



# TOWN OF CORTLANDT

## ZONING BOARD OF APPEALS

Town Hall, 1 Heady Street  
Cortlandt Manor, NY 10567  
914-734-1080

Michael Fleming  
Chairman

Wai Man Chin  
Vice-Chairman

Chris Beloff  
Frank Franco  
Michelle Piccolo Hill  
Benito Martinez  
Thomas Walsh

**Town Supervisor**  
Richard H. Becker, MD

**Town Board**  
James F. Creighton  
Cristin Jacoby  
Robert Mayes  
Joyce C. White

### TO JOIN THE MEETING REMOTELY USE THE ZOOM LINK BELOW:

<https://us02web.zoom.us/j/83256579943?pwd=eGU0RzhvZ3pNaHp4VDZEdVpEeGhIU09>

AGENDA.....ZONING BOARD OF APPEALS  
Town Hall – 1 Heady Street  
Cortlandt Manor, NY 10567

### Work Session – Thursday, October 17, 2024 at 6:30 PM

1. Discuss Agenda for the Regular Meeting

### Regular Meeting – Thursday, October 17, 2024 at 7:00 PM \*

1. Pledge to the Flag and Roll Call
2. Adoption of the Meeting Minutes for August 15, 2024
3. **NEW BUSINESS**

**A. Case No. 2024-7 Application of Mathew Hager** for an area variance for a proposed portico roof over an existing front entry for property located at 628 Cardinal Road.

**B. Case No. 2024-8 Nicholas Faustini, R.A. for the property of Eric Rubinfeld,** for area variances for an existing accessory structure in the front yard and for accessory building coverage for property located 241 Mt. Airy Rd.

**C. Case No. 2024-9 Application of Jasmin Fleming** for an area variance for a proposed deck and stairs for property located at 8 Red Mill Rd.

**D. Case No. 2024-10 Application of Brian Sinsabaugh, for the property of Iaropoli Construction Corp.** for an area variance for a proposed enclosed carwash bay for property located at 2077 E. Main St., Enterprise Rent-a-Car.

*\*Regular meeting to begin at conclusion of the work session*

**NEXT REGULAR MEETING THURSDAY, NOVEMBER 21, 2024**

TOWN OF CORTLANDT  
PLANNING AND ZONING BOARDS

BOARD MEETING  
ZONING BOARD

Town Hall  
1 Heady Street  
Cortlandt Manor, NY 10567  
August 15, 2024  
7:00 - 7:07 p.m.

August 15, 2024

MEMBERS PRESENT:

Michael Fleming, Chairman

Wai Man Chin, Vice-Chairman

Frank Franco, Member

Michelle Piccolo Hill, Member

Benito Martinez, Member

Thomas Walsh, Member

MEMBERS ABSENT:

Chris Beloff, Member

ALSO PRESENT:

Chris Kehoe, Director of Planning

Michael Cunningham, Esq., Deputy Town Attorney

Heather LaVarnway, CNU-A, Planner

1 August 15, 2024

2 (The board meeting commenced at 7:00 p.m.)

3 MR. MICHAEL FLEMING: All right, I'd  
4 like to call to order the August 15, 2024 session  
5 of the town of Cortlandt Zoning Board of Appeals.  
6 I'd like to start by inviting everybody to join  
7 me, if you want to do so, in the pledge of  
8 allegiance.

9 MULTIPLE: I pledge allegiance to the  
10 flag of the United States of America and to the  
11 Republic for which it stands, one nation under  
12 God, indivisible, with liberty and justice for  
13 all.

14 MR. MICHAEL FLEMING: Thank you, can you  
15 do a roll call for us, Chris?

16 MR. CHRIS KEHOE: Ms. Piccolo Hill?

17 MS. MICHELLE PICCOLO HILL: Here.

18 MR. KEHOE: Mr. Martinez?

19 MR. BENITO MARTINEZ: Here.

20 MR. KEHOE: Mr. Franco?

21 MR. FRANK FRANCO: Here.

22 MR. KEHOE: Mr. Fleming?

23 MR. FLEMING: Here.

24 MR. KEHOE: Mr. Chin?



1 August 15, 2024

2 MR. WAI MAN CHIN: Here.

3 MR. KEHOE: Mr. Walsh?

4 MR. THOMAS WALSH: Here.

5 MR. KEHOE: Mr. Beloff noted as absent.

6 MR. FLEMING: All right, the first thing  
7 on the agenda is the adoption, we have two to  
8 adopt. We were unable to have the May minutes  
9 before our last meeting, so we have the May 16,  
10 2024 and the June 20, 2024 minutes to adopt. Has  
11 everyone had an opportunity to review those  
12 minutes? Can I have a motion?

13 MR. CHIN: I make a motion to adopt all  
14 minutes.

15 MR. FLEMING: I need a second.

16 MR. FRANCO: Second.

17 MR. FLEMING: Seconded, all in favor?

18 MULTIPLE: Aye.

19 MR. FLEMING: Any opposed? No, all  
20 right, so the meetings are approved. We don't  
21 have any old business on the agenda tonight. We  
22 only have one new case, 2024-6 and it's yours?

23 MR. CHIN: Yes, Mr. Roane, property at 3  
24 Windsor Road, and there you are, you just tell us

1 August 15, 2024

2 what you want to do right now.

3 MR. LEWIS ROANE: Hello, my name is  
4 Lewis Roane. I live at 3 Windsor Road. I'm  
5 looking to rebuild my one-car garage as a two-car  
6 garage. We're here for a zoning variance tonight  
7 because the law allows for a 10 foot high side  
8 wall, and I need an 11'4" foot side wall to  
9 accommodate I guess my hobby, which is tinkering  
10 with cars. So to put a lift in this garage, in  
11 this bay where I have it, I need to get a little  
12 bit more height. And I want to have something  
13 that kind of brings the scale down a little bit  
14 so you have the couple of roof lines. That's the  
15 main crux of things.

16 MR. CHIN: All right, I actually went  
17 and to the property last week and spoke to your  
18 wife, you know.

19 MR. ROANE: Yes.

20 MR. CHIN: And went through the whole  
21 thing. I went and looked at the property where,  
22 where it was going, the house, I looked at your  
23 plans and everything else. Hello. Okay. And  
24 rather than just a typical pitched roof to each

1 August 15, 2024

2 other, I like the way you flared it up a little  
3 bit and it looks architecturally nicer, since I  
4 was in the field of architecture for many years  
5 and it just liked nicer.

6 MR. ROANE: Thank you.

7 MR. CHIN: And I, then I was looking at  
8 the areas of where you're doing it and everything  
9 else, and then I was looking at the five factors,  
10 okay, basically. And I looked at is it  
11 undesirable change to the character of the  
12 neighborhood? I didn't see that, okay. Number two  
13 was there any way you'd do it except for the area  
14 you want to do it, there is no other area that  
15 you could put it, okay. Number three was is the  
16 variance substantial. I didn't believe so, a very  
17 small variance. Is it an adverse effect to the  
18 neighborhood again? No. I didn't see that either,  
19 because I looked around the neighborhood, walked  
20 around there and everything. Was it self-created?  
21 It's, all variances are self-created, so, you  
22 know, again, I went, go through five factors and  
23 everything else, and everything else, and looking  
24 at what you wanted to do, the proposal, a 1.4

1 August 15, 2024

2 foot variance, you know, which is 14 percent,  
3 it's very small, I really don't have a problem  
4 with it.

5 MR. ROANE: Thank you.

6 MR. CHIN: Anybody else?

7 MR. FLEMING: Anybody else on the board  
8 have any questions or comments?

9 MR. MARTINEZ: I'm going with this also.

10 MR. FLEMING: Yeah, I mean I also, you  
11 know, looking at the five factors, I don't  
12 believe there's any problems with this variance  
13 being granted. I only have one question though  
14 and I think what we'll do is in our proposal,  
15 we're going to say this, this is not for a  
16 business, this is for a personal hobby. So if we  
17 are to grant this variance, which I'm pretty sure  
18 we are, we'll have worded in the order, you know,  
19 granting the variance that it's for personal use,  
20 not for business use. If you do ever want to use  
21 the business, you would have to go to the town  
22 and apply for such use and I'm not really sure it  
23 would be granted, but nonetheless.

24 MR. ROANE: Well, it's for me.

1 August 15, 2024

2 MR. FLEMING: That's fine. All right,  
3 other than that, is there any other questions or  
4 comments from members of the board?

5 MR. CHIN: Anybody in the audience?  
6 Anybody on Zoom?

7 MR. FLEMING: Do we have anybody on  
8 Zoom?

9 MS. HEATHER LAVARNWAY: I have ten  
10 questions. (Laughter) No.

11 MR. FLEMING: Nobody? All right.

12 MR. CHIN: All right, so I'm going to  
13 make a motion on case 2024-6, 3 Windsor Road to  
14 close the public hearing.

15 MR. FRANCO: Second.

16 MR. FLEMING: All in favor?

17 MULTIPLE: Aye.

18 MR. FLEMING: All right, public hearing  
19 is closed.

20 MR. CHIN: I'm going to make a motion on  
21 case 2024-6, 3 Windsor Road to grant the  
22 variance, height variance from 10 foot to 11'4"  
23 which is 1.4 feet, it's a 14 percent. This is  
24 under SEQR type II, no further compliance is

1 August 15, 2024

2 required.

3 MR. FLEMING: Just one slight amendment  
4 to the order, we are going to put in that it's  
5 for personal use--

6 MR. CHIN: Oh, yeah.

7 MR. FLEMING: -- and not for a business  
8 use.

9 MR. CHIN: Yeah, that garage area is for  
10 only personal use, not for any kind of commercial  
11 use at all, and I think we will put that in the D  
12 and O.

13 MR. FLEMING: We will. I need a--

14 MR. FRANCO: Second.

15 MR. FLEMING: All in favor?

16 MULTIPLE: Aye.

17 MR. FLEMING: Any opposed? All right,  
18 your variance has been granted.

19 MR. ROANE: Thank you very much. I  
20 appreciate it. And thanks for coming out tonight.

21 MR. MARTINEZ: And have fun.

22 MR. KEHOE: Lewis is quite familiar with  
23 working with Martin and what he needs to do next,  
24 that's fine.

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August 15, 2024

MR. CHIN: Oh, okay.

MR. KEHOE: Yeah.

MR. ROANE: Thank you very much.

MR. CHIN: Have a nice day.

MR. FLEMING: All right, so I'd like to, adjourn, to close the August 15, 2024 hearing.

MR. WALSH: So moved.

MR. CHIN: Second.

MR. FLEMING: All in favor?

MULTIPLE: Aye.

MR. FLEMING: Meeting adjourned.

(The public board meeting concluded at 7:07 p.m.)

CERTIFICATE OF ACCURACY

I, Claudia Marques, certify that the foregoing transcript of the board meeting of the Town of Cortlandt on August 15, 2024 was prepared using the required transcription equipment and is a true and accurate record of the proceedings.

Certified By

A handwritten signature in cursive script that reads "Claudia Marques".

Date: August 29, 2024

GENEVAWORLDWIDE, INC  
228 Park Ave S - PMB 27669  
New York, NY 10003



**ZONING BOARD OF APPEALS FACT SHEET**

**ZBA Member Assigned: Walsh**

**CASE NO.: 2024-7**

**Name of Applicant: Mathew Hagar**

**Owner: Same**

**Address of property: 628 Cardinal Rd.**

**Section, Block, Lot: 34.14-1-16**

**Prior ZBA Case No.: NA**

**Zone: R-20**

**Lot Size: 31,626 sq. ft.**

**Request: An area variance under Section of the Zoning Code: 307-17 Table of Dimensional Regulations, Front Yard Setback; for a portico over a front entry, 40' required, 35' proposed.**

**Staff Comments:** The Code Enforcement office received a building permit application on May 16, 2024 for a proposed portico roof over an existing front entry. The permit was denied on June 3, 2024. The front porch steps currently exist. The property is zoned R-20, single-family residential.

**Variance(s) Requested: An area variance, front yard setback for a proposed portico roof over an existing entry.**

<b><u>REQUIRED</u></b>	<b><u>PROPOSED</u></b>	<b><u>VARIANCE</u></b>	<b><u>%</u></b>
40 ft.	35 ft.	5 ft.	12.5%

**SEQR: TYPE II – No further compliance required**



**TOWN OF CORTLANDT**  
DEPARTMENT OF TECHNICAL SERVICES  
CODE ENFORCEMENT DIVISION

**Michael Preziosi, P.E.**  
*Director – D.O.T.S*

**Martin G. Rogers, P.E.**  
*Director of Code  
Enforcement / D.O.T.S.*

**Holly Haight**  
*Assistant Director of Code  
Enforcement / D.O.T.S.*

Town Hall, 1 Heady Street  
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Main #: 914-734-1010  
Fax #: 914-293-0991

**Town Supervisor**  
Richard H. Becker

**Town Board**  
James F. Creighton  
Cristin Jacoby  
Robert E. Mayes  
Joyce C. White

Matthew Hager  
628 Cardinal Rd  
Cortlandt Manor, NY 10567

June 3, 2024

Re: Proposed Front Entry Portico  
628 Cardinal Rd  
Tax ID 34.14-1-16

Mr. Hager:

I am in receipt of your Building Permit Application received February 12, 2024 and the Revised Drawing submission on May 16, 2024 for Portico Roof over the Front Entry at the above referenced premises.

I must deny this request under the following Chapter of the Town of Cortlandt Zoning Code: 307-17 Table of Dimensional Regulations, Front Yard Setback. The proposed roof is not compliant. Request for a variance from the Code is required. 40.0' required, 35.0' proposed requiring a variance for 5.0'.

The Zoning Board of Appeals application shall be completed online. If the application is deemed complete additional instructions will follow and then the project will then be placed on the agenda for the next available Zoning Board of Appeals meeting.

Additional information may be required upon subsequent reviews. Technical comments for the submission may be issued separately. If you have any questions or comments please feel free to contact me by email or at 914-734-1010.

Sincerely,

Martin G. Rogers, P.E.  
Director of Code Enforcement  
Department of Technical Services

Cc: Chris Kehoe, Town Planner

Cortlandt, New York  
Google Street View  
Sep 2019 See more dates



Image capture: Sep 2019 © 2024 Google

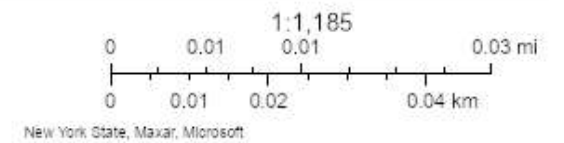




# Cortlandt



10/1/2024, 2:03:32 PM

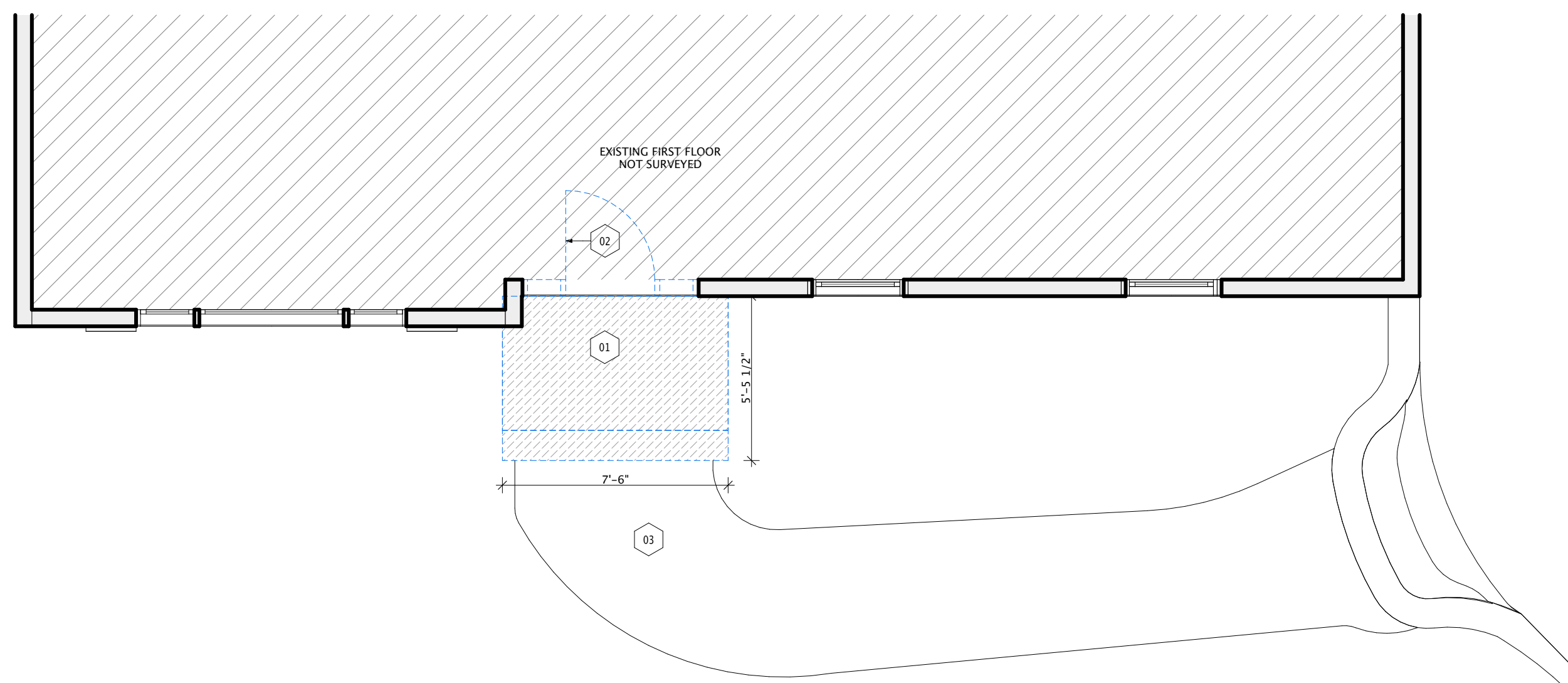




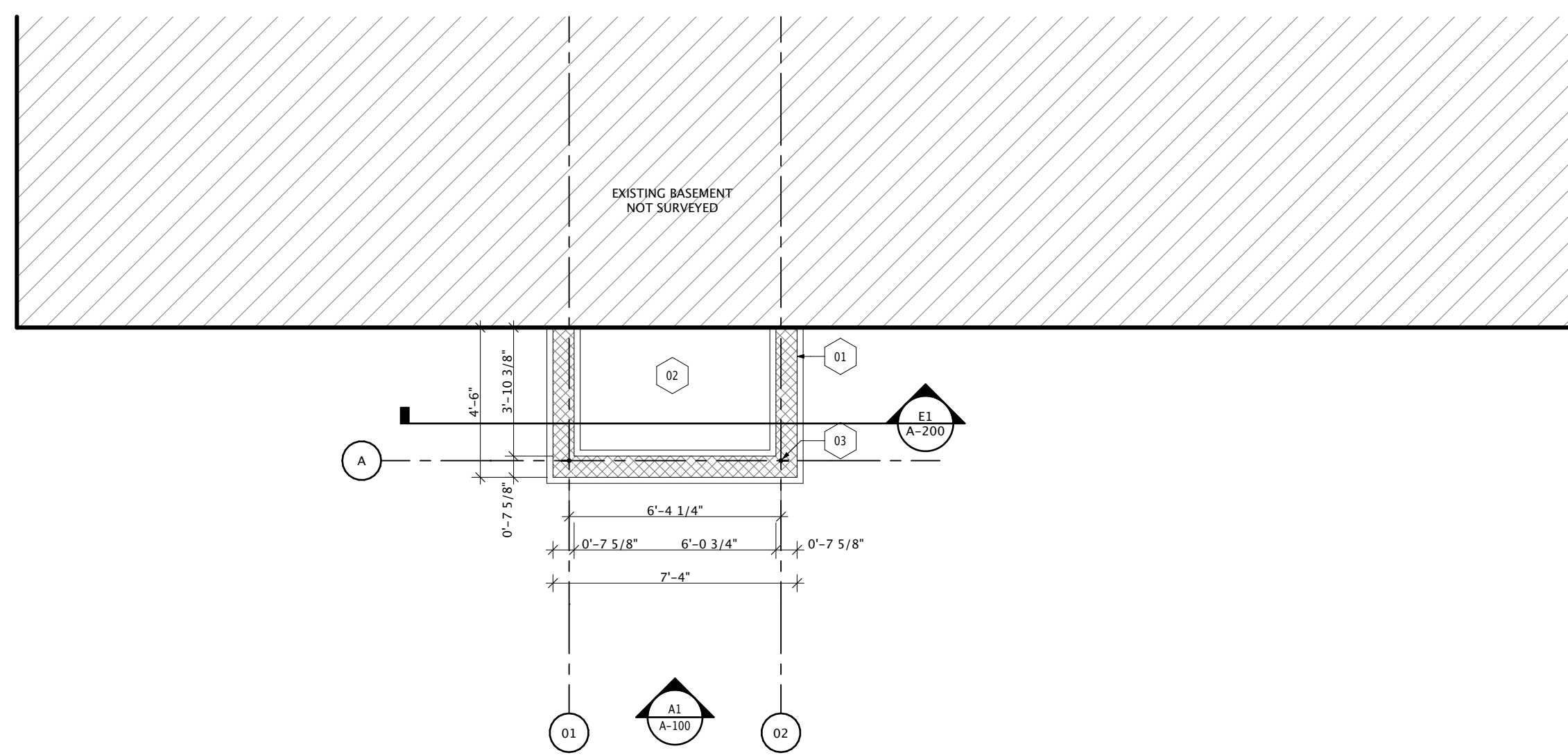




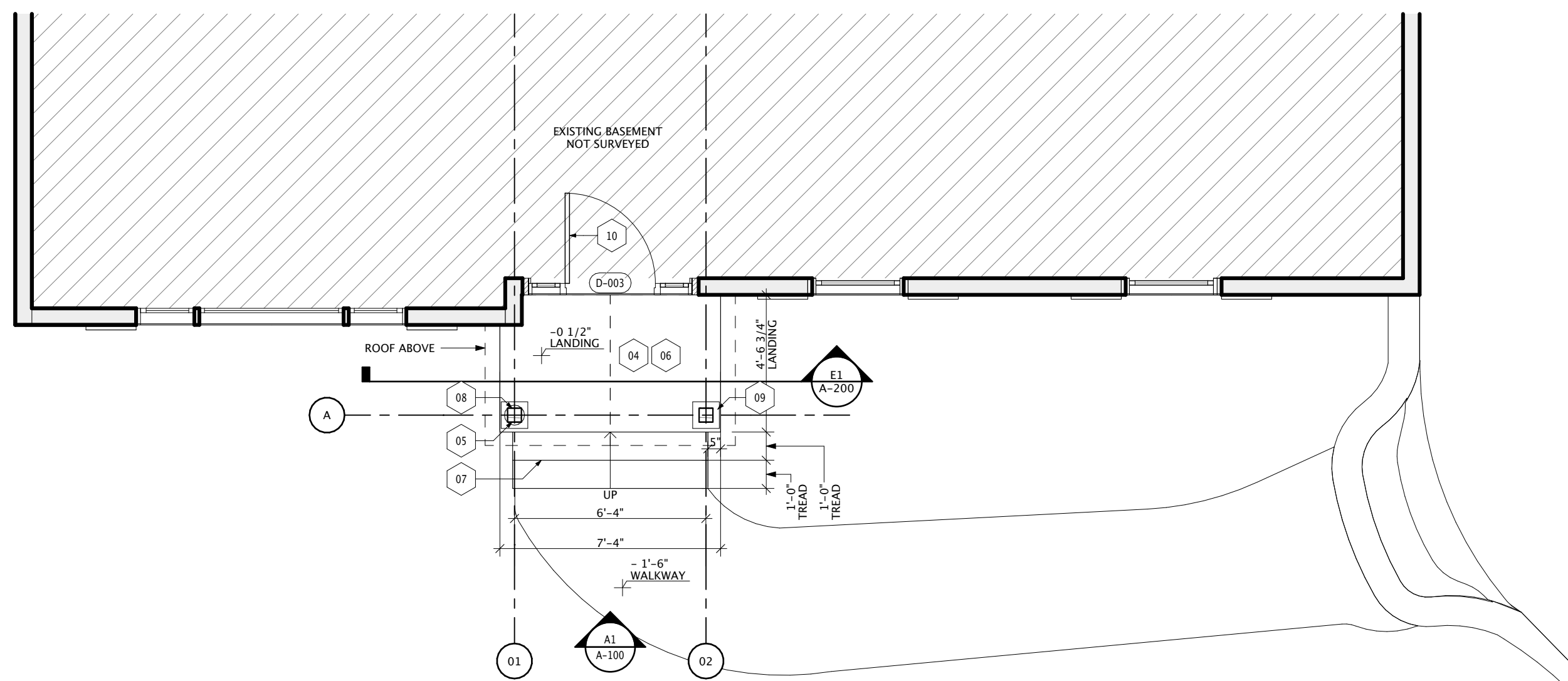




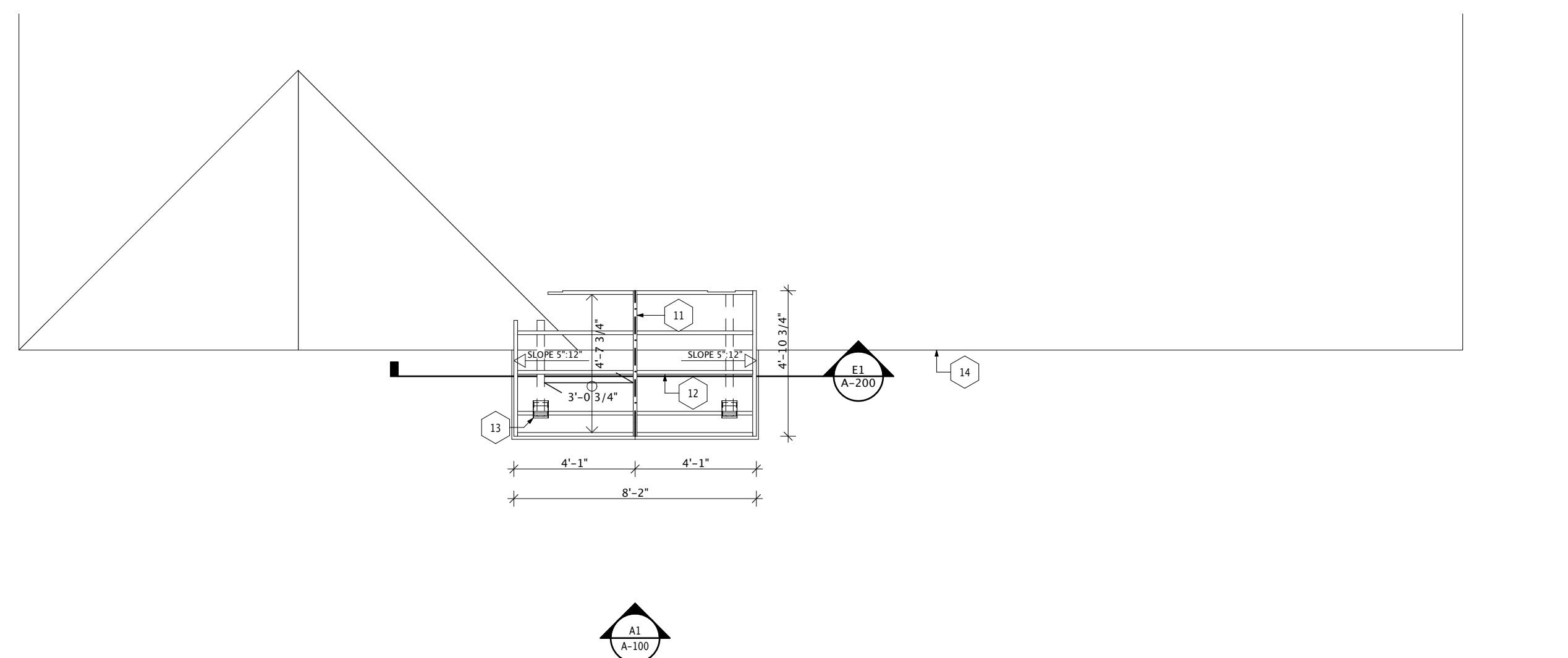
**FI** FIRST FLOOR REMOVALS  
SCALE: 1/4" = 1'-0"



**DI** PROPOSED FOOTING PLAN  
SCALE: 1/4" = 1'-0"



**AI** PROPOSED FIRST FLOOR PLAN  
SCALE: 1/4" = 1'-0"



**A5** PROPOSED ROOF  
SCALE: 1/4" = 1'-0"

REMOVALS LEGEND	
	EXISTING TO REMAIN
	EXISTING FLOOR TO REMAIN
	REMOVE FINISHES, STRUCTURE REMAINS
	REMOVE
	REMOVE FLOOR FINISHES
	REMOVE EXISTING DOOR

REMOVALS KEY NOTES	
01	REMOVE EXISTING CONCRETE STEPS AND LANDING. REBUILD NEW STEPS AND LANDING AS PROPOSED PLAN.
02	REMOVE EXISTING DOOR. NEW DOOR TO BE DETERMINE BY OWNER.
03	EXISTING WALKWAY AND PAVERS TO REMAIN.

