

DRAFT

**TOWN OF CORTLANDT
PLANNING BOARD
PB 2019-12**

RESOLUTION NO. 19-19

WHEREAS, an application for a Special Permit for an Accessory Apartment, as per Section 307-45 of the Town Zoning Code, was submitted by Brenda Timm, and

WHEREAS, the subject property is located at 176 Furnace Dock Rd., is zoned R-40, single family residential and is designated on the Town of Cortlandt Tax Maps as Section 55.15, Block 3, Lot 5, and

WHEREAS, the subject request for re-approval of a previously approved special permit, with no changes proposed, is considered a Type II action under the State Environmental Quality Review Act (SEQRA), and

WHEREAS, Brenda Timm recently purchased the residence and as per Section 307-45 the permit for an Accessory Apartment terminates upon the transfer of title and therefore the new owners are applying to retain the Special Permit, and

WHEREAS, the subject accessory apartment was originally approved in 1995 by the Zoning Board of Appeals (Decision and Order 44-95), the approving authority at the time, and

WHEREAS, a building permit was issued in 1995 for the construction of the unit as shown on a 3 page set of drawings entitled “Addition to Existing House” prepared by Var Hansen, Architect, latest revision dated August 28, 1995 and a Certificate of Occupancy (#12972) for the Accessory Apartment was granted on March 28, 1996, and

WHEREAS, the habitable area of the existing residence is 2,949 sq. ft. and the accessory apartment is 634 sq. ft. which meets the dimensional requirements of the code Section 307-45 B 8 (3), and

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WHEREAS, the accessory apartment is located on the second floor of the attached garage which is connected to the main residence by a connected breezeway and the apartment has one bedroom, a kitchen, living area, laundry room and bathroom, and

WHEREAS, the applicant is proposing no changes to the accessory apartment, and

WHEREAS, the Planning Board has reviewed the requirements of the Accessory Apartment as required, and

WHEREAS, a Public Hearing was held pursuant to Chapter 307-41 (c) (Zoning) of the Town of Cortlandt Code on said application at the Cortlandt Town Hall, 1 Heady Street, Cortlandt Manor, New York on July 23, 2019 at 7:00 p.m., and

WHEREAS, the Public Hearing Notice for this application was 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.

NOW THEREFORE BE IT RESOLVED, that the request of the Brenda Timm for approval of a Special Permit for an Accessory Apartment as per Section 307-45 of the Town Zoning Code is hereby **approved** subject to the following conditions:

CONDITIONS AND MODIFICATIONS:

- 1) Prior to the issuance of the Special Permit the property owner shall file on the subject property a declaration of covenants at the Westchester County Clerk’s office, meeting the requirements of Section 307-45. 6 (a & b), to the satisfaction of the Director of Technical Services and the Town Legal Department.**

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2) The applicant is advised that if any changes are proposed to the existing accessory apartment a building permit may be required from the Division of Code Administration and Enforcement.

3) The applicant is advised that the Special Permit for the Accessory Apartment will expire at the time of property transfer and the new owner shall have to apply to the Planning Board for a new Special Permit to continue the accessory apartment.

TO BE CONSIDERED FOR ADOPTION: JULY 23, 2019