

September 8, 2022

By Email and Overnight Mail

Hon. David Douglas
Chairman of the Town of Cortlandt Zoning Board of Appeals
and Members of the ZBA
Town Hall
1 Heady Street
Cortlandt Manor, NY 10567

Re: Hudson Ridge Wellness Center, Inc.; Case No. 2016-24

Dear Chairman Douglas and Members of the ZBA:

We submit this letter on behalf of Citizens for Responsible Hudson Institute Site Development, Inc. (“CRHISD”).

CRHISD is a group of Town residents who live in the vicinity of the subject site. As the ZBA observed during its Site Visit, this includes homeowners immediately abutting the site, with backyards and decks having direct views into the site.¹ Others live right across the street. Many residents testified about how they value and enjoy their neighborhood for its semi-rural, residential character – everything from their close relationships with their neighbors, to the dark sky at night and lightly-traveled roads for recreational activities. There are no non-residential uses in the immediate area. This is what community and “home” means to them.

The ZBA should deny the Applicant’s request for a 100% area variance from the Town’s Special Permit condition that “hospitals” in a residential district must be located on a State road.² The detriment to the welfare of the community (and its long-standing residents) outweighs the potential financial benefit to the Applicant under the 5-factor balancing test, especially considering that the Applicant brought this hardship upon itself in pursuit of its commercial venture in an R-80 District. See N.Y. Town Law § 267-(b). While the Applicant boasts that granting the variance would result in several alleged benefits to the Town and wider community (e.g., taxes, open space, refurbishing the property, etc.), the only benefit that is relevant for the balancing test is the benefit to the Applicant – which is to maximize its return on its investment.

¹ New Board Member Fleming is invited to visit the residents’ properties.

² See Cortlandt Zoning Code §§ 307-15(A)(11) and 307-59(B)(9).

(App. Memo. at 40-41).³ The ZBA is under no obligation or pressure to fix the Applicant's business gamble in acquiring the site before talking to the neighbors (or OASAS), and without an approval contingency despite the State road frontage requirement.

The self-created hardship factor is particularly compelling under the circumstances of this application (in addition to the community character factor). The Applicant acquired the site *6 years after* the Town Board codified the State road requirement, and approximately 60 years after a hospital-oriented use last operated at the site. We know the self-created hardship factor often gets short shrift in the typical application, when a local landowner needs some bulk-zoning relief to operate an otherwise permissible use. We are all familiar with the common variance request from a homeowner asking the ZBA to vary setbacks or other bulk criteria to allow a new home, addition, pool, or deck in a residential district. Yes, that hardship is self-created, but granting that variance usually doesn't turn on its head the essence of the character of the residential community, the Zoning Ordinance, and the Comprehensive Plan, which is why the self-created hardship factor usually does not play a pivotal role. This case is different.

Here, a sponsor of a for-profit, commercial facility is asking for complete relief of a condition to a Special Permit that the legislative body adopted to regulate where hospitals can be located, and to ensure they are not on local roads deep in residential districts (there is no exception for a "specialty" hospital, which the Applicant calls itself). Critically, the State road frontage requirement is different from the normal bulk regulation: it is locational, not dimensional. It dictates where, in the first place, this type of non-residential use may occur district-wide in the R-80 residential district (not where an individual home or other residential structure may be located on an individual residential lot). The fact that the Applicant's requested relief is being evaluated as an area variance does not change the nature of the request itself.

We also encourage the ZBA to take a close look at the Maps we presented during the August Hearing – which are attached as Exhibit "A". These Maps demonstrate how the community has slowly transformed over the past 50+ years into the residential neighborhood that exists today. And it is today's community character that is relevant for the first factor of the variance test, not what existed in the 1920s-1940s when Dr. Lamb operated his sanatorium, or at the time of any of the other uses that followed before the site went dark in the early 1980s.⁴

³ The Applicant's Memorandum of Law, dated September 28, 2016, is referred to as "App. Memo."

⁴ Nothing in this letter or CRHISD's participation during this process shall be construed as an admission that the proposed Wellness Center is a "hospital" under the Zoning Ordinance, or that an area variance, rather than a use variance, is the proper relief. CRHISD reserves all its rights with respect to these and all other matters before the Courts.

A. ZBA Should Deny The Requested Variance Based Upon The 5-Factor Test

1. Undesirable Change In Community Character

The variance would cause an undesirable change in the character of the neighborhood and a detriment to nearby properties. See, e.g., Pecoraro v. Bd. of Appeals of Hempstead, 2 N.Y.3d 608, 781 N.Y.S.2d 234, 238 (2004) (“the Board could rationally conclude that the character of the area was that of parcels conforming to the zoning requirements, and that, therefore, granting the variance would have an adverse effect on the character of the neighborhood”).

As discussed during the June Hearing, the Comprehensive Plan (p. 93) and SEQRA Handbook (p. 87) address what it means to analyze a change in community character. It is not always measurable; it’s about the residents’ feel for their neighborhood, too. It involves:

- “meaning and emotion humans assign to geographic spaces”
- “how people function within, and perceive, that community”
- “Courts have supported reliance upon a municipality’s comprehensive plan and zoning as expressions of the community’s desired future state or character”

All the ZBA needs to do is reflect upon the testimony from the Public Hearing about the residents’ concerns. No one is better suited to describe the permanent change in community character than the individuals who moved to the area for its bucolic setting and made their homes and raised their families in this community.

The ZBA heard consistently about the neighbors’ perception of their residential community and the meaning they assign to it, and why the proposed use would be a radical change given the particular facts of this facility (gated, round-the-clock security, targeted for affluent individuals from NYC and across the country, etc.). By its nature, the hospital would be an exclusive and isolated use, not one that would add to the fabric of the community. The patients who would cycle in and out of the gated hospital monthly would have no connection to or interaction with their neighbors. That is not what a community is about. Not one person said the proposed commercial use would add to the character of the neighborhood or Quaker Ridge Road.

The proposed use at this location is contrary to the Town’s adopted land use and development plans and goals. The Town enacted the Hospital Special Permit criteria “to ensure that such facilities are provided in a manner that is not disruptive to surrounding property or the neighborhood.” Zoning Ordinance § 307-59A. And as stated by the Town Supervisor in an Affidavit when explaining the purpose behind the State road frontage requirement, the “intent of the Town Board was thus to limit the siting of hospitals to the *areas and roads* that are better suited for such uses.” (See Affidavit of Supervisor Puglisi, sworn to on June 8, 2017, at ¶ 5, a copy of

which is enclosed as Exhibit “B”) (emphasis added). This requirement is not all about traffic; it is also to preserve the character of an area, and to locate these uses in areas that can better serve them, including areas that have public sewer and water, and easy access to goods and services.

Moreover, residential zoning districts were established “to promote the stability and desirability of residential neighborhoods,” as well as to “preserve neighborhoods containing detached single-family and two-family homes.” Zoning Ordinance § 307-5(A). “Residential districts are intended to be *free from uses other than residential uses*, except those which are both *compatible with and convenient to the residents* of such districts.” *Id.* (emphasis added). The Town’s 2016 Sustainable Comprehensive Plan encourages the preservation of large-lot residential uses in the R-80 zone, and to maintain the character of the Town’s rural areas, including specifically the R-80 zone. (Comp. Plan at 46, 51). The Comprehensive Plan pronounces that “[p]rotecting and enhancing visual and community character is critical to making a community a desirable place to live.” (Comp. Plan at 93).

As mentioned above, CRHISD has also presented Maps demonstrating empirically how the neighborhood surrounding the site has slowly transformed over the past 50+ years from an area predominantly of woods and farmlands with a few houses and a sanitorium into the residential community that exists today. The full set of Maps is attached as Exhibit “A”.

It is also important that Quaker Ridge Road is a Town-designated “Historic/Scenic Road” pursuant to Section 188-1 of the Town Code. The historic/scenic designation is another regulatory tool to protect and preserve how people function within, and perceive and feel about, their community.

The Applicant’s response to the community’s concerns boils down to two main arguments: that the proposed hospital (i) is consistent with the hospital that last existed on the site around 1948, and the other institutional uses that existed thereafter until around 1980, and (ii) is not different than any of the other non-residential uses permitted in the neighborhood. (App. Memo. at 41; Applicant’s Letter to ZBA, dated August 23, 2022, at 1-4).

The first argument fails because the Applicant’s focus on comparing the proposed facility only to historical uses on this site itself is too narrow. Community character analysis is broader and focuses on whether a proposed use would harmonize within the surrounding community – in this case, one that has established itself as firmly residential over the past half-century. (See Exhibit “A”).

The second argument fails because other non-residential uses, such as schools, libraries, government buildings, and places of worship, would all serve the local community and offer destinations where residents could congregate and feel part of the community. They would contribute to the residents’ sense of place and quality of life within their community. In contrast, the proposed hospital would not be integrated or compatible with the community; it would be off-limits to everyone except the affluent individuals who come in from around the country for their

transient stay. We remind the Board that “[r]esidential districts are intended to be *free from uses other than residential uses*, except those which are both *compatible with and convenient to the residents* of such districts.” Zoning Ordinance § 307-5(A) (emphasis added).⁵

2. Alternatives

The Applicant has not demonstrated whether its desired benefit could be achieved by a feasible alternative other than an area variance. The proposed hospital use is allowed by Special Permit in the Town of Cortlandt’s R-160, R-80, R-40, R-40A, R-20, R-15, R-10, RG, CC, HC, CD, MD, M-1, and HC-9A districts (the only districts in which the proposed hospital is prohibited are the CROS and PROS). The Applicant has not provided any information about what other sites it pursued in these districts that would not have necessitated an area variance. See Durler v. Accettella, 165 A.D.2d 872, 873, 560 N.Y.S.2d 343 (1990) (affirming denial of area variance where landowner did not seek to purchase parcels that would bring his application into compliance, and thus never “sought to alleviate his alleged hardship”).

The Applicant brushes off the alternatives factor, arguing that there is “simply ‘no’” other alternative because the property is not located on a State road. (App. Memo. at 42). This position is precisely why the self-created hardship factor is so important in the overall balancing test here. The Applicant acts as if it is entitled to the variance because the only use it had in mind when it purchased the site could not occur without the variance. The absence of an alternative to a variance for *this site* does not excuse that this hardship was entirely self-created.⁶

⁵ The Applicant also makes a big deal about its reduction in bed count from 92 beds to the current proposed 52 beds, as if that solved all the residents’ concerns. The bed reduction does not alleviate the fact that, if the variance was granted, the proposed commercial facility would change the residential community character. And such reduction was not a voluntary concession, but rather a necessity once CRHISD’s architect exposed that 92 beds was never realistic given the facility’s square footage.

⁶ Additionally, the Applicant is not in the hospital business and therefore can achieve the financial benefit it seeks by other feasible methods. There are numerous feasible alternatives permitted as-of-right under zoning by which the Applicant could profit from its investment in the property and thus achieve the benefit it seeks. See Caspian Realty, Inc. v. Zoning Bd. of Appeals of Town of Greenburgh, 68 A.D.3d 62, 75, 886 N.Y.S.2d 442, 452 (2d Dep’t 2009) (upholding denial of application for area variance where Greenburgh ZBA considered feasible alternatives and the applicant provided no evidence of impact of alternative uses on profitability). Here, the Applicant purchased the property for \$1.15 million. The Applicant could certainly return substantial profits by developing residential uses on the property in accordance with R-80 zoning.

3. 100% Variance Is Substantial

The request for a total, 100% variance is substantial mathematically, and when weighed in the context of the overall balancing test given the drastic change in community character that would result.

We agree with the Applicant that the case law holds 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. (See App. Memo. at 43). The Applicant is wrong, however, when contending that granting the variance will not cause an undesirable change in the character of the community. (*Id.* at 44).⁷

For all the reasons in this letter (including the Maps) and stated during the oral testimony, the requested variance would bring about an undesirable change in the character of the neighborhood. Thus, under the totality of the circumstances, the variance sought is substantial. See Aydelott v. Town of Bedford Zoning Bd. of Appeals, 6/25/03 NYLJ p. 21, col. 4 (Sup. Ct. Westchester Co. 2003).

4. Adverse Environmental Impacts

While the Planning Board did not find that the project's environmental impacts rose to the level of "significance" needed for a Positive Declaration under SEQRA, that does not preclude the ZBA from considering the adverse environmental impacts relating to traffic, lighting, well water, noise, etc., as part of the variance balancing test.

The ZBA heard testimony from residents about these impacts during the Public Hearing. For example, and as mentioned above, neighbors spoke about how the additional truck and passenger car traffic would interfere with and change their use and enjoyment of scenic Quaker Ridge Road for walking, biking, and other recreational activities. The residents also cited anticipated impacts associated with new night-time lighting at a site that is currently dark and located in an area with no street lights. Others spoke about concerns regarding impacts to their wells given the actual water demand of the hospital.

Even if the ZBA believes the facility would not result in an adverse environmental impact, that *would not stop the ZBA from denying the variance* based on the overall balancing test. The other factors weigh substantially against the Applicant for the reasons stated. See Pecoraro, 781 N.Y.S.2d at 238 (upholding variance denial where although there were no feasible alternatives

⁷ The Applicant uses language that pertains to a SEQRA determination of significance (*i.e.*, "significant adverse impacts"). (App. Memo. at 44). That is not the variance standard. Under Town Law Section 267-(b), the standard is only whether an "undesirable change" in neighborhood character would occur.

or environmental impacts, the Board decided that the substantiality of the variances requested (33.3% and 27.3%) and the detriment to the community outweighed the benefit that would accrue to the applicant).

