

RESOLUTION

NUMBER 258-19

**(SCHEDULING A PUBLIC HEARING TO AMEND THE ZONING ORDINANCE TO
ALLOW ROCK CRUSHING FOR UP TO 30 DAYS ON CERTAIN PROPERTIES
WITHIN THE M-1A ZONE)**

WHEREAS, the Town established an M-1A District in 2017; and

WHEREAS, it has received a request from an operator in the M-1A Zone to consider permitting rock-crushing for a limited time period each year; and

WHEREAS, the Town believes it would be appropriate to set a public hearing to consider the merits of allowing rock-crushing in the M-1A Zone for a limited period;

NOW, THEREFORE, BE IT RESOLVED, that there shall be a public hearing at the Town Board's October 22, 2019 meeting to consider amending the zoning ordinance to allow rock crushing for up to 30 days on certain properties within the M-1A Zone.

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF CORTLANDT
LAROUE ROSE SHATZKIN, TOWN CLERK**

**Adopted September 17, 2019
At a Regular Meeting
Held at Town Hall**

Local Law “E” of 2019
“Crushing in the M-1A Zone”

Section 1: Purpose

The Town of Cortlandt recognizes that there are certain materials that can be crushed and recycled. Naturally occurring rock and certain construction and demolition debris can be properly recycled in conformance with the New York State Department of Environmental Conservation’s guidelines. The Town now wishes to create a special permit to allow for crushing for properties which meet certain criteria in the M-1A Zone.

Section 2: Special Permit Text

The following text shall be added to Article XI of Chapter 307 of the Town of Cortlandt Code:

Special Permit for Rock Crushing in the M-1A Zone:

- A. Purpose: The Town wishes to allow crushing in the M-1A Zone to allow for the recycling of naturally occurring rock and certain construction and demolition debris in conformance with the New York State Department of Environmental Conservation’s (“DEC”) guidelines.**
- B. Standards and Conditions:**
 - a. The property must be in the M-1A Zone.**
 - b. Crushing may occur only for two thirty-day periods during each twelve-month period.**
 - c. Crushing of natural rock and other construction and demolition debris shall only occur within the limits of any permits granted by the DEC, not to exceed 5,000 cubic yards per any 12-month period.**
 - d. Any person or legal entity who wishes to engage in rock crushing must obtain an operating permit to be renewed yearly by the Department of Technical Services.**
 - e. All special permits are subject to the approval of the Planning Board.**
 - f. The special permit must be renewed every three (3) years.**
 - g. Any applicant for this special permit must establish an escrow account to cover the Town’s monitoring of the operation.**

Section 3: Effective Date

This chapter shall take effect upon filing with the Secretary of State.

RESOLUTION

NUMBER 290-19

**(RE: SCHEDULE A PUBLIC HEARING FOR NOVEMBER 19, 2019
TO CONSIDER A FLOATING BILLBOARDS LAW)**

RESOLVED, that the Town Board of the Town of Cortlandt, Westchester County, New York will conduct **PUBLIC HEARING** on the 19th day of November, 2019 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 a Floating Billboards Law.

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 October 22, 2019
At a regular Meeting held
at the Town Hall**

Local Law “F” of 2019

“Regulation of Billboards and Outdoor Advertising Devices on the Hudson River in Proximity to the Town of Cortlandt’s Shoreline”

Section 1: Legislative Intent

One of the Town of Cortlandt’s most important resources is its shoreline along the Hudson River. Cortlandt is one of the few communities whose residents enjoy unobstructed views of the Hudson River. The Town understands the importance of this scenic beauty, and the purpose of this Local Law is to prevent Town residents from being subjected to unsightly billboards or advertising devices within proximity to the Town of Cortlandt’s shoreline.

Section 2: Zoning Text Amendment

The following provision shall be added to Chapter 245 “Signs” of the Town Code:

Prohibition of Floating Billboards and Outdoor Advertising Signage

Billboards and outdoor advertising signage of any type are expressly prohibited on boats, barges, floats, or vessels within one thousand five hundred (1,500) feet of shore of any waterway including the Hudson River.

Section 3: Effective Date

This provision shall take effect upon filing with the Secretary of State.

RESOLUTION

NO.