PROPOSED PLANS KEY NOTES	
01	NEW STEPS AND LANDING FOUNDATION. CONCRETE FOOTING 2500 PSI. MINIMUM 12" WIDE x 6" HEIGHT. CROSS SECTION (3) #4 REBARS. 3" REBAR COVER. 8" FULLY GROUTED CMU BLOCK FOUNDATION WALLS. #3 BAR EVERY OTHER CELL.
02	BACKFILL.
03	INSTALL POST BASE ANCHOR. L-BOLT ANCHOR-LBOLT2800.
04	4" CONCRETE SLAB ON GRADE. 6x6 WIRE MESH 6 GAUGE. 4" GRAVEL BASE.
05	6x6 PT COLUMN.
06	LANDING FINISH FLOOR TDB OWNER.
07	TREADS AND RISERS FINISH MATERIAL TDB OWNER.
08	SIMPSON POST BASE ABU66Z.
09	8" DIA COLUMN WRAP & BASE TRIM TBD BY OWNER.
10	NEW 3' DOOR & BOTH SIDE 1'-3" LIGHTS TBD BY OWNER.
11	2x10 RIDGE BEAM.
12	2x8 RAFTERS @ 16" OC.
13	POST CAP SIMPSON PC6Z.
14	EXISTING ROOF ABOVE.

IT IS A VIOLATION OF THE LAW FOR ANY PERSON, UNLESS ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL, TO ALTER AN ITEM IN ANY WAY. IF AN ITEM BEARING THE SEAL OF A LICENSED PROFESSIONAL IS ALTERED, THE ALTERING LICENSED PROFESSIONAL SHALL AFFIX TO THEIR ITEM THEIR SEAL AND THE NOTATION "ALTERED BY" FOLLOWED BY THEIR SIGNATURE AND THE DATE OF SUCH ALTERATION, AND A SPECIFIC DESCRIPTION OF THE ALTERATION.

00 4/4/24 DdB FILING SET

ISSUE RECORD

SEAL & SIGNATURE



**TOMASZ P. MLYNARSKI**  
**ARCHITECT PC**  
**(NARSKA ARCHITECTS)**  
41 PARKER ST  
MOUNT KISCO, NY  
10549

**NEW PORTICO PROJECT**  
628 CARDINAL RD  
CORTLANDT MANOR, NY  
10567

DOB JOB #:

DdB STAMP AND SIGNATURE

BSCAN STICKER

PROPOSED PLANS

JOB NO. Template ID	SHEET PUBLISH DATE 4/9/24	SCALE
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**A-101.00**

PAGE 3 OF 4



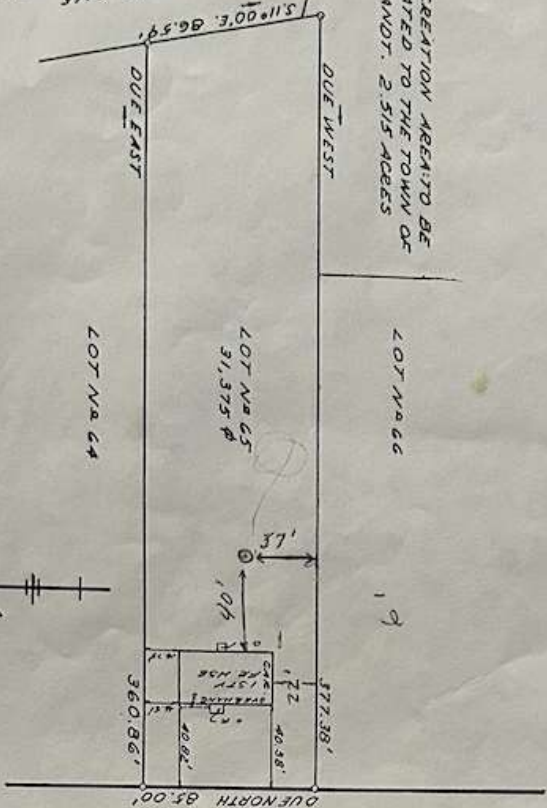




WP 97-0746

RECREATION AREA TO BE DEDICATED TO THE TOWN OF CORTLANDT. 2.315 ACRES

SECTION ONE LYNNWOOD GARDENS FILED MAP NO. 15697



CARDINAL ROAD

PREMISES SHOWN HEREON BEING LOT 65 AS SHOWN ON "SUBDIVISION MAP OF SECTION TWO, LYNNWOOD GARDENS" FILED IN THE WESTCHESTER COUNTY CLERK'S OFFICE ON MAY 27, 1964 AS MAP NO. 13960

SURVEY OF PROPERTY SITUATE IN TOWN OF CORTLANDT, WESTCHESTER COUNTY NEW YORK

SCALE: 1"=50' E.E.B. 27, 1964 BROUGHT TO DATE JUNE 10, 1964 BROUGHT TO DATE AUG. 20, 1964

SURVEYED & PREPARED BY BUNNEY ASSOCIATES ENGINEERS & SURVEYORS 156 KATONAH AVE. KATONAH, NEW YORK

Handwritten signature and 'N.Y.S. LIC. NO. 28894'

SURVEYED AS IN POSSESSION

FILE NO. T7094

16.7  
47.1  
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**ZONING BOARD OF APPEALS FACT SHEET**

**ZBA Member Assigned:     Martinez**

**CASE NO.: 2024-8**

**Name of Applicant: Nicholas Faustini, R.A. on behalf of Eric Rubinfeld**

**Owner: Same**

**Address of property: 241 Mt. Airy Rd.**

**Section, Block, Lot:    67.8-1-13**

**Prior ZBA Case No.:    NA**

**Zone: R-80**

**Lot Size:    86,350 sq. ft.**

**Request:            Area variances under Section 307-17, 307 Attachment 3, Table of Dimensional Regulations, Residential Districts: Accessory Structures not Permitted in Front Yard; and Section 307-17 Accessory Structures Total Area shall not exceed 50% of the area of the Principal Building.**

**Staff Comments:** The Code Enforcement office received a building permit application on May 8, 2024 for an existing Accessory Structure, a shed housing pool equipment in the front yard. The permit was denied on September 12, 2024. In addition to the shed being in the front yard the total amount of Accessory Structure Coverage on the property exceeds the permitted square footage. The house is 2,250 sq. ft. x .50 = 1,125 sq. ft. Total Accessory Structures = 1,294 sq. ft., (800 sq. ft. for the pool and 494 sq. ft. for the shed). 50% or 1,125 sq. ft. permitted, 58% or 1,294 sq. ft. exists.

**Variance(s) Requested:    An area variance, existing shed in the front yard and for Accessory Structure Coverage exceeding 50% of the total area of the principal structure.**

<b><u>REQUIRED</u></b>	<b><u>PROPOSED</u></b>	<b><u>VARIANCE</u></b>	<b><u>%</u></b>
1,125 sq. ft (50%).	1,294 sq. ft. (58%)	169 ft.	15%

**SEQR: TYPE II – No further compliance required**



**TOWN OF CORTLANDT**  
DEPARTMENT OF TECHNICAL SERVICES  
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Cristin Jacoby  
Robert E. Mayes  
Joyce C. White

Eric Rubinfeld  
241 Mt Airy Road W  
Croton on Hudson, NY 10520

September 12, 2024

Re: Accessory Structure for Pool  
241 Mt Airy Road W  
Tax ID 67.8-1-13

Mr. Rubinfeld:

I am in receipt of your Building Permit Application received May 8, 2024 for an existing Accessory Structure at the above referenced premises.

I must deny this request under the following chapter of the Town of Cortlandt Zoning Code: Accessory Structures are not permitted in the Front Yard. Section 307-17, 307 Attachment 3, Table of Dimensional Regulations, Residential Districts and Section 307-17. Accessory Structures total area shall not exceed 50% of the area of the Principal Building. Principal Dwelling = 2250 SF.  $2250 \times .50 = 1125$  SF. Total Accessory Structures = 1294 SF. 58% is proposed. Request for variances from the Code is required.

A Permit for the inground pool was issued on 11/10/1972 and a CO on 6/20/2002.

The Zoning Board of Appeals application shall be completed online. If the application is deemed complete additional instructions will follow and then the project will then be placed on the agenda for the next available Zoning Board of Appeals meeting.

Additional information may be required upon subsequent reviews. Technical comments for the submission may be issued separately. If you have any questions or comments please feel free to contact me by email or at 914-734-1010.

Sincerely,

Martin G. Rogers, P.E.  
Director of Code Enforcement  
Department of Technical Services

Cc: Chris Kehoe, Town Planner



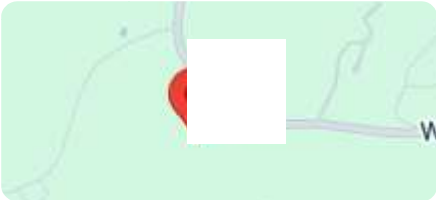
Croton-On-Hudson, New York

Google Street View

Apr 2023 [See more dates](#)



Image capture: Apr 2023 © 2024 Google

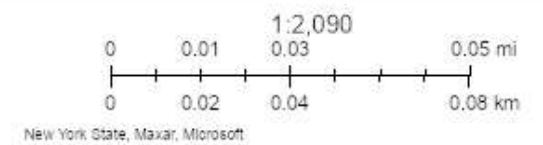




# Cortlandt



10/9/2024, 11:53:39 AM



September 25, 2024

Town of Cortlandt  
Department of Planning & Community Development  
1 Heady Street  
Cortlandt Manor, New York 10567

nicholas I faustini  
architect pc

Re: Letter of Principle Points, Area Variance Request for  
Accessory Structure for Pool located at:  
241 Mount Airy Road W Croton on Hudson NY; Tax ID# 67.8-1-13

Dear Zoning Board of Appeals Chairman and Members::

This is an appeal by the property owner, Dr. Eric Rubinfeld, from the plan review denial of the Town of Cortlandt Department of Technical Services, Code Enforcement Division, dated September 12, 2024 and a request for area variances from the Zoning Ordinance of the Town of Cortlandt for the property located at 241 Mount Airy Rd W (also known as Tax ID 67.8-1-13).

The subject property consists of approximately 86,350.39 sq.ft. (1.98 acres) and is located in a R-80 Zoning District, composed primarily of Single Family Residences. The property is currently developed with a single family home of approximately 2250 square feet . The Applicant proposes the legalization of an existing accessory structure located within the front yard of the property, adjacent to the existing in-ground pool. The accessory structure serves as a storage shed and also provides an enclosure for the pool equipment. The storage shed is unfinished on the interior and includes a small covered porch area at its entry. A permit for the inground pool located within the front yard was issued on 11/10/1972 and a Certificate of Occupancy was issued on 6/20/2002. The requested area variances arise from the existing nonconforming conditions of the property, which pre-date our client's purchase of the property in 2016.

To facilitate the legalization of the subject existing accessory structure, the Applicant is seeking two (02) area variances from the Zoning Board of Appeals as follows:

#### Area Variances Requested

- 1. Accessory Structures are not permitted in the Front Yard. Section 307-17, 307 Attachment 3, Table of Dimensional Regulations, Residential Districts and Section 307-17.*
- 2. Accessory Structures total area shall not exceed 50% of the area of the Principal Building. Principal Dwelling = 2250 SF.  $2250 \times .50 = 1125$  SF. Total Accessory Structures = 1294 SF. 58% is proposed.*

It is our understanding that consideration of our application for area variances for this project includes review of five Principle Points or factors, which we respectfully address below:

- 1. Whether the granting of the requested variance would produce an undesirable change in the character of the neighborhood or if a detriment to nearby properties will occur.**

The granting of the variance will not create an undesirable change in the character of the neighborhood. On the contrary, the project calls for the legalization of a long-standing accessory structure and will thus have no impact to the neighborhood . The existing location non-conformity of the principal building and accessory structures are similar to other improved adjacent improved parcels in the area. No exterior site changes are proposed by the project. While the zoning review indicates the location and size of the structure are at variance with the local

zoning code, the existing condition has existed for many years and have never presented a problem or had any negative impact on the surrounding area. Please note that the total accessory structure area calculation includes the previously permitted in-ground pool (800 SF) plus the accessory storage shed structure with covered porch to be legalized (494 SF).

**2. Whether the benefit sought can be achieved by some method, feasible for the applicant to pursue other than an area variance.**

The benefit sought by the applicant cannot be achieved by any alternate, more feasible method. The original placement of the existing home, pool and subject accessory structure are non-conforming. The subject accessory structure, which the applicant is seeking to legalize, is pre-existing, unfinished on the interior, and provides weather protection for the inground pool equipment as well as storage for yard tools and property maintenance. The applicant herein seeks to legalize the accessory structure in its current form, which will ensure the sustainability of the site and the existing accessory residential structures which have functioned without issue for years.

**3. Whether the requested area variance is substantial.**

The applicant would respectfully submit that the variances are minimal and will have no impact upon adjacent properties. The existing conditions on the site have been unchanged for a number of years and no additional impact will be produced as a result of this application. Similarly, the applicant would submit that the variances are not only minimal, but have proven over time to present no issue to others. The location of the subject structure is in close proximity to the existing in-ground pool, which previously obtained a certificate of occupancy, and operates efficiently and meets the needs of the owner. Additionally, the subject accessory structure has been and remains screened from view with ample vegetation and privacy fencing along the side yards and front yard .

**4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.**

The requested variances, due to their nature, will have no adverse effects or impact on the environmental conditions of the neighborhood. As a pre-existing structure, this application seeks to legalize the on-site conditions with no additional exterior work or modification proposed.

**5. Whether the alleged difficulty was self-created.**

We feel that the difficulty is not self-created as the location and orientation of the existing home, pool and subject accessory structure pre-date our client's ownership of the property. As the board may be aware, if an applicant had actual knowledge of an applicable zoning law, prior to the acquisition of a property, the self created hardship rule is merely a consideration and does not necessarily prevent the granting of a variance.

We respectfully submit that under the circumstances of this application and the nature and type of area variances requested, the benefit to the applicant, if the area variances are granted, outweigh any minimal detriment (if any) to the neighborhood and we therefore respectfully request that the Zoning Board of Appeals grant our area variance request. Thank you for your consideration of our application.

Encls

Sincerely,

Nicholas L. Faustini, AIA,  
Nicholas L Faustini Architect PC





Accessory Structure  
View of Exterior



Accessory Structure  
Adjacency to Pool



Principal Building  
View of Exterior





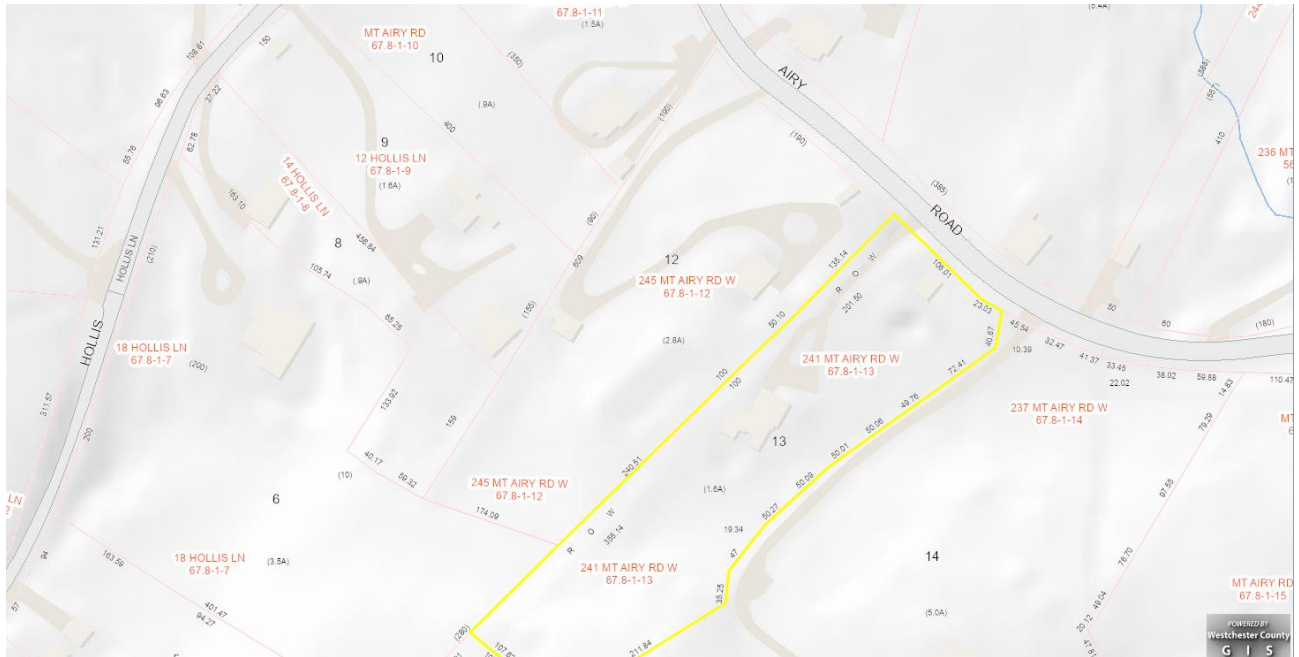
Accessory Structure  
View of Exterior at Side



Accessory Structure  
View of Interior  
Pool Equipment



Aerial View of Subject Parcel and Adjacent Parcels



Aerial View of Subject Parcel and Adjacent Parcels

Ken Samuels  
237 Mt. Airy Rd W  
Croton-on-Hudson, NY 10520  
envoy9@yahoo.com  
917-428-5137

September 21, 2024

Town of Cortlandt  
Att: Zoning Board of Appeals  
Department of Planning and Community Development  
1 Heady Street  
Cortlandt Manor, NY 10567

**Re: Area Variance Request for Accessory Structure for Pool located at: 241 Mount Airy Road W Croton on Hudson NY; Tax ID# 67.8-1-13**

Dear Town of Cortlandt,

I am writing to you on behalf of my next-door neighbors, Eric and Samantha Rubinfeld, who own the property at 241 Mt. Airy Road West. My understanding is that they are seeking a variance to allow their small pool house to remain.

Please note that I am in full support of their petition. The structure is small, appropriate, and not readily visible from either my property or the street. We do not find it to be a problem, and hope that you will kindly approve the Rubinfeld's request.

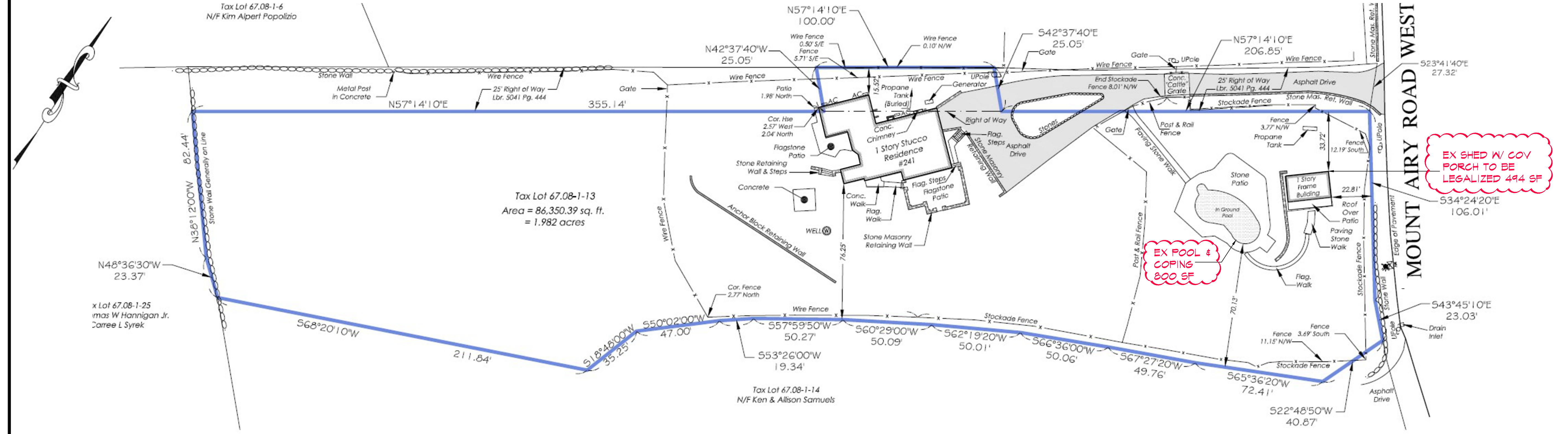
Please feel free to contact me directly if you would like to discuss further.

Best Regards-

A handwritten signature in black ink that reads "Ken Samuels". The signature is written in a cursive, flowing style.

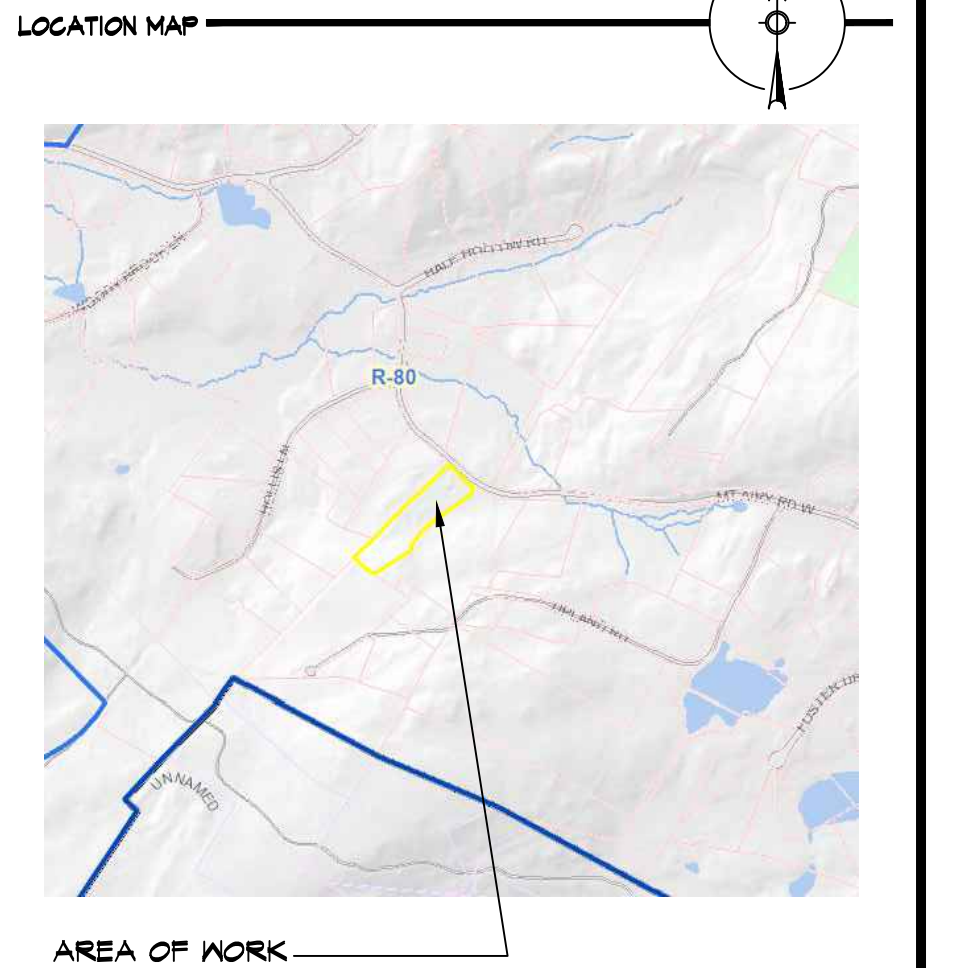
Ken Samuels





Nicholas L. Faustini Architect PC  
 T 914.329.1518  
 nlfarchitect.com  
 Greenburgh: 6 Burns Street, Hartsdale, NY 10530  
 Yonkers: 77 Remsen Road, Yonkers, NY 10710

**General Notes**  
 Drawings and specifications as instruments of professional service are and shall remain the property of Nicholas L. Faustini Architect P.C. Any reproduction or use in whole or in part without the written authorization of Nicholas L. Faustini Architect P.C. is prohibited.  
 This document is intended solely for the construction of the project named herein and shall not be used for any other construction without the written permission of Nicholas L. Faustini Architect P.C.



**EXISTING PLOT PLAN** 1=20  
 SURVEY NOTE:  
 SURVEY INFORMATION TAKEN FROM SURVEY BY T MERRITTS L.S.DATED SEPTEMBER 19, 2016 ARCHITECT NOT RESPONSIBLE FOR INFORMATION AND DIMENSIONS.



