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**TOWN OF CORTLANDT**  
**DEPARTMENT OF TECHNICAL SERVICES**  
**PLANNING DIVISION**

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**MEMORANDUM**

**TO:** Planning Board Members

**FROM:** Chris Kehoe, AICP, Deputy Director <sup>CK</sup>  
Department of Technical Services, Planning Division

**SUBJECT:** **PB 2018-18** Application of Jonathan Cruz for the re-approval of an Accessory Apartment located at 1 Lisa Court.

**DATE:** October 16, 2018

1. The Planning Division completed a review of the above referenced application for the renewal of a special permit for an accessory apartment.
2. Based on a review of the above mentioned drawing and application, the following information as required by Chapter 307-45 of the Town of Cortlandt (Zoning), Special Permits for Accessory Apartment and offers the following comments:
3. The subject home recently changed hands the new owners wish to continue to use the existing accessory apartment. As per Section 307-45 B 6 (a) the special permit for an accessory apartment terminates upon the transfer of title and the new owner of the premises is required to apply to the Planning Board for a special permit to continue the accessory apartment.
4. The subject property is located at 1 Lisa Court on a lot of approximately 16,785 sq. ft. The subject parcel is zoned R-15, single-family residential and an accessory apartment is permitted by the issuance of a special permit.
5. The subject property received a Special Permit from the Zoning Board of Appeals by Decision & Order 41-91 adopted on June 19, 1991 (attached).
6. Subsequent to receiving approval from the Zoning Board of Appeals the applicant applied for a building permit (#19017) to construct the accessory apartment as shown on a 3 page set of drawings entitled "Scott Residence Proposed Accessory Apartment" prepared by Rodor Construction revised July 20, 1992. A Certificate of Occupancy (#11689) for the Accessory Apartment was granted on October 1, 1993 (attached).

(continued on page 2)

7. The habitable area of the existing residence at the time of the issuance of the special permit was 1,585.61 sq. ft. with the proposed accessory apartment being 452.26 sq. ft. making the accessory apartment 29% of the principal dwelling which meets the requirements of Section 307-45-B 8 (3) Planning staff conducted a site inspection of the premises on October 16, 2018 (see attached photographs).
8. The accessory apartment was built according to the plans and has not been altered. Sufficient off-street parking exists in the existing driveway.

CRK/crk  
attachment

cc: Linda D. Puglisi, Town Supervisor  
Richard H. Becker, Town Board Liaison  
Michael Preziosi, P.E., Director, Department of Technical Services  
Michael Cunningham, Esq., Deputy Town Attorney  
Johnathan Cruz

# TOWN OF CORTLANDT

WESTCHESTER COUNTY, N.Y.

## APPLICATION FOR CERTIFICATE OF OCCUPANCY AND ZONING COMPLIANCE

TAX MAP DESIGNATION: SECTION 13.17 BLOCK 2 LOT 5

Owner of premises Robert + Lynda Scott

Address 1 Lisa Court, Montrose, NY 10548

Location 1 Lisa Court, Montrose, NY

Zoning District R-15 New Building  Addition  Alteration  Existing Building

Proposed Use and Occupancy accessory apartment

Date 5/18/92

Robert Scott

(Signature of Applicant)

FOR OFFICE USE ONLY

Building Permit No. 19017

Date Issued 5-19-92

**CERTIFICATE OF ZONING COMPLIANCE GRANTED:**

\_\_\_\_\_  
Director of Planning

Date \_\_\_\_\_

C.O. No. 11689

Date Issued 10/1/93



Condition #2 is to be completed prior to the issuance of a Certificate of Zoning Compliance for the accessory apartment.

Applicant should be aware that it may be time consuming and there may be significant expense involved in the pursuit of satisfying all code requirements. In addition, there will be cases where the code requirements are not satisfied and the Special Permit remains unfulfilled.

This is an Unlisted action under SEQR, the Board finds no adverse environmental impacts, and issues a Negative Declaration.

