



# TOWN OF CORTLANDT ZONING BOARD OF APPEALS

Town Hall, 1 Heady Street  
Cortlandt Manor, NY 10567  
914-734-1080

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Chairman

Wai Man Chin  
Vice-Chairman

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Michelle Piccolo Hill  
Benito Martinez  
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You are invited to a Zoom webinar.  
When: Feb 15, 2024 07:00 PM Eastern Time (US and Canada)  
Topic: 2024 February 15 Zoning Board Meeting

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AGENDA.....ZONING BOARD OF APPEALS  
Town Hall – 1 Heady Street  
Cortlandt Manor, NY 10567

**Work Session – Thursday, February 15, 2024 at 6:30 PM**

1. Discuss Agenda for the Regular Meeting

**Regular Meeting – Thursday, February 15, 2024 at 7:00 PM**

1. Pledge to the Flag and Roll Call
2. Adoption of the Meeting Minutes for January 18, 2024
3. **New Public Hearings**

**A. Case No. 2024-1 Application of John Power, R.A., on behalf of Robert Harper and Wendy Kaufman, for area variances for a proposed addition to an existing residence located at 7 Furnace Brook Drive.**

**B. Case No. 2024-2 Application of Beth Cofini** for an area variance to permit 5 dogs to remain on her property located at 23 Willow Place.

4. **Adjourned Public Hearing**

**A. Case No. 2023-17 Application of Parth Patel** for an interpretation of the Zoning Ordinance appealing the denial of a building permit for a new one-family residence for property located at 41 E. Hill Road.

**NEXT REGULAR MEETING THURSDAY, MARCH 21, 2024**



TOWN OF CORTLANDT  
PLANNING AND ZONING BOARDS

BOARD MEETING

Town Hall  
1 Heady Street  
Cortlandt Manor, NY 10567  
January 18, 2024  
7:00 p.m. - 8:31 p.m.

January 18, 2024

MEMBERS PRESENT:

Michael Fleming, Chairman

Wai Man Chin, Vice-Chairman

Chris Beloff, Member

Frank Franco, Member

Michelle Piccolo Hill, Member

Benito Martinez, Member

Thomas Walsh, Member

ALSO PRESENT:

Chris Kehoe, AICP, Director of Planning

Michael Cunningham, Deputy Town Attorney

1 January 18, 2024

2 (The board meeting commenced at 7:00 p.m.)

3 MULTIPLE: I pledge allegiance to the  
4 flag of the United States of America and to the  
5 Republic for which it stands, one nation under  
6 God, indivisible, with liberty and justice for  
7 all.

8 MR. MICHAEL FLEMING: All right, Mr.  
9 Kehoe, could we do a roll call?

10 MR. CHRIS KEHOE: Ms. Piccolo Hill?

11 MS. MICHELLE PICCOLO HILL: Here.

12 MR. KEHOE: Mr. Martinez?

13 MR. BENITO MARTINEZ: Here.

14 MR. KEHOE: Mr. Franco?

15 MR. FRANK FRANCO: Here.

16 MR. KEHOE: Mr. Fleming?

17 MR. FLEMING: Here.

18 MR. KEHOE: Mr. Chin?

19 MR. WAI MAN CHIN: Here.

20 MR. KEHOE: Mr. Walsh?

21 MR. THOMAS WALSH: Here.

22 MR. KEHOE: Mr. Beloff?

23 MR. CHRIS BELOFF: Here.

24 MR. FLEMING: All right, has everyone

1 January 18, 2024

2 had an opportunity to review the minutes from the  
3 December 21, 2023 meeting? And if --

4 MR. CHIN: I make a motion to adopt the  
5 minutes of a meeting of December 21, 2023.

6 MR. BELOFF: Second.

7 MR. FRANCO: Second.

8 MR. FLEMING: All in favor?

9 MULTIPLE: Aye.

10 MR. FLEMING: Any opposition? So  
11 adopted. All right, move on to the public  
12 hearings. Michelle, I think it's your case first.

13 MS. PICCOLO HILL: Okay. I'm tasked with  
14 case number 2023-17, which is the application of  
15 Park Patel for an interpretation of the zoning  
16 ordinance appealing the denial of a building  
17 permit for a new one-family residence for the  
18 property located at 41 East Hill Road.

19 MR. FLEMING: First we'll hear from the  
20 applicant.

21 MR. CLIFFORD DAVIS: Okay. Thank you.  
22 Good evening, Mr. Chairman, members of the zoning  
23 board. My name is Clifford Davis, 200 Merrimack  
24 Avenue, Suite 602 White Plains, New York, 10601.

1 January 18, 2024

2 I represent Parth Patel. Mr. Patel lives at 41  
3 East Hill Road, Cortlandt, New York. Mr. Patel  
4 owns four lots. His house that he presently  
5 resides on is at lot 10 and 11. And the  
6 application that is before this board, that we  
7 submitted a site plan to the building inspector  
8 for, is the proposed residence would be lot 25  
9 and 26.

10 Just to put in perspective, and I hope  
11 everybody has reviewed my December 11, 2023  
12 letter, so I'll try not to go over everything,  
13 but there are a couple of points that I want to  
14 make. The four lots were created pursuant to the  
15 map of Peekskill Terrace, 1907 map, which  
16 everybody should have in their package. And what  
17 we did is we did a, a blowup of exactly what was  
18 there.

19 So this is lots 10 and 11, which is  
20 where Mr. Patel's house is. And as you could see,  
21 he has frontage over here. And lots 25 and 26,  
22 it's very clear that they really have nothing to  
23 do with lots 10 and 11. In fact, lots -- lot 11  
24 doesn't touch 25 and 26 and lot 10 doesn't touch

1 January 18, 2024

2 26. And as set forth in the proposed site plan,  
3 which Cronin Engineering submitted to the  
4 building inspector, it's different frontage.

5 Everything is called East Hill Road, so  
6 it's a little bit complicated, but the frontage  
7 is actually very different. If, if it was a  
8 different name on a different street, it might be  
9 simpler, but there's, there's different access.  
10 So one house is looking this way, the other house  
11 is looking that way. And, and those back lots  
12 really have nothing to do with each other. And  
13 it's set forth on the 1907 map.

14 And just to jump ahead a little, there  
15 was an application before this board in Cozzi in  
16 which there was a lot in the 40,000 square foot  
17 zone, which only had approximately 15,000 square  
18 feet. It was one lot. In that case there was not  
19 an issue of whether there was a merger or not,  
20 but it was legally nonconforming, the issue  
21 before this board, dealt with a garage and  
22 maximum floor area. But the issue was not, are we  
23 allowed to build this house because it's such a  
24 small lot when you need a required 40,000 square

1 January 18, 2024

2 foot.

3 And what we're basically saying to this  
4 board is that lots 25 and 26 have never merged  
5 with lots 10 and 11. So it's our position that  
6 lots 25 and 26 are no different than the lot in  
7 Cozzi, that they're legally nonconforming once we  
8 find out that there is not a merger.

9 Now in the building inspector's  
10 determination, he basically relied on a  
11 certificate of occupancy, the sewer district. All  
12 of those things have nothing to do with whether  
13 the lots have merged. The certificate of  
14 occupancy merely says that Mr. Patel and his  
15 predecessor had the right to move in to the newly  
16 built structure, which was on lots 10 and 11.

17 With regarding tax lots, that is just an  
18 administrative way to send out a tax bill to my  
19 client. And as for the sewer district, it's the  
20 same. If we're able to build a house on lots 25  
21 and 26, whoever lives in that house is going have  
22 to connect to the sewer district and follow all  
23 the regulations. Further, we, we're not asking  
24 that Mr. Patel be given a free pass. To the

1 January 18, 2024

2 extent that he can build a house, he is going to  
3 have to meet all of the regulations  
4 administratively with the building inspector,  
5 engineering steep slopes, if there's any wetlands  
6 you know, no net runoff and, and all of the, the  
7 requirements, you know, for that single building.  
8 So we're, we're not asking to cut any corners.  
9 Now --

10 MR. FLEMING: I have a, I have a  
11 question for you --

12 MR. DAVIS: Yeah, sure.

13 MR. FLEMING: -- if you don't mind me  
14 interrupting you. I'm just -- you may, you may  
15 know this, you may not, but it has to do with the  
16 history and timeliness -- a timeline of those  
17 purchases of these lots. Do you know if the four  
18 lots have been purchased and sold from their --  
19 from, from, from, from the 1907 map until today?  
20 Or was there a period of time when they were  
21 owned by different individuals and then were  
22 subsequently joined?

23 MR. DAVIS: I don't know about the past  
24 history. I could tell you that when the builder,



1 January 18, 2024

2 LPL, I believe that they, they bought the four  
3 lots at that time.

4 MR. FLEMING: Okay. Thank you.

5 MR. DAVIS: And then, and then the house  
6 was built and then my client bought it from his  
7 predecessor.

8 MR. FLEMING: Okay. Thank you.

9 MR. CHIN: I, I'd like to ask one other  
10 question.

11 MR. DAVIS: Yes.

12 MR. CHIN: The taxes, the taxes paid on  
13 lot 25 and 26 with the house on it, is that a  
14 separate tax than 10 and 11 or is it all combined  
15 as one tax?

16 MR. DAVIS: I, I believe there's one tax  
17 bill, is that correct? This is Mr. Patel.

18 MR. CHIN: Okay. So there's, there's one  
19 tax for all four lots?

20 MR. DAVIS: Right, Right. And I'm, I'm  
21 sure you could easily find that out from, you  
22 know, the tax department or the assessor.

23 MR. CHIN: Well, I just wanted to put  
24 that on record.

1 January 18, 2024

2 MR. DAVIS: Right. So there's one tax  
3 bill and it's for 41 East Hill and it goes to Mr.  
4 Patel and it, and, and it's for all four lots.  
5 But as Mr. Kehoe can advise you, or Mr.  
6 Cunningham, tax lots are different than whether a  
7 lot has been merged or whether it's a buildable  
8 lot. It's a very separate --

9 MR. CHIN: No, I understand that. I'm  
10 just saying, is it a separate tax bill for the  
11 top or is it one tax bill for all four lots?

12 MR. DAVIS: I think it's one tax bill  
13 for all of lots. So I think, as you can tell from  
14 the 1907 map, you know, regarding lots 10 and 11  
15 and 25 and 26, that there was a clear intention  
16 when the maps were laid out in this particular  
17 community, that 25 and 26 were separate from 10  
18 and 11.

19 MS. PICCOLO HILL: Actually, I have a  
20 question.

21 MR. DAVIS: Yes?

22 MS. PICCOLO HILL: So with regards to  
23 the tax bill and, and sort of the sewage and all  
24 of that other stuff, when your client is billed,

1 January 18, 2024

2 is it called out on the bill for lots 10, 11, 25  
3 and 26? Or is it just all listed under one?

4 MR. PARTH PATEL: It's just the tax  
5 section block.

6 MR. DAVIS: I, I think it, it, it just  
7 goes to the, to the, the section block and lot  
8 number and then he gets one bill.

9 MS. PICCOLO HILL: So --

10 MR. DAVIS: For all those four lots.

11 MS. PICCOLO HILL: -- he's being billed  
12 for one block number.

13 MR. DAVIS: Right.

14 MS. PICCOLO HILL: Okay.

15 MR. DAVIS: So even though there's no  
16 residence or structure on 25 and 26, he's getting  
17 the sewer bill, which is going to his address.

18 MS. PICCOLO HILL: As if it was one  
19 unit?

20 MR. DAVIS: As if it was one lot.

21 MS. PICCOLO HILL: Okay.

22 MS. DAVIS: But it, it's, it -- but  
23 those departments don't address the issue of  
24 merger and building lots and its buildability. So

1 January 18, 2024

2 there, there, there's no history of merger here.  
3 So like again, the documents that the building  
4 inspector has referred to, you know, if it's a C  
5 of O, or it's a sewer district, it doesn't mean  
6 that there's a merger.

7 So now, now we go to section 307-8,  
8 which is the town of Cortlandt's merger  
9 provision. And the key section is really  
10 paragraph C. And I'll sort of walk you guys  
11 through it and hopefully I can convince you that  
12 I'm correct. So, it starts out, any lot with an  
13 area or width less than that prescribed for the  
14 lot in the district. So this is an R40, 40,000  
15 square feet. My guy has approximately 29,000  
16 square feet for all four lots if you took it  
17 together; 25 and 26 is about 15,000 and 10 and 11  
18 is also about 15.

19 So it says any lot with an area or width  
20 less than that prescribed for a lot in the  
21 district which it is situated when the owner  
22 owned adjoining land on or effective date of this  
23 chapter. So Mr. Patel owned 10 and 11 and that's  
24 where the house is. And then he also owned 25 and

1 January 18, 2024

2 26.

3 And what it continues to say is that all  
4 of those lots shall be deemed to have merged with  
5 such adjoining land to form a single parcel. If  
6 the merger provision stopped right there, we  
7 wouldn't be before this board because it's clear  
8 that the lots would've merged.

9 But that's not how it, that's not how  
10 the story ends. The statute says further, and  
11 this is at the, at the bottom of C, if the  
12 adjoining land has been divided into several  
13 substandard lots, merger shall only occur to the  
14 extent that the minimum lot width requirements of  
15 the chapter are met, but not necessarily the  
16 minimum lot area.

17 So what we have here is Mr. Patel owns  
18 10 and 11, 25 and 26 is what we made the  
19 application for to the building inspector. When  
20 it refers to the adjoining land divided into  
21 several substandard lots, those several  
22 substandard lots are from the 1907 map and they  
23 are 25 and 26. So 25 and 26 are both substandard  
24 lots, which is the additional adjoining land.

1 January 18, 2024

2 And it says the merger shall only occur  
3 to the extent that when you put all of these lots  
4 together, that you meet the minimum lot width  
5 requirement, which is 150 feet. But we had our --  
6 a predecessor engineer, and that's in exhibit,  
7 sorry, and that's in exhibit E. And there's a  
8 definition of lot width and that's 307-4 and 307-  
9 4 provides that the definition of lot width, and  
10 it's not the traditional intuitive way you would  
11 think, but this is how the statute defines it.  
12 The mean width of a lot computed by dividing the  
13 lot area by the lot depth.

14 So that calculation is set forth in our  
15 presentation at Exhibit E. So the lot width is  
16 29,962.2 divided by the depth, which is 303.3,  
17 and that comes out to 98.78 feet, which is less  
18 than a hundred and it's certainly less than 150  
19 feet. So therefore when you take lots 25 and 26  
20 and you add it to lots 10 and 11, and then you go  
21 back to the merger statute, which is 307-8, it  
22 says the merger shall occur only to the extent  
23 that the minimum lot width requirements are met.

24 When you put lots 10 and 11 together

1 January 18, 2024

2 with 25 and 26, those minimum lot width  
3 requirements of the chapter are not met. And when  
4 they're not met, there's no merger. And if  
5 there's no merger, my client has the right to  
6 make an application to the building inspector.

7 We have to meet all of the regulations  
8 other than lot area and that minimum lot width.  
9 And the reason for that is because it's on the  
10 1907 map. It's no different than Cozzi. So Cozzi  
11 didn't have to prove to you, he didn't have to  
12 come in, he or she, I'm not sure -- that person  
13 did not have to come in and make a variance for  
14 that -- that it had less than the required lot  
15 width or less than the required lot area because  
16 it was on the 1907 map.

17 So, you know that, that's our argument  
18 from a legal standpoint, you know, I set forth  
19 all the cases here. You could only have a merger  
20 in New York State pursuant to a merger statute.  
21 And the merger statute says here, at 307-8 that  
22 if you were going merge all of the lots, the  
23 minimum lot width had to be complied with if  
24 there was going to be a merger and there would be

1 January 18, 2024

2 no merger if the minimum lot was not complied  
3 with. So you have to follow that merger statute.  
4 I hope I've laid it out clearly.

5 If not, hopefully Mr. Cunningham can  
6 advise the board. But I think that the board  
7 should go back to the 1907 map and say to  
8 themselves, what was the intention when that map  
9 was created. And again, when you look at, you  
10 know, lots 10 and 11, lot 11 has nothing to do  
11 with 25 and 26 and lot 10 has nothing to do with  
12 26, although lot 10 goes back to 25, lots 10 and  
13 11 as set forth in our site plan access East Hill  
14 Road going this way, and lots 25 and 26 as set  
15 forth on our site plan, which I believe is  
16 Exhibit C, is going the opposite. And it would be  
17 much clearer, but everything is called East Hill  
18 Road. So even though the fact that it's on East  
19 Hill Road it's, it's going in opposite  
20 directions. So that, that, that's really all I  
21 have. It's set forth in my letter.

22 And I'm here to answer any questions  
23 that you might have. So what we're looking for,  
24 just to sum up, is a determination that the



1 January 18, 2024

2 building inspector improperly analyzed it, that  
3 there was no merger and that my client's  
4 application to the building department should  
5 proceed as set forth in Exhibit C, which is the  
6 site plan.

7 MR. FLEMING: Thank you for your  
8 presentation. I know the board's going have some  
9 questions, so if you can just hang out for a  
10 little bit.

11 MR. DAVIS: Oh, okay.

12 MS. PICCOLO HILL: Yeah, I was, I have a  
13 couple of questions.

14 MR. DAVIS: Yeah, sure.

15 MS. PICCOLO HILL: How long has your  
16 client owned the property?

17 MR. DAVIS: When did you buy it? '21?  
18 2021.

19 MS. PICCOLO HILL: 2021. Is there any  
20 history that shows the property as being treated  
21 as four separate lots?

22 MR. DAVIS: Only the 1907 map.

23 MS. PICCOLO HILL: Just the 1907.

24 MR. DAVIS: Right.

1 January 18, 2024

2 MS. PICCOLO HILL: So --

3 MR. DAVIS: The -- when the builder  
4 bought it, the builder purchased the four lots.

5 MS. PICCOLO HILL: And then, and ever  
6 since it's been billed as one sewage -- is billed  
7 as there's one, taxes billed as one?

8 MR. DAVIS: Correct.

9 MS. PICCOLO HILL: So the last time it  
10 was treated as four lots was essentially in 1907  
11 or when the builder bought it?

12 MR. DAVIS: I think the builder bought  
13 it in or about '96.

14 MS. PICCOLO HILL: Okay. Those are my  
15 questions.

16 MR. FLEMING: Yeah. That, that goes back  
17 to my question for you, and I know you don't know  
18 the answer, but I really would like to know this.  
19 Is really have these four lots always transferred  
20 uniformly and together from -- I know your client  
21 bought the property only a couple of years ago,  
22 but the transactions prior to that?

23 MR. DAVIS: I think prior to '96, I, I  
24 think it might have been owned just by the

1 January 18, 2024

2 original loaner. It was just vacant land.

3 MR. FLEMING: Okay.

4 MR. DAVIS: So, there was no structure  
5 on it, there was no anything.

6 MR. FLEMING: Okay.

7 MR. CHIN: So, so basically when the  
8 builder bought the property back in '96 or  
9 whenever it was, he bought those four lots, the  
10 two over here and the two over there.

11 MR. DAVIS: Yes.

12 MR. CHIN: 10 and 11 and 25, 26.

13 MR. DAVIS: And then he built a house --

14 MR. CHIN: And then he built the house  
15 on 20 --

16 MR. DAVIS: On 10 and 11.

17 MR. CHIN: -- on 10 and 11. But I'm, I  
18 guess we're all trying to figure out. did he  
19 combine the lots or did he -- or are those two  
20 lots separate from, you know, we don't -- that's  
21 a, that's a big question for everybody right now.

22 MR. DAVIS: Well, when you look at the  
23 site plan --

24 MR. CHIN: Yeah.

1 January 18, 2024

2 MR. DAVIS: -- which is Exhibit C --

3 MR. CHIN: Yes.

4 MR. DAVIS: -- which was submitted by  
5 Cronin Engineering --

6 MR. CHIN: Yeah.

7 MR. DAVIS: -- it basically, you could  
8 tell that when the house was built, I mean, I  
9 don't have anything big, but, but it's in the  
10 package, you could see that the present house,  
11 you know, it, it meets all like the setbacks. It,  
12 it, it meets all of the requirements other than  
13 lot area and lot width --

14 MR. CHIN: Right.

15 MR. DAVIS: -- of 10 and 11.

16 MR. CHIN: Right. I understand what  
17 you're saying.

18 MR. DAVIS: So, you know, the, the way  
19 it was built, it, it was built as if 25 and 26  
20 was very separate.

21 MR. WALSH: My question that I've raised  
22 is when the house was, you know, the permit,  
23 initial permit was applied for in '96, did they  
24 consider this one zoning lot, all four lots and

1 January 18, 2024

2 base their floor area calculation on all four  
3 lots? I've asked, you know, Martin to try to find  
4 the original plans to see if we can --

5 MR. DAVIS: I don't think we have that.

6 MR. WALSH: The building, the city, the  
7 town is looking --

8 MR. DAVIS: Well the building department  
9 might have it, right.

10 MR. WALSH: Yeah, the town is looking.  
11 Yeah, that's what they're, they're -- I've asked  
12 for that just where we can see --

13 MR. DAVIS: I don't have that.

14 MR. WALSH: -- what was submitted back  
15 in '96 where they, they considered this when they  
16 built the house to get their floor area ratio,  
17 were all four lots considered one lot as a zoning  
18 lot, not a tax lot, and that's how they were able  
19 to build the house to that size. And if that's  
20 the case, then I would consider it as one zoning  
21 lot now.

22 MR. DAVIS: Well, although that's not  
23 what the code says. The code says you determine  
24 whether there was a merger pursuant to 307-8.

1 January 18, 2024

2 MR. WALSH: But I'm saying is if they  
3 have, if they've combined -- if they use that  
4 calculation of all four lots to get the size  
5 house that was built in '96, have they  
6 essentially then combined the lots?

7 MR. CUNNINGHAM: I think what, what some  
8 members of the board might've been saying in the  
9 work session now too, is have they relinquished  
10 their right to develop on all the lots and if  
11 they've relinquished their claim that it has been  
12 merged. If they apply -- if the original builder  
13 applied using the total area and, and all the  
14 bulk for those four original lots from the 1907  
15 map combined.

16 MS. PICCOLO HILL: When it was  
17 purchased, was it purchased as one unit or was it  
18 purchased as a separate buildable lot?

