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**TOWN OF CORTLANDT  
PLANNING BOARD  
PB 2018-27**

**DRAFT**

**RESOLUTION NO. 4-19**

**WHEREAS**, an application for Planning Board approval for the renewal of a Special Permit pursuant to Chapter 307-50 (University, College or Seminary) of the Town of Cortlandt Zoning Ordinance was submitted by the **Yeshiva Ohr Hameir** for the continued operation of the Yeshiva Ohr Hameir school as described in a letter dated November 2, 2018 from David Steinmetz, Esq. and as shown on a 3 page set of drawings entitled "Site Plan" prepared by Ciarcia Engineering, P.C. latest revision June 19, 2014 and

**WHEREAS**, the subject property of 37.32 acres is zoned R-40, Single Family Residential, is located at 141 Furnace Woods Road and is designated on the Town of Cortlandt Tax Maps as Section 44.12, Block 1, Lot 3, and

**WHEREAS**, a university, college or seminary is permitted by Special Permit in the R-40 Single-Family Residential Zoning District, and

**WHEREAS**, by Planning Board Resolutions 1-10 adopted on January 13, 2010, 11-13 adopted on April 2, 2013 and 5-16 adopted on February 2, 2016 the Planning Board previously granted three (3) renewals of the required Special Permit, and

**WHEREAS**, by Resolution 1-10, modified by Resolution 18-12 adopted on July 10, 2012 and Resolution 4-14 adopted January 7, 2014 the Planning Board approved a Site Plan for the subject property including the renovation/reconstruction of the existing Dodge City Building for classroom and dormitory space and an on-site pump station for a sewer line and for a gravel service road to access the pump station, and

**WHEREAS**, as per condition No. 1 of PB Resolution 5-16 the subject Special Permit for a (University, College or Seminary) is valid for three years and will expire on February 2, 2019, and

**WHEREAS**, the Special Permit shall remain in full force and effect until a final determination by Planning Board Resolution on any Special Permit renewal application, and

**WHEREAS**, the subject application, as per 6 N.Y.C.R.R. 617.5(c)(26), as a permit renewal with no change in conditions of the site or any violations of the Special Permit, is considered a Type II action under SEQR requiring and no further environmental analysis, and

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**WHEREAS**, a Public Hearing was held pursuant to Chapter 307 (Zoning) of the Town of Cortlandt Code and pursuant to Chapter 274-a of the New York State Town Law on said application at the Cortlandt Town Hall, 1 Heady Street, Cortlandt Manor, New York on January 8, 2019, and

**WHEREAS**, the Public Hearing Notice for this application was duly published in the "Gazette", and

**WHEREAS**, the subject Public Hearing Notice was mailed to adjacent and across the street property owners and the subject property was posted with a sign giving notice of the Public Hearing, and

**WHEREAS**, comments in response to referrals of the subject application were considered by the Planning Board as well as written and verbal comments made in response to the subject application at the public hearing, and

**WHEREAS**, the Planning Board considered the issuance of the subject Special Permit pursuant to the requirements, conditions and standards contained in Sections 307-40, 307-41, 307-42 and 307-50 of the Town of Cortlandt Zoning Ordinance for a University, college or seminary, and

**NOW THEREFORE BE IT RESOLVED**, that pursuant to Section 307-50(B), Standards and Conditions the Planning board finds that:

1. The minimum lot area is greater than 25 acres.
2. The minimum frontage is greater than 200 feet.
3. An existing building on the Yeshiva property is located closer than 100 feet to a lot line. However, no additions or modifications are proposed to this building.
4. The total building coverage is less than 25%
5. The minimum landscape coverage is greater than 50%
6. The parking area lot line is setback more than 50 feet from the property line.
7. The maximum height of buildings is less than 70 feet.
8. The Zoning Board of Appeals granted a variance from the requirement that "access to the premises shall be via State or County highways only" as per a Decision & Order adopted on March 17, 2010 and the Yeshiva is permitted to continue its present access to its premises from Furnace Woods Road (a Town Road).

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9. The proposed improvements to the existing Dodge City Building and other proposed site improvements will be located far enough away from neighboring properties and landscape improvements are proposed so as to protect neighboring property from adverse impacts and conforms to the standards established in Sections 307-21B and 307-22 of the Zoning Code.

**NOW THEREFORE BE IT RESOLVED** that the application of Yeshiva Ohr Hameir for the renewal of a Special Permit pursuant to Chapter 307-50 (University, College or Seminary) of the Town of Cortlandt Zoning Ordinance to allow the continued operation of the Yeshiva Ohr Hamier is **approved** for a period of three years subject to the conditions listed below, and

**FURTHER BE IT RESOLVED**, that the granting of this special permit is in harmony with the general purpose and intent of the Zoning Ordinance and will not be injurious to the neighborhood and will not change the character thereof, or otherwise be detrimental to the public welfare.

**CONDITIONS AND MODIFICATIONS:**

1. **The applicant is to reapply for renewal of said permit three months prior to February 5, 2022 which is the expiration date of the Special Permit issued by this Resolution.**
2. **The applicant shall submit a letter in October for presentation at the Planning Board meeting in November 2019, November, 2020 and November 2021 (or such other dates as scheduled by the Planning Board) updating the Planning Board on any issues with the operation of the Yeshiva. By October 15 of each year, the Planning Board shall receive reports from Town staff as to the operation of the site and determine whether any substantial code violations exist affecting health, safety and general welfare. If the Planning Board determines that the code violations reported in the yearly reports are substantial, a Special Permit renewal application may be required before the 3 year term noted above.**
3. **The applicant shall maintain the property in compliance with all laws, regulations and ordinances of the Town of Cortlandt as determined by the Department of Technical Services, Code Enforcement Division and all other governmental agencies having jurisdiction.**

**TO BE CONSIDERED FOR ADOPTION: FEBRUARY 5, 2019**