

Mount Kisco burial ground loses lawsuit

Judge dismisses Oakwood plea for crematorium

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MOUNT KISCO — Oakwood Cemetery has lost its legal challenge of the village's revised zoning code preventing the 125-year-old burial site from building a crematory on its Lexington Avenue property.

State Supreme Court Judge Albert Lorenzo filed a decision Tuesday that dismissed the action by Oakwood Cemetery, which contended that it should be allowed to offer the cremation service as part of its role in helping families care for their deceased.

"The cemetery is a permitted pre-existing non-confirming land use as a cemetery, but not as a crematory," Lorenzo wrote in his 11-page decision that cited a 1997 case that said although non-confirming uses are allowed, they may not be enlarged.

Bob Davis of Singleton, Davis and Singleton, which represents the town, said he was pleased that the judge dismissed all the allegations .

Howard Kensing, president of Oakwood Cemetery, said he was unaware of the ruling and could not comment.

The historic cemetery filed its lawsuit in October after the village amended its code to specify that cremation operations would not fit into the village's definition of a cemetery.

Village officials had said that the new operation would change the character of that area of the Mount Kisco and would increase traffic. Officials revised the zoning code June 13, 2011.