

THE REGULAR MEETING of the ZONING BOARD OF APPEALS of the Town of Cortlandt was conducted at the Town Hall, 1 Heady St., Cortlandt Manor, NY on *Wednesday, February 17th, 2016*. The meeting was called to order, and began with the Pledge of Allegiance.

David S. Douglas, Chairman presided and other members of the Board were in attendance as follows:

Wai Man Chin, Vice Chairman
Charles P. Heady, Jr.
James Seirmarco
John Mattis
Adrian C. Hunte
Raymond Reber

Also Present

Ken Hoch, Clerk of the Zoning Board
John Klarl, Deputy Town attorney

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ADOPTION OF MEETING MINUTES FOR JAN. 20, 2016

So moved, seconded with all in favor saying "aye."

Mr. David Douglas stated the minutes for January are adopted.

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CLOSED AND RESERVED:

- A. CASE NO. 2015-33 CRP Sanitation** for an Interpretation that the manufacturing of compost is a permitted use in the M-1 Zone on property located at **2 Bay View Rd., Cortlandt Manor.**

Mr. Wai Man Chin stated we got a Decision and Order at the work session from Mr. Klarl and I think that we should adopt the minutes – the D&O.

Mr. David Douglas stated Mr. Klarl is going to read the minutes – read the D&O.

Mr. John Klarl stated thank you Mr. Chairman. Thank you Mr. Chin. We have a two-page Decision and Order in front of us and I'd like to read it:

This is an application by CRP Sanitation for an Interpretation that the manufacturing of compost is a permitted use in the M-1 (Light Industrial) Zoning District located at 2 Bay View Road and consisting of 6.38 acres.

Pursuant to Town Zoning Ordinance Section 307-5(c)(2):

“Light Industrial (M-1) Districts are intended to provide a means for the establishment of industries and compatible commercial activities in appropriate portions of the Town.”

The Applicant proposes to add a compost manufacturing use to its existing garbage truck site, and described the compost process in detail at the Public Hearing held on December 16, 2015.

The question for this Board is whether the manufacturing of compost is a permitted use in the M-1 Zoning District. Section 307-14, “Content of Table of Permitted Uses”, provides as follows:

- (A) The Table of Permitted Uses lists the uses of land and buildings which are permitted (P), permitted by special permit (SP) and not permitted (N) in the zoning districts established by this chapter.
- (B) Only uses listed for each district as being permitted or permitted by special permit shall be permitted. Uses not listed specifically or by reference as being permitted in a district shall be prohibited in the district.

The manufacturing of compost is not listed as being permitted, either specifically or by reference elsewhere in the Town's Zoning Ordinance.

Thus, the Board Interprets that the proposed composting use is not permitted in the M-1 Zoning district. This conclusion is consistent with this Board's determination of other applications involving Interpretations under Section 307-14(B).

This is a Type II action under SEQRA as it consists of the interpretation of an existing Code or rule. No further compliance is required. However, the Board is going to prepare and send a memo to the Town Board explaining the Applicant's situation herein and recommending that the Town Board take the appropriate steps so that the Applicant will be permitted to pursue his manufacturing of compost in the M-1 Zoning District or any other Zoning District deemed suitable by the Town Board. And that's our proposed Decision and Order Mr. Chairman.

Mr. Wai Man Chin stated I'm going to make a motion that we adopt the Decision and Order as said.

Seconded with all in favor saying "aye."

Mr. David Douglas stated it's adopted and Mr. Hoch you'll prepare that memo to the Town Board?

- B. CASE NO. 2015-17 ASF Construction & Excavation Corp.** for an Interpretation that the applicant is a Specialty Trade Contractor as defined by the Town Code Chapter 307-4 Definitions so they can submit a Special Permit Application to the Planning Board on property located at **37 Roa Hook Rd., Cortlandt Manor.**

Mr. David Douglas stated we discussed this case at length at our work session last night and we intend to have a Decision and Order prepared to be adopted at the next meeting.

Ms. Adrian Hunte stated I'll make a motion.

Mr. David Douglas stated we don't need it.

Mr. Raymond Reber stated we don't need anything.

Ms. Adrian Hunte stated oh ok.

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ADJOURNED PUBLIC HEARING TO FEB.:

- A. CASE NO. 2015-32 Robert & Lindea Whalen** for an Accessory Apartment Special Permit on property located at **17 Dream Lake Rd. Croton-on-Hudson, NY.**

Mr. David Douglas stated I understand Mr. Hoch, did they withdraw that?

Mr. Ken Hoch responded yes they did.

Mr. David Douglas stated that case is withdrawn.

- B. CASE NO. 2015-20 Emily Fehlbaum** for an Area Variance for an Accessory Structure, a 12' x 24' garage, in the front yard on property located at **100 Laurel Rd., Croton-on-Hudson.**

Mr. David Douglas stated I understand that she wants to adjourn that to next month?

Mr. Ken Hoch responded yes.

Mr. Wai Man Chin stated I'll make a motion on case 2015-20 to adjourn to the March meeting.

Seconded with all in favor saying "aye."

Mr. David Douglas stated case #2015-20 is adjourned to March.

- C. **CASE NO. 2015-23** **Acadia Cortlandt Crossing, LLC** for Area Variances for the Minimum Buffer Requirement along a residential district boundary and the Minimum Landscape Coverage requirement, and a Variance from the required number of parking spaces on property located at **3144 E Main St. (Cortlandt Boulevard), Mohegan Lake, NY.**

Mr. David Douglas stated my understanding is the applicant is seeking to adjourn that to March as well.

Mr. Chris Kehoe stated yes, they are.

Mr. David Douglas stated somebody make a motion to adjourn.

So moved, seconded with all in favor saying "aye."

Mr. David Douglas stated case #2015-23 is adjourned to March.

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NEW PUBLIC HEARING:

- A. **CASE NO. 2016-02** **Michael and Stephanie Errico** for a Special Permit for an Accessory Apartment on property located at **39 Montrose Station Rd., Cortlandt Manor.**

Mr. David Douglas stated I understand they've withdrawn that.

Mr. Ken Hoch stated yes, Mr. Chairman, they have.

Mr. David Douglas stated so that's withdrawn.

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ADJOURNMENT

Mr. John Mattis stated being no further business I move that we adjourn the meeting.

Seconded with all in favor saying "aye."

Mr. David Douglas stated the meeting's adjourned.

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**NEXT MEETING DATE:
WEDNESDAY, MAR. 16, 2016**