

April 30, 2024

General Code Publishers Corp.

781 Elmgrove Rd.

Rochester, New York 14624-2991

RE: Local Law No. 4-2024

Dear Sir or Madame:

Pursuant to Section 27 of the Municipal Home Rule Law, I have enclosed for filing purposes one (1) copy of Local Law No. 4-2024, "A Local Law considering Omnibus Zoning and Text Amendments. Said Local Law was adopted by the Town Board of the Town of Cortlandt, Westchester County, at a Regular Meeting held on April 16, 2024.

Please update the Town's Code to reflect said change.

Thank you for your assistance in this matter.

Very truly yours,

Christine B. Cothren

Deputy Town Clerk

Local Law No. 4 of 2024

(OMNIBUS ZONING TEXT AND MAP AMENDMENTS)

Section 1: Legislative Intent

Periodically, the Supervisor and Town Board ask staff to review the Zoning Code and associated provisions in other chapters of the Town Code to ensure that the Code remains modern, friendly to business, and responsive to the concerns of residents. The following amendments seek to make improvements and clarifications to the Town Code.

Section 2: Amendments to Section 77-21 of the Town Code

Section 77-21 currently requires the voting meeting and work session to be on separate evenings for the Planning Board and Zoning Board of Appeals, which does not benefit the Town, the public, or the applicants. The following sentences shall be **deleted** from Section 77-21(A) of the Town Code:

“Each of these sessions will be on separate evenings and will be open to the public for their attendance. Should either Board need to hold a special meeting, the special meeting may be combined with a work session.”

Section 3: Amendments to Chapter 131 of the Town Code

Chapter 131 of the Town Code, pertaining to Building Construction, shall be amended as follows:

- Section 131-1 of the Town Code shall be amended to state as follows:

The Town Board of the Town of Cortlandt recognizes the applicability of the New York State Uniform Fire Prevention and Building Code (Uniform Code) to the Town of Cortlandt in accordance with the provisions of § 381 of the Executive Law. All references to the former New York State Building Construction Code contained elsewhere in the ordinances, rules and regulations of the Town of Cortlandt shall, from and after the effective date hereof, be deemed to refer to the New York State Uniform Fire Prevention and Building Code (the Uniform Code) and the State Energy Conservation Construction Code (the Energy Code), or so much thereof as shall pertain within the Town of Cortlandt.

- Section 131-3 of the Town Code shall be amended to state as follows:

A. No building shall be erected, moved, altered, added to or enlarged and no excavation for any building shall be begun until a building permit for such work has been issued by the Director of Code Enforcement or authorized designee. Every application for a building

permit shall be filed through the approved permitting software or other approved policy and procedure. Each application shall fully set forth the purpose for which the building is proposed to be used, lot dimensions, lot and block numbers and subdivision name, if any, and shall be accompanied by construction drawings and plans showing compliance with the Uniform and Town Code.

B. Every application for a building permit shall be accompanied by a fee in accordance with the fee schedule set by resolution of the Town Board. Applications shall be deemed void if no activity has occurred for 90 days from the date of initial application.

C. No building permit shall be issued or reissued for a building to be used for any purpose for which a special permit is required pursuant to the regulations set forth in the Town Code until a special permit has been issued by the approving Board(s).

D. If the work for which a building permit has been issued is not commenced within one (1) year after the date of such issuance or such longer period as the Director of Code Enforcement may authorize, in writing, because of the occurrence of conditions unforeseen at the time of issuance, such permit shall expire, and a renewed permit shall be obtained before such work is commenced. If the work for which a building permit has been issued is not completed within one year from and after the date of issuance of the permit or such longer period as the Director of Code Enforcement may authorize, in writing, for the completion of work under way, said building permit shall expire, and no further work shall be undertaken until a new building permit has been obtained.

E. Where a proposed use of land, buildings, and other structures or a proposed building or other structure involves the installation, extension, relocation or reconstruction of a private sewage disposal or private water supply system, no building permit shall be issued and no application for a certificate of occupancy shall be approved until such systems have been approved by the Westchester County Department of Health.

