

ZONING BOARD OF APPEALS FACT SHEET

ZBA Member Assigned: FRANCO

CASE NO.: 2021-12

Name of Applicant: Mark Mendelson

Owner: Same

Address of property: 12 Douglas Mowbray Rd.

Section, Block, Lot: 34.5-1-9

Prior ZBA Case No.: NA

Zone: R-20

Lot Size: 27,522 square feet

Request: Area Variance, side yard setback for an existing shed.

Staff Comments: The property is on a corner lot, Shipley Drive and Douglas Mowbray Rd. The property owner received a permit to construct a 12' by 20' shed. As part of that permit process the property owner had discussions with the Code Enforcement Office regarding moving an existing 8' by 12' shed to a different location on his property. The 8' by 12' shed was placed 3' from the property line to Shipley Drive. 12' is required as the lot is a corner lot and as per Local Law 4 of 2020:

A lot at the intersection of and abutting on two or more intersecting streets or highways, as said term appears in §280-a of the New York State Town Law. The setbacks in a Side Yard with frontage on a street or a highway of a Corner Lot shall be double those of the underlying Zoning District. See "lot line, front".

<u>REQUIRED</u>	<u>PROPOSED</u>	<u>VARIANCE</u>	<u>%</u>
12 feet	3 feet	9 feet	75%

Variance(s) Requested: An Area Variance, side yard setback, for an existing accessory building, a shed.

SEQR: TYPE II – No further compliance required

Case No. 2021-12
Date: 10/21/21

Franso

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 34.5 Block 1 Lot 9 Zone: A-20
Street Address: 12 DOUGLAS MOWBRAY RD, CORTLANDT MANOR, NY 10567
Project Description: Area Variance - Perm. + Accessory Shed
Circumstances of particular application:
See attached narrative

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

Chapter: _____ Section: _____ Chapter: _____ Section: _____

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

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: MARK J MENDELSON
Address: 12 DOUGLAS MOWBRAY RD
Phone: 917 468 7849 Mobile: _____

Owner:

Name: MARK + SHILPA MENDELSON
Address: 12 DOUGLAS MOWBRAY RD
Phone: 917 468 7849 Mobile: _____

Lessee:

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

Architect/ Engineer/ Surveyor:

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

Attorney:

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

Confirmation All Taxes Paid: _____

Date: 11/1/2021

Authorization:

State of New York, County of Westchester MARK J MENDELSON 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.

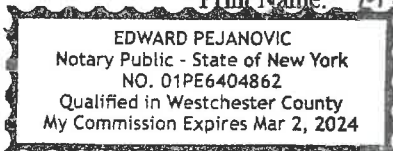
Sworn to before me

Owner or Authorized Representative Signature: Mark Mendelson

this 27th day of October, 2021.

Print Name: MARK J MENDELSON

Notary Public: _____





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.*

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

Mark Mendelson
12 Douglas Mowbray Road
Cortlandt Manor, NY 10567

October 22, 2021

Re: Shed
12 Douglas Mowbray Road
Tax ID 34.5-1-9

Mr. Mendelson:

I am in receipt of your amendment to the Building Permit for Accessory Shed at the above referenced premises. Existing Shed was relocated to the Side Yard to install the new Shed.

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. 12' Side Yard setback is required to Shipley Drive. 3.0' is proposed requiring a variance for 9.0' per revised definition from Local Law 4 of 2020. Request for a variance from the Code is required.

LOT, CORNER

A lot at the intersection of and abutting on two or more intersecting streets or highways, as said term appears in § 280-a of the New York State Town Law. The setbacks in a Side Yard with frontage on a street or highway of a Corner Lot shall be double those of the underlying Zoning District. See "lot line, front."

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.