19 MR. DAVIS: Well, it was purchased as  
20 four lots.

21 MS. PICCOLO HILL: It was -- your client  
22 --

23 MR. DAVIS: The four lots -- no, no. My  
24 client purchased the house.

1 January 18, 2024

2 MS. PICCOLO HILL: Did -- but when he  
3 bought it --

4 MR. DAVIS: With the deed, it came as  
5 all four lots.

6 MS. PICCOLO HILL: As one unit? Listed  
7 as one?

8 MR. DAVIS: Well, I don't know what you  
9 mean, listed as one.

10 MS. PICCOLO HILL: So --

11 MR. FLEMING: It was a single  
12 transaction.

13 MS. PICCOLO HILL: Yes, so --

14 MR. FLEMING: It wasn't a transaction  
15 for a developable lot and a transaction for a lot  
16 with the house built on it.

17 MR. DAVIS: Yes.

18 MR. FLEMING: And that, that was partly  
19 what I was asking was, was this always transacted  
20 as, as four lots but had a single house on it  
21 since the house was built?

22 MR. DAVIS: When, when my client  
23 purchased it, it was listed as the, the four lots  
24 and the house.

1 January 18, 2024

2 MR. FLEMING: Thank you. I, I think  
3 that's the, that that's the -- we're both kind of  
4 getting to the same --

5 MS. PICCOLO HILL: Right.

6 MR. FLEMING: -- the same result, you  
7 know that's, But, but, but there, there's no  
8 provision -- it still goes back to in order for  
9 there to be a merger, it's under 307-8.

10 MR. FLEMING: Understandable. I  
11 understand and, and I, and I think Tom Walsh's  
12 question was more of if you got the benefit of  
13 all four lot sizes for the purpose of building  
14 your house and getting a larger house approved,  
15 do you then get to subsequently say, yeah, but I,  
16 I know I got my nice house built on this, this  
17 land area, but now I want to take some of the  
18 land area away. And I, I don't know the answer to  
19 that question.

20 MR. DAVIS: But if you, if you look at  
21 the site plan at Exhibit C, what Cronin  
22 engineering has presented, the house that my  
23 client presently lives on meets all of the  
24 required setbacks and everything other than lot



1 January 18, 2024

2 area and lot width. So he -- so if, if you take a  
3 look at Exhibit C to our submission --

4 MR. FLEMING: I, I see that. I'm not  
5 sure that's, that's addressing the, the size of  
6 the house compared to the lot acreage. Is it? I  
7 don't, I don't think it is.

8 MR. CHIN: Right now, we don't know what  
9 the calculation was when the house was built by  
10 the developer for Mr. Patel. Was it including the  
11 house the size of his house, was it including all  
12 four lots or not? We don't know that.

13 MR. DAVIS: I don't have that  
14 information.

15 MR. FLEMING: Yes.

16 MR. CHIN: Unless we get that from --

17 MR. WALSH: We've asked that from Martin  
18 then.

19 MR. CHIN: -- the --

20 MR. DAVIS: It's in the building  
21 department.

22 MR. FLEMING: We're asking for that  
23 information presently, so we --

24 MR. CHIN: Yeah, we need that

1 January 18, 2024

2 information.

3 MR. DAVIS: Yeah, I would love to have  
4 that information. I don't have that, yeah.

5 MR. FLEMING: We're looking into it as  
6 art as well, because it does -- again, we think  
7 it's a relevant --

8 MR. CHIN: It makes a big difference.

9 MR. FLEMING: -- it's a relevant factor  
10 for our, for our analysis.

11 MR. DAVIS: However, all of the floor  
12 area and everything like that, we comply with  
13 the, the way it's laid out, for both the proposed  
14 new residence on 25 and 26 and lots 10 and 11. So  
15 lots 10 and 11 would not become -- would, would  
16 not become noncompliant, other than with  
17 regarding area and lot width.

18 MR. WALSH: So that's what -- I want to  
19 see what, what they listed, what the architect,  
20 the original architect, listed as their, their  
21 zoning calculations back in '96. Just a side note  
22 question is, for Mr. Cunningham, I see from  
23 Cronin Engineering the plan, you know, the site  
24 plan from, is it 2023, showing the two house, or

1 January 18, 2024

2 a house being built in the lower two lots. Would  
3 that then -- you can't subdivide or merge lots,  
4 correct? Is that --

5 MR. CUNNINGHAM: This --

6 MR. WALSH: They're showing one house in  
7 the two --

8 MR. CUNNINGHAM: So if it, if it is --  
9 if the board determines it is one lot, based on  
10 my reading of the code, this could not be  
11 subdivided. And I think if it's one --

12 MR. DAVIS: No, no, if, if it was one  
13 lot, it certainly could be subdivided, but we  
14 would have to come back for a variance. I, but I,  
15 I think what we're saying is too, because there's  
16 provision in the code 265-19-A, it says all lots  
17 shown shall conform -- and that's the subdivision  
18 section. It says all lots shown shall conform the  
19 zoning requirements and be of a size and shape  
20 rendering them usable for the use contemplated.  
21 All lots shall frontage on the street or other  
22 public highway.

23 So I don't, I don't think the planning  
24 board's ever granted a sub -- I guess you'd have

1 January 18, 2024

2 to come here, but I don't know that's --

3 MR. DAVIS: Well, we would have -- if we  
4 made the application for the subdivision, the  
5 planning board would say you don't meet the, the,  
6 you know, the area. And we'd have to come back  
7 here.

8 MR. FLEMING: I understand.

9 MR. DAVIS: But we, we don't want to --  
10 we're here right now --

11 MR. FLEMING: I understand.

12 MR. DAVIS: -- and we believe that my  
13 client has the right to pursue administratively  
14 his application before the building department.  
15 And, and we have to meet all of the town's  
16 regulations.

17 MR. CHIN: Well again we -- there's a  
18 lot of questions that --

19 MR. DAVIS: I understand.

20 MR. CHIN: -- have to be answered and I  
21 don't think we're going make a decision today on  
22 anything.

23 MR. DAVIS: I understand.

24 MR. CHIN: But I think we all in

1 January 18, 2024

2 agreement that we've got to know what the '96  
3 building permit indicated, how it was indicated  
4 by the architect. What, what square footage was  
5 based on. Was it on the two lots or was it on the  
6 four lots, so forth and so on, which we don't  
7 have right now. We don't have that in any of our  
8 records right now, that we're looking at  
9 presently.

10 MR. DAVIS: Okay.

11 MR. FLEMING: I, we, we've requested  
12 information from the town, which, which we need  
13 to get. And, and we very much appreciate the  
14 information you've given us.

15 MR. DAVIS: I, I would just ask as a  
16 courtesy that if you have any information, if you  
17 could let us see it before the meeting.

18 MR. FLEMING: Oh, of course, without  
19 question. If, if, if we get an answer from the  
20 town we'll absolutely, we, we can share that  
21 information with the applicant prior to the  
22 meeting.

23 MR. KEHOE: Yeah.

24 MR. FLEMING: Hopefully we'll get it

1 January 18, 2024

2 sooner, but, but yes. And to the extent we, we  
3 get it without enough time for you, if you asked  
4 for an extension, we would absolutely adjourn it  
5 to allow you to, to look at any information that  
6 we --

7 MR. KEHOE: Just, just Martin was out  
8 this past week. I -- 1996, not that long ago, so  
9 I think we'll be able to track that document  
10 down. It's just that we couldn't get it to the  
11 board in advance of this meeting.

12 MS. PICCOLO HILL: And I'm also curious,  
13 the reason I'm asking about when your client  
14 purchased the property and was it purchased as  
15 here's a house with this adjacent land as part of  
16 the property, or here's a house with adjacent  
17 land that can be built upon. So --

18 MR. DAVIS: It was just a deed transfer.  
19 So it it's just a, a real estate transaction  
20 without any --

21 MS. PICCOLO HILL: Well, I'm just  
22 curious, is --

23 MR. DAVIS: -- without any notes or, you  
24 know, some, somebody saying, is it buildable, is

1 January 18, 2024

2 it not buildable? I mean that, that's why this  
3 board exists and that's why --

4 MS. PICCOLO HILL: Right.

5 MR. DAVIS: -- we're coming before this  
6 board for an interpretation.

7 MS. PICCOLO HILL: Well, the only reason  
8 why I'm curious is because if he's getting  
9 everything listed as one bill, one tax bill, one  
10 sewer and he purchased it in 2021, what prompted  
11 the decision to build on the other land? Was  
12 there anything that told him that it was  
13 buildable? That he thought it was four separate  
14 lots?

15 MR. DAVIS: Well, to be perfectly honest  
16 with you, I think what triggered it was the Cozzi  
17 determination when he realized --

18 MR. FLEMING: That's my guess.

19 MR. DAVIS: -- that his neighbor because  
20 he, he was concerned about that being built. And  
21 then when we spoke to Mr. Kehoe and he explained  
22 that Mr. Cozzi was able to build on it because it  
23 went back to the 1907 map. In the 19 -- and once  
24 it was on that 1907 map, regardless of lot area

1 January 18, 2024

2 and lot width, that person was able to build --

3 MR. CHIN: Yeah, because he had a  
4 buildable lot.

5 MR. DAVIS: -- a 7,500 square foot  
6 House.

7 MR. FLEMING: Yeah. He had a buildable  
8 lot that he owned and it was, it was basically  
9 build as of right. You know, the question was he  
10 was looking to build larger than his rights, so  
11 it was before us --

12 MR. DAVIS: Right.

13 MR. FLEMING: -- for that purpose.

14 MS. PICCOLO HILL: Yeah. So it's --

15 MR. FLEMING: A separate question as to  
16 whether or not you, your, your client's lots have  
17 merged into one, you know --

18 MR. DAVIS: Correct.

19 MR. FLEMING: -- separate issues, you  
20 know, completely. But I certainly understand why  
21 that precipitated this. I, I understand the  
22 reasoning. Okay.

23 MR. KEHOE: Don't forget it's a public  
24 hearing.



1 January 18, 2024

2 MR. FLEMING: Yeah. Okay.

3 MR. DAVIS: Anybody else?

4 MR. FLEMING: So what we're going do is  
5 we're going invite members of the public now --

6 MR. DAVIS: Sure.

7 MR. FLEMING: -- if they have any  
8 comments to make on the application you've  
9 submitted. I will tell you our plan is to adjourn  
10 this because as we said, there's some additional  
11 information we'd like. So we probably will kick  
12 this over to the next meeting, which I don't even  
13 have the date of. What is the next meeting?

14 MR. WALSH: February something.

15 MR. CHIN: February 15th.

16 MR. FLEMING: February 15th. so we'll,  
17 we'll, we'll take care of that after we listen to  
18 members of the public.

19 MR. DAVIS: Okay. Thank you.

20 MS. PICCOLO HILL: February 15th.

21 MR. FLEMING: Anybody else have anything  
22 before I --

23 MR. FRANCO: No.

24 MR. FLEMING: All right. So, next we'll

1 January 18, 2024

2 invite members of the public to come forward.

3 Please come forward, state your name, your  
4 address, and then if you have any comments on the  
5 application, we're, we're more than happy to hear  
6 them.

7 MR. ROBERT GROSS: Sure. Good evening.

8 My name is Robert Gross. I'm also here on behalf  
9 of my wife, Cindy Nichtberger. And we own 25 East  
10 Hill Road. That is the, the tax lot, I think  
11 where the lot is 27, which is right adjacent to  
12 this lot 26, I think it's tax map 42. Just a  
13 couple of things. Obviously the board, I think  
14 even made a site visit to 25 East Hill Road. It's  
15 an interesting road because it actually loops  
16 around. The, the original property listing for  
17 the Patel property actually listed room for a  
18 pool which is in the back part of the lot. It is  
19 kind of weird how it, how it kind of zigzags,  
20 that particular lot. But the bottom line is, and  
21 I do agree with the board, is that you have to  
22 look at the 1996 building permit and the, what  
23 the architect list the property at. But it's just  
24 basically a longer lot. It's all part of one

1 January 18, 2024

2 parcel there.

3 It has been acknowledged that there is -  
4 - the lot does not meet area or lot width  
5 requirements. It would maybe, even if it has a  
6 setback from the road proper, it will not be --  
7 you can't build on that lot in terms of the  
8 actual width. So that would be our position.

9 I think, and, and if you look at the  
10 type of area there, East Hill Road is a loop, so  
11 it loops around. And so it's actually 25 and 26  
12 are basically the back part of 11, 10 and 11. So.

13 MR. FLEMING: Thank you.

14 MR. GROSS: Thank You.

15 MR. FRANCO: Anybody else?

16 MR. FLEMING: Any other members of the  
17 public have any comments they want to make? Is,  
18 Is there anyone online who has any comments that  
19 they want to make?

20 MR. FRANCO: No.

21 MR. FLEMING: No, okay. All right. So I  
22 think what we're going do is we're going to close  
23 the public hearing.

24 MR. KEHOE: No, I'd keep that --

1 January 18, 2024

2 MR. CUNNINGHAM: I recommend keeping it  
3 open in case we get the plans --

4 MR. CHIN: Keep it open and --

5 MR. CUNNINGHAM: -- just the public may  
6 want to comment.

7 MR. FLEMING: Oh, that's right. We are  
8 getting some more information. Okay. So what  
9 we'll do is we're going move, I'm going need a  
10 motion to adjourn this for the next meeting.  
11 Michelle. Michelle?

12 MS. PICCOLO HILL: Yeah. I move to  
13 adjourn to the next meeting.

14 MR. FLEMING: I need a second.

15 MR. FRANCO: Second.

16 MR. FLEMING: All in favor?

17 MULTIPLE: Aye.

18 MR. FLEMING: Any opposition? No. Okay,  
19 so this is adjourned until the February 15, 2023  
20 hearing. If we --

21 MR. FRANCO: '24.

22 MR. FLEMING: Yeah, thank you. It's a  
23 new year, the February 15, 2024 hearing. If we  
24 get any information, we will absolutely share it

1 January 18, 2024

2 with you. And if, if you have anything you wish  
3 to share with us with respect to the questions  
4 you've gotten today, we welcome any further  
5 submissions from you prior to that hearing as  
6 well.

7 MR. DAVIS: Thank you very much.

8 MR. FLEMING: Okay. Thank you. All  
9 right, our next case is 2023-18. Whose case is  
10 that?

11 MR. CHIN: That's mine.

12 MR. FLEMING: All right. Please, please  
13 proceed.

14 MR. CHIN: This is case 2023-18, Martin  
15 Stejskal on behalf of John and Laura Lea Kennedy.  
16 This is for 86 Trolley Road. Okay.

17 MR. MARTIN STEJSKAL: Good evening. I'm  
18 Martin Stejskal from Architectural Visions, and  
19 this is Joel Greenberg from Architectural  
20 Visions. We're here representing John and Laura  
21 Lea Kennedy.

22 MR. FLEMING: Thank You.

23 MR. CHIN: Okay. So, you're basically  
24 here for a variance on the size of an addition

1 January 18, 2024

2 that you want --

3 MR. STEJSKAL: Floor area ratio.

4 MR. CHIN: Floor area ratio, okay. Floor  
5 area ratio. Okay. And I went through what you  
6 had, okay, and so forth and so on, not knowing  
7 myself. I, I saw the 14,719, I never knew that it  
8 was always down to the lowest thousand, not up to  
9 the next thousand, so that made me -- okay, it  
10 was a 250 square foot difference by doing that.  
11 Okay. So, right now you are asking for a 1,010  
12 square foot addition to the floor area ratio  
13 compared to what you, what you're permitted of  
14 3,150 from the requested 4,160. Okay, which is  
15 about 32 percent, is that right?

16 MR. STEJSKAL: Correct.

17 MR. CHIN: And it's, like I said, I was  
18 talking in front of our board and everything else  
19 and we went through a lot of things and I myself,  
20 I was saying, okay, the new code for this thing  
21 for houses built for prior to 2007, you know, to  
22 me, I, to me, I thought it was being penalized  
23 for, for unhabitable space that used to be taken  
24 off on houses that were built prior to 2007. And

1 January 18, 2024

2 I would say probably maybe 80 percent or more of  
3 the houses in the, in the town of Cortlandt. I  
4 don't know for sure what the percentage is, but I  
5 know there's a lot of houses that were built way  
6 before 2007. Okay. So that by saying that, you  
7 know, there's a lot of unhabitable space that you  
8 could not take off when you used to be able to  
9 take off. So it kind of present additional  
10 percentage to you that was taken off before.  
11 Okay.

12 And looking at it, I went over there, I  
13 looked at the property, I looked at the plans and  
14 everything else. And based on the, I guess the  
15 factors I saw, is a detriment of the  
16 neighborhood, number one. I, I didn't see that.  
17 Okay. I, I personally didn't see it myself. Okay.  
18 I'm trying to find it. I can't, I can't get out.  
19 All right. I have to go the back, go to the other  
20 one. Hold on for one second.

21 MR. FLEMING: The factors.

22 MR. CHIN: Yeah, there. Okay. You know  
23 what, you know, number one is, was there an  
24 undesirable change in the neighborhood. Okay. I

1 January 18, 2024

2 didn't see that based on looking at the houses in  
3 the neighborhood. I mean, some people have maybe  
4 a bigger lot than you, have a bigger house than  
5 you. Some don't, you know. It varies, you know  
6 what I mean? So I didn't see a big change in the  
7 neighborhood that would make it a big difference.

8 Whether the benefits sort by the  
9 applicant could be achieved another method, I  
10 don't think so. I can't see that. Where, how else  
11 would they gain their square footage that they  
12 want for a little bit larger house because their  
13 family grew. Okay, based on your factors.

14 Is it substantial? Based on the new  
15 code, yes, it is a little bit substantial. Not a  
16 lot, but a little bit. Okay. Is the proposed  
17 variance have any adverse effect or impact on the  
18 physical or environmental condition of the  
19 neighborhood or district? I didn't see that  
20 either. Okay.

21 And whether it's self-created, all  
22 variance is always self-created. So again, I  
23 myself don't see a problem with what you're  
24 trying to do, okay, based on the neighborhood.



1 January 18, 2024

2 Okay. And based on what I've been through over  
3 the years, when before 2007, when it was always  
4 unhabitable space, unhabitable it was always  
5 taken out of the equation. You know, that would  
6 be laundry rooms, boiler rooms, garages, so forth  
7 and so on. Okay.

8 Now, now you're going from outside wall  
9 to outside wall to outside wall, period. So  
10 that's my opinion how I feel on this job, on this  
11 project, okay.

12 MR. KEHOE: Well, one thing that we  
13 should do is we should always let the applicant  
14 make their initial comments, you know, because  
15 they haven't even made their presentation yet.

16 MR. CHIN: Oh, I thought they talked  
17 about --

18 MR. KEHOE: No.

19 MR. CHIN: Okay.

20 MR. KEHOE: So, you know, explain and  
21 justify your request.

22 MR. STEJSKAL: Okay. Thank you very  
23 much. And members of the board and Mr. Chairman.  
24 As the, as the --

1 January 18, 2024

2 MR. CHIN: Could you lower that down to  
3 you?

4 MR. JOEL GREENBURG: Oh, okay. Can you  
5 hear me?

6 MR. FLEMING: Yes, thank you.

7 MR. GREENBURG: Sorry that I'm short.  
8 But he's tall. Anyway, seriously as Mr. Chin  
9 said, the family has grown and the additional  
10 space is needed. Interestingly enough, when you  
11 talk about the neighborhood, part of your package  
12 has letters from the adjacent neighborhoods --  
13 adjacent neighbors, left and right and across the  
14 street, all indicating that they had no problem  
15 with it.

16 And as Mr. Chin said, if you go through  
17 the criteria for the area variances, the addition  
18 is in the back of the house and has no effect on  
19 it at all. But I think more important than the  
20 variance that we're asking for is, there's two  
21 other criteria that you have to look at before  
22 you build a house. The first one is the lot area.  
23 And if you look at the lot area, lot coverage,  
24 excuse me, that we are actually below the maximum

1 January 18, 2024

2 that is allowed. So in other words, the footprint  
3 of the house is below the percentage that is  
4 allowed by the code. So that's, that's a plus.

5 The other plus is that there's another  
6 section of the code that requires a certain  
7 amount of landscaping on the house in addition to  
8 the house, outside of the house. And, and again,  
9 we are above the minimum, so that we have more  
10 landscaping that is required by the code.

11 And I think even though the FAR, as you,  
12 as Mr. Chin said is, is 32 percent, more  
13 important as, as far as I'm concerned, is the  
14 fact that the lot coverage is actually less than  
15 required by the code. That means that the  
16 footprint of the house, the overall footprint of  
17 the house, not counting upstairs, downstairs, is  
18 actually less than the code requires.

19 And the more important thing I think,  
20 certainly, in any neighborhood is the fact that  
21 the landscaping is way above what is required by  
22 the code.

23 So I think we're stuck in a situation  
24 where the FAR is really not being very fair to a

1 January 18, 2024

2 piece of property, number one. And number two, as  
3 Mr. Chin just said, and I realize now that prior  
4 to a certain year, I think it was 2007, that  
5 garages, mechanical rooms, boiler rooms were not  
6 included.

7 So actually, if we took away that air  
8 took away the, the garages and the boiler room  
9 and the mechanical rooms, which obviously are not  
10 habitable, I think the percentage would come way,  
11 way down. I can calculate that and get you what  
12 that percentage is.

13 But as I said, to repeat myself, the  
14 more important thing is that the neighborhood is  
15 not going change. We are below the lot, the lot  
16 coverage and we are above the landscape area.

17 Just as an aside, we had done some  
18 additions prior to 2007 in this area with  
19 additions. And I, just looking at what we had  
20 done back in the early 2000s, that also would  
21 not, at that particular point, those houses were  
22 originally built in the late 90s, just as this  
23 was, or the middle 90s, and those houses that we  
24 did -- we did additions to two houses directly

1 January 18, 2024

2 opposite -- excuse me -- directly behind Mr. and  
3 Mrs. Kennedy. And those additions, again, it was  
4 less than below 2007, so the boiler rooms, the  
5 garages and everything were not included.

6 So those houses, basically, if, if they  
7 were done today and you did add the garages,  
8 mechanical rooms, et cetera, they would also be  
9 probably at the very similar percentage that we  
10 have.

11 And I think more important is, as Mr.  
12 Chin said, that the addition is behind the house.  
13 Visually, architecturally it's similar to the  
14 same materials that the existing house has. Also,  
15 the fact that for as you pass by the house and  
16 the, the, the look of the house is exactly the  
17 same because the addition is in the rear, number  
18 one.

