

ZONING BOARD OF APPEALS FACT SHEET

ZBA Member Assigned: WALSH
Name of Applicant: Robert Gale
Owner: Same
Address of property: 35 Shady Brook Lane
Section, Block, Lot: 34.15-2-6
Prior ZBA Case No.: NA
Zone: R-40
Lot Size: 20,250 square feet

CASE NO.: 2021-7

Request: Area Variance, front yard setback, for a proposed new house.

Staff Comments: The property owner is proposing to construct a new, approximately 3,000 sq. ft., 2-story single family home and applied for a building permit that was denied by the Code Enforcement Office on May 10, 2021. The home is proposed to have a 27 ft. front yard setback where 50 ft. is required.

<u>REQUIRED</u>	<u>PROPOSED</u>	<u>VARIANCE</u>	<u>%</u>
50 feet	27 feet	23 feet	46%

Variance(s) Requested: An Area Variance, front yard setback, for a proposed new single-family home.

SEQR: TYPE II – No further compliance required

Pro-Built Construction Co LLC
31 Meadow Sweet Road
Cortlandt Manor, NY 10567

Copies Planning Board
..... Town Board
..... 8 Zoning Board
..... 1 Legal Dept.
..... DOTS Director
..... C.A.C.
..... A.R.C.
..... Applicant
.....
.....
Sent 6/7/21

Mr. Chris Kehoe
Town Planner
Town Hall, 1 Heady Street
Cortlandt Manor, NY 10567



June 6, 2021

Re: Proposed Single Family Dwelling
35 Shady Brook Lane
Tax ID 34.15-2-65

Mr. Kehoe:

We respectfully request a 23' area variance for the front yard setback for 35 Shady Brook Lane, Cortlandt Manor, NY 10567. The variance is necessary because of the final design and layout of the approved septic system taking most of the rear yard. Our architect has altered the plans but cannot get the house any further back than 27' in lieu of the 50' front set back, due to the approved septic system. (Town of Cortlandt Zoning Code: 307-17 Table of Dimensional Regulations R-40 Zone, Front Yard Setback)

We do not believe this variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood. There are several houses on Shady Brook lane that have front yard setback of less than 50 feet.

We appreciate your time and assistance in getting this variance approved so that we can move ahead with our single-family dwelling. If you have any questions, I can be reached at 914-419-9103.

Sincerely,

JoAnn Gale
Pro-Built Construction

Case No. 2021-7
Date: 5/19/21

Walsh
\$200
#005444

TOWN OF CORTLANDT
DEPARTMENT OF TECHNICAL SERVICES
Planning Division
Town Hall, 1 Heady Street, Cortlandt Manor, NY 10567
914-734-1080
www.townofcortlandt.com
chrisk@townofcortlandt.com



ZONING BOARD OF APPEALS APPLICATION

Site Data:

Section 34.15 Block 2 Lot 65 Zone: R-40

Street Address: 35 Shady Brook Lane, Cortlandt Manor, New York 10567

Project Description: New single family residence

Circumstances of particular application:

The front yard set back does not meet the required 50 feet, proposed 27 feet requires a variance for 23 feet due to the approved septic system requirements. The house can not be set back any further.

Application is hereby made for the following Variance, Interpretation and/or Special Permit under the Town Code:

Chapter: 307 Section: 17 Chapter: _____ Section: _____

Is adjacent property in the same ownership? Yes _____ No X

Does any officer/employee of the Town of Cortlandt have any interest in this application as defined in the General Municipal Law Section 809? Yes _____ No X If yes, attach a sheet describing the nature and extent of that interest.