**ZONING INFORMATION SCHEDULE**

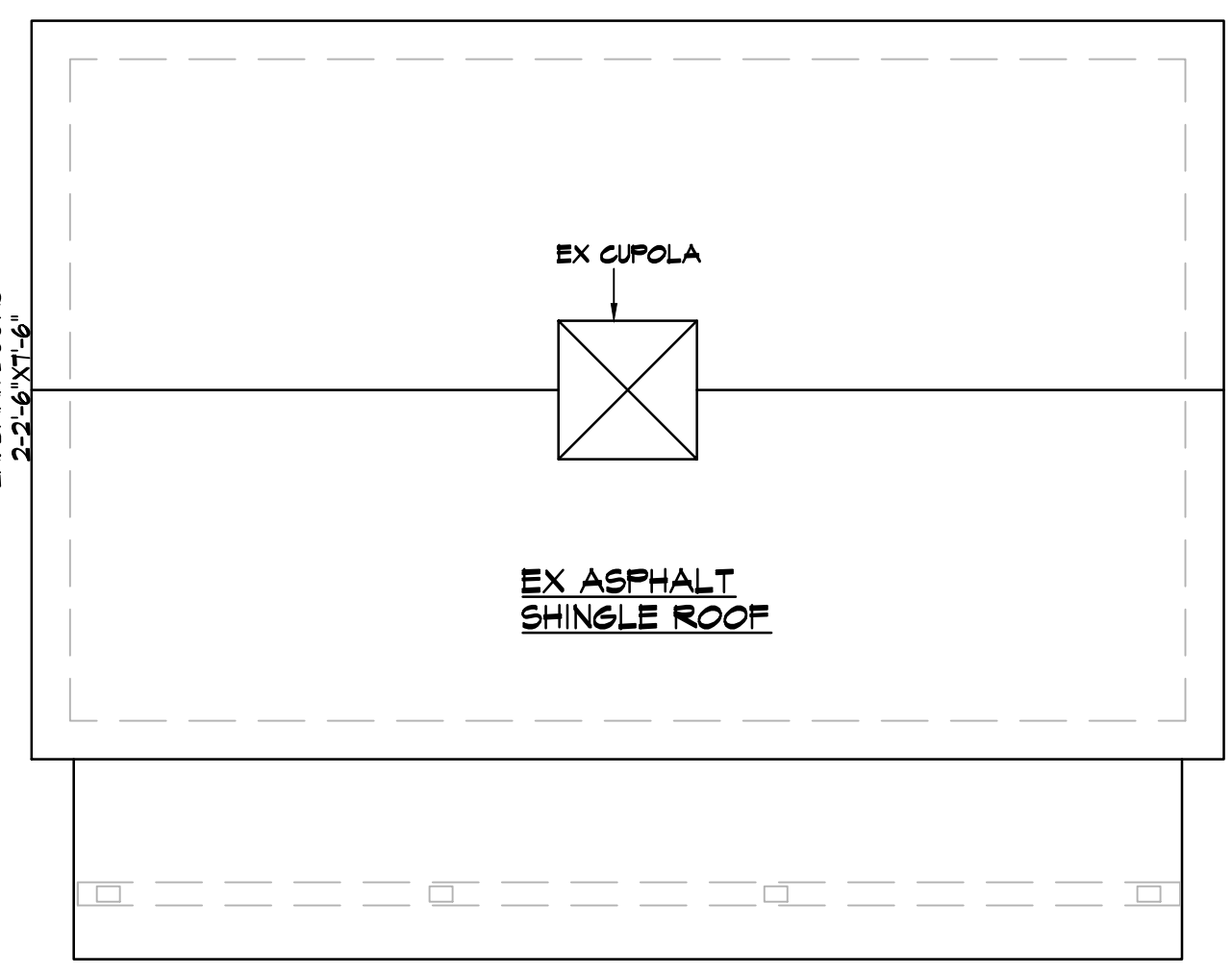
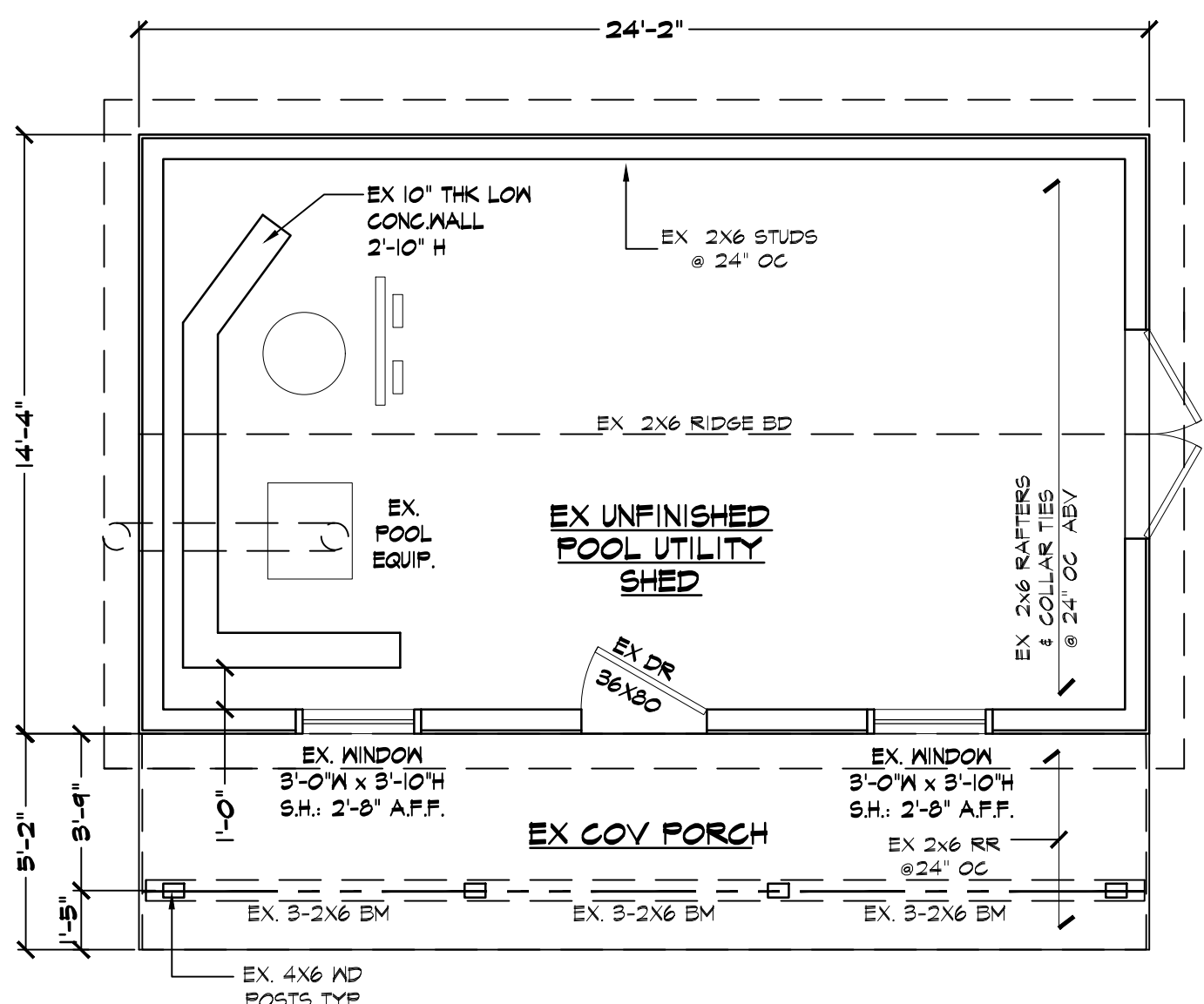
GEN. CODE: CH 307-17 TOWN OF CORTLANDT ZONE: R-80 DISTRICT

ITEM	REQ/ALLOW	EXISTING	PROPOSED	VARIANCE
LOT AREA (SF)	80,000	86,350.39	NO CHANGE	--
MIN. LOT WIDTH (FT)	200.0	129.04 (1)	NO CHANGE	--
FRONT YD (FT)				
• PRINCIPAL BLDG	20.0	236.4'	NO CHANGE	--
• ACCESSORY BLDG	N.P.	22.8' (1)	22.8' (1)	YES
SIDE YD SETBK 1&2 (FT)				
• PRINCIPAL BLDG	25.8	15.5 ± 76.2	NO CHANGE	--
• 20% OF LOT WIDTH	6.0	--	33.72 ± 86.6'	--
• ACCESSORY BLDG				
REAR YD (FT)				
• PRINCIPAL BLDG	30.0	353.4 ±	NO CHANGE	--
• ACCESSORY BLDG	6.0	--	611.1 ±	--
MAX FAR				
T120 + 96(6.350) =	8329.6 SF	2250.0 ±	NO CHANGE	--
ACCESSORY BLDG HT				
• HEIGHT TO EAVE	10.0'	--	7.6	--
• HT - TOP C.J. TO BOTM RIDGE	4.0'	--	3.0	--
ACCESSORY BLDG TOTAL AREA (SF)	2250 X 0.5 = 1125.0	POOL: 800.0 SHED: 444.0 TOT: 1244.0(2)	POOL: 800.0 SHED: 444.0 TOT: 1244.0(2)	YES

(1) DENOTES AN EXISTING NON CONFORMING CONDITION

NOTE:  
 Drawings may be printed at reduced scale

TAX MAP ID#: 67.8-1-13 ZONE: R-80



**CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA**

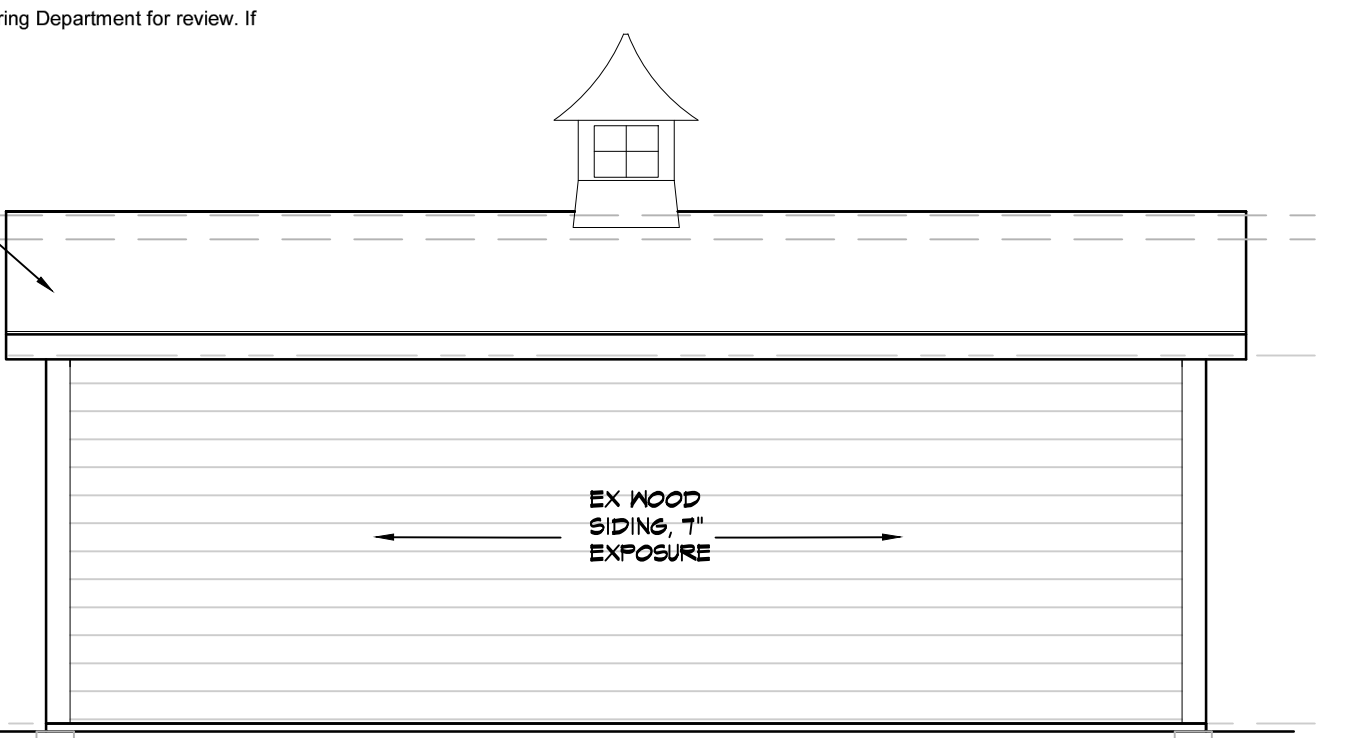
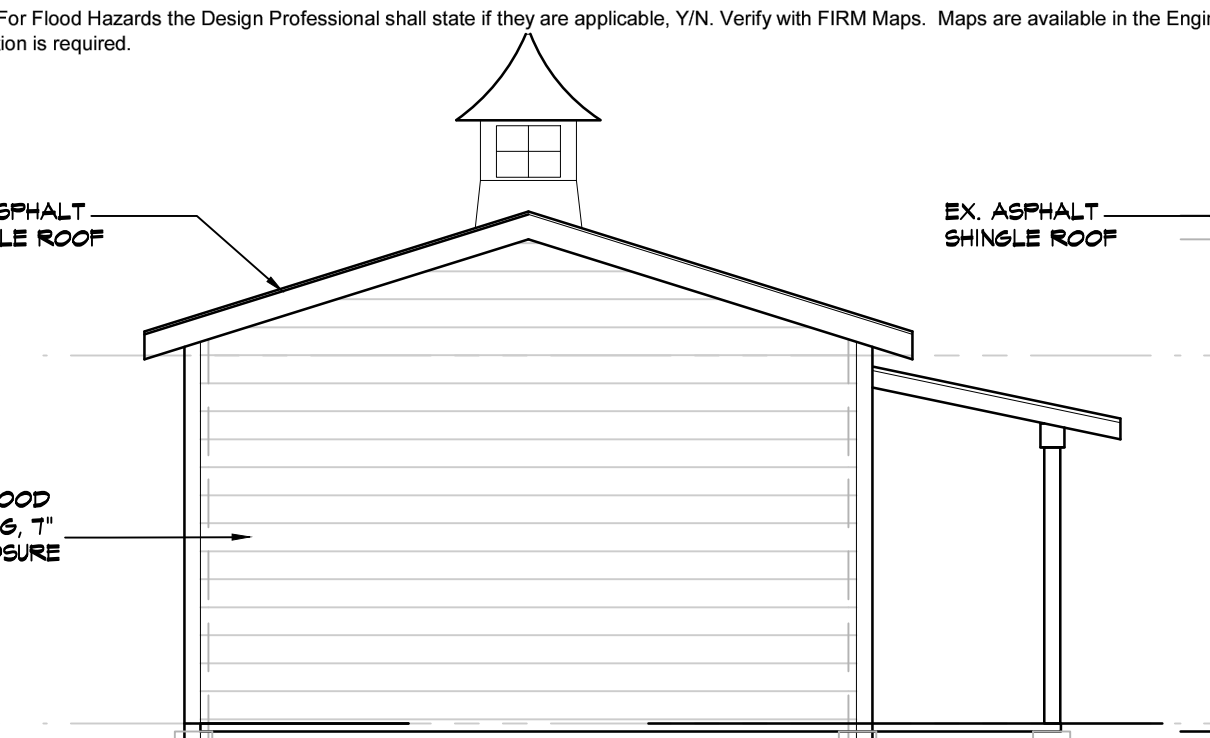
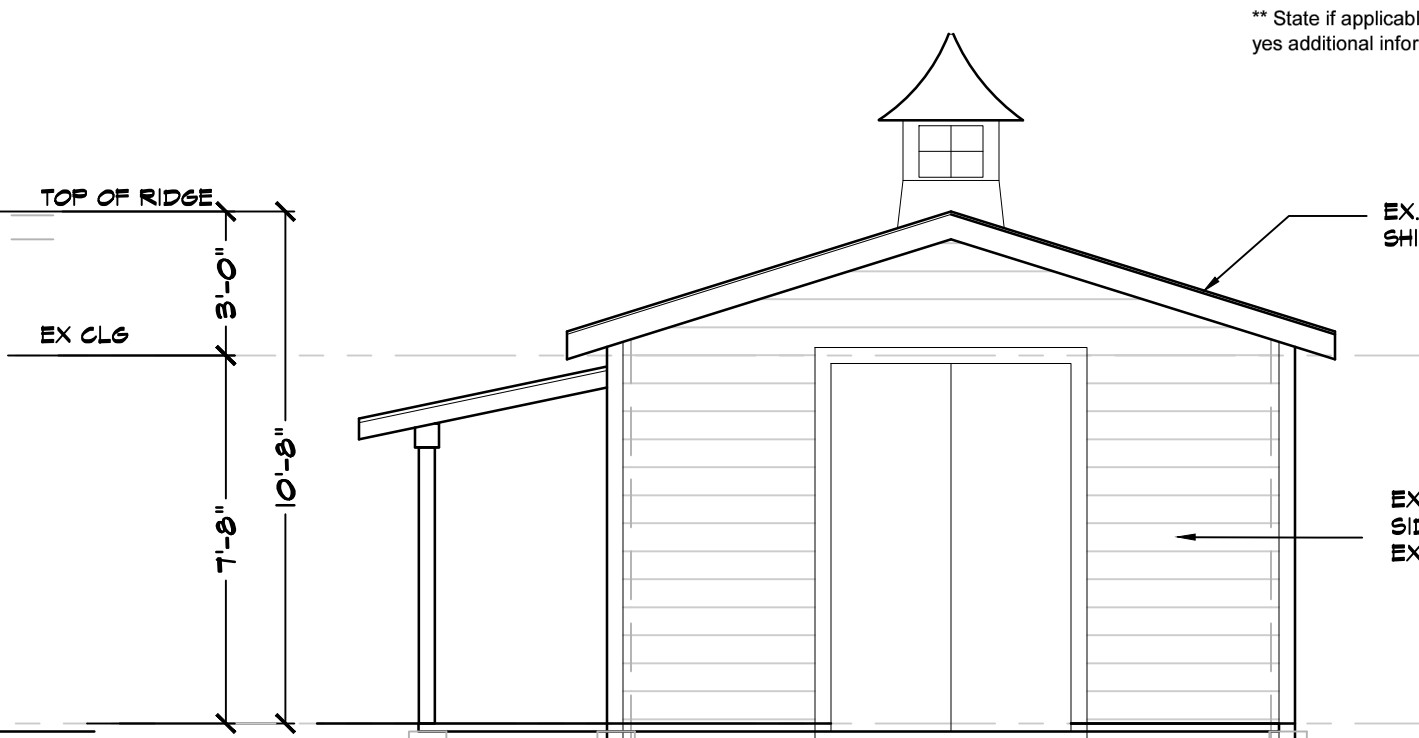
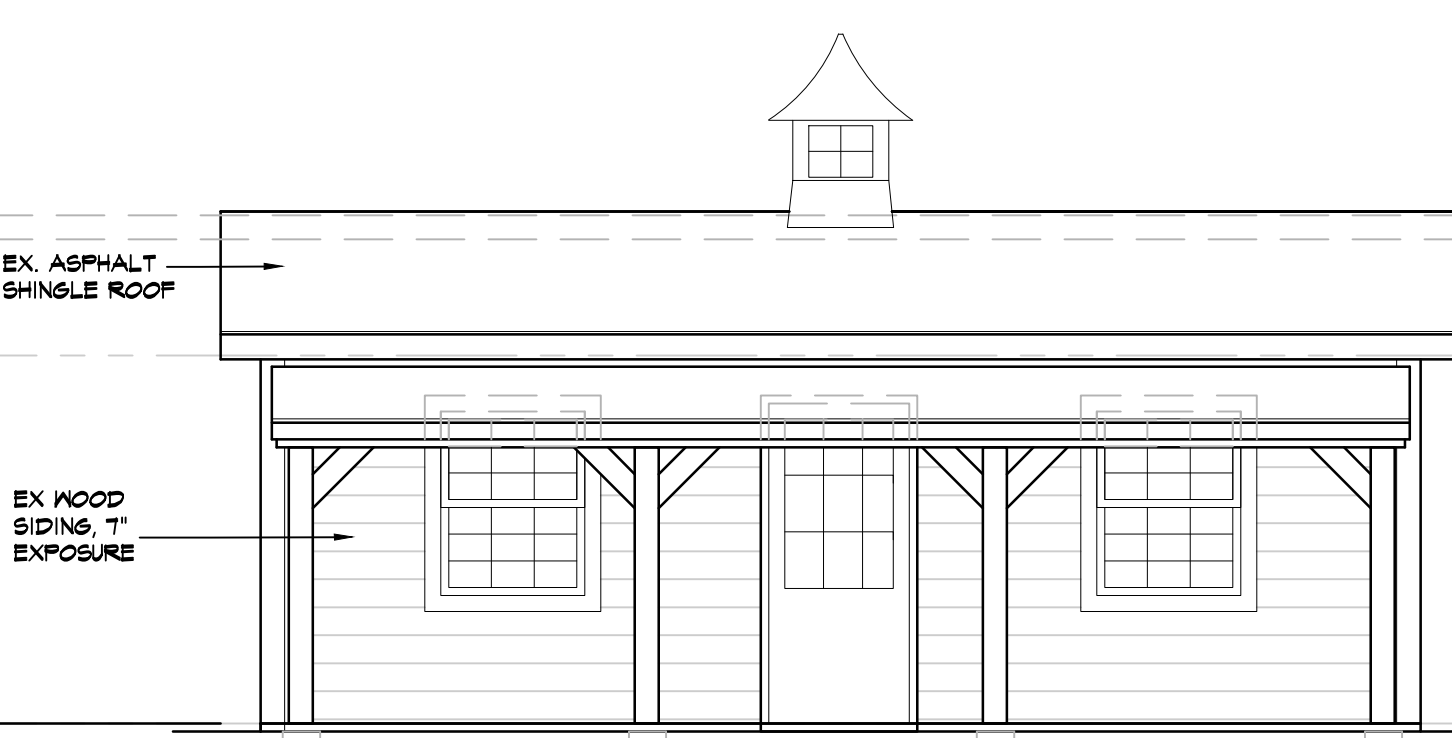
Location: Town of Cortlandt Zip Code: 10567

Ground Snow Load	Wind Design			Wind-borne Debris Zone	Seismic Design Category (RCMY Only)	Subject to Damage From			Winter Design Temp	Ice Barrier Underlayment Req'd	Flood Hazards	Air Freezing Index	Mean Annual Temp
	Speed (mph)	Topo Effects	Special Region			Weathering	Frost Line Depth	Termites					
30	Special Wind 115-120mph	No	Yes	No	C	Severe	42"	Moderate to Heavy	7	YES	NONE	1500 or less	51.6

\* 115 MPH to 120 MPH. The special wind region should serve as a warning to design professionals in evaluating wind loading conditions. Wind speeds higher than the derived values taken from Section 1608 of the IBC and Figure R301.2(4)A of the IRC are likely to occur and should be considered in the design.  
 \*\* State if applicable. For Flood Hazards the Design Professional shall state if they are applicable, Y/N. Verify with FIRM Maps. Maps are available in the Engineering Department for review. If yes additional information is required.

**EX FLOOR PLAN** 1/4"=1'-0"  
 EXIST. CLG.HT.: 7'-8" A.F.F. UON

**EX ROOF PLAN** 1/4"=1'-0"



**E1 EX FRONT ELEVATION** 1/4"=1'-0"

**E2 EX RIGHT ELEVATION** 1/4"=1'-0"

**E3 EX LEFT ELEVATION** 1/4"=1'-0"

**E4 EX REAR ELEVATION** 1/4"=1'-0"

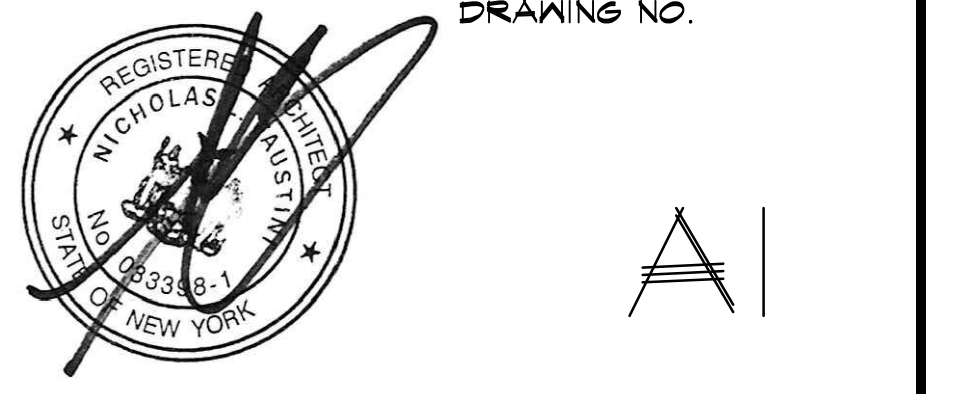
01 09.10.24 REVISED PER DOB COMMENTS  
 -- 07.31.24 ISSUED FOR FILING  
 NO. DATE ISSUED

**CLIENT**  
 ERIC RUBINFELD  
 241 MT AIRY RD W  
 CROTON ON HUDSON, NY 10520

**PROJECT**  
 PROPOSED POOL SHED LEGALIZATION DESIGN FOR:  
 THE RUBINFELD RESIDENCE  
 241 MT AIRY RD W, CROTON ON HUDSON, NY 10520

**DRAWINGS TITLE**  
 EX PLANS & ELEVATIONS

DRAWN BY: SI CHECKED BY: NF PROJECT NO.: 24-0708  
 DATE: 07.31.24  
 DRAWING NO.:





**ZONING BOARD OF APPEALS FACT SHEET**

**ZBA Member Assigned:** Franco

**CASE NO.:** 2024-9

**Name of Applicant:** Jasmin Fleming

**Owner:** Same

**Address of property:** 8 Red Mill Rd.

**Section, Block, Lot:** 13.13-1-27

**Prior ZBA Case No.:** NA

**Zone:** R-40

**Lot Size:** 14,506 sq. ft.

**Request:** Area variance under Section 307-17, 307, Table of Dimensional Regulations, Residential Districts: Front yard setback for a proposed deck and stair

**Staff Comments:** The Code Enforcement office received a building permit application on September 19, 2024 for a proposed deck and stair. A concrete landing and stairs previously existed at this location that were removed to perform work on the existing foundation. The required front yard setback is 50 ft. As per code unenclosed porches and decks may project into the required front yard to a maximum of 6 ft. The front yard setback is 50 ft. – 6 ft. = 44 ft. 37.25 ft. is proposed to the deck requiring a variance of 6.75 ft.

**Variance(s) Requested:** An area variance, front yard setback, for a proposed deck and stair.

<b><u>REQUIRED</u></b>	<b><u>PROPOSED</u></b>	<b><u>VARIANCE</u></b>	<b><u>%</u></b>
44 ft.	37.25 ft.	6.75 ft.	15%

**SEQR: TYPE II – No further compliance required**



**TOWN OF CORTLANDT**  
DEPARTMENT OF TECHNICAL SERVICES  
CODE ENFORCEMENT DIVISION

**Michael Preziosi, P.E.**  
*Director – D.O.T.S*

**Martin G. Rogers, P.E.**  
*Director of Code  
Enforcement / D.O.T.S.*

**Holly Haight**  
*Assistant Director of Code  
Enforcement / D.O.T.S.*

Town Hall, 1 Heady Street  
Cortlandt Manor, NY 10567  
Main #: 914-734-1010  
Fax #: 914-293-0991

**Town Supervisor**  
Richard H. Becker

**Town Board**  
James F. Creighton  
Cristin Jacoby  
Robert E. Mayes  
Joyce C. White

Jasmin Fleming  
8 Red Mill Road  
Cortlandt Manor, NY 10567

September 20, 2024

Re: Proposed Deck and Stair  
8 Red Mill Road  
Tax ID 13.13-1-27

Ms. Fleming:

I am in receipt of your Building Permit Application received 9/19/2024 for Proposed Deck and Stair at the above referenced premises.

I must deny this request under the following chapter of the Town of Cortlandt Zoning Code: Section 307-17 Table of Dimensional Regulations, Residential Districts. Request for a variance from the Code is required. Unenclosed porches and decks may project into the required Front Yard a maximum of 6.0'. 50.0' Front Yard setback is required ( $50.0' - 6.0' = 44.0'$ ). 37.25' is proposed to the Deck requiring a variance for 6.75'. It is noted an existing concrete landing and stairs existed at this location. It was removed to perform work on the existing foundation.

The Zoning Board of Appeals application shall be completed online. If the application is deemed complete additional instructions will follow and then the project will then be placed on the agenda for the next available Zoning Board of Appeals meeting.