- Section 131-4 of the Town Code shall be amended to state as follows:

A. A certificate of occupancy shall be obtained from the Director of Code Enforcement for any of the following:

- (1) Occupancy and use of a building hereafter erected, structurally altered or moved.
- (2) Change in the use of an existing building, except to another use of the same type.
- (3) Occupancy and use of vacant land, except for any use consisting primarily of tilling the soil.
- (4) Change in the use of land, except to another use of the same type and except for any use consisting primarily of the tilling of the soil.
- (5) Any change in use of a nonconforming use.
- (6) Establishment of any use of a building or of land for which a special permit is required.

B. No such occupancy, use, or change of use shall take place until a certificate of occupancy has been issued by the Director of Code Enforcement. No certificate of occupancy shall be issued or reissued for any use of a building or of land for which a special permit is required pursuant to the regulation set forth in the Town Code unless and until a special permit for such use has been issued by the approving Board(s). Every certificate of occupancy for a use for which a special permit has been issued or in connection with which a variance has been granted in accordance with the provisions of the Town Code shall contain a detailed statement of such special permit or variance and of any condition to which the same is subject.

C. Written application for a certificate of occupancy for a new building or for an existing building which has been altered shall be made prior to a request for a Final Inspection. Such certificate shall be issued after the erection or alteration of such building or part thereof has been completed in conformity with the provisions of the Uniform and Town Code. Pending the issuance of such certificate of occupancy, a temporary certificate of occupancy may be issued by the Director of Code Enforcement for a period not exceeding 90 days during the completion of any alterations which are required under the provisions of any law or ordinance. Such temporary certificate shall not be construed as in any way as altering the respective rights, duties or obligations of the owner or the Town relating to the use or occupancy of the land or building or any other matter covered by the ordinance, and such temporary certificate shall not be issued except under such restrictions and provisions as will adequately assure the safety of the occupants of the building, land and adjacent buildings and land.

D. Application for a certificate of occupancy for the use of vacant land or for a change in the use of land or of a building for a change of use of a nonconforming use, as provided herein, shall be made to the Director of Code Enforcement.

E. Every certificate of occupancy shall state that the building or the proposed use of a building or land complies with all the provisions of law and of this article and of all other ordinances of the Town.

F. If the occupancy and use of a building or of land for which a certificate of occupancy has been issued is not commenced within one (1) year after the date of such issuance or such longer period as the Director of Code Enforcement may authorize, in writing, because of the occurrence of conditions unforeseen at the time of issuance, such certificate of occupancy shall expire, and a new certificate of occupancy shall be obtained before such occupancy and use are commenced.

G. A certificate of occupancy shall be deemed to authorize and is required for both initial and continued occupancy and use of the building or land to which it applies and shall continue in effect so long as such building and the use thereof or the use of such land is in full conformity with the provisions of this article and any requirement made pursuant thereto. On the conviction of any violation of any of said provisions or requirements with respect to any building or the use thereof or of land as provided in § 131-4, the certificate of

occupancy for such use shall thereupon, without further action, be null and void, and a new certificate of occupancy shall be required for any further use of such building or land.

H. A record of all certificates of occupancy shall be kept in the office of the Director of Code Enforcement, and copies shall be furnished to any Board of the Town or any person having a proprietary or tenancy interest in the building or land affected.

Section 4: Amendments to Chapter 149 of the Town Code

Chapter 149 of the Town Code, pertaining to Code Administration and Enforcement, shall be amended as follows:

- Section 149-1 of the Town Code shall be amended to state as follows:

The Town Board is desirous of establishing the responsibility for the administration and enforcement of all Town local laws and ordinances dealing with building and zoning under one department. The benefits will be more efficient, less costly administration and enforcement and a simplified process wherein any property owner in the Town may make application in one Department for approval to conduct legal activities upon their land. It is in furtherance of these purposes that the Town Board does hereby adopted this chapter.

- Section 149-12(D) shall be amended to state as follows:

Above ground swimming pools containing less than 24 inches of water.

- Section 149-14(A) shall be amended to state as follows:

The application for a building permit and its accompanying documents shall contain sufficient information to permit a determination that the intended work accords with the requirements of the Uniform Code, Energy Code, the Zoning Ordinance, and all other applicable local laws and ordinances.

