

**DELBELLO DONNELLAN WEINGARTEN
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June 12, 2024

By Hand Delivery

Honorable Gary Bell, Chairperson
and Members of the Zoning Board of Appeals
Village of Buchanan
Municipal Building
236 Tate Avenue
Buchanan, New York 10511

**Re: Application of Buchanan Dev AMS LLC for an Area Variance for the
Property Located at Albany Post Road, Buchanan.**

Dear Chairperson Bell and Members of the Zoning Board of Appeals:

This firm represents Buchanan Dev AMS LLC (the "Applicant") in connection with the redevelopment of its property located on Albany Post Road, Buchanan, which property is also known and designated on the tax assessment map of the Town of Cortlandt as Section 43.16, Block 3, Lots 16 and 16A and Section 43.20, Block 2, Lot 2 (the "Property"). The Applicant recently received approvals from the Village of Buchanan Board of Trustees to permit the development of the Property with a multi-family apartment building consisting of 148 dwelling units, together with 223 parking spaces and related infrastructure (the "Project").

In connection with the development of the Project, the Applicant proposes the installation of a privacy fence along approximately 100 feet of the property line between the Property and the adjoining property to the west on which the Buchanan Home Center is located. Because the six (6) foot fence is proposed atop a four (4) foot tall retaining wall, the Village Building official has determined that the height of the proposed fence is ten (10) feet where six (6) is permitted under the Zoning Code of the Village of Buchanan. Accordingly, on behalf of the Applicant, and pursuant to Sections 211-39(B) and 211-21(C)(1) of the Zoning Code of the Village of Buchanan (the "Zoning Code"), we respectfully submit the enclosed application for a single area variance to permit an increase in the maximum permitted height of the fence in the side yard, from six (6) feet (permitted) to ten (10) feet (proposed). The proposed fence and the requested area variance are discussed in greater detail in the attached Statement of Principal Points.

In accordance with the Board's submission requirements and in support of our application, we respectfully submit ten (10) copies of the following materials:

1. The completed Application to the Zoning Board of Appeals;
2. The Applicant's Statement of Principal Points;
3. A letter in support of the requested variance from Julian Breslin, the Owner of Buchanan Home Center Inc. dated June 6, 2024;
4. Drawing No. C-120, entitled "Fence Layout Plan", prepared by JMC PLLC and last revised May 29, 2024;
5. Drawing No. C-220, entitled "Fence Grading Plan", prepared by JMC PLLC and dated May 29, 2024; and
6. A check in the amount of \$250.00, representing the application fee;
7. A check in the amount of \$2,000.00, representing the escrow fee.

We respectfully request that this matter be placed on the June 26, 2024 agenda of the Zoning Board of Appeals for review of our request. In the interim, please do not hesitate to contact me if you have any questions or if you need additional information.

Thank you for your consideration. We look forward to meeting with the Board in June.

Very truly yours,



ANNE E. KLINE

Enclosures

cc: Ryan Sutherland, AMS
Kevin Masciovecchio, JMC
Mark P. Weingarten, Esq.

VILLAGE OF BUCHANAN
236 TATE AVE., BUCHANAN, NY 10511
(914) 737-1033

APPLICATION TO THE ZONING BOARD

I. IDENTIFICATION OF APPLICANT

APPLICANT NAME Buchanan Dev AMS LLC PHONE 212-695-7585
ADDRESS One Bridge Plaza North, Suite 840, Fort Lee, NJ 07024
ARCHITECT/ENGINEER Perkins Eastman/JMC PLLC

II. IDENTIFICATION OF PROPERTY

TAX MAP SECTION 43.16/43.20 BLOCK 3/2 LOT(S) 16 & 16A/2
LOCATION OF AFFECTED PREMISES (ADDRESS) Unimproved property located
at the corner of Craft Lane and Albany Post Road
ZONING DISTRICT C-2 General Commercial Overlay AREA 259,667 SQ/FT

III. DESCRIPTION OF PROPOSED ACTIVITY/OCCUPANCY

RESIDENTIAL Multi-Family COMMERCIAL _____ OTHER _____

IV. TO THE ZONING BOARD:

APPLICATION IS HEREBY MADE FOR (CHECK ALL THAT APPLY):

- VARIANCE FROM THE REQUIREMENT OF SECTION 211-21(C)(1)
 SPECIAL PERMIT PER THE REQUIREMENT OF SECTION _____
 REVIEW OF AN ADMINISTRATIVE DECISION OR ORDER OF THE BUILDING
INSPECTOR (ATTACHED, IF APPLICABLE)
 AN ORDER TO ISSUE A CERTIFICATE OF OCCUPANCY
 AN ORDER TO ISSUE A BUILDING PERMIT
 AN INTERPRETATION OF THE ZONING LOCAL LAW OR ZONING MAP
 CERTIFICATE OF AN EXISTING NON-CONFORMING LOT, BUILDING, OR USE.
 OTHER (EXPLAIN) _____

V. ADDITIONAL INFORMATION

HAVE PREVIOUS APPLICATIONS TO THE PLANNING OR ZONING BOARD BEEN FILED IN
REGARD TO THESE PREMISES? YES * NO _____ *Board of Trustees

HAS VIOLATION BEEN SERVED RELATIVE TO THIS MATTER? YES _____ NO

**VI. ATTACHED HERETO AND MADE PART OF THIS APPLICATION, I SUBMIT TEN (10) COPIES
OF THE FOLLOWING (CHECK ALL THAT APPLY):**