5. The Applicant's Difficulty Was Self-Created

For the reasons mentioned above (pp. 1-2), the self-created hardship factor should be given significant weight in this application. The Applicant acquired the property with knowledge (or is at least charged with knowledge) of the State road requirement, which was enacted 6 years earlier. See Pecoraro, 781 N.Y.S.2d at 238 (“Petitioner was fully aware that the subject parcel did not conform to the zoning requirements”); Duke v. Brosnan, 206 A.D.3d 652, 168 N.Y.S.3d 535, 537 (2d Dep’t 2022) (“The ZBA rationally found the requested variance to be substantial and the difficulty to be self-created, since petitioners were aware of the zoning laws when they purchased the subject property.”).⁸

The Applicant never addresses the fact that it acquired the site for its proposed hospital use notwithstanding the State road requirement. Instead, the Applicant summarily argues that there is no self-created difficulty under the circumstances of this case. (App. Memo. at 48). Yet, none of the so-called circumstances have anything to do with the Applicant’s knowledge of the law at the time it purchased the property. The Applicant simply repeats all its other arguments about the prior hospital use, the Yeshiva application (discussed below), and more – none of which are relevant to the Applicant inflicting this hardship upon itself.

This is not your run-of-the-mill variance request. This variance would allow a for-profit, commercial undertaking in a residential neighborhood that has established itself over the past 50 years. The Applicant could have avoided this hardship by pursuing other sites that did not have the State road restriction, but is instead trying to shoehorn its way onto this site in an R-80 district through a variance. The ZBA should deny this request.⁹

⁸ See also Byron Assocs., Inc. v. Zoning Bd. of Appeals Town of Mamaroneck, 142 A.D.2d 643, 643, 531 N.Y.S.2d 11, 12 (2d Dep’t 1988) (denying variance where the builder’s experience and knowledge of the zoning ordinance “is a significant element militating against the application”).

⁹ Granting this variance would also contravene the express legislative judgment of the Town Board in adopting the State road frontage condition to the Hospital Special Permit. The ZBA should not usurp the Town Board’s policy and planning decision that hospitals should only be located on State roads in residential districts. See Van Deusen v. Jackson, 35 A.D.2d 58, 59, 60, 312 N.Y.S.2d 853, 855, 857 (2d Dep’t 1970) (annulling ZBA’s grant of variance that would have allowed more dwellings in the zoning district than the ordinance allowed; “When the variance violates the general purpose of the zoning ordinance, the board of appeals invades the province of the legislative body, and the grant is invalid for want of authority”).

B. Responses To Other Issues Raised By The Applicant**1. Negative Declaration Has No Effect On The ZBA's Role To Independently Decide The 5-Factor Variance Test**

The Applicant is wrong when continuing to insist that the ZBA is compelled to approve the variance based on the Planning Board's Negative Declaration. (See Applicant's Letter to ZBA, dated August 23, 2022, at 6-11). We addressed this issue at length during the June Hearing (including by providing cites to the controlling cases), and in our August 25th letter. We will not belabor the point by engaging with the Applicant's erroneous attempts to distinguish the cases we cited. Suffice it to say, the Applicant misrepresents the law and the express language of the Negative Declaration itself, and ignores the opinion of the Town Attorney, who opined on this issue at the end of the June Hearing.

2. Yeshiva Ohr Hameir Is Irrelevant

The Applicant contends that because the ZBA granted a variance to Yeshiva Ohr Hameir in 2010, the current request must be granted. (App. Memo. at 13-17). The Yeshiva application is both distinguishable and non-precedential.

That application related to the upgrade and renovation of an *existing use* on the property at the time of the application, rather than a new, prospective use. The variance allowed the Yeshiva to continue its "present access" to its site from Furnace Woods Road. (See ZBA D&O, Case No. 23-07). The Applicant ignores the distinction between the existing use of the Yeshiva property juxtaposed against beginning a use on a site that has not been active since the 1980s (and on which a hospital-related use has not existed since approximately 1948). The Yeshiva was also located on a road that contained several other educational uses. Thus, the use requested by Yeshiva would not have altered community character as would the introduction of the hospital in this case.

3. Not Generalized Community Opposition

The Applicant also argues incorrectly that the neighbors' community character and other concerns are all just "vocal pressure" and "generalized objections," which cannot legally support a denial of the variance. (App. Memo. at 52-54; Applicant's Letter to ZBA, dated August 23, 2022, at 12-13).

CRHISD has submitted to the ZBA ample documentary evidence and made oral statements based on personal knowledge – this type of evidence qualifies under the law as factual bases for denying the variance request. It is not mere generalized community opposition. See, e.g., Pecoraro, 781 N.Y.S.2d at 238 ("Nor do we agree with the courts below that the Board based its decision on generalized community opposition"; the Board's finding of a negative impact on community character was supported by "documentary evidence" that the area was overwhelmingly conforming to or larger than the zoning requirements); Duke, 68 N.Y.S.3d at 537 (zoning board's

denial of parking variance due to an adverse impact on the neighborhood had “some objective basis in the record”); Millenium Custom Homes, Inc. v. Young, 58 A.D.3d 740, 873 N.Y.S.2d 91, 93 (2d Dep’t 2009) (holding that denial of an area variance application was supported by evidence in the record, including “detailed oral statements from area residents based on personal knowledge” about the undesirable change in community character that would result); accord John Hatgis, LLC v. DeChance, 126 A.D.3d 702, 703, 5 N.Y.S.3d 236, 237 (2d Dep’t 2015) (ZBA properly denied variance “based on the testimony of the attendees at the public hearing and the ZBA’s own familiarity with local conditions”).¹⁰

CRHISD cited express provisions of the Zoning Ordinance and Comprehensive Plan that evince the proposed hospital’s incompatibility with the Town’s land use and planning objectives. CRHISD also submitted the Maps attached as Exhibit “A,” which, like in Pecoraro, confirm that the character of the area is dominated by residential homes that conform to the R-80 district regulations. See Pecoraro, 781 N.Y.S.2d at 238. The Maps demonstrate empirically that the community that exists today is nothing like the community that existed when there was once a sanatorium at the site in the 1920s-1940s. And finally, the ZBA also heard detailed and convincing testimony from neighbors and area residents as to their own experiences living in the neighborhood, and that granting the variance would permanently change how they perceive their neighborhood and its prevailing residential character. All this factual evidence in the record supports the denial of this application.

4. Denying The Variance Would Not Violate The Americans with Disabilities Act

The Applicant erroneously contends that the ZBA must approve the variance as a “reasonable accommodation” under the Americans with Disabilities Act (“ADA”). (App. Memo. at 22).

The ADA does not require the ZBA to automatically grant the variance just because the applicant’s potential client base is a protected class. As explained in the case cited by the Applicant, an accommodation is reasonable if, among other things, it “does not undermine the basic purpose that the zoning ordinance seeks to achieve.” Innovative Health Sys. Inc. v. City of White Plains, 931 F. Supp. 222, 239 (S.D.N.Y. 1996).

Here, the proposed hospital on a State road would fundamentally alter the Town’s plan for the development and regulation of the community in the R-80 district. The ADA does not require the ZBA to ignore the “integrity of its zoning scheme” when considering a land use

¹⁰ The Applicant fails in distinguishing Michelson v. Warshavsky, 236 A.D.2d 406, 653 N.Y.S.2d 622 (2d Dep’t 1997). (Applicant’s Letter to ZBA, dated August 23, 2022, at 12-13). The Applicant claims that, unlike in Michelson, CRHISD has not raised any fact-based issues. To the contrary, the Maps are certainly “facts” relating to the existing pattern of development in the neighborhood. And the residents’ testimony about community character is precisely the type of “long-term personal observations” that was found suitable in Michelson to support a subdivision denial.

application. *Id.* The key is that the ZBA is careful not to treat the Applicant different than it would any other hospital-applicant. See, e.g., *Forest City Daly Hous., Inc. v. Town of N. Hempstead*, 175 F.3d 144, 152 (2d Cir. 1999) (“if a building permit would not be granted even for comparable ‘traditional’ residences (that is, residences where persons without disabilities can live) in the relevant area, a municipality is not required to make accommodations that would facilitate a building permit for housing designed for the disabled.”).

Unlike here, where the ZBA has been adhering to its customary procedures in fairly processing the requested variance application, the facts in *Innovative Health Systems* represent the opposite extreme: it is an example of a municipality going out of its way to *preclude* a use for disabled people, which is what the ADA outlaws. The zoning board in that case purposely labeled the clinic as a hospital to try to apply a *prohibition* on “hospitals” to an already-existing clinic. 931 F. Supp. at 243. The court held that the ADA required that White Plains not unduly preclude the clinic by actively extending the prohibition to it. See *id.* at 240.

Accordingly, your Board may deny this variance without running afoul of the ADA so long as the ZBA does so for reasons that are not connected to the Applicant’s status.

It is also relevant that the Town *already* reasonably accommodates hospitals by Special Permit in the R-160, R-80, R-40, R-40A, R-20, R-15, R-10, RG, CC, HC, CD, MD, M-1, and HC-9A districts. In residential zones only, the lot must front on a State road. In commercial and industrial districts, this requirement does not apply. Before it acquired this site, the Applicant should have considered where else its proposed hospital could have been located in the Town without requiring this type of locational variance.

Conclusion

For the foregoing reasons, the ZBA must reject the requested variance.

Respectfully submitted,

ZARIN & STEINMETZ

By: Brad Schwartz

Brad Schwartz
Lee Lefkowitz

Attachs.

cc: Thomas F. Wood, Esq.
Chris Kehoe, AICP
CRHISD
David Steinmetz, Esq.
Robert F. Davis, Esq.

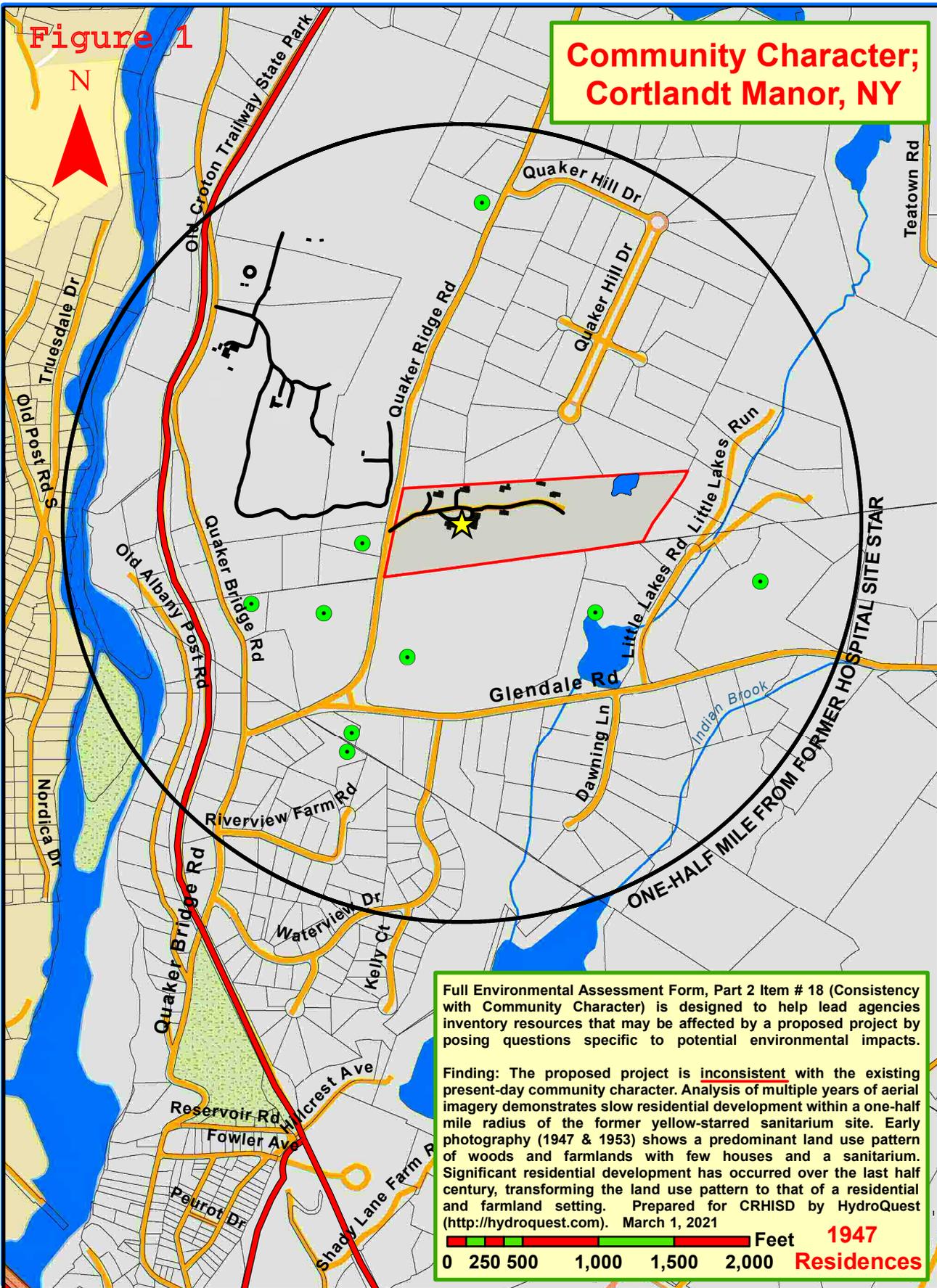
EXHIBIT A

Figure 1

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Community Character; Cortlandt Manor, NY



Full Environmental Assessment Form, Part 2 Item # 18 (Consistency with Community Character) is designed to help lead agencies inventory resources that may be affected by a proposed project by posing questions specific to potential environmental impacts.

