

## TOWN OF CORTLANDT

#### ZONING BOARD OF APPEALS

Town Hall, 1 Heady Street Cortlandt Manor, NY 10567 914-734-1080

Town Supervisor Richard H. Becker, MD

Town Board
James F. Creighton
Cristin Jacoby
Robert Mayes

Joyce C. White

Wai Man Chin Vice-Chairman

Chris Beloff Frank Franco Michelle Piccolo Hill Benito Martinez Thomas Walsh

#### TO JOIN THE MEETING REMOTELY USE THE ZOOM LINK BELOW:

https://us02web.zoom.us/j/86127634369?pwd=jUUTLsT1EBrMayfqT9rEXpb4wvUkmF.1

AGENDA ......ZONING BOARD OF APPEALS

Town Hall – 1 Heady Street

Cortlandt Manor, NY 10567

#### Work Session - Thursday, February 27, 2025 at 6:30 PM

1. Discuss Agenda for the Regular Meeting

#### Regular Meeting - Thursday, February 27, 20245 at 7:00 PM \*

- 1. Pledge to the Flag and Roll Call
- 2. Adoption of the Meeting Minutes for January 16, 2025

#### 3. PUBLIC HEARING

A. Case No. 2025-1 Application of Kathryn Breidenbach, on behalf of 163 Locust Avenue, LLC, for area variances for a proposed roof over a porch and an addition to the existing residence located at 163 Locust Avenue.

B. Case No. 2025-2 – Application of Wilvan Van Campen R.A., for the property of Victor Pena Gomez, for area variances for minimum house size and maximum unit size for a proposed accessory apartment within the existing residence at 60 Waterbury Parkway.

\*Regular meeting to begin at conclusion of the work session

**NEXT REGULAR MEETING THURSDAY, MARCH 20, 2025** 

#### ZONING BOARD OF APPEALS FACT SHEET

**ZBA Member Assigned:** Chin **CASE NO.: 2025-1** 

Name of Applicant: Kathryn Breidenbach

Owner: 163 Locust, LLC

Address of property: 163 Locust Ave. Section, Block, Lot: 23.12-1-6

Prior ZBA Case No.: NA

Zone: R-40

Lot Size: Approx. 14,760 sq. ft.

**Request:** An area variance under Section of the Zoning Code: 307-17 Table of

Dimensional Regulations: Front Yard Setback - 50 ft. required, 0 ft. proposed and a Side Yard setback - 10.38 required, 6.38 proposed for a

proposed alteration and addition to an existing residence.

**Staff Comments:** The Code Enforcement office received a building permit application on November 9, 2023 for a proposed porch roof and addition to an existing residence located on Locust Ave, at the intersection with Wilcox Lane. The permit was denied on September 12, 2024. The applicant is proposing a new roof over the existing pavers at the front of the house and the removal of an exterior staircase and a 36 sq. ft. addition on the side of the house. The existing exterior staircase is 2.21 ft. from the side property line. The proposed addition will be 6.8 ft. from the side property line.

An area variance, front yard setback for a proposed portico Variance(s) Requested: roof over an existing entry.

	<u>REQUIRED</u>	<b>PROPOSED</b>	<u>VARIANCE</u>	<u>%</u>
Front Yard	50 ft.	0 ft.	50 ft.	100%
Side Yard	10.38 ft.	6.8 ft.	3.58 ft.	34%

**SEQR: TYPE II – No further compliance required** 



### TOWN OF CORTLANDT

## DEPARTMENT OF TECHNICAL SERVICES CODE ENFORCEMENT DIVISION

 $\begin{array}{c} \textbf{Michael Preziosi, P.E.} \\ \textit{Director} - \textit{D.O.T.S} \end{array}$ 

Martin G. Rogers, P.E.

Director of Code

Enforcement/D.O.T.S.

Holly Haight
Assistant 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 Richard H. Becker

Town Board
James F. Creighton
Cristin Jacoby
Robert E. Mayes
Joyce C. White

Kathryn Breidenbach PO Box 601 Garrison, NY 10524

September 12, 2024

Re: Proposed Addition and Porch Roof

163 Locust Ave Tax ID 23.12-1-6

Ms. Breidenbach:

I am in receipt of your Building Permit Application received 11/9/2023 for Alteration and addition at the above referenced premises.

I must deny this request under the following chapter of the Town of Cortlandt Zoning Code: 307-17 Table of Dimensional Regulations, Front Yard and Side Yard Setbacks. The proposed Porch Roof and Addition is not compliant. Front Yard 50.0' required, 0.0' proposed requiring a variance for 50'. Side Yard 10.38' required, 6.8' proposed requiring a variance for 3.58'. Request for a variance from the Code is required.

The Zoning Board of Appeals application shall be completed online. If the application is deemed complete additional instructions will follow and then the project will then be placed on the agenda for the next available Zoning Board of Appeals meeting.

Additional information may be required upon subsequent reviews. Technical comments for the submission may be issued separately. If you have any questions or comments 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