Additional information may be required upon subsequent reviews. Technical comments for the submission may be issued separately. If you have any questions or comments please feel free to contact me by email or at 914-734-1010.

Sincerely,

Martin G. Rogers, P.E.  
Director of Code Enforcement  
Department of Technical Services

Cc: Chris Kehoe, Town Planner

Cortlandt, New York  
Google Street View  
Oct 2023 [See more dates](#)



Image capture: Oct 2023 © 2024 Google

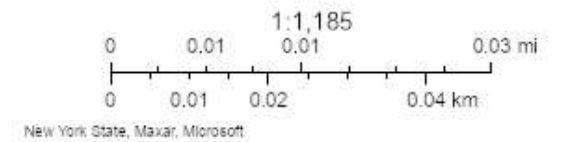




# Cortlandt



10/1/2024, 2:05:52 PM





DO NOT SCALE PRINTS THESE PLANS ARE THE PROPERTY OF THE ARCHITECT. ANY USE OR REPRODUCTION IN WHOLE OR PART WITHOUT THE WRITTEN AUTHORIZATION OF THE ARCHITECT IS PROHIBITED. ANY PERSON OR CORPORATION USING PLANS WITHOUT PROPER AUTHORIZATION WILL BE RESPONSIBLE TO COMPENSATE THE ARCHITECT.

THESE PLANS ARE NOT VALID FOR A BUILDING PERMIT UNLESS ORIGINALLY SIGNED AND SEALED BY THE ARCHITECT AND ARE FOR THE CONSTRUCTION OF ONE STRUCTURE ONLY BY THE PERSON WHOSE NAME APPEARS ON THE PLANS.

IT IS A VIOLATION OF THE LAW FOR ANY PERSON, UNLESS ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL, TO ALTER AN ITEM IN ANY WAY, IF AN ITEM BEARING THE SEAL OF A LICENSED PROFESSIONAL IS ALTERED, THE ALTERING LICENSED PROFESSIONAL SHALL AFFIX TO THEIR ITEM THEIR SEAL AND THE NOTATION "ALTERED BY" FOLLOWED BY THEIR SIGNATURE AND DATE OF SUCH ALTERATION, AND A SPECIFIC DESCRIPTION OF THE ALTERATION.

2020 Residential Code Of New York State

Climatic & Geographic Design Criteria Table R301.2(1)

Ground Snow Load	Wind Design				Seismic Design Category	Subject To Damage From			Winter Design Temp.	Ice Shield Underlayment Required	Flood Hazards	Air Freezing Index	Mean Annual Temperature
	Speed (mph)	Topographic Effects	Special Wind Region	Wind-Borne Debris Zone		Weathering	Frost Line Depth	Termites					
30 lb/ft	115 - 120 mph	No	Yes	No	C	Severe	42"	Moderate Heavy	7° F	Yes	No	1500 or Less	51.6 F

Zoning Data

Cortlandt

Zone:	R-40	Required By Code	Provided
Use:	Single Family Residence		
Lot Area	40,000 sf	14,506 sf	
Lot Width	150'	145.06'	
Set Backs			
Front	50'	37.25' ( 6.75' Variance Required )	
Side	29'	40.0'	
Total of Both	58'	103.37'	
Rear	30'	25' (No Change)	
Maximum Building Coverage	15.5 %	7.8 %	
Minimum Landscape Coverage	60 %	78.8 %	

General Notes:

ALL WORK AND MATERIALS SHALL CONFORM TO THE 2020 RESIDENTIAL CODE OF NEW YORK STATE AND ALL LOCAL, COUNTY AND STATE CODES.

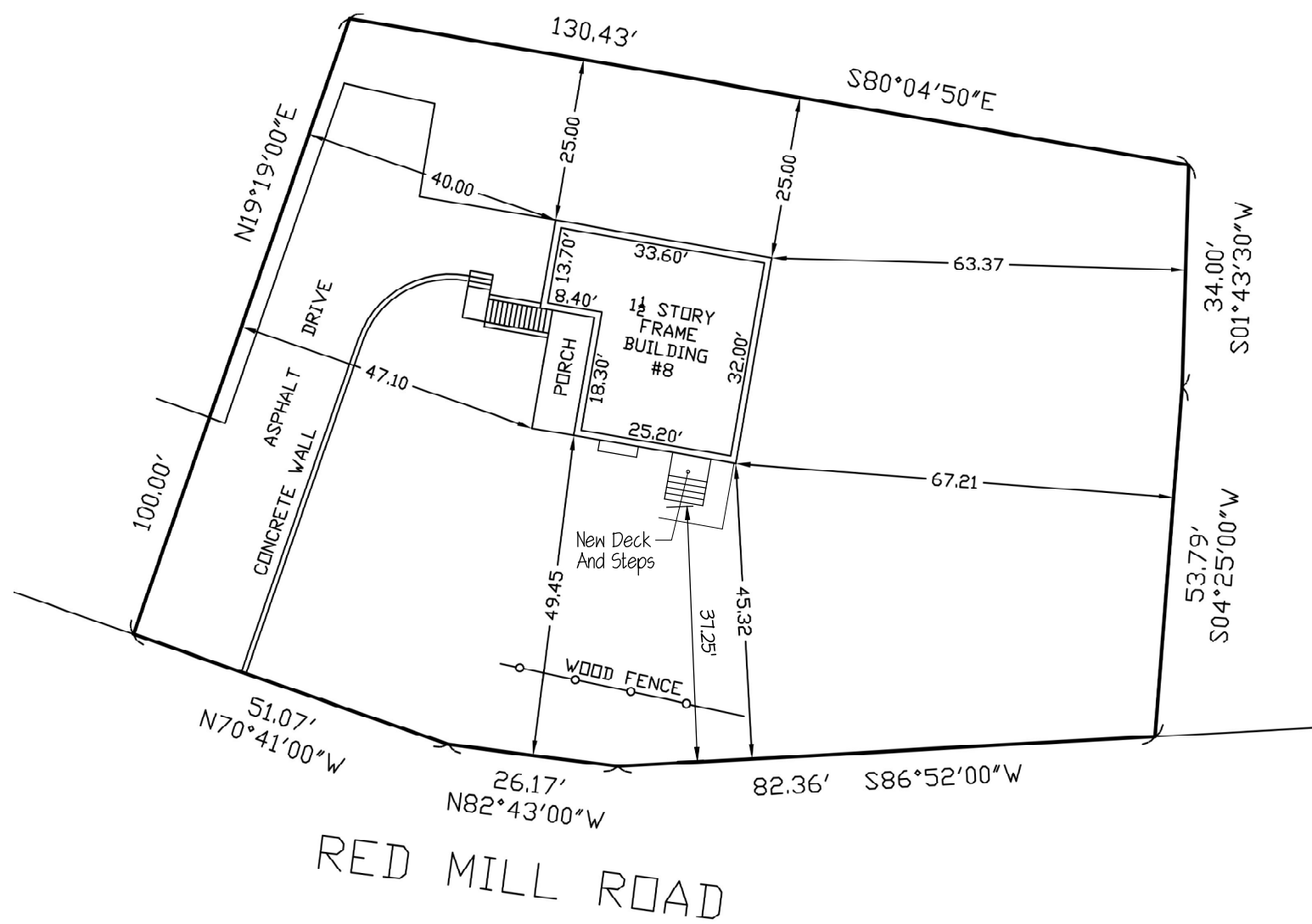
CONTRACTOR SHALL PROVIDE ALL LABOR, MATERIALS AND EQUIPMENT REQUIRED TO FULLY COMPLETE THE JOB. EXCEPT WHERE SPECIFICALLY AGREED ON BY OWNER, JOB SHALL BE READY FOR OCCUPANCY IN A GOOD WORKMANSHIP MANNER WITH ALL WORK DONE AS SHOWN OR REASONABLY INTENDED ON DRAWINGS, IT SHALL INCLUDE BUT NOT BE LIMITED TO THE FOLLOWING:

- BUILDING PERMIT
- INSURANCE
- EXCAVATION
- CONCRETE WORK
- CARPENTRY
- FLASHING
- CAULKING

ALL FOOTINGS TO BEAR ON SOLID UNDISTURBED EARTH.

ALL NEW WORK AND MATERIALS, UNLESS OTHERWISE SPECIFIED, SHALL MATCH EXISTING CONSTRUCTION.

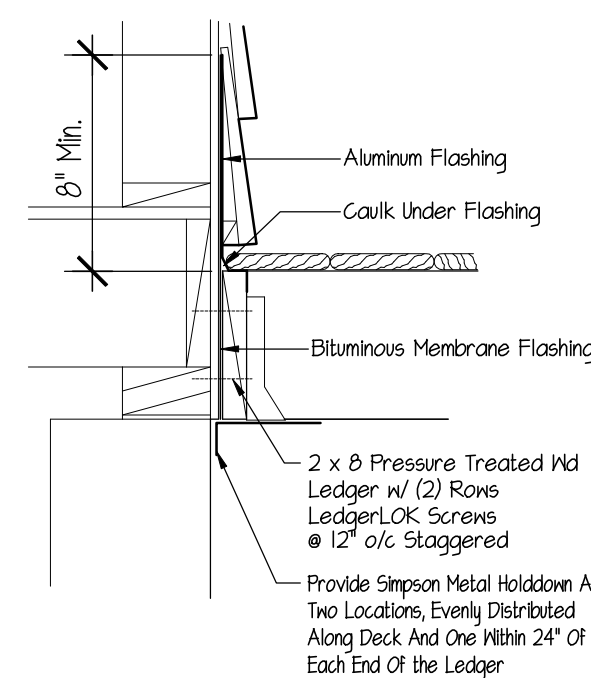
ALL MATERIALS SHALL BE INSTALLED IN STRICT ACCORDANCE WITH MANUFACTURER'S SPECIFICATIONS.



Site Plan

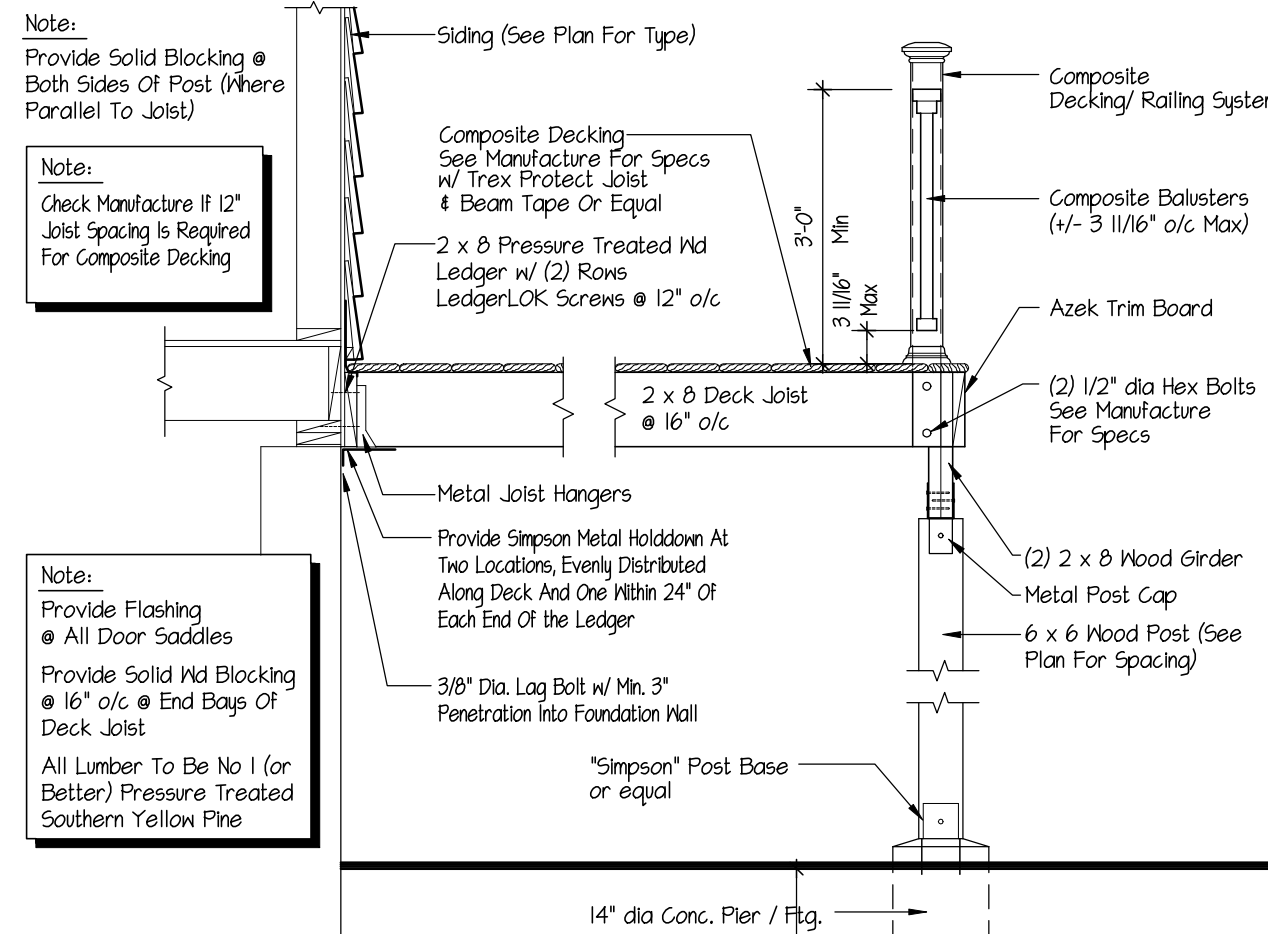
Scale: 1" = 25'-0"

Site Plan Is Based on Survey By DSF Surveying Dated June 8, 2015 Which was provided by Owner



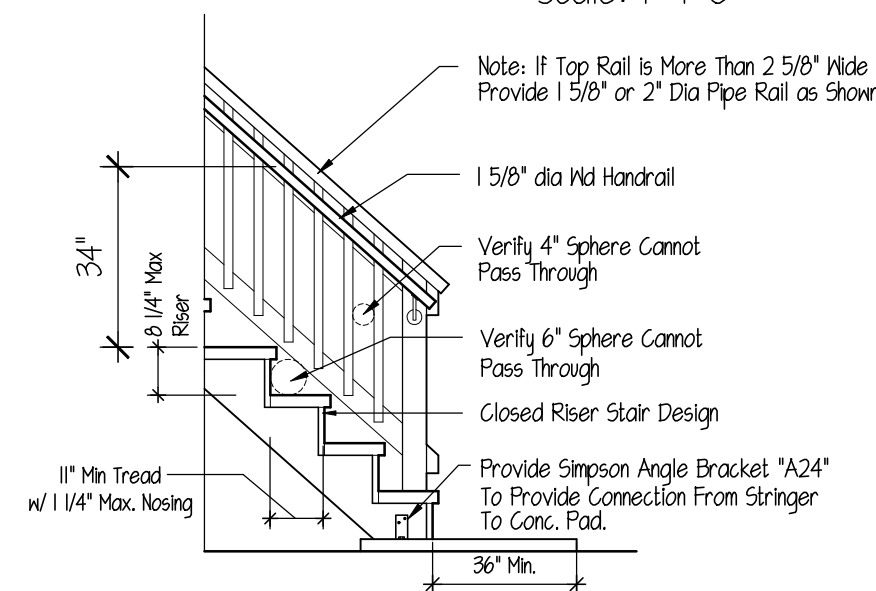
Flashing Detail

Scale: 1" = 1'-0"



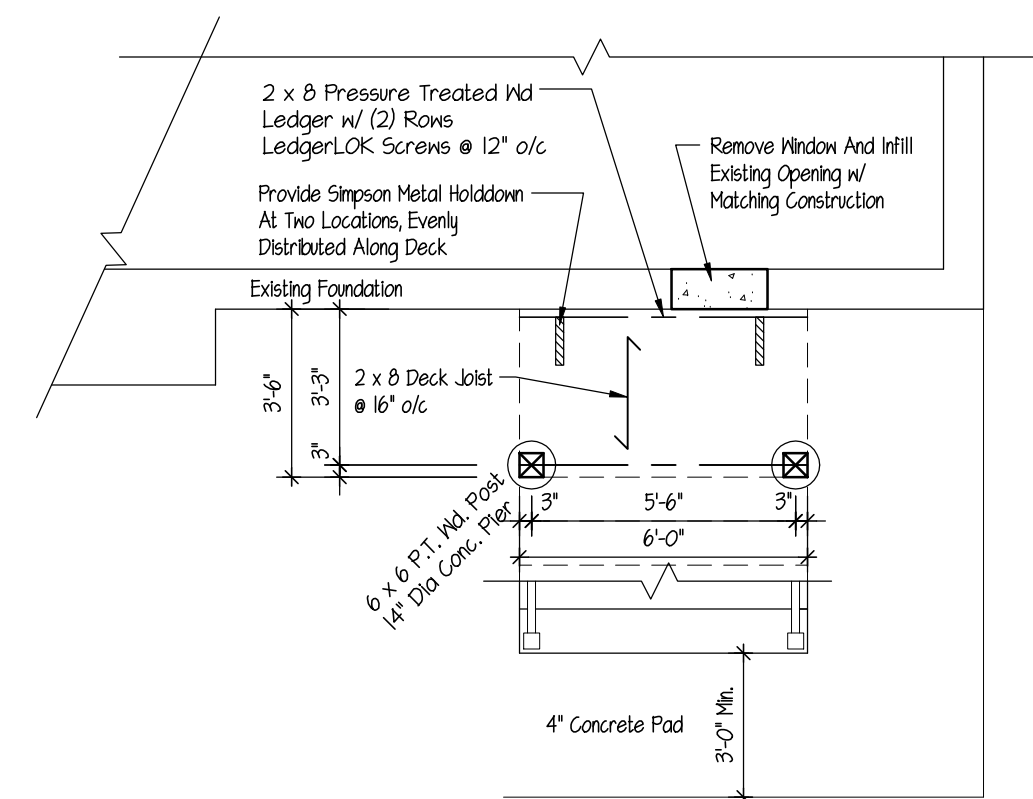
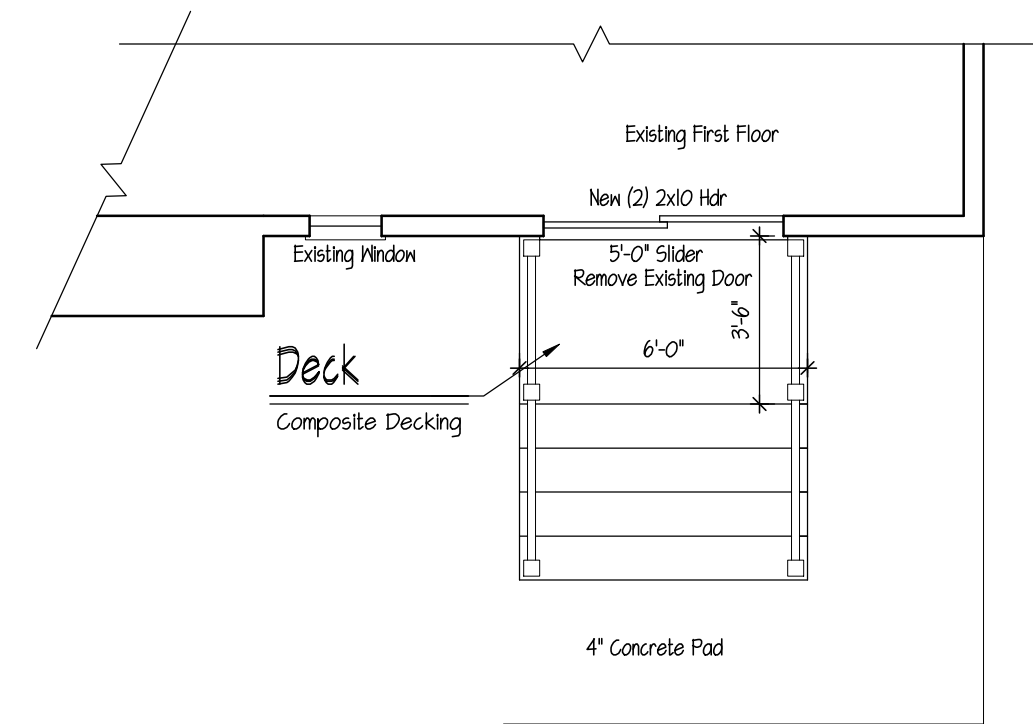
Wood Deck Detail

Scale: 1/2" = 1'-0"



Deck Handrail & Stair Detail

No Scale



Deck Foundation Plan

Scale: 1/4" = 1'-0"



Demasi Architects P.C.

105 SMITH AVENUE, MOUNT KISCO, NEW YORK 10549

PHONE: (914) 666-3858

EMAIL: Lou@DemasiArchitects.com WEBSITE: DemasiArchitects.com

Deck Plan For

8 Red Mill Road  
Cortlandt, NY

Revision Date

Date Sept. 19, 2024

Job No 224-124

Drawing

OF

**ZONING BOARD OF APPEALS FACT SHEET**

**ZBA Member Assigned:**    **Piccolo Hill**

**CASE NO.: 2024-10**

**Name of Applicant:** Brian Sinsabaugh, for the property of Iaropoli Construction Corp.

**Owner:** Iaropoli Construction Corp, care of Enterprise Rent A Car

**Address of property:** 2077 E. Main St.

**Section, Block, Lot:** 24.13-3-47

**Prior ZBA Case No.:** 55-96

**Zone:** HC, highway-commercial

**Lot Size:** 16,893 sq. ft.

**Request:**    **Area variance under Section 307-17, 307, Table of Dimensional Regulations, Rear Yard Setback for the removal of an existing car port and the construction of an addition to the primary structure for an enclosed wash bay.**

**Staff Comments:** The applicant has a pending application before the Planning Board for amended site plan approval for a 780 sq. ft. building addition to the primary structure, the existing Enterprise Rent a Car building, for a permanent wash bay to replace an existing 349 sq. ft. accessory carport that is currently used to wash and prep the rental cars. The existing car port is 8.3 ft. from the rear property line. The proposed building addition will be 15' from the rear property line.

**Variance(s) Requested:**    **An area variance, rear yard setback from 30 ft. to 15 ft. for a building addition for a permanent wash bay.**

<b><u>REQUIRED</u></b>	<b><u>PROPOSED</u></b>	<b><u>VARIANCE</u></b>	<b><u>%</u></b>
30 ft.	15 ft.	15 ft.	50%

**SEQR: TYPE II – No further compliance required**



**TOWN OF CORTLANDT**  
DEPARTMENT OF TECHNICAL SERVICES  
CODE ENFORCEMENT DIVISION

**Michael Preziosi, P.E.**  
*Director – D.O.T.S*

**Martin G. Rogers, P.E.**  
*Director of Code  
Enforcement/D.O.T.S.*

**Holly Haight**  
*Assistant Director of Code  
Enforcement /D.O.T.S.*

Town Hall, 1 Heady Street  
Cortlandt Manor, NY 10567  
Main #: 914-734-1010  
Fax #: 914-293-0991

**Town Supervisor**  
Richard H. Becker

**Town Board**  
James F. Creighton  
Cristin Jacoby  
Robert E. Mayes  
Joyce C. White

Brian Sinsabaugh  
Zarin & Stienmetz  
81 Main Street, Suite 415  
White Plains, NY 10601

September 20, 2024

Re: Proposed Addition for Enterprise Rent A Car  
2077 E Main St  
Tax ID 24.13-3-47

Mr. Sinsabaugh:

I regards to your Planning Board Application received 9/4/2024 for “amended site plan for the removal of existing car port and construction of a enclosed wash bay” at the above referenced premises.

I must deny this request under the following chapter of the Town of Cortlandt Zoning Code: 307-17 Table of Dimensional Regulations, Rear Yard Setback. The proposed addition is not compliant. 30.0’ required, 15.0’ proposed requiring a variance for 15.0’.

The Zoning Board of Appeals application shall be completed online. If the application is deemed complete additional instructions will follow and then the project will then be placed on the agenda for the next available Zoning Board of Appeals meeting.

Additional information may be required upon subsequent reviews. Technical comments for the submission may be issued separately. If you have any questions or comments please feel free to contact me by email or at 914-734-1010.

Sincerely,

Martin G. Rogers, P.E.  
Director of Code Enforcement  
Department of Technical Services

Cc: Chris Kehoe, Town Planner



Cortlandt, New York

Google Street View

Sep 2022 See more dates



Image capture: Sep 2022 © 2024 Google

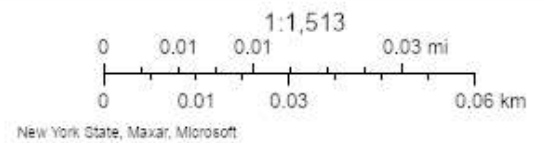




# Cortlandt



10/9/2024, 9:03:11 AM



September 25, 2024

**OpenGov Online Application Portal**

Hon. Michael Fleming  
Chairman of the Town of Cortlandt Zoning Board of Appeals  
and Members of the ZBA  
1 Heady Street  
Cortlandt Manor, New York 10567

**Re: Elrac LLC d/b/a Enterprise Rent-a-Car  
2077 E Main St (U.S. Route 6) (SBL 24.13-3-47)**

Dear Chairman Fleming and Members of the ZBA:

Our firm, together with John J. Gilchrist Architect, represents Elrac LLC (d/b/a Enterprise Rent-a-Car), lessee of the above-referenced Property. We write to submit the enclosed application seeking an area variance and ask that this Application be added to the Board's October 17<sup>th</sup> meeting agenda for an initial presentation and to schedule a public hearing.

Enterprise has operated from this Property since the mid 1990's, and since 2012, its vehicle cleaning and inspection operations have been conducted under an open-sided tent-like carport structure erected 8 feet from the Property's rear boundary line.<sup>1</sup> Enterprise seeks to remove this carport structure and to construct a 780 square-foot wash bay as an addition to the existing retail office building (the "Addition") (collectively, the "Project").

The Project will significantly increase the rear yard setback from 8.3 feet to 15 feet. Unfortunately, despite the increased setback over existing conditions, a variance is necessary as the Applicant proposes an addition to the *principal* building that would encroach into the Highway Commercial (HC) District's 30-foot rear yard setback requirement, whereas the existing carport is approved as an *accessory* structure.<sup>2</sup> As discussed in further detail below, the granting of the

---

<sup>1</sup> Planning Bd. and ZBA Application History includes the following: Planning Bd. Resolution No. 59-95 in Planning Bd. App# PB 15-95, adopted Aug. 1, 1995 and filed in the Office of the Planning Bd. Aug. 3, 1995, is attached as **Schedule "A"** (granting site development plan and wetland permit approvals); ZBA Resolution in ZBA Case# 55-96, adopted Nov. 20, 1996 and filed in the Office of the Town Clerk Nov. 25, 1996, is attached as **Schedule "B"** (granting variance for 0-ft front yard landscape buffer); Apr. 3, 2012 Planning Bd Meeting Minutes, attached as **Schedule "C"** (PB 15-95 - approving by motion the amended site plan); Apr. 18, 2012 ZBA Meeting Minutes, attached as **Schedule "D"** (ZBA Case# 2012-04 - granting by motion variances to reduce rear and side yard setbacks to 8 ft).

<sup>2</sup> See enclosed Town of Cortlandt Director of Code Enforcement Denial Letter, dated Sep. 20, 2024.



requested area variance would benefit both the adjacent properties and the community, and the ZBA should grant an area variance for the Project based on the 5-factor balancing test under N.Y. Town Law Section 267-b.