Finding: The proposed project is inconsistent with the existing present-day community character. Analysis of multiple years of aerial imagery demonstrates slow residential development within a one-half mile radius of the former yellow-starred sanitarium site. Early photography (1947 & 1953) shows a predominant land use pattern of woods and farmlands with few houses and a sanitarium. Significant residential development has occurred over the last half century, transforming the land use pattern to that of a residential and farmland setting. Prepared for CRHISD by HydroQuest (<http://hydroquest.com>). March 1, 2021

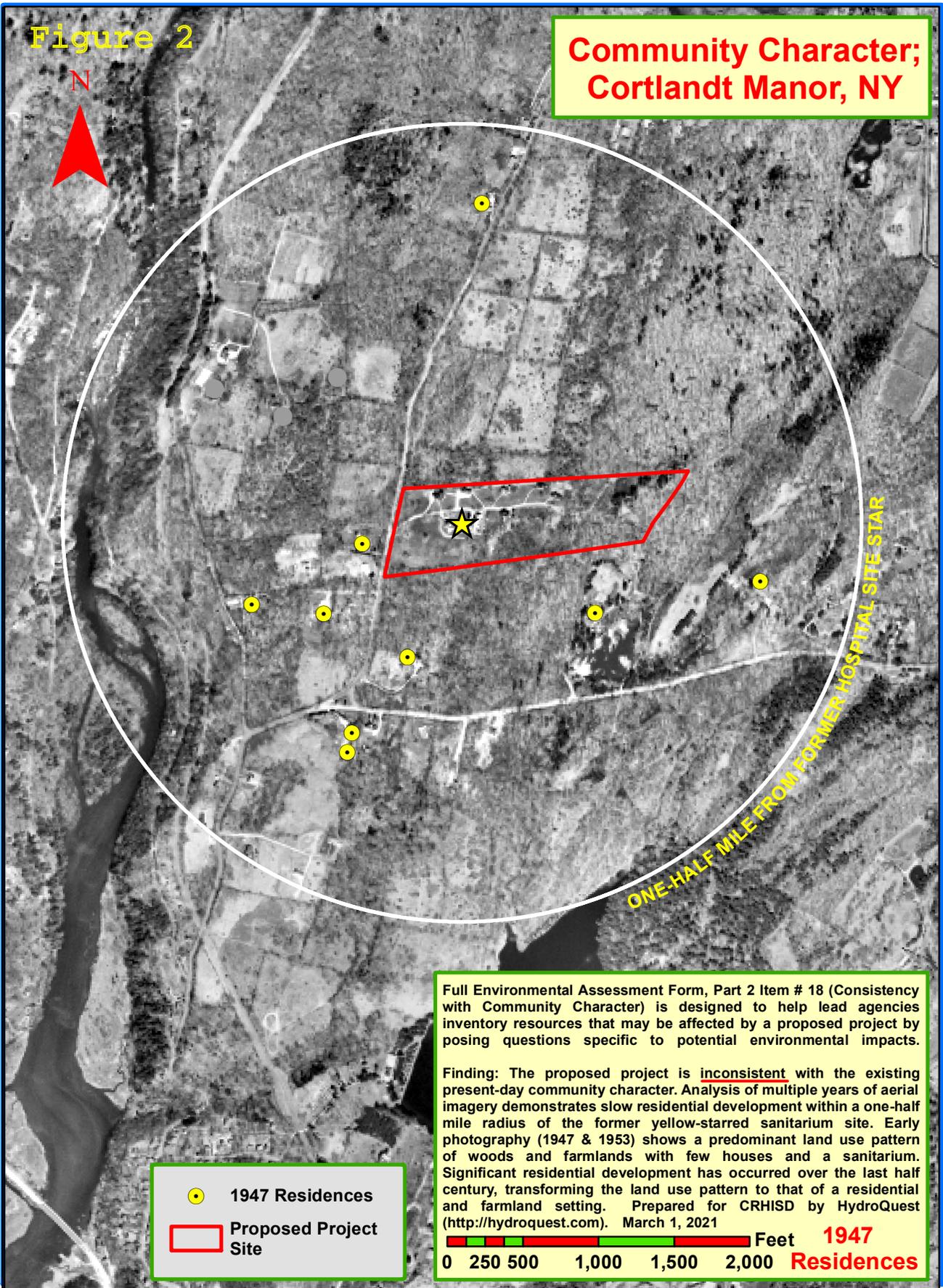


Figure 2

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Community Character; Cortlandt Manor, NY



ONE-HALF MILE FROM FORMER HOSPITAL SITE STAR

-  1947 Residences
-  Proposed Project Site

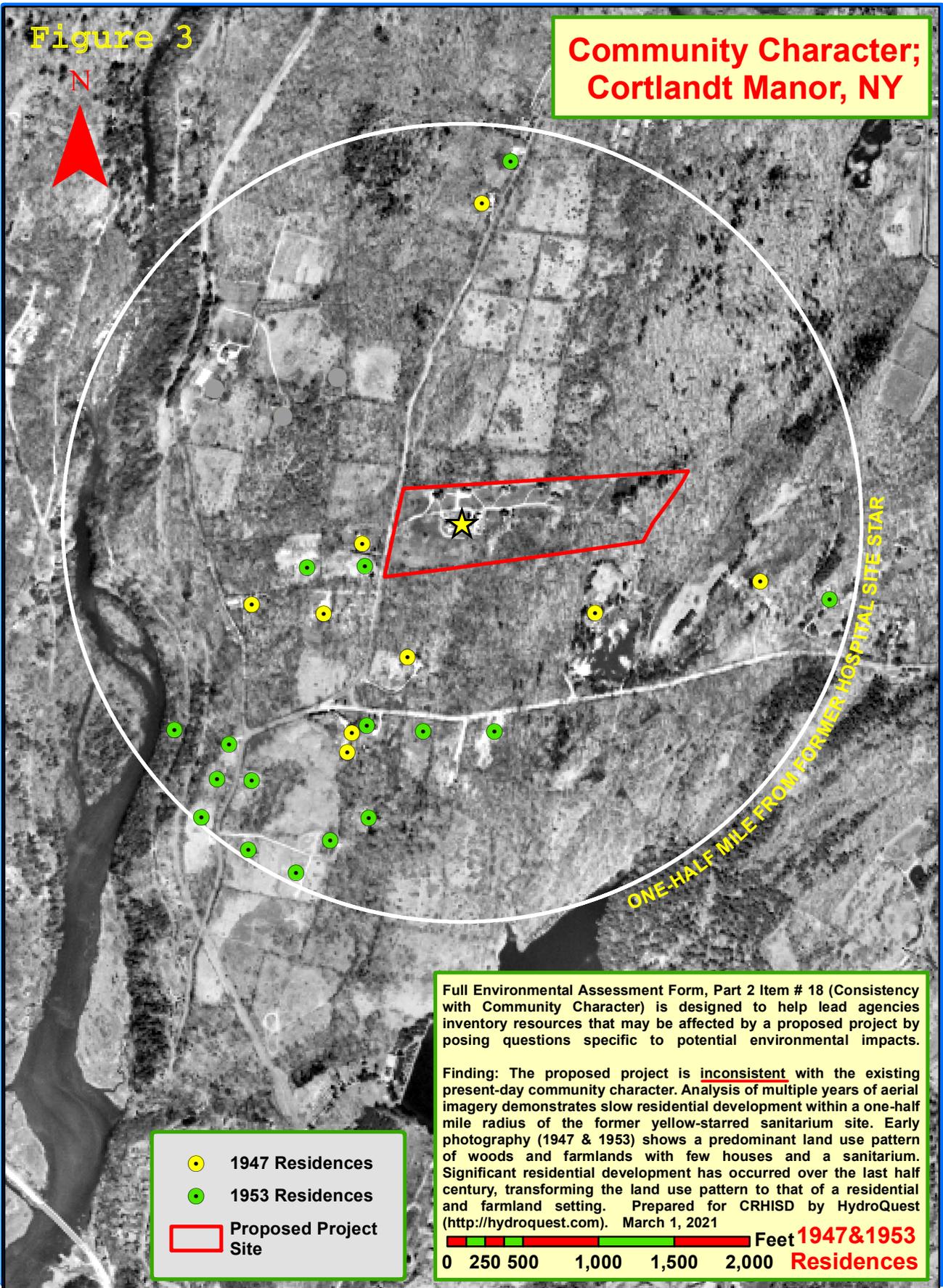
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Figure 3

Community Character; Cortlandt Manor, NY



ONE-HALF MILE FROM FORMER HOSPITAL SITE STAR

- 1947 Residences
- 1953 Residences
- Proposed Project Site

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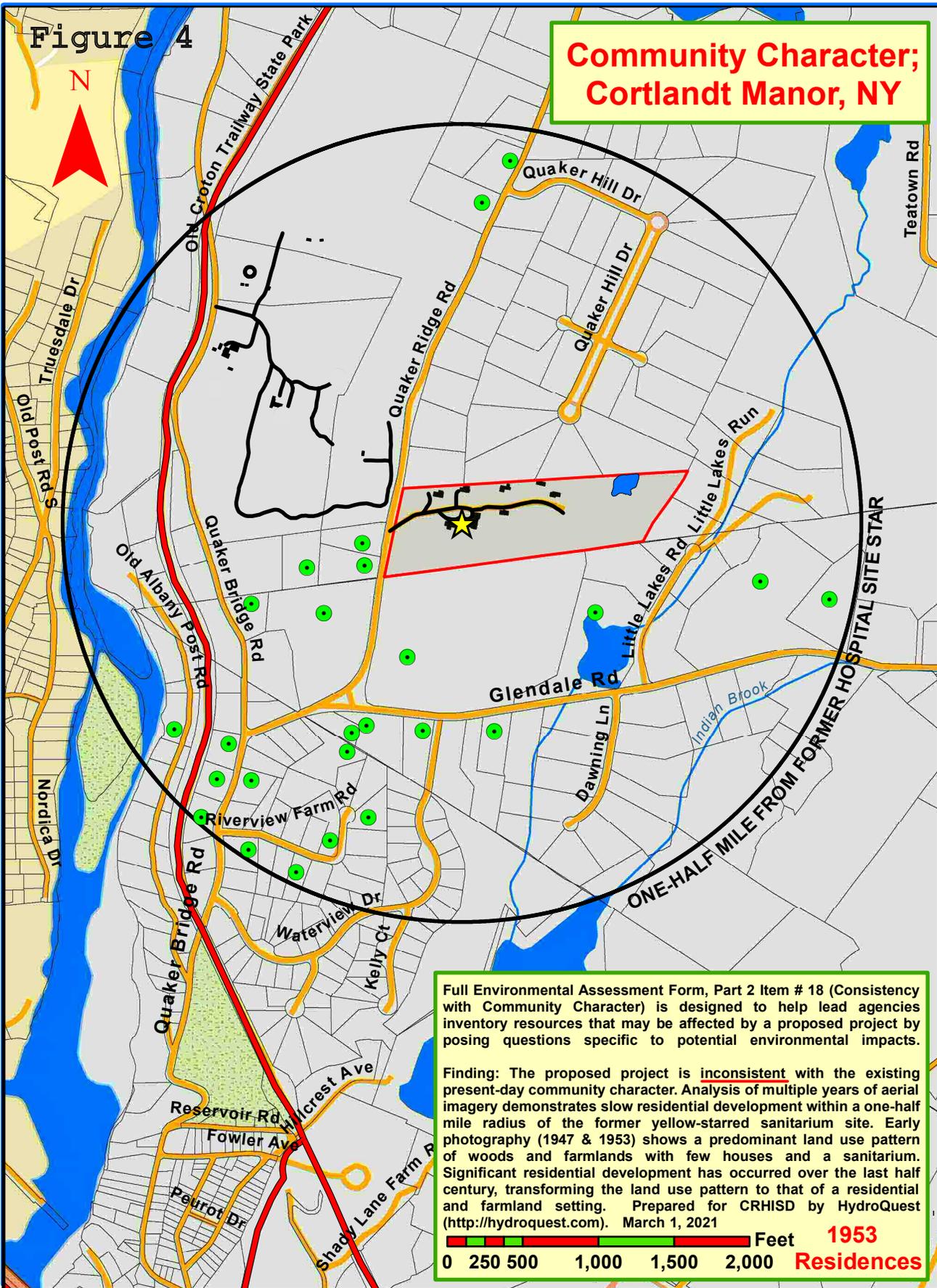


Figure 4

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Community Character; Cortlandt Manor, NY