A G. Muss

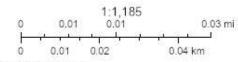
Cc: Chris Kehoe, Town Planner

2024-9-12 163 Locust Ave ZBA Denial Ltr.Docx

### Cortlandt

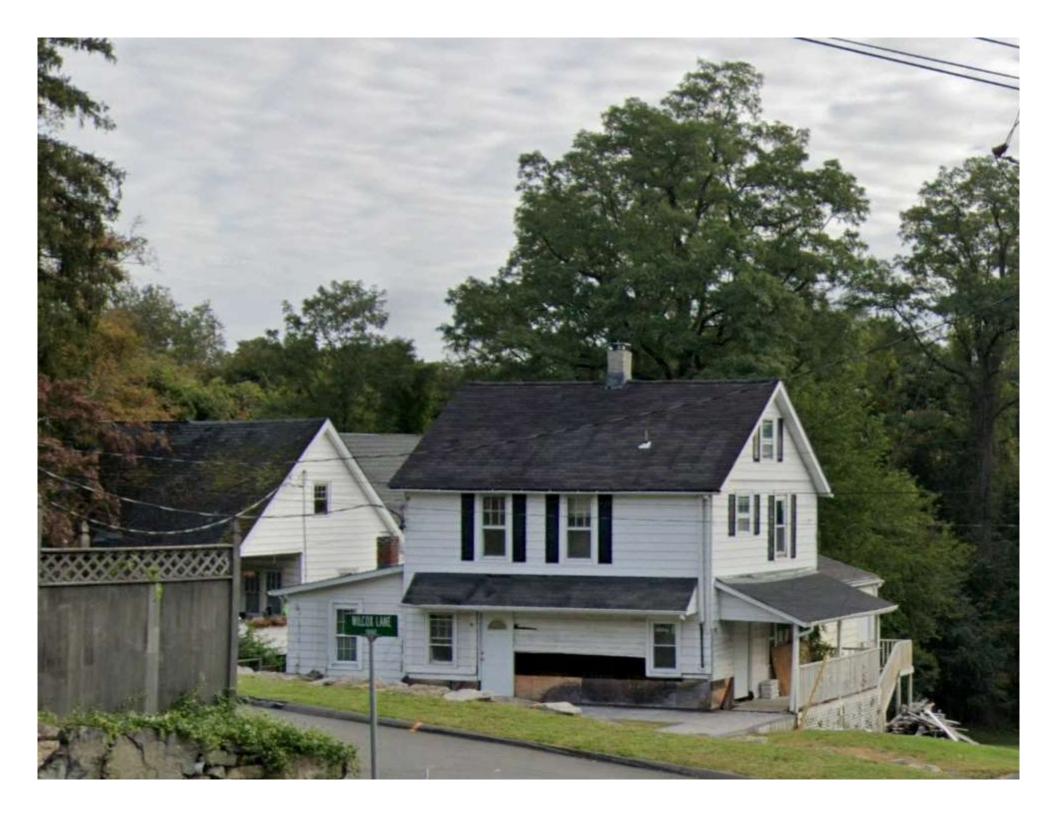


1/15/2025, 1:18:52 PM



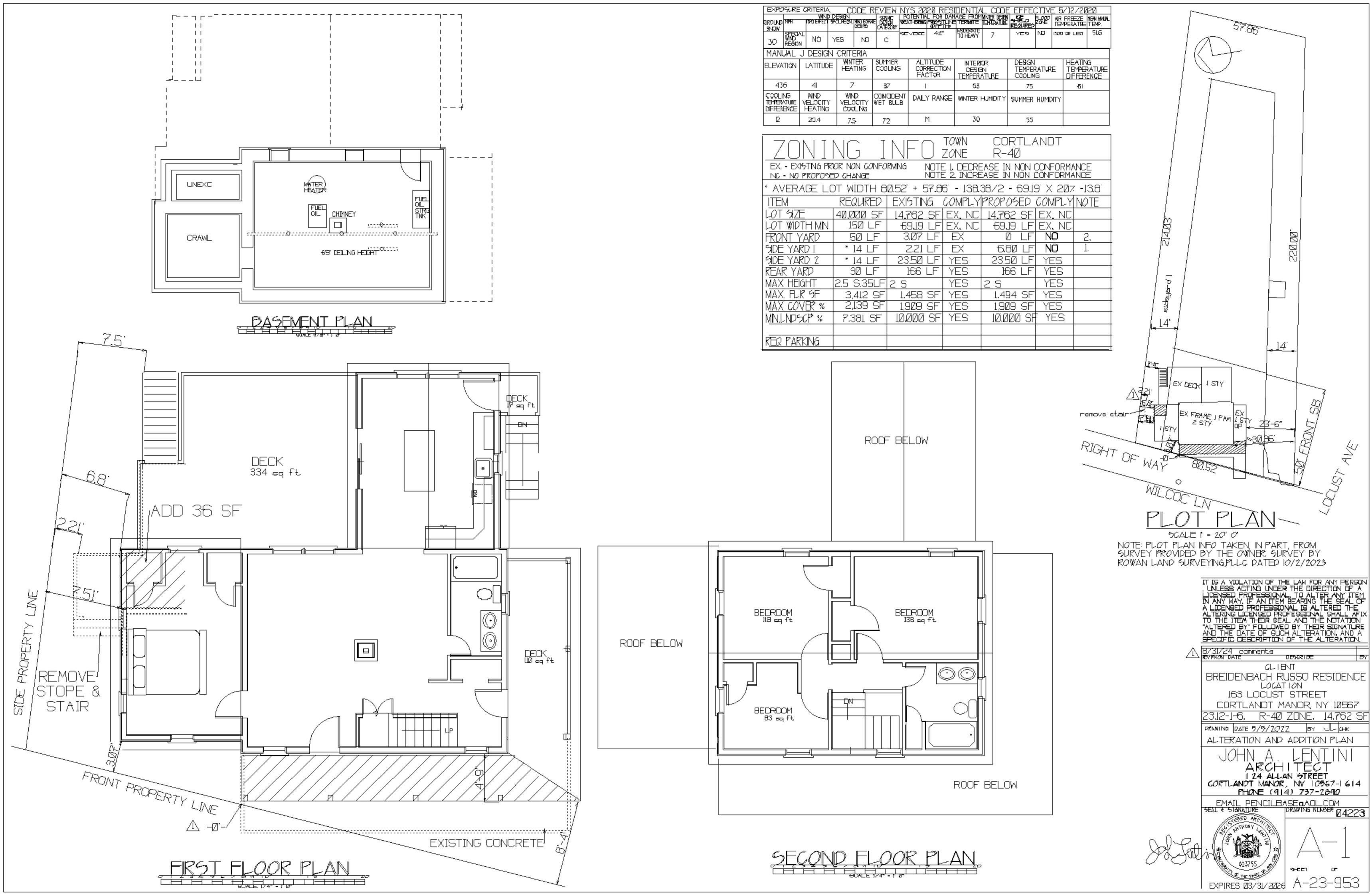
New York State, Maxar, Microsoft







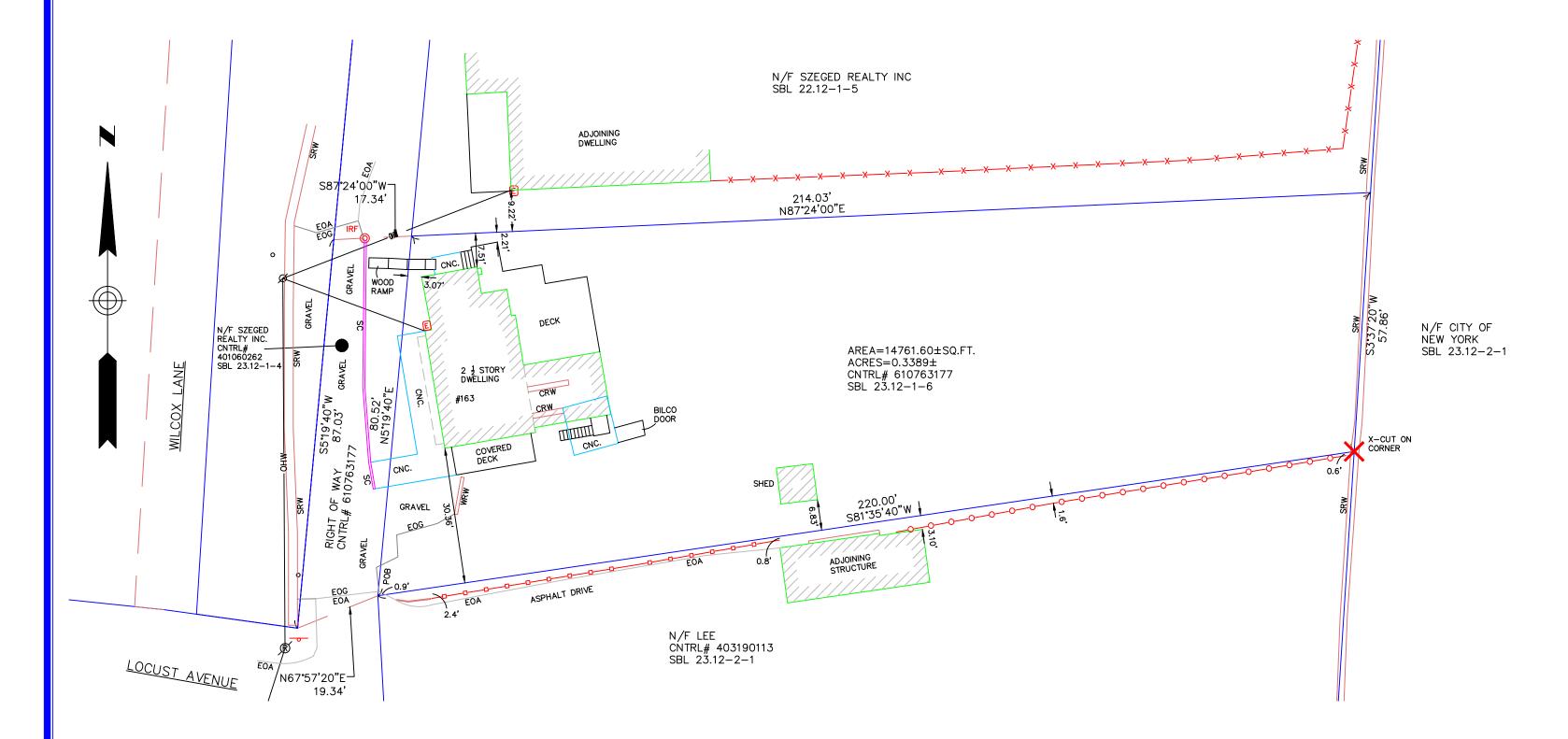








UNAUTHORIZED ALTERATION TO A MAP BEARING A LICENSED PROFESSIONAL LAND SURVEYOR'S SEAL IS A VIOLATION OF SECTION 7209, SUBDIVISION 2, OF THE NEW YORK STATE EDUCATION LAW. THE CERTIFICATION IS NOT AN EXPRESS OR IMPLIED WARRANTY OR GUARANTEE, IT IS PURELY A STATEMENT OF PROFESSIONAL OPINION BASED ON KNOWLEDGE, INFORMATION AND BELIEF, BASED ON EXISTING FIELD EVIDENCE AND DOCUMENTARY EVIDENCE AVAILABLE. CERTIFICATIONS ARE NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS. PLAN PREPARED PURSUANT TO SECTION 7209 OF THE NEW YORK STATE EDUCATION LAW. SUBJECT TO THE FINDINGS OF AN UP TO DATE TITLE SEARCH. UNLESS THE SURVEYOR'S ORIGINAL SIGNATURE AND SEAL APPEARS RAISED ON THIS MAP, IT SHOULD NOT BE CONSIDERED A TRUE AND CORRECT COPY OF THE SURVEYOR'S ORIGINAL WORK AND OPINION.





# LOCUS MAP (N.T.S.)

#### SURVEY NOTES

 THIS PLAN WAS PREPARED FROM AN ON THE GROUND FIELD SURVEY CONDUCTED BY RLS ON SEPTEMBER 28, 2023 AND ON THE FOLLOWING DATUM—

MERIDIAN: CNTRL# 610763177

HORIZONTAL: ASSUMED

#### 2. REFERENCES

STREET NAMES, R.O.W. WIDTHS, PROPERTY IDENTIFICATION NUMBERS, OWNER NAMES, EASEMENTS, AND ANY ADDITIONAL INFORMATION SHOWN HEREON ARE REFERENCED FROM THE FOLLOWING MAPS AND DOCUMENTS—

- A. LAND CONVEYED TO 163 LOCUST AVE LLC BY CNTRL# 610763177, FILED IN THE WESTCHESTER CO. CLERKS OFFICE ON APRIL 29, 2021.
- 3. THE SURVEYED PROPERTY IS SUBJECT BUT NOT LIMITED TO THE INFORMATION SHOWN HEREON. ALL INFORMATION THAT MAY AFFECT THE QUALITY OF TITLE TO BOTH THE SUBJECT AND ADJOINING PARCELS SHOULD BE VERIFIED BY AND ACCURATE AND CURRENT TITLE REPORT.
- 4. THE LOCATION OF THE UTILITIES AS SHOWN HEREON HAVE BEEN COMPILED FROM VISIBLE STRUCTURES AND INFORMATION OBTAINED FROM VARIOUS SOURCES. THE ACTUAL LOCATION OF ALL UTILITIES AND UNDERGROUND STRUCTURES SHALL BE CONSIDERED APPROXIMATE AND SHALL BE VERIFIED BY THE OWNER PRIOR TO ANY CONSTRUCTION.
- 5. WETLANDS, ENVIRONMENTAL AND/OR HAZARDOUS MATERIALS LOCATION, IF ANY, NOT COVERED UNDER THIS CONTRACT. [OR] WERE LOCATED AS MARKED AT THE TIME OF THE SURVEY.
- 6. UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY MAP BEARING A LICENSED LAND SURVEYOR'S SEAL IS A VIOLATION OF SECTION 7209, SUBDIVISION 2, OF THE NEW YORK STATE EDUCATION LAW.
