

**DRAFT**

**TOWN OF CORTLANDT  
PLANNING BOARD  
PB 2019-3**

**RESOLUTION NO. 28-19**

**WHEREAS**, an application for a Special Permit for an Accessory Apartment, as per Section 307-45 of the Town Zoning Code, was submitted by Susan Todd/Andrew Young, and

**WHEREAS**, the subject property is located at 48 Pond Meadow Rd., is zoned R-80, single family residential and is designated on the Town of Cortlandt Tax Maps as Section 56.18, Block 1, Lot 1, and

**WHEREAS**, the subject request is considered a Type II action under the State Environmental Quality Review Act (SEQRA), and

**WHEREAS**, a building permit (#23005) was issued on July 13, 1999 for the construction of a new 4-bedroom single-family house and the conversion of the existing dwelling to a 1-bedroom guest house and studio, and

**WHEREAS**, a Certificate of Occupancy (CO# 15330) was issued on October 23, 2000 for the one-family residence and the conversion of the existing one family dwelling to an accessory building, and

**WHEREAS**, the applicants are seeking Planning Board approval for a Special Permit to use the existing accessory building as an accessory apartment as per the requirements of Section 307-45, and

**WHEREAS**, the existing accessory building currently has 1-bedroom and no changes are proposed to the accessory structure as part of this application, and

**WHEREAS**, the proposed accessory apartment meets the dimensional requirements as per Section 307-45(b) of the Town Zoning Code, and

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

**(continued on page 2)**

**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 April 2, 2019 at 7:00 p.m. and adjourned to May 7, 2019 and June 4, 2019, 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, and

**WHEREAS**, the Planning Board conducted a site inspection of the subject premises.

**NOW THEREFORE BE IT RESOLVED**, that the request of the Susan Todd/Andrew Young 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.**

**2) The applicants are 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 applicants are 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: DECEMBER 3, 2019**