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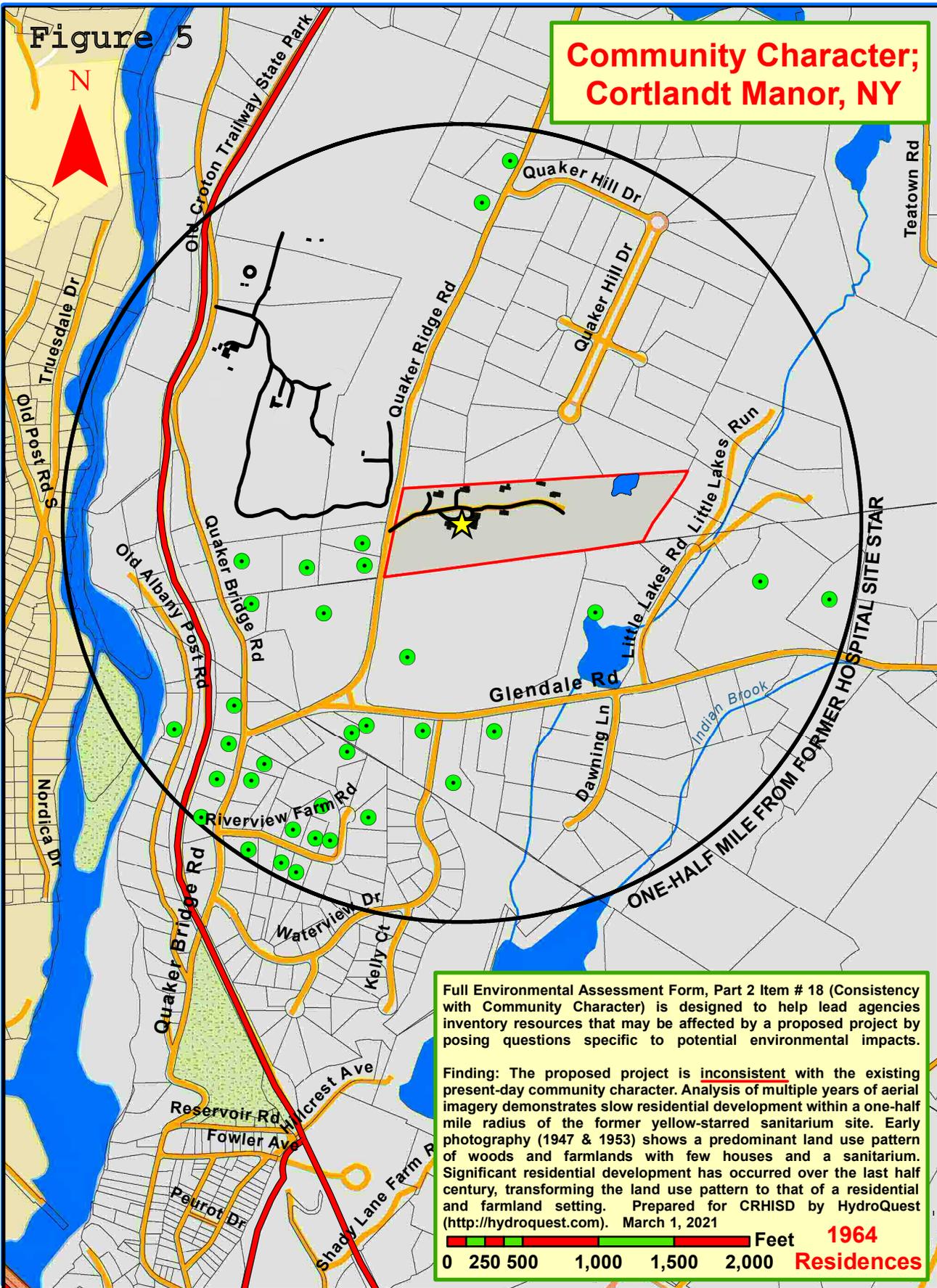


Figure 5

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Community Character; Cortlandt Manor, NY



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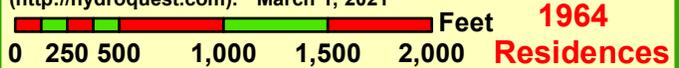
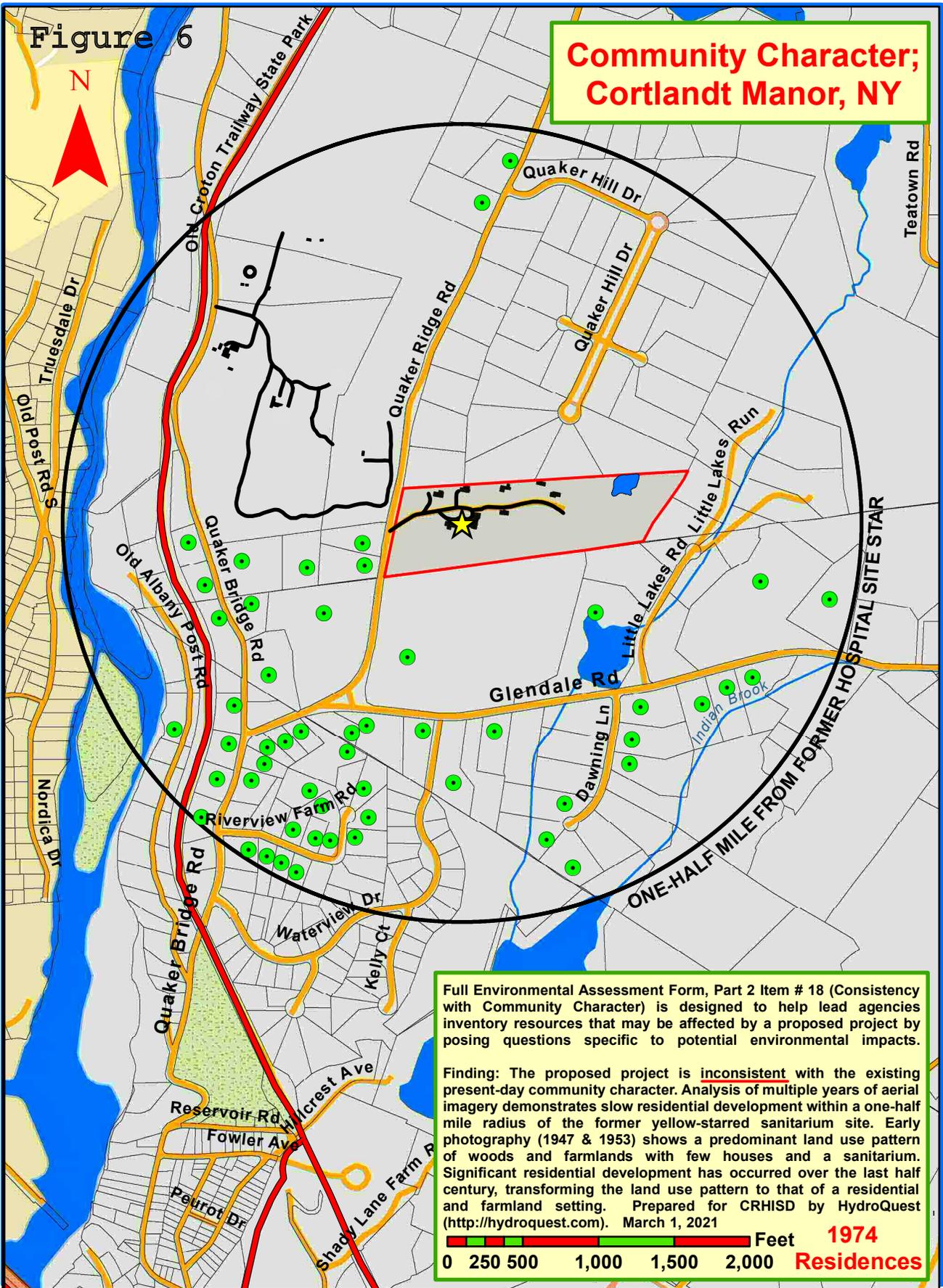


Figure 6

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Community Character; Cortlandt Manor, NY



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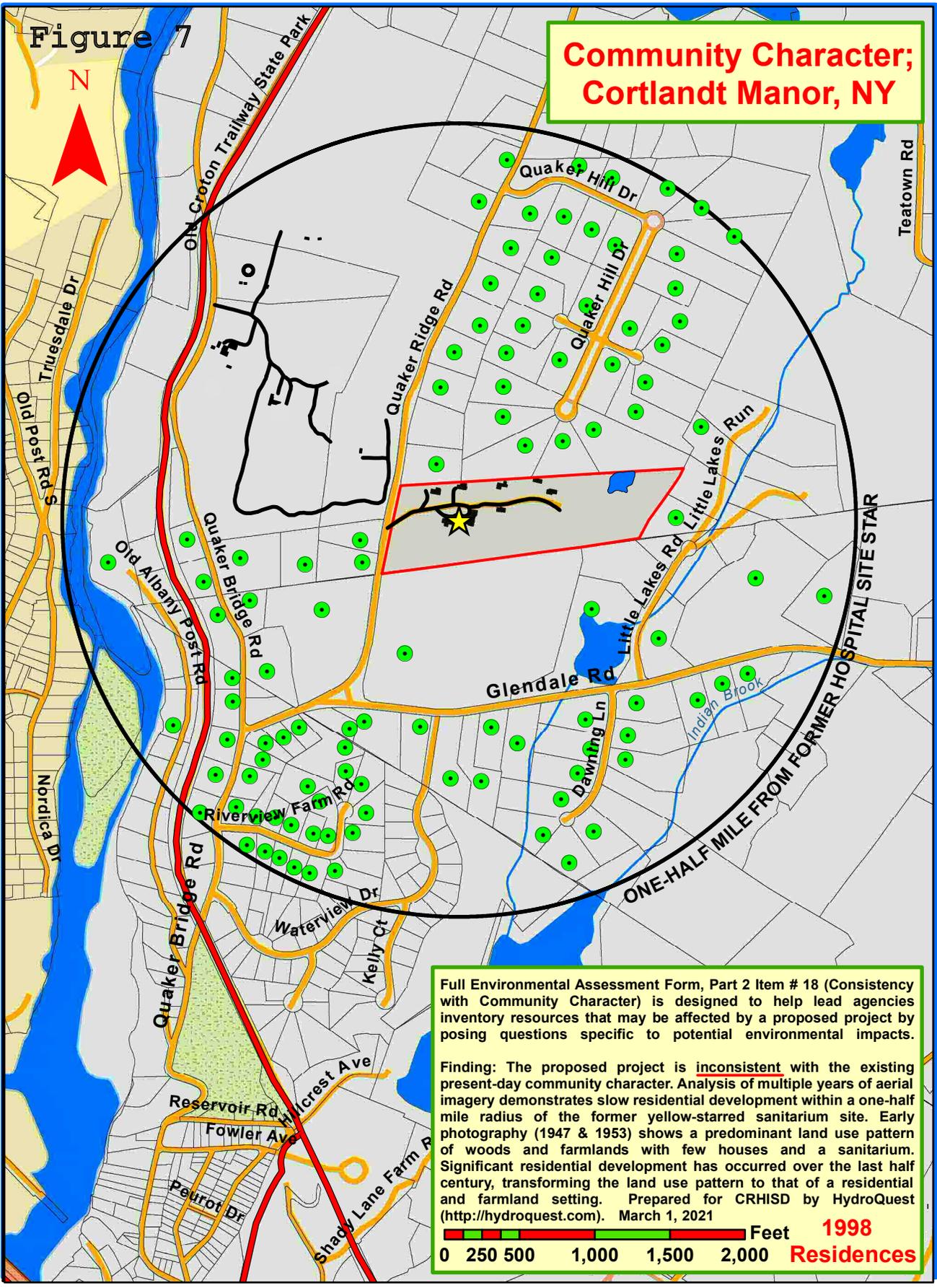
Finding: The proposed project is inconsistent with the existing present-day community character. Analysis of multiple years of aerial imagery demonstrates slow residential development within a one-half mile radius of the former yellow-starred sanitarium site. Early photography (1947 & 1953) shows a predominant land use pattern of woods and farmlands with few houses and a sanitarium. Significant residential development has occurred over the last half century, transforming the land use pattern to that of a residential and farmland setting. Prepared for CRHSD by HydroQuest (<http://hydroquest.com>). March 1, 2021



Figure 7



Community Character; Cortlandt Manor, NY



Full Environmental Assessment Form, Part 2 Item # 18 (Consistency with Community Character) is designed to help lead agencies inventory resources that may be affected by a proposed project by posing questions specific to potential environmental impacts.

Finding: The proposed project is inconsistent with the existing present-day community character. Analysis of multiple years of aerial imagery demonstrates slow residential development within a one-half mile radius of the former yellow-starred sanitarium site. Early photography (1947 & 1953) shows a predominant land use pattern of woods and farmlands with few houses and a sanitarium. Significant residential development has occurred over the last half century, transforming the land use pattern to that of a residential and farmland setting. Prepared for CRHSD by HydroQuest (<http://hydroquest.com>). March 1, 2021

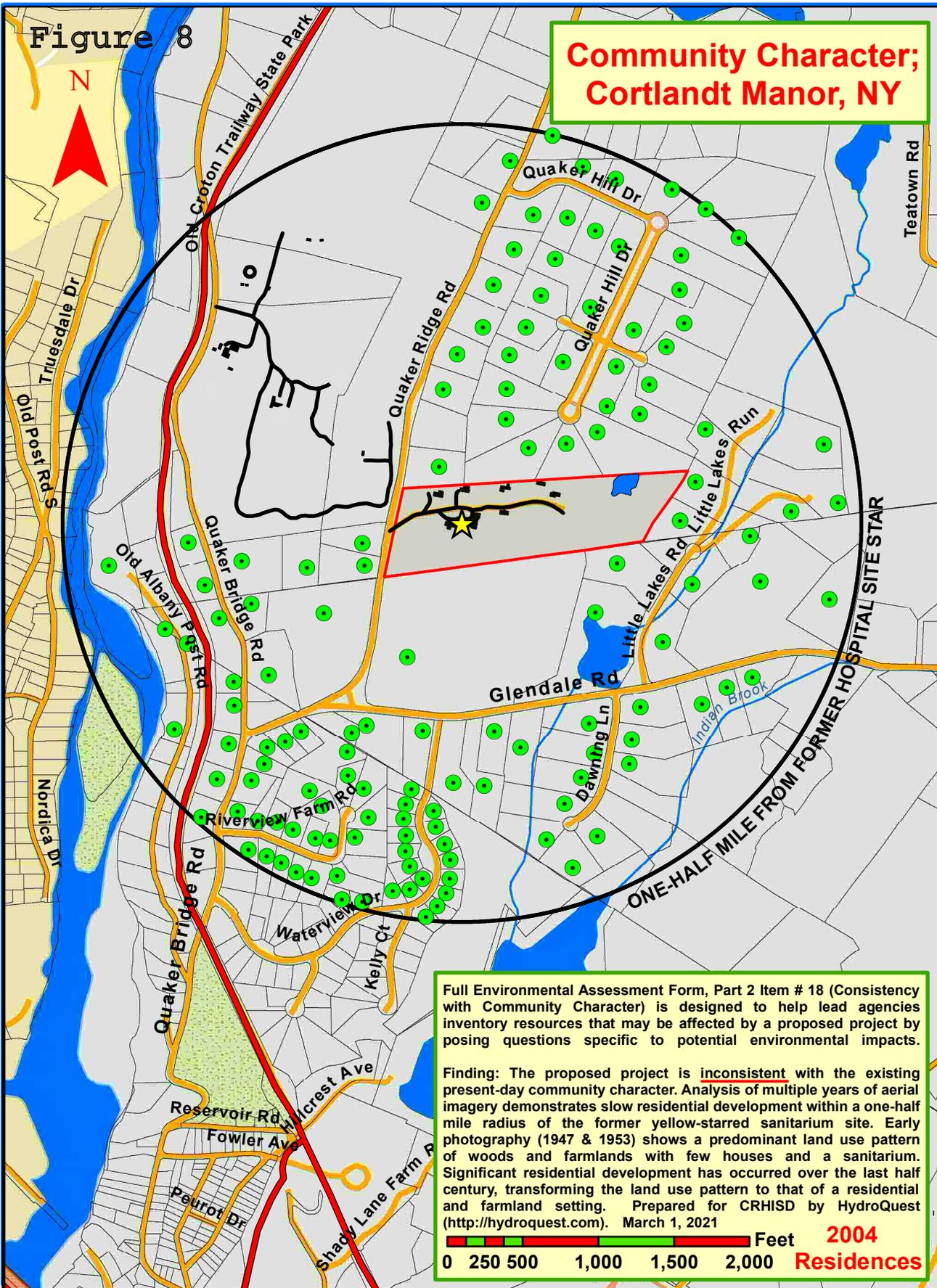
0 250 500 1,000 1,500 2,000 Feet
 1998 Residences