19 Number two, the fact that there is no  
20 environmental problem with this again, because  
21 we, again, we're, we're below the lot coverage  
22 and above the landscape coverage, which I think  
23 is a more important thing to consider.

24 So actually, as Mr. Chin said, if, if

1 January 18, 2024

2 this house or if this addition was proposed prior  
3 to 2007, we would probably not even have to come  
4 before this board. But I, as I said, I know I'm  
5 repeating myself, but I think it's more important  
6 of the lot coverage and the landscaping is, and  
7 that is way -- one, one is above and one is --  
8 the lot coverage is below and the landscaping is  
9 above. And I think that's more important than the  
10 fact that the fact that we have now have to  
11 include garages and mechanical rooms and boiler  
12 rooms, et cetera. So I think that's more  
13 important.

14 So, in your consideration, I, I think  
15 those are the, I think I would like you to  
16 consider all three criteria. And we do meet two  
17 out of three. And just very quickly, I know Mr.  
18 Chin went through some of the situations with the  
19 requirements for, for an area variance. The  
20 character of the neighborhood will not be  
21 changed. The architecture will remain exactly the  
22 same as you drive down the street, you look,  
23 you're going see the exact same thing that you  
24 see now. And the fact that the neighbors left and

1 January 18, 2024

2 right who actually will be seeing the addition  
3 have no problem with it. I think that's another  
4 important factor.

5 And the next criteria is whether there's  
6 undesirable change in the neighborhood, which  
7 again the neighbors left and right have  
8 indicated, and across the street, have indicated  
9 that they feel there'd be no detriment to the  
10 character of the neighborhood. And, and my  
11 opinion is that it is, there is no detriment.

12 And of course the second, whether the  
13 addition can be achieved by other than the  
14 variance. The answer is no because the area that  
15 we're putting this house is required because the  
16 family is enlarged, larger and they need that,  
17 they need the area.

18 And the other, going to the other  
19 criteria whether there would be an adverse effect  
20 or impact on the physical or environmental  
21 conditions of the neighborhood. Again, the answer  
22 is no. And as I mentioned before, we have done  
23 additions that probably are as large area wise  
24 than as this house, and there's been no

1 January 18, 2024

2 environmental effect on the neighborhood. And  
3 self-created, of course, obviously is created  
4 because the family's larger and they need the  
5 additional space. But I think more importantly, I  
6 think those other two criteria that, that you  
7 have to consider is just as important, if not  
8 more important than the fact that uninhabitable  
9 areas are now part of the FAR, which is not  
10 really a, a very good thing for the for the  
11 neighborhood.

12 And if you can drive up and down the  
13 street, every house there is very, very well  
14 maintained as, as is the Kennedy's. And I, I  
15 think that the granting of this variance will be  
16 an asset to the community. Thank you very much.  
17 Any questions? Please feel free to ask.

18 MR. FLEMING: Just to make sure you  
19 guys, you don't have anything further to add?  
20 What's that?

21 MR. STEJSKAL: No, I basically what Joel  
22 said just as another point, like Mr. Chin said  
23 that the FAR is calculated by the town code is  
24 not a straight percentage of lot area, as in



1           January 18, 2024  
2           other towns. It's a chart and you have a thousand  
3           percentage point. So, for every thousand  
4           percentage point you have a number associated  
5           with it. So in this case, because we are almost  
6           14,800 almost, we have to drop down to 14,000 and  
7           use the exact number that's in the chart, not a  
8           percentage of the actual lot area or an  
9           extrapolation being more than 50 percent of the  
10          difference between the two.

11                        So that in itself brings down the  
12          allowable FAR and some other towns actually count  
13          FAR as what it really is, floor area ratio, not  
14          including the exterior walls, because nobody  
15          actually habits, inhabits an exterior wall. So  
16          town of Greenwich actually has you do a diagram  
17          where you draw a box around the interior face of  
18          the walls and do a square foot calculation, and  
19          that's your FAR. So, it's interesting how  
20          different towns have different codes.

21                        MR. FLEMING: It is interesting, we're  
22          stuck with the town of Cortlandt's codes, so  
23          we're going, we're going apply that. But I do  
24          appreciate the --

1 January 18, 2024

2 MR. STEJSKA: I'm not saying it's wrong,  
3 but it's just interesting.

4 MR. FLEMING: I do appreciate the  
5 comments.

6 MR. CHIN: All right. Again, like you  
7 said, the footprint is really not changing, it's  
8 really going up rather than spreading out. And  
9 again, I don't know, maybe anybody else in the  
10 audience who like to speak?

11 MR. FLEMING: Well, no, no, no.

12 MR. CHIN: Oh, the board.

13 MR. FLEMING: So, first we're going go  
14 through the town board. Does anyone else in the  
15 town board have any questions or comments?

16 MR. WALSH: You're looking at me?

17 MR. FLEMING: I was looking at you.

18 MR. WALSH: You know, I come down a  
19 little differently than Mr. Chin on this. You  
20 know, R-10 zone, which this, this property falls  
21 under, you know, maintains, you know, you can  
22 have a 3,150 square foot permitted residence.  
23 You're asking for, you know, 4,160, which is a,  
24 you know, 1,000 square feet, which is a fairly

1 January 18, 2024

2 considerable addition. Would it be out of  
3 character for the neighborhood? You know, I don't  
4 know what, you know, the, the front of the house  
5 is not changing. Yes, the addition is in the  
6 back. But then are we then opening up, you know,  
7 allowing this large of a variance, you know,  
8 throughout the town and throughout every R-10  
9 district? I live in an R-10 district. You know,  
10 and our houses are limited on based on the size  
11 when they were built. My house was built in '62  
12 and I know how far I can, you know, I can build  
13 without having to go for a variance. And I don't  
14 know if I'd want my neighbor. I know we have  
15 letters, you know, of support from the neighbors,  
16 but those are the current neighbors. I don't  
17 know, you know, if we're allowing, you know,  
18 allowing this large of a variance area, again,  
19 again would the town board, be looking at  
20 changing the, the town code to allow a larger  
21 allotted, a larger percentage permitted. But  
22 right now we're stuck by what's, what's granted  
23 or what's allowable right now.

24 So Ken, you know, as I go through the

1 January 18, 2024

2 five factors I, I do believe it is out of  
3 character this large of a house in an R-10 zone.  
4 Can the benefit by, you know, sought by the  
5 applicant, other method, you can make it smaller.  
6 I mean, I'm not, I'm not opposed to granting a  
7 variance for an addition above, you know, what's  
8 allowed. But 1,000 square feet is, is substantial  
9 in my, in my opinion. And that also affects  
10 factor number three. And again, an adverse impact  
11 on the neighborhood for factor four, you know, it  
12 doesn't really adverse the entire neighborhood,  
13 but it does, it does set a precedent in my  
14 opinion. So my opinion on this is, you know, I'm  
15 not in favor of granting it as proposed right  
16 now.

17 MR. STEJSKAL: One, one point the, your  
18 comment on the FAR for an R-10 zone, it's not  
19 specific just to the R-10 zone, it's specific to  
20 the actual lot size --

21 MR. WALSH: Lot size, yes.

22 MR. STEJSKAL: -- and the chart that  
23 they have. So another house in an R-10 zone --

24 MR. WALSH: Could have a larger

1 January 18, 2024

2 property, yeah.

3 MR. STEJSKAL: -- having a different  
4 size lot may have a different FAR and that may be  
5 different.

6 MR. WALSH: Absolutely, yeah.

7 MR. STEJSKAL: So it's not a, a complete  
8 statement.

9 MR. WALSH: So if you have a, if you  
10 have a 20,000 square foot lot in an R-10 zone,  
11 which is allowed, just the minimum lot size is  
12 what, 10,000 square feet.

13 MR. STEJSKAL: Yes.

14 MR. WALSH: So it's all based on your  
15 lot size and --

16 MR. STEJSKAL: Correct.

17 MR. WALSH: -- what's permitted in that  
18 lot. So based on your current lot size and what  
19 the table we have is, you've got to round down  
20 what you're allowed.

21 MR. STEJSKAL: Correct.

22 MR. WALSH: So.

23 MR. GREENBURG: I think just to follow  
24 up on what you said regarding the neighbors, the

1 January 18, 2024

2 neighbors are there now. Most of the neighbors  
3 are there now, and they have seen the plans,  
4 they've walked the property, they see that the  
5 landscaping is way above, that the, that the lot  
6 coverage is below, which I think is more  
7 important than the FAR. Because as, as Marty  
8 said, you know, depending on, you may be in an R-  
9 10 zone, but you may have a 20,000 square foot  
10 lot or you may have a 10,000 square foot lot. So,  
11 I think that that's a factor.

12 And plus the fact that obviously if  
13 there was neighbors that are, that have no  
14 problem with it, let's say five or 10 or 20 years  
15 from now, they decide to sell it. Obviously,  
16 anyone that's going come and look at it will see  
17 what the neighbor is, what the neighborhood is  
18 like. But the important thing is that the  
19 neighbors that are there now have no problem with  
20 it. And I think that's an important, and again,  
21 to repeat myself, those other two factors, I  
22 think we have two out of three and the, the two  
23 that we have are very, very above what the code  
24 is and below what the code is, depending on which

1 January 18, 2024

2 one you're talking about. I think that's more  
3 important than the fact that the right now it's  
4 32 percent.

5 Again, as, as Mr. Chin said, if we went  
6 prior to 2007 and took out the, the garage, you  
7 can't, you don't have it in the garage, you don't  
8 have it in the wall, the six-inch wall space, you  
9 don't have it in the boiler room or the  
10 mechanical room or things like that, I have the  
11 feeling that the percentage would be probably  
12 more to your liking.

13 MR. WALSH: Yeah.

14 MR. GREENBURG: And I think that's,  
15 that's an important factor. I think we should  
16 consider that.

17 MR. FLEMING: Anyone else on the board  
18 have any questions? Michelle?

19 MS. PICCOLO HILL: Yeah, I was going  
20 say, when I look at the five factors, the ones  
21 that resonate the most with me is how does this  
22 impact the neighbors? How does it impact the  
23 neighborhood? How does it impact, you know,  
24 landscape, photography, wetlands, all of that. I

1 January 18, 2024

2 like the fact that it's sort of hidden behind the  
3 house. I like the fact that you have the green  
4 space. I like the fact that the neighbors are in  
5 favor of it.

6 I'm a little concerned that the  
7 percentage is kind of high. But I do understand  
8 how when there's a house that was built and then  
9 the rules changed in the meantime, that can  
10 drastically, depending on how much uninhabitable  
11 space you had, how it can really drastically  
12 impact what you're able to do to the house down  
13 the road.

14 And I do think that's a mitigating  
15 factor that needs to be considered, not  
16 necessarily for precedent I, I think. You know,  
17 you would have to look at each case individually.  
18 You know, for me personally, if I were to approve  
19 this, it doesn't mean that I would approve a  
20 neighbor's house who asked for a 32 percent  
21 variance. I would have to hear their mitigating  
22 factors as well.

23 A question I do have is, I know you said  
24 that they need this space for their family. Have



1 January 18, 2024

2 you looked at alternate plans? Have you looked at  
3 making the addition slightly smaller so that it  
4 impacts the square footage a little bit so that  
5 it, it comes down a little, looked at alternate  
6 options, you know, deck space, whatever else to  
7 try and conform a little bit more?

8 MR. GREENBURG: Actually, the answer to  
9 that question is yes. The initial, excuse me, the  
10 initial design that we showed the Kennedys  
11 actually did have a larger addition than we had,  
12 then we, we came -- actually reduced it. And of  
13 course the decks, as you mentioned, are not part  
14 of the FAR anyway.

15 But yes, we did. And, we also the room  
16 below, which is a which is a recreation room for  
17 the -- again, you have a large family, a lot of  
18 kids, and that also was reduced too. So the  
19 design that you see is not what the original  
20 design was. It, it was larger and we felt that we  
21 had to reduce it.

22 And also we, the other reason that we  
23 reduced it is again, to see that, to show that  
24 the footprint is below what the code is and the

1 January 18, 2024

2 landscaping is above. So we want wanted to make  
3 sure that those two criteria would, would  
4 actually conform to the code and they do.

5 MS. PICCOLO HILL: And would they be  
6 willing to conform a little more? To, to size it  
7 down slightly more so that -- I mean, you know,  
8 you hear opposing views right now on the board.  
9 Is that something they would want to readdress or  
10 reconsider? I'm just wonder -- you know, if it  
11 meant whether it would move ahead or not, would  
12 they be willing to reconsider and see if they  
13 could conform it and bring the size down slightly  
14 so that it wasn't as high of a percentage?

15 MR. GREENBURG: As I said, the original  
16 design was larger, so the percentage was  
17 obviously larger. And we feel that this is  
18 really, again, the size of the family and, you  
19 know, kids who are getting older as they get into  
20 the high, the high, the high single numbers and  
21 into the teenage years, they need more room. And  
22 their kids are at that particular age, so that we  
23 feel that this is the minimum.

24 But again, as you said, and I've said

1 January 18, 2024

2 probably four or five times, the lot coverage is  
3 well below that, what is allowed by the code. And  
4 the, the most important thing with, from my point  
5 of view, when you look at the criteria for a  
6 variance, is the fact that we have more  
7 landscaping than the code requires. And I think  
8 that's, those two mitigate the fact that you have  
9 the FAR, which is unfair, but that's what the  
10 code is and that's what we have to do.

11 MS. PICCOLO HILL: No, I, I, I do think  
12 that, you know, those are important factors to  
13 keep in mind.

14 MR. GREENBURG: I think those are more  
15 important actually.

16 MR. FRANCO: I, I'll just say I sort of  
17 -- I agree with Mr. Walsh's assessment and as far  
18 as the precedence aspect of it. And I, I do  
19 appreciate that it's behind the house. I think  
20 that from an aesthetic standpoint, no one else is  
21 going see it necessarily, but it is a substantial  
22 expansion in the back of the house. And, you  
23 know, I'm still thinking about it. I, I'm not  
24 sure how I -- like I said, from a precedence

1 January 18, 2024

2 standpoint, I don't know if this is establishing  
3 a precedent we would want to potentially have for  
4 other houses in the neighborhood to have a 32  
5 percent expansion at the same time. So.

6 MR. GREENBURG: I would just add to  
7 that, as I'm sure you know, and of course, I'm  
8 sure, the town attorney can attest to the fact,  
9 that each case has to be done on its own merits.

10 MR. FRANCO: Mm-hmm.

11 MR. GREENBURG: And I don't think you're  
12 creating a precedent. We're looking at this  
13 particular one. Now, somebody else in the  
14 neighborhood may also want 32 percent, but maybe  
15 their lot coverage is way above what it's  
16 supposed to be, and their landscaping may be way  
17 below, so they need maybe, they need three out  
18 of, basically three out of three.

19 We are saying, basically we have two  
20 that way conform, conform considerably. And the  
21 one, the third, which I think is the way it's  
22 written is not fair, but that's what the code is.  
23 And so I think two out of three is pretty good.  
24 And the addition is what they need and will not

1 January 18, 2024

2 be, have any adverse effect on the neighborhood.  
3 And as, as you said, the fact that it's behind  
4 there as you're driving down the street, the  
5 street will look exactly like it looks today.

6 MR. FRANCO: Right.

7 MR. STEJSKAL: And also in, in reference  
8 to the precedence, everything could potentially  
9 have a precedence but it doesn't. The number 32  
10 percent may seem like a large number, but again,  
11 32 percent is the actual calculation. Thirty-two  
12 percent can be perceived differently under  
13 different circumstances, 32 percent of a side  
14 yard setback, or 30, you know, this is floor  
15 area. In essence, what floor area really is, is  
16 doubling your footprint. Because in this case,  
17 they count the garage and the mechanical room and  
18 the laundry rooms. So, your first floor footprint  
19 is the same as your basement footprint. So, in  
20 essence, the FAR is double. And that's, that's  
21 the issue here. That's what's -- it's not causing  
22 a precedence, it's just the calculation that this  
23 is what it is in the situation.

24 MR. WALSH: The house benefited from not

1 January 18, 2024

2 calculating that initially.

3 MR. STEJSKAL: Of course.

4 MR. WALSH: You know, it would've been a  
5 small cape, you know, if that's -- you had to  
6 count that.

7 MR. CHIN: I don't know if it benefited.  
8 That was, that was the code back then.

9 MR. WALSH: The code back then, yes,  
10 absolutely.

11 MR. CHIN: You can't say there's benefit  
12 from that.

13 MR. WALSH: Right.

14 MR. CHIN: At all.

15 MR. WALSH: It would've been a smaller  
16 house if they had to calculate the garage in this  
17 case.

18 MR. GREENBURG: Well, not, not in this  
19 case. In some case, maybe if the lot was smaller,  
20 maybe, but in this case, the house that was there  
21 meets the floor area and the lot coverage. It's  
22 just the addition, based on that square footage,  
23 doesn't.

24 MR. MARTINEZ: Thank you.

1 January 18, 2024

2 MR. GREENBURG: Sure.

3 MR. MARTINEZ: When I look at a case,  
4 one of the things that I always take into account  
5 is how it going affect the neighborhood. I love  
6 the fact that most of the neighbor actually say  
7 that they have no problem with it. I totally  
8 understand what the concern my colleagues have  
9 here about, you know, the precedent that we're  
10 going send by approving such substantial amount  
11 that it's been asking. But based on the necessity  
12 that you have and the fact that no neighbor is  
13 opposing this, I kind of agree with what my  
14 colleagues here say, if you can consider for them  
15 to see if they can reduce it a little bit, but if  
16 they don't, they do not, thinking about it, I'm  
17 inclined to actually grant the, the approval  
18 today, so.

19 MR. GREENBURG: Thank you.

20 MR. FLEMING: All right, I'll, I'll -- I  
21 guess -- anybody else have any questions or  
22 comments?

23 MR. BELOFF: Yeah, I, I would just  
24 agree, actually mimic what Mr. Benito, member

1 January 18, 2024

2 here said. You got two out of the three of, of  
3 meeting the requirements. And then I also respect  
4 what my colleague, Mr. Walsh says, next to me.  
5 Codes are there for a reason, but I mean codes  
6 change also.

7 Most important to me actually also is  
8 the surrounding neighbors, the people in the  
9 neighborhood and not one of them have an issue  
10 with it. So I, I'll tend to lean with that.

11 MR. FLEMING: A couple Of things I just  
12 want to say, and, and I, I very much appreciate  
13 you guys advocating for your clients. The number  
14 two out of three have been tossed around here  
15 several times. You merely identified three  
16 factors and say we meet two of them. There are  
17 far, far more things that go into this than just  
18 the three things you've identified.

19 So while I appreciate your advocacy you  
20 know, comments like well, you met two out of  
21 three, they really didn't. They met, they met the  
22 two that they're highlighting and presenting to  
23 us. And that's great. That's what their job is to  
24 do. There are far, far more, it's not just three



1 January 18, 2024

2 things and you met two of them. There are a lot  
3 more, you know, zoning issues and the ones that  
4 they choose to identify are without question you  
5 know, strong factors. The, the, you know, the,  
6 the amount of what we'll call green space for  
7 this application exceeds what the minimum is. So  
8 that's great. It does. But that's not really one  
9 of three factors. That's just one of the many  
10 things that, that, you know, had been set before  
11 us. So I just, just to throw that out there, I  
12 appreciate your advocacy, but it really isn't two  
13 out of three. It's two things that are really  
14 important. And I appreciate that they're really  
15 important. But it's not that's the only three  
16 boxes we have to check.

17 MR. GREENBURG: Understood, and I agree  
18 with you. But those are two very important  
19 factors.

20 MR. FLEMING: Without question.

21 MR. GREENBURG: The fact that you said -  
22 - the fact that the landscaping, I think that's  
23 probably one of the most important things because  
24 you don't want a house that's covering the entire

1 January 18, 2024

2 site and a paved driveway and, and no green. But  
3 we have more than the requirement. I think that's  
4 really important.

5 MR. FLEMING: It's absolutely -- it  
6 absolutely is. I was really making -- just, just  
7 making the legal point that it truly isn't three  
8 things that we have to tick off. It's, it's  
9 significantly more than that. But I appreciate  
10 what you're saying.

11 MR. GREENBURG: And the other fact too  
12 is that all the setbacks are met. So we, we don't  
13 have any problem with setbacks, rear yards and  
14 side yards. And that's another important factor.

15 MR. FLEMING: Without question.

16 MR. GREENBURG: No, no setback variances  
17 are required.

18 MR. FLEMING: What you're asking for is  
19 an FAR variance. And, and, and as a matter of,  
20 you know, the legal requirements on this body, we  
21 do have to consider the five factors. You, you've  
22 addressed them in your letter to us, which I very  
23 much appreciate. I, just to give my comments on  
24 them, I mean, the, the first factor you

1 January 18, 2024

2 identified, whether an undesirable change will be  
3 produced in the character of the neighborhood.  
4 While I appreciate the existing neighbors making  
5 their comments in support, I don't think that's  
6 determinative of that factor. I, I do think we as  
7 a board are here to represent the people who  
8 didn't speak, the people who couldn't speak. I  
9 kind of never thought about the idea of future  
10 owners versus present owners, which is an  
11 interesting, an interesting proposal.

12 But nonetheless, in my opinion, you  
13 know, a 1,000 square foot, you know, increase in,  
14 in the FAR is an undesirable change in and of  
15 itself. So, I don't find that factor as being met  
16 in this case. That's, that's just my thoughts on  
17 it. Whether the applicant can achieve the benefit  
18 by some other method. I mean, I think in this  
19 case, there's no question you can. You, you can  
20 make a -- you, you can build this within, within  
21 the FAR and, and not seek the variance. You're  
22 choosing not to and that's okay. But I do think  
23 the answer to that one is, is likewise, you can  
24 do this. You just, you want to have a bigger

1 January 18, 2024

2 house and I get that. I certainly understand it.  
3 I'm just, just saying that I don't, I don't find  
4 that factor falls in your favor.