**(AUTHORIZING THE SETTLEMENT OF A TAX
CERTIORARI WITH 271 VETERANS ROAD REALTY LLC)**

WHEREAS, 271 Veterans Road Realty LLC filed a tax certiorari for the year 2019; and

WHEREAS, after discussions and review with the Town Assessor it was deemed that a reduction in the roll would be appropriate; and

WHEREAS, it is necessary to review and approve this reduction;

NOW, THEREFORE, BE IT RESOLVED, that the Town Attorney be and hereby is authorized to execute a Consent Judgment and Stipulation of Settlement with respect to the above referenced tax certiorari proceedings as follows:

Tax Map No.: 34.5, Block 6, Lot 1

<u>Assess.</u>	<u>Assessed Valuation</u>		<u>Amount of</u>
<u>Year</u>	<u>Reduced From</u>	<u>Reduced To</u>	<u>Reduction</u>
2019	\$15,625	\$9,642	\$5,983

Tax Map No.: 34.5, Block 6, Lot 2

<u>Assess.</u>	<u>Assessed Valuation</u>		<u>Amount of</u>
<u>Year</u>	<u>Reduced From</u>	<u>Reduced To</u>	<u>Reduction</u>
2019	\$225	\$225	-0-

BE IT FURTHER RESOLVED, that upon approval of the Justice of the Supreme Court, all appropriate steps will be taken by the appropriate Town Officials to effectuate the changes herein.

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF CORTLANDT
LAROUE ROSE SHATZKIN, TOWN CLERK**

**Adopted November 19, 2019
At a Regular Meeting
Held at Town Hall**

DRAFT

RESOLUTION

NO.

**(AUTHORIZING THE TOWN TO ENTER INTO A LICENSE AGREEMENT WITH
THE OWNERS OF 134 FREDERICK STREET)**

WHEREAS, the owners of 134 Frederick Street have begun construction of a stone retaining wall that they believed to be located on their own property (the “Retaining Wall”); and

WHEREAS, during construction, the Town determined that the Retaining Wall is located in the Town’s right-of-way; and

WHEREAS, the Retaining Wall has been historically maintained by the owners of 134 Frederick Street, and it is in the best interest of all parties if the construction of a new retaining wall is properly completed in a timely manner;

NOW, THEREFORE, BE IT RESOLVED, that the Town Supervisor is authorized to sign a License Agreement for the construction of a new retaining wall adjacent to 134 Frederick Street.

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

**Adopted November 19, 2019
At a Regular Meeting
Held at Town Hall**

DRAFT

RESOLUTION

NO.

(AUTHORIZING THE TOWN SUPERVISOR TO SIGN AN AGREEMENT WITH THE ENERGY IMPROVEMENT CORPORATION RELATING TO THE ENERGIZE NY OPEN C-PACE FINANCING PROGRAM)

WHEREAS, the Town adopted amendments to the Town’s Energy Conservation Law at its July 16, 2019 Meeting as Local Law Number 2 of 2019 (“L.L. No. 2”); and

WHEREAS, the Energy Improvement Corporation has provided to Town Staff a copy of an agreement (the “Agreement”) which would facilitate the implementation of L.L. No. 2; and

WHEREAS, after review, the Town Attorney’s office recommends that the Town enter into this Agreement;

NOW, THEREFORE, BE IT RESOLVED, that the Town Supervisor is authorized to sign an agreement with the Energy Improvement Corporation relating to the Energize NY Open C-Pace Financing Program.

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

**Adopted November 19, 2019
At a Regular Meeting
Held at Town Hall**

DRAFT

RESOLUTION

NUMBER _____

RE: Town Board Work Sessions and Official Meetings for 2020

MONDAY WORK SESSION 7:00 PM	MONDAY WORK SESSION 7:00 PM	MONDAY WORK SESSION (ISSUES ONLY) 7:00 PM	TUESDAY TOWN BOARD MEETING <u>7:00 PM</u>
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January 6	January 13	January 27	January 14
February 3	February 10	February 24	February 11
March 9	March 16	March 23	March 17
April 6	April 13	April 20	April 14
May 4	May 11	May 18	May 12
June 8	June 15	June 22	June 16
July 13	July 20	--	July 21
August 3	August 10	--	August 11
September 14	September 21	September 29*	September 22
October 5	October 19	October 26	October 20
November 2**	November 9	November 16	November 10
December 7	December 14	--	December 15***

All meetings will take place in the Vincent F. Nyberg General Meeting Room of the Town Hall, unless notified in advance of a change of location.

- ** Tuesday Night Work Session due to Jewish Holiday
- ** Special Town Board Meeting to Receive & File 2021 proposed budget
- *** Town Board Meeting and Budget Public Hearing for 2021 budget

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

Adopted November 19, 2019
At a Regular Meeting
Held at Town Hall

DRAFT

RESOLUTION

NO.