- 7. CERTIFICATIONS INDICATED HEREON SIGNIFY THAT THIS SURVEY WAS PREPARED IN ACCORDANCE WITH THE EXISTING CODE OF PRACTICE FOR LAND SURVEYS ADOPTED BY THE NEW YORK STATE ASSOCIATION OF PROFESSIONAL LAND SURVEYORS. THIS PLAN NOT VALID UNLESS ORIGINAL STAMP AND SIGNATURE OF A LICENSED SURVEYOR ARE LOCATED HEREON.
- 8. OFFSETS OR DIMENSIONS FROM THE PROPERTY LINES TO STRUCTURES ARE SURVEY REFERENCES ONLY, AND NOT INTENDED TO MONUMENT THE PROPERTY LINES, NOR ARE THEY TO BE USED IN OR GUIDE CONSTRUCTION OF ANY TYPE.

### <u>LEGEND</u>

O IRON ROD

X X-CUT

E ELECTRIC METER

Ø UTILITY POLE WITH RISER
Ø UTILITY POLE

- SIGN

PROPERTY LINE

EASEMENT

CHAIN LINK FENCE

WIRE FENCE

VINYL FENCE

OHW

OVERHEAD WIRES

POB POINT OF BEGINNING
PL PROPERTY LINE
EOA EDGE OF ASPHALT

CNC. CONCRETE

SRW STONE RETAINING WALL

STONE CURB

WRW WOOD RETAINING WALL

CRW CONCRETE RETAINING WALL

EOG EDGE OF GRAVEL



PROPERTY SURVEY

163 LOCUST AVENUE

TOWN OF CORTLANDT, NEW YORK

PREPARED FOR

KATHRYN RUSSO

### ROWAN LAND SURVEYING, PLLC

330 OLD ALBANY POST ROAD GARRISON, NY 10524 914 815 3986

rowanlandsurveying@outlook.com

Drawn By PR	Date	Job No.
Surveyed By PR	OCTOBER 2, 2023	023-090
	Scale	Sheet No.
	1" = 20'	1 OF 1

#### ZONING BOARD OF APPEALS FACT SHEET

ZBA Member Assigned: Walsh CASE NO.: 2025-2

Name of Applicant: Wilvan Van Campen, on behalf of Victor Pena Gomez

**Owner: 60 Waterbury Parkway** 

Address of property: 60 Waterbury Parkway

**Section, Block, Lot: 23.15-2-17** 

Prior ZBA Case No.: NA

Zone: R-10

Lot Size: Approx. 12,500 sq. ft.

Request: An area variance under Section of the Zoning Code: 307-45 Accessory

Apartments. Minimum size of principal dwelling and maximum size of

proposed accessory apartment.

**Staff Comments:** The Code Enforcement office received a building permit application on January 6, 2025 for a proposed accessory apartment in the basement of an existing dwelling at 60 Waterbury Parkway and issued a denial letter on January 27<sup>th</sup>. An accessory apartment is permitted at this location as per Chapter 307-45 of the Town Code. As per the code the minimum size of the dwelling required to apply for an accessory apartment is 1,600 sq. ft. The applicant's house size is 1,296 sq. ft. The maximum size of the permitted accessory apartment is 25% of the house size. In this case given the house size of 1,296 sq. ft. a 261 sq. ft. accessory apartment is the largest size apartment that can be permitted. The applicant is requesting 600 sq. ft.

As per the requirements of 307-45 the applicant made an application to the Planning Board (PB 2025-2) for approval of the proposed accessory apartment. The applicant introduced the case to the Planning Board on February 4<sup>th</sup>. The Planning Board made a motion directing the applicant to apply to the ZBA for the required variances.