*First*, there would not be an undesirable change in the character of the neighborhood or a detriment to the nearby properties. In fact, the Project would *positively* impact the character of the neighborhood by eliminating the open-sided, tent-like carport, and replacing it with a permanent addition to the existing office building. The Addition would be fully enclosed with a garage door facing the Property's interior and would use similar building materials and design (i.e., pitched roof and white siding) to that of the retail office building. As a result, the Property would improve aesthetically.

Further, by fully enclosing Enterprise's vehicle cleaning operations in a structure farther from the Property's rear boundary line than the existing carport, impacts, if any, on nearby properties would be mitigated. More specifically, the proposed Addition would fully enclose Enterprise's vehicle cleaning operations in a structure that is nearly double the distance from the rear boundary line as the carport (15 feet proposed, 8.3 feet existing). As the vehicle cleaning equipment currently used by Enterprise will not change, the noise from the operations would be noticeably reduced as a result of the Project and Enterprise will comply with the Town's Noise Ordinance.

While the Applicant would continue to utilize the same vehicle cleaning equipment, that equipment would be used in a fully enclosed structure located an additional 7 feet from the Property's rear boundary line (when compared to the existing open-sided carport). Enterprise uses a power washer (Karcher HD 2.8/10 St Ed B\_80 dB(A)), air compressor (California Air Tools 20020 Ultra Quiet & Oil Free\_70 dB(A)), and a commercial vacuum (Industrial Vacuum Systems Model 100002 \_75 dB(A)) to clean its vehicles. The decibel levels listed are provided by the manufacturer and are based upon measurements taken within 10 feet of the equipment and without barrier. Accordingly, as the equipment would be used within the proposed Addition, a fully enclosed structure farther from the Property's boundary lines than the existing open-sided carport, the noise from Enterprise's operations would not only comply with Town Code Chapter 197, but would be a reduction over existing conditions.

All of these reasons equally support the requested area variance. The Project would not impair community character or adversely impact neighbors.

*Second*, there is no feasible alternative. The Applicant cannot feasibly construct the addition without either impairing existing operations or triggering a separate variance request, as the existing principal building is already located within the required front and side yard setbacks.

*Third*, while the Applicant seeks a 50% variance, New York courts have held that simply relying upon the percentage deviation alone does not suffice in evaluating a variance application.

The *actual impact* a requested variance would have on the surrounding community is critical to the overall analysis.<sup>3</sup> For the reasons in this letter, the requested variance would not have a significant adverse impact on the surrounding community or the environment.

*Fourth*, there would not be an adverse impact on the environment. The area on which the Addition is proposed is currently asphalt pavement, thus no additional clearing or impervious surface area is proposed as a result of the addition. Rather, the pavement located below the existing carport would be removed and the soil beneath replanted. This would increase the Property’s rear yard landscape buffer, and further control stormwater runoff on-site. In addition, the proposed installation of an oil/water separator would positively impact water quality. For the reasons above, the requested variance would not have an adverse impact on the environment.

*Fifth*, to the extent the alleged hardship is deemed self-created, such a determination does not preclude the granting of the requested variance under N.Y. State Town Law.<sup>4</sup>

**Conclusion**

For all these reasons, the Applicant urges the ZBA to grant the requested relief. A favorable determination would allow an improvement to the Property’s existing conditions by enclosing Enterprise’s vehicle cleaning and inspection operations, thereby enhancing the Property’s appearance and mitigating any impacts the business’ operations may have on the adjacent properties.

Thank you for the Board’s attention.

Respectfully submitted,

ZARIN & STEINMETZ LLP

By: 

David S. Steinmetz  
Brian T. Sinsabaugh

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<sup>3</sup> See, e.g., *Wambold v. Southampton Zoning Bd. of Appeals*, 140 A.D.3d 891, 893 (2d Dep’t 2016) (“While we agree with the petitioner that the proposed variance was substantial, there was no evidence that the granting of the variance would have an undesirable effect on the character of the neighborhood, adversely impact physical and environmental conditions, or otherwise result in a detriment to the health, safety, and welfare of the neighborhood or community.”).

<sup>4</sup> See N.Y. Town Law § 267-b(3)(b) (“whether the alleged difficulty was self-created . . . shall not necessarily preclude the granting of the area variance.”); see also *Sasso v. Osgood*, 86 N.Y.2d 374 (1995) (holding the granting of an area variance was proper even when a parcel with a substandard lot size was purchased by an applicant who knew variances would be required).



Enclosures.

Cc:

Chris Kehoe, AICP, Dir. of Planning & Community Development  
Heather LaVarnway, CNU, Planner  
Michael Cunningham, Deputy Town Attorney  
John J. Gilchrist Architect  
Iaropoli Construction Inc.

## Schedule "A"



# TOWN OF CORTLANDT

DEPARTMENT OF PLANNING  
AND  
COMMUNITY IMPROVEMENT  
TOWN HALL

1 HEADY STREET  
CORTLANDT MANOR, N.Y. 10566-1249  
(914) 734-1080  
FAX (914) 734-1025

AUG 09 1995

LINDA D. PUGLISI  
TOWN SUPERVISOR

JOHN T. FELT, AICP  
DIRECTOR OF PLANNING

August 3, 1995

Stephen R. Deloge, V.P.  
Enterprise Rent-A-Car  
131 Danbury Road  
Wilton, Connecticut 06897

Re: PB 15-95 Application of Enterprise Rent-A-Car for Site Development Plan Approval and a Wetland Permit to convert an existing house to an office and construct a parking lot and car storage area for car rentals located on the south side of Route 6.

Dear Mr. Deloge,

Enclosed please find a copy of Resolution No. 59-95 which was adopted by the Planning Board at their meeting on August 1, 1995 which grants conditional approval for the subject application.

If you have any questions regarding this matter please contact my office.

Very truly yours,

John T. Felt, AICP, Director  
Department of Planning and  
Community Improvement

*Handwritten notes:*  
Holy,  
again, you don't  
have to thoroughly  
read this.  
But this is the  
approval.  
(we are fighting  
par 3 page 6)

JTF/KV/kv  
enclosure  
cc w/res:

Harriet Boyle, Town Clerk  
Linda D. Puglisi, Town Supervisor  
Rosemary Boyle, Town Board Liaison  
Joel Greenberg, RA

WHEREAS, an application to the Town of Cortlandt Planning Board for Site Development Plan Approval pursuant to Chapter 307 of the Town of Cortlandt Code and a Wetland Permit pursuant to Chapter 259 of the Town Code was submitted by Enterprise Rent-A-Car by Stephen R. Deloge, V.P., tenant on property of Iaropoli Construction Corp., to convert an existing house to an office and to construct a parking lot and car storage areas for car rentals and related site improvements on property located on the south side of Route 6, opposite Millington Road as shown on a drawing entitled "Site Plan", prepared by Joel L. Greenberg, RA, latest revision dated April 21, 1995, and

WHEREAS, the subject property is designated on the Town of Cortlandt Tax Maps as Section 24.13, Block 3, Lot 47, and

WHEREAS, Part 617 of the implementing regulations of Article 8 of the State Environmental Quality Review (SEQR) Act of the New York State Environmental Conservation Law have been satisfied for the proposed action which is classified as an Unlisted Action, and

WHEREAS, pursuant to SEQR the applicant submitted with the subject application a completed Part 1 of the Short Environmental Assessment Form, and

WHEREAS, the Planning Board held a public hearing on the subject application as permitted by Section 274A of the Town Law at the Cortlandt Town Hall, 1 Heady Street, Cortlandt Manor, New York on July 11, 1995 at 8:00 P.M., notice of which was published in the "The Croton-Cortlandt Gazette" and in "The Star" and sent to adjacent property owners and property owners across the street, and

WHEREAS, the requirements of Chapter 307 for Site Development Plan Approval of the Town of Cortlandt Code have been met by said application and Site Development Plan, and

WHEREAS, the subject application was referred to the Town of Cortlandt Conservation Advisory Council (CAC), the Fire Advisory Board, the Westchester County Planning Board, and the Cortlandt Architectural Advisory Council, and

WHEREAS, comments submitted in response to the above mentioned referrals were considered by the Planning Board as well as comments made by staff and the public, and

WHEREAS, the Planning Board conducted a site inspection of the subject property of approximately 17,000 square feet which is zoned H-C, Highway Commercial, and

WHEREAS, the applicant proposed a 10 foot buffer and a 14 foot buffer area instead of a 50 foot buffer along the southerly property line adjacent to existing homes in a residential zone and the proposed parking lot and car storage area, and

WHEREAS, the Planning Board pursuant to Section 307-23.B(4) finds that a reduced buffer is warranted along the southerly property line since the lot is approximately 95 feet in depth from the front property line to the rear property line and due to existing vegetation to remain along the rear property line and a 6 foot high stockade fence, and

WHEREAS, due to the location of the proposed site improvements within the 100 foot control area for the existing drainage way along the rear property line the requirements of Chapter 179 (Wetlands) of the Town of Cortlandt Code have been met by said application and the Planning Board as approving authority is satisfied that sufficient information has been submitted to permit it to arrive at a proper determination, and

WHEREAS, in consideration of a wetlands permit pursuant to Chapter 179 of the Town of Cortlandt Code the Planning Board finds that:

- (1) The proposed regulated activity is consistent with the policy of Chapter 179.
- (2) The proposed regulated activity is consistent with land use regulations governing wetlands, water bodies and watercourses applicable in the Town of Cortlandt.
- (3) The proposed regulated activity is compatible with the public health and welfare.
- (4) There is no practicable alternative for the proposed regulated activity.

(continued on page 3)

(5) The proposed regulated activity will minimize degradation to, or loss of any part of the wetland, water body or watercourse or their adjacent areas and minimize any adverse impacts on the functions and benefits that said wetlands, water bodies and watercourses provide.

(6) The proposed activities are in compliance with the standards set forth in the New York State Freshwater Wetlands Regulations, Section 665.7(e) and 665.7(g), and

WHEREAS, pursuant to Section 617.11 of the SEQR Regulations, the Planning Board considered the impacts which may be reasonably expected to result from the proposed action by comparing them against the applicable criteria in said section and finds that:

1. The proposed action will not significantly impact existing air quality, ground or surface water quality and quantity, traffic or noise levels, nor result in a substantial increase in solid waste production, nor generate a substantial increase in potential for erosion, flooding, leaching or drainage problems.
2. The proposed action will not result in the removal or destruction of large quantities of vegetation or fauna, will not substantially interfere with the movement of an resident or migratory fish or wildlife species; will not impact a significant habitat area; and will not result in any substantial adverse effects on a threatened or endangered species of animal or plant, or the habitat of such a species, or other significant adverse effects to natural resources.
3. The proposed action will not result in the encouraging or attracting of a large number of people to a place or places compared to the number of people who would come to such place absent the action.
4. The proposed action will not result in the creation of a

(continued on page 4)



material conflict with the community's current plans or goals as officially approved or adopted.

5. The proposed action will not result in the impairment of a character or quality of important historical, archeological, architectural or aesthetic resources or of existing community or neighborhood character.
6. The proposed action will not significantly impact the use of either the quantity or type of energy.
7. The proposed action will not create a hazard to human health.
8. The proposed action will not result in a substantial change in the use or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses.
9. The proposed action will not create a material demand for other actions which would result in one of the above consequences.
10. The proposed action will neither result in changes in two or more elements of the environment, no one of which has a significant effect on the environment, nor when considered together result in a substantial adverse impact on the environment.
11. The proposed action will neither result in two or more related actions undertaken, funded or approved by an agency, none of which has or would have a significant effect on the environment, nor when considered cumulatively, would meet one or more of the criteria in this section.

WHEREAS, the Planning Board considered possible long-term, short-term and cumulative impacts and found no significant effects which would result as a consequence of the proposed action.

NOW THEREFORE BE IT RESOLVED that the Planning Board as lead agency in this matter finds that based on Part 1 of the Short Environmental Assessment Form (EAF) prepared by Joel Greenberg, Architect, dated April 19, 1995, and based on Part II of the Short EAF prepared by the

Planning Department, dated August 1, 1995 and based on the subject drawing and an analysis of the criteria stated in 617.11 (6NYCRR)

(1) - (11), the proposed project as amended herein will have no significant, adverse environmental impact upon the environment and therefore the Planning Board adopts said Part II of the Short EAF and a Negative Declaration and that no Draft Environmental Impact Statement is required with regard to this matter, and

**FURTHER BE IT RESOLVED** that the application of Enterprise Rent-A-Car by Stephen R. Deloge, V.P., tenant on property of Iaropoli Construction Corp., for Site Development Plan Approval and a Wetland Permit to convert an existing house to an office and to construct a parking lot and car storage area for car rentals and related site improvements on property located on the south side of Route 6, opposite Millington Road as shown on a drawing entitled "Site Plan", prepared by Joel L. Greenberg, RA, latest revisions dated April 21, 1995, July 7, 1995, July 17, 1995 and July 28, 1995 be approved subject to the conditions listed below and that the Chairman of the Planning Board be authorized to endorse approval on said drawings upon compliance by the applicant with such conditions as listed below, and

**FURTHER BE IT RESOLVED** that this approval of said drawing shall be valid for a period of twelve (12) months from the date of this Resolution to satisfy all conditions of approval and to obtain the signature of the Chairman on the drawings. If there is no substantial change in the condition of the site and/or its environs, Site Development Plan Approval may be extended by the Planning Board for one (1) additional period of one (1) year, upon timely application by this applicant.

**CONDITIONS:**

1. Obtain the required signatures from the Town Departments on two mylars of the subject drawing as amended herein and submit four prints of said drawing to the Planning Department following the Chairman's signature on the drawings.
2. Posting of a maintenance security pursuant to Chapter 307 of the Town Code in the form of an Irrevocable Standby Letter of Credit as

(continued on page 6)

required by Town Board Resolution No. 257-90 or an Assignment of Deposit or Passbook on the form approved by Town Board Resolution No. 318-90 in the amount of three thousand five hundred dollars (\$3,500.00). Said security to be in effect for a period of not less than three years from the date thereof. Prior to the Planning Board Chairman signing the site plan drawings said Letter of Credit or Assignment of Deposit or Passbook shall be submitted to and approved by the Town Department of Law which will then be forwarded to the Town Clerk and a copy to the Planning Department.

3. Revise the subject site plan pursuant to Section 307-21.B.(2) (Landscape coverage Requirements) of the Town Zoning Code to provide for a landscaped strip 25 feet in width between the new front property line and the proposed car storage area. Within the area of the 25 foot landscape strip in addition to the proposed shrubbery and low fencing, as required by Section 307-21.B(3)(a) show on the subject site plan small trees, 10 feet in height at planting time 20 feet on center. By increasing the landscape strip to 25 feet this will result in the loss of 9 storage spaces for rental cars reducing the total number of rental cars to be available on the property from 41 to 32.

4. As recommended by the Conservation Advisory Council in their May 23, 1995 memo, indicate on the subject site plan that the drainageway shall be cleaned up of debris and maintained open and protected from siltation and from runoff contaminated with petroleum products.

5. Note on the site plan "Exterior lighting to be directed downward so as not to cause any glare onto adjacent residential properties."

6. Indicate the hours of operation on the site plan.

7. The applicant shall obtain and submit an appropriate letter or form from the Town Receiver of Taxes indicating that taxes on the subject property have been paid in compliance with Section 77A-3 of the Town Code.

8. On the subject site plan indicate soil erosion controls to the satisfaction of the Town Engineer.

9. Note on the site plan that this approval shall expire one year from the Planning Board Chairman's signature unless a time extension is requested by the applicant and granted by the Planning Board.

10. On the subject site plan indicate curbs in Section A-A.

11. On the subject site plan indicate the exact net parcel area and property lines based on the property taking by New York State for the reconstruction of Route 6 to the satisfaction of the Town Engineer.

12. Submission of a written agreement from the property owner to join a future Town sewer district when one is formed. Said agreement shall be to the satisfaction of the Town Department of Law.

Adopted: August 1, 1995  
Cortlandt Manor, New York

Filed in the Office of the  
Planning Board this 3 day  
of August, 1995.

Kenneth Verschoor  
Kenneth Verschoor  
Clerk to the Planning Board

## Schedule "B"





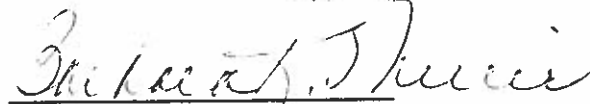
The Applicant is GRANTED an Area Variance from the previous variance of 12 feet (down from 25 feet) to 0 (zero) feet of landscape buffer with the following conditions:

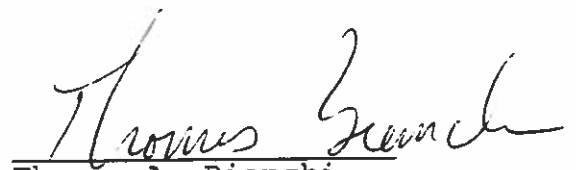
1. The fence along Route 6 will be moved behind the property line.
2. The Applicant will submit an as-built survey showing the relocated fence.

This is a Type II action under SEQOR with no further compliance required.

NOW THEREFORE, Petition is granted and it is further ordered that in all other respects Petitioner comply with all of the rules, regulations and ordinances of the Town of Cortlandt and all other agencies having jurisdiction.

Adopted: November 20, 1996  
Cortlandt Manor, New York  
Date filed: *Nov. 25*, 1996

  
Barbara K. Miller  
Acting Clerk, Zoning Board

  
Thomas A. Bianchi  
Chairman, Zoning Board

## Schedule "C"

**Meeting Minutes**

THE REGULAR MEETING of the PLANNING BOARD of the Town of Cortlandt was conducted at the Town Hall, 1 Heady St., Cortlandt Manor, NY on ***Tuesday, April 3<sup>rd</sup>, 2012***. The meeting was called to order, and began with the Pledge of Allegiance.

Thomas A. Bianchi, acting chair presided and other members of the Board were in attendance as follows:

Loretta Taylor, Chair (absent)  
John Bernard, Vice-Chairperson (absent)  
Steven Kessler, Board Member  
Robert Foley, Board Member  
Jeff Rothfeder, Board Member  
Peter Daly, Board Member

ALSO PRESENT:

John J. Klarl, Esq., Deputy Town Attorney  
Ed Vergano, Town Engineer (absent)  
Chris Kehoe, Deputy Director for Planning

\* \* \*

Mr. Thomas A. Bianchi stated as Chris said Chairperson Loretta Taylor is out ill but she is recuperating well. She sends her regards and her regrets that she couldn't be here tonight. Our Vice Chair John Bernard is on a four month leave and I was the lucky person chosen to lead the Board tonight so you have me.

\* \* \*

**CHANGE TO THE AGENDA**

Mr. Thomas A. Bianchi stated we have one change to the agenda. It's a letter about Lou's Corner Store. We're going to add it to the end of 'correspondence' so it would be item 'c' under 'correspondence'.

Mr. Steven Kessler stated Chairman I move that we add the correspondence to the agenda at the end of 'correspondence' item letter 'c'.

Seconded with all in favor saying "aye."

\* \* \*

**ADOPTION OF THE MINUTES OF THE MEETINGS OF MARCH 6, 2012**

Mr. Thomas A. Bianchi stated I need a motion to adopt the minutes of the March 6<sup>th</sup> meeting.

Mr. Jeff Rothfeder stated I move that we adopt the minutes.

Seconded.

Mr. Robert Foley stated I'm submitting a few comments but I'm in favor.

With all in favor saying "aye."

\*

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\*

**RESOLUTIONS**

**PB 10-11 a. Application of Percy & Barbara Montes for the renewal of the Child Care Special Permit for a Child Care center located at 18 Radio Terrace as shown on a drawing entitled "Site Plan" prepared by Theodore Strauss, R.A. latest revision dated June 11, 2007. (see prior PB 39-06)**

Mr. Steven Kessler stated Mr. Chairman I move that we adopt **Resolution 8-12** approving the renewal of the Special Permit.

Seconded.

Mr. Chris Kehoe stated just let the applicant know that you need to come back in October of **2016** and the Special Permit expires in April of **2017**.

Mr. Thomas A. Bianchi stated that's one of the conditions in the Resolution.

Ms. Barbara Montes asked it's a condition in the Resolution? Okay, I also wanted to ask; next time when we come before the Board, when we initially applied for this Permit we sent out the notices to a very large slew of people and I was hoping to reduce that to perhaps the abutting properties the third time around since no one really showed for the public hearing. Would that be possible?

Mr. Chris Kehoe stated that's a good point. I talked about this with Ms. Montes. If you recall, the first time this was done we went all up and down Dogwood about **50 - 60** people. We're only required to notify the immediately adjacent property owners but without direction, the second time we mailed it out to the **50** or **60** people again which is at the applicant's expense. We may not remember it in four years but if so directed I'll only mail a notice to the immediately adjacent property owners.



Mr. Thomas A. Bianchi asked is that okay with everybody on the Board? Okay.

*Board members agreed.*

With all in favor saying "aye."

**PB 43-06 b. Application of Michael Ryan for Final Plat Approval for a 3 lot major subdivision of a 4.33 acre parcel of property located on the west side of Watch Hill Road, at the intersection of John Alexander Drive, as shown on a final plat entitled "Subdivision Map prepared for Michael Ryan" prepared by William J. Simmons, L.S. latest revision dated February 9, 2012 and on a 4 page set of drawings entitled "Integrated Plot Plan" prepared by Timothy L. Cronin, III, P.E. latest revision dated December 21, 2011.**

Mr. Robert Foley stated Mr. Chairman I make a motion that we approve **Resolution 9-12** with the **7** conditions. There may be an issue on condition number **6**. Is the applicant here?

Mr. Chris Kehoe asked Jim, did you talk to Ron at all? He had mentioned to me that he was going to talk to Mr. Ryan about that one condition.

Mr. Jim Annicchiarico stated I thought there were two. Which condition do you mean?

Mr. Thomas A. Bianchi responded this is number **6**; it says "prior to signing of the final plat, the applicant shall prepare and submit a restoration plan for the wetland."

Mr. Jim Annicchiarico stated he has no problem with that.

Mr. Chris Kehoe stated so that one's fine. Leave it alone. That was the only one I talked to Ron about.

Mr. Jim Annicchiarico stated okay, I thought there were two.

Mr. Thomas A. Bianchi asked he had no problem with that?

Mr. Jim Annicchiarico responded no problem.

Seconded with all in favor saying "aye."

Mr. Thomas A. Bianchi stated the Resolution passes.

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## **CORRESPONDENCE**

**PB 20-06 a. Letter dated March 14, 2012 from James W. Teed Jr. requesting the requesting the 4<sup>th</sup> 90-day time extension of Final Plat Approval for the Picciano Subdivision located on Maple Avenue.**

Mr. Peter Daly stated Mr. Chairman I move that we adopt **Resolution 10-12** approving the time extension.

Seconded with all in favor saying "aye."

**PB 9-99 b. Letter dated March 21, 2012 from Linda Whitehead, Esq. requesting the 2<sup>nd</sup> 90-day time extension of Final Plat Approval for the Furnace Dock Inc. Subdivision located on Furnace Dock Road.**

Mr. Jeff Rothfeder stated Mr. Chairman I move that we approve **Resolution 11-12** approving the extension.

Seconded with all in favor saying "aye."

**PB 0-00 c. Letter from Ved Parkash.**

Mr. Ved Parkash stated I'm the owner of Lou's Corner recently renovated deli. I want to put two tables, a few facing the deli on the right hand side. I want to have an extra two tables because people are saying we don't have a place to sit down and eat or anything. I would really like to have two tables on the right hand side. If anything needs to be done I'll do it, it's not a problem at all.

Mr. Thomas A. Bianchi asked when you say to the right, you're talking about facing the store?

Mr. Ved Parkash responded facing the deli. There's an ice machine outside, next to that.

Mr. Thomas A. Bianchi asked next to the ice machine and then next to the fence?

Mr. Ved Parkash responded yes.

Mr. Thomas A. Bianchi asked so it would along the fence line you would add two tables?

Mr. Ved Parkash responded yes.

Mr. Thomas A. Bianchi stated we discussed this briefly at the work session. You might have overheard some of what we discussed. There's a need for re-stripping of the

parking lot because you're going to be taking some parking spaces away I believe and we want to make sure that people know where they can park. There's also a need for something, some item of a bollard or planter to protect that area from traffic and cars that are driving around in that area. So, you agree to do that to our satisfaction and engineer's satisfaction?

Mr. Ved Parkash responded yes sir, no problem.

Mr. Thomas A. Bianchi asked any other item discussions on this?

Mr. Steven Kessler stated Mr. Chairman I move that we approve the addition of the two outdoor tables subject to Department of Technical Services' approval as well.

Seconded with all in favor saying "aye."

Mr. Ved Parkash responded thank you.

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### **PUBLIC HEARING (NEW)**

**PB 11-11 a. Application of CRP Sanitation, for the property of 2 Bayview Road, LLC, for Site Development Plan Approval for the demolition of approximately 8,000 sq. ft. of an existing 10,300 sq. ft. one story block building and the construction of a 12,000 sq. ft. one story steel building (for a total building area of 14,300 sq. ft.) and for the parking of trucks and roll-off containers and for the renewal of a Special Permit for a Contractor's Yard on a 6.388 acre parcel of property located at 2 Bayview Road as shown on a 2 page set of drawings entitled "Amended Site Plan for CRP Sanitation" prepared by Cronin Engineering latest revision dated January 25, 2012 (see prior PB 15-02).**

Mr. Thomas A. Bianchi asked that's not the latest drawing?

Mr. Jim Annicchiarico responded no.

Mr. Chris Kehoe stated the latest drawing was corrupted. You can try. You can go back there but it said it can't open that file.

Mr. Thomas A. Bianchi asked could you identify yourself please?

Mr. Jim Annicchiarico responded Cronin Engineering. The building is very similar to that. Let me just try to point out the changes. This line is taken straight across so that back rectangle of the building would not be there. So, it's actually a bit smaller than that.

Mr. Thomas A. Bianchi asked it's a rectangle, strictly a rectangle?

Mr. Jim Annicchiarico responded it is strictly a rectangle, correct. It was also shifted that way towards this building 14 feet to accommodate three full 14-foot wide garage door base at the front right here. However, I believe those changes were reflected in the field when the building was staked out when you were at your site walk.

Mr. Chris Kehoe asked Jim, did you add any extra protection to that above-ground tank?

Mr. Jim Annicchiarico responded yes. Right here is the diesel storage tank. There are four bollards; one on each corner. We added two bollards to the middle as we discussed at the site walk. There will be bollards all around this building, pretty much on each side of every garage door bay, front and back and there will be some bollards along the corners of the building and anywhere where there's an entrance basically. Those are all reflected in the latest plans.

Mr. Thomas A. Bianchi asked I understand the elevation drawings have been submitted and reviewed by the...

Mr. Chris Kehoe responded yes, and they're signed off on by Architecture...

Mr. Thomas A. Bianchi asked Architectural Review? So, they've been approved. We did a site inspection on this a couple of months ago probably and I think, from my viewpoint, the site was in a lot better shape than it was previous times that we have seen it. Thank you for cleaning it up. Is there any other comments or discussion on the Board?

Mr. Robert Foley stated Mr. Chairman I make a motion that we have a Resolution at our May 1<sup>st</sup> meeting.

Mr. Chris Kehoe stated you should close the public hearing. You should also just make sure no one else wants to speak about it first.

Mr. Thomas A. Bianchi asked is there anybody in the audience that would like to speak on this case? There is no one so you can proceed with the motion.