(SHARING ASSESSMENT SERVICES WITH THE VILLAGE OF BUCHANAN)

WHEREAS, Thomas Waitkins is the Assessor for the Town of Cortlandt; and

WHEREAS, both the Town of Cortlandt and Village of Buchanan have interest in engaging in a shared services agreement for the use of Thomas Waitkins' assessment expertise; and

WHEREAS, by agreement, Mr. Waitkins would sign the Village of Buchanan Assessment Roll and will provide guidance to the Village of Buchanan's staff, including with respect to valuation exemption maintenance, grievance, and SCAR petitions, to the Village of Buchanan; and

WHEREAS, Mr. Waitkins' work with the Village of Buchanan is estimated to be between 52 and 104 hours per year; and

WHEREAS, the Town of Cortlandt Comptroller's office would be tasked with overseeing Mr. Waitkins' compensation, and the Village of Buchanan would reimburse the Town on a monthly basis for Mr. Waitkins' work for the Village at 150% his base rate;

NOW, THEREFORE, BE IT RESOLVED, that the Town of Cortlandt is authorized to share the Assessment Services of Mr. Waitkins with the Village of Buchanan.

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

**Adopted November 19, 2019
At a Regular Meeting
Held at Town Hall**

DRAFT

RESOLUTION

NUMBER _____

(INTER-MUNICIPAL PILOT STEWARDSHIP PROGRAM FOR CROTON RIVER)

WHEREAS, the Croton Gorge area is a vital and vibrant part of our community accessible for recreation during the summer season; and

WHEREAS, the protection and preservation of this area is of vital importance; and

WHEREAS, by agreement, Croton and Ossining are participating in a Pilot Stewardship Program to provide for trained Stewards during the summer season; and

WHEREAS, the Town Board of the Town of Cortlandt desires to participate in this Pilot program as well; and

NOW, THEREFORE, BE IT RESOLVED, that the Town of Cortlandt is authorizing \$10,000. toward the cost of providing said Stewards, and the Comptroller is authorized to amend the budget as necessary for this purpose.

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

**Adopted November 19, 2019
At a Regular Meeting
Held at Town Hall**

DRAFT

RESOLUTION

NUMBER _____

(RE: RESOLUTION AUTHORIZING THE USE OF PROPERTY WITHIN THE TOWN OF CORTLANDT BY AEO SIX, LLC FOR THE PURPOSE OF FILMING)

WHEREAS, the Town Board of the Town of Cortlandt has received a request from AEO Six, LLC to film B-Roll only in various locations in the Town of Cortlandt, and

WHEREAS, AEO Six, LLC has provided a certificate of insurance prior to filming, and

WHEREAS, AEO Six, LLC has agreed to take a list of B Roll locations from the Town for potential background footage and to provide the footage to the Town for their usage,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Cortlandt does hereby retroactively authorize AEO Six, LLC to film on public property within the parameters of their approved application and agreement.

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

**Adopted November 19, 2019
At a Regular Meeting
Held at Town Hall**

DRAFT

RESOLUTION

NUMBER _____

**(RE: AUTHORIZATION TO REPLACE SHOP EQUIPMENT AT THE TOWN OF
CORTLANDT 167 ROA HOOK ROAD FLEET REPAIR FACILITY)**

WHEREAS, the Department of Environmental Services has evaluated the condition of the existing equipment at the 167 Roa Hook Road repair facility and recommends replacement of the following equipment:

- Hydraulic Press
- Tire Machine
- Wheel Balancer
- Plasma Cutter
- Electronic Battery Test Unit
- Vehicle Diagnostic Station (Light Vehicles)
- Drill Press
- Safety Ladders
- Transmission Jack

WHEREAS, the Purchasing Department has solicited quotes and the items are available for purchase from NY State Nassau County Contract #BPNC15000011;

NOW, THEREFORE, BE IT RESOLVED, that the Department of Environmental Services is authorized to replace the existing repair shop equipment at the Roa Hook Road Facility within at a cost not to exceed **\$45,000**; and,

BE IT FURTHER RESOLVED, that the Comptroller is authorized to appropriate funds from fund balance, and amend the 2019 Budget, to fund the purchase as determined appropriate.