5 Whether the requested variance is  
6 substantial, I, I do think a 1,000 square foot  
7 increase amounting to 32 percent of the FAR is  
8 substantial. So I also don't find that that  
9 factor is in your favor. Whether the proposed  
10 variance will have an adverse impact on the  
11 physical or environmental conditions in the  
12 neighborhood, I, I've kind of flipped back and  
13 forth on this throughout the course of this  
14 hearing. And I do appreciate a lot of what you  
15 said. I probably would say you, you've met that  
16 factor. I think it's close, but I think you have.  
17 And whether the alleged difficulty was self-  
18 created, again, I've, I've yet to see one where  
19 it wasn't self-created. But again, it's just one  
20 me one factor out of them.

21 Overall, looking at them, I, I would  
22 probably lean to the negative on this. But I, I  
23 do have to ask you, because two other board  
24 members raised it and, and my consideration on

1 January 18, 2024

2 two raised the same thing. And certainly, you  
3 don't have to do this, but would you have any  
4 interest in adjourning this? And for lack of a  
5 better word, taking another stab at it and seeing  
6 if there's a way you could do something which  
7 would reduce the footprint and come back to us?  
8 And if the answer is no, that's fine. But, but  
9 two people raised it, two of the board members  
10 raised it so I feel like I have to present that  
11 to you as an option.

12 MR. GREENBERG: Yeah, I know. Actually,  
13 as I mentioned to board member that talked about  
14 it, we did start at a much larger one and we  
15 reduced it. So basically again, because of the  
16 family size and that is really just about the  
17 minimum that we can take.

18 MR. FLEMING: Okay, that's fine.

19 MR. GREENBERG: And we understand that.  
20 I don't quite agree with that fact, some of the  
21 criteria for area variance that you feel were not  
22 met. But I, I don't think I agree with that. But  
23 there's certainly not going be any undesirable  
24 change in the neighborhood. I think that's pretty

1 January 18, 2024

2 clear. Is there another method? No. Obviously the  
3 area is what they need for their, for their  
4 family.

5 And I think, you know, in these days and  
6 times, I, I think they're entitled to have the  
7 area that they need. Yes, you're right. The, as  
8 far as number three, yes, it is substantial.  
9 There's no question about that. And it will have  
10 certainly no impact on the environmental or  
11 physical conditions of the neighborhood. Again,  
12 as you're driving down the street, whatever you  
13 see today, you'll see when the addition is put  
14 in. And of course, it is self-created.

15 But technically as, and maybe the town  
16 attorney can agree or disagree, but I don't  
17 believe to grant this variance you have to meet  
18 all five criteria. Am I correct?

19 MR. FLEMING: I can, I can answer that  
20 question, No, you do not. Those are the factors  
21 that we have to consider.

22 MR. GREENBERG: Oh, absolutely.

23 MR. FLEMING: It, it's, it's not a  
24 checklist.

1 January 18, 2024

2 MR. GREENBERG: Okay.

3 MR. FLEMING: It's just these are the  
4 factors that --

5 MR. GREENBERG: Okay. I just want to  
6 make sure that we understood that.

7 MR. FLEMING: These are the factors that  
8 each of the board members have to think about  
9 when we're deciding to cast our vote. We, as a  
10 board, as a practice, try and identify each of  
11 the issues and give our comments to you, more for  
12 letting you know where we stand and if there are  
13 specific comments that you want to address to us.  
14 That's, that's the reason I think most of us  
15 tend, tend to handle these applications in this  
16 manner. So, and, and again, you're always, and,  
17 and, and you are always free to disagree. I  
18 certainly understand. I disagreed with the person  
19 at that podium many times, and I've agreed with  
20 them many times. It's, you, it's part of the way,  
21 the nature of this of this application process.

22 MR. STEJSKAL: Just as a question, as  
23 Mr. Greenberg said, we, we started out with the,  
24 the client's wants and needs, and we reduced it

1 January 18, 2024

2 to make it fit under the lot coverage. And in  
3 doing so, it's still over the FAR. And, as you  
4 mentioned, a couple people have brought up the  
5 idea of possibly reducing it. I guess my question  
6 to you is, what do you consider reducing it?  
7 Because I mean, you know, we could take off, you  
8 know, 20 square feet or something easily, but  
9 then when you start to start taking off larger  
10 amounts --

11 MR. FLEMING: It's a fair question, but  
12 I think the question really --

13 MR. STEJSKAL: And then the thing that  
14 thing gets kind of not usable.

15 MR. FLEMING: I think the question  
16 should be addressed to the two board members who  
17 raised it. So I, I'd like to direct --

18 MR. MARTINEZ: Mr. Chairman?

19 MR. FLEMING: If I may --

20 MR. CHIN: Can I say something first?

21 MR. FLEMING: No, I mean he's asking the  
22 question of board members. So him --

23 MR. CHIN: Okay.

24 MR. MARTINEZ: I actually misunderstood.



1 January 18, 2024

2 I thought you were considering about reducing it.  
3 that's why I actually brought it up. But I'm  
4 actually inclined to approve it the way it is.

5 MS. PICCOLO HILL: I was going say the  
6 reason I asked was because I felt like there was  
7 a divided board, so that you might get more  
8 people in favor of approving if you reduced it  
9 somewhat and showed that in good faith you were  
10 trying to reduce it. I have to say that I, you  
11 know, I'm -- for me, the neighbors and the fact  
12 that it's a little more subtle because it's  
13 behind the house is a more important factor than  
14 the fact that you're over. Because I think  
15 sometimes when you're over, that's -- I think  
16 that's why we exist. We're here to look at the  
17 exceptions.

18 MR. STEJSKAL: Exactly. To, to give  
19 people an avenue when the code doesn't actually  
20 allow for something.

21 MS. PICCOLO HILL: Yes.

22 MR. STEJSKAL: Yeah. I think we're here  
23 to, you know, make a judgment call.

24 MR. CHIN: I'd like to ask Chris a quick

1 January 18, 2024

2 question. When you went down from 14,719 to  
3 14,000, is there a given in the code saying that  
4 you have to go down or what -- how's that work?  
5 You know what I mean? Because I never -- usually  
6 I go to the nearest thousand.

7 MR. KEHOE: I've been told that by the  
8 building inspector.

9 MR. CHIN: By the building --

10 MR. KEHOE: I don't know where he's  
11 determined that.

12 MR. WALSH: Yeah, it's in the town code.

13 MR. CHIN: Is there a written thing?

14 MR. KEHOE: Yeah. I don't know if that's  
15 --

16 MR. WALSH: I think it's in the town  
17 code.

18 MR. KEHOE: I think it, I think it does  
19 say rounded down.

20 MR. CHIN: Yeah, because dropping it  
21 down from seven, from 14,719 down to 14,000, that  
22 rather than going up to 15,000, which is only a  
23 hundred, like 213 less than less, a little bit  
24 over 200 square feet, or the other way, you're

1 January 18, 2024

2 going down 700 something square feet. You know  
3 what I mean? That's, that's a big difference to  
4 me, because that's made a big a permitted thing  
5 from 3,105 to 3,350. Okay. Or if you went by the  
6 actual square footage of 1,479, it probably  
7 would've been 150 square foot difference. Okay.  
8 That's, that's my only question.

9 MR. WALSH: Yeah, I'm, I'm just look  
10 quickly looking at the code to see if there's a  
11 note. And on the, on the five factors, number  
12 five, was it self-created or not? To me, it was  
13 not self-created because the zoning change on the  
14 code from, from, from prior, from to 2007. So it  
15 was a created, it was created by a new code, not  
16 by a self-creating. So that's a big factor to me.

17 MR. FLEMING: I disagree with you  
18 entirely on that.

19 MR. CHIN: Okay, fine. You can disagree  
20 all you want, I, I -- that's how I feel.

21 MR. FLEMING: And I'm allowed to speak  
22 too, because you just --

23 MR. BELOFF: I agree with you, Wai.

24 MR. CHIN: Okay.

1 January 18, 2024

2 MR. BELOFF: I agree with you.

3 MR. CHIN: So that's it.

4 MR. BELOFF: If that means anything.

5 Well, it would be nice to know if it's in the  
6 code. I mean, according to Tom, he said it was in  
7 a code, but I don't see it.

8 MR. WALSH: We've addressed this before.  
9 Yeah, where Martin's reference, I don't know  
10 where, where it is that in the -- I think it's in  
11 the zoning chart with round out. Yeah. I thought  
12 it was going be a note at the bottom of the FAR,  
13 but I couldn't find it there.

14 MR. CHIN: Yeah. Okay. Well it's good to  
15 know, you know what I mean, you know, really for  
16 future, future things.

17 MR. FLEMING: All right. I'd like to  
18 open it up for public comment now. If there's any  
19 members of the public who'd like to come forward  
20 and make any, any comments on the application.  
21 All right. And do we have anyone online who would  
22 like to make a comment on the application?

23 FEMALE: It Looks like there is.

24 MR. FLEMING: Oh, we do have someone

1 January 18, 2024

2 online that wants to make it up.

3 MR. KEHOE: I believe Doris Braun has  
4 her hand raised.

5 MR. FLEMING: All right, Doris.

6 MR. KEHOE: We're going permit you to  
7 speak.

8 MS. DORIS BRAUN: Thank you.

9 MR. FLEMING: Oh, Doris, hold on for,  
10 hold on for one second.

11 MR. KEHOE: We're trying to get the  
12 audio correct.

13 MR. FLEMING: We're just, we're just  
14 getting you so you can be heard for the record so  
15 we could record your comment on the public  
16 record. So just, just hold on for one second.

17 FEMALE: Doris, can you try one more  
18 time?

19 MR. FLEMING: Doris, can you hear me?  
20 Can you try one more time? Yeah, we can't hear  
21 you at all right now, so if you're speaking, just  
22 hold on.

23 FEMALE: Doris?

24 MR. FLEMING: We're still not able to

1 January 18, 2024

2 hear you in the courtroom, so just hold on,  
3 Doris, we're working on it. It's always the  
4 technology that throws things off.

5 FEMALE: Doris, can you hear me?

6 MS. BRAUN: I can hear you, yes.

7 MR. MARTINEZ: Perfect.

8 MR. KEHOE: Yeah, we'll, we'll just have  
9 to go with this.

10 MR. FLEMING: Okay. That's fine. Chris,  
11 Chris, can you just move your microphone over?  
12 Thank you.

13 MS. BRAUN: All right, so you can hear  
14 me, is that right?

15 MR. FLEMING: Doris, I'm sorry to  
16 interrupt you one more time. My name is Michael  
17 Fleming. I'm the chairman of the zoning Board of  
18 Appeals. If you don't mind, could you please  
19 state your full name and your address for us?

20 MS. BRAUN: Yes, Doris Braun, 48 East  
21 Hill Road.

22 MR. FLEMING: All right, thank you,  
23 Doris, please continue.

24 MR. CHIN: East Hill Road.

1 January 18, 2024

2 MS. BRAUN: Yeah, I have a question.  
3 there was so much emphasis placed on the  
4 neighbors that agreed to the sides and in the  
5 front, so that --

6 MR. CHIN: This is the wrong case.

7 MR. FLEMING: No, it's right.

8 MS. BRAUN: -- would be across the  
9 street of Trolley. What about the neighbors  
10 behind the house?

11 MR. CHIN: East Hill Road?

12 MR. FLEMING: Shh, stop. She, she's not  
13 --

14 MR. KEHOE: So she's asking, you got  
15 some letters of support from some neighbors, and  
16 I guess the question is, did you get support from  
17 the person behind?

18 MR. GREENBURG. Actually, the answer to  
19 that question is the person behind had just  
20 purchased the house. So they really did not want  
21 to make any comments one way or the other. But  
22 they --

23 MR. KEHOE: You reached out to that  
24 person.

1 January 18, 2024

2 MR. GREENBURG: Yes.

3 MR. STEJSKAL: We notified everybody as  
4 per the town requirement. Everyone received a  
5 letter.

6 MR. KEHOE: Okay. So and they did not  
7 write in?

8 MR. STEJSKAL: And we specifically  
9 contacted the neighbor that you're talking about.  
10 But they said they just moved in within the last  
11 couple of months.

12 MR. KEHOE: Alright. So they didn't  
13 write a letter of support, but they didn't  
14 object?

15 MR. STEJSKAL: Right. They had no  
16 objection. That's correct.

17 MS. BRAUN: Well, you, you can't say  
18 they had no objection. They had no comment.

19 MR. STEJSKAL: No comment. Okay.

20 MS. BRAUN: Okay. Thank you.

21 MR. KEHOE: Okay.

22 MR. FLEMING: Thank you, Ms. Braun. And  
23 there's no one else online who was who was asking  
24 to speak. So with that being said, there's no



1 January 18, 2024

2 other questions or comments from the board and  
3 the applicant has nothing further, okay.

4 MR. CHIN: Okay. I'm going -- it's my  
5 case, I'm going make a motion on case 2023-18 to  
6 close the public hearing.

7 MR. MARTINEZ: I second it.

8 MR. FLEMING: All in favor?

9 MULTIPLE: Aye.

10 MR. FLEMING: All right, public hearing  
11 is closed.

12 MR. CHIN: Okay. I'm going make a motion  
13 on case 2023-18 to grant the variance requested  
14 from permitted 3,150 square foot to requested  
15 4,160 square feet, a 1,010 square foot, 32  
16 percent expansion. This is an area variance for  
17 maximum floor area in a residential district.  
18 Type two on the SEQRA, no further compliance is  
19 required.

20 MR. FLEMING: Mr. Kehoe, can you poll  
21 the board and do the chair last please.

22 MR. KEHOE: All right. Do we need a, you  
23 don't need a second on that, correct?

24 MR. FLEMING: Oh, I'm sorry. I do need a

1 January 18, 2024

2 second.

3 MR. BELOFF: I second it.

4 MR. MARTINEZ: Second.

5 MR. FLEMING: Thank you. Okay.

6 MR. KEHOE: And I'll end with the chair

7 --

8 MR. FLEMING: End with chair, please.

9 MR. KEHOE: -- which is the process of  
10 how we do it now. Okay. Ms. Piccolo Hill,

11 MS. PICCOLO HILL: I vote in favor of  
12 approving.

13 MR. KEHOE: Mr. Martinez?

14 MR. MARTINEZ: Approve.

15 MR. KEHOE: Mr. Franco?

16 MR. FRANCO: No.

17 MR. KEHOE: Mr. Chin?

18 MR. CHIN: Yes.

19 MR. KEHOE: Mr. Walsh?

20 MR. WALSH: No.

21 MR. KEHOE: Mr. Beloff?

22 MR. BELOFF: Yes.

23 MR. KEHOE: Mr. Fleming?

24 MR. FLEMING: No.

1 January 18, 2024

2 MR. KEHOE: Motion carries by a vote of  
3 four to three.

4 MR. GREENBURG: Thank you very much.

5 MR. STEJSKAL: Thank you.

6 MR. GREENBURG: Thank you very much.

7 MR. FLEMING: Thank you very much. And  
8 Have a nice day.

9 MR. GREENBURG: And stay safe for the  
10 next storm, unfortunately.

11 MR. KEHOE: So, just as you probably  
12 know, I'll have to do a decision and order. It  
13 won't be ready until Monday. The chairman needs  
14 to sign it. Then it gets delivered to Martin and  
15 he needs it in order to continue to issue the  
16 permits that you need.

17 MR. STEJSKAL: Okay, no problem.

18 MR. GREENBURG: Thank you very much.  
19 Good night.

20 MR. FLEMING: Thank you. You guys have a  
21 good night.

22 MR. STEJSKAL: Stay safe.

23 MR. MARTINEZ: Good luck to you.

24 MR. FLEMING: Safe through the storm

1 January 18, 2024

2 today. All right, we have one more. Yep.

3 MR. WALSH: It's Mr. Beloff.

4 MR. CHIN: Mr. Beloff.

5 MR. BELOFF: You ready?

6 MR. FLEMING: Ready when you are.

7 MR. BELOFF: All right. I have here for  
8 case number 2023-19, Heike Schneider on behalf of  
9 3120 Lexington, LLC. And we're requesting a  
10 variance for front yard setback for a temporary  
11 structure, a tent located at the existing  
12 hardware store. Is there anyone here representing  
13 the applicant who would like to speak?

14 MS. KEIKE SCHNEIDER: Yes. Hello, I'm  
15 Heike Schneider. I'm the architect for the Ace  
16 Hardware store.

17 MR. CHIN: Okay. You probably just raise  
18 that up a little bit.

19 MR. FLEMING: Or get a little closer to  
20 it when you speak. It's --

21 MR. CHIN: Raise it up if you want.

22 MS. SCHNEIDER: Okay.

23 MR. CHIN: There you go.

24 MR. FLEMING: Thank you.

1 January 18, 2024

2 MS. SCHNEIDER: So yes, so we are here  
3 because we, we need a temporary structure. We  
4 need a storage structure. And the issue is -- so  
5 basically, let me give you a background, a  
6 background story here. We are currently in front  
7 of the planning board with the Ace Hardware Store  
8 because we are trying to get a storage addition  
9 built for the Ace Hardware Store. The, the  
10 hardware store is hanging on by a thread, I would  
11 say, between Lowe's and Home Depot. They just  
12 purchased another small, basically repair shop  
13 just to basically have a second leg to stand on.

14 And they really need storage space. They  
15 need to have extra storage so they can, you know,  
16 meet their client's demands to have, have enough  
17 variety and to be able to compete with Home Depot  
18 and Lowe's. So the addition is in the buffer, in  
19 the wetlands buffer. And we're currently trying  
20 to get a wetlands permit for this addition, but  
21 we still need storage space.

22 And so now our request is can we set up  
23 a temporary tent structure? It's actually a  
24 greenhouse structure, in front of the building. I

1 January 18, 2024

2 think you do have the site plan in front of you.  
3 So in this case, we were really trying to stay  
4 out of the wetlands because we don't want to also  
5 ask for a permit for a temporary structure, I  
6 mean a wetlands permit for a temporary structure.  
7 So this is really the only place we could come up  
8 with that does not sit on top of the septic  
9 system. It does not sit in the wetlands area. It  
10 is 12 feet away from the building, because it is  
11 a tent structure and because of fire code it  
12 cannot be closer to the existing building.

13 And so now we end up being in the front  
14 yard setback. We are only nine feet to the  
15 property line, where 30 feet is required. So we  
16 are now asking for 21 foot variance for the  
17 temporary structure. And that structure has an  
18 expiration date, basically it's only for 180  
19 days. Although I would like to also, I was  
20 wondering if we could maybe have a provision  
21 where we could extend it by another 90 days if we  
22 needed to, because we really would like to have  
23 the addition built and then take the temporary  
24 structure down.

1 January 18, 2024

2 So I guess we are asking for two things  
3 really, but if we get the variance at the 180  
4 days, that's, that's perfect too.

5 MR. FLEMING: Question on that, and  
6 it's, it's, I mean the, the, the way your letter  
7 to us and I'm, I'm looking at the, the January  
8 3rd letter to the Zoning Board of Appeals. So  
9 your second, and, and it's troubled by the  
10 wording, it, it's erection of a temporary  
11 structure as regulated by section 3103 is limited  
12 to a period of 180 days. You'd like to maintain  
13 the structure beyond 180 days while obtaining the  
14 CO for the addition being built. I mean, the way  
15 that's worded is you basically ask for a you  
16 know, a variance allowing you to keep the  
17 temporary structure until the C of O is granted,  
18 which, which would, I think for me the answer  
19 would be absolutely not. I don't know if the C of  
20 O will be granted or not. But I'm not going grant  
21 the temporary structure without a, you know,  
22 without a condition on it, a, a temporal  
23 condition being placed on it.

24 So, the idea that it's tied just to the

1 January 18, 2024

2 granting of the C of O is what was giving me  
3 trouble. I'd be more likely to grant, you know,  
4 this variance if it was 180 days and if you had  
5 to extend that, you'd come back for another  
6 application or something along those lines, so  
7 that the variance would be conditioned on a, on a  
8 temporal element as opposed to you're allowed to  
9 keep it until you get approved, because if you  
10 never get approved, just keep this thing forever.

11 MS. SCHNEIDER: That's true.

12 MR. FLEMING: So it's, so I'm just  
13 troubled by the wording of your letter. I don't  
14 know if you have something you could add to that.

15 MS. SCHNEIDER: Yes, I guess we were  
16 describing the ideal condition and we are very  
17 optimistic that eventually we will get the  
18 addition approved, so maybe that's what's  
19 reflected in my letter. But I do understand that  
20 also the location of it being right in front of  
21 the building warrants to really limit it to 180  
22 days. And if we should not have the addition up  
23 by then and usable, if we can come back to extend  
24 it, then, you know, that we could at least try



1 January 18, 2024

2 it, I guess, and see if we can get another 90  
3 days or I don't know how that would work.

4 MR. FLEMING: Okay. I, I understand what  
5 you're saying. I, I will open it up to questions  
6 or comments.

7 MR. CHIN: No, I agree. You know, based  
8 on your, your statement that you had, you know,  
9 you, you're saying that leave it up until you get  
10 a C of O on the, on the, on the addition. But  
11 that can't happen -- that could be months and  
12 months and months and months away from, from the  
13 180 days. So what the chairman is saying is that  
14 we wouldn't mind granting you 180 days, but if  
15 it's going go beyond that, you have to come back  
16 prior to the 180 days to get another variance for  
17 additional 90 days or something like that. You  
18 know what I mean?

19 MS. SCHNEIDER: Yes.

20 MR. CHIN: If that's okay with you,  
21 fine?

22 MS. SCHNEIDER: Yes. Yeah, no, I  
23 understand. And I --

24 MR. WALSH: My, my question is what is

1 January 18, 2024

2 the, I mean, we're nine feet from the property  
3 line, so really we're asking for the setback  
4 variance, is what we're in front of us is not, I  
5 guess the temporary use or whatever the, the  
6 tent. I mean the variance is just calling for the  
7 location of this and whether it could in the  
8 front yard.

9 MR. KEHOE: I think that's -- I admit I  
10 didn't read Heike Schneider's letter as carefully  
11 as I should and I think the request is in there,  
12 but I don't think -- I think the 180 days is a  
13 code enforcement requirement that he's going to  
14 enforce.

15 MR. CHIN: Right.

16 MR. KEHOE: So I don't think --

17 MR. WALSH: We're just doing a variance.

18 MR. KEHOE: -- you can even consider  
19 that. You're just doing the area variance.

20 MR. WALSH: The area variance.

21 MR. KEHOE: I think.

22 MR. FLEMING: So we can't grant the  
23 condition on it --

24 MR. KEHOE: Well your condition would

1 January 18, 2024

2 be, it can only be up for 180 days, as per the  
3 building code.