That the granting of this Petition is in harmony with the general purpose and intent of the Zoning Ordinance, as amended, will not be injurious to the neighborhood and will not change the character thereof, or otherwise be detrimental to the public welfare,

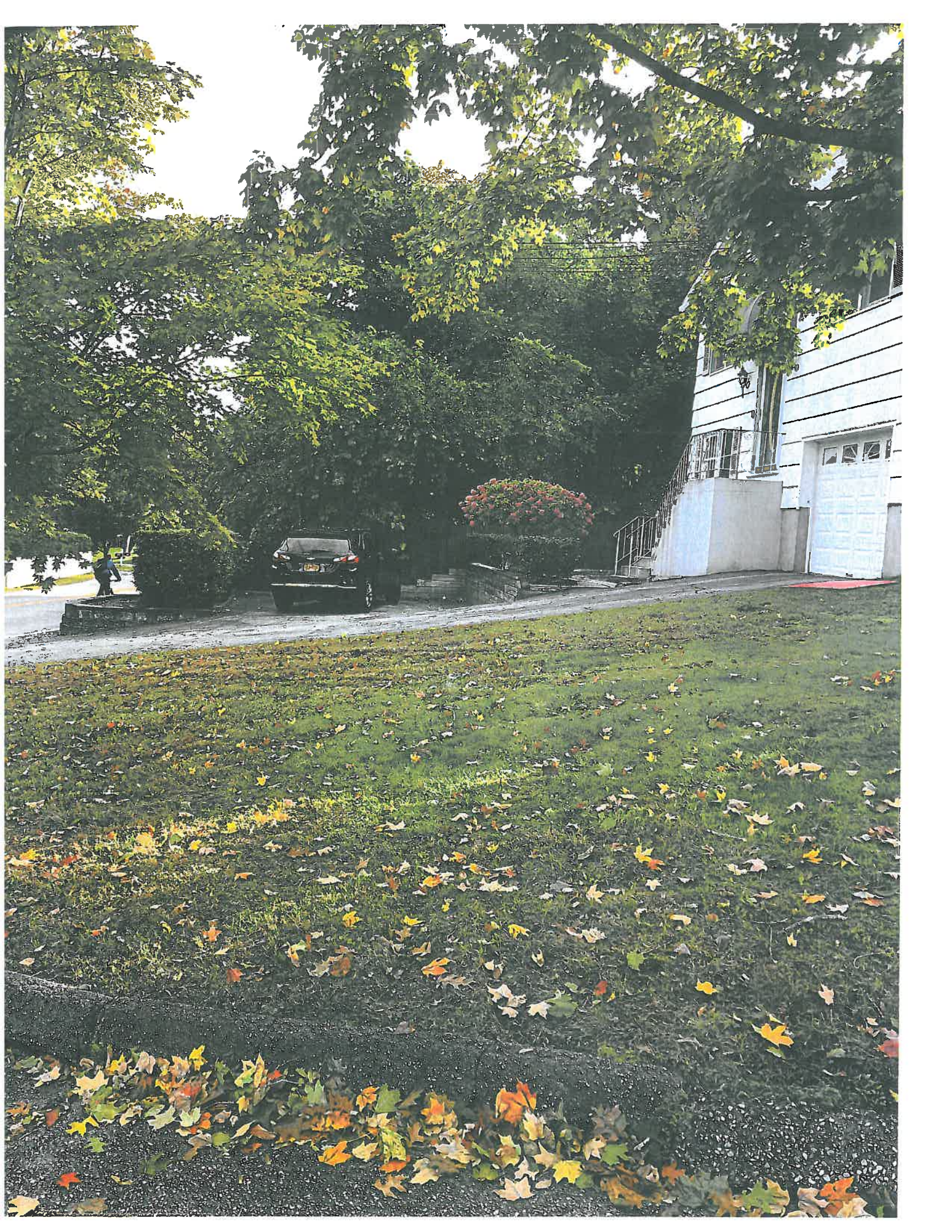
NOW THEREFORE, Petition is granted and it is further ordered that in all other respects Petitioner comply with all of the rules, regulations and ordinances of the Town of Cortlandt, The Planning Department, The Engineering Department, and all other agencies having jurisdiction.