**BY ORDER OF THE TOWN
BOARD OF THE TOWN OF CORTLANDT
Laroue Shatzkin
Town Clerk**

**Adopted on November 19, 2019
at a Regular Meeting
Held at the Town Hall**

DRAFT

RESOLUTION

NUMBER _____

**(RE: AUTHORIZATION TO REPLACE THE REPAIR SHOP HEATING SYSTEM
AT THE TOWN OF CORTLANDT 167 ROA HOOK ROAD FACILITY)**

WHEREAS, the Department of Environmental Services has evaluated the condition of the existing heating system at the 167 Roa Hook Road repair facility and recommends the replacement of the outdated furnace units with waste oil heating units:

WHEREAS, the Director of Purchasing shall be authorized to solicit bids for new waste oil heating units;

NOW, THEREFORE, BE IT RESOLVED, that the Department of Environmental Services is authorized to replace the shop heating system at the Roa Hook Road Facility at a cost not to exceed **\$30,000**; and,

BE IT FURTHER RESOLVED, that the Comptroller is authorized to appropriate funds from fund balance, and amend the 2019 Budget, to fund the purchase as determined appropriate.

**BY ORDER OF THE TOWN
BOARD OF THE TOWN OF CORTLANDT
Laroue Shatzkin
Town Clerk**

**Adopted on November 19, 2019
at a Regular Meeting
Held at the Town Hall**

DRAFT

RESOLUTION

NO.

(RE: AUTHORIZE CONTRACTS WITH RESPECT TO SNOW PLOWING AND ICE CONTROL FOR THE 2019-2020 SEASON, BID#19-18)

WHEREAS, the Purchasing Director previously advertised for bids for SNOW PLOWING AND ICE CONTROL; and

WHEREAS, said bids were received and opened by the Purchasing Director on OCTOBER 15TH, 2019; and

WHEREAS, the LOWEST RESPONSIBLE BIDDER was CASABELLA LANDSCAPING, 182 LINDSAY AVE, BUCHANAN, NEW YORK., whose bid was \$115.00 (Part A) per hour, per vehicle; and

WHEREAS, the alternate LOWEST RESPONSIBLE BIDDER was MANZERS LANDSCAPING, 1060 LOWER SOUTH STREET, Peekskill, New York, whose bid was \$130.00 per hour (Part A) and \$140.00 per hour, per vehicle, (Part B) shall be awarded alternate for additional work as directed by DES; and

WHEREAS, it is the recommendation of the Departments that the bid be awarded to both bidders and services utilized by the Department based on cost, seasonal availability of equipment, and equipment proposed;

NOW, THEREFORE, BE IT RESOLVED, that the Supervisor be, and hereby is, authorized to execute contracts in accordance with the bid specifications previously prepared.

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

**Adopted November 19, 2019
At a Regular Meeting
Held at Town Hall**

DRAFT

RESOLUTION

NUMBER _____

RE: (APPOINT DONNA D'AGOSTINO TO THE TITLE OF STAFF ASSISTANT FOR FINANCE AND ADMINISTRATION)

WHEREAS, the Town Comptroller, Patricia Robcke requested that the current position of Donna D'Agostino be evaluated for correct classification by Westchester County Civil Service; and

WHEREAS, Westchester County Civil Service has made the determination that the correct title is Staff Assistant for Finance and Administration; and

WHEREAS, the Town Comptroller has asked the Town Board to appoint Ms. D'Agostino to this new title on a provisional status; and

WHEREAS, the Town Board has agreed to said request; and

NOW, THEREFORE, BE IT RESOLVED, that Ms. Donna D'Agostino of 7 Rome Court, Cortlandt Manor, NY be and hereby is appointed to the title of Staff Assistant for Finance and Administration. Ms. D'Agostino's new salary will be paid an annual salary of Teamster 11T – Grade 4 (\$83,673). This is a provisional appointment for Civil Service purposes.

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF CORTLANDT
Laroue Rose Shatzkin
Town Clerk**

**Adopted on November 19, 2019
at a Regular Town Board Meeting
held at Town Hall.**

DRAFT

RESOLUTION

NUMBER _____

(RE: APPOINT SUB REGISTRAR OF VITAL STATISTICS)

RESOLVED, LAROUÉ ROSE SHATZKIN is REGISTRAR OF VITAL STATISTICS in and for the Town of Cortlandt; and

BE IT FURTHER RESOLVED, that the appointment of LISA SOLAZZO as SUB REGISTRAR by the Town Clerk be, and hereby is approved and ratified; and

BE IT FURTHER RESOLVED, that the above appointment shall become retroactively effective on **November 1, 2019**, and terminate with the term of office of the Town Clerk pursuant to NYS Law.

