

DAC: mc

cc: Michael Preziosi, P.E.
Chris Kehoe, AICP
Val Santucci
Kenneth Gunshor, Esq.