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TOWN OF CORTLANDT

DEPARTMENT OF TECHNICAL SERVICES

PLANNING DIVISION

TOWN HALL, 1 HEADY STREET, CORTLANDT MANOR, N.Y. 10567-1254



EDWARD VERGANO, P.E.
Director

CHRIS KEHOE, AICP
Deputy Director

September 19, 2011

Pauline DiSanto, Village Clerk
Croton-on-Hudson Municipal Building
Van Wyck Street
Croton-on-Hudson, New York 10520

Re: PB 7-11 Referral from the Town Board of proposed Zoning Ordinance amendments with respect to public hearing requirements and changes to the parking requirements.

Dear Ms. DiSanto,

Pursuant to Section 277.71 of the Westchester County Administrative Code please find the enclosed proposed changes to the Town of Cortlandt Zoning Code regarding Planning Board Public Hearing requirements on referrals from the Town Board, changes to the parking requirements for eating and drinking places and a new Special Permit for parking. The Town of Cortlandt Planning Board will hold a Public Hearing on this case on October 4, 2011.

If you have any questions regarding this matter, please contact my office.

Sincerely,

Chris Kehoe, AICP
Deputy Planning Director

enclosure

cc: Linda D. Puglisi, Town Supervisor
Ann Lindau, Town Board Liaison



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PUBLIC HEARING NOTICE

PLEASE TAKE NOTICE that the **PLANNING BOARD** of the **TOWN OF CORTLANDT** will conduct a Public Hearing pursuant to a referral from the Town Board requesting a recommendation for proposed changes to Chapter 307 (Zoning) for new language to (1) Public Hearing requirements for the Planning Board on referrals from the Town Board and (2) Changing parking requirements as follows:

Amend Chapter 307-98 Public Hearing Requirements:

Existing Language – The Planning Board shall hold a public hearing on any such petition or resolution, notice of hearing and of the proposed amendment shall be given by publication in the official newspaper of the Town at least 10 days before the date of such hearing.

Proposed Language – Upon referral from the Town Board the Planning Board shall within 45 days remit their comments back to the Town Board with respect to any proposed legislation referred to them by the Town Board. Only upon request of the Town Board shall the Planning Board hold a public hearing.

Chapter 307-29 Table of Required Off-Street Parking Spaces; rules for interpretation.

Existing Language - Eating or drinking place: 1 per 50 square feet habitable floor space

Proposed Language – Eating and drinking place: 1 per 50 square feet of dining area and such employee parking as determined by the Planning Board.

Amend Chapter 307 Special Permits.

Add §307-XX. Special Permits for Parking

The central feature of the proposed Special Permit for Parking is to give the Planning Board the ability to waive required parking spaces of existing developed sites and for proposed site plans including changes of use from an existing retail establishment to a restaurant and to permit the Planning Board to consider shared and land banked parking based on the standards and conditions contained in the proposed special permit language. DOTS staff has made minor modifications to the proposed special permit as noted below:

A. Authority of the Planning Board. Authorization is hereby granted to the Planning Board, Town of Cortlandt, to permit relief from the required number of parking spaces in all commercial and industrial zones by special permit provided the Board finds that the application meets all the general conditions of Article X (Standards and Conditions for Special Permits) and further meets all of the applicable conditions set forth in this section.

B. Purposes. Special permit for a change in parking space requirements: Permit a change in the parking space requirements required by Article 8 of the Zoning Ordinance: Off-Street Parking Requirements to:

- 1) Permit flexibility of design and development in such a way as to promote superior land planning design, greater efficiency and convenience in the arrangement of land uses and their supporting infrastructure, preserve open space, protect floodplains and other natural features and otherwise encourage the most appropriate use of land.
- 2) Master Plan. Promote a development pattern in harmony with the objectives of the Town's Master Plan.

C. Categories of Parking Special Permits:

(a) Waived Parking. A percentage of the number of off-street parking spaces required by Article 8 of this zoning code for an existing use developed site or a proposed use in the non-residential districts may be waived by special permit.

(b) Land-Banked Parking. A percentage of the number of off-street parking spaces required by Article 8 of this zoning code for a proposed use or uses in the non-residential districts may be land-banked by special permit.

(c) Shared Parking. A percentage of the number of off-street parking spaces required by Article 8 of the Zoning Ordinance of this zoning code for a use or uses in the non-residential districts may be shared by Special Permit.

(d) Pedestrian access. Any proposals submitted, which, in the opinion of the Planning Board provide direct and vital pedestrian access to other abutting commercial properties and serve to improve pedestrian accessibility may reduce the number of parking spaces required by fifteen percent (15%). Pedestrian access shall be provided through improved pathways, stairway access or other physical improvements, and such access shall be clearly marked.

A special permit for parking may be granted for one of the categories listed above or a combination of the categories, provided the application meets the minimum standards for the special permit and any applicable criteria for the special permit category or categories.