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF CORTLANDT
LAROUÉ ROSE SHATZKIN
Town Clerk**

**Adopted on November 19, 2019
At a Regular Meeting
Held at the Town Hall**

RESOLUTION

NUMBER _____

(RE: AMEND RESOLUTION 273-19 TO APPOINT CRISTIN JACOBY AS A MEMBER OF THE ZONING BOARD OF APPEALS AND CHRISTOPHER BELOFF AS AN ALTERNATE FOR THE ZONING BOARD OF APPEALS)

WHEREAS, Cristin Jacoby has been appointed as a member of the Zoning Board of Appeals; and

WHEREAS, her term expiration was reflected as expiring on December 31, 2020 but actually expires on December 31, 2019; and

WHEREAS, the Town Board of the Town of Cortlandt desires to appoint her for a full term upon expiration of the current shortened term she is completing for former member John Mattis; and

WHEREAS the Town Board to appointed Christopher Beloff as an Alternate for the Zoning Board of Appeals and his term expiration was reflected as expiring on December 31, 2025 but actually expires on December 31, 2021,

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Cortlandt does hereby appoint Cristin Jacoby as a member of the Town Zoning Board of Appeals and that she will complete former member John Mattis' term ending on December 31, 2019; and

BE IT FURTHER RESOLVED that the Town Board of the Town of Cortlandt does hereby appoint Cristin Jacoby to a full term effective January 1, 2020 and ending on December 31, 2026; and

BE IT FURTHER RESOLVED that the Town Board of the Town of Cortlandt does hereby amend Christopher Beloff's appointment as an alternate member, to reflect his term ending on December 31, 2021; and

BE IT FURTHER RESOLVED, that said appointees are to be compensated at an annual salary as outlined in the annual salary resolution to be paid on the same payroll as other ZBA members; and the above appointed members shall serve along with the following previously appointed members whose terms are outlined below:

DAVID DOUGLAS (Chairman)
36 Wood Dale Avenue
Croton-on-Hudson, N.Y. 10520

TERM EXPIRES 12/31/2025

WAI MAN CHIN (Vice Chairman)
77 East Mt. Airy Road
Croton-on-Hudson, New York 10520

TERM EXPIRES 12/31/2025

EILEEN HENRY
1329 Albany Post Road
Croton-on-Hudson, New York 10520

TERM EXPIRES 12/31/2024

THOMAS WALSH
260 Buttonwood Ave
Cortlandt Manor, New York 10567

TERM EXPIRES 12/31/2024

ADRIAN HUNTE
12 DiRubbo Drive
Cortlandt Manor, NY 10567

TERM EXPIRES 12/31/2023

FRANK FRANCO
1059 Quaker Bridge Road E
Croton-on-Hudson, NY 10520

TERM EXPIRES 12/31/2020

Appointed Above:

CRISTIN JACOBY
5 Anita Court
Cortlandt Manor, NY 10567

TERM EXPIRES 12/31/2026

CHRISTOPHER BELOFF (Alternate)
178 Seward Street
Buchanan, NY 10511

TERM EXPIRES 12/31/2021

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

**Adopted on November 19, 2019
At a Regular Meeting
Held at the Town Hall**

RESOLUTION

NUMBER _____

(RE: AMEND RESOLUTION 274-19 APPOINTING VALERIE MYERS AS AN ALTERNATE MEMBER OF THE PLANNING BOARD)

WHEREAS, Valerie Myers was appointed as an alternate member to the Planning Board to account for occasional extended absences or conflicts of interest; and

WHEREAS, her term was reflected as ending December 31, 2025 but actually ends on December 31, 2021,

NOW, THEREFORE, BE IT RESOLVED, Valerie Myers' appointment is re-affirmed with an ending date of December 31, 2021; and

BE IT FURTHER RESOLVED, that all said appointees shall be compensated at a salary as outlined in the annual salary resolution to be paid on the same payroll as other Town of Cortlandt Planning Board members; and the above appointed members shall serve along with the following previously appointed members whose terms are outlined below:

LORETTA TAYLOR (Chairwoman)

Ruth Road

Cortlandt Manor, New York 10567

TERM EXPIRES 12/31/2023

THOMAS BIANCHI (Vice Chairman)