Applicant:

Name: Robert Gale
Address: 31 Meadow Sweet Rd, Cortlandt Manor, NY 10567
Phone: _____ Mobile: 914-760-0443

Owner:

Name: PRO-BUITT Construction Co LLC
Address: 31 Meadow Sweet Rd, Cortlandt Manor, NY 10567
Phone: _____ Mobile: 914-760-0443

Lessee:

Name: _____
Address: _____
Phone: _____ Mobile: _____

Architect/ Engineer/ Surveyor:

Name: Architectural Visions PLLC Marty Stejskal
Address: 2 Muscoot Road North, Mahopac, NY 10541
Phone: _____ Mobile: 203-733-3435

Attorney:

Name: _____
Address: _____
Phone: _____ Mobile: _____

Confirmation All Taxes Paid: yes, paid see attche tax status history Date: 4-22-2021

Authorization:

State of New York, County of Westchester, Robert Gale being duly sworn deposes and says he/she is the owner, or authorized representative by attached completed proxy statement, and is duly authorized to perform or have performed said work and to make and file this application: that all statements are true and to the best of their knowledge and belief, and that he/she has read the foregoing appeal and knows the contents thereof.

Sworn to before me this 12th day of May, 2021.

Owner or Authorized Representative Signature: [Signature]
Print Name: Robert Gale

Notary Public: [Signature]

BRIAN D. CAPLAN
Notary Public, State of New York
No. 4942321
Qualified in Westchester County
Commission Expires Sept. 19, 2024



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.

Ken Hoch
Assistant to the Director / D.O.T.S.

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

Town Supervisor
Linda D. Puglisi

Town Board
Richard H. Becker
Debra A. Costello
James F. Creighton
Francis X. Farrell

PRO-BUILT CONSTRUCTION CO LLC
31 MEADOW SWEET RD
CORTLANDT MANOR, NY 10567

May 10, 2021

Re: Proposed Single Family Dwelling
35 Shady Brook Lane
Tax ID 34.15-2-65

Mr. Gale:

I am in receipt of your revised Site Plan received 5/7/2021 for a Proposed Single Family Dwelling 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 R-40 Zone, Front Yard Setback. 50.0' required, 27.00' proposed requiring a variance for 23.00'. Request for a variance from the Code is required.

The Zoning Board of Appeals application form and the short EAF Form shall be completed and returned to the Division of Planning with ten (10) copies of the revised plans, 10 Copies of the Survey, and \$200.00 Zoning Board of Appeals application fee. If the application is deemed complete 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