Figure 8

N



**Community Character;
Cortlandt Manor, NY**



Full Environmental Assessment Form, Part 2 Item # 18 (Consistency with Community Character) is designed to help lead agencies inventory resources that may be affected by a proposed project by posing questions specific to potential environmental impacts.

Finding: The proposed project is inconsistent with the existing present-day community character. Analysis of multiple years of aerial imagery demonstrates slow residential development within a one-half mile radius of the former yellow-starred sanitarium site. Early photography (1947 & 1953) shows a predominant land use pattern of woods and farmlands with few houses and a sanitarium. Significant residential development has occurred over the last half century, transforming the land use pattern to that of a residential and farmland setting. Prepared for CRHISD by HydroQuest (<http://hydroquest.com>). March 1, 2021

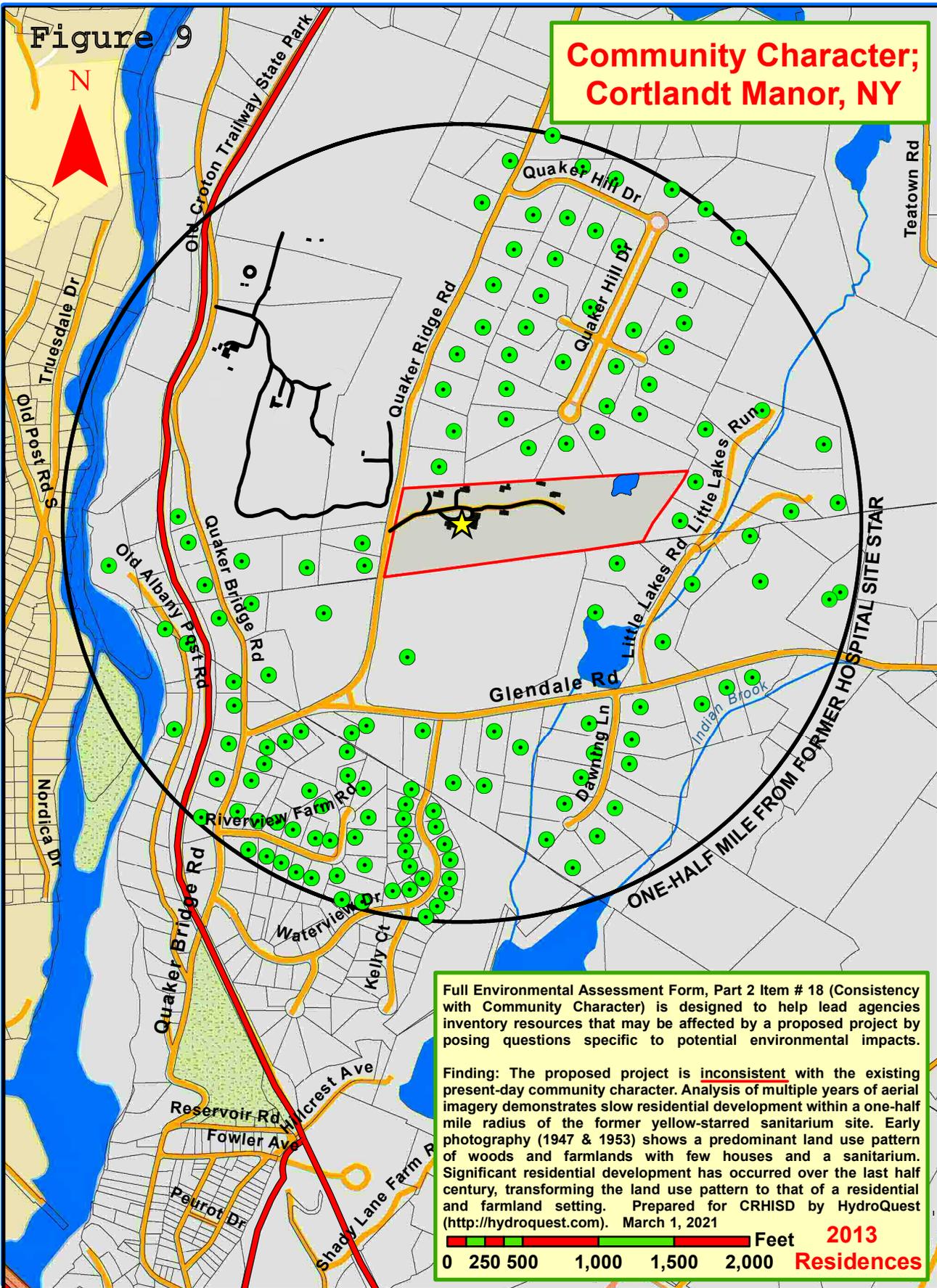


Figure 9

N



Community Character; Cortlandt Manor, NY



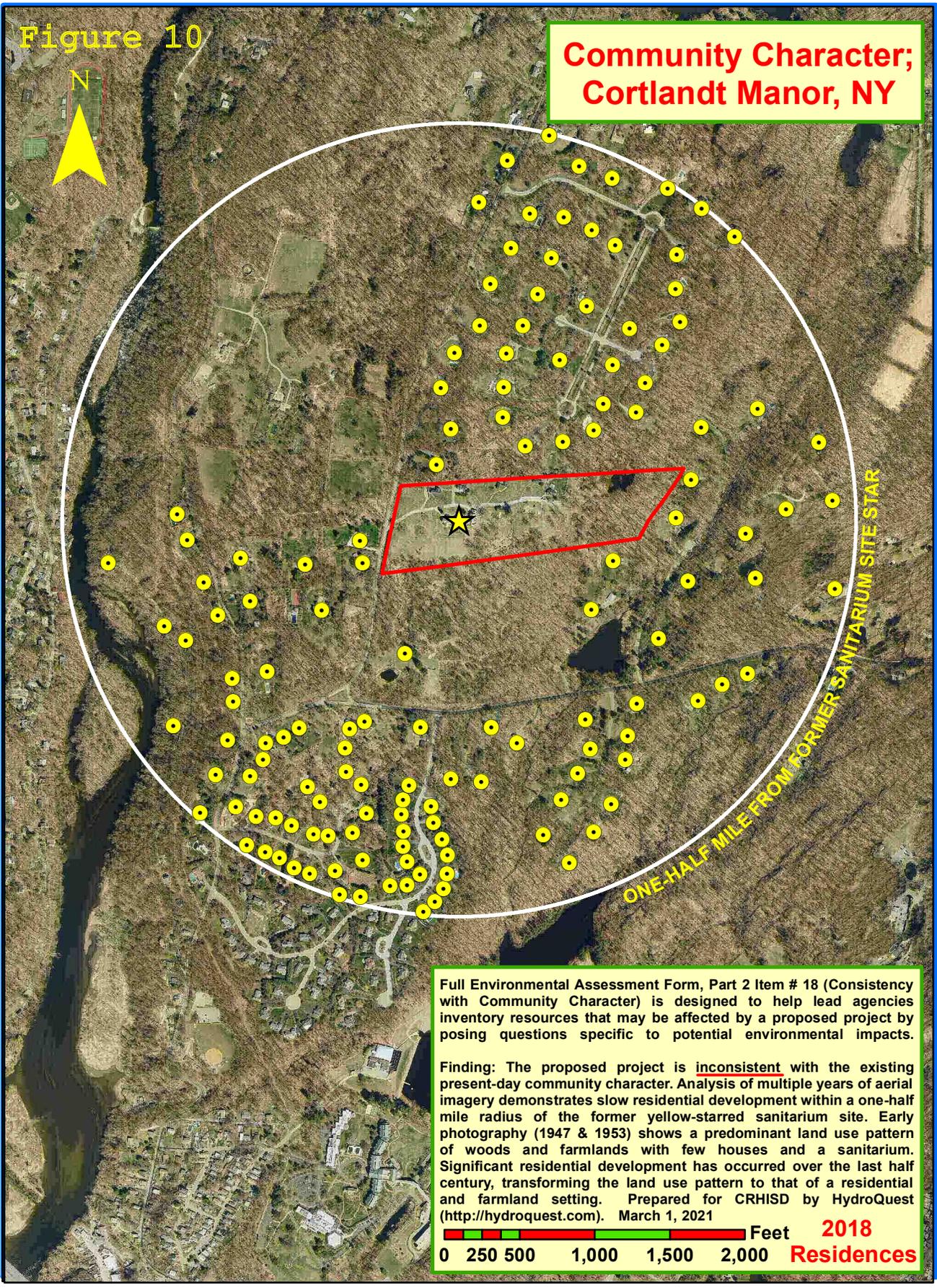
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0 250 500 1,000 1,500 2,000 Feet
2013 Residences

Figure 10

Community Character; Cortlandt Manor, NY



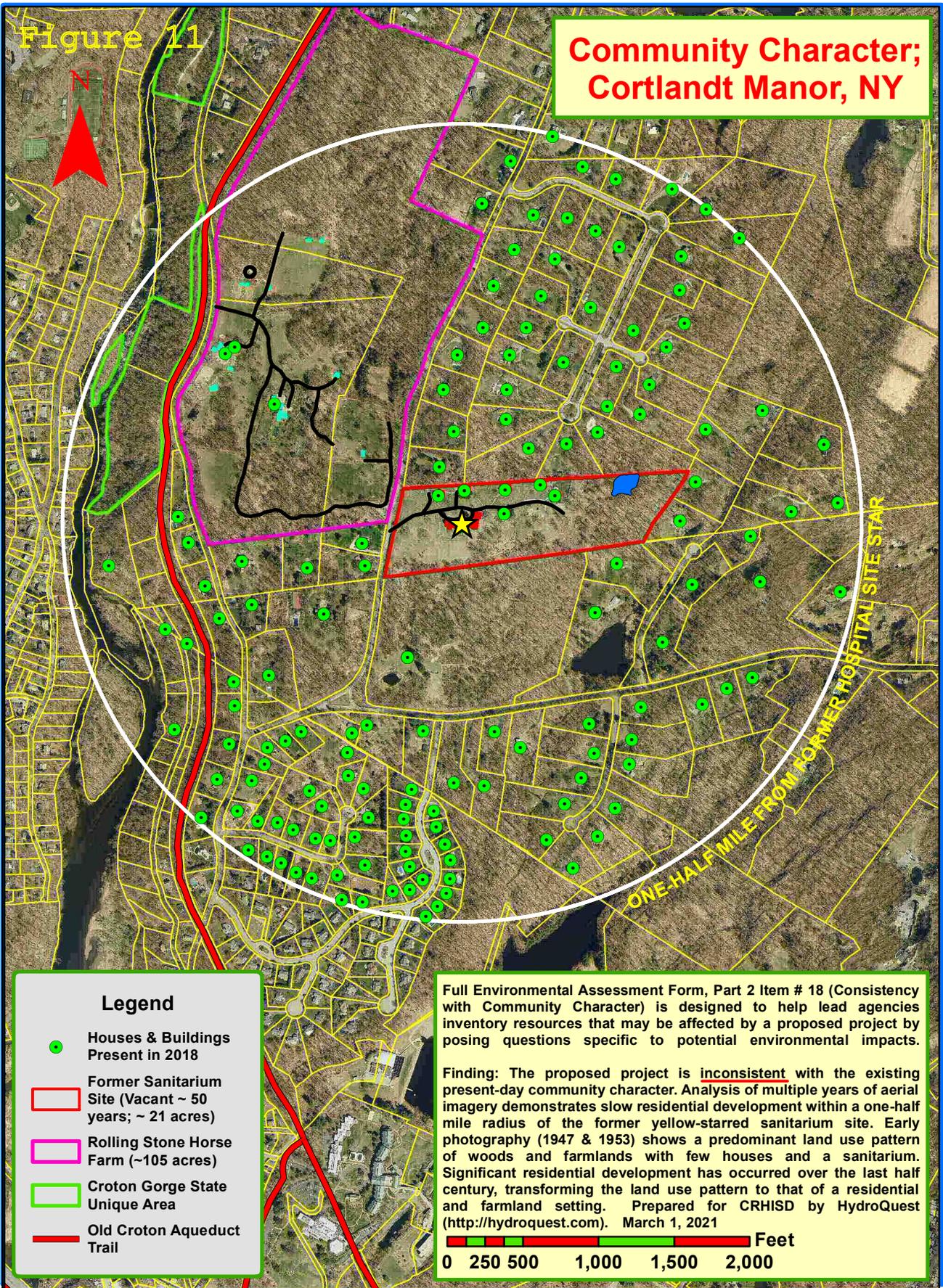
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Figure 11

Community Character; Cortlandt Manor, NY



Legend

- Houses & Buildings Present in 2018
- Former Sanitarium Site (Vacant ~ 50 years; ~ 21 acres)
- Rolling Stone Horse Farm (~105 acres)
- Croton Gorge State Unique Area
- Old Croton Aqueduct Trail

Full Environmental Assessment Form, Part 2 Item # 18 (Consistency with Community Character) is designed to help lead agencies inventory resources that may be affected by a proposed project by posing questions specific to potential environmental impacts.

