



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

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To: Town of Cortlandt Planning Board  
Cc: Michael Preziosi, P.E. –Director, Dept of Technical Services  
Chris Kehoe, AICP – Deputy Director – Planning, Dept of Technical Services  
From: Martin G. Rogers, P.E. – Director of Code Enforcement  
Date: April 16, 2019  
Re: Lulu Properties  
Albany Post Road  
Tax ID 54.8-3-4

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Initial review has been performed for the Site Drawing for the above location. The following was noted:

Currently a 1,540 square foot structure with a basement and garage under is proposed.

The Applicant's Design Professional has noted preliminary testing was performed with the WCDOH to determine where a subsurface sanitary disposal system could be located. At this time a preliminary design nor flow rates have been determined or submitted to the WCDOH.

The Design Professional has noted a system, if it can be designed and approved by the WCDOH, will have to be located in the R-15 zoned portion of the parcel. It was also noted testing performed in the CC Zone resulted with water at 20" and 17" from the existing grade.

Detailed information was not made available regarding the proposed operations and layout for the interior spaces.

The extent of the proposed use should be considered. It is possible space not required for the daily operations of the Taxi Business could be proposed for other uses in the future.

Why is a garage required? This may affect the Use Classification in the Building Code. In addition groundwater may be a concern for the proposed basement and garage.

It appears testing was not performed in the area near the Zoning Designation line. Is this area suitable for a system?

The applicant and the Design Professional shall analyze if the proposed building is not required to be as large as shown. The sanitary system may then not need to be as extensive as delineated on the current Site Plan. A preliminary Sanitary System Design should be

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completed at this time and referred for WCDOH review to see if it can be approved. The proposed development may be restricted based on the system.

The Town Code regarding this specific issue is as follows.

*§ 307-7 District boundaries.*

*D. In all cases where a district boundary divides a lot and more than 50% of the area of such lot lies in the less restricted district, the regulations prescribed by this chapter for the less restricted district shall apply to such portion of the more restricted portion of said lot which lies within 30 feet of such district boundary.*

CC would appear to be less restrictive. An additional 30' past the Zone line could be used for the sanitary system without requiring a variance from the Zoning Board of Appeals.

*§ 307-8 Conformance required.*

*A. Except as provided herein, no structure shall be erected, moved, altered, rebuilt or enlarged, nor shall any land or structure be used, designed or arranged to be used, for any purpose or in any manner except in conformity with all regulations, requirements and restrictions specified in this chapter for the district in which such structure or land is located.*

The Town Code states "for any purpose or in any manner" which would include subterranean items or structures.

If the area 30' past the Zone line is used for the sanitary system it appears a Use variance will be required from the Zoning Board of Appeals.