- FLOOR PLANS WITH ALL NECESSARY MEASUREMENTS
 PROPERTY SURVEY AND/OR A SITE DEVELOPMENT PLAN.
 SIGNED CONSENT AND/OR A SITE DEVELOPMENT PLAN
 OTHER (EXPLAIN): Fence details

VII. APPROVAL FOR SUBMISSION

SIGNATURE OF APPLICANT  DATE 5/30/24

VIII. RECEIPT

DATE RECEIVED BY CLERK _____ FEE RECEIVED \$ _____
RECEIPT NO. _____
ESCROW RECEIVED _____

**NOTE: ALL COMMERCIAL APPLICANTS ARE RESPONSIBLE FOR DEPOSIT OF ESCROW AND THE
REIMBURSEMENT OF COSTS INCURRED BY THE VILLAGE FOR ENGINEERING,
ENVIRONMENTAL, OR OTHER TECHNICAL CONSULTANTS WHERE DEEMED NECESSARY BY
THE VILLAGE BOARDS AS PER LOCAL LAWS.**

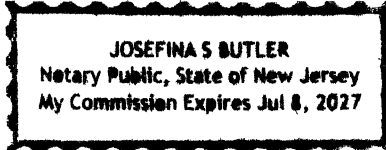
AFFIDAVIT OF APPLICANT

STATE OF NEW YORK)
COUNTY OF WESTCHESTER) SS:
VILLAGE OF BUCHANAN)

I HEREBY DEPOSE AND SAY THAT ALL THE ABOVE STATEMENTS AND THE STATEMENTS CONTAINED IN THE PAPERS SUBMITTED HERewith ARE TRUE.

Buchanan Dev AMS LLC
APPLICANT: By: Raymond Hedaya
ADDRESS: One Bridge Plaza North, Suite 840
Fort Lee, NJ 07024

SWORN TO ME THIS
30th DAY OF May, 2024
[Signature]
NOTARY PUBLIC
COUNTY OF WESTCHESTER



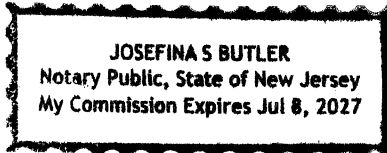
AFFIDAVIT OF OWNERSHIP

STATE OF NEW YORK)
COUNTY OF WESTCHESTER) SS:
VILLAGE OF BUCHANAN)

Raymond Hedaya, authorized signatory of Buchanan Dev AMS LLC BEING DULY SWORN, DEPOSES AND SAYS THAT HE/SHE RESIDES AT One Bridge Plaza North, Suite 840 IN Fort Lee, IN THE COUNTY OF Bergen IN THE STATE OF New Jersey THAT HE/SHE IS THE OWNER IN FEE OF ALL THAT CERTAIN LOT, PIECE OR PARCEL OF LAND SITUATED, LYING AND BEING IN THE VILLAGE OF BUCHANAN AFORESAID AND DESIGNATED AS TAX MAP SECTION 43.16/43.20 BLOCK 3/2 LOT(S) 16 & 16A/2 OF THE BUCHANAN TAX MAP AND THAT HE/SHE HEREBY AUTHORIZES IN HIS/HER BEHALF THAT THE STATEMENTS OF FACT CONTAINED IN SAID APPLICATION ARE TRUE.

Buchanan Dev AMS LLC
OWNER By: Raymond Hedaya
ADDRESS One Bridge Plaza North, Suite 840
Fort Lee, NJ 07024

SWORN TO ME THIS
30th DAY OF May, 2024
[Signature]
NOTARY PUBLIC
COUNTY OF WESTCHESTER



NOTICE

TEN (10) COPIES OF THE APPLICATION AND ANY ATTACHEMENTS SHALL BE SUBMITTED TO THE CLERK'S OFFICE BEFORE THIS MATTER WILL BE PLACED ON THE ZONING BOARD AGENDA.

OFFICE USE ONLY

CAL NO. _____

STATEMENT OF PRINCIPAL POINTS

APPLICATION OF BUCHANAN DEV AMS LLC
FOR AN AREA VARIANCE FOR THE PROPERTY
LOCATED ON ALBANY POST ROAD, BUCHANAN
(A/K/A SECTION 43.16, BLOCK 3, LOTS 16 & 16A & SECTION 43.20, BLOCK 2, LOT 2)

I. PRINCIPAL POINTS

This is an application of Buchanan Dev AMS LLC (the “Applicant”), a related entity of AMS Acquisitions LLC, in connection with its property located on Albany Post Road in the Village of Buchanan, which property is also known and designated on the tax assessment map of the Town of Cortlandt as Section 43.16, Block 3, Lots 16 and 16A and Section 43.20, Block 2, Lot 2 (the “Property”). The Property consists of approximately 5.96 acres and is located on the east side of Albany Post Road at the southeast corner of its intersection with Craft Lane; it fronts on both Albany Post Road and Craft Lane. It is currently undeveloped.

On March 5, 2024, the Village of Buchanan Board of Trustees granted a special permit, site development plan and a steep slopes disturbance permit approvals to permit the development of a multi-family apartment building comprised of four (4) residential stories above a one (1) story parking structure on the Property (the “Project”). The building will contain 148 dwelling units with a unit mix consisting of 85 two-bedroom units and 63 one-bedroom units. The Project includes 223 parking spaces; 149 parking spaces will be located in the parking structure beneath the first floor of the building¹; the remaining 74 parking spaces will be located in an open-air parking area located northwest of the building. The Project also includes 12 parking spaces for electric vehicles.