# Variance(s) Requested: An area variance, for minimum size of dwelling and maximum size of accessory apartment.

	REQUIRED	<b>PROPOSED</b>	<u>VARIANCE</u>	<u>%</u>
Min. Size of Dwelling	1,600 sq. ft.	1,296 sq. ft.	304 sq. ft.	19%
Max. Size of Apt.	261 sq. ft.	600 sq. ft.	339 sq. ft.	57%

SEQR: TYPE II – No further compliance required



### 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.

Holly Haight
Assistant 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 Richard H. Becker

Town Board
James F. Creighton
Cristin Jacoby
Robert E. Mayes
Joyce C. White

Wilvan Van Campen 73 North Walnut Street Beacon, NY 12508

January 27, 2025

Re: Proposed Accessory Apartment

60 Waterbury Pkwy Tax ID 23.15-2-17

Mr. Van Campen:

I am in receipt of your Building Permit Application received January 6, 2025 for a Proposed Accessory Apartment at the above referenced premises.

I must deny this request under the following Section of the Town of Cortlandt Zoning Code: 307-45 Accessory apartments. B. Standards and conditions. (8) Dimensional requirements.

B. [1] Min Size of Dwelling 1,600 SF

Existing 1,296 SF 304 SF

304 SF deficient

[3] Max Size of Acc Apt 261 SF

Proposed 600 SF 339 SF

Request for a variance from the Code is required.

The Zoning Board of Appeals application shall be completed online. If the application is deemed complete additional instructions will follow and then the project will then be placed on the agenda for the next available Zoning Board of Appeals meeting.

Additional information may be required upon subsequent reviews. Technical comments for the submission may be issued separately. If you have any questions or comments 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

Mat G. Muso

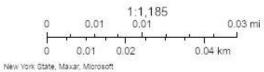
Cc: Chris Kehoe, Town Planner

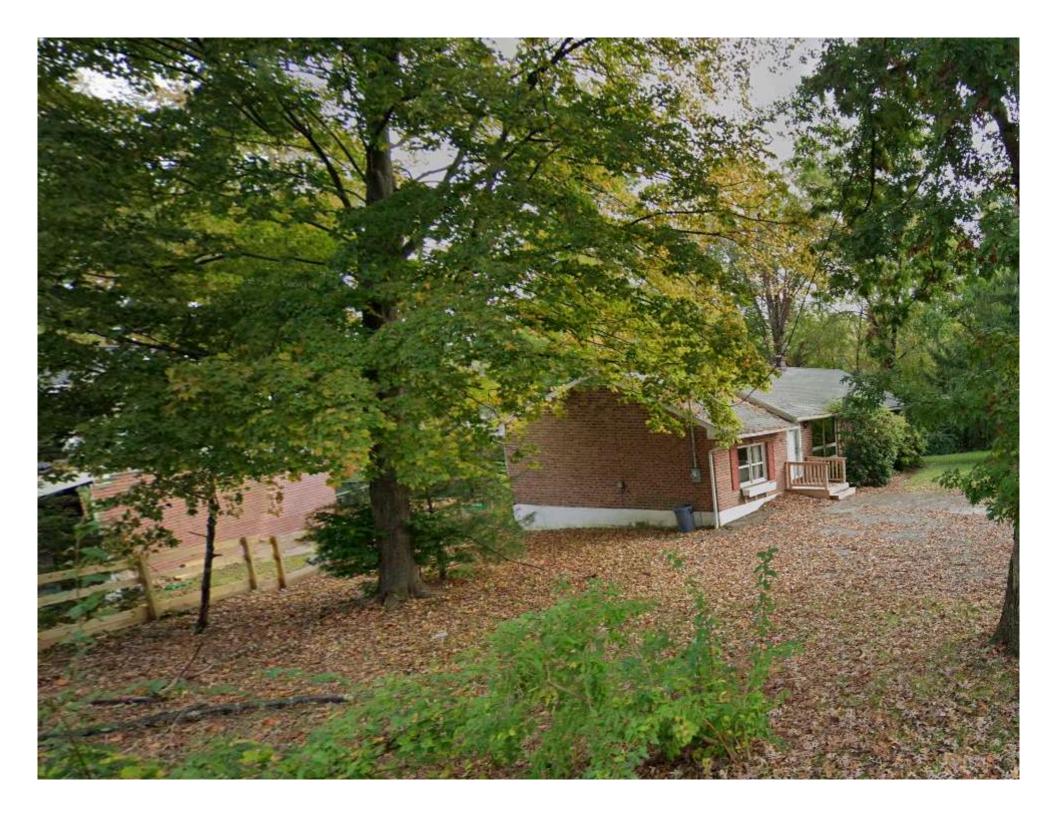
2025-1-27 60 Waterbury Pkwy ZBA Denial Ltr.Docx

### Cortlandt



2/12/2025, 11:00:34 AM







W. I. Van Campen Architect 73 North Walnut Street Beacon, NY 12508

February 17, 2025

Chairman Michael Fleming
Town of Cortlandt Zoning Board of Appeals
1 Heady Street
Cortlandt Manor, NY 10567

Dear Mr. Fleming and Board Members:

I am an architect working with the owner Victor Peña to create an accessory dwelling unit apartment within the single-family dwelling at 60 Waterbury Parkway.

The proposed scope of work is a 600 sf (gross) one bedroom apartment in the basement.

Our understanding is an area variance will be necessary for the apartment, specifically given two requirements of Zoning Code Chapter 307-45 B.(8):

- The minimum size of the single-family principal dwelling is 1,600 sf (gross)—ours is 1,296 sf (of which 1,044 sf is habitable).
- The maximum size of the accessory apartment is either 25% of the habitable floor space of the principal dwelling (261 sf) or 600 sf, whichever is less—or another size in the Board's opinion.

Addressing the ZBA "five-factor test:"

Area variances: In the review of a request for an area variance, a five-factor test will typically be used to determine the benefit to the applicant as weighed against the detriment to the health, safety and welfare of the neighborhood or community.

In doing so, the ZBA considers these factors:

- 1) Whether an undesirable change will be produced in the character of the neighborhood, or a detriment to nearby properties will occur;
- There is no enlargement of the principal dwelling footprint. To meet zoning requirements, we propose relatively minor expansions of the driveway for an additional parking space, and paving to the apartment's entry.
- The only changes to the principal dwelling exterior are building code requirements for a separate entry, and enlarged windows for light, ventilation and egress.
- 2) Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;
- · We believe there are not.
  - Also, because of existing plumbing constraints for the kitchen and bath—less than 600 sf forces a less efficient space layout.
  - Additionally, existing basement space not dedicated to the apartment will basically go unused—therefore, we believe this is a productive use of space.

#### 3) Whether the requested variance is substantial;

- We believe the proposed 600 sf gross (of which 402 sf is habitable) is not an unreasonable size. For example, the sleeping alcove's dimensions is only 10' x 11'.
  - To add more perspective, the average New York City one bedroom apartment is about 700 sf, and we assume in Westchester County it is larger.
- 4) Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district;
- · No, see 1) above.
- 5) Whether the alleged difficulty was self-created;
- No, our basic intent is to make productive use of unused space.

#### Additionally:

- We believe our proposal aligns with proposed zoning changes currently being discussed. Not knowing when these will go into effect—we decided to pursue the current variance process.
- Mr. Peña has qualified for a grant from the New York State's *Plus One ADU Program*—meant to encourage the creation of accessory dwellings.