Finding: The proposed project is inconsistent with the existing present-day community character. Analysis of multiple years of aerial imagery demonstrates slow residential development within a one-half mile radius of the former yellow-starred sanitarium site. Early photography (1947 & 1953) shows a predominant land use pattern of woods and farmlands with few houses and a sanitarium. Significant residential development has occurred over the last half century, transforming the land use pattern to that of a residential and farmland setting. Prepared for CRHISD by HydroQuest (<http://hydroquest.com>). March 1, 2021

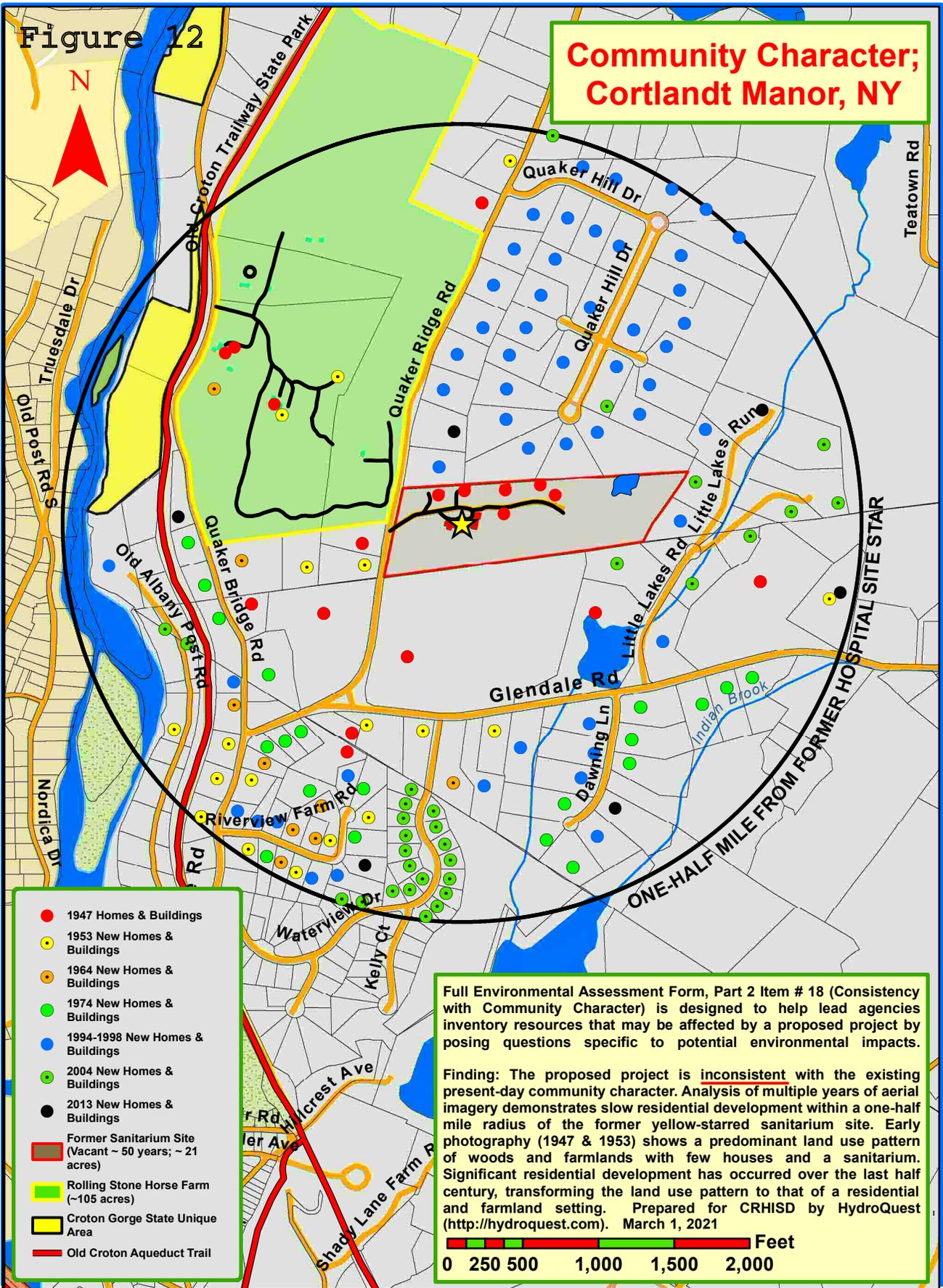
Feet

0 250 500 1,000 1,500 2,000

Figure 12



**Community Character;
Cortlandt Manor, NY**



- 1947 Homes & Buildings
- 1953 New Homes & Buildings
- 1964 New Homes & Buildings
- 1974 New Homes & Buildings
- 1994-1998 New Homes & Buildings
- 2004 New Homes & Buildings
- 2013 New Homes & Buildings
- Former Sanitarium Site (Vacant ~ 50 years; ~ 21 acres)
- Rolling Stone Horse Farm (~105 acres)
- Croton Gorge State Unique Area
- Old Croton Aqueduct Trail

Full Environmental Assessment Form, Part 2 Item # 18 (Consistency with Community Character) is designed to help lead agencies inventory resources that may be affected by a proposed project by posing questions specific to potential environmental impacts.

Finding: The proposed project is inconsistent with the existing present-day community character. Analysis of multiple years of aerial imagery demonstrates slow residential development within a one-half mile radius of the former yellow-starred sanitarium site. Early photography (1947 & 1953) shows a predominant land use pattern of woods and farmlands with few houses and a sanitarium. Significant residential development has occurred over the last half century, transforming the land use pattern to that of a residential and farmland setting. Prepared for CRHISD by HydroQuest (<http://hydroquest.com>). March 1, 2021



EXHIBIT B

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER

-----X
In the Matter of the Application of, :

CITIZENS FOR RESPONSIBLE HUDSON INSTITUTE :
SITE DEVELOPMENT INC., JILL GREENSTEIN, JOEL :
GREENSTEIN, LOIS GOLDSMITH, CHARLES :
GOLDSMITH, KAREN WELLS, THOMAS SECUNDA, :
MICHAEL G. SHANNON and CAROLYN F. :
SHANNON, :

Petitioners/Plaintiffs, :

For a Judgment pursuant to Article 78 of the CPLR and :
for Declaratory Judgment Relief, :

– against – :

THE ZONING BOARD OF APPEALS OF THE TOWN :
OF CORTLANDT, THE TOWN OF CORTLANDT, :
THE TOWN BOARD OF THE TOWN OF :
CORTLANDT, HUDSON RIDGE WELLNESS :
CENTER, INC., and HUDSON EDUCATION AND :
WELLNESS CENTER, :

Respondents/Defendants. :

Index No. 17-1749
Hon. Susan Cacace

**AFFIDAVIT OF LINDA
PUGLISI**

-----X
LINDA PUGLISI, being duly sworn, deposes and says:

1. I am the Supervisor of the Town of Cortlandt (the “Town”), an elected position that I have held since 1991. Prior to being elected Supervisor, I served on the Town Board for four years. I submit this affidavit, based on my personal knowledge, in support of the Town’s response to the above-captioned proceeding initiated by Citizens for Responsible Hudson Institute Site Development, Inc. and others against the Town, the Town Board, the Zoning Board of Appeals (“ZBA”), Hudson Ridge Wellness Center, Inc. and Hudson Education and Wellness Center.

2. My duties as Supervisor include serving on and presiding over meetings of the Town Board. I presided over Town Board meetings during the summer of 2004, when the Board was reviewing proposed amendments to the Town's Zoning Code. These amendments arose out of the 2004 adoption of a new Master Plan, which sought to regulate growth and promote the orderly development of the Town.

3. One of the principal concerns underlying the 2004 zoning amendments was the preservation of the Town's residential character and the reduction of incompatible, non-residential uses within residential zones. The amendments addressed this concern by enacting Town Code § 307-59(B)(9), which regulates the siting of hospitals and nursing homes in residential districts.

4. Hospitals and nursing homes are generally large, resource-intensive institutional uses, whose traffic and noise from patients, visitors, staff, and deliveries are not suited for local roads in residential neighborhoods. However, prior to 2004 zoning amendments, hospitals could be located along any residential roads provided they complied with the preexisting special permit conditions in § 307-59, including "minimum frontage" of "100 feet." Town Code § 307-59(B)(9). In an effort to preserve the character of residential areas, in 2004 the Town Board added an additional requirement that hospitals and nursing homes are "only to be permitted on a lot in residential zones which fronts on a State Road." Town Code § 307-59(B)(9) (the "State Road Requirement").

5. There are a limited number of state roads in Cortlandt, and such roads are larger and feature a greater variety of bordering uses than most local, residential roads. The intent of the Town Board was thus to limit the siting of hospitals to the areas and roads that are better suited for such uses.

6. When they were initially proposed, the 2004 zoning amendments would have permitted hospitals on state and local arterial roads in residential zones. However, at the recommendation of the Town's Department of Technical Services the Town Board elected to "restrict hospitals and nursing homes ... to only state roads" in residential areas. A true and correct copy of the Department of Technical Services' memorandum on the proposed legislation is attached hereto as **Exhibit A**.

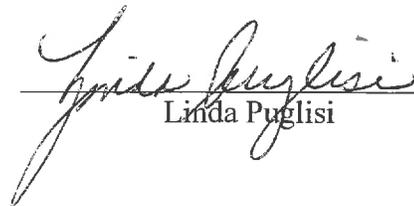
7. Unlike the other special permit requirements, which regulate the dimension and physical requirements of hospital uses, the State Road Requirement was enacted to limit the use of sites along local, residential roads. Reflective of this intent, the requirement is codified in the Zoning Code's "Table of Permitted Uses" and not its "Table of Dimensional Regulations." The Table of Permitted uses, which reiterates that "Hospital and nursing homes will be permitted only on a lot in a residential zone which fronts on a State road," is attached hereto as **Exhibit B**.

8. The State Road Requirement reflects the intent of the Town Board to prohibit a specified uses a given area, as opposed to regulating the physical of dimensional characteristics of the site. Therefore, to the extent that any relief from the State Road Requirement is granted, the Town Board intended such requests to be reviewed pursuant to the demanding use variance standard. The Town Board does not believe it is compelled to enact any additional legislation prohibiting the siting of hospitals on local roads in residential zones in light of the clear text of § 307-59(B)(9) prohibiting such uses.

9. In 2016, after years of planning and review, the Town Board adopted a new Master Plan, titled *Envision Cortlandt: 2016 Sustainable Comprehensive Plan*. This plan "introduces four key planning strategies" to guide the Town's growth and sustainable development, including the creation of a Medical-Oriented District ("MOD") around the existing

New York Presbyterian Hudson Valley Hospital Center, which is located on New York State Route 202. The goal of the MOD is to “centraliz[e] medical services and ancillary uses around the hospital,” as opposed to having such uses dispersed in residential neighborhoods through the Town.

10. As it did in 2004, the Town Board is currently in the process of drafting legislation to implement the recently adopted Master Plan. The actions of the Town Board are and will continue to be consistent with the new Master Plan and § 307-59(B) of the Town Code.


Linda Puglisi

Sworn to before me this 8 day
of June, 2017


Notary Public

THOMAS F. WOOD
Notary Public, State of New York
No. 02WC4684926
Qualified in Dutchess County
Commission Expires May 31, 1996
2018

Exhibit A



TOWN OF CORTLANDT
DEPARTMENT OF TECHNICAL SERVICES
PLANNING DIVISION

TOWN HALL, 1 HEADY STREET, CORTLANDT MANOR, NY 10567
914-734-1080
FAX 914-734-1025

Edward Vergano, P.E.
Director

Kenneth Verschoor
Deputy Director

Linda D. Puglisi
Town Supervisor

Memorandum to: Chairman Steven Kessler &
Members of the Planning Board

From: Ed Vergano, P.E., Director DOTS *EV*
Ken Verschoor, Dep. Director DOTS Planning *KV*
Rosemary Boyle Lasher, DOTS *RBL*

RE: PB 14-04 Proposed Revisions to the Town of Cortlandt
Zoning Ordinance

Date: August 31, 2004

As requested the following is a summary of various issues in connection with the 14 proposed zoning code changes as part of the implementation of the Master Plan. It should be noted that the first three items were fully evaluated during the development of the Master Plan and in the DGEIS and the FGEIS and therefore does not require a separate SEQRA analysis. For the remaining items, an EAF and adequate supporting information will be prepared and circulated prior to the Town taking action on these amendments.