Adopted: June 19, 1991  
Croton-on Hudson, New York  
Dated filed: July 24, 1991

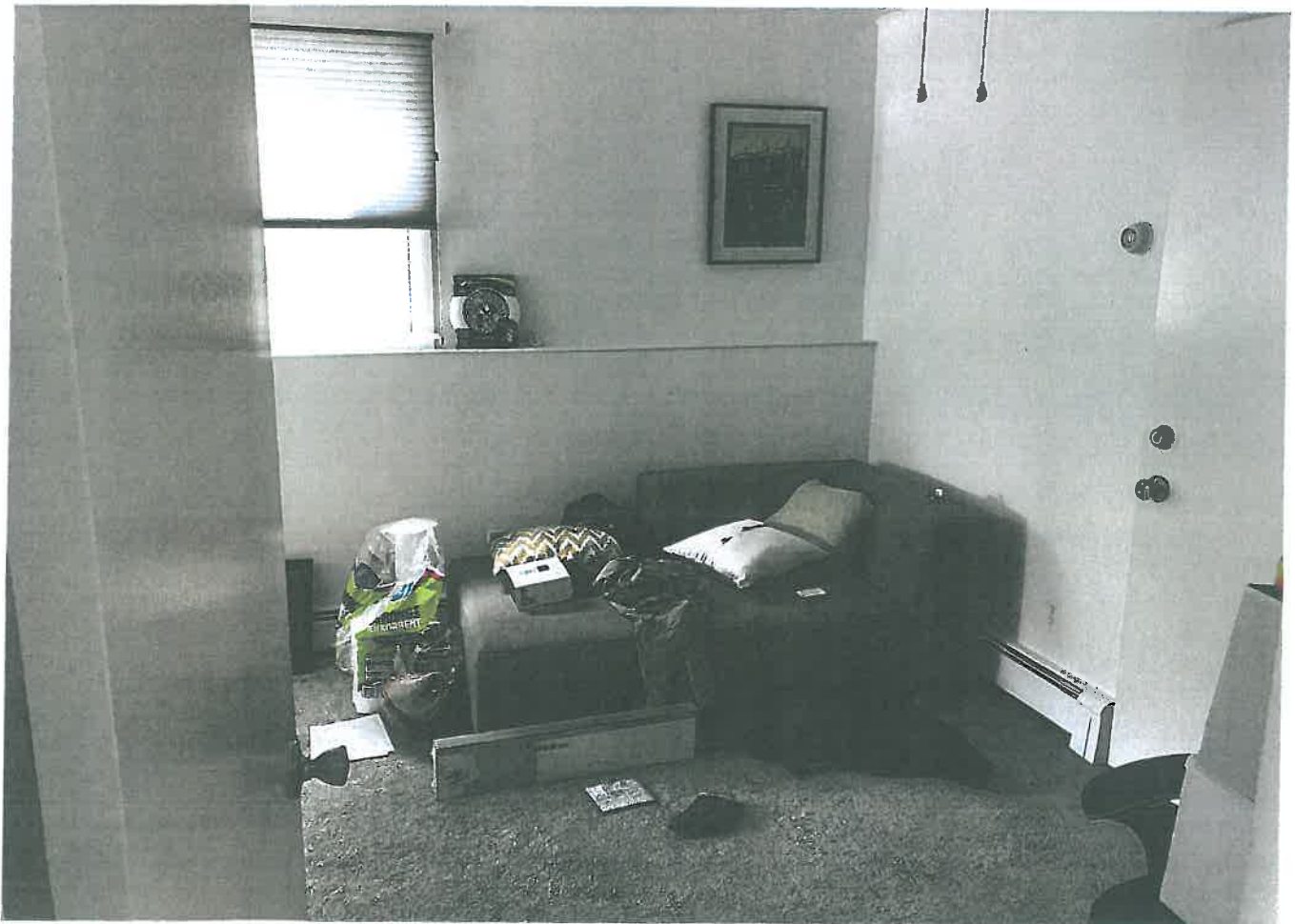
  
