

### **Right to Know/FOIL**

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

WHEREAS, the subject property is located at 189 Frederick St., is zoned R-10, single family residential and is designated on the Town of Cortlandt Tax Maps as Section 23.12, Block 4, Lot 25, 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, the subject accessory apartment was approved in 1985 by the Zoning Board of Appeals (Decision and Order 73-85), the approving authority at the time, and

WHEREAS, a building permit was issued in 1985 for the construction of the unit as shown on a 7 page set of drawings entitled "Accessory Apartment-189 Frederick Street" prepared by Bernard P. Zipprich, dated June 10, 1985 and a Certificate of Occupancy (#7681) for the Accessory Apartment was granted on September 2, 1986, and

WHEREAS, the habitable area of the existing residence is 2,054 sq. ft. and the accessory apartment is 575 sq. ft. which meets the dimensional requirements of the code Section 307-45 B 8 (3), and

WHEREAS, the accessory apartment is located on the second floor of the existing residence and is accessed by a separate entrance located on the front elevation of the dwelling and the apartment has a living room, eat-in kitchen, one bedroom and one bathroom, and

WHEREAS, Renato & Doris Capalbi just completed the purchase of the residence from the Allen Family Trust 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 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 10, 2018 at 7:00 p.m., and

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**WHEREAS**, the Public Hearing Notice for this application was published in the "Journal News" and 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 Renato & Doris Capalbi 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 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 10, 2018**