4 MR. WALSH: Okay.

5 MR. KEHOE: And then she, Heike would  
6 have to deal with Martin if you're at 175 days or  
7 150 days and then he would maybe say, well,  
8 you've got to go back to the zoning board. Or  
9 maybe he would tell her, you can't go back. I  
10 don't know.

11 MR. FLEMING: Yeah. I just want to make  
12 it clear because the applicant, the application  
13 does ask for two variances.

14 MR. KEHOE: Right. It really is only  
15 one.

16 MR. FLEMING: We're only -- and that's  
17 fine. So I mean, to the extent we're only  
18 considering the setback variance, I, I'd like our  
19 finding to include, you know, the statement that  
20 we're not granting an unlimited temporal variance  
21 until a C of O is granted. She has to comply with  
22 the building code, in which case there's a 180  
23 day temporary structure, you know, allowable. And  
24 we're, we're not extending that.

1 January 18, 2024

2 MR. KEHOE: Correct.

3 MR. FLEMING: Our, our ruling, it does  
4 not in any way --

5 MR. CHIN: Yeah, not automatically  
6 extending, yeah.

7 MR. FLEMING: -- impact that.

8 MR. WALSH: My, I have a second  
9 question. What is the distance from the property  
10 line to Lexington? Because I know, like when I  
11 see property line --

12 MS. SCHNEIDER: It's 36 feet, I believe  
13 you see it, if we can enlarge it.

14 MR. KEHOE: Sure.

15 MR. WALSH: Is that a DOT right away  
16 through there? Is that a separate property owner  
17 or is that --

18 MR. KEHOE: This, this right here says  
19 edge of asphalt. That doesn't neces- -- so that's  
20 the pavement, edge of asphalt.

21 MR. WALSH: Yeah.

22 MR. KEHOE: So whatever this distance is  
23 from edge of asphalt to the corner of the  
24 building, which if --

1 January 18, 2024

2 MR. CHIN: But the dotted line is the  
3 property line actually, is that correct?

4 MR. WALSH: No, the dotted line is only  
5 right, the nine feet right off the --

6 MR. BELOFF: Heike, who holds that  
7 easement that you're talking about?

8 MS. SCHNEIDER: So there is a slope  
9 easement between Lexington Avenue and the  
10 property line. And that's why it looks like it's  
11 actually much more than it really is.

12 MR. FLEMING: I see. Okay.

13 MS. SCHNEIDER: I mean the property  
14 line, it's, it's deceiving. So if you drive up --

15 MR. WALSH: Where is the property line  
16 on this? That's what I'm -- we're trying to see.

17 MS. SCHNEIDER: So you see actually the  
18 -- Chris, if you, I don't know who does the  
19 scrolling.

20 MR. KEHOE: I think, I think this --

21 MS. SCHNEIDER: The, the distance is,  
22 you see it to the right, the right corner of the  
23 building actually shows the distance on to the  
24 property line side.

1 January 18, 2024

2 MR. CHIN: On this side.

3 MR. WALSH: Oh, I see it.

4 MR. FLEMING: Zoom in on the corner.

5 MR. CHIN: Right there.

6 MR. FLEMING: There you go.

7 MS. SCHNEDIER: I think it's 36.9 feet.

8 MR. WALSH: Yeah, so that's the property  
9 line right there. Where's --

10 MS. SCHNEIDER: And then you, you also  
11 see the property line, right?

12 MR. WALSH: Yeah. Right --

13 MR. CHIN: That's the property line.

14 MR. KEHOE: But then you have quite a  
15 distance from the profiting line to the edge of  
16 asphalt.

17 MS. SCHNEIDER: Exactly, you do.

18 MR. KEHOE: Right.

19 MR. WALSH: So we're, we're it's still  
20 considerably set back from the road.

21 MR. KEHOE: Yes.

22 MR. WALSH: This is not --

23 MS. SCHNEIDER: It is, yes.

24 MR. KEHOE: That's what Mr. Walsh is

1 January 18, 2024

2 getting at.

3 MS. SCHNEIDER: Yes.

4 MR. WALSH: When I first read it, I was  
5 like, oh, this is nine feet from Lexington. This  
6 is a, this is not --

7 MS. SCHNEIDER: Right.

8 MR. WALSH: That was, that was my --

9 MR. FLEMING: Understood.

10 MS. SCHEIDER: Right.

11 MR. CHIN: I, I mean, I agree. I mean,  
12 you know, if we're going grant this thing, we  
13 should go only grant for 180 days. And if they,  
14 if you feel that you're going need more than  
15 that, then you've got to come at least --

16 MR. KEHOE: Well you'd only be granting,  
17 you'd only be granting the 21 feet.

18 MR. FLEMING: What we, yeah, what we'd  
19 be doing, to the extent we want to put a  
20 condition on it, the condition would merely be to  
21 comply with the 180 day --

22 MR. KEHOE: Yes.

23 MR. CHIN: Right.

24 MR. FLEMING: -- and, and, and, and to

1 January 18, 2024

2 seek, seek a further extension through the  
3 building department.

4 MR. WALSH: Right.

5 MS. SCHNEIDER: Okay.

6 MR. KEHOE: Right. I have no problem  
7 with adding that. It's sort of --

8 MR. FLEMING: They have to do it anyway.

9 MR. KEHOE: -- it must be. But I'll,  
10 I'll add that in there.

11 MR. FLEMING: Let's add it in.

12 MR. KEHOE: Yeah. We'll put that --

13 MR. FLEMING: The only problem --

14 MR. KEHOE: -- that's fine as a  
15 condition.

16 MR. FLEMING: The only problem I have  
17 since the application specifically asked for two  
18 forms of relief, what we're doing is denying the  
19 second, and, and to the extent we're going do it,  
20 it's granting the first, and that's what I just  
21 want to make clear. Even though, you know,  
22 Martin's summary was, was --

23 MR. CHIN: A little off.

24 MR. FLEMING: -- was one thing. The



1 January 18, 2024

2 actual application to us asked for two forms of  
3 relief. And the second one, I, I don't think  
4 anyone's going approve, which is the unlimited,  
5 you know, non-temporal limitation on how long  
6 this can stand.

7 MR. CHIN: Beyond the 180 days.

8 MR. FLEMING: Right. And I'd like to say  
9 that's, that's what we're denying.

10 MR. WALSH: Okay.

11 MS. SCHNEIDER: Mm-hmm.

12 MR. CUNNINGHAM: So if the applicant  
13 does want more than the 180 days, the applicant  
14 always apply to the building department. I'm sure  
15 it'll be denied just based on the code. And then  
16 they can come back here and apply for a variance  
17 for a time period.

18 MR. CHIN: I mean, you should do it by  
19 150 days so we get, you know. Otherwise you're  
20 going to have to take that tent down at 180 days  
21 period.

22 MR. FLEMING: I would -- that's, that  
23 was from a practical standpoint --

24 MR. CHIN: At least a month --

1 January 18, 2024

2 MR. FLEMING: You want to --

3 MS. SCHNEIDER: Sure, thank you.

4 MR. FLEMING: -- make sure there's time  
5 built in for you to apply for it, suspecting that  
6 it will be denied for the same basis it currently  
7 was being denied, because it doesn't comply. And  
8 then you'd come before us and we would have to  
9 grant you in an additional period of time. So I  
10 suspect that's the way this will work out.

11 MR. CHIN: So basically, the 180 days is  
12 like six months, am I correct?

13 MR. FLEMING: It is.

14 MR. KEHOE: Yeah.

15 MR. CHIN: Yeah. So you should come back  
16 for an area or another variance, let's say four  
17 months.

18 MR. KEHOE: Yeah. Like almost in May or  
19 --

20 MR. FLEMING: Yeah, I would say, I would  
21 say four, four and a half months, you should make  
22 the application because it'll be denied and  
23 you'll have time to get to us still.

24 MR. KEHOE: And I'm not sure I a hundred

1 January 18, 2024

2 percent share Ms. Schneider's confidence in  
3 what's going happen with the planning board, but  
4 she's working with the planning board.

5 MR. FLEMING: Good luck to you.

6 MS. SCHNEIDER: Come On. Somebody has to  
7 be optimistic here.

8 MR. FLEMING: Alright. So I think what -  
9 - I, I think, and someone should make a motion  
10 for this, but I think what we have to do is we  
11 have to vote on whether we have to have a motion  
12 to approve the variance, the, the setback  
13 variance but to deny the request for --

14 MR. CHIN: Beyond the 180 days.

15 MR. FLEMING: -- an extension of time  
16 which was the second request in the application.  
17 I think that's the way we have to handle this.

18 MR. CUNNINGHAM: That'd be fine. That's  
19 fine.

20 MR. FLEMING: Okay.

21 MS. SCHNEIDER: Mm-Hmm.

22 MR. FLEMING: Alright. So I need a  
23 motion according to those alliances.

24 MR. FRANCO: Well, Is, is there anybody

1 January 18, 2024

2 else? No?

3 MR. FLEMING: Oh, sure, you're  
4 absolutely right. There's nobody here but you are  
5 right.

6 MR. KEHOE: We checked the Zoom. No --

7 MR. FLEMING: We should formally ask  
8 that. You're right. There's no one present in the  
9 courtroom. But nonetheless, we are inviting  
10 anyone in the public to speak. There's no one  
11 present. And I think we just were told there's no  
12 one on Zoom. But to the extent that's wrong, I  
13 would invite anyone in the public on the Zoom  
14 call to --

15 MR. CHIN: Chris, you want him to make  
16 the motion, because he knows what he's talking  
17 about.

18 MR. FLEMING: -- to have any comments.  
19 And there's no one on Zoom.

20 MR. KEHOE: There's one on the Zoom.

21 MR. CHIN: Can you make the motion?

22 MR. WALSH: Yeah.

23 MR. CHIN: You know what exactly what  
24 we're talking about.

1 January 18, 2024

2 MR. FLEMING: You sure? All right, so  
3 hang on one second. Let me pull back up my  
4 computer because I was just looking at it.

5 MR. KEHOE: So you need to close the  
6 public hearing.

7 MR. BELOFF: Oh, I'm sorry. All right, I  
8 make a motion to close case 2023-19 to the public  
9 hearing.

10 MR. WALSH: Second.

11 MR. FLEMING: All in favor?

12 MULTIPLE: Aye.

13 MR. FLEMING: No opposed. The public  
14 hearing is closed. So I think what I'd like is  
15 the application requested two variances, one for  
16 a setback 30 foot to nine foot, requiring a  
17 variance of 21 feet. And then secondly, they  
18 asked for the erection of a temporary structure  
19 and they'd like to have the structure be  
20 maintained beyond the 180 days for a period of  
21 while a Certificate of Occupancy is, is, is being  
22 sought for a separate application before the  
23 planning board. I think what we -- what I'd like  
24 to do is have a motion to approve the variance

1 January 18, 2024

2 you know, of 21 feet, but to deny the request for  
3 a temporal, you know, extension of, of the  
4 temporary structure requirements.

5 MR. CHIN: So yeah, I, agree. I make  
6 that motion to grant the 21 foot variance but  
7 deny 180 square -- I mean 80 day extension beyond  
8 the 180 days for a permit for, you know, for, you  
9 know, C of O for the addition if it does go  
10 through and so forth and so on. Okay. So I would  
11 say that the, if you need a variance again, that  
12 you should do the 120 days to come back, go to  
13 Martin, say, okay, we'll need more than 180 days.  
14 That way it gets back to the zoning board and so  
15 forth and so on. Because he has to deny it first  
16 before it comes back to us.

17 MS. SCHNEIDER: Right.

18 MR. CHIN: So that's how I would make  
19 it.

20 MR. FLEMING: So, so the motion, the  
21 motion is to approve the setback variance, but to  
22 deny the request for --

23 MR. CHIN: More than a 180 days.

24 MR. FLEMING: -- more than 180 days

1 January 18, 2024

2 under section 3103 of the building code for the  
3 erection of a temporary structure.

4 MS. SCHNEIDER: Mm-Hmm.

5 MR. WALSH: Second

6 MR. CHIN: Correct.

7 MR. FLEMING: Do we have a second?

8 MS. PICCOLO HILL: Second.

9 MR. FLEMING: Okay. All in favor?

10 MULTIPLE: Aye.

11 MR. FLEMING: Any opposed?

12 MR. KEHOE: So you'll get a decision and  
13 order on Monday.

14 MS. SCHNEIDER: Okay.

15 MR. CHIN: Yeah. You understand that  
16 right?

17 MS. SCHNEIDER: Thank you all, yeah,  
18 completely.

19 MR. CHIN: Okay. Very good.

20 MS. SCHNEIDER: No, thank you.

21 MR. FLEMING: All right, I think that's  
22 it, so move to close this --

23 MR. CHIN: I make a motion to close the  
24 hearing.

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January 18, 2024

MS. SCHNEIDER: Good evening.

MR. MARTINEZ: Good evening.

MR. CHIN: Second until next month.

MS. PICCOLO HILL: I second.

MR. FLEMING: All in favor?

MULTIPLE: Aye.

MR. FLEMING: We are adjourned.

(The public board meeting concluded at 8:31 p.m.)



CERTIFICATE OF ACCURACY

I, Claudia Marques, certify that the foregoing transcript of the board meeting of the Town of Cortlandt on January 18, 2024 was prepared using the required transcription equipment and is a true and accurate record of the proceedings.

Certified By

A handwritten signature in cursive script that reads "Claudia Marques".

Date: January 31, 2024

GENEVAWORLDWIDE, INC

228 Park Ave S - PMB 27669

New York, NY 10003

## ZONING BOARD OF APPEALS FACT SHEET

**ZBA Member Assigned:** Walsh

**CASE NO.:** 2024-1

**Name of Applicant:** John Power, on behalf of Robert Harper & Wendy Kaufman

**Owner:** Same

**Address of property:** 7 Furnace Brook Drive

**Section, Block, Lot:** 55.12-2-14

**Prior ZBA Case No.:** NA

**Zone:** R-40

**Lot Size:** 27,241 sq. ft.

**Request:** Area Variances, front yard, side yard and building coverage minimum for a proposed addition to an existing residence.

**Staff Comments:** The Code Enforcement office received a building permit application on January 8, 2024 for proposed building alterations to an existing single-family residence at 7 Furnace Brook Dr. The Code Office denied the request on January 22, 2024. The proposed additions to the existing residence require a front yard variance, a side yard variance and a maximum building coverage variance. The front yard variance is necessary due to the redesign and expansion of an existing front porch. The existing porch is located 37.33 from the front yard setback. The property is zoned R-40, single-family residential.

**Variance(s) Requested:** Area Variances, front yard and side yard for a proposed addition, and for maximum building coverage.

<u>REQUIRED</u>	<u>PROPOSED</u>	<u>VARIANCE</u>	<u>%</u>
Front Yard – 50 ft.	34 ft.*	16 ft.	32%
<i>*The existing porch is 37.33 from the front yard setback</i>			
Side Yard – 27.5 ft.	20 ft.	7.5 ft.	27%
Building Coverage			
3,071 sq. ft.	3,111	40 ft.	2%

**SEQR: TYPE II – No further compliance required**



**TOWN OF CORTLANDT**  
**DEPARTMENT OF TECHNICAL SERVICES**  
**CODE ENFORCEMENT DIVISION**

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

**Martin G. Rogers, P.E.**  
*Director of Code Enforcement / D.O.T.S.*

**Holly Haight**  
*Assistant Director of Code Enforcement / D.O.T.S.*

Town Hall, 1 Heady Street  
Cortlandt Manor, NY 10567  
Main #: 914-734-1010  
Fax #: 914-293-0991

**Town Supervisor**  
Richard H. Becker

**Town Board**  
James F. Creighton  
Cristin Jacoby  
Robert E. Mayes  
Joyce C. White

**John Power, R.A.**  
24 Van Wyck St  
Croton on Hudson, NY 10520-2526

January 22, 2024

Re: Proposed Additions and Alterations  
7 Furnace Brook Dr  
Tax ID 55.12-2-14

Mr. Power:

I am in receipt of your Building Permit Application received 1/8/2024 for Proposed Additions and Alterations at the above referenced premises.

I must deny this request under the following chapter of the Town of Cortlandt Zoning Code: Section 307-17 Table of Dimensional Regulations, Residential Districts. Request for a variance from the Code is required. 50' Front Yard setback is required. 34.0' is proposed to the Front Entry Porch requiring a variance for 16.0'. 27.5' Side Yard setback is required. 20.0' is proposed requiring a variance for 7.5'. Max Building Coverage Allowed is 3,071 SF. 3,111 SF is proposed requiring a variance for 40 SF.

The Zoning Board of Appeals application shall be completed online. If the application is deemed complete additional instructions will follow and then the project will then be placed on the agenda for the next available Zoning Board of Appeals meeting.

Additional information may be required upon subsequent reviews. Technical comments for the submission may be issued separately. If you have any questions or comments please feel free to contact me by email or at 914-734-1010.

Sincerely,

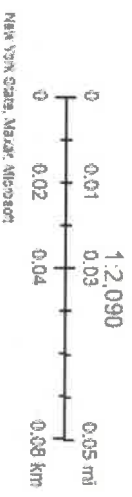
**Martin G. Rogers, P.E.**  
Director of Code Enforcement  
Department of Technical Services

Cc: Chris Kehoe, Town Planner

# Cortlandt



1/31/2024, 9:08:58 AM





Cortlandt, New York

Google Street View

Apr 2023

See more dates



Image capture: Apr 2023 © 2024 Google



**John Power**  
**Architect**  
24 Van Wyck Street  
Croton On Hudson NY 10520

January 28, 2024

**Town of Cortlandt**  
**Zoning Board of Appeals**  
1 Heady Street  
Cortlandt Manor, NY 10567

**Attention: Zoning Board Members**

Re: **7 Furnace Brook Drive**  
**Cortlandt Manor, NY 10567**  
**SBL # 55.12 – 2 – 14**

This letter is prepared to provide a project narrative and explain the reasons for the requested area variances, responding to the (5) factors used to determine the benefit to the applicant weighed against the detriment to the health, safety and welfare of the neighborhood of the subject property.

This project of additions and alteration achieves a number of goals. The addition of a great room/living areas takes advantage of the foundation of an underutilized and oversized screened in room and make it into a space for gathering and small breakfast table area and rear screen room of more modest dimensions.

The other minor improvements include a complete redesign and expansion of an undersized kitchen and a rear dormer to one of the second floor bedrooms to provide a view to the rear yard and further light and ventilation purposes.

An improvement that requires an area variance for the front yard setback is a redesign and expansion of the front area porch whose rooftop structure will extend approximately 2 feet further than existing porch roof overhang to protect porch landing surface from rain and snow accumulation. Notice that the entire front of the dwelling was originally built within the front yard setback.

**John Power**  
**Architect**  
**24 Van Wyck Street**  
**Croton On Hudson NY 10520**

The main goal of the overall project is to provide for a first floor expansion for a primary bedroom suite and hallway along the rear of the dwelling to allow current owners to age in place on one floor level. This requires the side yard setback of 7.5 feet for the ramp landing and further back the primary bath addition corner.

The building coverage area variance request of 40 sf. is minor relative to the scale of the first floor additions. This is surely a result of the fact that the lot size of 27,263 sf. substantially below the required lot size of 40,000 sf. for the R-40 zoning district. This point can also be used as an explanation for the other two variances requested. It is a substantially undersized lot.

In regard to the (5) factors the ZBA considers I shall make these statements.

(1) The three requested variances shall not produce an undesirable change to the neighborhood and especially the neighboring properties as there is substantial space and vegetation between the properties adjacent to the subject property.

(2) The benefit sought by the applicant cannot be achieved by some other feasible method. The project uses an existing foundation for a portion of the project and proposes rear additions that are predominantly within the lot's allowable building area. The front porch expansion provides a design symmetry, and a timber detailed truss is more in scale with the existing dwelling.

(3) All three variances are not substantial. The front yard variance of 16 feet is somewhat substantial within a 50 foot set back but the entire existing dwelling is within the front yard setback with an existing minimum dimension of 37.33 feet currently.

**John Power**  
**Architect**  
24 Van Wyck Street  
Croton On Hudson NY 10520

- (4) The proposed variances will not have an adverse effect on the physical or environmental conditions in the neighborhood.
- (5) The difficulty is a result of the undersized nature of the lot and not self-created.

Respectfully submitted,

John J. Power Jr. R.A.





# EXISTING DWELLING PHOTOS



FRONT  
OF EXISTING  
DWELLING



REAR  
OF EXISTING  
DWELLING



NORTH  
SIDE OF  
EXISTING  
DWELLING

# EXISTING DWELLING PHOTOS



SOUTH  
SIDE OF  
EXISTING  
DWELLING



NORTH  
SIDEYARD  
AREA



SIDEYARD  
FACING  
NEIGHBOR  
TO NORTH



# NEIGHBOR DWELLING PHOTOS



NEIGHBOR  
(FRONT)  
NORTH OF  
SUBJECT  
PROPERTY



NEIGHBOR  
(REAR)  
NORTH OF  
SUBJECT  
PROPERTY



NEIGHBOR  
(REAR)  
SOUTH OF  
SUBJECT  
PROPERTY

# FURNACE BROOK DR. PHOTOS



ANOTHER  
DWELLING  
ON  
FURNACE  
BROOK DR.



ANOTHER  
DWELLING  
ON  
FURNACE  
BROOK DR.



ANOTHER  
DWELLING  
ON  
FURNACE  
BROOK DR.



