

DRAFT

**TOWN OF CORTLANDT
PLANNING BOARD
PB 2021-5**

RESOLUTION NO. 20-21

WHEREAS, an application for Planning Board approval of the renewal of a Special Permit for a Licensed Nursery/Day Care Center as per Section 307-65.4 of the Town of Cortlandt Zoning Ordinance was submitted by **Percy & Barbara Montes** to allow the continued operation of an existing Day Care Center as shown on a drawing entitled “Site Plan” prepared by Theodore Strauss, R.A. latest revision dated June 11, 2007.

WHEREAS, the subject is located at 18 Radio Terrace and is designated on the Town of Cortlandt Tax Maps as Section 23.05, Block 4, Lot 1, and

WHEREAS, pursuant to Part 617 of the implementing regulations of Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law the subject application is a Type II action, and

WHEREAS, a Public Hearing was held pursuant to Chapter 307-41 (Zoning) of the Town of Cortlandt Code on said application at the Cortlandt Town Hall, 1 Heady Street, Cortlandt Manor, New York at 7:00 p.m. on November 3, 2021, notice of which was published in the official newspaper of the Town, "The Gazette", and

WHEREAS, the public hearing notice was mailed to adjacent property owners and property owners across the street and the subject property was posted with a sign giving notice of the public hearing, and

WHEREAS, comments in response to referrals of the subject application were considered by the Planning Board as well as written and verbal comments made in response to the subject application at the public hearing, and

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WHEREAS, the Planning Board considered this renewal of a Special Permit for a Licensed Nursery/Day Care Center pursuant to the requirements, conditions and standards contained in Sections 307-40, 307-41, 307-42 and 307-65.4 of the Town of Cortlandt Zoning Ordinance, and

WHEREAS, the Planning Board originally approved a Site Plan and Special Permit for the day care center by Planning Board Resolution 22-07 adopted on April 11, 2007 and granted the required 5-year renewals by PB Resolution 8-12 adopted on April 3, 2012 and PB Resolution 29-16 adopted on December 6, 2016.

NOW THEREFORE BE IT RESOLVED that the application of Percy and Barbara Montes for the 2nd renewal of a Special Permit for a Licensed Nursery/Day Care Center as per Section 307-65.4 of the Town of Cortlandt Zoning Ordinance to allow the continued operation of the existing day care center is **approved** for a period of five (5) years subject to the conditions listed below, and

FURTHER BE IT RESOLVED that the granting of this Special Permit is in harmony with the general purpose and intent of the Zoning Ordinance and will not be injurious to the neighborhood and will not change the character thereof or otherwise be detrimental to the public welfare.

CONDITIONS AND MODIFICATIONS:

- 1. The subject Special Permit will expire on April 3, 2026. The applicant is to re-apply for the renewal of said special permit by the December 2025 Planning Board meeting.**
- 2. Obtain the signature of the Receiver of Taxes on an appropriate form indicating that taxes on the subject property have been paid in compliance with the Town Code.**

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3. The applicant shall maintain the property in compliance with all laws, regulations and ordinances of the Town of Cortlandt as determined by the Division of Code Enforcement and Administration and all other governmental agencies having jurisdiction.

4. The applicant shall provide copies of the required County and State licenses to operate the day care center to the satisfaction of the Director of Technical Services and the Town Legal Department.

TO BE CONSIDERED FOR ADOPTION: NOVEMBER 3, 2021