1. Eliminate Planned Village Development (PVD)

This amendment is contemplated by the newly adopted Comprehensive Master Plan. Currently, the PVD allows construction of up to 24 bedrooms per acre on parcels 25 acres or greater that have direct access to public highways and potable water and sewer service. Based on an evaluation by this department, elimination of the PVD, as well as revising the lot count formula will reduce the potential buildout by 40% when compared to current zoning.

2. Eliminate Special Re-Use & Conservation (SRC)

This amendment is contemplated by the newly adopted Comprehensive Master Plan. Currently, the SRC allows construction of up to 1 unit per 5,000 square feet on parcels 20 acres or greater which have been occupied by institutions or public uses. This revision also reduces potential buildout compared to current zoning.

Continued...

3. Lot Count Formula

This amendment is contemplated by the newly adopted Comprehensive Master Plan. The only proposed change is to include 50% of the wetland buffer area in the lot count formula.

Eliminating 50% of the buffer area does not in any way compromise the protection of all buffer areas. It only has the effect of reducing the overall lot count. 100% of the buffer areas will be protected in accordance with the Code. It should be noted that the current lot count formula recognizes steep slopes over 20% and not 15% which is defined in our code as a "steep slope". This should be analyzed at some future date.

4. Change Mandatory Referral to the Planning Board of Zoning Revisions

This would allow the Town Board to act on certain changes to the ordinance such as height of fences, dimensional regulations, parking requirements and bulk and area regulations without input from the Planning Board.

5. Increase minimum lot size for Bed & Breakfasts

This amendment proposes increasing the minimum lot size from 20,000 to 40,000 for Bed & Breakfast establishments and prohibiting them in the R-40A, R-20, R-15, R-10 and R-G zones. This will eliminate any future potential impacts from this use in these zones. It should be noted that B&B's will be permitted as of right in the proposed waterfront tourism zones which are located in Verplanck and Annsville.

6. Off-Street Parking for Home Occupations

This amendment proposes that the number of parking spaces for a home occupation not exceed eight. No parking space shall be less than 10 feet from adjacent properties. This will help reduce potential environmental and visual impacts of home occupations.

7. Increase minimum acreage for livestock farm, kennel or riding academies

This amendment will increase the minimum acreage from two to five acres for kennels and livestock farms for fowl, rabbits and similar small animals and increase the minimum yard and lot line setbacks for building and maintenance areas from 40 feet to 100 feet for small animals. Additionally, this amendment will prohibit livestock farms, kennels and riding academies in the R-40A, R-20, R-15 zones. Furthermore, these uses will be allowed by Special Permit in the proposed Community Commercial, Regional Commercial and Business Mixed zones (old C-C, C-D, and HC-9A). This will reduce noise, odor and visual impacts on adjacent properties and neighborhoods.

8. & 9. Eliminate Nursery, Public/Private Schools from residential & industrial areas

This amendment eliminates nursery, public/private schools in residential and industrial areas except for those schools that are operated as part of a church or other place of worship or religious instruction. It should be noted that day care facilities are regulated by the State of New York and are not addressed by this revision.

10. Eliminate membership clubs from the R-10 and R-G zones.

This amendment will reduce potential impacts by not permitting membership clubs in R-10 and R-G residential areas and be consistent with current regulations not permitting such clubs in the other residential zones such as R-15, R-20, R-40, R-40A and R-80.

11. Eliminate rooming houses from all zoning districts

This amendment addresses the concern that rooming houses are not appropriate in residential areas.

12. Reduce the lot area to one acre for funeral homes and funeral services

The ordinance currently allows a funeral home on a lot with a minimum area of one acre within 1000 feet of an existing cemetery on Oregon Road and on a lot with a minimum area of five acres in other locations. This amendment which applies only to residential zones recommends that the lot area be reduced to one acre throughout Town while maintaining the requirement that funeral uses are located only on Route 9, Route 9A, Oregon Road, Route 6, Route 202 and Route 129. It should be noted that funeral homes uses are allowed by right in commercial zones and by Special Permit in residential zones. It should also be noted that the code allows the Planning Board to reduce the number of required parking spaces.

13. Restrict Hospital and Nursing Homes by Special Permit

This amendment would restrict nursing homes and hospitals in a residential zone to only those on State and local arterial roads. However, the Town should consider further limiting these uses to only State roads. Currently, these uses are permitted on all roads including local roads.

14. Restrict Doctors, Dentists and other Health Care Practitioners

This amendment would restrict doctors, dentists and other health care practitioners in a residential zone to only those locations on State and local arterial roads. Currently, these uses are permitted on all roads including local roads.

cc: Linda D. Puglisi, Town Supervisor
Ann Lindau, Town Board Liaison
John J. Klarl, Esq., Dep. Town Attorney
Tom Wood, Esq., Town Attorney
Lewis Leslie, CAC

Artio
Michael
Stev.

Exhibit B

ZONING

307 Attachment 2

**Table of Permitted Uses
§§ 307-14 and 307-15, Zoning
Town of Cortlandt**

[Amended 3-15-1993; 2-14-1995; 3-16-1999; 5-11-1999; 5-13-2003; 8-12-2003; 9-14-2004;
4-11-2006; 3-13-2007 by L.L. No. 5-2007; 3-13-2007 by L.L. No. 6-2007; 7-20-2010 by L.L. No. 12-2010; 3-11-2014 by L.L. No. 2-2014; 5-17-
2016 by L.L. No. 2-2016]

LEGEND:

P = Permitted by right

N = Not permitted

SP = Permitted by special permit

SIC = Standard Industrial Classification

n.e.c. = Not elsewhere classified

-- = Not applicable

	CROS	PROS	R-160	R-80	R-40	R-40A	R-20	R-15	R-10	RG	CC	HC	CD	MD	M-1	HC-9A
RESIDENTIAL USES																
Principal residential uses																
Single-family dwelling	P	N	P	P	P	P	P	P	P	P	P(1)	P(2)	N	N	N	P(1)
2-family dwelling																
Constructed or converted prior to 11-9-1993	N	N	N	N	N	P	N	N	N	P	P(1)	P(3)	N	N	N	P(1)
Constructed or converted on or subsequent to 11-9-1993	N	N	N	N	N	P	N	N	N	SP	P(1)	N	N	N	N	P(1)
2-family dwelling in transitional location	N	N	SP	SP	SP	SP	SP	SP	SP	SP	--	--	--	--	--	
3- to 4-family dwelling	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	P(1)
ACCESSORY RESIDENTIAL USES (See Note 4)																
Accessory apartment	SP	N	SP	SP	SP	SP	SP	SP	SP	SP	N	N	N	N	N	N
Renting of rooms in a single-family dwelling to no more than 2 renters or to a family, except on a premises containing an accessory apartment	P	N	P	P	P	P	P	P	P	P	P	P(2)	N	N	N	P
Bed-and-breakfast establishments	SP	N	SP	SP	SP	N	N	N	N	N	SP	SP	SP	N	N	SP
Garage sale (no more than two permitted in a calendar year)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Home occupation																
Conducted inside the principal dwelling, with no nonresident employees on site, and of the following types: fine arts studio, dressmaking and millinery; mail-order business; musical instruction or academic teaching or tutoring of not more than 4 pupils simultaneously; preparation of food for sale off site; office for resident professional, such as physician, dentist, architect, broker or attorney; telephone answering service; person working at home with connection to office or other persons by computer, telephone or other communications mode	P	N	P	P	P	P	P	P	P	P	P	P	N	N	N	P
With more than 2 full-time nonresident employees on site	N	N	N	N	N	N	N	N	N	N	P	P	N	N	N	P
Home occupation other than listed above	SP	N	SP	SP	SP	SP	SP	SP	SP	SP	P	P	N	N	N	P
Playground equipment	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Private garage, shed or gazebo	P	P	P	P	P	P	P	P	P	P	P	P	N	N	N	P
Studio	P	P	P	P	P	P	P	P	P	P	P	P	N	N	N	P
Barn or stable	P	P	P	P	P	P	P	P	P	P	P	P	N	N	N	P
Swimming pool (See Note 5)	P	N	P	P	P	P	P	P	P	P	P	P	N	N	N	P
Pool cabana	P	N	P	P	P	P	P	P	P	P	P	P	N	N	N	P
Tennis court (See Note 5)	P	N	P	P	P	P	P	P	P	P	P	P	N	N	N	P
Unenclosed parking of:																
Passenger automobiles	P	P	P	P	P	P	P	P	P	P	P	P	N	N	N	P
Not more than 1 commercial vehicle of not more than 25 feet in length nor more than 6,000 pounds in net chassis weight, excluding any commercial vehicle designed primarily for the transportation of petroleum products or other flammable substance, hazardous materials or waste	P	P	P	P	P	P	P	P	P	P	P	P	N	N	N	P
Unenclosed storage of boats, recreational vehicles, mobile homes and equipment																
In rear yard	P	N	P	P	P	P	P	P	P	P	P	P	N	N	N	P
In front or side yard	N	N	N	N	N	N	N	N	N	P	P	P	N	N	N	N
Unenclosed storage of used or scrap material, not to occupy more than 100 square feet of ground area, or not more than 1 unregistered automobile																
In rear or side yard	P	N	P	P	P	P	P	P	P	P	P	P	N	N	N	P
In front yard	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Domestic keeping of animals: Subject to Note 6																
Greenhouse, nursery or sale of agricultural and garden crops produced on site	P	N	P	P	P	P	P	P	P	P	P	P	N	N	N	P
PARK AND OPEN SPACE (PUBLIC)																
Passive open space: natural open space areas, wildlife sanctuaries and parks; open spaces preserving important vistas, view corridors or scenic resources; paths, riding trails, boardwalks or bridges for the above; caretaker's dwelling	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Active open space: picnic grounds; beaches; gardens; playing fields; tennis courts; swimming pools; other athletic facilities and related buildings, locker facilities, grandstands, bandstands and shelters; parking facilities; maintenance and administration buildings	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
PRIVATE WILDLIFE																
PRIVATE NATURE PRESERVE																
PRIVATE NATURE PRESERVE USERS																
Hiking trails for passive recreational use	P	N	P	P	P	P	P	P	P	P	P	P	P	P	P	P
A farm for educational purposes with the keeping of livestock subject to § 307-15, Note 6	P/SP	N	P/SP	P/SP	P/SP	N	N	N	N	N	N	N	N	N	N	N
Public and private school curriculum programs	SP	N	SP	SP	SP	N	N	N	N	N	N	N	N	N	N	N
Non-school-curriculum programs	SP	N	SP	SP	SP	N	N	N	N	N	N	N	N	N	N	N
Summer programs	SP	N	SP	SP	SP	N	N	N	N	N	N	N	N	N	N	N
Construction or enlargement of any building	SP	N	SP	SP	SP	N	N	N	N	N	N	N	N	N	N	N
The use of any land for organized outdoor group activity	SP	N	SP	SP	SP	N	N	N	N	N	N	N	N	N	N	N
Special events, such as but not limited to general membership events, plant sales or other fund-raising events	AP	N	AP	AP	AP	N	N	N	N	N	N	N	N	N	N	N
Caretaker's dwelling	P	N	P	P	P	N	N	N	N	N	N	N	N	N	N	N
AGRICULTURE AND ANIMAL SERVICES																
Raising of field and garden crops; vineyard or orchard farming	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Kennel	N	N	SP	SP	SP	N	N	N	N	N	SP	P	SP	P	P	SP
Livestock farm	SP	N	SP	SP	SP	N	N	N	N	N	SP	P	SP	P	P	SP
Riding academy	N	N	SP	SP	SP	N	N	N	N	N	SP	P	SP	P	P	SP
Animal hospital	N	N	N	N	N	N	N	N	N	N	P	P	P	P	P	P

CORTLANDT CODE

Table of Permitted Uses
 §§ 307-14 and 307-15, Zoning
 Town of Cortlandt

LEGEND:

P = Permitted by right
 N = Not permitted
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SIC = Standard Industrial Classification
 n.e.c. = Not elsewhere classified
 -- = Not applicable