# FURNACE BROOK DR. PHOTOS



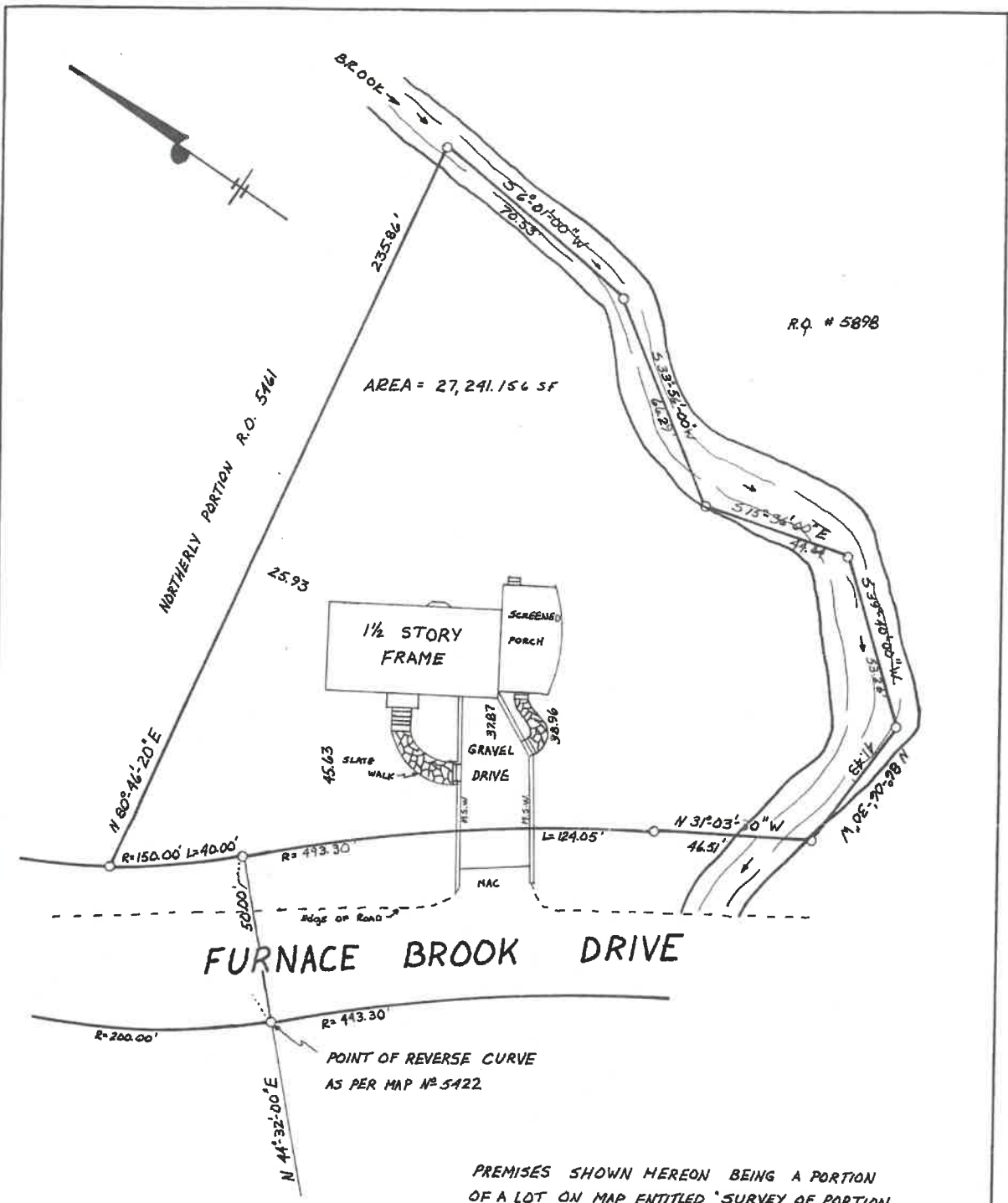
SUBJECT  
DWELLING  
ON  
FURNACE  
BROOK DR.



VIEW  
IN FRONT  
OF  
SUBJECT  
DWELLING



VIEW OF  
DWELLING  
FROM  
FURNACE  
BROOK



**FURNACE BROOK DRIVE**

PREMISES SHOWN HEREON BEING A PORTION OF A LOT ON MAP ENTITLED, "SURVEY OF PORTION OF FURNACE BROOK FARMS INC." SAID MAP FILED IN THE OFFICE OF THE COUNTY CLERK, WHITE PLAINS, N.Y. AS MAP N° 5461

CERTIFIED TO: KENNETH PREGNO AGENCY, LTD.  
CHICAGO TITLE INSURANCE COMPANY  
 # 8610-154954  
MANUFACTURES HANOVER TRUST CO.

Scale 1" = 30'  
 SEC - 18.1  
 LOT - 28

SURVEYED: APRIL 7, 1986  
 BROUGHT TO DATE \_\_\_\_\_  
 BROUGHT TO DATE \_\_\_\_\_

**JOHN SALVATORE ROMEO**  
 Consulting Engineer & Land Surveyor  
 1 NORTHRIDGE ROAD  
 PEEKSKILL, N. Y.  
*John Salvatore Romeo*  
 P. E. & L. S. NYS LIC. NO. 027846

Certifications hereon are valid for Bank, Title Co. & Owners for this transaction only. Certifications are not transferable to subsequent Bank, Title Co. or Owners.  
 All certifications hereon are valid for this map and copies thereof only if said map or copies bear the impressed seal of the surveyor whose signature appears hereon.

**SURVEY OF PROPERTY FOR**  
**EZRA ZASK**  
 &  
**JUDITH KIP ROCKWELL LINSOTT**  
 SITUATE IN THE  
 TOWN OF CORTLANDT  
 WESTCHESTER COUNTY  
 NEW YORK

"It is hereby certified that this survey was prepared in accordance with the existing Code of Practice for Land Surveys adopted by the New York State Association of Pro..."

# GENERAL NOTES

1. THESE GENERAL NOTES SHALL APPLY TO ALL DRAWINGS IN THIS SET AND SHALL EXTEND TO ANY CHANGES, EXTRAS, OR ADDITIONS AGREED TO DURING THE COURSE OF THE WORK.
2. DO NOT SCALE DRAWINGS; DIMENSIONS SHALL GOVERN. DETAILS SHALL GOVERN OVER PLANS AND ELEVATIONS, LARGE SCALE DETAILS SHALL GOVERN OVER SMALL SCALE DETAILS.
3. THERE WILL BE NO SUBSTITUTION OF MATERIALS WHERE MANUFACTURER IS SPECIFIED. WHERE THE TERM 'OR EQUAL' ISSUED, THE ARCHITECT ALONE SHALL DETERMINE THE EQUALITY BASED UPON INFORMATION SUBMITTED BY THE CONTRACTOR.
4. WORK IS TO BE PERFORMED IN ACCORDANCE WITH RULES AND REGULATIONS OF GOVERNMENTAL AGENCIES HAVING JURISDICTION AND SHALL CONFORM TO ALL CITY, COUNTY, STATE AND FEDERAL CONSTRUCTION, SAFETY, AND SANITARY LAWS, CODES, STATUTES AND ORDINANCES, WHETHER OR NOT SPECIFIED ON THE DRAWINGS.
5. THE GENERAL CONTRACTOR, AT HIS COST, SHALL FURNISH ALL TEMPORARY LIGHT AND POWER COMPLETE WITH ALL WIRING, LAMPS AND SIMILAR EQUIPMENT, AS REQUIRED FOR THE COMPLETION OF THE WORK. HE SHALL REMOVE ALL SUCH WORK WHEN DIRECTED.
6. THE GENERAL CONTRACTOR SHALL DO ALL CUTTING, PATCHING AND FITTING WORK THAT MAY BE REQUIRED TO MAKE ALL PARTS COME TOGETHER PROPERLY, AND FIT TO RECEIVE OR BE RECEIVED BY WORK OF OTHER CONTRACTORS.
7. THE GENERAL CONTRACTOR SHALL, BEFORE SUBMITTING HIS BID, REVIEW ALL PLANS AND SPECIFICATIONS AND VERIFY ALL GOVERNING DIMENSIONS AT THE BUILDING. HE SHALL EXAMINE ALL ADJOINING WORK OR AREAS UPON WHICH THE PERFORMANCE OF HIS WORK IS IN ANY WAY DEPENDENT. ANY VARIATIONS OR DISCREPANCIES SHALL BE REPORTED, WITH ALL DUE EXPEDIENCY, TO THE ARCHITECT.
8. THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR THE DISTRIBUTION OF DRAWINGS TO ALL TRADES UNDER HIS JURISDICTION.
9. THE GENERAL CONTRACTOR SHALL FURNISH SAMPLES OF THE VARIOUS MATERIALS AND FINISHES REQUESTED IN THE CONTRACT DOCUMENTS TO THE ARCHITECT ALONG WITH THE INTENDED USE BEFORE THE COMMENCEMENT OF THE SPECIFIED WORK.
10. THE CONTRACTOR SHALL BE ANSWERABLE TO THE ARCHITECT AND SHALL NOT ACCEPT INSTRUCTION FROM LOCAL PERSONNEL WITHOUT VERIFICATION FROM THE ARCHITECT. THE CONTRACTOR SHALL BE LIABLE FOR ANY EXPENSE CAUSED BY THE EXECUTION OF SUCH WORK WITHOUT SUCH VERIFICATION AND FOR EXPENSES CAUSED BY ITS REMOVAL OR CORRECTION.
11. DRAWINGS IN THIS SET AND DESIGNS THEREON ARE THE PROPERTY OF THE ARCHITECT.
12. A REPRESENTATIVE OF THE GENERAL CONTRACTOR, AUTHORIZED TO DISCUSS THE WORK AND RECEIVE INSTRUCTIONS FROM THE ARCHITECT SHALL BE ON THE JOB AT ALL TIMES THAT WORK IS IN PROGRESS.
13. ALL MATERIALS SHALL BE NEW, UNUSED AND OF THE HIGHEST QUALITY IN EVERY RESPECT UNLESS OTHERWISE NOTED. MANUFACTURED MATERIALS AND EQUIPMENT SHALL BE INSTALLED AS PER MANUFACTURER'S RECOMMENDATIONS AND INSTRUCTIONS, UNLESS OTHERWISE NOTED.
14. ALL WORK AND MATERIALS FURNISHED BY THE GENERAL CONTRACTOR AND HIS SUBCONTRACTORS SHALL BE GUARANTEED AGAINST DEFECTS IN WORKMANSHIP AND MATERIALS FOR A PERIOD OF AT LEAST ONE (1) YEAR FROM THE ARCHITECT'S APPROVAL FOR FINAL PAYMENT.
15. ALL WORK SHALL BE ERECTED AND INSTALLED PLUMB, SQUARE AND TRUE, AND IN PROPER ALIGNMENT.
16. ALL WORK SHALL BE COMPLETED FOR THE AGREED UPON CONTRACT PRICE WITHOUT RECOURSE TO LABOR STOPPAGES OR REVISIONS OF GOVERNING REGULATIONS, LAWS AND CODES.
17. THE CONTRACTOR SHALL NOT PROCEED WITH ANY ADDITIONAL WORK OR CHANGES FOR WHICH HE EXPECTS ADDITIONAL COMPENSATION BEYOND THE CONTRACT AMOUNT WITHOUT WRITTEN AUTHORIZATION FROM THE ARCHITECT. FAILURE TO OBTAIN SUCH AUTHORIZATION SHALL INVALIDATE ANY CLAIM FOR EXTRA COMPENSATION.
18. ALL INSTALLED PLUMBING, MECHANICAL AND ELECTRICAL EQUIPMENT SHALL OPERATE QUIETLY AND FREE OF VIBRATION.
19. ALL NEW YORK STATE ENERGY CODE REQUIREMENTS SHALL BE MET OR EXCEEDED.
20. THE CONTRACTOR SHALL BE REQUESTED TO PROVIDE SAMPLES LISTED BELOW. NO MATERIALS SHALL BE USED WHICH DO NOT EQUAL THE APPROVED SAMPLE. UNTIL SUCH APPROVAL HAS BEEN GIVEN, ANY MATERIAL TO BE SO APPROVED MUST NOT BE FABRICATED OR INCORPORATED IN THE WORK. THE APPROVAL OF SAMPLES WILL NOT PRECLUDE THE REJECTION OF ANY MATERIAL UPON THE DISCOVERY OF DEFECTS IN SAME PRIOR TO THE FINAL ACCEPTANCE OF THE COMPLETED WORK.
21. SUBSTITUTIONS FOR APPROVED MATERIALS WILL BE ALLOWED UNDER THE CONDITIONS PREVIOUSLY STATED. SAMPLES, MATERIAL LISTS, MANUFACTURER'S LITERATURE AND OTHER REQUIRED INFORMATION SHALL BE SUBMITTED IN SUFFICIENT TIME TO PERMIT PROPER CONSIDERATION AND ACTION ON SAME BEFORE ANY MATERIALS OR ITEMS WHICH SUCH SUBMITTAL REPRESENT ARE DELIVERED TO THE JOB SITE.
22. THE CONTRACTOR WILL BE HELD RESPONSIBLE FOR ANY DELAY IN THE PROGRESS OF THE WORK WHICH MAY BE DUE TO HIS FAILURE TO OBSERVE THESE REQUIREMENTS. THE TIME FOR THE COMPLETION OF HIS CONTRACT WILL NOT BE EXTENDED ON ACCOUNT OF HIS FAILURE TO SUBMIT SAMPLES PROMPTLY IN STRICT ACCORDANCE HEREWITH.
23. SHOULD THE GENERAL CONTRACTOR, BY HIS OWN DEFAULT, FAIL TO ADHERE TO THE CONSTRUCTION SCHEDULE, HE SHALL, AT THE DISCRETION OF THE ARCHITECT, PERFORM WORK IN PREMIUM TIME TO CONFORM WITH THE SCHEDULE. ANY EXPENSES AS MAY BE CAUSED BY SUCH WORK SHALL BE THE RESPONSIBILITY OF THE GENERAL CONTRACTOR.
24. THE GENERAL CONTRACTOR IS TO PROVIDE ALL LABOR AND MATERIALS NECESSARY TO EXECUTE ALL THE WORK AS SHOWN IN THE CONTRACT DOCUMENTS WITH THE EXCEPTION OF THOSE ITEMS NOTED AS SEPARATE CONTRACTS OR 'N.I.C.'.
25. SHOULD THE DRAWINGS DISAGREE IN THEMSELVES OR WITH THE SPECIFICATIONS, OR SHOULD THE SPECIFICATIONS DISAGREE IN THEMSELVES, THE BETTER QUALITY OR GREATER QUANTITY OF WORK OR MATERIALS SHALL BE ESTIMATED UPON, AND THE ARCHITECT NOTIFIED BEFORE PROCEEDING. THE GENERAL CHARACTER OF THE DETAIL WORK IS SHOWN ON THE DRAWINGS BUT MINOR MODIFICATIONS MAY BE MADE BY THE ARCHITECT.
26. THE CONTRACTOR SHALL AT ALL TIMES KEEP THE PREMISES FREE OF ACCUMULATION OF WASTE MATERIALS OR RUBBISH CAUSED BY HIS OPERATIONS. THE CONTRACTOR SHALL CONFINE HIS OPERATIONS FOR REMOVAL TO SUCH METHODS AS MAY BE AGREEABLE WITH THE OWNER. THE PROJECT SHALL BE LEFT CLEAN AND CLEAR, TO THE SATISFACTION OF THE ARCHITECT AND THE DISPOSITION OF ALL SALVAGED MATERIALS IS TO BE CLEARED WITH THE ARCHITECT PRIOR TO REMOVAL.
27. UPON COMPLETION OF THE WORK, THE CONTRACTOR SHALL NOTIFY THE ARCHITECT WHO WILL COMPILE A 'PUNCH LIST' OF CORRECTIONS AND UNSATISFACTORY AND/OR INCOMPLETE WORK. FINAL PAYMENT WILL BE CONTINGENT ON THE COMPLETION OF THESE ITEMS.
28. THE CONTRACTOR SHALL VERIFY THAT NO CONFLICTS EXIST IN LOCATIONS OF ANY AND ALL MECHANICAL, ELECTRICAL, TELEPHONE, LIGHTING, PLUMBING AND SPRINKLER EQUIPMENT (TO INCLUDE ALL PIPING, DUCTWORK AND CONDUIT), AND THAT ALL REQUIRED CLEARANCES FOR INSTALLATION AND MAINTENANCE OF ABOVE EQUIPMENT ARE PROVIDED.
29. THROUGHOUT THE DURATION OF THE PROJECT, THE CONTRACTOR SHALL REFRAIN FROM ACTIONS THAT COULD LEAD TO THE FILING OF A CLAIM OF LIEN AGAINST THE ARCHITECT BY SUBCONTRACTORS OR SUPPLIERS OF MATERIALS, LABOR, SERVICE OR EQUIPMENT OR ANY OTHER OTHER INDIVIDUAL OR COMPANY SO ENTITLED UNDER GOVERNING LAWS AND REGULATIONS UNLESS HE CAN SHOW REASONABLE AND JUSTIFIABLE CAUSE.
30. THE OWNER MUST OBTAIN AND MAINTAIN ALL INSURANCE REQUIRED BY LOCAL BUILDING DEPARTMENT AND LENDING INSTITUTIONS.
31. PROJECT SHALL COMPLY WITH THE 2020 NEW YORK STATE RESIDENTIAL CODE.
32. LICENSED ELECTRICIAN TO PROVIDE HARDWIRED SMOKE AND CARBON MONOXIDE DETECTORS AS REQUIRED BY THE 2020 NEW YORK STATE RESIDENTIAL CODE.

# DRAWING LIST

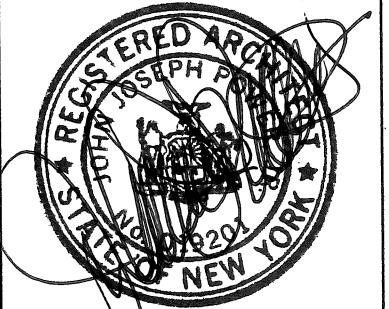
GENERAL NOTES & DRAWING LIST	A-1
PLOT PLAN & ZONING STUDY	A-2
FIRST FLOOR PLAN	A-3
SECOND FLOOR PLAN	A-4
FRONT (WEST) ELEVATION	A-5
SIDE (SOUTH) ELEVATION	A-5
REAR (EAST) ELEVATION	A-6
SIDE (NORTH) ELEVATION	A-6
EXISTING FIRST FLOOR PLAN	X-1
EXISTING SECOND FLOOR PLAN	X-2
EXISTING FRONT & (SOUTH) SIDE ELEVATION	X-3
EXISTING REAR & (NORTH) SIDE ELEVATION	X-4

**HARPER KAUFMAN RESIDENCE**

**ADDITIONS & ALTERATIONS**

**7 FURNACE BROOK DR. CORTLANDT MANOR NEW YORK**

**SBL # 55.12-2-14**



IT IS A VIOLATION OF THE LAW FOR ANY PERSON, UNLESS ACTING UNDER THE DIRECTION OF THE LICENSED ARCHITECT TO ALTER AN ITEM ON THE DRAWINGS BEARING THE SEAL AND SIGNATURE OF THE THE LICENSED ARCHITECT OF RECORD

**JOHN POWER ARCHITECT**

24 VAN WYCK STREET CROTON ON HUDSON N.Y. 10520

914 . 271 . 3221

john@johnpowerarchitect.com

ZONING BOARD	1/23/24
BLDG PERMIT	1/7/24
DES REVIEW	12/10/23
PRELIM PRICE	7/20/23
SCHEM DESIGN	4/20/23
DES REVIEW	4/4/23
DES REVIEW	3/16/23
EXIST ELEV	1/12/23
EXIST PLANS	11/16/22

No.	Revisions	Date
		10/21/22

Drawing Title

**GENERAL NOTES & DRAWING LIST**

Drawn by JJP Checked by JJP

Project No. 2022.11 Scale N.A.

Drawing No. A-1



# ZONING ANALYSIS FOR DISTRICT R-40

BULK REGULATIONS	REQUIRED/ ALLOWED	EXISTING	PROPOSED	VARIANCE REQUIRED
LOT AREA MIN.	40,000 SF.	27,263 SF.	N.C.	
MIN. LOT WIDTH	150 FEET	136 FEET	N.C.	
MAX BLDG. HEIGHT	2½ STY/ 35 FT.	1½ STY/ 26 FT.	2 STY/ 26 FT.	
FRONT YARD MIN.	50 FEET	37.33 FEET	34.00 FEET	16.00 FEET
REAR YARD	30 FEET	±96 FEET	±47 FEET	
SIDE YARD	27.5 FEET	26.25 FEET	20 FEET	7.5 FEET
MAX. BLDG. FLOOR AREA	4,725 SF.	2,008 SF.	3,528 SF	
MAX. BLDG. COVERAGE 65% OF ALLOW. F.A.R	3,071 SF. ALLOWED	1,905 SF.	3,111 SF	40 SF.
DWELLING USE MIN. LANDSCAPE COVER 60% OF LOT AREA	16,368 SF. REQUIRED	25,305 SF EXISTING	24,089 SF PROPOSED	

## HARPER KAUFMAN RESIDENCE

### ADDITIONS & ALTERATIONS

T  
FURNACE BROOK DR.  
CORTLANDT MANOR  
NEW YORK

SBL # 55.12-2-14



IT IS A VIOLATION OF THE LAW FOR ANY PERSON, UNLESS ACTING UNDER THE DIRECTION OF THE LICENSED ARCHITECT TO ALTER AN ITEM ON THE DRAWINGS BEARING THE SEAL AND SIGNATURE OF THE LICENSED ARCHITECT OF RECORD

**JOHN POWER ARCHITECT**

24 VAN WYCK STREET  
CROTON ON HUDSON N.Y. 10520

914.271.3221

john@johnpowerarchitect.com

ZONING BOARD 1/23/24  
BLDG PERMIT 1/7/24  
DES REVIEW 12/10/23  
PRELIM PRICE 7/20/23  
SCHEM DESIGN 4/20/23  
DES REVIEW 4/4/23  
DES REVIEW 3/16/23  
EXIST ELEV 1/12/23  
EXIST PLANS 11/16/22

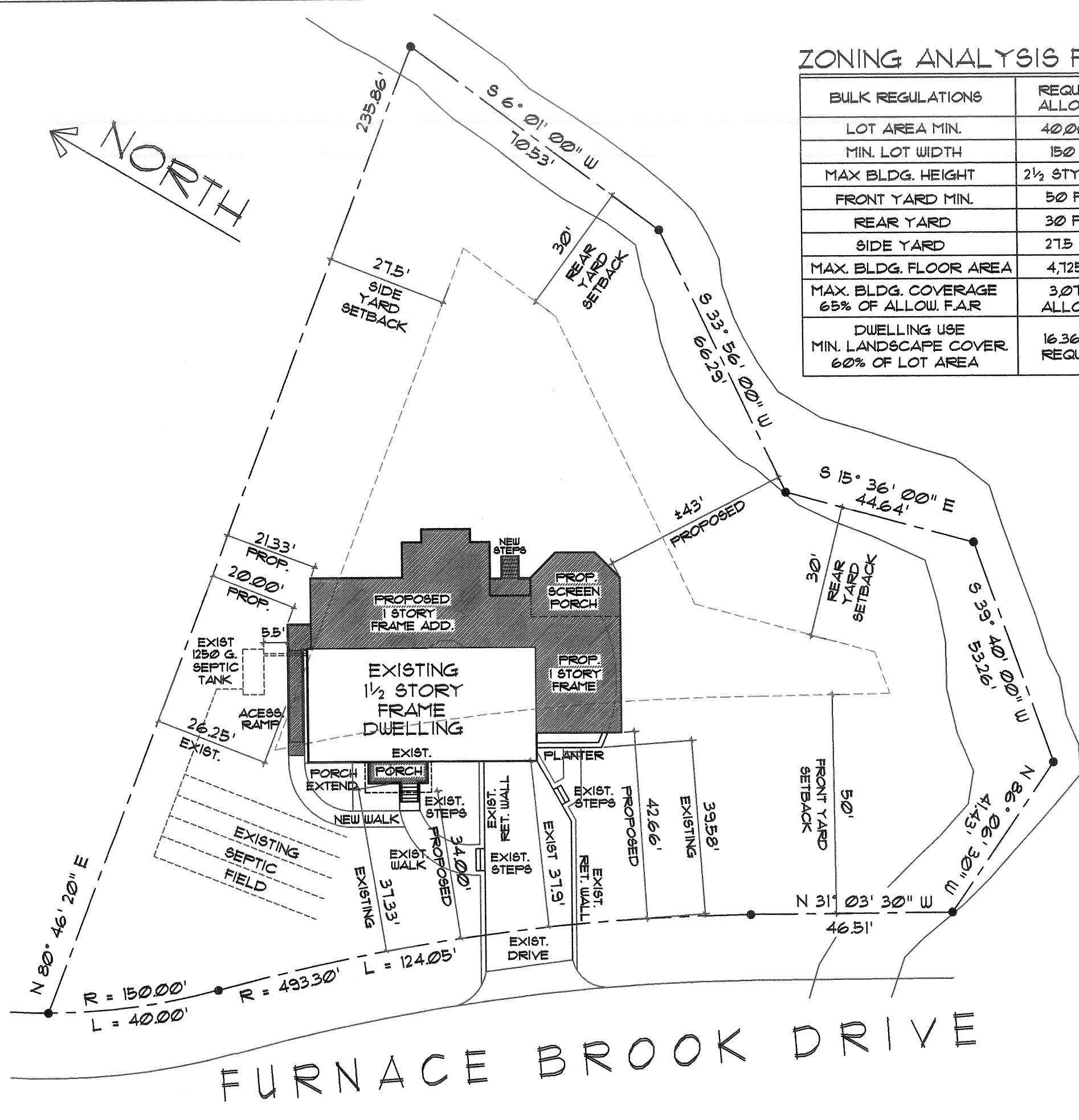
No. Revisions Date  
PROJECT START 10/21/22

Drawing Title  
**PLOT PLAN & ZONING ANALYSIS**

Drawn by JJP Checked by JJP

Project No. 2022.11 Scale 1" = 25'-0"  
Drawing No.