Mr. Robert Foley stated I make a motion we close the public hearing.

Seconded with all in favor saying "aye."

Mr. Robert Foley stated and we have a Resolution prepared for May 1<sup>st</sup>.

Seconded with all in favor saying "aye."

Mr. Jim Annicchiarico stated thank you very much for your time.



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## **OLD BUSINESS**

- PB 7-09 a. Letter dated February 22, 2012 from David Steinmetz, Esq. requesting the Planning Board amend PB Resolution 1-10 for the Yeshiva Ohr Hamier to eliminate the approved construction of an on-site wastewater treatment plant and permit the construction of an on-site pump station for a sewer line and a gravel service road to access the pump station for property located at 141 Furnace Woods Road as shown on a drawing entitled “Site Plan” prepared by Daniel A. Ciarcia, P.E. dated February 21, 2012.**

Mr. David Steinmetz stated very briefly Mr. Chairman. We have a fairly simple application before the Board. We’re eliminating the waste water treatment plant. We’re putting in a sewer line that may ultimately provide connection capability for other properties. We had hoped that this would not warrant a public hearing. After discussing it with staff and in a spirit of full cooperation we understand that there will be a public hearing. We appreciate the comments at the work session that it would be a focused public hearing on the limited issues before the Board.

Mr. Thomas A. Bianchi stated I think there were a couple of questions that came out of the last meeting in terms of – this is something you’re probably still be going to study but could you address the need to address the capacity of the proposed sewer line and you’ll be looking at that?

Mr. David Steinmetz responded Mr. Vergano and Mr. Ciarcia have already begun that discussion and we will let the engineers address that at the beginning of the public hearing session as well as the scheduling and timing issue that your Board had requested. We’ll also – although Chair Taylor is not here, we’ve also started working with staff on the issues that have to be addressed in the new Resolution and we’ll have that completed before the May meeting as well.

Mr. Thomas A. Bianchi stated you did mention the timeline as you were referring to when you said the – okay thank you. Anyone on the Board have any discussion points on this? I think that the public hearing – we’re going to schedule a public hearing for this as you indicated for May 1<sup>st</sup>. I think that the public hearing should focus on three items; what is being eliminated, what is being added to the site and the information on the sewer line as we had talked about so that the public can hear what the options are there, especially those that are located in the route where the sewer line would be located. Is that okay?

Mr. David Steinmetz responded that’s perfectly fine. That’s our understanding and we’re ready to proceed.

Mr. Thomas A. Bianchi asked any other points on this?

Mr. Peter Daly stated Mr. Chairman I move that we schedule a public hearing for May 1<sup>st</sup> on this matter with the restrictions that we've discussing as far as the scope of that public hearing.

Seconded with all in favor saying "aye."

**PB 1-11    b. Application of Croton Realty & Development Inc. for Preliminary Plat Approval and for Steep Slope, Wetland and Tree Removal Permits for a 27 lot major cluster subdivision, with a recreation parcel, of a 35.9 acre parcel of property located on the east side of Croton Avenue, approximately 400 feet north of Furnace Dock Road as shown on a drawing entitled "Subdivision Plan for Hanover Estates, Alternate 9" prepared by Timothy L. Cronin III, P.E. dated October 19, 2011 (see prior PB 14-83).**

Mr. David Steinmetz stated from the law firm of Zarin and Steinmetz representing Croton Realty and the Hanover Estates proposed subdivision. I know the Board conducted a fairly comprehensive site inspection this past weekend. We're pleased that you were all out there. It's also our understanding that you have scheduled a special, or will be scheduling a special meeting for April 26<sup>th</sup>, either before or after your work session to go through a detailed substantive discussion of the project. We certainly plan to be there and hope that we will receive a draft of the proposed scope from Mr. Kehoe. My client, as I indicated at the last meeting, has no objection to the Board's adoption of a positive declaration. We're looking forward to beginning the SEQRA process in earnest with the Board and your consultants and hope that there can be a meaningful dialogue with the Board on April 26<sup>th</sup>. We're looking for some guidance, as I heard at the work session from your Board, on what the preference might be. I have a very willing and open client in terms of how to proceed. We know we're going to have to study a number of alternatives under any circumstance regardless of what the preferred or base application is. We're ready to do that. Our goal is to see you have that dialogue with us at the end of April. Hopefully at the May meeting you're in a position to adopt a proposed scope to put out to the public, decide whether you're going to have a public scoping session and if so, have that conducted at the earliest possible date, I gather, in June. The only thing I'm going to mention that you may not have discussed or thought about to the extent that the traffic is clearly an issue and I heard it was discussed by your Board during the site inspection and obviously were you to consider the recreational facility that we've been encouraged to study by others in the Town, a traffic study is going to be warranted. I would ask that the Board, and I'll remind you of this at the May meeting, we need to get your traffic consultant out there either at the end of May or at the beginning of June so that the traffic data can be accumulated before the close of schools. That will allow the DEIS to be prepared and analyzed and drafted during the summer months and then we don't have to worry about anybody on the Board or in the public saying "how come the

Town's traffic consultant didn't gather traffic data during school?" I just foreshadow that so that you all know we need to deal with that and between our office and Chris we can certainly make sure that that gets handled administratively but your Board should address that at your May meeting.

Mr. John Klarl stated Mr. Chairman just for the record, I'm looking at my file notes and I see at our last meeting we scheduled a special meeting for March – actually it was April 26<sup>th</sup> and we did so by a vote of **4** to **3** and we also talked about we'd discuss the scope then. Actually, we were talking about setting up tonight – my notes reveal...

Mr. David Steinmetz stated it's already been done...

Mr. John Klarl stated by a controversial **4** to **3** vote. So, it's been scheduled.

Mr. David Steinmetz stated procedurally tonight I think you were going to address the pos. dec.

Mr. Thomas A. Bianchi responded yes, what we'd like to do tonight is focus our discussion on reporting on the site visit.

Mr. John Klarl stated on a limited basis you were saying.

Mr. Thomas A. Bianchi stated on a limited basis with all the other discussion that we needed to have on this case take place at the work session or the special meeting I should say so we don't have to repeat things twice. We're also looking at a pos. dec. on this tonight and we'll schedule the special meeting on April 26<sup>th</sup>. Who would like to start on report of the site visit?

Mr. John Klarl responded we don't have to schedule it because of the vote at our last meeting it was scheduled.

Mr. Thomas A. Bianchi stated so we don't need to vote on that tonight. Who would like to start on the report on the site visit? Anyone?

Mr. Steven Kessler stated I can wait until the special meeting, that's okay.

Mr. Thom.as A. Bianchi stated just briefly do it tonight.

Mr. Steven Kessler stated a couple of things. I think there needs to be – I'm concerned about the **25** foot buffer. I think that's not adequate between the Apple Hill development and the proposed development. The dog park we've all talked about and we think that that probably is something that's in a wetland buffer that probably doesn't belong there and shouldn't be there...

Mr. David Steinmetz stated that is not part of the application. It's no longer part of the application.

Mr. Steven Kessler asked oh, it's no longer part of it?

Mr. David Steinmetz responded right.

Mr. Steven Kessler stated okay, that's news.

Mr. David Steinmetz stated I thought Chris made mention of that earlier during the work session.

Mr. Chris Kehoe stated not in so many words.

Mr. Thomas A. Bianchi stated we were told that it wasn't going to be at the site visit but we still have a drawing that shows it on there.

Mr. Chris Kehoe stated correct.

Mr. Steven Kessler stated the real question is, as you said David, is when we sit and around the table to decide on the appropriate alternatives to select for study in the DEIS.

Mr. Thomas A. Bianchi stated thank you Mr. Kessler.

Mr. Jeff Rothfeder stated I agree with the concern about the buffer and also the woodland to the north of the property – northeast, I'm concerned about what Coleman talks about the wildlife corridor and leaving that relatively untouched which of course would then cut, even in the cluster project, would cut into some of the houses there.

Mr. Chris Kehoe stated I'm sure you're aware and I think it's mentioned that Coleman analyzed the conventional alternative but his comments still are reflective of that back corner needing some space.

Mr. Jeff Rothfeder stated yes but Steve was talking about **75** feet and that does go into some of the houses that are over there.

Mr. Thomas A. Bianchi asked does Mr. Coleman's report talk about this alternative?

Mr. David Steinmetz responded he hasn't seen it.

Mr. Thomas A. Bianchi stated he hasn't seen this one so he's referring – when we talk about the original **27** lot...

Mr. Chris Kehoe stated precisely because he has...

Mr. Jeff Rothfeder stated this pertains to this as well though.

Mr. Chris Kehoe stated it does pertain to it.



Mr. Robert Foley stated this report was done in December.

Mr. Peter Daly stated my concern mostly is, I agree with Steve and Jeff, that a buffer is somewhat on the small side and that northeast corner is definitely something of concern. There's quite a lot of large tulip poplars up in there, in fact, I'd be kind of curious as to what their relative age is because I believe I saw on the EAF that it was declared there were no trees over a **100** years old which some of those are pretty large. I think they might exceed **100**, at least one or two here or there. Other than that I'm concerned about steep slopes, in at least the conventional layout. And that dog park, I'm glad that's gone.

Mr. Robert Foley stated I thought the site visit went very well. When you get up to Apple Hill coming from the property side, the applicant's property, I could see why any access from there would not be doable because the right-of-way isn't very wide there. It would change the character of that neighborhood. I also feel that the buffer area between the back end of the neighbors on Apple Hill and your property should be made larger, wider. When you're up there and you see it, it needs to be made wider. As you leave the site, the sight distance coming out of the existing entrance/exit it's kind of iffy because of cars coming up around the bend and off that intersection coming north, come up on you pretty quick. Now, maybe your boulevard entrance will be slightly north and may take care of that problem.

Mr. David Steinmetz stated we know we have to study that.

Mr. Robert Foley stated I wish there was another way, another access in and out of there to diffuse the traffic and have less impact at the one spot. I think that's basically it at this point.

Mr. Thomas A. Bianchi stated thank you. I was at the site visit as well and I agree with everything that's been said thus far, specifically the **25** foot buffer does concern me. It's very small. It needs to be bigger and that affects lots **5**, **6**, **7** and **8** basically. I think we talked a little bit about, I'm not sure who it was with that I spoke to, but a little bit about cutting the corners on lots **5** and **6**, and **8** and **9** to increase that buffer somewhat in those areas because it does creep very quickly into the Apple Hill properties. The vegetation area is not overwhelming. It's not very thick and when we determine where the property line that a proposed home owner would have there in clearing his land it was clear to me that the line of sight was still very clear right through the buffer and into the neighboring Apple Hill Estates. Also, I'll mention that lots **27** and **14** to me look like not to be in a very good position especially if we are going to consider a sports field and I'm not sure that's a foregoing conclusion at this point but if that field should stay where it's being proposed I would have a problem with lots **14** and **27**. In summary, I think the buffer, like everybody else said needs to be increased. This is all relative to alternative **9** now I'm talking about just for the record. We do need to decide on what we're going to study, have you study a little bit more clearly. We'll discuss that at the special meeting. I think a lot count needs to be verified on this. The original **27** lot count needs to be reviewed by the Town Engineer.

Mr. Chris Kehoe stated right, I did send him an e-mail to that effect and ultimately, whether it's in a form of a memo or an e-mail he will confirm that it's been done.

Mr. Thomas A. Bianchi stated one of the things I had requested that we have an agenda for the special meeting so we know what we're going to discuss. I understand it's going to be a scoping document basically is that plus which alternatives we want to focus in on essentially. On the question of the traffic consultant, is that something we can act on tonight to get going? It sounds like it's fairly urgent in terms of getting it scheduled and done by the end of May or June?

Mr. Chris Kehoe responded yes, as long as you're aware of the discussion. I will talk to Ed and as I mentioned we are thinking of changing our way we do traffic studies so we would do it ourselves rather than have the applicant do it. That hasn't exactly been finalized yet but I'll talk to Ed and we'll figure out a way to get it started while school's in session.

Mr. Jeff Rothfeder stated and Ed was working – I haven't heard recently the work he was doing on the way the traffic study is going to be presented in terms of giving us a better summary and...

Mr. Chris Kehoe stated you know time flies so I'm not exactly sure that is going to be ready for this project although we had thought about it so we'll see.

Mr. Jeff Rothfeder stated because I know we had one meeting about it and then it...

Mr. Robert Foley stated we never had a follow up meeting. That was the idea I was pushing.

Mr. John Klarl stated obviously our traffic consultant has to look to the scope concerning what's going to be studied traffic wise.

Mr. Chris Kehoe stated yes, the best case scenario would be have him that firm all set to go by May 1<sup>st</sup> or something, right after the special meeting because that's going to dictate whether – let's say the sports field is an alternative, or they should probably always take into account the sports field just for the purposes of traffic so they really don't need to know exactly which alternative they're going to study...

Mr. John Klarl stated the sports field work would be done by June 10<sup>th</sup> or so.

Mr. David Steinmetz stated I think the most important thing, and following the Chair's comment, I think as long as you can begin to give thought to what intersections need to be studied as part of the scope and we can discuss that at the April meeting, then you can send your – we were assuming this was being done by your traffic consultant under the new, the almost new protocol that you're going to follow, at least that's what we had been led to believe. As long as we have a discussion at the April special meeting about

scope and intersections I don't see any reason why, during the month of May or the beginning of June, your traffic consultant cannot begin doing the baseline data gathering that has to be done. I think you could probably all, right now, determine what those intersections are but we have a month to think about it and discuss it at the end of April.

Mr. Robert Foley stated we would definitely have to start before the end of the school year.

Mr. Thomas A. Bianchi stated I think that's important that we get those statistics in there.

Mr. David Steinmetz stated we're ready to get going as soon as you – and to fund it.

Mr. Thomas A. Bianchi asked I think Chris you mentioned something about the blasting in the EAF, you want to clarify that?

Mr. Chris Kehoe responded it's **part III** of the EAF, of course I did not number the pages, but it would be question **5** which is the second page that I typed up **part III** towards the end of the document. It's "will the proposed action adversely affect ground water?" Toward the bottom of the page and it says "description of its impact and important" and it says "proposed topographic alterations and rock blasting." I would remove the words "rock blasting" since according to the applicant they won't be blasting.

Mr. Robert Foley asked which page again?

Mr. Chris Kehoe responded it's way to the end after all the SEQRA forms, then I type up a **part III** and it's the second page of **part III** at the bottom of that page.

Mr. Thomas A. Bianchi stated I'll also state for the record, and I won't read it tonight we can review this at the special meeting but we did receive a memo from the Conservation Advisory Council regarding the site walk.

Mr. David Steinmetz stated we saw that memo also.

Mr. Thomas A. Bianchi stated that will be discussed at more length at the special meeting and we also did receive some comments from John Bernard regarding the EAF and I think those are more appropriate to be brought up also at the special meeting.

Mr. David Steinmetz stated understood.

Mr. Thomas A. Bianchi stated I'll turn this over to Jeff, looking for a pos. dec. on this.

Mr. Jeff Rothfeder stated Mr. Chair I move that we adopt a pos. dec. on this project.

Seconded with all in favor saying "aye."

Mr. Thomas A. Bianchi asked do we need to do anything else on this?

Mr. John Klarl stated we've already brought up the special meeting and we discussed the site inspection.

Mr. David Steinmetz stated we'll see you at the special meeting.

**PB 15-95 c. Letter dated February 21, 2012 from Joel Greenberg, AIA requesting Planning Board approval for a new car washing system with a canopy to be located at Enterprise Rent-A-Car located at 2077 Cortlandt Boulevard (Route 6).**

Mr. Joel Greenberg stated for the applicant. Just want to bring you up to date and just very quickly review what was discussed at the work session. As you know, this is a company called Geo-mat which I think I explained at the last meeting as a fairly new company, about 7 or 8 years old who has actually gotten a contract for the Enterprise Rent-A-Car, I believe also national Rent-A-Cars to put in these environmentally friendly type car washes. In most cases these Rent-A-Car places basically just take a hose and spritz the car and the water, especially in cold weather, will come down usually onto the roads, freeze up and so on and so forth. As I showed you at last month's meeting, there is now, the company's name is Geo-mat, and a mat is actually embedded into the blacktop and all of the water and whatever comes out of the hose is basically collected on this mat and then recycled. Also, at the same time too the oils and stuff that might be coming off the car are separated. There's an oil separator so you're basically taking out the bad stuff, recycling the good stuff so it's just something I think is very environmentally friendly and I think will be an asset to this particular site. As John Klarl said, because of the location of this carwash we had to go to the Zoning Board for two Variances; for a side yard and rear yard Variance. It was the position of the Zoning Board that they would not act on the Variances until this Board had a motion of approval. In addition, Mr. Frank Rugetti who is the neighbor directly to the west of us was at the meeting and requested some information. I met with him twice at his home just to see exactly what he was seeing and basically we came up with a solution which I will pass out. Mr. Righetti had basically two concerns; basically they were the noise factor. Again, even though this is all, everything is recyclable it is basically the same hose except that the water is being recycled and captured instead of going down the blacktop onto Route 6 so there is no additional noise factor. One thing he did complain about which has basically nothing to do with this application but I felt we could accommodate him at the same time, when they wash the cars they also vacuum the cars and that does make a lot more noise than a hose obviously. So, what I've agreed to if you take a look at the site plan, right now between the blacktop and the property line of Mr. Righetti, what I agreed to do is to remove the vacuum machine and bring it down to the corner down at the lower left hand corner of the Geo-mat. This will number one, get it away from there also if you can see from that drawing the back of the Geo-mat which faces Mr. Righetti's property will now be a full petition instead of open on four sides it'll be closed on the fourth side. By bringing the vacuum down to this particular point over here, the residences over to the east of that property are much further away than Mr. Righetti's so that the noise factor



should not be a factor with these others but it'll help and reduce the amount of noise that Mr. Righetti gets. Basically, we've accommodated the most immediate neighbor because his house is very, very close to the property line in this particular instance and we'd ask for a motion of approval so we can proceed with our Variances. Obviously I'll answer any questions that you might have.

Mr. Thomas A. Bianchi asked are you proposing to put the structure around the carwash?

Mr. Joel Greenberg responded yes, in other words there will be walls on the side facing Mr. Righetti's house, yes.

Mr. Thomas A. Bianchi stated it's already a very small area.

Mr. Joel Greenberg responded yes, but again we're not losing any parking spaces. This is the same spot where they wash the cars now. Also, one thing I forgot to add and I met out of the site with Chris Kehoe and he had a very good suggestion which I don't know if I mentioned it at the last meeting. Because it is not exactly, as you would say a roomy site, as the cars came in off of Route 6 there's an area over here where the customers are coming in to drop off their cars come over here to this area here. Unfortunately the handicap spot which of course can be used which reduces the amount of cars that can be brought in at the same time. Chris's suggestion which is an excellent one, is to take this handicap spot, move it next to the carwash and then that would give us an additional two parking spaces for the cars to be brought back here instead of having the congestion that you have. Let's say, I think their busiest days are probably Friday and Monday when people are picking up cars and people are bringing back cars. This will actually add two additional cars to the area where customers come in, get the handicap spot over in this corner over here which happens to be right next to the handicap ramp which makes a lot of sense. Right now a handicapped person would have to park way over here, wheel themselves across a traveled way where cars come in which is dangerous and this would be moved over and located back over here next to the handicap ramp. I think we've taken care of the environment, we've taken care of the handicap and made it much easier for them and at the same time added two additional cars for customers to come and park their cars, bring the keys back and then the runner takes the car and brings it down into the inventory area down below. I think we've listened to the neighbor, listened to the Planning Board. Chris had a fantastic idea to help the handicapped and I think all and all it's a win/win for everybody.

Mr. Steven Kessler asked so Joel, the cars, this is where you're proposing to build?

Mr. Joel Greenberg responded yes, that's not the right shape.

Mr. Steven Kessler stated that's my point, so it's more head in.

Mr. Joel Greenberg responded Mr. Righetti, I don't know if you know the property he has these huge, beautiful hedges between his property and Enterprise property and Enterprise is giving his landscapers permission to come on the property to trim the hedges and

everything.

Mr. John Klarl stated which he says he keeps manicured.

Mr. Joel Greenberg responded and they are. I saw him just before the weather got warm and they were manicured all winter. But, seriously, we have the hedges which are year round and now we now we have no opening for him to see – he’s just basically going to see the end wall of the building.

Mr. John Klarl stated if I recall Joel, at the Zoning Board of Appeals meeting, he’s most concerned about the vacuum.

Mr. Joel Greenberg responded and the vacuum we’ve taken care of by putting it at the other end, yes that’s correct. His basic problem was the noise factor. Let’s face it, I sat down on his deck and all I hear is cars down Route 6 going “psh, psh, psh” constantly but whatever we can do within our property to help them out obviously we have no problem.

Mr. Robert Foley stated so even if there is a noise problem at the new location coming from that machinery, we have an Ordinance that could...

Mr. Joel Greenberg responded yes, and if Code Enforcement wants to check it out and they have to get a new one that makes less noise obviously...

Mr. Chris Kehoe stated I’m not aware that Mr. Righetti has ever filed a complaint regarding the vacuuming that’s been going on there.

Mr. Joel Greenberg responded no he hasn’t but when I was over at his house he said “oh, by the way as long as you’re here...” So, I said no problem we’ll do it. Bob Foley, obviously if there’s any question with regard to the amount of noise and the decibel level we’ll correct that also.

Mr. Robert Foley asked and the houses to the east of it are far enough away?

Mr. Joel Greenberg responded yes, there is a solid wood fence along the entire property line. There’s a large slews way over here and then there’s houses, so these houses, like Mr. Righetti’s house is probably within five feet of the property line. These houses have to be at least **20** to **25** feet from the property line and way, way far back.

Mr. John Klarl asked Mr. Greenberg you’re going to attend the next Zoning Board of Appeals meeting and explain to the Zoning Board of Appeals what transpired with yourself and Mr. Righetti?

Mr. Joel Greenberg responded I thought you just recorded it. I have to repeat it now? Yes, of course I will.

Mr. Robert Foley asked with the extra parking, the queuing up of cars trying to get in at a

busy hour, there's never been an incident or an accident on Route 6 has there?

Mr. Chris Kehoe responded no, I can't remember but I think I sent you all an e-mail but when we were there **4** or **5** cars being delivered by Enterprise employees all came back in at once. It was probably a Monday and they were bringing them all back.

Mr. Joel Greenberg stated what happened was, Chris is correct, and what happened is that you have the runners which bring the cars back and bring them down to this parking lot then you have a let's say, you have four runners, there's a fifth guy who comes over here. When the one is finished putting the cars in he takes them all back to wherever they – and it's a very good deal too...

Mr. Chris Kehoe stated they bring a van in, they take the drivers away...

Mr. Joel Greenberg responded they're paid very well for doing that.

Mr. Chris Kehoe stated but they put them down to the lower storage area when they brought them in and then one at a time they were bringing them up to hose them down and vacuum them in the back.

Mr. Robert Foley asked so they're attentive to the customer coming in with the cars and if there's a backup of cars...

Mr. Joel Greenberg responded correct, and as Chris just said there's this whole area down below too. Thanks to Chris's suggestion we actually have two more spaces on the upper level for cars to...

Mr. Chris Kehoe stated well Chris can only make suggestions. The idea of rearranging the handicap space would really be up to Ed, the Director, to see if that works. But, when we were out there, both you and I wanted to park and that handicap space and the required space on both sides of the handicap space really limits the usability of that.

Mr. Joel Greenberg stated I think we measured it, I think we can probably get two additional cars by moving the handicap spot to the back. Again, we'll discuss that with Ed. I think if Chris and I show him the way I'm sure we'll be able to do it.

Mr. Thomas A. Bianchi asked what would be the height on this structure? I know the width and the length is going to be approximately **14** feet by **33** but what is...

Mr. Joel Greenberg responded I show the actual height of the structure is probably about **11** feet to the peak. At the eave then it's probably about between **7 ½** and **8** feet.

Mr. Thomas A. Bianchi asked and this would not stand out among that area? From what you're telling me, I was there but I don't recall all the shrubs and all that.

Mr. Joel Greenberg responded again, this is the corner where it's being proposed, there is

a solid wood fence which is actually -- I can barely reach the top. It's over 6 feet high. then, Mr. Righetti has these huge hedges which are probably also over 6 feet high. Basically, this thing will be nestled with a solid fence on one side and high hedges on the other side and no openings toward Mr. Righetti.

Mr. Thomas A. Bianchi asked do we need ARC to look at this at all or is that something that – because I'm not sure what the finishes are on this from the outside and all of that.

Mr. Chris Kehoe responded if you want to approve it, it could be subject to Zoning Board, ARC and then also to the satisfaction of the Director of Technical Services. But, I did do a site inspection, at least the time that I was there, it was very quiet and then they brought all those cars in and they managed to manipulate the cars around and they seemed like they knew what they were doing.

Mr. Thomas A. Bianchi asked any other points on this?

Mr. Steven Kessler stated Mr. Chairman I move that we approve the application subject to Zoning Board, Architectural Review as well as the Department of Technical Services' approval.

Seconded with all in favor saying "aye."

Mr. Joel Greenberg stated thank you all very much. I want to wish you all a Happy Passover and a Happy Easter.

Mr. John Klarl stated we'll see you at the Zoning Board of Appeals meeting.

**PB 21-08 d. Application of Nida Associates for Final Plat Approval of a 3 lot major subdivision of a 4.28 acre parcel of property located at the northeast corner of Albany Post Road (Route 9A) and Baltic Place as shown on a drawing entitled "Subdivision Plat for Nida Associates, Inc.", prepared by Scott Gray, P.L.S. latest revision dated December 3, 2011.**

Mr. Thomas A. Bianchi asked is there anyone here to speak on this case?

Mr. Chris Kehoe responded no, I did talk to Mr. Mastromonaco and told him I didn't think it was necessary that he attend.

Mr. Thomas A. Bianchi stated I think all we're looking to do here is prepare a Resolution.

Mr. Robert Foley stated Mr. Chairman I make a motion that we prepare a Resolution for a final approval for our May 1<sup>st</sup> meeting.

## Schedule “D”



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, April 18<sup>th</sup>, 2012*. 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:

Charles P. Heady, Jr.  
James Seirmarco  
John Mattis  
Adrian C. Hunte  
Raymond Reber

Also Present

Wai Man Chin, Vice Chairman  
Ken Hoch, Clerk of the Zoning Board  
John Klarl, Deputy Town attorney

**ADOPTION OF MEETING MINUTES FOR FEB. 15, 2012 and MARCH 14, 2012**

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

Mr. David Douglas stated the minutes for February and March are both adopted.