The building has been thoughtfully designed as a “C-shape”, which allows for the provision of a large, private courtyard consisting of approximately 5,000 square feet for use by building residents. The courtyard area will include an outdoor pool and other outdoor recreational space. Other Project amenities include a fitness room and resident lounge. In addition to providing electric vehicle charging stations, the Project will also include a number of green building technologies, including bicycle racks, energy efficient appliances and lighting, and water efficient plumbing fixtures. Access to the Project will be via a two-way curb cut from Craft Lane.

The Property is adjacent to the eastern property line of the Buchanan Home Center, located at 3119 Albany Post Road, Buchanan (the “Home Center Property”). In order to appropriately screen some mechanical elements of the Project from the Home Center Property and to screen the back of the Home Center Property from residents of the Project, the Applicant is proposing to install a six (6) foot fence on top of a four (4) foot retaining wall, for a length of

¹ The parking structure contains nine (9) additional tandem parking spaces that are not included in the 149 parking spaces referenced above.

approximately 100 feet, between the Home Center Property and the Property. As shown on the enclosed plans, the fence has been thoughtfully designed to provide adequate privacy screening between the two properties. However, because the fence is proposed atop the four (4) foot tall retaining wall, it technically exceeds the maximum permitted height under Section 211-21(C)(1) of the Zoning Code of the Village of Buchanan (the “Zoning Code”). Accordingly, the Applicant is requesting a single area variance from Section 211-21(C)(1) of the Zoning Code to permit an increase in the permitted height of the fence in the side yard from six (6) feet to ten (10) feet.

If the area variance is granted by the Zoning Board of Appeals, the fence will require a building permit from the Building Department; all other discretionary approvals from the Village have been granted.

II. THE RELIEF REQUESTED AND THE STANDARD OF REVIEW

The Applicant is seeking the following area variance from the Zoning Board of Appeals:

- A variance from Section 211-21(C)(1) of the Zoning Code to permit an increase in the height of the fence in the side yard from 6 feet (permitted) to 10 feet (proposed).

We respectfully remind the Board that in making its determination as to the requested area variance, in accordance with Section 7-712-B of the Village Law and Section 211-39(B) of the Zoning Code, the Board of Appeals must take into consideration the benefit to the Applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood and community if the variance is granted. As to the requested variance, the Applicant respectfully submits as follows:

1. The grant of the variance will not produce an undesirable change in the character of the neighborhood nor a detrimental effect on the neighboring properties. The installation of the proposed fence between the Property and the Home Center Property actually benefits both properties by providing appropriate screening. We have included with our materials a letter from the owner of the Home Center Property fully supporting the proposed ten (10) foot fence. The proposed fence is not visible from Albany Post Road as it is located solely behind the Home Center Property for only approximately 100 feet in length. Accordingly, the proposed fence will not produce an undesirable effect on the neighboring Home Center Property nor any other nearby properties, nor produce an undesirable change in the character of the neighborhood.
2. The benefit sought by the Applicant cannot be achieved by any feasible method other than the requested area variance. The requested area variance to permit the increase in the height of the proposed fence is appropriate to adequately screen the Property and the Home Center Property from each other. A shorter fence would not provide the desired and appropriate screening between the two properties.

3. The requested variance is not substantial. The requested variance is not substantial given that the fence will not be visible from Albany Post Road or any other neighboring properties, and is proposed to be the minimum length and height necessary to provide adequate screening between the two properties.
4. The requested variance will not have adverse effects of impacts on either the physical or environmental conditions of the neighborhood or district. The proposed fence will not have any adverse effects of impacts on the physical or environmental conditions of the neighborhood, but actually benefits the two adjoining properties by appropriately screening back of house mechanical equipment from either property. The fence has been attractively designed, and as previously stated, will be built to the minimum height and minimum length necessary to provide adequate screening between the properties.
5. The necessity for the proposed variance is not self-created. but rather results from the location of the existing improvements on the Home Center Property and the approved improvements on the Property. However, even if the Board finds the necessity of the variance is self-created, the Board is not precluded from granting the variance. Although the Board must take self-created need into account, it should be weighed against the objective of the variance, which is necessary for the Applicant to provide proper screening to both its Property and the Home Center Property.

Based on the foregoing, we respectfully submit that the benefit to the Applicant if the variance is granted outweighs any detriment to the community, and we respectfully request that the Zoning Board grant the requested area variance.

June 06, 2024

Buchanan Zoning Board of Appeals
236 Tate Ave., Buchanan, NY 10511

RE: Buchanan Dev AMS LLC – Application to the Zoning Board

Dear Zoning Board of Appeals,

This letter is to inform you that Buchanan Home Center fully supports the application of Buchanan Dev AMS LLC to the Zoning Board in request of a variance from section 211-21(C)(1) of the Village Code. The request for an increased fence height between our store and the residential building will provide ideal screening between the two properties.