If you have any questions 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

October 26, 2021

Dear Members of the Town of Cortlandt, Zoning Board of Appeals,

In early June 2021 I applied for and received a permit to place a 12' x 20' shed on my residential property at 12 Douglas Mowbray Rd, Cortlandt Manor, NY 10567. During the application process I spoke with Mr. Martin Rogers, Director of Code Enforcement on two occasions. We spoke in regards to the placement of my new larger shed, pouring of a concrete slab, and the relocation of my smaller 8' x 12' shed to another area of my rear yard. During the conversations Mr. Rogers advised me that the shed must be no closer than six feet from my neighbor's property line, and a minimum of ten feet from my septic system. He gave me no further instructions other than that. I had also looked on the town's website and only found a paragraph relating accessory structures that are less than 100 square foot, that are not used for food prep, special applications, etc. do not require a permit. There were no further guidelines listed for the placement of the structure. I had purchased and placed the 8' x 12' shed on my property several years ago, and it is still in very good condition. So my wife wants to use it for her gardening shed. There was a tree at the front right corner of my rear yard on the Shipley Drive side. That area of my rear yard is the most level, so I had the tree removed at a cost of \$1500. I then had a cement slab poured for the 8' x 12' shed at a cost of \$1700. I then paid \$150. to have the 8' x 12' shed moved to that location.

I was later contacted by Mr. Rogers who then advised me that the 8' x 12' shed needed to be 12' off of the Shipley Drive, road side property line which he had seen when he came out for the final permit inspection for the 12' x 20' shed. I was unaware of that and there was no other reasonable way for me to know that, given that I had dealt directly with the code enforcement before and during the work was completed and was not made aware of it. I intended to be in full compliance of local zoning laws and guidelines, which is why I filed for a permit and made full disclosure of my intentions. The shed is visible from the roof line and above from outside the property as the fence blocks the view of most of it. I take pride in maintaining my property always and would not do something that would become a detriment to my property or my neighbor's properties. To have to move the shed at this point would cost me thousands of dollars in losses for work already done, then having to remove the cement slab, and the cost to prepare a new location and relocate the shed once again. The requested variance is not substantial as it is inside a privacy fenced in yard and will have no adverse effect or impact on the physical or environmental conditions in the neighborhood in any way. I thank you in advance for your consideration into this matter.