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**ADJOURNED PUBLIC HEARINGS:**

- A. CASE No. 18-09                      Post Road Holding Corp.** for an Area Variance for the dwelling count for a proposed mixed use building on the properties located at **0, 2083 and 2085 Albany Post Road, Montrose.**

Mr. Ed Gemmola stated the architect for Mr. Picucci and Post Road Holding. I just looked at an old agenda – I guess the last time we were here was in '09. We were here for an Interpretation and also a Variance for apartments over commercial. We originally had a site that had two buildings. This building is originally a commercial residential project that was done years ago, probably **10** or **12** years ago, we had two buildings. We asked for an Interpretation and try to get around the building of two buildings which was very dense on the site. We are proposing one building with **6** units in there. We have retail at the bottom and a total of **6** rental apartments above and that would have been the same total that we could fit on the site originally with the two buildings. We felt this was less cumbersome on the site and made more sense. We were at

several meetings with the Planning Board. We were waiting, believe it or not, to get a Health Department approval which we finally did about 6 months ago. We basically worked now to come back and start the process again, come back to the Zoning Board as a courtesy since we had postponed quite a few meetings to get the approvals on the Health Department. We since worked out plans. I believe you got copies of the floor plans for the retail on the first floor. What we show is a possibility of 6 retail stores. That's a maximum. We're hoping that we get bigger users but that would be the worst case scenario which would divide the retail at the ground level into 6 and then we have the 6 apartments which we're actually a duplex. So, they have a lower level with entry through the rear from parking on the high side and we have kitchen, bathroom, family room, living/dining at this level and at the second level we have a bedroom and a loft area which is very similar to the project that we did for Mark years ago. The architecture we're trying to do is very similar. I know this is not a Planning Board but I'm just trying to bring everybody up to speed to what we're doing and I believe this would fit in with the surrounding zoning, the architecture vernacular in the area. The only change, other than getting approval on the septic, is we jumped from required 28 spaces and we have 43 parking spaces. We were able to work some spaces into here and also – it's just a loading zone, if somebody was to move in they'd have a box truck, not envisioning any kind of tractor trailer but this basically represents the parking for the apartments. There's also usually a number of spaces that are available during the day so I believe we meet the zoning but the excess during the day is generally witnessed at this site where people are at work and we feel we have a good distribution of parking, residential and in the front a drop-off and there's some area here for snow removal. I believe the next meeting with the Planning Board, if we still have your blessing on everything, is then to try to finalize the Site Plan Approval with the Planning Board and hopefully leave this meeting open in case they require some additional items or that they're not happy with something. But, originally we did start with the Planning Board and, conceptually, they like the idea. I guess we're here to try and get back into the project and we appreciate the adjournments you gave us for the delay but it is very tough getting approvals from the Health Department. One other thing I think which is different, we left also the openings that were in the street, the in and the out, because that makes the OT a little easier otherwise that could be a pretty long process and where this is now presently, when we got the original approval it was in a spot where the sight lines were the maximum because there is a curve here. I think, in terms of what we're proposing to do is very similar other than the increase in parking and this remaining area for ingress/egress. If there's any questions I'll try to entertain that.

Mr. Raymond Reber stated pretty much what you've presented here is what we saw in '09. We had also seen originally with two separate buildings and the complications that had created. It definitely made sense to go the direction you're going. I certainly find that a preferred approach to using the property there. The issue before us isn't so much setbacks and what have you it's the issue of the dwellings, the 6 dwellings. Again, I see no problem I mean the Code gives you 4, you're asking for 6 because you've combined the buildings and that, to me, also makes sense so I have no problem granting a Variance for the 6 apartments versus the 4. With me it seems quite acceptable, the project.

Ms. Adrian Hunte stated I concur.

Mr. James Seirmarco stated I do too.

Mr. Wai Man Chin stated I have no problem. I had no problem back in '09. I think we were ready to vote on this then at that time. It's fine.

Mr. Charles Heady stated you needed the improvement there what is there now and the improvement you made now is very nice.

Mr. John Klarl stated as a matter of fact, Mr. Chairman, just to bring you up-to-date a little bit, I wrote a memo on August 20<sup>th</sup>, 2009 to Mr. Gemmola indicating that the "above case appeared on the Zoning Board of Appeals agenda last night under 'reserved decisions' having closed the public hearing last month," members of his office told me he was in California that day and I wrote to him: "enclosed please find a copy of the draft Decision and Order which I summarized at last night's meeting. The Board indicated they're in agreement with the Decision and Order but it was not formally adopted by the Board last night as the Board is doing coordinated review under SEQRA with the Planning Board, i.e. the SEQRA determination and formal adoption of the Zoning Board of Appeals Decision and Order will take place at the time of the Site Plan Approval by the Planning Board." Then, I asked them to give me a call so we could do mutual consents for an adjournments, but we actually gave him a draft version of the D&O in August of 2009.

Mr. Raymond Reber stated so what you're telling us you don't even have to write a new D&O...

Mr. John Klarl stated obviously he had to re-energize his application before both the Zoning Board and the Planning Board and the Health Department was a 37 foot high Fenway monster wall for you to jump over.

Mr. Ed Gemmola responded it usually is but we're at that point. Thank you.

Mr. David Douglas stated I don't think any of us see any reason not to stick with what we felt in 2009. I think you're in good shape.

Mr. Ed Gemmola responded that's good to hear.

Mr. David Douglas asked John, I think we'll still keep it open so we can continue to do coordinated review with the Planning Board.

Mr. John Klarl stated the Planning Board could do something to the site which might adjust Variance for this Board. So, yes, Mr. Gemmola has to be at both applications back on their proper tracks.

Mr. Ed Gemmola responded yes.

Mr. David Douglas stated we should adjourn it until next month.

Mr. Raymond Reber stated I make a motion on **case 18-09** to adjourn to the May meeting.

Seconded with all in favor saying "aye."

Mr. David Douglas stated you're adjourned until May.

Mr. John Klarl asked Mr. Gemmola when will you appear back on the next Planning Board agenda?

Mr. Ed Gemmola responded as soon as I can. I'll talk to the powers to be and – I mean we had everything so hopefully I can just print it and go back in.

Mr. John Klarl asked you'd be on the May agenda?

Mr. David Douglas asked will you be in May?

Mr. Ed Gemmola responded I'll try to.

Mr. Ken Hoch stated I don't know the date for the Planning Board.

Mr. John Klarl asked you're going to be on May or June though?

Mr. Ed Gemmola responded yes, what I can do is I was going to check – I have the sheet in the office. If it's just a matter of resubmitting the proper number of copies I don't see why we can't get on.

Mr. John Klarl stated maybe you can give us a one line letter when you know if you're on the May or the June Planning Board agenda. One line letter to the Zoning Board of Appeals...

Mr. Ed Gemmola responded absolutely.

**B. CASE No. 14-11B**                      **Capurro Contracting, Inc.** on behalf of Patricia Doherty for an Area Variance for a front yard setback to rebuild a deck and for the existing front steps; and the side yard setback for the existing house on property located at **122 Westchester Ave., Verplanck.**

Ms. Patricia Doherty stated it's in regards to the porch that I've repaired and we had the survey done. Should I bring this up to you?

Mr. David Douglas responded we have a copy of this.

Mr. Charles Heady stated this case has been going on for a couple of years also as was the previous case we just had. Your surveyor has gone through the road and made another survey which the Board has seemed to adopt the survey he's made up. We're going along with what your surveyor has made up for your Variance you need.

Ms. Patricia Doherty responded thank you.

Mr. David Douglas asked anybody else have any comments?

Mr. Wai Man Chin responded I have no problem with that.

Mr. David Douglas asked did you want to say something sir?

Mr. Doherty responded I'm just here to support her with that and make sure it gets finished tonight – hopefully anyway.

Mr. David Douglas stated it should be finished within the next one or two minutes.

Mr. Charles Heady asked does anybody in the audience have any comments to make on this case. I make a motion on **case 14-11B** to close the public hearing.

Seconded with all in favor saying "aye."

Mr. Charles Heady stated I make a motion on **case 14-11B** an Area Variance from the front yard setback for the porch that allowed **30** feet down to **6.7** feet, a front yard setback for stairs for the allowed **24** feet down to **2.03** feet, a side yard setback for an existing house from an allowed **5.85** feet down to **3.1** feet, SEQRA type II, no further compliance required.

Mr. Raymond Reber asked should we reference the survey that we used just for the record that list it as the reference that's used for the Variance...

Mr. Doherty stated the survey has been done several times and I hope this is the last one.

Mr. Ken Hoch stated since this is '**B**' we already adopted a Decision and Order for the front when we split this into **14A** and **14B** so **14B** here is dealing with the side and the new survey has the side at **4.2** which changes slightly what I had written.

Mr. Raymond Reber asked which date is your survey?

Mr. Ken Hoch responded this is **11-28**.

Mr. John Klarl asked by who, what surveyor?

Mr. Ken Hoch stated by Tec Land?



Mr. Raymond Reber asked **11-28-10**?

Mr. Ken Hoch responded **11-28-11**.

Mr. Raymond Reber stated because the one I have here is **4-26-11**. So, you have a more recent one.

Mr. Wai Man Chin asked why don't we go by what you have?

Mr. David Douglas stated you seem to have the most recent one so let's use your numbers.

Mr. Ken Hoch stated ex survey dated **11-28-11**.

Mr. John Klarl stated and that seems to be the latest date right Ken?

Mr. Raymond Reber stated as long as you reference it because the one that I have does agree with the **3.1** that you have on the...

Mr. James Seirmarco stated that was the one that was previous to that April.

Mr. John Mattis asked so that correct number is what?

Mr. Ken Hoch stated **4.2**.

Mr. James Seirmarco asked what date do you have on yours?

Ms. Patricia Doherty responded **11-28-11**.

Mr. David Douglas stated okay, so you have the one that Mr. Hoch has.

Mr. James Seirmarco stated that's the most up-to-date and accurate.

Mr. Raymond Reber stated that's the one we'll use.

Mr. James Seirmarco stated that's the one we will be using for this Variance.

Mr. Wai Man Chin asked so Ken, could you just – maybe just reiterate the Variance that's required.

Mr. Ken Hoch stated the Variance here would be **14B** which would be for the side yard setback from a required **5.85** feet down to **4.2** feet as indicated on the survey by Tec Land survey dated **11-28-11**.

Mr. Wai Man Chin stated this is a type II SEQRA no further compliance is required.

Mr. David Douglas asked Ken, that's the only change right?

Mr. Ken Hoch responded correct.

Seconded with all in favor saying "aye."

Mr. David Douglas stated your Variance is granted.

Ms. Patricia Doherty asked this is in regards to the Variance for Mr. Carbone, is that correct?

Mr. David Douglas responded correct.

Mr. Raymond Reber stated that survey is the survey that we've approved.

Mr. Wai Man Chin stated that we're going by.

Ms. Patricia Doherty responded your going by this survey.

Mr. David Douglas responded by that one, the one you have.

Ms. Patricia Doherty asked in regards to the Variance?

Mr. Wai Man Chin responded right.

Mr. David Douglas asked Ken, you'll have the paperwork ready for the Variance? Is it five days?

Mr. Ken Hoch responded yes.

**C. CASE No. 2012-04                      Enterprise Rent-A-Car, lessee, for an Area Variance for side and rear yard setbacks for a car wash structure on property located at 2077 E Main St., Cortlandt Manor.**

Mr. Joel Greenberg stated the architect for Enterprise. As you recall, at the meeting we had a month ago, there was some concern about one of the neighbor's, Mr. Rughetti. The Board suggested that I sit down and meet with him to find out what his concerns are to see what we can do. I met with him twice and basically, if you look at the drawing here, and I have copies if you want copies. I had the Geomat company which is doing this work, actually do a rendering showing exactly what Mr. Rughetti was requesting. Basically what he wanted us to do is to the portion of the Geomat structure that was facing his property that instead of it being open, to be closed which is what this sketch shows. He also was concerned about, not that it has anything to

do with this particular Variance but we want to try and be a good neighbor, he was also concerned about the vacuum and the noise that came from it. So, we agreed to put it on the side of the property way down over here away from his property. Also, if you recall, I had suggested that we put a fence along his property line but he's got some very well manicured hedges which he wants to keep and he doesn't want any fences there and Enterprise allows his gardeners to manicure. He said "no" he doesn't want the fence he'd just rather have at the end of the structure to have that closed in so he doesn't have to look and see what's going on in there. We agreed to move the vacuum along over here where the adjacent property owners a much further away. Mr. Rughetti's, unfortunately, if you recall on your site inspection, his deck is pretty close to the property line so he sees it all the time. Anyway, I think we came to an agreement. Hopefully that will resolve it.

Mr. David Douglas asked you said you've got copies of that sketch? If you could just give at least on to Mr. Hoch just so we have one for the file that would be great.

Mr. James Seirmarco stated Mr. Chairman this was supposed to just go right through but someone suggested that he comes to the Zoning Board just for our review and I'm glad that they did. Mr. Rughetti was here and he had some valid points. The applicant has met with him and seems to have satisfied all of the outstanding issues that Mr. Rughetti had come forth with. I think I see no reason not to approve this at this point.

Mr. David Douglas stated I would also not that I believe that the Planning Board has approved your application subject to our approval, DOTS's approval and ARC's approval.

Mr. Joel Greenberg responded right, I forgot to mention that this Board had indicated that they would like to see the Planning Board approval first before and it was approved last month.

Mr. John Klarl stated for the record Mr. Chairman, I have my notes from the Planning Board meeting that was held on April 3<sup>rd</sup> and by motion, not by Resolution, by motion the Planning Board approved the application before them. They noted that the vacuum noise was being reduced for the neighbor, Mr. Rughetti and they said that this approval that they did by motion was subject to three further approvals and that would be DOTS, CAAC (Cortlandt Architectural Advisory Council) and this Board, the Zoning Board of Appeals. Subject to DOTS, CAAC and ZBA.

Mr. Raymond Reber stated the primary reason that this was before us is because you do need two Variances; side rear yard which requires a **30** foot setback. Obviously this doesn't have that. It's only going to have an **8** foot setback but again, I don't think any of us see any problem with that it's location we had indicated that at the previous meeting. I know noise is the issue and certainly to Mr. Rughetti it's the issue – this wall now that they're putting in the back is that a – can you describe what kind of material that's going to be constructed of?

Mr. Joel Greenberg responded it's going to be an aluminum similar to the roof. Also, one of the questions just to get this on the record, that I think Ms. Hunte you brought up was the question

about the way the cars were going to be washed and would that increase the noise. Basically, the car's going to be washed with the hose again so the noise will basically be the same that it is now. It's not going to have any kind of power pressure type of thing coming from the ceiling creating a lot of noise so I did check with Geomat and I think that we've addressed that now.

Ms. Adrian Hunte responded thank you.

Mr. David Douglas asked anybody else? Anybody else in the audience want to be heard?

Mr. James Seirmarco stated I make a motion we close the public hearing on **case #2012-04**.

Seconded with all in favor saying "aye."

Mr. David Douglas stated public hearing is closed.

Mr. James Seirmarco stated I make a motion we approve the Variance stated with the side yard from **30** feet down to **8** feet of the **22** foot Variance and a rear yard Variance from **30** feet down to **8** feet. This is a type II SEQRA, no further compliance is required.

Seconded with all in favor saying "aye."

Mr. David Douglas stated your Variances are granted.

Mr. Joel Greenberg responded thank you.

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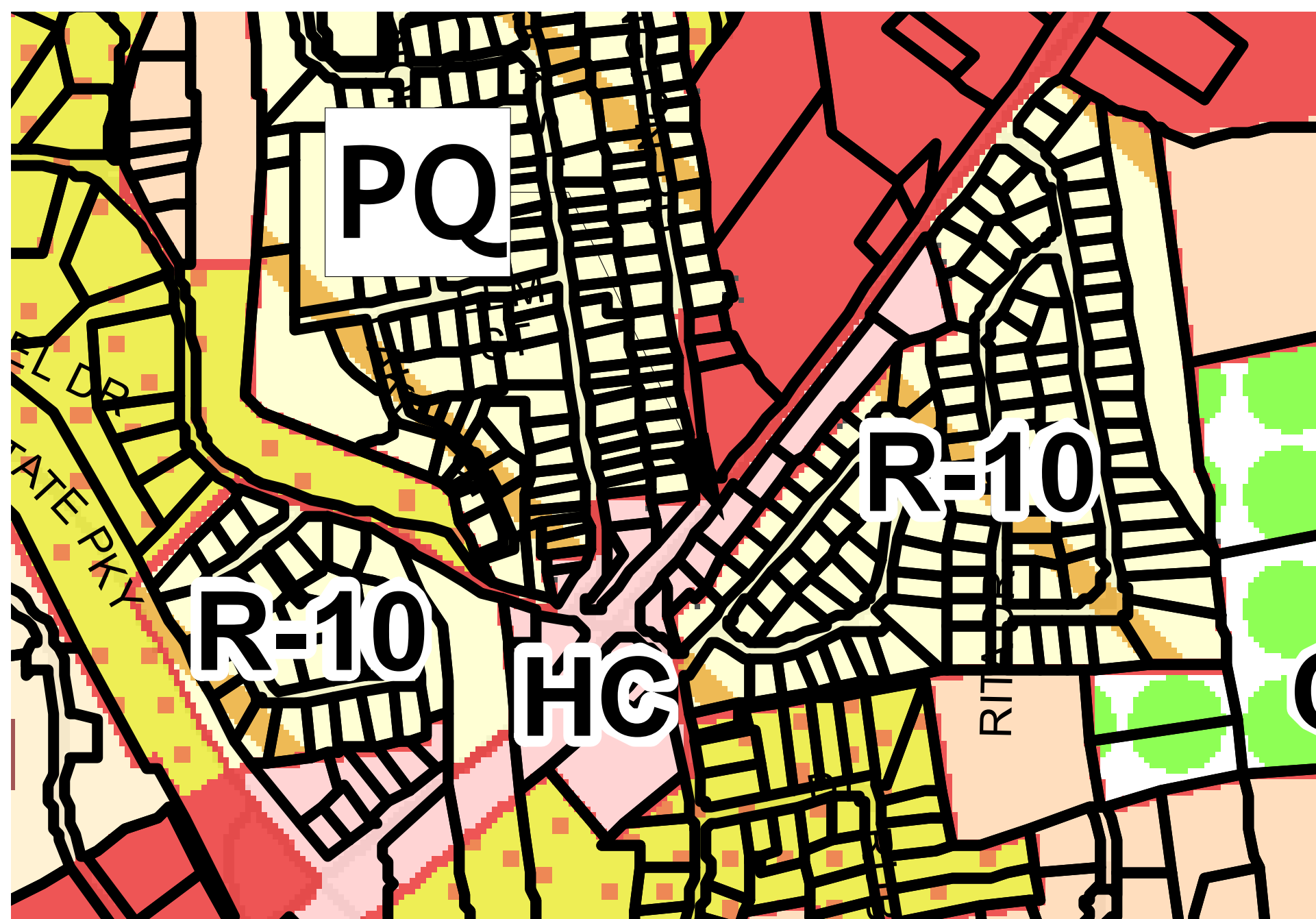
### **NEW PUBLIC HEARINGS:**

#### **A. CASE No. 2012-11                      Curry Properties** for an Area Variance for a freestanding sign on property located at **3026 East Main St., Cortlandt Manor.**

Mr. David Douglas stated next we're going to do something that we don't normally do. We're going to take something out of order. I understand that Mr. Greenberg has a two places at once problem this evening so our next case is going to be a new public hearing, it's **case #2012-11**, Curry Properties.

Mr. Joel Greenberg stated as Mr. Douglas mentioned, this is a request regarding a sign for the new Subaru/Hyundai building which is under construction, almost completed. I indicated at the work session I'd bring you some renderings. These pictures were just taken today so if you pass by this building, you'll see that it is **98%** complete and should be completed shortly and we're having the grand opening in the beginning of June. It came to the attention of the Building Department that even though we had a Permit for our freestanding sign, apparently, obviously it





Zoning Map



Site Location Plan

Zoning Schedule			
HC Highway Commercial District	Ordinance	Existing	Proposed
Use: Automotive rental	permitted	permitted	not changed
Minimum Lot Area	20,000	16,893	not changed
Minimum Lot Width	100	190	not changed
Maximum Height	2 1/2 st 35'	1 st 20'	not changed
Required Front Yard	30	12.6	not changed
Required Side Yard	30	12.4	not changed
Required Rear Yard	30	8.3	15
Maximum Building Coverage	20%	7.5%	10.1%
Minimum Landscape Coverage	30%	34.2%	35.9%
Buffer to ROW	25	0	not changed
Residential District Buffer	50	8.3	15

V Variance required

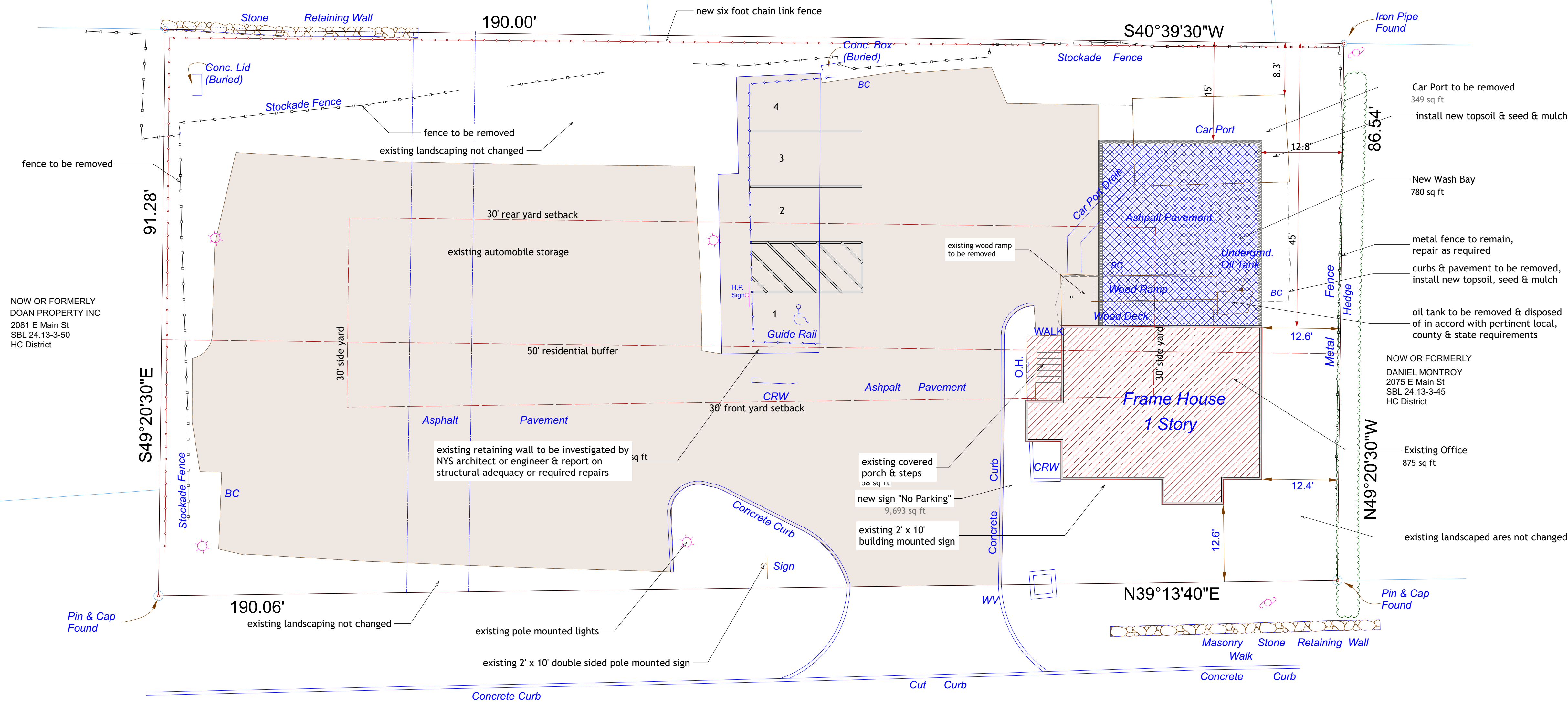
	Building Area		
	Office	863	863
	Covered Porch	58	58
	Car Port	349	0
	Wash Bay		780
	<b>Total Building Coverage</b>	<b>1,270</b>	<b>1,701</b>
			431
	Paved Parking Area	9,848	9,130
	<b>Total Impervious</b>	<b>11,118</b>	<b>10,831</b>
			-287
	Landscaped Area	5,775	6,062
			287

Parking @ 1/300 sf (Retail) 3 required 4 4

NOW OR FORMERLY  
SONIA CORDERO  
8 Highland Dr  
SBL 24.13-3-48  
R-10 District

NOW OR FORMERLY  
BRIAN P & CHRISTI MC EVOY  
6 Highland Dr  
SBL 24.13-3-46  
R-10 District

NIF  
LAURA M. SELLAZZO  
4 Highland Dr  
SBL 24.13-3-44  
R-10 District



General Notes

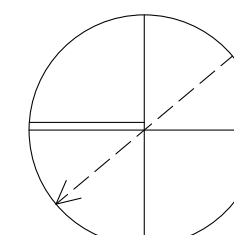
- Applicant acknowledges that all disturbed areas shall be 100% stabilized & planted prior to issue of Certificate of Occupancy;
- Applicant shall provide an as-built foundation survey to the Town of Cortland prior to framing;
- Prior to backfilling of any storm water piping, DOTS Engineering shall be notified to perform an inspection;
- All import fill must be tested & certified as unrestricted, suitable for residential use, in accordance with Town Policy. Certifications shall be addressed to Town's Planning Board Engineer. Soil analytics & reports shall be forwarded to the Town's Planning Board Engineer for review & approval;
- Prior to issuance of Certificate of Occupancy the Town will require a certification from and NYS Engineer that the completed site work & drainage improvements will not cause an adverse impact on adjoining downstream properties;
- Backflow prevention devices shall be designed & installed in accordance with University of Southern California List of Approved Backflow Prevention Devices, NYSDOH Guidelines for Designing Backflow Prevention Assembly Installations, and Building Code.