- Section 149-16 shall be amended to state as follows:

A. All dwelling units in a multifamily dwelling shall be inspected for the purpose of determining compliance with safety requirements of the Uniform Code at least once in every 36 month period. The common areas of such buildings, such as halls, foyers, staircases, etc., shall also be inspected at least once in every 36 months.

B. Fire safety inspections of buildings or structures with areas of public assembly, as defined in the Official Compilation of Code, Rules and Regulations of the State of New York, shall be performed at least once in every 12 months.

C. All other building uses and occupancies (except one- and two-family dwellings) shall be inspected at least once in every 36 months.

D. An inspection of a building or dwelling unit shall be performed at any other time upon the request of the owner or authorized agent and payment of fee upon receipt of a written statement specifying the ground upon which the writer believes a violation of the Uniform

Code exists or upon other reasonable and reliable information that such violation exists. Such inspection shall be performed by the Department of Code Administration and Enforcement.

E. Construction Inspections

(a) Work to remain accessible and exposed. Work shall remain accessible and exposed until inspected and accepted by an employee in the Division of Code Enforcement. The Permit Holder shall notify the Code Enforcement Officer when any element of work described in subdivision (b) of this section is ready for inspection.

(b) Elements of work to be inspected. The following elements of the construction process shall be inspected, where applicable:

- (1) work site prior to the issuance of a Building Permit;
 - (2) footing and foundation;
 - (3) preparation for concrete slab;
 - (4) framing;
 - (5) structural, electrical, plumbing, mechanical, fire-protection, and other similar service systems of the building;
 - (6) fire resistant construction;
 - (7) fire resistant penetrations;
 - (8) solid fuel burning heating appliances, chimneys, flues, or gas vents;
 - (9) inspections required to demonstrate Energy Code compliance, including but not limited to insulation, fenestration, air leakage, system controls, mechanical equipment size, and, where required, minimum fan efficiencies, programmable thermostats, energy recovery, whole-house ventilation, plumbing heat traps, and high-performance lighting and controls;
 - (10) installation, connection, and assembly of factory manufactured buildings and manufactured homes; and
 - (11) a final inspection after all work authorized by the Building Permit has been completed.
- (c) Remote inspections. If an in-person inspection is not practical, at the discretion of the Director of the Department of Technical Services or the Director's designee, a remote inspection may be performed in lieu of an in-person inspection when the remote inspection can be performed to the same level and quality as an in-person inspection and the remote inspection shows to the satisfaction of the Code Enforcement Officer or by such authorized Inspector that the elements of the construction process conform with the applicable requirements of the Uniform Code and Energy Code.

(d) **Inspection results.** After inspection, the work or a portion thereof shall be noted as satisfactory as completed, or the Permit Holder shall be notified as to the manner in which the work fails to comply with the Uniform Code or Energy Code, including a citation to the specific code provision or provisions that have not been met. Work not in compliance with any applicable provision of the Uniform Code or Energy Code shall remain exposed until such work shall have been brought into compliance with all applicable provisions of the Uniform Code and the Energy Code, re-inspected, and found satisfactory as completed.

Section 5: Amendments to Section 179-5 Determination of Boundaries; Compliance Required; Permit Application and Procedures

The language in Section 179-5(A)(3) shall be updated and amended to read as follows:

As a policy, the determination and delineation of wetlands will only be conducted during the growing season, as determined by a qualified professional. Wetland delineations may be re-evaluated every 24 months (or two years) to the satisfaction of the approving authority.

Section 6: Amendments to 307 Attachment 2: Table of Permitted Uses

- The following provision shall be added to the Table of Permitted uses under the subheading “Automobile Repair, Services and Parking” and shall be a Permitted Use in the CC, HC, CD, MD-M-1, and HC-9A zones:

“Parking for no more than two commercial vehicles, including vehicles designed primarily for the transportation of petroleum products so long as the petroleum products are emptied from the vehicles(s) prior to parking and the truck(s) is (are) screened from the street. All parked vehicles shall meet all stormwater and environmental standards as required by the Department of Technical Services”.