	CROS	PROS	R-160	R-80	R-40	R-40A	R-20	R-15	R-10	RG	CC	HC	CD	MD	M-1	HC-9A
INSTITUTIONAL, RECREATIONAL AND PUBLIC USES																
Church or other place of worship and religious instruction, parish house, rectory or convent and nursery school	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Nursery school	N	N	N	N	N	N	N	N	N	N	P	P	P	N	N	P
Public or private school offering courses in general instruction	N	N	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Vocational school, such as business, secretarial or data processing	N	N	N	N	N	N	N	N	N	N	P	P	P	P	P	P
University, college or seminary	N	N	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP
Government building, including public library	N	N	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Public golf course	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP
Country club	SP	N	SP	SP	SP	SP	SP	SP	SP	SP	SP	P	P	P	P	P
Tennis club, yacht club or similar sports and recreation club	SP	N	SP	SP	SP	SP	SP	SP	SP	SP	SP	P	P	P	P	P
Property owners' association building	P	N	P	P	P	P	P	P	P	P	P	N	N	N	N	P
Dance studio	N	N	N	N	N	N	N	N	N	N	N	P	P	P	P	P
Bowling center	N	N	N	N	N	N	N	N	N	N	N	P	P	P	P	P
Physical fitness facilities	N	N	N	N	N	N	N	N	N	N	N	P	P	P	P	P
Amusement center	N	N	N	N	N	N	N	N	N	N	SP	SP	SP	SP	SP	SP
Conversion of living units in camp to year-round occupancy	N	N	SP	SP	SP	SP	SP	SP	SP	SP	SP	N	N	N	N	N
Membership club	N	N	N	N	N	N	N	N	N	SP ¹	SP	P	P	P	P	P
Marina	SP	N	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	N
Museum or art gallery	SP	P	SP	SP	SP	SP	SP	SP	SP	SP	P	P	P	P	P	P
Theater, cinema or motion pictures (except motion picture theaters)	N	N	N	N	N	N	N	N	N	N	P	P	P	P	P	P
Adult motion picture theaters	N	N	N	N	N	N	N	N	N	N	N	SP	N	N	N	SP
School (for profit)	N	N	N	N	N	N	N	N	N	N	N	P	P	P	P	P
Theatrical producers, bands, orchestras and entertainers (except adult entertainment cabarets)	N	N	N	N	N	N	N	N	N	N	P	P	P	N	N	P
Amusement and recreation service n.e.c. as defined by SIC Sec. 7999, except as otherwise specified herein	N	N	N	N	N	N	N	N	N	N	P	P	P	P	P	P
Hiking trails for passive recreational use	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
RETAIL STORES																
Building materials and garden supplies (SIC Sec. 52)	N	N	N	N	N	N	N	N	N	N	P	P	P	P	P	P
General merchandise stores (SIC Sec. 53)	N	N	N	N	N	N	N	N	N	N	P	P	P	N	N	P
Food stores (SIC Sec. 54)	N	N	N	N	N	N	N	N	N	N	P	P	P	N	N	P
Automobile dealers and service stations																
New and used car dealer	N	N	N	N	N	N	N	N	N	N	N	P	N	P	P	N
Automobile and home supply store	N	N	N	N	N	N	N	N	N	N	N	P	P	P	P	P
Gasoline service station	N	N	N	N	N	N	N	N	N	N	SP	SP	N	P	P	SP
Recreational vehicle, motor home, boat dealer	N	N	N	N	N	N	N	N	N	N	N	P	N	P	P	P
Automotive dealer n.e.c. (SIC Sec. 5599)	N	N	N	N	N	N	N	N	N	N	N	P	N	P	P	P
Apparel stores (SIC Sec. 56)	N	N	N	N	N	N	N	N	N	N	P	P	P	N	N	P
Furniture and home furnishing stores (SIC Sec. 57)	N	N	N	N	N	N	N	N	N	N	P	P	P	N	N	P
Fuel oil dealers	N	N	N	N	N	N	N	N	N	N	N	N	N	P	P	N
Miscellaneous retail stores (SIC Sec. 59) (except adult bookstores) ²	N	N	N	N	N	N	N	N	N	N	P	P	P	N	N	P
Adult bookstore ³	N	N	N	N	N	N	N	N	N	N	N	SP	N	N	N	SP
Vape shop, to be located at least 1,000 feet away from the nearest point of any property owned by a school or school district, church, or other place of worship or religious instruction	Y	Y	N	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	Y
EATING AND DRINKING PLACES (SIC Sec. 58) (except adult entertainment cabarets)																
Adult entertainment cabarets	N	N	N	N	N	N	N	N	N	N	N	SP	N	N	N	SP
FINANCE, INSURANCE AND REAL ESTATE (SIC Secs. 60-67)																
HOTELS AND OTHER LODGING PLACES																
Hotel (except adult hotel)	N	N	N	N	N	N	N	N	N	N	N	P	P	N	N	P
Adult hotel	N	N	N	N	N	N	N	N	N	N	N	SP	N	N	N	SP
PERSONAL SERVICES FACILITIES																
Coin-operated laundry and coin-operated dry cleaning	N	N	N	N	N	N	N	N	N	N	P	P	P	P	P	P
Garment pressing and cleaners' agent	N	N	N	N	N	N	N	N	N	N	P	P	P	P	P	P
Family and commercial power laundry	N	N	N	N	N	N	N	N	N	N	N	P	N	P	P	P
Other laundry and cleaning service	N	N	N	N	N	N	N	N	N	N	N	P	N	P	P	P
Conversion of dwelling to funeral service or construction of a funeral service facility	N	N	SP	SP	SP	SP	SP	SP	SP	SP	P	P	P	N	N	P
Funeral service, other than above	N	N	N	N	N	N	N	N	N	N	P	P	P	N	N	P
Other personal services (SIC Secs. 722-729) (except adult massage establishments)	N	N	N	N	N	N	N	N	N	N	P	P	P	P	P	P
Adult massage establishments	N	N	N	N	N	N	N	N	N	N	N	SP	N	N	N	SP
BUSINESS SERVICE FACILITIES (SIC Sec. 73) (such as advertising agencies, reproduction, stenographic, equipment rental or data processing)																
AUTOMOBILE REPAIR, SERVICES AND PARKING																
Automotive rental	N	N	N	N	N	N	N	N	N	N	N	P	P	P	P	P
Automobile parking facilities	N	N	N	N	N	N	N	N	N	N	P	P	P	P	P	P
Automotive repair shop, provided that no unregistered or inoperable motor vehicle remains on the premises for more than 30 days	N	N	N	N	N	N	N	N	N	N	N	P	N	P	P	P
Automotive body and paint shop, provided that no unregistered or inoperable motor vehicle remains on the premises for more than 30 days	N	N	N	N	N	N	N	N	N	N	N	SP	N	SP	SP	SP
Car wash, waxing or polishing	N	N	N	N	N	N	N	N	N	N	P	P	N	P	P	P
Automotive service, except repair and car wash (SIC Sec. 7549)	N	N	N	N	N	N	N	N	N	N	N	P	N	P	P	P
MISCELLANEOUS REPAIR SERVICES (SIC Sec. 76) (such as electrical, radio, television, clock or furniture)																
	N	N	N	N	N	N	N	N	N	N	P	P	P	P	P	P

¹ Editor's Note: L.L. No. 6-2007, adopted 3-13-2007 also provided that such special permits shall be renewable every three years.

ZONING

Table of Permitted Uses
 §§ 307-14 and 307-15, Zoning
 Town of Cortlandt

LEGEND:

P = Permitted by right
 N = Not permitted
 SP = Permitted by special permit

SIC = Standard Industrial Classification
 n.e.c. = Not elsewhere classified
 -- = Not applicable

	CROS	PROS	R-160	R-80	R-40	R-40A	R-20	R-15	R-10	RG	CC	HC	CD	MD	M-1	HC-9A
HEALTH AND SOCIAL SERVICES																
Hospital or nursing home	N	N	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP
Offices of doctors, dentists or other health care practitioners	N	N	SP	SP	SP	SP	SP	SP	SP	SP	P	P	P	P	P	P
Other health (SIC Secs. 808-809) or social services (SIC Sec. 83)	N	N	N	N	N	N	N	N	N	N	P	P	P	P	P	P
LEGAL, MANAGEMENT, ENGINEERING AND OTHER PROFESSIONAL SERVICES (SIC Secs. 81, 87 and 89)																
	N	N	N	N	N	N	N	N	N	N	P	P	P	P	P	P
BUSINESS OR PROFESSIONAL OFFICE IN TRANSITIONAL LOCATION																
	N	N	SP	SP	SP	SP	SP	SP	SP	SP	--	--	--	--	--	--
OFFICE OR RESIDENTIAL USE OF HISTORIC STRUCTURE (Does not apply to uses otherwise permitted by this table)																
	N	N	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP
CONSTRUCTION																
General building and heavy construction contractors, including contractors' yards	N	N	N	N	N	N	N	N	N	N	N	N	N	N	SP	SP
Special trade contractors, including plumbing, heating and air conditioning, electrical, carpentry, sheet metal, etc.	N	N	N	N	N	N	N	N	N	N	SP	SP	N	SP	SP	SP
TRANSPORTATION AND PUBLIC UTILITIES																
Public utility facility																
Facilities and equipment containing a volume of less than 300 cubic feet, for local distribution of utility services, whether or not on the same lot as another use	N	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Buildings approved in connection with, and on the same site as, a Planning Board-approved subdivision	N	N	P	P	P	P	P	P	P	P	P	P	P	P	P	P
All other public utility facilities, including but not limited to transmission towers and mass transportation facilities	N	N	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP
Trucking and courier services	N	N	N	N	N	N	N	N	N	N	N	N	N	N	P	P
Public warehousing and storage	N	N	N	N	N	N	N	N	N	N	N	N	N	N	P	P
Taxicab operation	N	N	N	N	N	N	N	N	N	N	P	P	P	P	P	P
Travel agencies	N	N	N	N	N	N	N	N	N	N	P	P	P	N	N	P
WHOLESALE TRADE (not including asphalt batching in MO Zone)																
	N	N	N	N	N	N	N	N	N	N	N	N	N	N	P	P
MANUFACTURING																
Food and kindred products (SIC Sec. 20)	N	N	N	N	N	N	N	N	N	N	N	N	N	N	P	P
Textile mill products (SIC Sec. 22)	N	N	N	N	N	N	N	N	N	N	N	N	N	N	P	P
Apparel and other finished products made from fabrics and similar materials (SIC Sec. 23)	N	N	N	N	N	N	N	N	N	N	N	N	N	N	P	P
Lumber and wood products (SIC Sec. 24), except furniture and except logging, sawmills and planing mills	N	N	N	N	N	N	N	N	N	N	N	N	N	N	P	P
Furniture and fixtures (SIC Sec. 25)	N	N	N	N	N	N	N	N	N	N	N	N	N	N	P	P
Die-cut paper, paperboard and cardboard (SIC Sec. 2675)	N	N	N	N	N	N	N	N	N	N	N	P	N	P	P	P
Other paper and allied products (SIC Sec. 26), except pulp mills, paper mills and paperboard mills	N	N	N	N	N	N	N	N	N	N	N	N	N	N	P	P
Printing, publishing and allied industries (SIC Sec. 27)	N	N	N	N	N	N	N	N	N	N	N	N	N	N	P	P
Leather and leather products (SIC Sec. 31), except leather tanning and finishing	N	N	N	N	N	N	N	N	N	N	N	N	N	N	P	P
Cut stone and stone products (SIC Sec. 328), except quarrying and processing of own stone	N	N	N	N	N	N	N	N	N	N	N	N	N	N	P	P
Fabricated metal products, except machinery and transportation equipment (SIC Sec. 34)	N	N	N	N	N	N	N	N	N	N	N	N	N	N	P	P
Computer and office equipment (SIC Sec. 357)	N	N	N	N	N	N	N	N	N	N	N	N	N	N	P	P
Household audio and video equipment (SIC Sec. 365)	N	N	N	N	N	N	N	N	N	N	N	N	N	N	P	P
Communications equipment (SIC Sec. 366)	N	N	N	N	N	N	N	N	N	N	N	N	N	N	P	P
Electronic components and accessories (SIC Sec. 367)	N	N	N	N	N	N	N	N	N	N	N	N	N	N	P	P
Boat building and repairing (SIC Sec. 3732)	N	N	N	N	N	N	N	N	N	N	N	N	N	N	P	P
Measuring, analyzing and controlling instruments; photographic, medical and optical goods, watches and clocks (SIC Sec. 38)	N	N	N	N	N	N	N	N	N	N	N	N	N	N	P	P
Jewelry, precious metal, jewelers' findings and materials and lapidary work (SIC Secs. 3911 and 3915)	N	N	N	N	N	N	N	N	N	N	N	P	N	P	P	P
Miscellaneous manufacturing industries (SIC Sec. 39)	N	N	N	N	N	N	N	N	N	N	N	N	N	N	P	P
Manufacture of goods of any type for retail sale on premises with not more than 10 employees	N	N	N	N	N	N	N	N	N	N	N	SP	N	N	SP	SP
JUNKYARD																
	N	N	N	N	N	N	N	N	N	N	N	N	N	N	SP	N
ACCESSORY NONRESIDENTIAL USES																
Accessory buildings and accessory uses, except as specified below	N	N	N	N	N	N	N	N	N	N	P	P	P	P	P	P
Outdoor display and storage of goods or equipment, except as authorized by other town regulations (live plant materials, automobiles, boats and aboveground pools for retail sale are exempt from these regulations)	N	N	N	N	N	N	N	N	N	N	N	N	N	N	P	P
Storage of goods or equipment in trailers, box trailers or similar vehicles, registered or unregistered	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	P
Not more than 2 outdoor vending machines, only 1 of which may be illuminated (See Note 7)	N	N	N	N	N	N	N	N	N	N	P	P	P	P	P	P
Private garage	N	N	N	N	N	N	N	N	N	N	P	P	P	P	P	P

ZONING

307 Attachment 1

**NOTES FOR TABLE OF PERMITTED USES
§§ 307-14 and 307-15, Zoning
Town of Cortlandt**

- Note A. The text of Note A for this table appears in the text of the Zoning Chapter, in § 307-15A.
- Note 1. Contained within a structure also used for commercial purposes, or as principal use.
- Note 2. Only those single-family dwellings existing prior to the effective date of this chapter.
- Note 3. Only those two-family dwellings existing prior to the effective date of this chapter.
- Note 4. For permitted residential uses only.
- Note 5. Any illumination shall be installed in such a way as not to shine directly onto any nearby dwelling.
- Note 6. The domestic keeping of animals is subject to the following provisions:

KEY:
P = Permitted
SP = Special permit

- A. Animals, other than dogs or cats.

Permitted Status	Lot Size	Maximum Number of Animals	
		Large	Small
P	Less than 2 acres	0	4
P	At least 2 acres	2	8
P	At least 3 acres	3	16
P	At least 4 acres	4	24
SP	At least 10 acres	5 or more	25 or more

- B. Dogs. NOTE: Dogs less than six months of age shall be exempt from these regulations.

Permitted Status	Lot Size	Maximum Number
P	Lot of any size	3
P	At least 2 acres	4
P	At least 5 acres	5
SP	10 or more acres	6 or more

- C. Cats. There are no land area requirements for the domestic keeping of cats.

- Note 7. More than two vending machines are subject to the provisions of § 307-67 of this chapter.