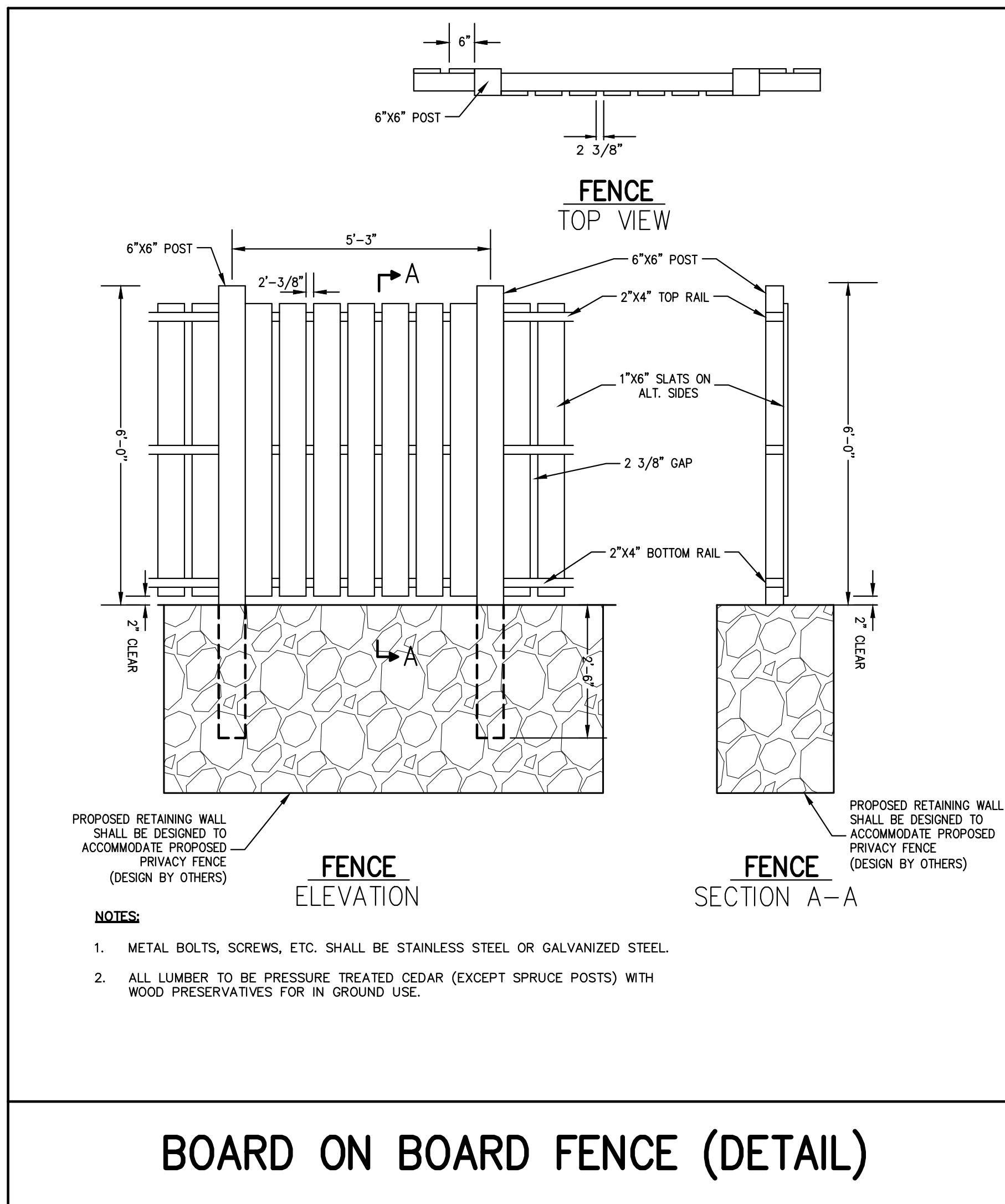
Should you have any questions, please do not hesitate to contact me.

Sincerely,

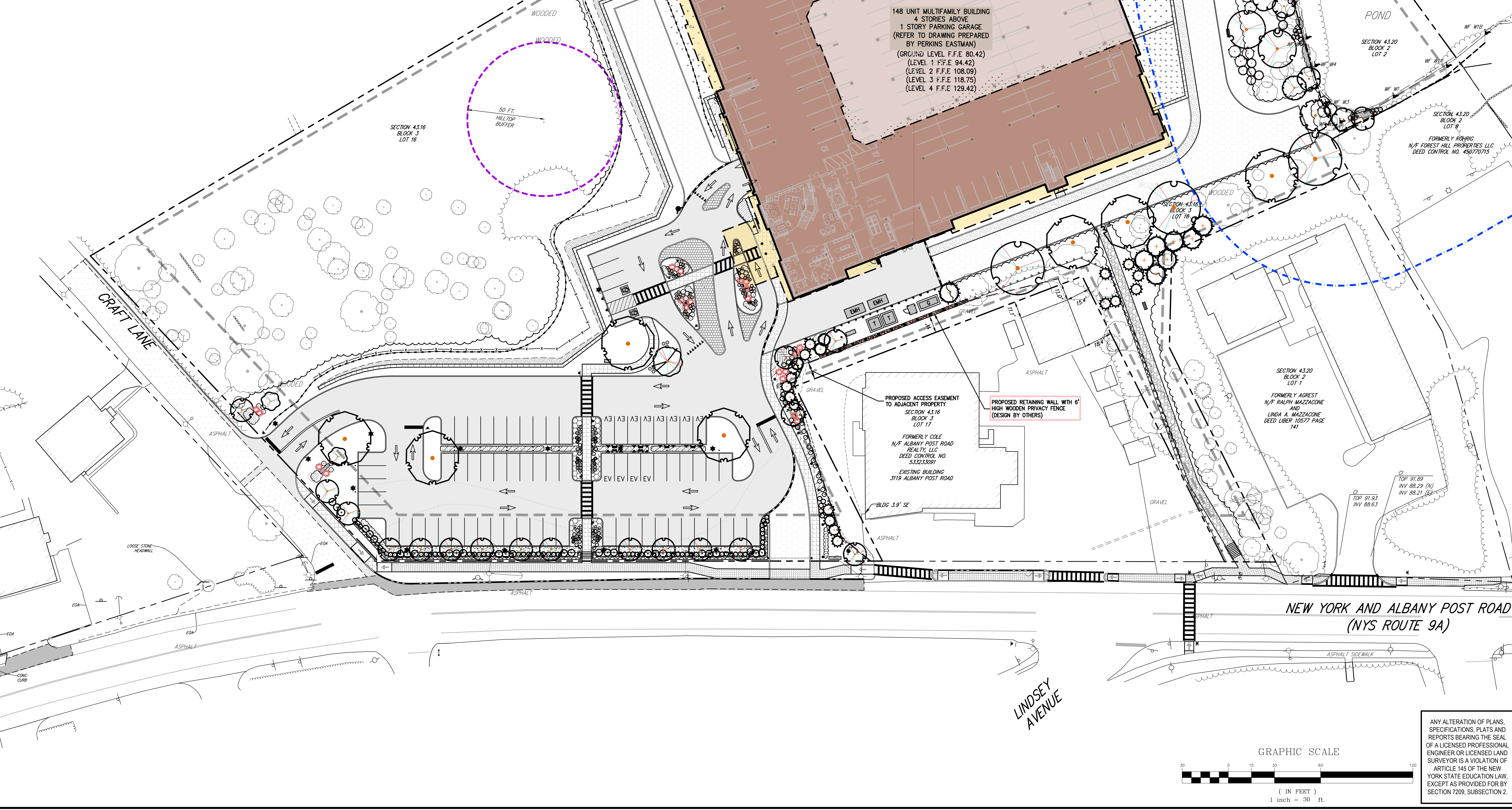
A handwritten signature in black ink, appearing to read "Julian Breslin". The signature is fluid and cursive, with the first name "Julian" and last name "Breslin" clearly distinguishable.