Respectfully, 

Mark J. Mendelson

12 Douglas Mowbray Rd

Cortlandt Manor, NY 10567

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

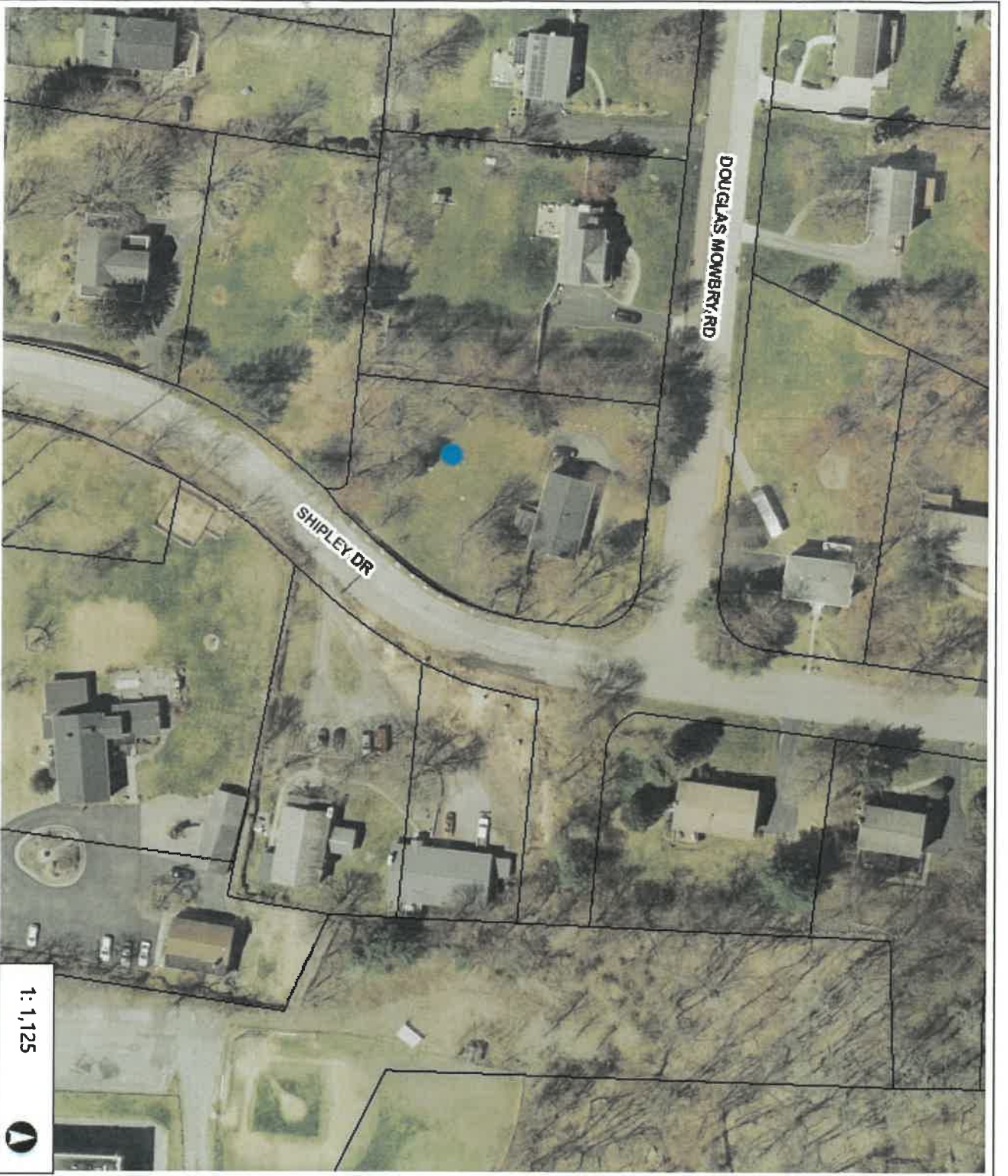
Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. 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:			
Project Location (describe, and attach a location map):			
Brief Description of Proposed Action: <i>Area Varance for Accessory Building, Shed</i>			
Name of Applicant or Sponsor: <i>MARK J MENDELSON</i>		Telephone: <i>917 468 7849</i>	
Address: <i>12 DOUGLAS MOWBRAY RD</i>		E-Mail: <i>UPPERLIMIT54@HOTMAIL.COM</i>	
City/PO: <i>CORTLAND MANOR</i>		State: <i>NY</i>	Zip Code: <i>10567</i>
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 <input type="checkbox"/>
			YES <input checked="" type="checkbox"/>
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 <input type="checkbox"/>
			YES <input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action? _____ acres			
b. Total acreage to be physically disturbed? _____ acres			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ 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			

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO	YES	N/A
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" 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: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input checked="" 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"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	<input checked="" 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: _____	NO	YES	
	<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: <u>N/A</u>	NO	YES	
	<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>N/A</u>	NO	YES	
	<input checked="" 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?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Is the proposed action located in an archeological sensitive area?	<input checked="" 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?	NO	YES	
	<input checked="" 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"/>	
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 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?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?	NO	YES	
	<input checked="" 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	NO	YES	
	<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 type="checkbox"/> YES		

<p>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: _____ _____ _____</p>	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>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: _____ _____ _____</p>	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>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: _____ _____ _____</p>	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</p>		
<p>Applicant/sponsor name: <u>MARK J MENDELSON</u></p>	<p>Date: <u>10/26/2021</u></p>	
<p>Signature: <u>Mark J Mendelson</u></p>		



Town of Cortlandt

- Legend**
- Parcels
 - Road Labels

Notes

1: 1,125



Map produced by: user

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."