Hildegard Frey Edling  
Clerk, Zoning Board

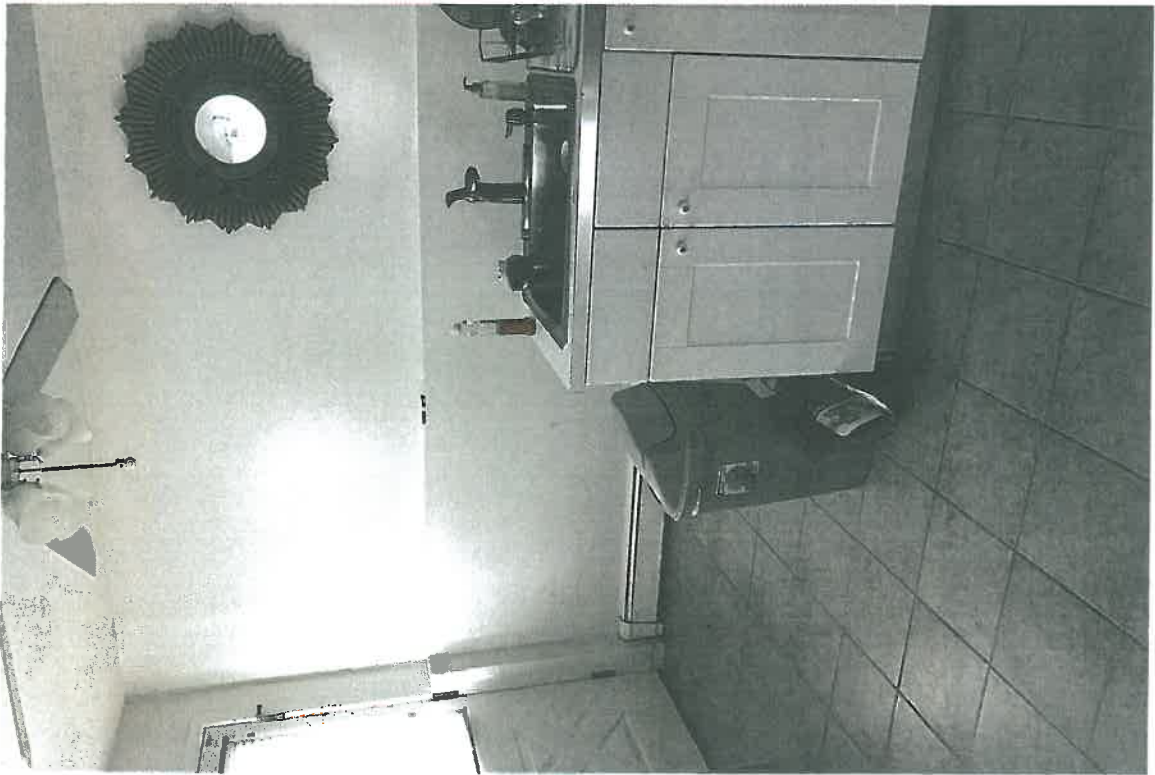
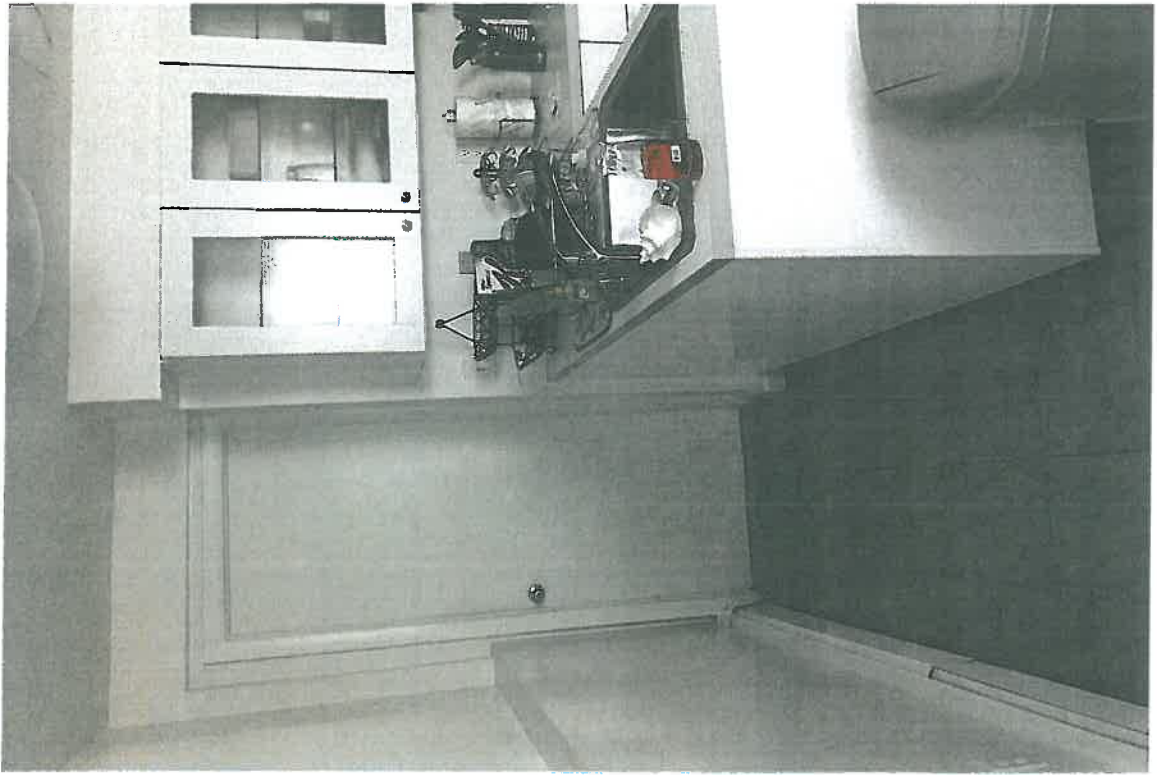
  