Julian Breslin
Owner, Buchanan Home Center Inc.

LEGEND	
	EXISTING PROPERTY LINE
	ADJACENT PROPERTY LINE
	EXISTING SETBACK LINE
	EXISTING EASEMENT LINE
	EXISTING WETLAND LINE AND DELINEATION
	EXISTING BUILDING LINE
	EXISTING PAVEMENT EDGE
	EXISTING CURB LINE
	EXISTING STONE WALL
	EXISTING GUIDE RAIL
	EXISTING FENCE
	EXISTING TREE AND DESIGNATION
	EXISTING TREE LINE
	EXISTING PAINT
	EXISTING UTILITY POLE
	EXISTING LIGHT POLE
	EXISTING SIGN
	PROPOSED BUILDING LINE
	PROPOSED BUILDING ROOF OVERHANG AREA
	PROPOSED COURTYARD AREA
	PROPOSED SITE CONCRETE CURB
	PROPOSED NYSDOT TYPE 14 TRAVERSABLE CURB
	PROPOSED NYSDOT TYPE V6 CONCRETE CURB
	PROPOSED NYSDOT M6 CONCRETE CURB
	PROPOSED FLUSH CONCRETE CURB
	PROPOSED DROP CURB & RAMP
	PROPOSED SAWCUT LINE
	PROPOSED ACCESSIBLE PARKING SPACES WITH NUMBER OF SPACES INDICATED (REFER TO STRIPING DETAILS)
	PROPOSED PARKING SPACES WITH NUMBER OF SPACES INDICATED (REFER TO STRIPING DETAILS)
	PROPOSED BUILDING OVERHANG
	PROPOSED SITE CONCRETE SIDEWALK
	PROPOSED HEAVY DUTY CONCRETE SIDEWALK
	PROPOSED NYSDOT CONCRETE SIDEWALK
	PROPOSED GRAVEL PEDESTRIAN PATH
	PROPOSED DROP CURB AND RAMP
	PROPOSED SITE PAVEMENT
	PROPOSED COBBLE STONE PAVERS
	PROPOSED GRASS PAVERS
	PROPOSED LANDSCAPE AREA
	PROPOSED STORMWATER PLANTERS
	PROPOSED ROCK SLOPE (DESIGN BY CARLIN-SIMPSON ASSOCIATES, LLC)
	PROPOSED CONCRETE APRON
	PROPOSED NYSDOT FULL DEPTH PAVEMENT
	PROPOSED MILL & RESURFACE
	PROPOSED RETAINING WALL (DESIGN BY CARLIN-SIMPSON ASSOCIATES, LLC)
	PROPOSED BOULDER RETAINING WALL (DESIGN BY CARLIN-SIMPSON ASSOCIATES, LLC)
	PROPOSED LIGHT
	PROPOSED 24" WIDE WHITE STOP LINE
	TRAFFIC SIGN LOCATION & DESIGNATION
	PEDESTRIAN CROSSING
	PROPOSED TREE LINE
	PROPOSED FENCE
	PROPOSED SWALE



EXAMPLE PHOTOGRAPH OF RETAINING WALL WITH PRIVACY FENCE



- NOTES:**
- EXISTING CONDITIONS DEPICTED ON THIS PLAN HAVE BEEN TAKEN FROM A SURVEY TITLED, "TOPOGRAPHIC SURVEY," PREPARED BY JMC, PLLC, REVISED 12/01/2023.
 - WETLANDS SHOWN HEREIN AS FLAGGED BY ECOLOGIES, INC. ON NOVEMBER 28, 2023 AND SURVEYED BY JMC, PLLC ON DECEMBER 1, 2023.