Google Maps 13 Shipley Dr



Image capture: Aug 2012 © 2021 Google

Cortlandt, New York

Google

Street View - Aug 2012



Google Maps 6 Shipley Dr

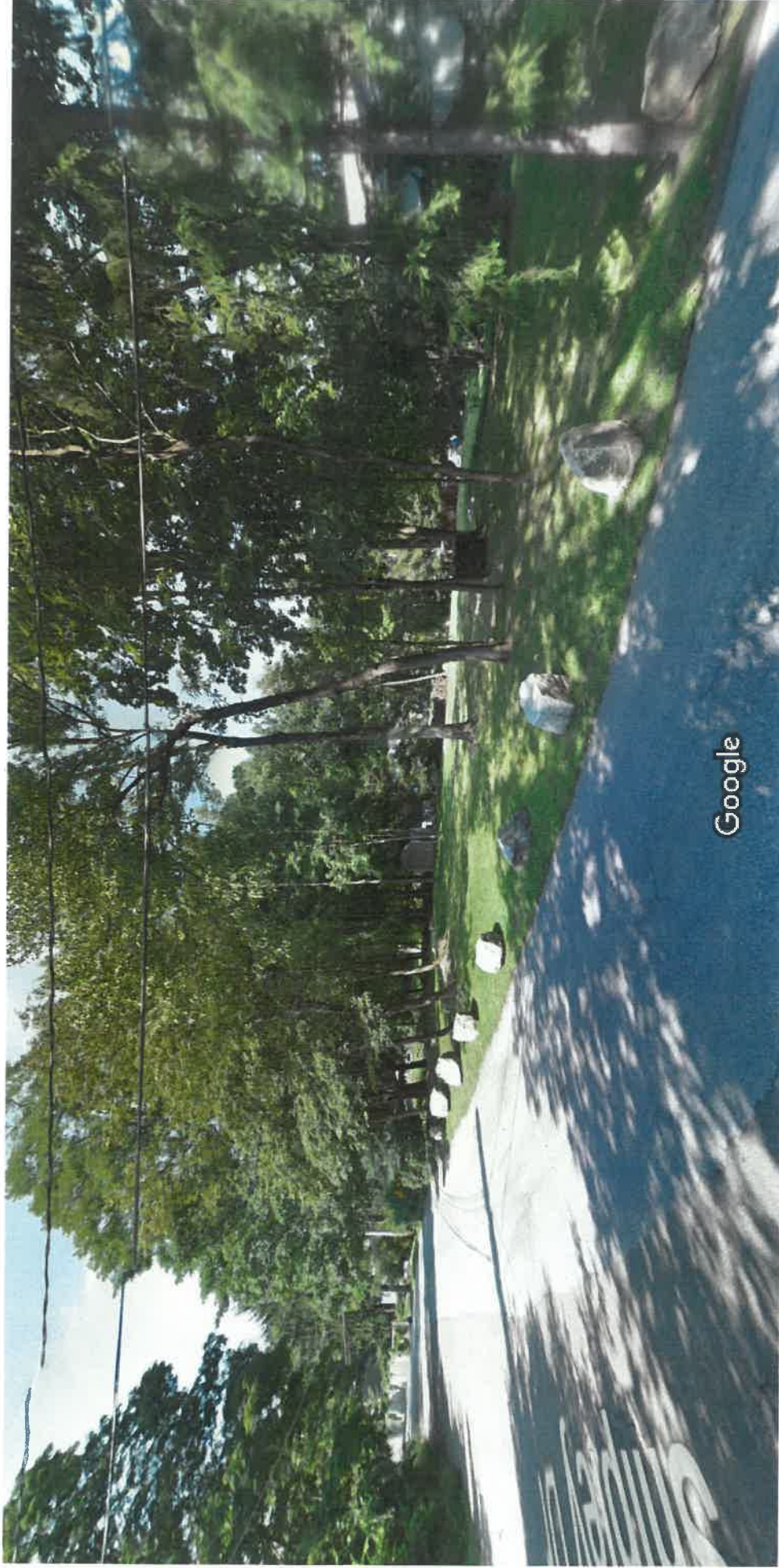


Image capture: Aug 2012 © 2021 Google

Cortlandt, New York

Google

Street View - Aug 2012