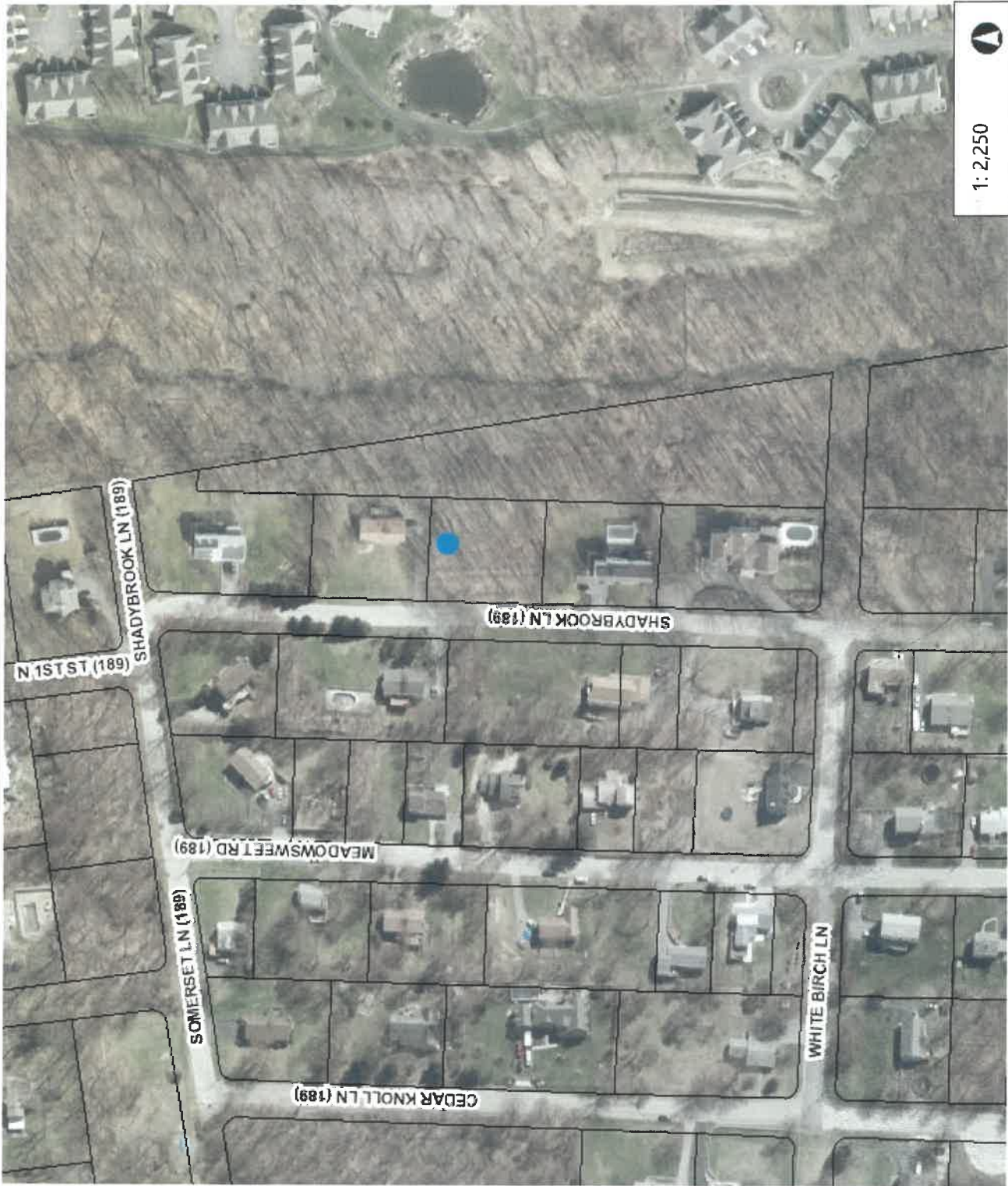


Town of Cortlandt

Legend

- Parcels
- Road Labels

Notes



1: 2,250

Disclaimer: "The information contained in this data is NOT to be construed as a "legal description". The Town and its consultants do NOT provide any guarantee of accuracy or completeness and will NOT be held liable for any damages or losses due to its use."



Map produced by: user



Google Maps 36 Shady Brook Ln



Image capture: Sep 2013 © 2021 Google

Cortlandt, New York



Street View



Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information			
Name of Action or Project: 35 Shady Brook Ln new single family residence			
Project Location (describe, and attach a location map): 35 Shady Brook Lane, Cortlandt Manor, New York 10567			
Brief Description of Proposed Action: Variance required due to front yard set back does not meet the required 50 feet, proposed 27 feet requires a variance for 23 feet, due to the approved septic design requirements.			
Name of Applicant or Sponsor: Robert Gale		Telephone: 914-760-0443	
		E-Mail: jogale@frontiernet.net	
Address: 31 Meadow Sweet Rd			
City/PO: Cortlandt Manor		State: New York	Zip Code: 10567
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO
			YES
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			NO
			YES
3.a. Total acreage of the site of the proposed action?		<u>40,000</u>	acres
b. Total acreage to be physically disturbed?		<u>20,250</u>	acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		<u>1</u>	acres
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____			
<input type="checkbox"/> Parkland			

		NO	YES	N/A
5.	Is the proposed action, a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6.	Is the proposed action consistent with the predominant character of the existing built or natural landscape?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7.	Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8.	a. Will the proposed action result in a substantial increase in traffic above present levels?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	b. Are public transportation service(s) available at or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9.	Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10.	Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11.	Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: <u>approved septic system</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12.	a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	b. Is the proposed action located in an archeological sensitive area?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13.	a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
14.	Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban			
15.	Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16.	Is the project site located in the 100 year flood plain?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
17.	Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input type="checkbox"/> YES	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES Roof leader and footing drain directed away from OWTS to level spreader at rear of property per approved septic system design.			

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ _____ _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____ _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____ _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor name: Robert Gale		Date: 5-12-2021
Signature: 