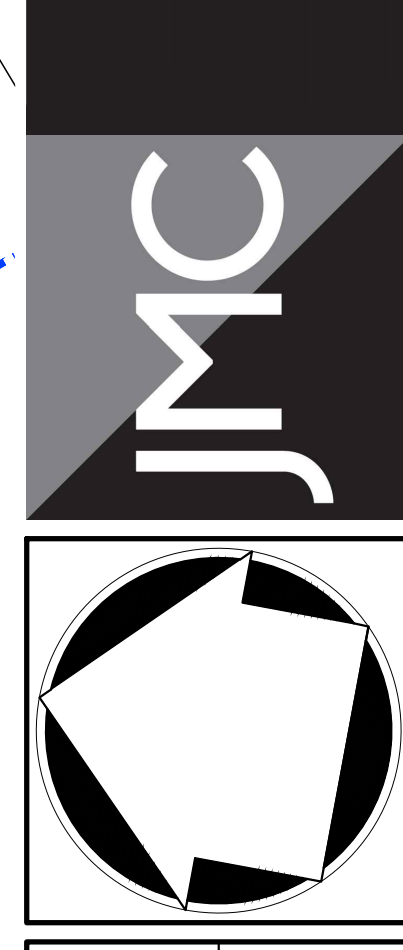
NOT FOR CONSTRUCTION

No.	1.	REVISION	DATE
		SUBMISSION TO ZBA	05/29/2024

APPLICANT: **BUCHANAN DEV AMS LLC**
 ONE BRIDGE PLAZA NORTH, SUITE 640
 FORT LEE, NJ 07024

ARCHITECT: **PERKINS EASTMAN**
 677 WASHINGTON BOULEVARD, SUITE 101
 STAMFORD, CT 06901

JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC
 JMC Site Development Consultants, LLC
 John Mayer Consulting, Inc.
 120 BEDFORD ROAD • BRIDGEVIEW, NY 10504
 voice 914.273.5225 • fax 914.273.2102
 www.jmcpllc.com

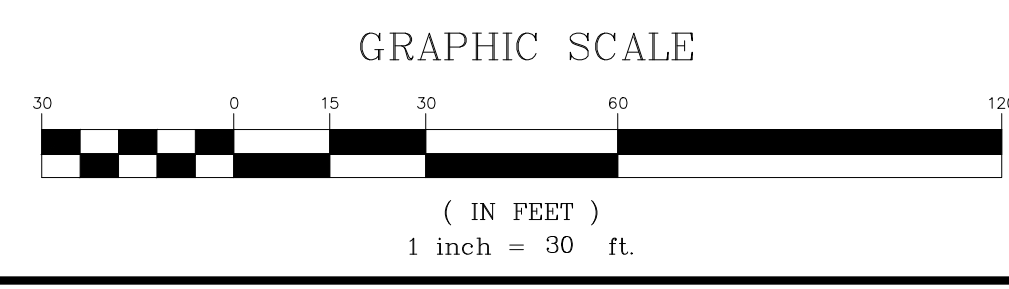


FENCE LAYOUT PLAN

AMS BUCHANAN
 ALBANY POST ROAD & CRAFT LANE
 VILLAGE OF BUCHANAN, NEW YORK

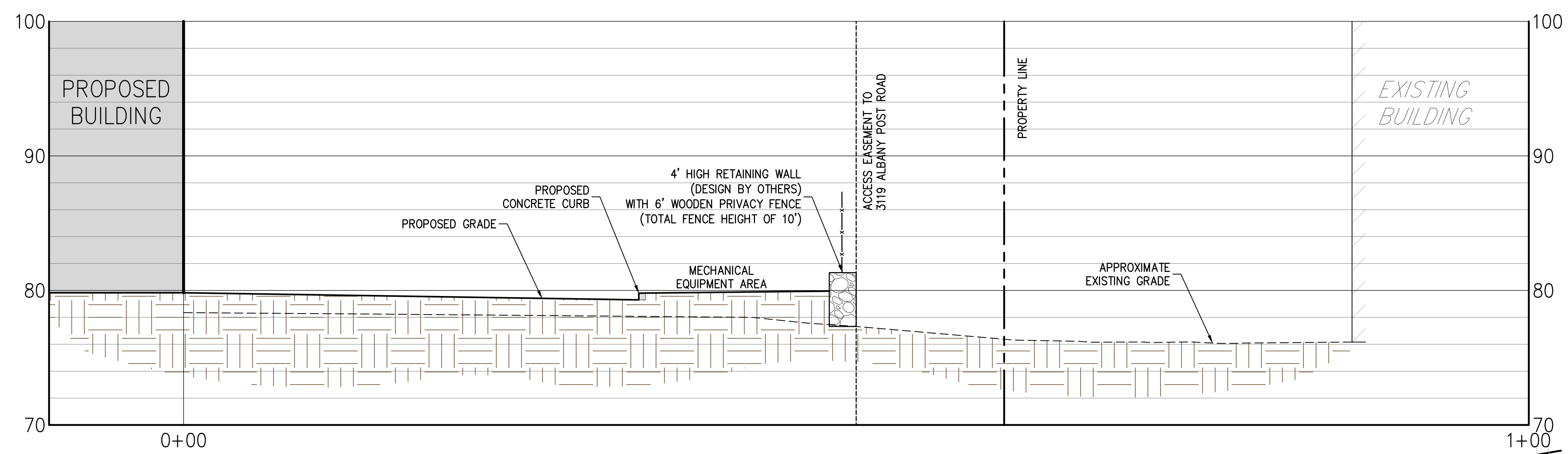
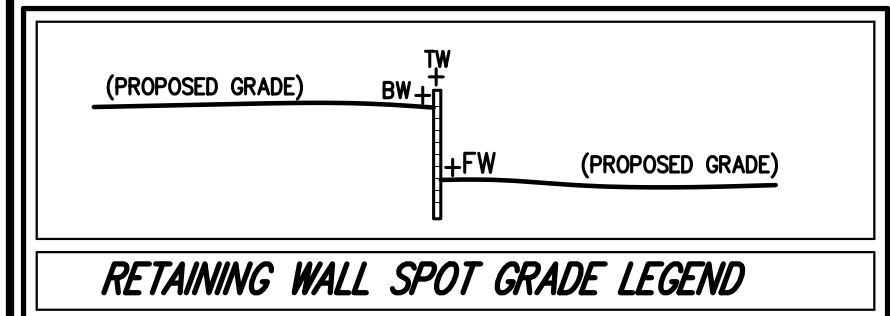
Drawn:	SPC	Approved:	AN
Scale:	1" = 30'		
Date:	05/14/2024		
Project No:	22062		
Drawn By:	LAY-FENCE	LAY-FENCE	
Drawing No:	C-120		