- The table of Permitted Uses shall be amended regarding “Public Warehousing and Storage”:

“Public Warehousing and Storage” shall be a Permitted use in the HC-9A Zone, and a note shall be added to the Table of Permitted Uses that “Public Warehousing and Storage” shall only be permitted south of Memorial Drive.

Section 7: Amendments to Section 307 Attachment 3; Table of Dimensional Regulations, Residential Districts

Note 1 Section 307, Attachment 3 shall be amended as follows:

The height of accessory residential buildings shall be one story above grade as defined in the New York State Uniform Fire Prevention and Building Code and limited to 10 feet from the finished floor to the top of exterior wall plate (eave) or underside of the ceiling joists and the height to the top of the ridge shall not exceed seven feet.

Section 8: Restrictions on Contractor Operations in Residential Zones

The Town has received increasing complaints related to contractor's yards in residential zones. The last amendment pertaining to Contractor's Yards in Residential Zones was enacted approximately two decades ago and it had a sunset provision. The Town Board now wishes to update this section to fit the current needs of the community. The following shall occur:

1. The Term "**Contractor's Yard in a Residential Zone**" shall be removed from Section 307-4 of the Town Code.
2. The Definition of "**Contractor's Yard**" shall be amended to read as follows:

CONTRACTOR'S YARD

Any space, whether inside or outside a building on a parcel of land, used for the storage or keeping of construction supplies, materials, equipment, machinery or vehicles or parts thereof, whether they are in operable or inoperable condition or in active or inactive use by a person or other entity. Contractor's Yards are prohibited in residential zones, but two commercial vehicles owned by a property owner or one commercial vehicle and a trailer may be parked in the driveway of a property in the residential zone, and shall not result in the property being considered a Contractor's Yard so long as: (i) the commercial vehicle is not more than 25 feet in length nor more than 6,000 pounds in net chassis weight; and (ii) the parking of commercial vehicles or a trailer in a driveway does not result in passenger vehicles parking on the street.

Section 9: Amendments to § 307-46: Residential Office Uses

In order to ensure an appropriate amount of parking on residential streets, Section 307-46(B)(3) shall be amended to read as follows:

The applicant must provide adequate off-street parking as determined by the Department of Technical Services. No employee parking shall be permitted on the street except in the case of a person assisting an occupant of the property with health needs or childcare needs.

Section 10: Special Permit for Rock Crushing in the M-1A Zone

The Town permitted rock crushing by Special Permit in the M-1A Zone pursuant to an amendment in the Code. The standards and conditions in Section 307-65.9(B) of the Town Code shall be amended to read as follows:

- (1) The property must be in the M-1A Zone.**
- (2) Processing of natural rock and other construction and demolition debris with a beneficial use shall only occur within the limits of any permits granted by the DEC.**
- (3) Any person or legal entity who wishes to engage in rock crushing must obtain an operating permit to be renewed yearly by the Department of Technical Services. The Director of the Department of Technical Services may deny the permit renewal or shut down a crushing facility prior to the permit renewal period if it is determined that debris from the crushing operation is migrating off-site.**

(4) All special permits are subject to the approval of the Planning Board.

(5) Any applicant for this special permit must establish an escrow account to cover the Town's monitoring of the operation.

Section 11: Amendments to Section 307-4 of the Town Code

The definition for "Story" shall be amended to read as follows:

STORY

That portion of a building included between the surface of any floor and the surface of the floor next above it or, if there is no floor above it, then the space between the floor and the ceiling next above it. A basement shall be counted as a "story" if it is considered a story above grade as defined in the New York State Uniform Fire Prevention and Building Code.

Section 12: Adoption of Updated Zoning Map

The Town of Cortlandt adopts the Updated Zoning Map attached as part of this Local Law.

Section 13: Severability

If any provisions of this local law are held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the local law shall remain in effect.

Section 14: Effective Date

This local law shall take effect immediately upon filing with the Secretary of State.

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF CORTLANDT
LAROUÉ ROSE SHATZKIN
TOWN CLERK**

**Adopted April 16, 2024
At a Regular Meeting
Held at Town Hall**

