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Town Board Revisions to Zoning Amendments June 15, 2010

Amend Article V, Table of Permitted Uses, Section 307-14:

To reflect Contractor's Yards to be permitted by Special Permit only in M-1 & MD Zones.
Special Permit to be issued by the Planning Board.

Add to Article XI, Section 307-65.5

Contractor's Yards

Contractor's Yards will be permitted by Special Permit of the Planning Board in M-D zones and M-1 zones only as follows:

- A. The setback from residential districts of 2X 4X **(not less than 300 feet)** the required setback set forth in the table of dimensional regulations. Buffers shall be enhanced with suitable landscaping as determined by the Planning Board.
- B. On site contractor operations. Noise levels shall not exceed 65 dbs for more than 2 hours in total during any work day at the boundaries of residential districts, nor shall any unreasonably intrusive noise be created. Unreasonably intrusive noise being any sound which would annoy, disturb or irritate a reasonable person of normal sensitivities under the same circumstances. Otherwise operations shall not exceed 55 dbs during the work day at the boundaries of the residential districts.
- C. A 1000 ft buffer from residential districts must be maintained to ~~er~~ushing, grinding, or any other processing or storage of raw materials including earth, compost, ~~stone~~ and trees unless said activities are contained in a fully enclosed ~~building~~ **permanent structure**. This requirement shall not apply to any contractors yard legally existing at the time of the adoption of this provision.
- D. The site must be on or within 1500 feet from a State highway.

- E. Fugitive dust or odors from contractor activities must be contained on site. The Planning Board may require periodic off-site air testing as directed by the Director of Technical Services.
- F. Impervious coverage shall be limited to 55% of the site including the building coverage.
- G. The Planning Board may require truck counters to be located at the entrance to the facility and require that the number of daily truck trips be monitored for a period of time following the issuance of a Certificate of Occupancy not exceeding a period of two years at the applicants expense for the purpose of validating the traffic projections and impacts created thereby.
- H. Outdoor storage of materials shall not exceed 20% of the site (excluding all buffers). Storage piles shall not exceed a height of 20 ft. The Planning Board may require that the storage piles be located within buildings or open sheds. Outside storage shall be limited to those specific locations approved by the Planning Board.
- I. The Planning Board may also require conformance additional standards in order to prevent a nuisance to neighboring properties by reason of dust or odor or any other reason.
- J. Business activities and maintenance activities requiring the use of machinery, equipment or power tools shall be permitted between the hours of 7:00 a.m. and 7:00 p.m. on weekdays and from 8:00 a.m. to 5:00 p.m. on Saturdays. All such work is prohibited on Sundays and legal holidays.
- K. The Planning Board may require that security fencing be located around areas or structures to address safety concerns.
- L. Permitted activities: Storage of raw materials, vehicles and equipment and maintenance of vehicles and equipment used in a particular trade operation and associated office use.
- M. Prohibited activities: Garbage or waste transfer stations, mining, **rock/stone/concrete crushing (except as detailed in Section P)**, the storage, processing or handling on site of contaminated materials; waste materials as defined in 6 NYCRR Part 360; or hazardous materials as defined in 6 NYCRR Part 371.
- N. Permit Duration and Renewal. Permits shall be issued conditionally for a three year period upon a showing of compliance with the terms and conditions of this chapter and the Special Permit during the pre-ceeding permit period.
- O. Standards set forth in Sections H (Outdoor Storage) and J (Business Activities) as noted herein may be varied by the Planning Board.
- P. Nothing contained herein shall prohibit the processing **and crushing** of aggregate on site of any approved subdivision and/or site plan to be utilized **solely** on site for the construction of the improvements required by the approval.

Amend Article II, Section 307-4 (Definitions)

Specialty Trade Contractors: Shall be limited to the following; Undertakes activities of a type that are specialized to the building industry and limited to Plumbing, Heating, Electrical, Air Conditioning, Carpentry, Flooring, Cabinet-making, Painting, Paper-Hanging, Roofing, Siding and Sheet metal work, Masonry, Stone Work Tile-setting and Plastering. Water well drilling, glass and glazing work, structural steel erection and manufacturing operations that do not require the processing of raw materials. This list of uses contained in Specialty Trade Contractors specifically excludes all uses listed under "Contractors Yards."

Amend Article V, Table of Permitted Uses, Section 307-14:

To reflect Specialty Trade Contractors to be allowed by Special Permit only in the CC, HC, H-C9A, MD and M-1 zones. Special Permit to be issued by the Planning Board.

Add to Article XI, Section 307-65.6

Specialty Trade Contractors

Specialty Trade Contractors will be permitted by by Special Permit of the Planning Board in the CC, HC, H-C9A, MD and M-1 zones only as follows:

- A. The setback from residential districts of **2X** the required setback set forth in the table of dimensional regulations. Buffers shall be enhanced with suitable landscaping as determined by the Planning Board.
- B. On site contractor operations. Noise levels shall not exceed 65 dbs for more than 2 hours in total during any work day at the boundaries of residential districts, nor shall any unreasonably intrusive noise be created. Unreasonably intrusive noise being any sound which would annoy, disturb or irritate a reasonable person of normal sensitivities under the same circumstances. Otherwise operations shall not exceed 55 dbs during the work day at the boundaries of the residential districts.
- C. Fugitive dust or odors from contractor activities must be contained on site. The Planning Board may require periodic off-site air testing as directed by the Director of Technical Services.
- D. Impervious coverage shall be limited to 55% of the site including the building coverage.
- E. The Planning Board may require truck counters to be located at the entrance to the facility and require that the number of daily truck trips be monitored for a period of time following the issuance of a Certificate of Occupancy, not exceeding a period of two years, at the applicant's expense for the purpose of validating the traffic projections and impacts created thereby.
- F. Outdoor storage of materials shall not exceed 20% of the developed site. Storage piles shall not exceed a height of 10 ft. The Planning Board may require that the storage piles be located within buildings or open sheds. Outside storage shall be limited to those specific locations approved by the Planning Board

- G. The Planning Board may impose such additional standards in order to prevent a nuisance to neighboring properties by reason of dust or odor or any other reason.
- H. Business activities and maintenance activities requiring the use of machinery, equipment or power tools shall be permitted between the hours of 7:00 a.m. and 7:00 p.m. on weekdays and from 8:00 a.m. to 5:00 p.m. on Saturdays. All such work is prohibited on Sundays and legal holidays. The Planning Board may vary the above times by not more than two hours.
- I. The Planning Board may require that security fencing be located around areas or structures to address safety concerns.
- J. Permit Duration and Renewal. Permits shall be issued conditionally for a three year period upon a showing of compliance with the terms and conditions of this chapter and the Special Permit during the pre-ceding permit period.**
- K. Unless set forth above, no variance of any of the above conditions are authorized.
- L. Nothing contained herein shall prohibit the processing **and crushing** of aggregate on site of any approved subdivision and/or site plan to be utilized **solely** on site for the construction of the improvements required by the approval.