**EAST MAIN STREET**  
STATE HIGHWAY # 1309 U.S. ROUTE 6

Zoning Plan

Scale 1" = 10.0'  
0 5' 10' 20'

PLAN NORTH



Prepared with information taken from "Topographic Survey of Property Prepared for Enterprise Mobility Situate in the Town of Cortland Westchester County, New York" by INSITE Engineering, Surveying & Landscape Architecture P.C. dated July 9, 2024

JOHN J GILCHRIST ARCHITECT  
A Professional Corporation

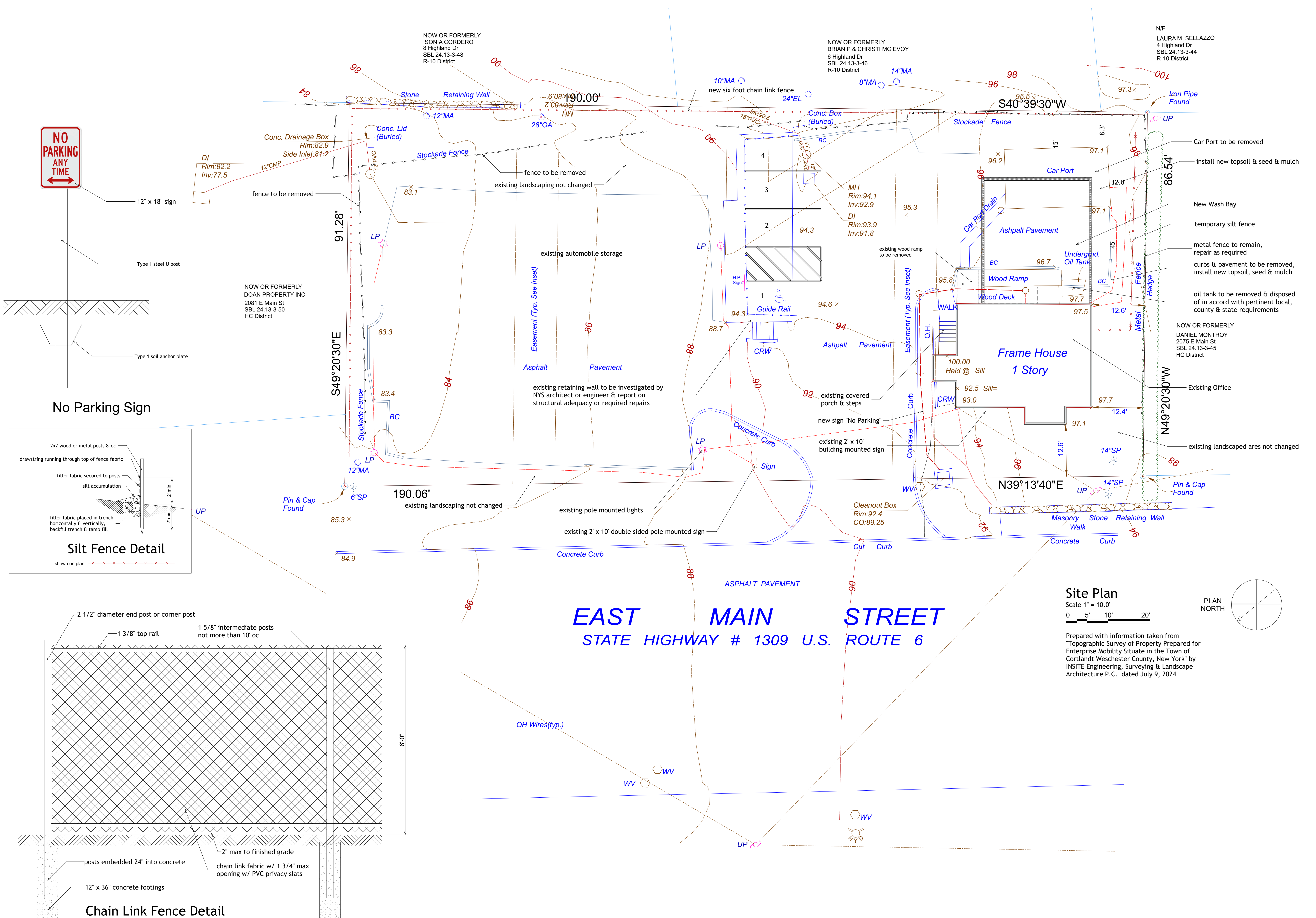
Date	Issue	Initial
9-24-24	revised per planning & engineering reviews	JJG
9-3-24	for review	JJG
8-13-24	for review	JJG

Car Wash Addition  
Enterprise Rent A Car  
2077 East Main Street  
Town of Cortland  
New York  
24.13-3-47

**Zoning Plan**

John J Gilchrist  
Architect  
A Professional Corporation  
8 Coach Lane  
Upper Saddle River  
New Jersey 07458  
Phone 201 573 1877  
JJGAPC@gmail.com





- Car Port to be removed
- install new topsoil & seed & mulch
- New Wash Bay
- temporary silt fence
- metal fence to remain, repair as required
- curbs & pavement to be removed, install new topsoil, seed & mulch
- oil tank to be removed & disposed of in accord with pertinent local, county & state requirements
- Existing Office
- existing landscaped areas not changed

**Site Plan**  
Scale 1" = 10.0'  
0 5' 10' 20'  
Prepared with information taken from "Topographic Survey of Property Prepared for Enterprise Mobility Situate in the Town of Cortlandt Westchester County, New York" by INSITE Engineering, Surveying & Landscape Architecture P.C. dated July 9, 2024

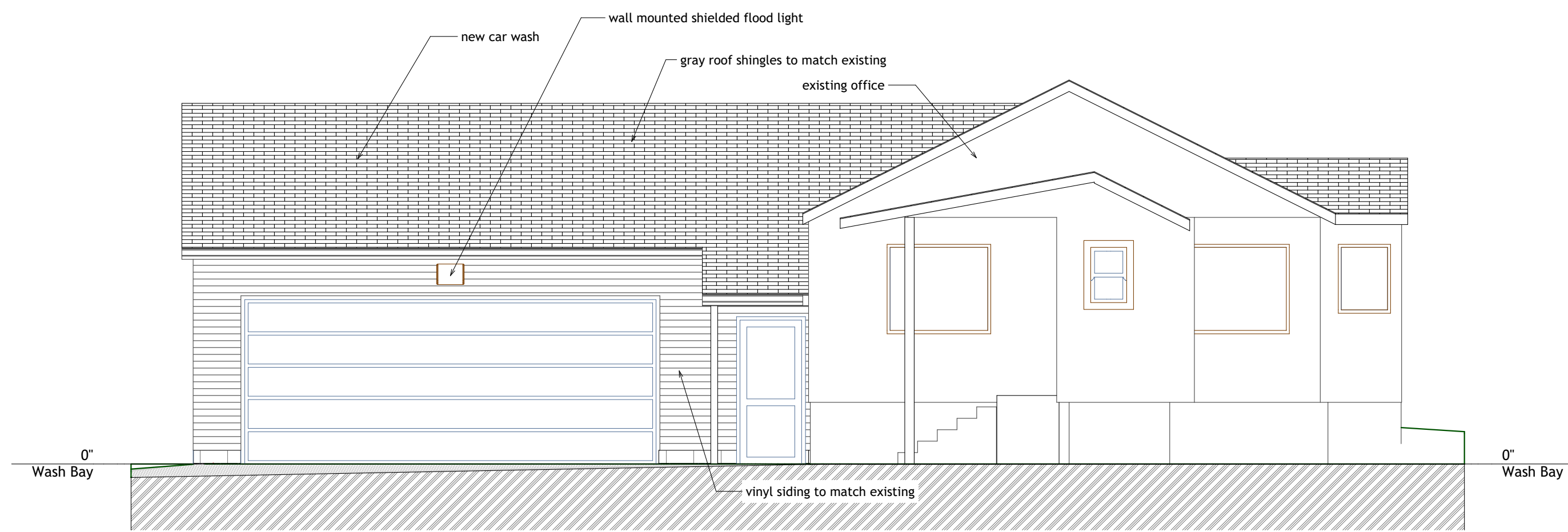
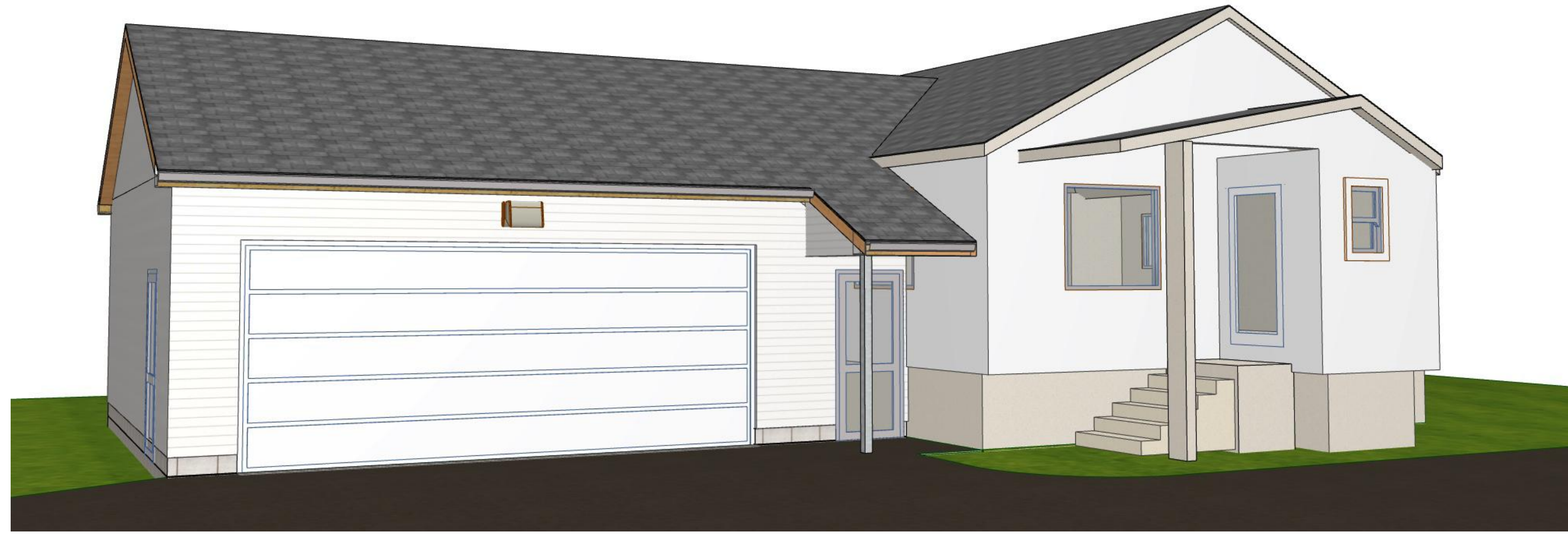
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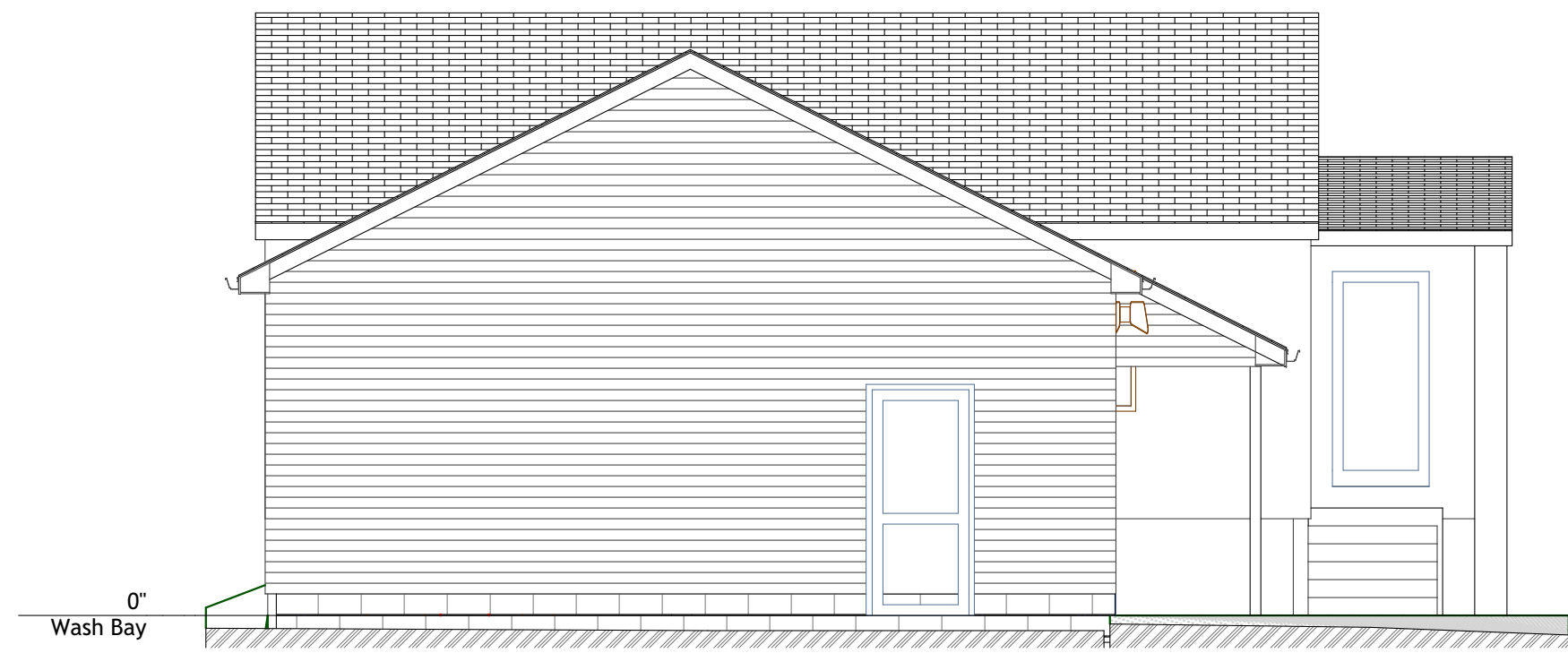
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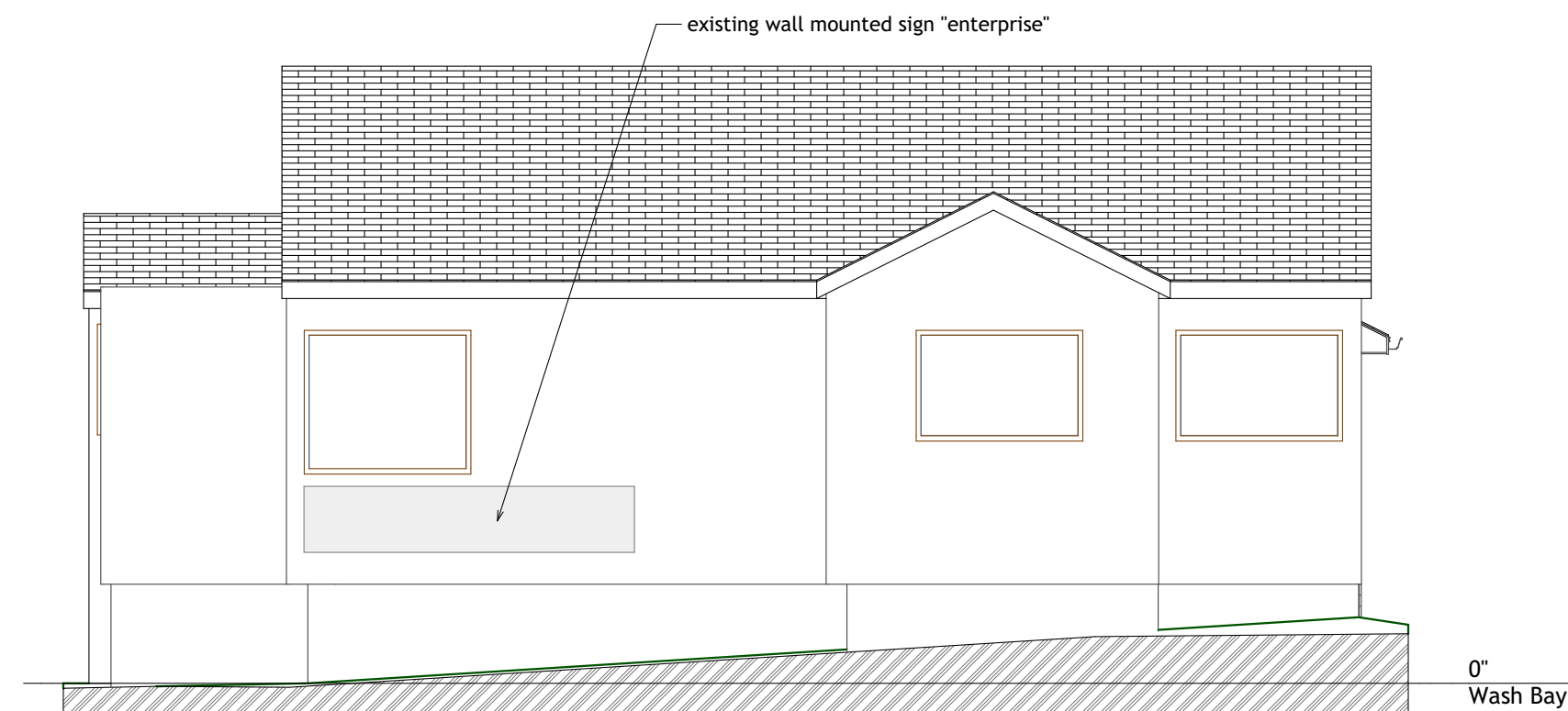




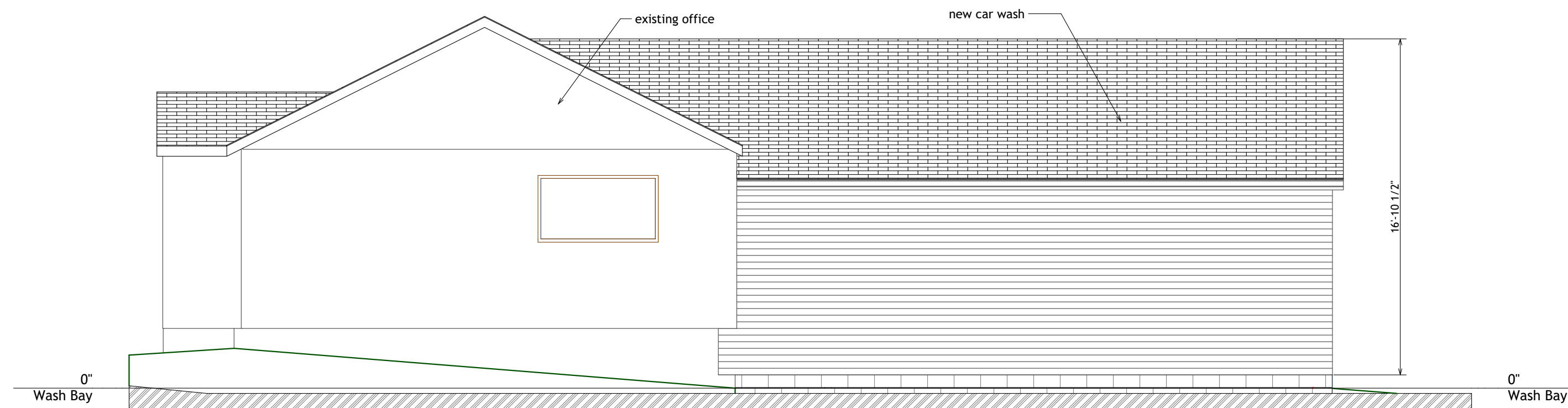
North Elevation  
SCALE: 3/16" = 1'-0"



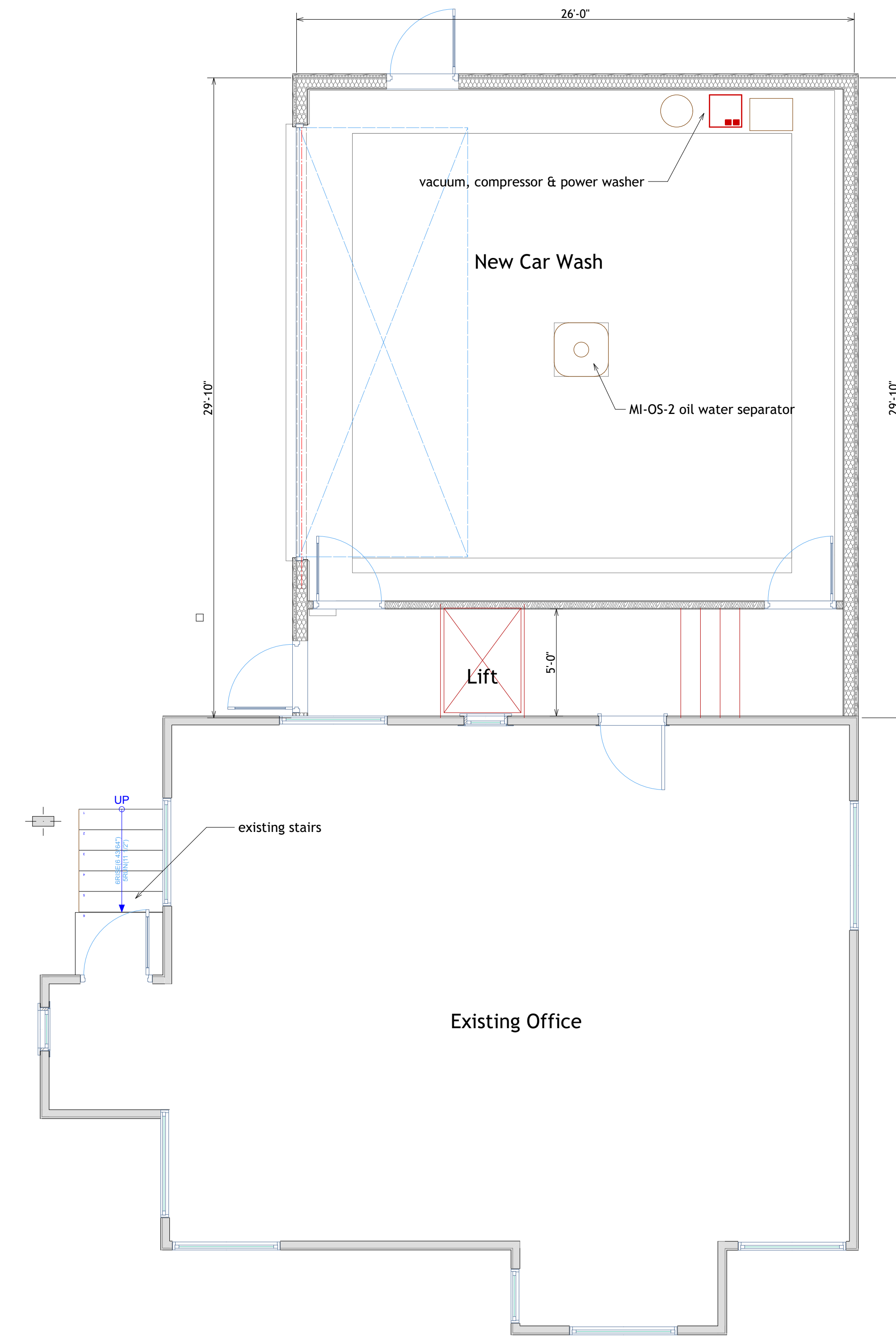
East Elevation  
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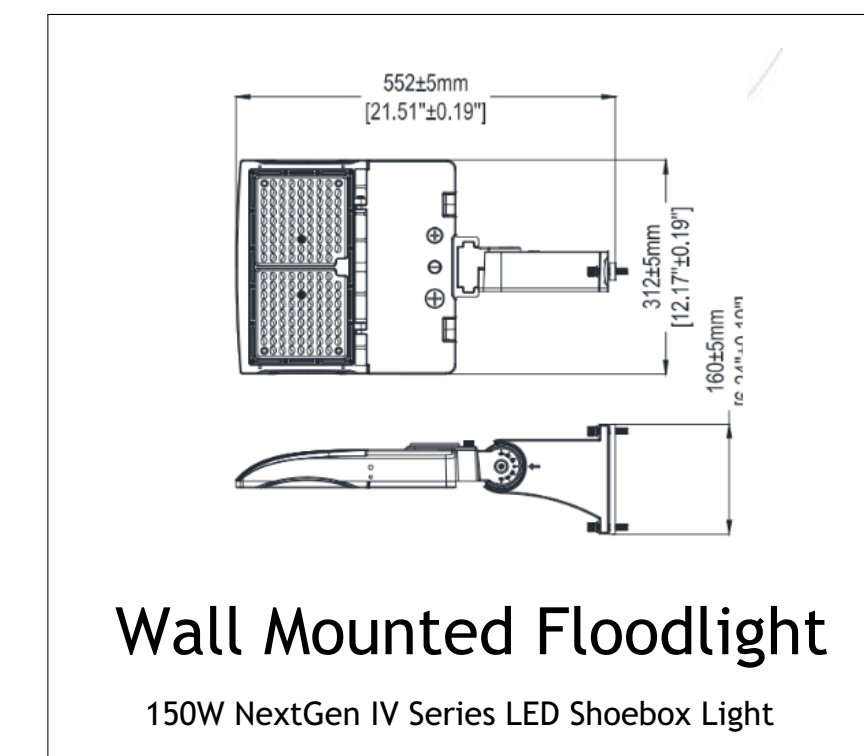
West Elevation  
SCALE: 3/16" = 1'-0"



South Elevation  
SCALE: 3/16" = 1'-0"



Floor Plan  
SCALE: 1/4" = 1'-0"

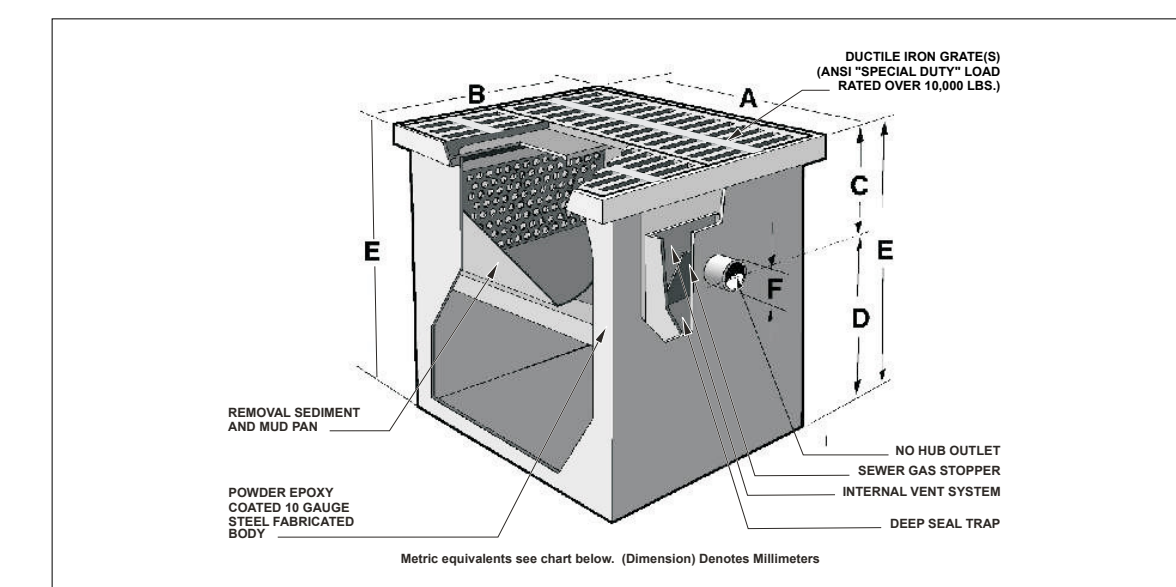


Wall Mounted Floodlight  
150W NextGen IV Series LED Shoebox Light



Specification: MIFAB® Series MI-OS (specify model) sanitary powder epoxy coated inside and outside fabricated 10 gauge sheet oil / sediment interceptor with sludge capacity of \_\_\_\_\_ lbs. (specify). Interceptor complete with ANSI rated "Special Duty" ductile iron grate(s) with load rating over 10,000 lbs., removable sediment bucket and mud pan, deep seal trap with integral sewer gas stopper, internal vent system, cleanout plug and side outlet.

Function: Used in service areas to receive wastewater with sediment and oil contaminants through the top grate(s). Sediment bucket and mud pan are designed to capture debris and prevent drain line clogging. Integral sewer gas stopper will prevent harmful gasses from entering via the outlet. Electrostatically applied powder epoxy coating ensures extra long life.



MODEL NO.	SLUDGE CAPACITY LBS.	GRATE FREE AREA SQ. IN.	NO. OF GRATES	A	B	C	D	E	F	LIQUID HOLDING CAP. U.S.G. CU. FT.	SHIPPING WEIGHT (lbs.)	WEIGHT WHEN FILLED WITH WATER (lbs.)	
MI-OS-1	12	48	1	24.375"	12.5"	4.0"	10.0"	10.0"	2"	12	1.8	140	221.00
MI-OS-2	60	120	2	24.375"	24.5"	7.625"	17.625"	25.25"	4"	40	6.13	300	594.00
MI-OS-3	100	262	3	36.625"	24.375"	11"	22"	33"	4"	77	19.25	445	1020.00
MI-OS-4	200	383	4	48.750"	24.375"	11"	22"	33"	4"	103	15.8	560	1334.00
MI-OS-5	300	524	8	48.750"	48.675"	11"	22"	33"	4"	193.33	29.7	600	1600.00

JOHN J GILCHRIST ARCHITECT  
A Professional Corporation

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Building Plan & Elevations



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