A-2



PLOT PLAN BASED ON  
SURVEY OF PROPERTY  
FOR  
EZRA ZASK  
&  
JUDITH KIP ROCKWELL LINSKOTT

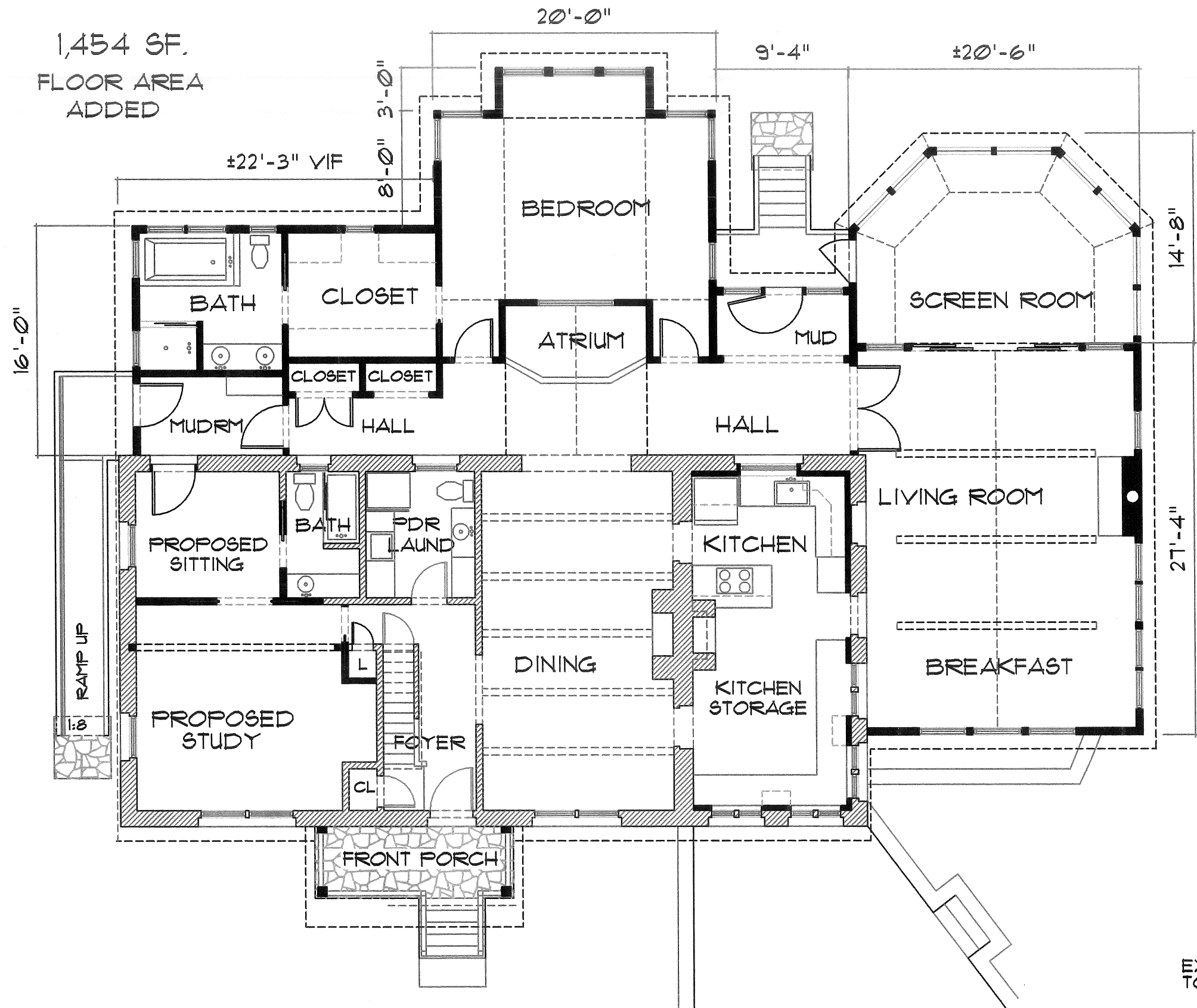
SITUATED IN  
TOWN OF CORTLANDT  
COUNTY OF WESTCHESTER  
STATE OF NEW YORK

SURVEYED SEPTEMBER 1, 1941

BY  
JOHN SALVATORE ROMERO  
LAND SURVEYOR  
PEEKSKILL, NEW YORK

FURNACE BROOK DRIVE





PROPOSED FIRST FLOOR PLAN

EXISTING WALL TO REMAIN   
 NEW WALL CONSTRUCTION 

**HARPER KAUFMAN RESIDENCE**

**ADDITIONS & ALTERATIONS**

7  
 FURNACE BROOK DR.  
 CORTLANDT MANOR  
 NEW YORK

SBL # 55.12-2-14



IT IS A VIOLATION OF THE LAW FOR ANY PERSON, UNLESS ACTING UNDER THE DIRECTION OF THE LICENSED ARCHITECT TO ALTER AN ITEM ON THE DRAWINGS BEARING THE SEAL AND SIGNATURE OF THE LICENSED ARCHITECT OF RECORD

**JOHN POWER ARCHITECT**

24 VAN WYCK STREET  
 CROTON ON HUDSON N.Y. 10520

914 . 271 . 3221  
 john@johnpowerarchitect.com

ZONING BOARD	1/23/24
BLDG PERMIT	1/7/24
DES REVIEW	12/10/23
PRELIM PRICE	7/20/23
SCHEM DESIGN	4/20/23
DES REVIEW	4/4/23
DES REVIEW	3/16/23
EXIST ELEV	1/12/23
EXIST PLANS	11/16/22

No.	Revisions	Date
PROJECT START 10/21/22		

Drawing Title  
**PROPOSED FIRST FLOOR PLAN**

Drawn by JJP Checked by JJP

Project No. 2022.11 Scale 1/8" = 1'-0"  
 Drawing No. A-3

# HARPER KAUFMAN RESIDENCE

## ADDITIONS & ALTERATIONS

7  
FURNACE BROOK DR  
CORTLANDT MANOR  
NEW YORK

SBL # 55.12-2-14



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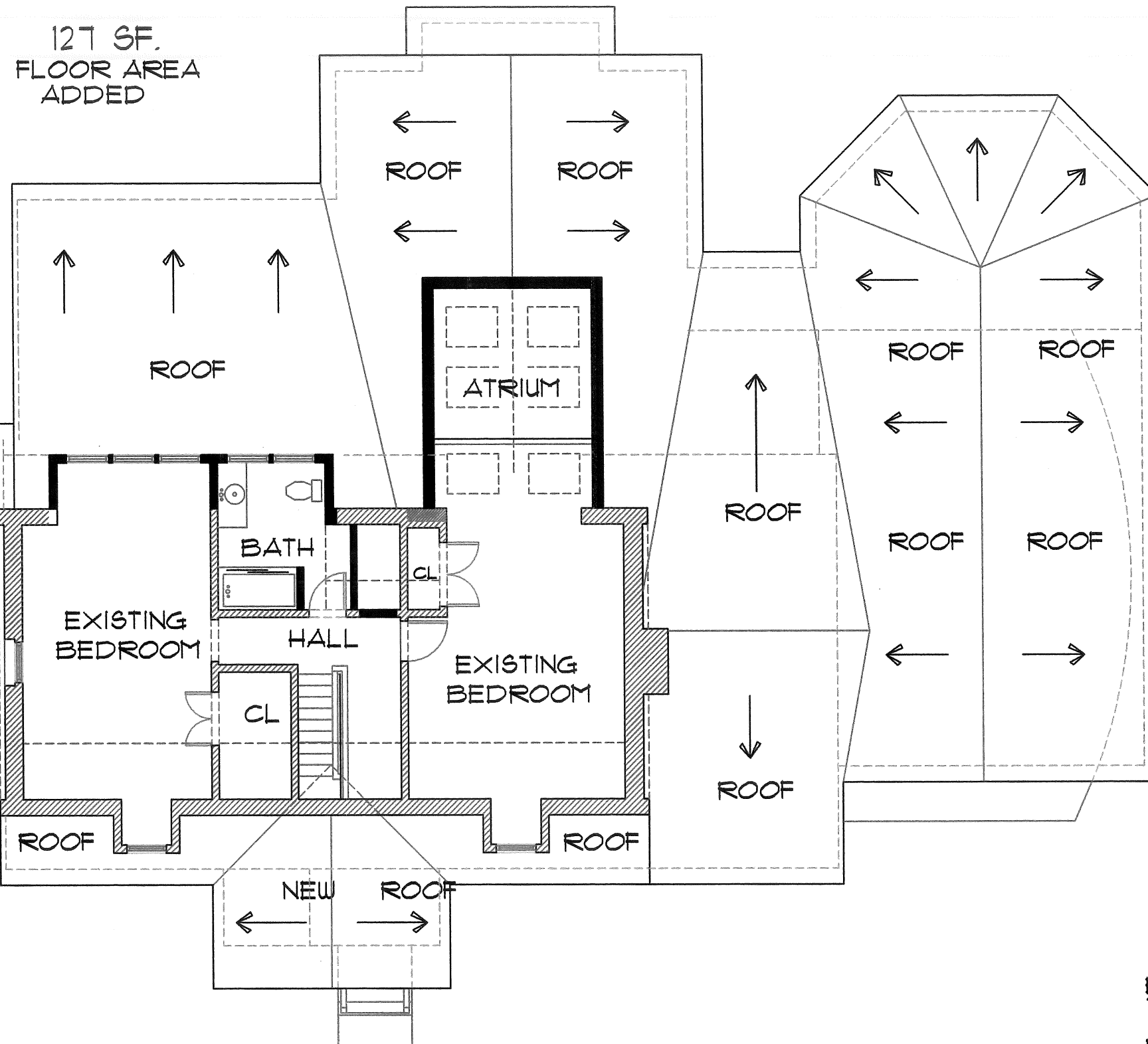
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BLDG PERMIT	1/7/24
DES REVIEW	12/10/23
PRELIM PRIC	7/20/23
SCHEM DESIGN	4/20/23
DES REVIEW	4/4/23
DES REVIEW	3/16/23
EXIST ELEV	1/12/23
EXIST PLANS	11/16/22

No.	Revisions	Date
	PROJECT START	10/21/22

Drawing Title  
**PROPOSED SECOND FLOOR PLAN**

Drawn by JJP Checked by JJP

Project No. 2022.11 Scale 1/8" = 1'-0"  
Drawing No. A = 4



**PROPOSED SECOND FLOOR PLAN**



PROPOSED FRONT (WEST) ELEVATION



PROPOSED SIDE (SOUTH) ELEVATION

**HARPER  
KAUFMAN  
RESIDENCE**

ADDITIONS &  
ALTERATIONS

7  
FURNACE BROOK DR.  
CORTLANDT MANOR  
NEW YORK

SBL # 55.12-2-14



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DRAWINGS BEARING THE SEAL  
AND SIGNATURE OF THE  
THE LICENSED ARCHITECT  
OF RECORD

**JOHN POWER  
ARCHITECT**

24 VAN WYCK STREET  
CROTON ON HUDSON N.Y. 10520

914 . 271 . 3221  
john@johnpowerarchitect.com

ZONING BOARD	1/23/24
BLDG PERMIT	1/7/24
DES REVIEW	12/10/23
PRELIM PRICE	7/20/23
SCHEM DESIGN	4/20/23
DES REVIEW	4/4/23
DES REVIEW	3/16/23
EXIST ELEV	1/12/23
EXIST PLANS	11/16/22

No.	Revisions	Date
		10/21/22

Drawing Title  
**PROPOSED  
FRONT & WEST SIDE  
ELEVATIONS**

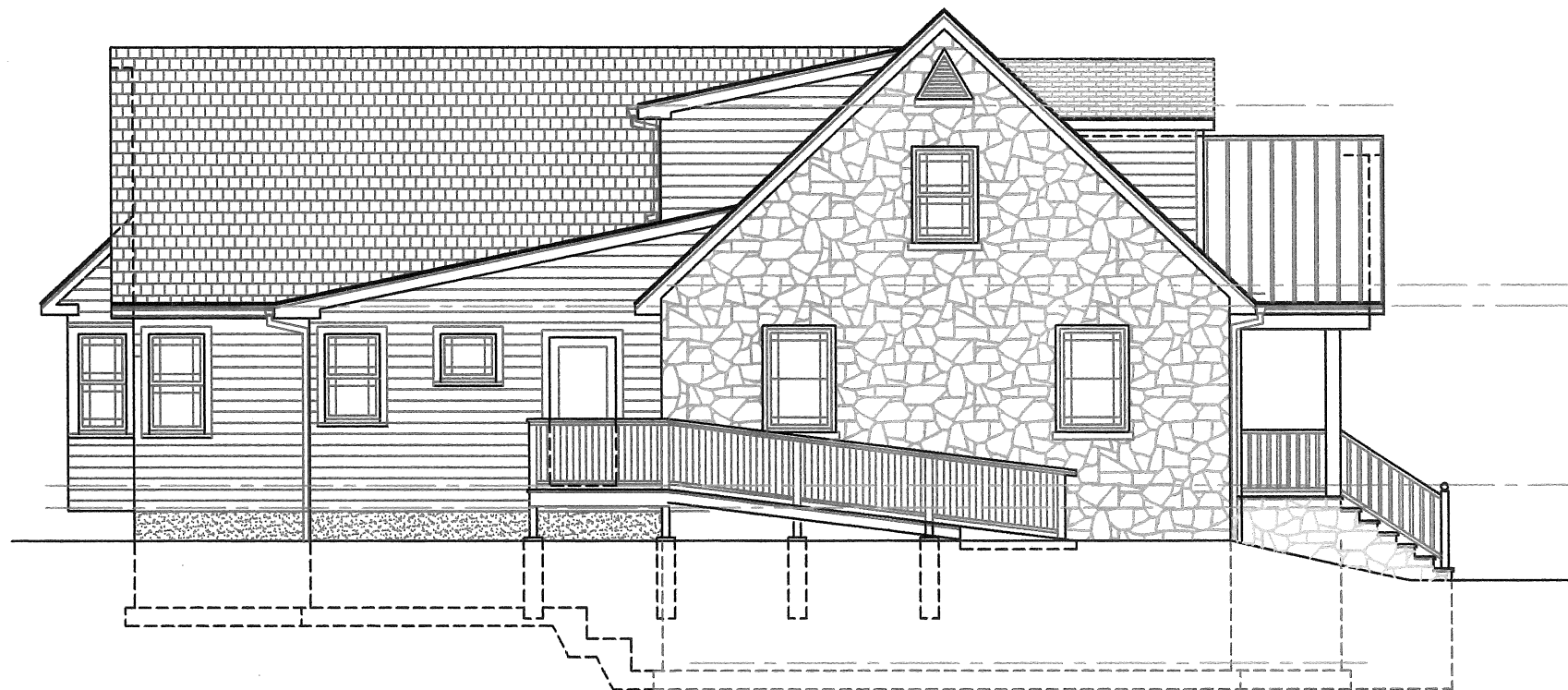
Drawn by **JJP** Checked by **JJP**

Project No. **2022.11** Scale **1/8" = 1'-0"**  
Drawing No.

**A-5**



PROPOSED REAR (EAST) ELEVATION



PROPOSED SIDE (NORTH) ELEVATION

**HARPER  
KAUFMAN  
RESIDENCE**

ADDITIONS &  
ALTERATIONS

7  
FURNACE BROOK DR.  
CORTLANDT MANOR  
NEW YORK

SBL # 55.12-2-14



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OF RECORD

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ARCHITECT**

24 VAN WYCK STREET  
CROTON ON HUDSON N.Y. 10520

914 . 271 . 3221  
john@johnpowerarchitect.com

ZONING BOARD	1/23/24
BLDG PERMIT	1/7/24
DES REVIEW	12/10/23
PRELIM PRICE	7/20/23
SCHEM DESIGN	4/20/23
DES REVIEW	4/4/23
DES REVIEW	3/16/23
EXIST ELEV	1/12/23
EXIST PLANS	11/16/22

No.	Revisions	Date
	PROJECT START	10/21/22

Drawing Title  
**PROPOSED  
REAR & NORTH SIDE  
ELEVATIONS**

Drawn by **JJP** Checked by **JJP**

Project No. **2022.11** Scale **1/8" = 1'-0"**  
Drawing No.