ANY ALTERATION OF PLANS, SPECIFICATIONS, PLATS AND REPORTS BEARING THE SEAL OF A LICENSED PROFESSIONAL ENGINEER OR LICENSED LAND SURVEYOR IS A VIOLATION OF ARTICLE 145 OF THE NEW YORK STATE EDUCATION LAW, EXCEPT AS PROVIDED FOR BY SECTION 2709, SUBSECTION 2.

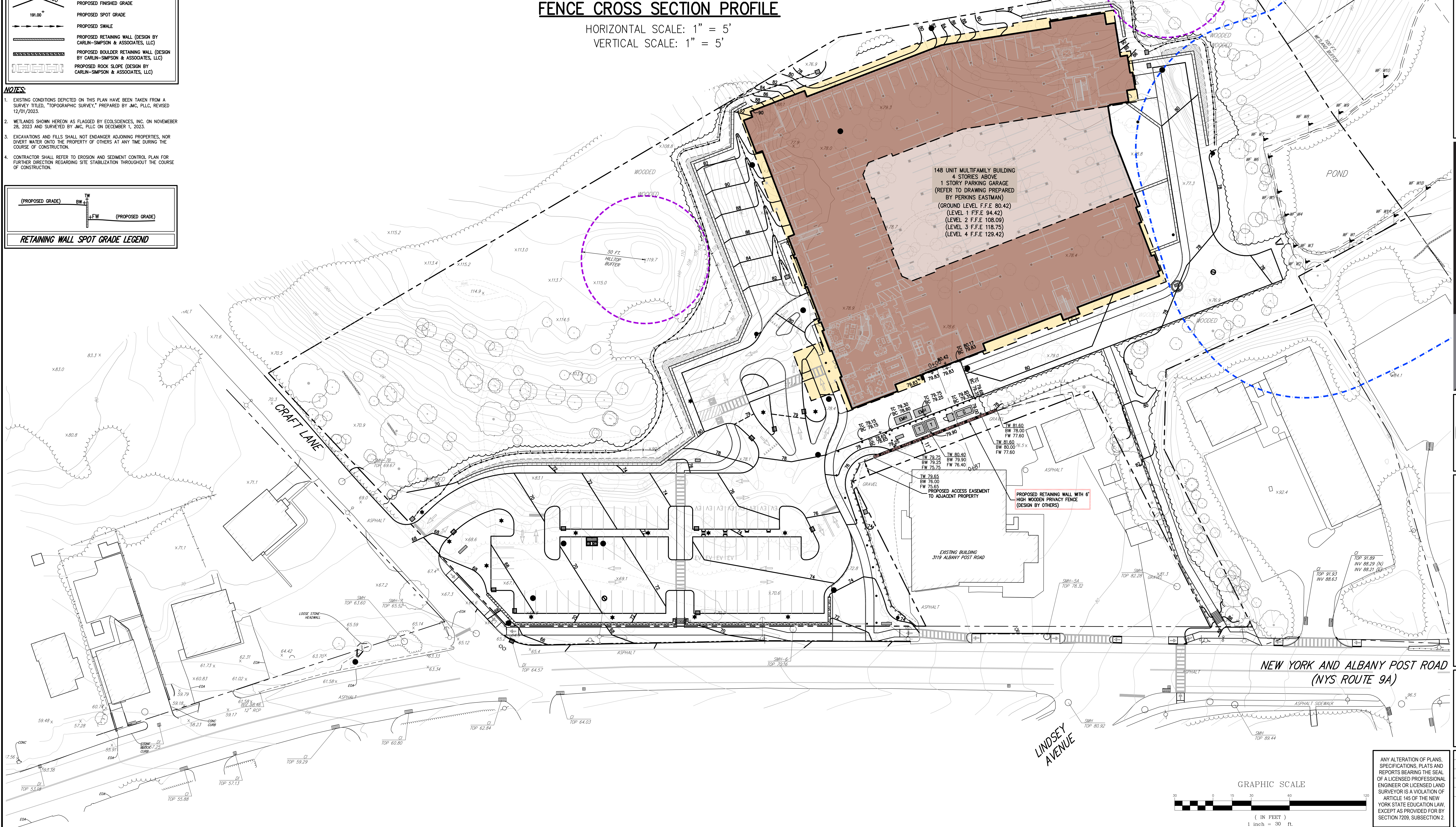


LEGEND	
	EXISTING PROPERTY LINE
	ADJACENT PROPERTY LINE
	EXISTING EASEMENT LINE
	EXISTING WETLAND BUFFER
	EXISTING WETLAND LINE AND DELINEATION
	EXISTING BUILDING LINE
	EXISTING PAVEMENT EDGE
	EXISTING CURB LINE
	EXISTING CONTOUR
	EXISTING INDEX CONTOUR
	EXISTING SPOT GRADE
	EXISTING STONE WALL
	EXISTING DRAIN INLET
	EXISTING MANHOLE
	EXISTING UTILITY POLE
	EXISTING LIGHT POLE
	EXISTING SIGN
	PROPOSED LIGHT
	PROPOSED BUILDING LINE
	PROPOSED CONCRETE CURB
	PROPOSED CONCRETE SIDEWALK
	PROPOSED DROP CURB AND RAMP
	PROPOSED FINISHED GRADE
	PROPOSED SPOT GRADE
	PROPOSED SWALE
	PROPOSED RETAINING WALL (DESIGN BY CARLIN-SIMPSON & ASSOCIATES, LLC)
	PROPOSED BOULDER RETAINING WALL (DESIGN BY CARLIN-SIMPSON & ASSOCIATES, LLC)
	PROPOSED ROCK SLOPE (DESIGN BY CARLIN-SIMPSON & ASSOCIATES, LLC)

- NOTES:**
- EXISTING CONDITIONS DEPICTED ON THIS PLAN HAVE BEEN TAKEN FROM A SURVEY TITLED, "TOPOGRAPHIC SURVEY," PREPARED BY JMC, PLLC, REVISED 12/01/2023.