2 Fairgreen Court

Cortlandt Manor, New York 10567

TERM EXPIRES 12/31/2019

PETER DALY

139 Red Mill Road

Cortlandt Manor, New York 10520

TERM EXPIRES 12/31/2021

ROBERT FOLEY

93 Lockwood Road

Cortlandt Manor, New York 10567

TERM EXPIRES 12/31/2022

JEFFREY ROTHFEDER

1426 Washington Street
Cortlandt Manor, New York 10567

TERM EXPIRES 12/31/2024

GEORGE KIMMERLING

6 Spruce Lane
Cortlandt Manor, New York 10567

TERM EXPIRES 12/31/2020

STEVEN KESSLER

1515 Lower Washington Street
Cortlandt Manor, New York 10567

TERM EXPIRES 12/31/2025

APPOINTED ABOVE:

VALERIE MYERS (Alternate)

3 John Cava Lane
Cortlandt Manor, New York, 10567

TERM EXPRIES 12/31/2021

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

**Adopted on November 19, 2019
At a Special Meeting
Held at the Town Hall**

DRAFT

RESOLUTION

NUMBER _____

**(RE: SCHEDULE A PUBLIC HEARING FOR DECEMBER 10, 2019
TO CONSIDER AMENDING THE LAW TO ALLOW FOR
ALTERNATES ON THE PLANNING BOARD AND ZONING
BOARD OF APPEALS)**

RESOLVED, that the Town Board of the Town of Cortlandt, Westchester County, New York will conduct **PUBLIC HEARING** on the 10th day of December, 2019 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 Law to Allow for Alternates on the Planning Board and Zoning Board of Appeals.

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 19, 2019
At a regular Meeting held
at the Town Hall**

Local Law “H” of 2019

“The Addition of Alternate Members to the Planning Board and Zoning Board of Appeals”

SECTION 1. Short Title and Applicability.

Alternate Planning Board & Zoning Board of Appeals Members Act. This local law shall apply to the appointment, terms, functions and powers of alternate members appointed to serve on the Planning Board and Zoning Board of Appeals in the Town of Cortlandt.

SECTION 2. Declaration of Policy.

From time to time, the Planning Board and the Zoning Board of Appeals (“ZBA”) in the Town of Cortlandt are not at their full voting strength because members are ill, on extended vacation, or find they wish to recuse themselves on a specific matter before such board. In such instances, where official business may be impacted, the use of alternate members in the instance of any absence is hereby authorized pursuant to the provisions of this local law.

SECTION 3. Definitions.

- (a) “Planning Board” means the Planning Board of the Town of Cortlandt as established by the Cortlandt Town Board and pursuant to Town Law § 271.
- (b) “Zoning Board of Appeals” means the Zoning Board of Appeals of the Town of Cortlandt as established by the Cortlandt Town Board and pursuant to Town Law § 267.
- (c) “Member” means any individual normally appointed by the by the Cortlandt Town Board to serve on the Planning Board or the Zoning Board of Appeals pursuant to the provisions of the local law or ordinance which establishes each board.
- (d) “Alternate Member” means an individual appointed by the by the Cortlandt Town Board to serve on the Planning Board or the Zoning Board of Appeals when a regular member is unable to participate on an application or matter before the respective board.

SECTION 4. Authorization/Effect

- (a) The Cortlandt Town Board hereby enacts this local law to provide a process for appointing “alternate” members of the Planning Board and Zoning Board of Appeals. These individuals would serve when members are absent or unable to participate in an application or matter before the respective board.
- (b) Alternate members of the Planning Board and Zoning Board of Appeals shall be appointed by the Cortlandt Town Board for a term of two years.
- (c) The chairpersons of the Planning Board and Zoning Board of Appeals may designate an alternate to substitute for a member when such member is unable to participate in an application

or matter before the board. When so designated, alternate member(s) shall possess all the powers and responsibilities of such member of the board. Such designation shall be entered into the minutes of the Planning Board or Zoning Board of Appeals meeting at which the substitution is officially made.

(d) All provisions of state law relating to Planning Board and Zoning Board of Appeals member eligibility, vacancy in office, removal, compatibility of office and service on other boards, as well as any applicable provisions of local law relating to training, continuing education, compensation and attendance, shall also apply to alternate members.

(e) Alternate members are expected to attend and participate in regularly scheduled work sessions and public meetings.

(f) Alternate members may only vote after a proper designation by their specific Planning Board or Zoning Board of Appeals chairperson.

SECTION 5. Severability.

If any provisions of this local law are held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the local law shall remain in effect.

SECTION 6. Effective Date.

This local law shall take effect upon filing with the Secretary of State.