George Gros  
Chairman, Zoning Board











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

**WHEREAS**, the subject property is located at 1 Lisa Court, is zoned R-15, single family residential and is designated on the Town of Cortlandt Tax Maps as Section 54.16, Block 2, Lot 6, 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 1991 by the Zoning Board of Appeals (Decision and Order 41-91), the approving authority at the time, and

**WHEREAS**, a building permit (#19017) was issued in 1992 for the construction of the unit as shown on a 3 page set of drawings entitled "Scott Residence Proposed Accessory Apartment" prepared by Rodor Construction latest revision dated July 20, 1992 and a Certificate of Occupancy (#11689) for the Accessory Apartment was granted on October 1, 1993, and

**WHEREAS**, the habitable area of the existing residence is approximately 1,585 sq. ft. and the accessory apartment is approximately 452 sq. ft. which meets the dimensional requirements of the code Section 307-45 B 8 (3), and

**WHEREAS**, the accessory apartment is located in the basement/first floor of the split level residence and is accessed at grade level by a separate entrance located in the rear of the dwelling and the apartment has a living room, kitchen, one bedroom and one bathroom, and

**WHEREAS**, Jonathan Cruz purchased the residence from the Robert F. Scott Living Trust in 2017 and as per Section 307-45 the permit for an Accessory Apartment terminates upon the transfer of title and therefore the new owner is 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 Planning staff completed a site inspection of the premises, 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 November 7, 2018 at 7:00 p.m., and

**(continued on page 2)**

**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 Jonathan Cruz 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: NOVEMBER 7, 2018**