 - WETLANDS SHOWN HEREON AS FLAGGED BY ECOLOGICALS, INC. ON NOVEMBER 28, 2023 AND SURVEYED BY JMC, PLLC ON DECEMBER 1, 2023.
 - EXCAVATIONS AND FILLS SHALL NOT ENDANGER ADJOINING PROPERTIES, NOR DIVERT WATER ONTO THE PROPERTY OF OTHERS AT ANY TIME DURING THE COURSE OF CONSTRUCTION.
 - CONTRACTOR SHALL REFER TO EROSION AND SEDIMENT CONTROL PLAN FOR FURTHER DIRECTION REGARDING SITE STABILIZATION THROUGHOUT THE COURSE OF CONSTRUCTION.



FENCE CROSS SECTION PROFILE
 HORIZONTAL SCALE: 1" = 5'
 VERTICAL SCALE: 1" = 5'

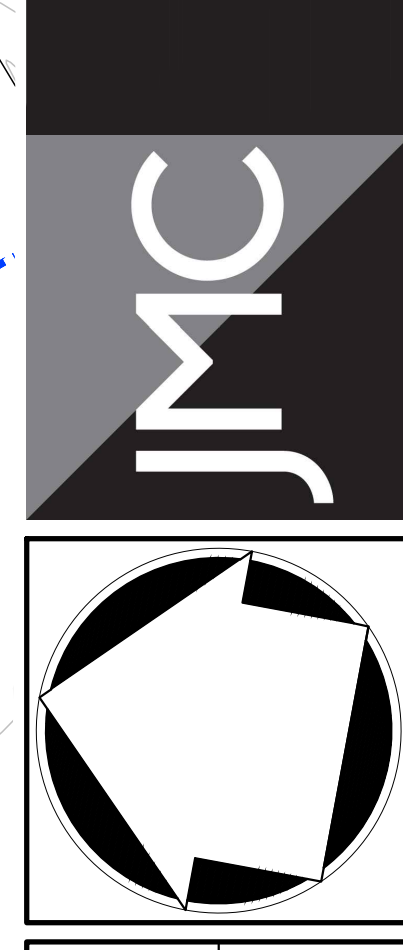


No.	Revision	Date	By

APPLICANT: **BUCHANAN DEV AMS LLC**
 ONE BRIDGE PLAZA NORTH, SUITE 640
 FORT LEE, NJ 07024

ARCHITECT: **PERKINS EASTMAN**
 677 WASHINGTON BOULEVARD, SUITE 101
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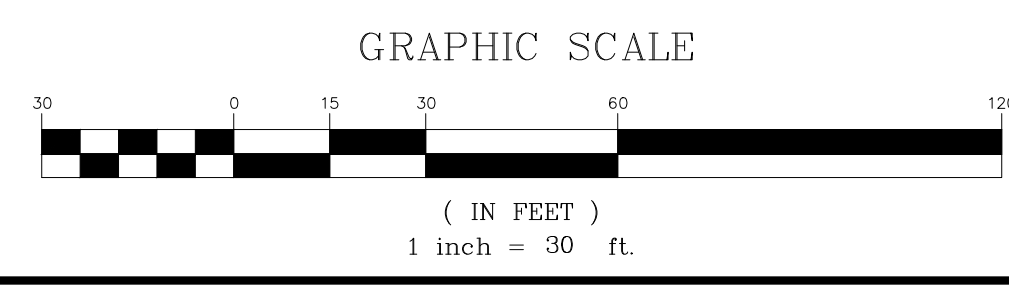
JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC
 JMC Site Development Consultants, LLC
 John Mayer Consulting, Inc.
 120 BEDFORD ROAD • BRIDGEVIEW, NY 10504
 voice 914.273.5225 • fax 914.273.2102
 www.jmcpllc.com



FENCE GRADING PLAN
 AMS BUCHANAN
 ALBANY POST ROAD & CRAFT LANE
 VILLAGE OF BUCHANAN, NEW YORK

Drawn: SPC	Approved: AN
Scale: 1" = 30'	
Date: 05/29/2024	
Project No: 22062	
Drawing No: 0202-000 GRAD-FENCE	
C-220	

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NOT FOR CONSTRUCTION