



TOWN OF CORTLANDT
 DEPARTMENT OF TECHNICAL SERVICES
 CODE ENFORCEMENT DIVISION

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- Zoning Board
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To: Town of Cortlandt Planning Board

Cc: Michael Preziosi, P.E. – Director, Dept of Technical Services
 Chris Kehoe, AICP – Deputy Director – Planning, Dept of Technical Services

From: Martin G. Rogers, P.E. – Director of Code Enforcement

Date: May 16, 2019

Re: Todd and Young Residence
 48 Pond Meadow Road
 Tax ID 56.18-1-1

- C.A.C.
- A.R.C.
- Applicant
- *Andrew Brubaker, Esq.*
-
- Sent 5/16/19

Per a request from the Director of Technical Services, the following is the relevant history of Town records for the above noted Parcel:

Permit and Certificate of Occupancy for the original dwelling (Dome).

2/27/1974 PERMIT #:2164 CLOSED
 New single family residence. ZBA #19-73, 48-74.

10/6/1976 CO #:2583 CLOSED
 New single family residence. ZBA #19-73, 48-74.

Permits and Certificates of Occupancies for the current dwelling and conversion of the original dwelling.

7/13/1999 PERMIT #:23005 CLOSED
 One family res., converting exist. one family to accessory building.

Application and Permit Drawings depict a new 4 bedroom Single Family house and original dwelling to be converted for use as a 1 bedroom Guest House and Studio.

Certificate of Construction Compliance dated 9-18-200 signed by Antonella Caruso of the WCDOH notes "# of Bedrooms 1 old 4 new".

10/23/2000 CO #:15330 CLOSED
 One family res., converting exist. one family to accessory building.

3/24/2000 PERMIT #:23393 CLOSED
 Front cov. porch and rear open deck.

Permit to add a Covered Porch and Deck on the primary dwelling.

10/23/2000 CO #:15329 CLOSED
 Front cov. porch and rear open deck.

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Permits and Certificates of Occupancies for the alteration of the residence to finish the basement.

1/13/2003 PERMIT #:25117 CLOSED
INT. ALT. TO FINISH BASEMENT REMOVE COOKING EQUIP. IN ALL
STRUCTURES

Permit to finish the Basement in the Primary Dwelling for a Playroom, Home Office, and Storage.

It is noted on the inspection record "Note. No cooking equipment found in dome building."

9/18/2007 CO #:20070257 CLOSED
INT. ALT. TO FINISH BASEMENT REMOVE COOKING EQUIP. IN ALL
STRUCTURES

Permits and Certificates of Occupancies for the removal and replacement of decks on the existing accessory structure.

8/14/2018 PERMIT #:20180783 CLOSED
REPLACE EXTERIOR STAIR AND DECK, REPLACE 2 EXTERIOR DOORS WITH
WINDOWS AND REMOVE DECK.

Existing deck and stair was in poor condition. Permit issued to replace the entry deck and stair and remove existing deck above the garage doors.

9/12/2018 CO #:20180717 ISSUED
REPLACE EXTERIOR STAIR AND DECK, REPLACE 2 EXTERIOR DOORS
WITH WINDOWS AND REMOVE DECK.

Section 307-4 Definitions of the Town Code states:

YARD, FRONT

A yard extending across the full width of the lot and lying between the front lot line and the nearest line of the building. See "lot line, front."

LOT LINE, FRONT

A lot line which separates a lot from a street or highway right-of-way. In the case of a corner lot or a double-frontage lot, all lines which separate the lot from abutting streets or highways shall be considered "front lot lines."

ACCESSORY APARTMENT

An accessory use consisting of a separate dwelling unit, complete with its own sleeping, cooking and sanitary facilities, that is contained within an owner-occupied single-family dwelling or contained within an accessory building.

Section 307-45 B. (4) Accessory apartments of the Town Code states:

No special permit for an accessory apartment in an accessory building may be issued, except in R-80 and R-40 Districts where such accessory building existed prior to April 21, 1979. (April 21, 1979, is the date of Town-wide aerial photography.)

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Local Law No. 2-2017, adopted 7-18-2017 provides:

That "all special permits heretofore granted by the Zoning Board shall after the effective date hereof shall be granted by the Planning Board."

Relevant Facts:

A 1 family dwelling with 4 bedrooms was constructed in 1999 and the previous dwelling was classified as an accessory structure for use as a studio with a guest bedroom. This accessory structure was constructed in 1974 and was issued a Certificate of Occupancy in 1976. The building existed prior to April 21, 1979. In 1999, when the relevant permit and the Certificate of Occupancy for the primary structure were issued, geodesic domes were allowed to be used as both studios with guest bedrooms and as accessory apartments.

Analysis:

Per my review of the submission, Survey Dated October 12, 1996 and revised 01-19-00 by Badey & Watson Surveying & Engineering, P.C., and Cortlandt Town Code the accessory structure is located in the front yard. However, no enlargement or addition is being proposed to the existing accessory structure. Likewise, alteration to either the primary or the accessory structure's footprint or location is not being proposed. Finally, no change to existing setbacks is being proposed. Accordingly, the existing accessory structure's location (in a front yard) should not be re-evaluated, since it already has a Certificate of Occupancy.

Conclusion:

Given the facts presented, it is my determination that no area variance is required here. Furthermore, here, an accessory apartment in this preexisting accessory structure would be permitted, provided a Special Permit is obtained from the Planning Board.