



TOWN OF CORTLANDT
DEPARTMENT OF TECHNICAL SERVICES

Michael Preziosi, P.E.
Director – D.O.T.S

Chris Kehoe, AICP
Deputy Director – Planning

Martin Rogers, P.E.
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Town Supervisor
Linda D. Puglisi

Town Board
Richard H. Becker
Debra A. Costello
James F. Creighton
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MEMORANDUM

To: Linda D. Puglisi, Supervisor
Members of the Town Board

FROM: Michael Preziosi, P.E., Director DOTS
Chris Kehoe, AICP DOTS – Deputy Director, Planning Division
Martin Rogers, P.E., DOTS – Dir. of Code Enforcement

CC: Town Clerk
Town Legal Department

Date: June 5, 2020

RE: Referral 2064 E. Main Street

Supervisor Puglisi and Members of the Town Board,

In response to the April 21, 2020 letter submitted by Debra and Dominick Santucci and referred to the Department of Technical Services for comment, staff and I offer the following:

The Zoning Ordinance Revision Process (ZORP) back in the early 1990's, that led to the adoption of the current 1994 Zoning Ordinance, prohibited as-of-right residential development within the HC & CD commercial zones. The CC, Community Commercial Zone does permit as of right residential development, both as the primary use and as part of a mixed-use project. Some Special Permit uses such as the Residential Re-Use Special Permit (RRUSP) and the Community Betterment District (CBD) do permit residential development in the HC & CD zones.

In addition, the Town created the HC/9A zone several years ago that permits relatively low-density residential development on Route 9A in the hamlet of Montrose. Lastly, and most recently, the Town Board created a new Special Permit **Section 307-65.7, Cortlandt Boulevard** that permitted a building along Cortlandt Boulevard, that was once a residential property that has either been converted or is able to be converted into a commercial building, to have up to two, one-bedroom accessory dwelling units in the existing structure subject to certain conditions.

The request from Dominick & Deborah Santucci to consider permitting four (4) apartments on the vacant first floor of their existing commercial building located at 2064 E. Main St. (Cortlandt Boulevard). The building currently has two (2) apartments upstairs as permitted through 307-65.7. The additional (4) units are not permitted now either as-of-right or through any existing special permits. The Town Board could consider modifying the existing Special Permit 307-65.7 to permit the entire structure to be used for residential purposes. If zoning is modified, six (6) units would be located on site.

In this case the Santucci's are requesting a total of 6 units on an approximately 15,000 sq. ft. parcel, i.e. approximately 2,500 sq. ft. per unit. As the site was previously used as a commercial building there are several on-site parking spaces at this location. However, in general the Town Board should be cognizant of developing appropriate parking ratios if the special permit language is modified as not all properties will have sufficient area required for parking.

From a cursory code review, while it is possible to convert to dwelling units, the building renovation may entail the following:

- Sprinkler installation is required in the area of work and it is recommended for the entire building.
- Evaluation and installation of appropriate fire rating between dwelling units.
- One or more of the dwellings may require conversion to an accessible unit.
- The first floor is approximately 2,000 SF.
 - Minimum efficiency unit per NYS Code is 220 SF Habitable Space (Living/Sleeping area) plus closet, Kitchen area, and separate Bathroom. Typically this gross area will be between 260 to 300 SF.
 - Town Code Definition 307-4 of a Dwelling Unit says it shall have a minimum of 400 SF of habitable space.

The site is bounded by other commercial office space and is in close proximity to a gas station (currently in review by the Planning Board as the owner is looking to expand operations and construct a new convenience store with drive-thru). The property is serviced by the Cortlandt Consolidated Water District and is located in the Peekskill Sanitary Sewer District.

Conclusion:

To address the immediate request of the Santucci's the Town Board would need to contemplate modifying the zoning ordinance in consultation with Town Legal.

Staff suggest that as commercial occupancies in both HC & CD zones will undoubtedly be impacted as the Country emerges from the Covid-19 pandemic the Town Board may want to do a larger scale investigation of zoning modifications to permit a variety of uses along the Rt. 6 and Rt. 202 corridors to include residential, medical, educational or other type uses as of right to help encourage the redevelopment of vacant commercial spaces. There are a few larger vacant parcels, as well as several developed parcels, along Rt. 6 & Rt. 202 on which residential development might be appropriate.

If any additional information is required or if you have questions or comments, please do not hesitate to contact us.