D. The Planning Board, by special permit, may grant relief from the parking requirements required by Article 8 Off-Street Parking Requirements based on the following criteria, and other applicable provisions presented in this subsection:

- (i) The capacity, location and current level of use of existing parking facilities, both public and private;

- (ii) The efficient and maximum use in terms of parking needs and services provided by avoiding excess parking, poor site design, and inefficient use of capital and resources;
- (iii) The relief of traffic and parking congestion;
- (iv) The safety of pedestrians;
- (v) The provision of reasonable access by walking distance;
- (vi) The maintenance of the character of the area by reducing impervious surfaces and allowing for larger landscaped areas.
- (vii) The applicant must show that a site plan could be approved for the subject site that meets all requirements for a layout on the subject lot that conforms to all parking, coverage limitations for the site.
- (viii) The reduction of runoff and stormwater impacts
- (ix) The avoidance of impacts to environmentally sensitive lands.
- (x) Nothing contained herein shall be interpreted or applied so as to allow a building larger than what would otherwise be allowed but for the application of this special permit.

II. Minimum Standards for Issuing a Special Permit for Parking:

1. A special permit application for parking shall be submitted to the Planning Board. The application shall indicate the category or categories of parking relief requested.
2. Applicant must provide the Planning Board with a brief written report presenting the actual parking requirement per Article 8 the proposed parking requirement alternative, and the percentage of the number of off-street parking spaces to be waived, land-banked, and/or shared. If pedestrian access is proposed, the report shall describe how the proposed pedestrian access would improve pedestrian accessibility and reduce the number of parking spaces required. The report should also include a statement describing why the proposed parking relief is warranted including how the parking relief would provide a direct benefit to the Town.
3. The Planning Board may require the applicant to submit a parking study demonstrating the parking demand for the proposed use based on data from the Institute of Traffic Engineers (ITE), field data for similar developments and other appropriate source material. The scope or detail of such reports or studies shall be determined by the Planning Board. Such reports or studies shall be paid for by the applicant. In its decision, the Planning Board may also require the applicant to provide a parking survey within a year of receipt of the Certificate of Occupancy to demonstrate that the number of parking spaces provided is sufficient for the site and that the reduction in parking is not adversely affecting the traffic, safety and welfare of the residents of the Town of Cortlandt.
4. Special permits granted for providing pedestrian access shall not reduce the number of parking spaces required by more than fifteen percent (15%) of the total required parking for the site. No

more than fifty percent (50%) of the total number of required parking spaces serving a use may be waived, granted for pedestrian access, land-banked, and/or shared.

5. A site plan showing existing conditions and the proposed parking including all proposed land-banked parking and shared parking areas. Special permit applications for providing pedestrian access shall provide a site plan showing existing conditions and all proposed pedestrian improvements including sidewalks, pathways, stairway access or other physical improvements. All applications for land-banked parking and any other applications where the Planning Board deems it a necessary condition of approval, will be required to provide a site plan proving to the satisfaction of the Planning Board that the site could accommodate the number of parking spaces required per Article 8 within the confines of the lot itself and serving such lot.

6. The Planning Board may also, during its review of an application, request such other and further information as it finds necessary to make a thorough evaluation of the applicant's proposal.

III. Additional Conditions for Shared Parking Special Permits

Shared private parking facilities for different buildings or uses are subject to the following additional provisions:

i) In the written report described in the standards of **§307-D.II.2 above**, the applicant must also demonstrate that the two land uses have differing peak-hours (or days, or seasons) of parking demand and that the total parking demand at any one time would be adequately served by the total number of parking spaces provided. The scope or detail of such reports or studies, which may require data from the Institute of Traffic Engineers (ITE), field data and other appropriate source material, shall be determined by the Planning Board. Such reports or studies shall be paid for by the applicant.

ii) No more than fifty percent (50%) of the parking spaces serving a building may be used jointly for other uses which are not normally open or operated during similar hours.

iii) Agreements for Construction and Maintenance. A written agreement acceptable to the Planning Board defining the joint use, maintenance, and construction of the common parking facility shall be executed by all parties concerned and approved by the Planning Board as part of the special permit process. Such agreement shall be recorded as a deed restriction.

iv) The applicant shall provide a site plan proving to the satisfaction of the Planning Board that the site could accommodate the number of parking spaces required per Article 8 within the confines of the lot itself and serving such lot.

v) Any subsequent change in land uses for which the special permit was approved, and which results in the need for additional parking spaces, shall require a new special permit application under this section.

Validity

The invalidity of any word, section, clause, paragraph, sentence, part, provision of this Local Law shall not affect the validity of any other part of this Local Law that shall be given effect without such invalid part or parts.

Effective Date

This Local Law shall take effect immediately upon filing with the Secretary of State.

Said Public Hearing will be held on **Tuesday October 4, 2011 at 7:00 P.M.**, or as soon thereafter as possible, in the Vincent F. Nyberg Meeting Room at Cortlandt Town Hall, 1 Heady Street, Cortlandt Manor, New York, to receive public comments and input.

Anyone interested in addressing comments on the above to the Planning Board may do so by appearing in person at the above time and place or by submitting their written comments to the Cortlandt Planning Office by the close of business on October 4, 2011.

**Dated: September 19, 2011
Cortlandt Manor, New York
PB 7-11**

**PLANNING BOARD
TOWN OF CORTLANDT**

Loretta Taylor (ck)

**Loretta Taylor
Chairperson**