Thank you for your consideration,

W.1. wan com man

Wilvan I. Van Campen

# **General Notes**

- 1. Notes / items represent new (as compared with existing) work unless otherwise noted
- 2. Notes / items represent typical (typ) conditions unless otherwise noted (uon)
- 3. Zoning code (ZC) citations refer to the Town of Cortlandt Code, Chapter 307, unless otherwise noted
- 4. Building code (RCNYS) citations refer to the New York State Residential Code 2020, unless otherwise noted

Town of	Base Requirements				
Basic Data: Address: 60 Wa	terbury Parkway, Cortlandt Manor 10567				
	23.15	2	17	The Bulk Table submitted shall NOT include	
Zoning District: R-10	Proposed Use: Accessory Dwelling Unit		this information. The Required/Allowable requirements shall be calculated and shown		
Bulk Regulations:	Required/Allowable	Existing/Proposed	Variance Reqd	the Table.	
Lot Area:	min 10,000 sf	12,500.84 / NC			
Lot Width:	min 75'	90' / NC			
Building Height: Stories:	max 2 1/2	1 / NC			
Feet:	max 35'	18' / NC			
Front Yard Setback:	min 30'	41.2' / NC			
Rear Yard Setback:	min 20'	40' / NC			
Side Yard Setbacks: Lot width 70' or more	min 10'	10.4' / NC			
Lot width less than 70'					
Max building coverage Dwelling use	1,917 sf	1,296 / NC			
Non Dwelling use		NA			
Min landscape coverage (% of lot area)  Dwelling use	50% (6,250 sf)	78% (9,750) / 75% (9,422)			
Non Dwelling use		NA			
Max building floor area:	2,950 sf	1,296 / 1,896			
Accessory Buildings:		NA			
Height:					
Max Floor Area:					
Side Yard Rear Yard					

1,296 / 1,600 Principal dwelling floor area min 1,600 sf ADU max (25% principal habitable, or 600 sf) max 261-600 261 / 600\*

Habitable space (Living, Sleeping, Hall, Entry) Non-habitable space (Kitchen, Bath, Closets) ADU total gross area

402 sf 198 600\*

YES

NC No Change NA Not Applicable

**ZONING CALCULATIONS** Scale:

W. I. VAN CAMPEN ARCHITECT 73 North Walnut St Beacon NY 12508 917 - 593 - 7451 wivc @ vancampen.com

PEÑA ADU APARTMENT 60 Waterbury Parkway Cortlandt Manor, NY 10567

**GENER** 





3/1.2 SIDE (EAST)
Scale:



FRONT (SOUTH)
Scale:

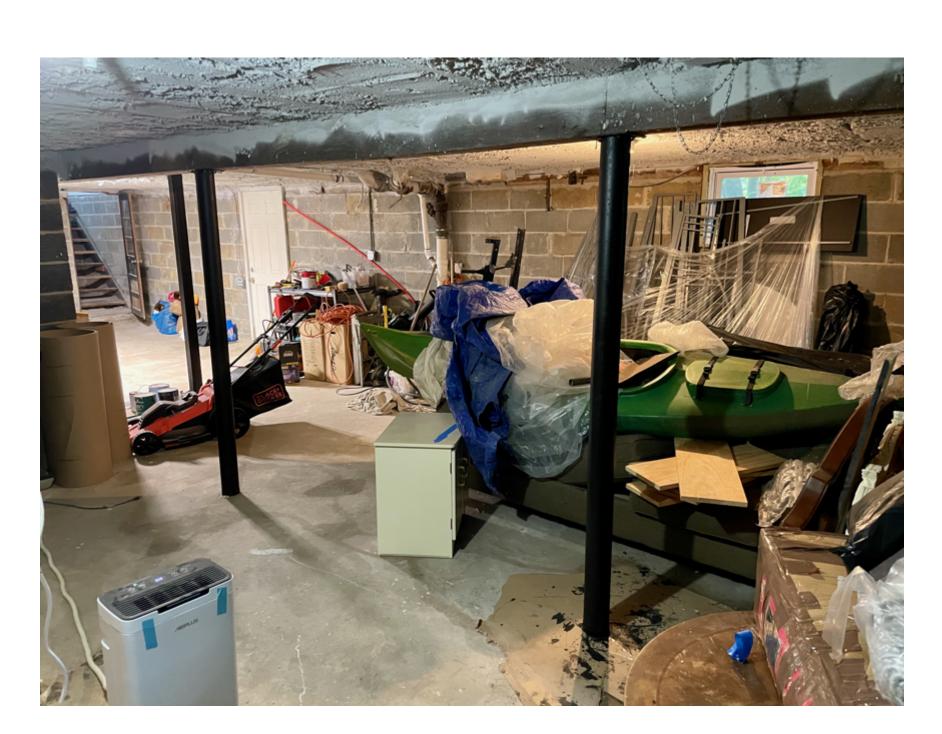
1/1.2



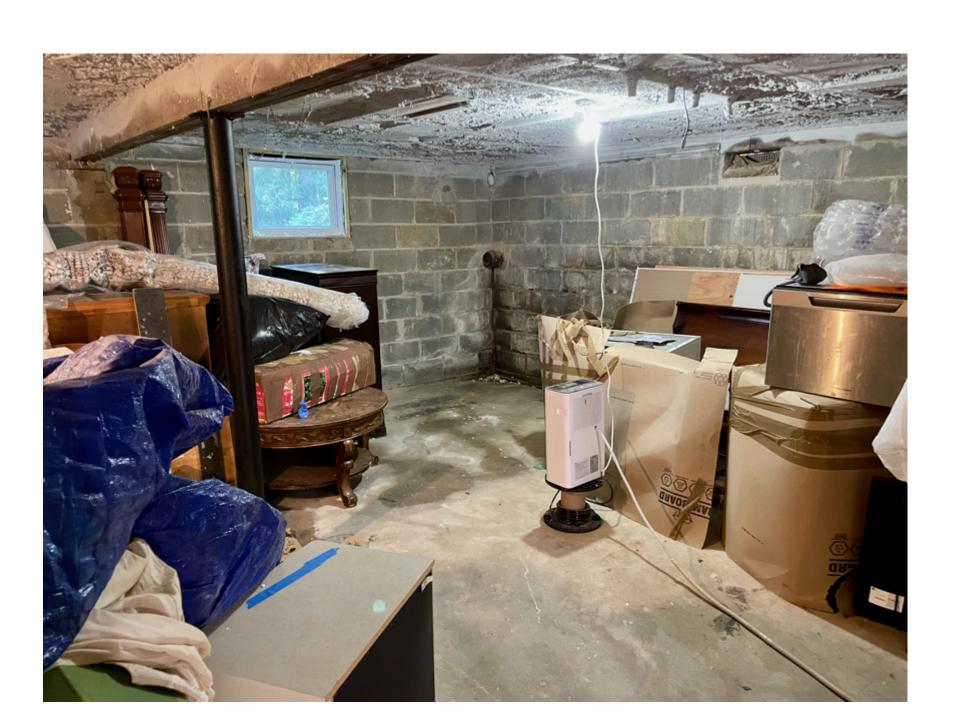
2/1.2



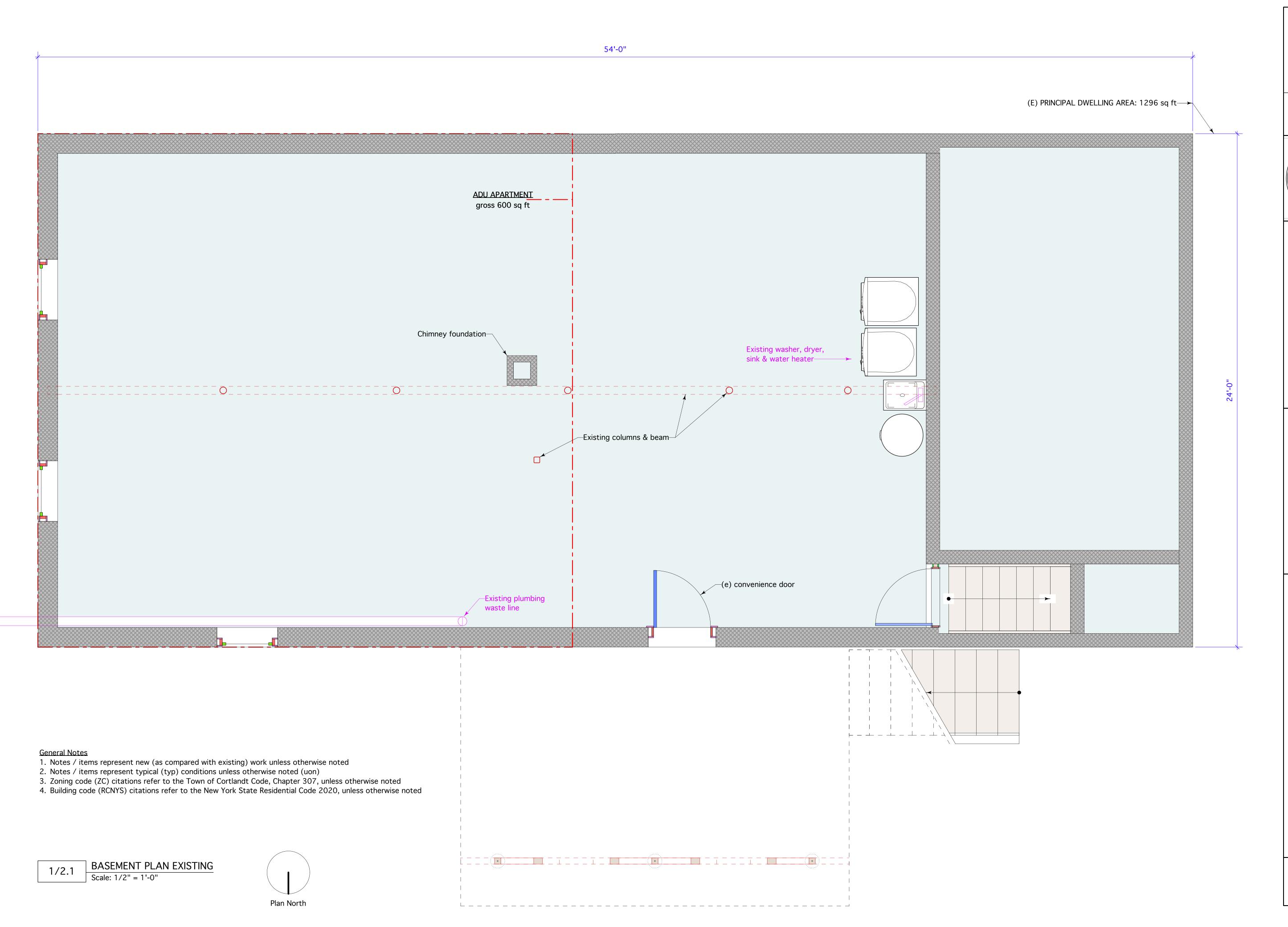
4/1.2 REAR (NORTH)
Scale:



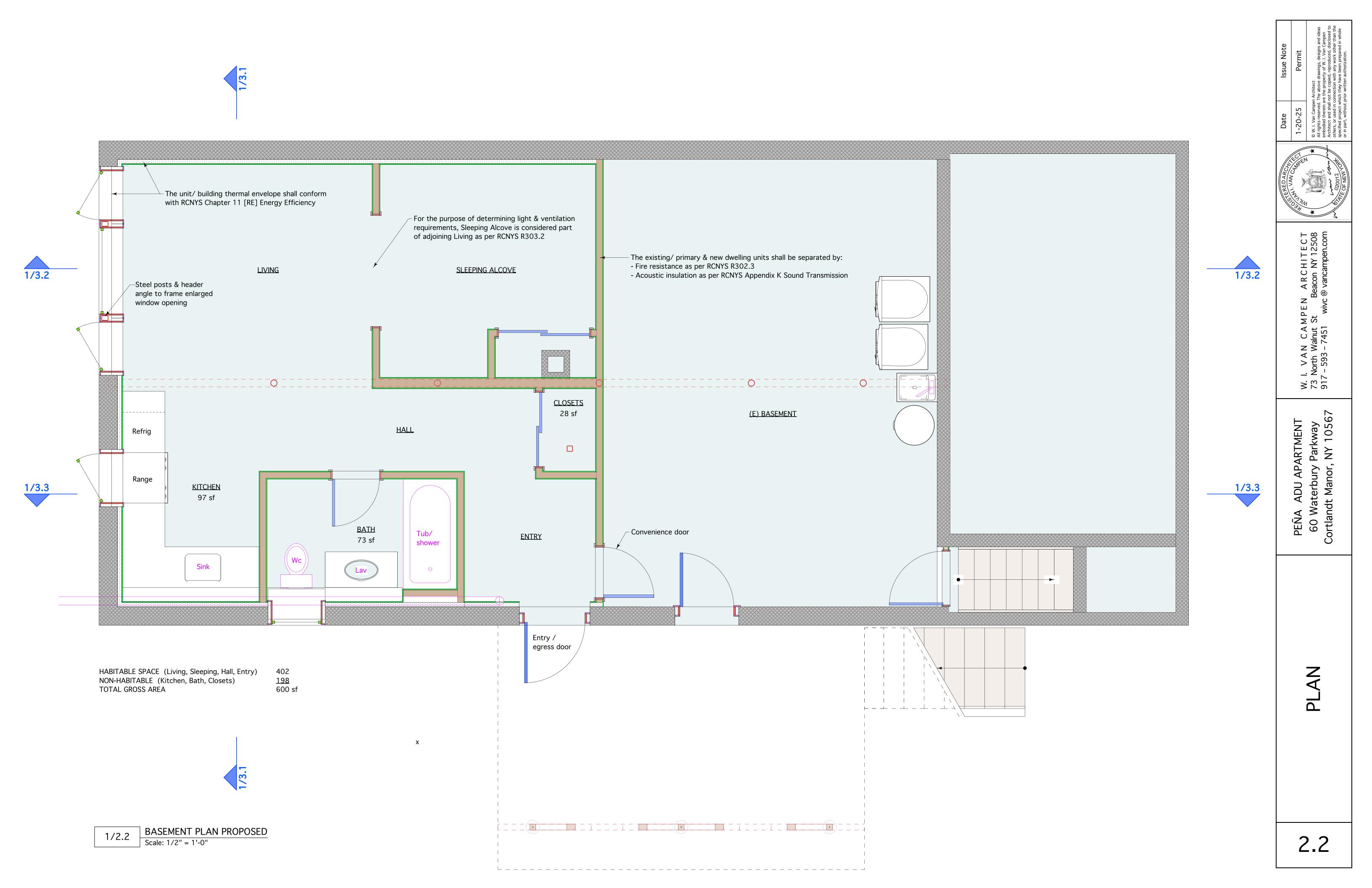
5/1.2 BASEMENT Scale:

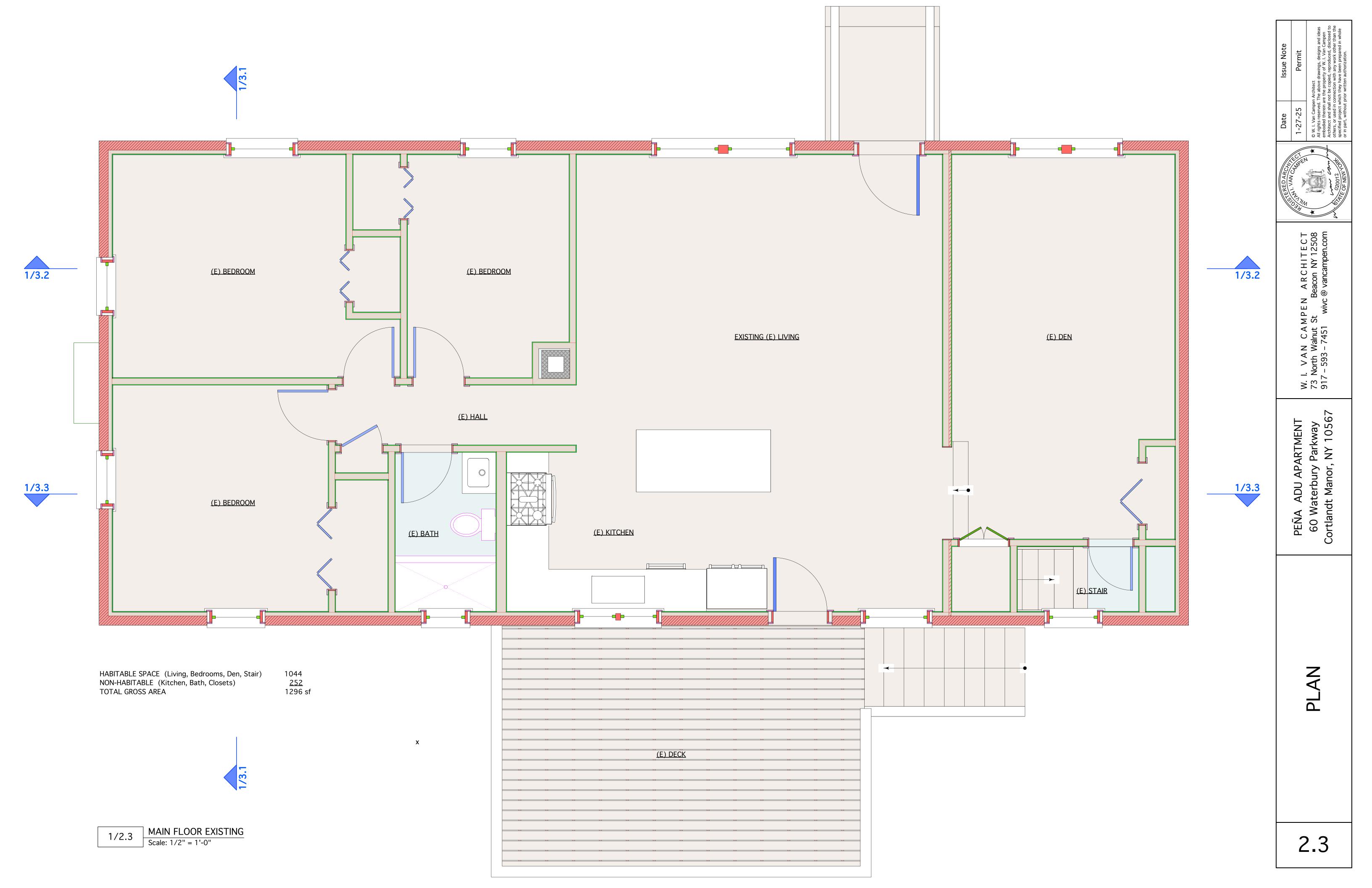


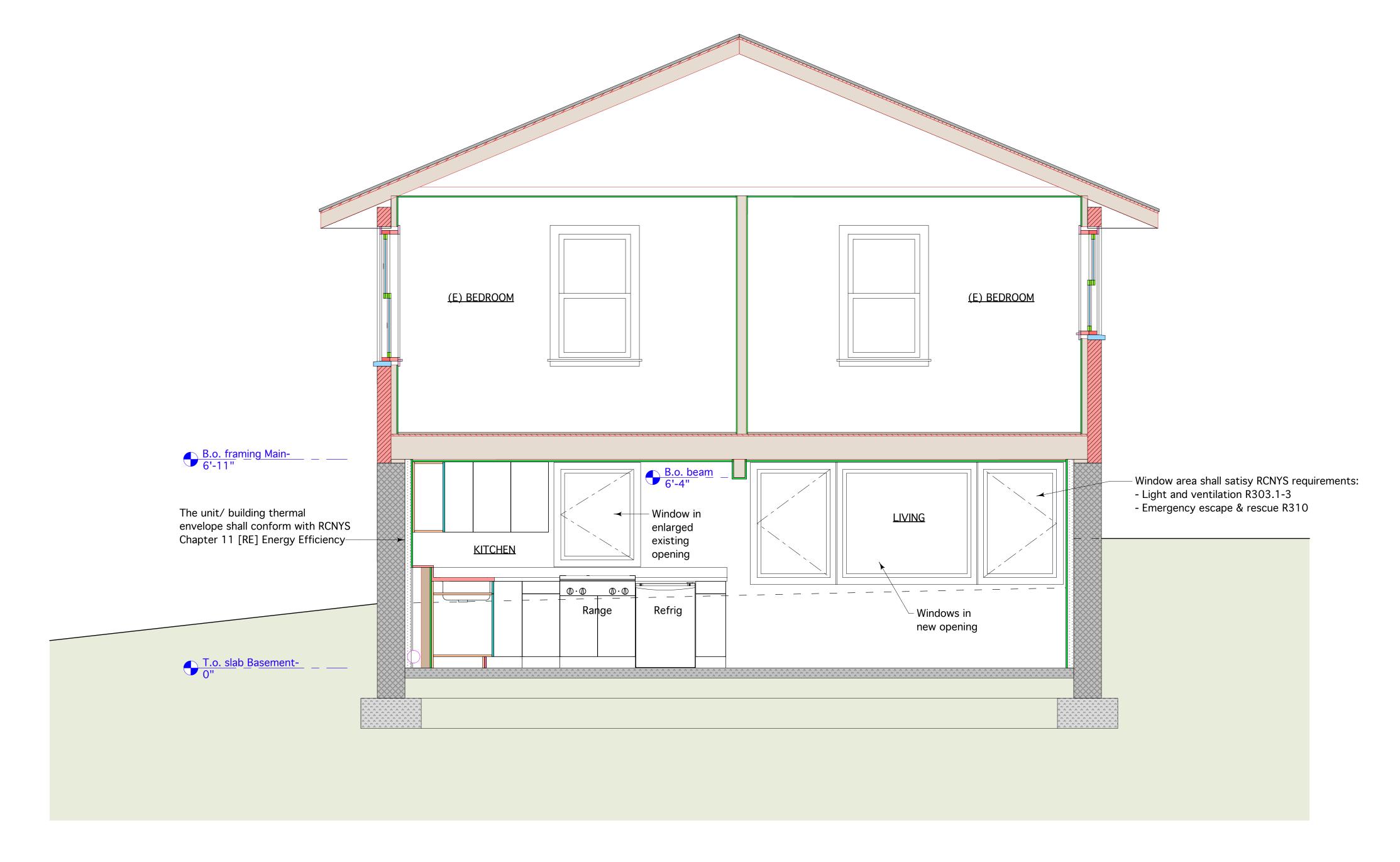
6/1.2 BASEMENT Scale:



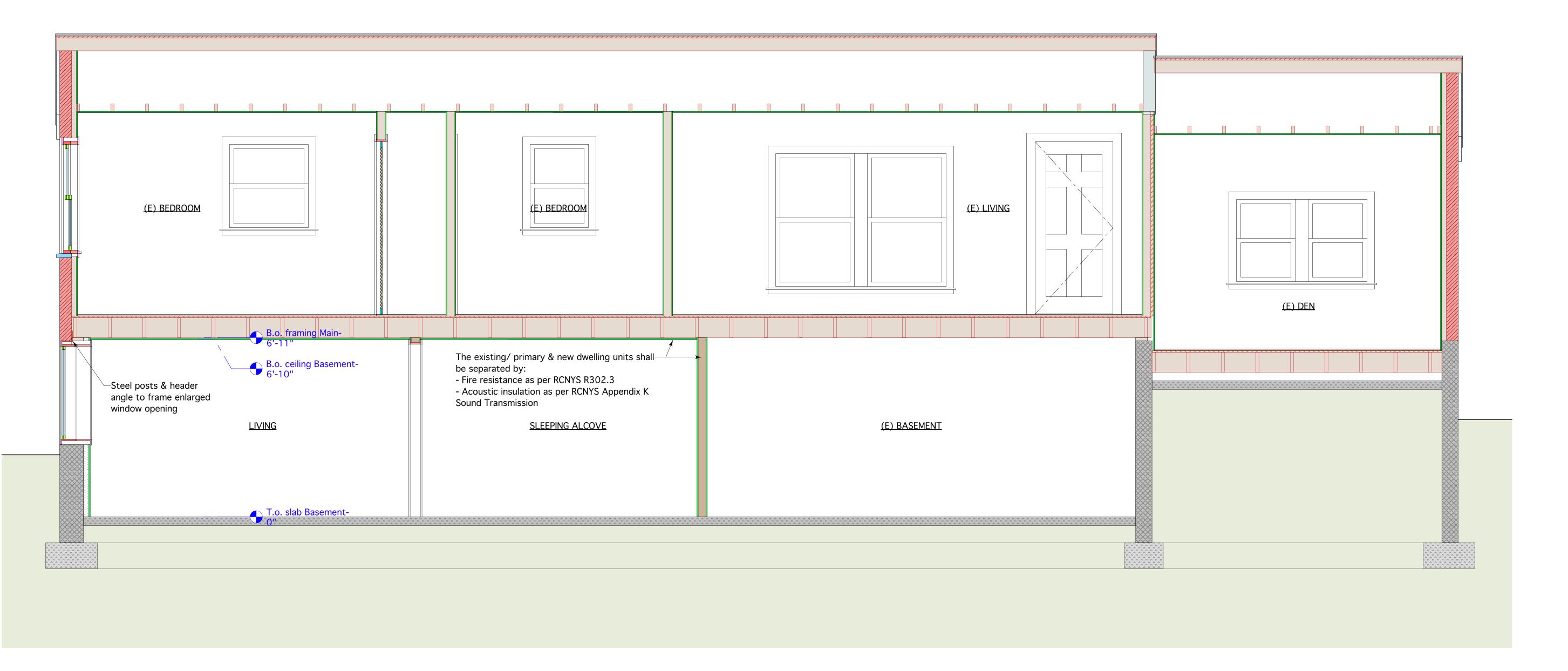








SECTION



PEÑA ADU APARTMENT 60 Waterbury Parkway Cortlandt Manor, NY 10567



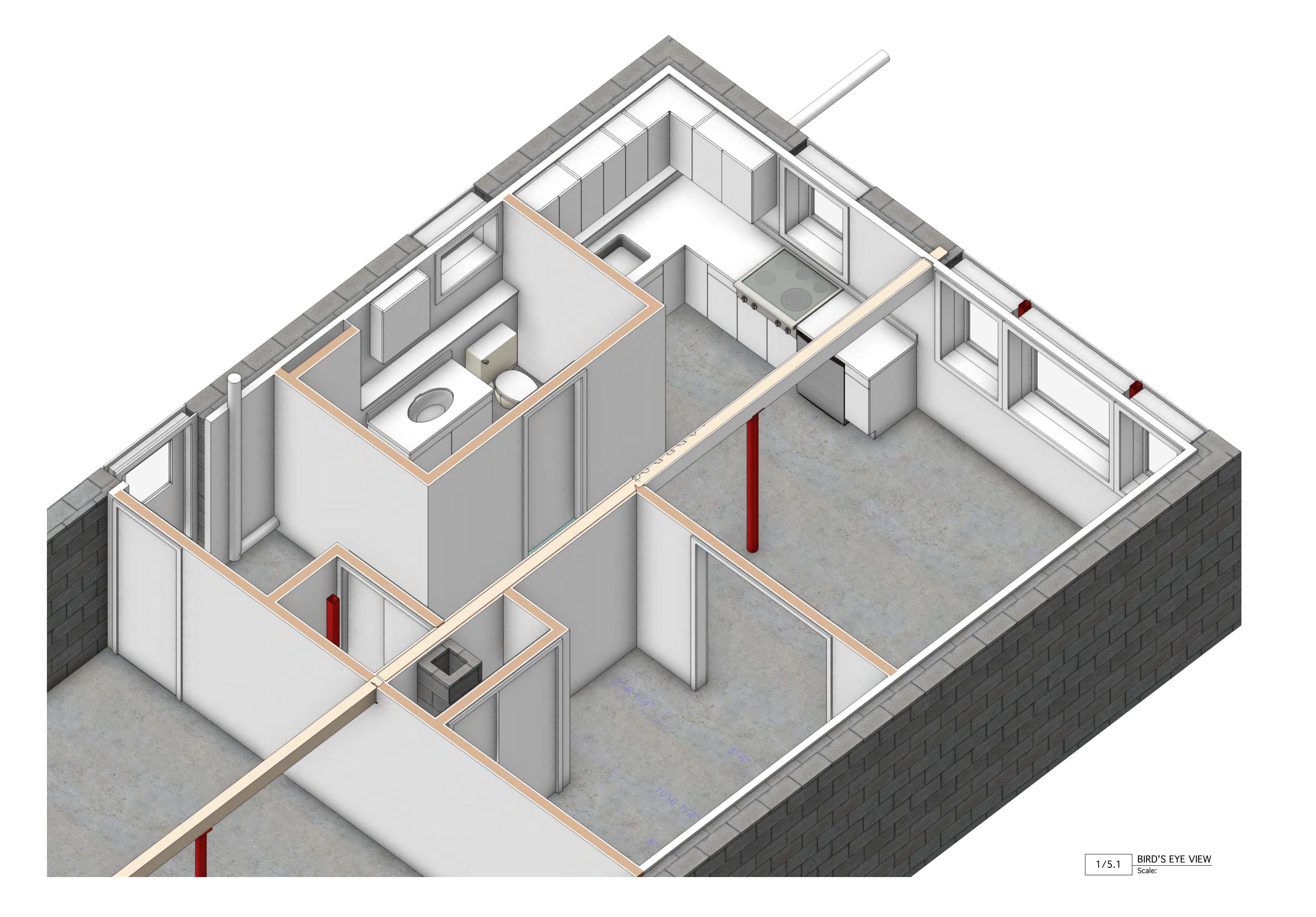
Existing plumbing waste line—



**APARTMENT** Parkway , NY 1056 **+** PEÑA , 60 Wa Cortland

NORTH ELEVATION
Scale: 1/2" = 1'-0" 1/4.2





1-20-25 Permit

© W. I. Van Campen Architect
All rights reserved. The above drawings, designs and ideas embodied therein are the property of W. I. Van Campen Architect and shall not be copied, reproduced, disclosed to others, or used in connection with any work other than the specified project which they have been prepared in whole or in part, without prior written authorization.



W. I. VAN CAMPEN ARCHITECT
73 North Walnut St Beacon NY 12508
917 - 593 - 7451 wivc @ vancampen.com

PEÑA ADU APARTMENT 60 Waterbury Parkway Cortlandt Manor, NY 10567

VIEW

5.1