A-6



**HARPER  
KAUFMAN  
RESIDENCE**

**ADDITIONS &  
ALTERATIONS**

7  
FURNACE BROOK DR  
CORTLANDT MANOR  
NEW YORK

**SBL # 55.12-2-14**



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OF RECORD

**JOHN POWER  
ARCHITECT**

24 VAN WYCK STREET  
CROTON ON HUDSON N.Y. 10520

914 . 271 . 3221  
john@johnpowerarchitect.com

ZONING BOARD 1/23/24  
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DES REVIEW 3/16/23  
EXIST ELEV 1/12/23  
EXIST PLANS 11/16/22

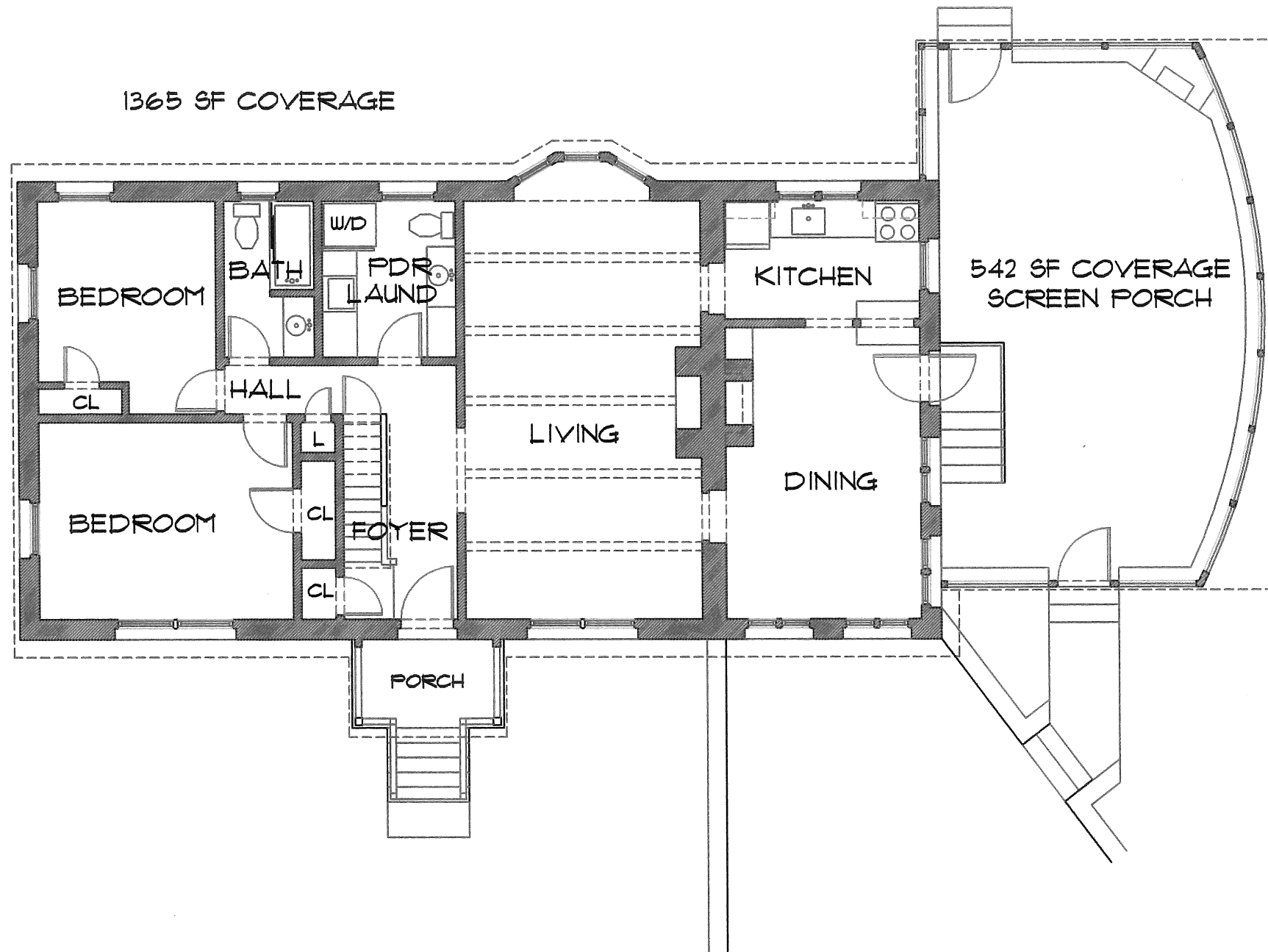
No.	Revisions	Date
		10/21/22

Drawing Title  
**EXISTING  
FIRST FLOOR PLAN**

Drawn by \_\_\_\_\_ Checked by \_\_\_\_\_  
JJP JJP

Project No. \_\_\_\_\_ Scale \_\_\_\_\_  
2022.11 1/8" = 1'-0"  
Drawing No. \_\_\_\_\_

X = 1



1365 SF COVERAGE

542 SF COVERAGE  
SCREEN PORCH

EXISTING FIRST FLOOR PLAN

**HARPER  
KAUFMAN  
RESIDENCE**

**ADDITIONS &  
ALTERATIONS**

7  
FURNACE BROOK DR  
CORTLANDT MANOR  
NEW YORK

**SBL # 55.12-2-14**



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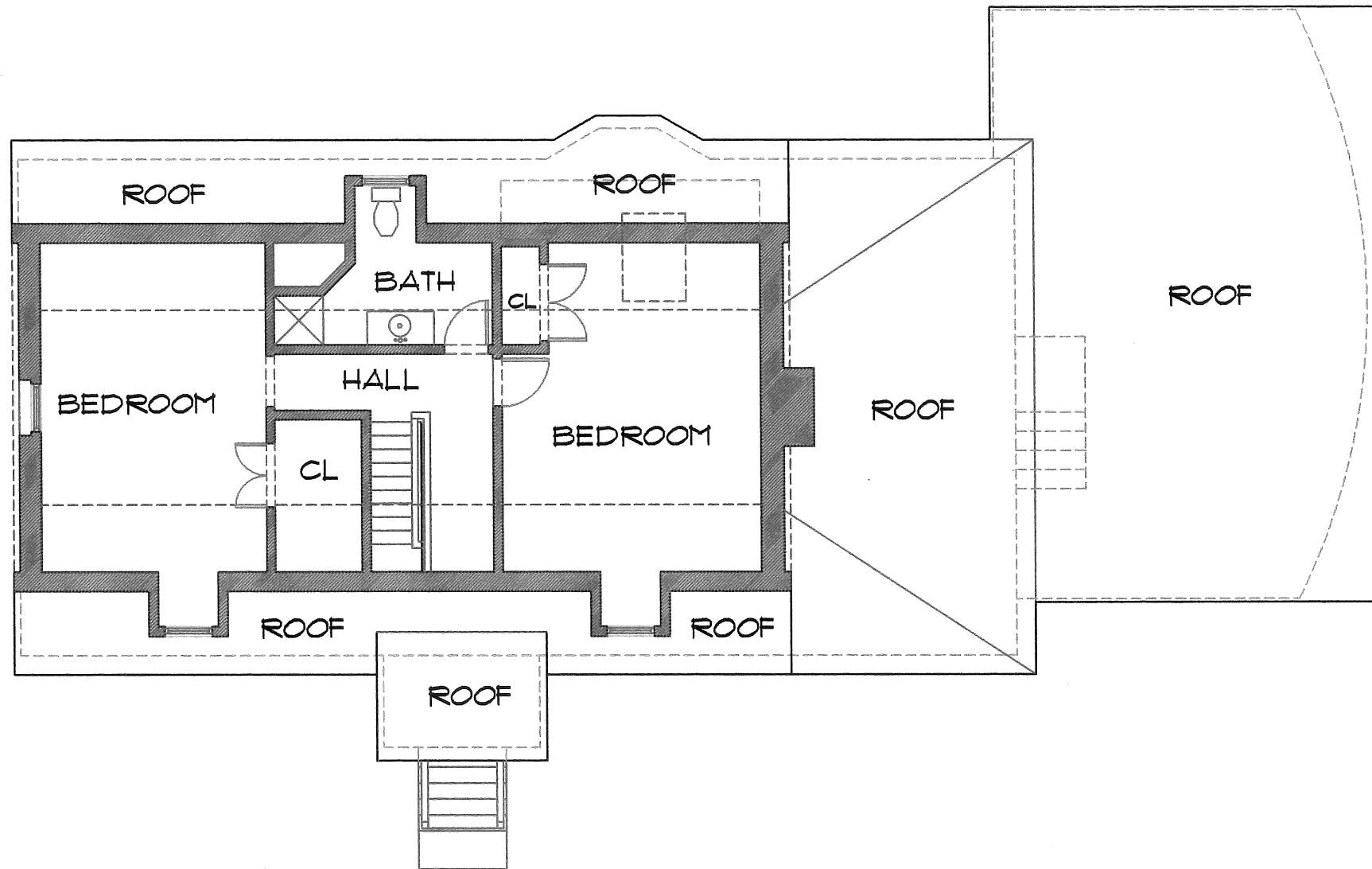
No.	Revisions	Date
		10/21/22

Drawing Title  
**EXISTING  
SECOND FLOOR PLAN**

Drawn by \_\_\_\_\_ Checked by \_\_\_\_\_  
JJP JJP

Project No. \_\_\_\_\_ Scale \_\_\_\_\_  
2022.11 1/8" = 1'-0"  
Drawing No. \_\_\_\_\_

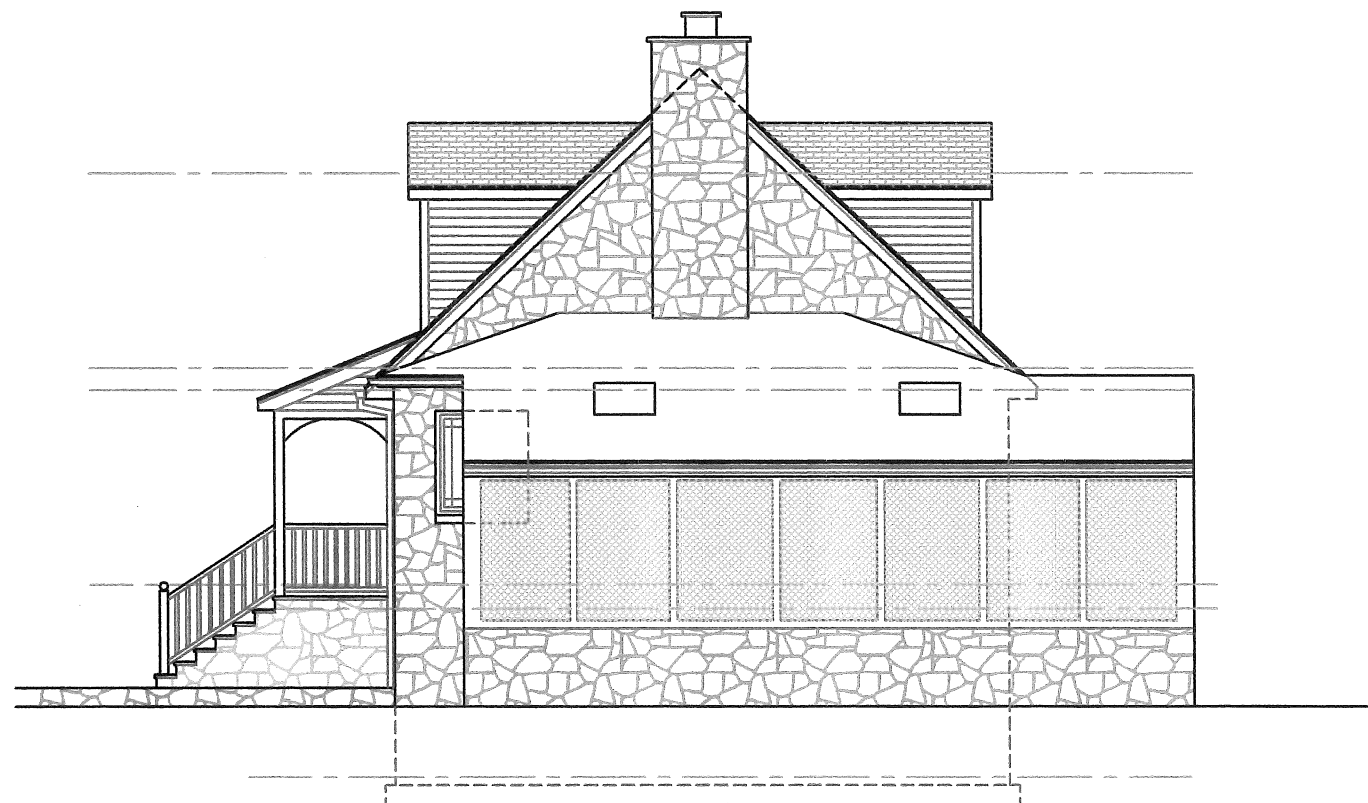
X-2



EXISTING SECOND FLOOR PLAN



EXISTING FRONT ELEVATION



EXISTING SIDE (SOUTH) ELEVATION

**HARPER  
KAUFMAN  
RESIDENCE**

ADDITIONS &  
ALTERATIONS

7  
FURNACE BROOK DR  
CORTLANDT MANOR  
NEW YORK

SBL # 55.12-2-14



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OF RECORD

**JOHN POWER  
ARCHITECT**

24 VAN WYCK STREET  
CROTON ON HUDSON N.Y. 10520

914 . 271 . 3221

john@johnpowerarchitect.com

ZONING BOARD 1/23/24  
BLDG PERMIT 1/7/24  
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DES REVIEW 4/4/23  
DES REVIEW 3/16/23  
EXIST ELEV 1/12/23  
EXIST PLANS 11/16/22

No.	Revisions	Date
		10/21/22

Drawing Title  
**EXISTING FRONT &  
SIDE (SOUTH)  
ELEVATIONS**

Drawn by	Checked by
JJP	JJP

Project No.	Scale
2022.11	1/8" = 1'-0"

Drawing No. X-3



EXISTING REAR ELEVATION



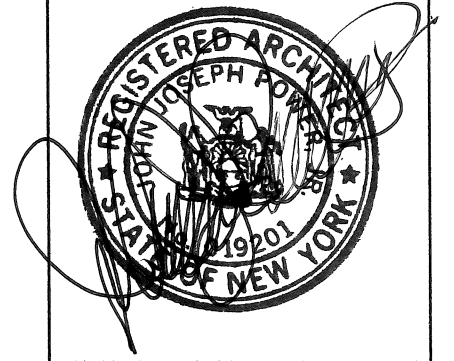
EXISTING SIDE (NORTH) ELEVATION

**HARPER  
KAUFMAN  
RESIDENCE**

**ADDITIONS &  
ALTERATIONS**

**7  
FURNACE BROOK DR.  
CORTLANDT MANOR  
NEW YORK**

**SBL # 55.12-2-14**



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DES REVIEW	4/4/23
DES REVIEW	3/16/23
EXIST ELEV	1/12/23
EXIST PLANS	11/16/22

No.	Revisions	Date
		10/21/22

Drawing Title  
**EXISTING REAR &  
SIDE (NORTH)  
ELEVATIONS**

Drawn by **JJP** Checked by **JJP**

Project No. **2022.11** Scale **1/8" = 1'-0"**  
Drawing No. **X-4**



## **ZONING BOARD OF APPEALS FACT SHEET**

**ZBA Member Assigned:** Martinez

**CASE NO.:** 2024-2

**Name of Applicant:** Beth Cofini

**Owner:** Same

**Address of property:** 23 Willow Place

**Section, Block, Lot:** 12.12-2-10.3

**Prior ZBA Case No.:** NA

**Zone:** R-40

**Lot Size:** 1.1 acres

**Request:** To permit 5 dogs on property. Town Code permits 3.

**Staff Comments:** The Code Enforcement office received a complaint that one of the applicant's dogs had allegedly bitten someone and allegedly knocked over someone else on a separate property causing injuries. The Code Office investigated and the Applicant has admitted to there being 5 dogs living on the property. The applicant was eventually served with a summons and appeared in Town Justice Court. The Court and the Legal Department agreed to permit the applicant to apply to the Zoning Board to seek relief. While the application is proceeding before the Zoning Board, the Court case is on hold.

The applicant's parcel is approximately 1.1 acres in size. Section 307, Attachment 1, Notes for Table of Permitted Uses, §§ 307-14 and 307-15, Zoning, Town of Cortlandt (attached) permits 3 a maximum of 3 dogs on a lot less than 2 acres.

**Variance(s) Requested:** Area Variance to permit 5 dogs on property. Town Code permits 3.

**SEQR: TYPE II – No further compliance required**



**TOWN OF CORTLANDT**  
**DEPARTMENT OF TECHNICAL SERVICES**  
**CODE ENFORCEMENT DIVISION**

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

**Martin G. Rogers, P.E.**  
*Director of Code  
Enforcement / D.O.T.S.*

**Holly Haight**  
*Assistant Director of Code  
Enforcement / D.O.T.S.*

Town Hall, 1 Heady Street  
Cortlandt Manor, NY 10567  
Main #: 914-734-1010  
Fax #: 914-293-0991

**Town Supervisor**  
Richard H. Becker

**Town Board**  
James F. Creighton  
Cristin Jacoby  
Robert E. Mayes  
Joyce C. White

**Beth Cofini & John Tenaglia**  
23 Willow Place  
Lake Peekskill, NY 10537

January 22, 2024

Re: Domestic keeping of animals  
23 Willow Place  
Tax ID 12.12-2-10.3

Beth Cofini & John Tenaglia:

I am in receipt of your Letter received 1/16/2024 requesting to be allowed to keep 5 dogs in your home at the above referenced premises which is approximately 1.1 acres in size.

I must deny this request under the following chapter of the Town of Cortlandt Zoning Code: 307 Attachment 1, NOTES FOR TABLE OF PERMITTED USES. Maximum number of dogs allowed 3. Request for a variance from the Code is required.

The Zoning Board of Appeals application shall be completed online. If the application is deemed complete additional instructions will follow and then the project will then be placed on the agenda for the next available Zoning Board of Appeals meeting.

Additional information may be required upon subsequent reviews. If you have any questions or comments please feel free to contact me by email or at 914-734-1010.

Sincerely,

Martin G. Rogers, P.E.  
Director of Code Enforcement  
Department of Technical Services

Cc: Chris Kehoe, Town Planner

Beth Cofini & John Tenaglia  
23 Willow Place  
Lake Peekskill, NY 10537  
917-816-5246  
914-584-0481

Zoning Board of Appeals  
1 Heady St  
Cortlandt Manor, NY 10567  
914-734-1080

January 13, 2024

RE: Zoning Laws Regarding Number of pets allowed/home

Request: to be allowed to keep 5 dogs in my home

In 2006, I purchased a house on Willow Place in Lake Peekskill, Putnam Valley, NY. The house is located off Hollowbrook Road, part of the Hollowbrook Estates. I live on a corner lot and have only one neighbor to my left. There is approximately a quarter acre separating our homes. I have a large front yard and backyard. Our backyard borders the woods behind the Hollowbrook Country Club. I have over an acre of property that is usable and beyond that the woods which allows plenty of room for the dogs to play. We installed the canine electric fence soon after we moved in and have had no issues. Each of the dogs has a collar that is programmed to make a loud warning sound followed by a shock if they come within 2 feet of the fence or attempt to cross the fence. There have been breaks in the fence which have required repair. The dogs are always supervised by an adult. The dogs tend to bark when a car, another dog or person walks past the house. None of the dogs have caused any trouble or caused harm to any visitors or passersbys.

Several months ago one of the dogs nipped at a passerby. We did not see the incident occur so we cannot honestly say what happened but the dog *has never reacted* that way. As you know dogs are very possessive of their home and their owners.

The dogs are our protection and "children" they are all males and range in age from 4-8 years. Each has their own personality and have been raised by us from puppies. One of the dogs, my black lab is a "Career Changing" dog adopted from Guiding Eyes for the Blind. Another of our other labs is working on becoming a support dog. He has helped many of my students in decreasing their anxiety levels prior to Nursing exams. The others are rescues.

Besides being a nurse I am very passionate about the care and kindness of animals. One of our rescues came from a family in NJ looking for a safe home for their dog being trained as a support dog for their 2 year-old diagnosed with Rheumatoid arthritis; a progressive lifelong disease. The family had numerous appointments with their child and realized they would not be able to provide for and further train the dog as a support dog for their child. A friend reached out and asked if I would take the dog. Of course I could not deny the request knowing the difficulties they would be facing. Two of my dogs were adopted from a breeder in upstate NY.

We were not aware of the restrictions placed on *our home* regarding the number of pets/home when we moved into our new home.

We have owned and cared for the dogs, my "*children*" for the past 8 years and cannot part with them. We have always had dogs in my life, they elevate your mood when you are sad, they invite conversation when you are lonely, they reduce stress when you've had a tough day and provide unconditional love no matter what you say or feel.

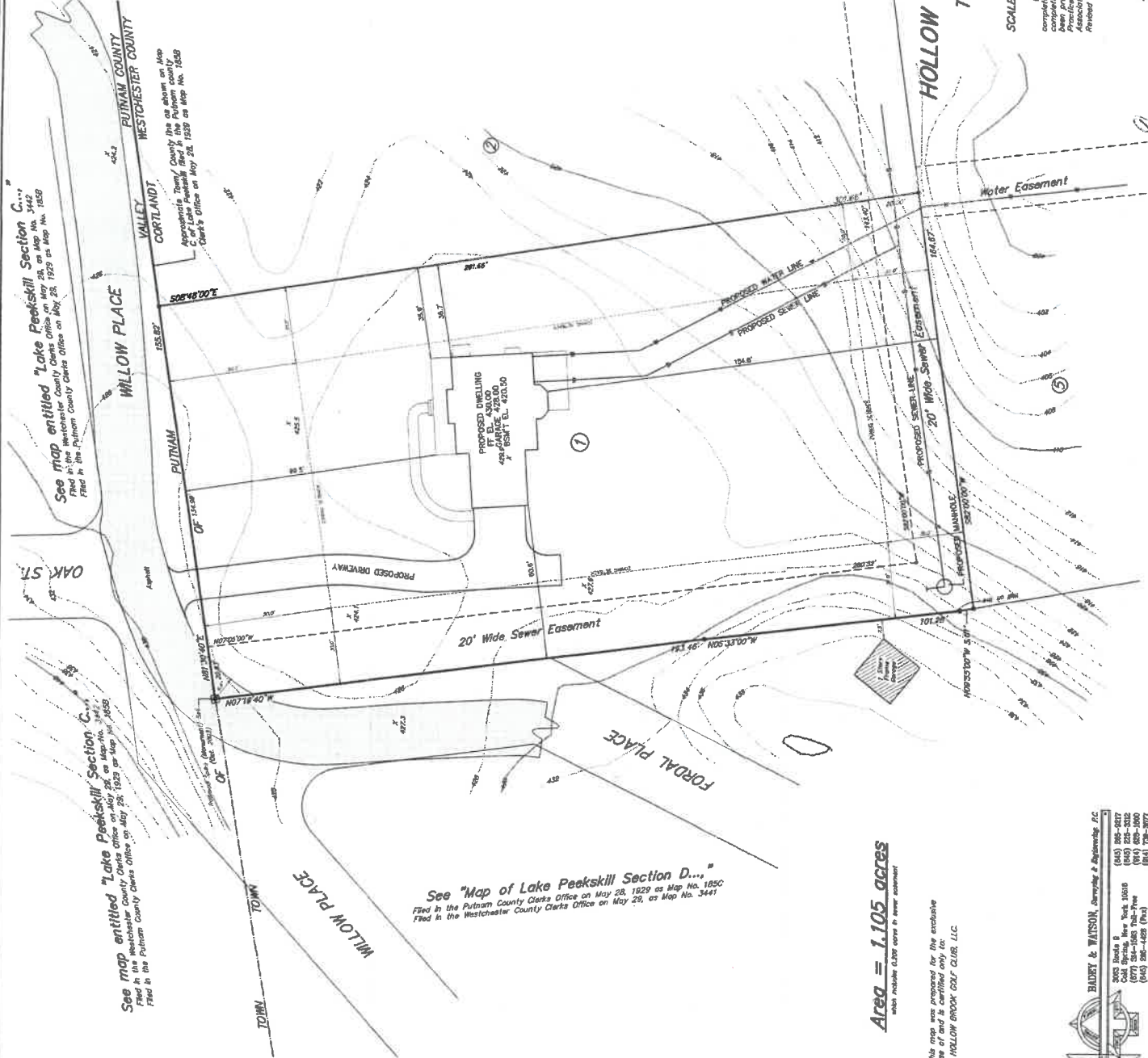
We are asking for your help in keeping my dogs "*children*" as we could never think of rehoming (No one else could measure up to the love and care they receive at home) them or putting them in a pound where they are destined to be euthanized as most people who adopt pets prefer puppies.

I thank you in advance for considering our request.

Sincerely,

Beth Cofini & John Tenaglia

- Notes
1. All rights reserved. Unauthorised reproduction is a violation of applicable laws.
  2. Unauthorised alteration or addition to a document prepared by a Surveyor is a violation of Section 2269, Sub-Division 2 of the New York State Education Law.
  3. All certifications are valid for this map and copies thereof only if said copies bear the embossed seal of the Surveyor whose signature appears hereon.
  4. If ungrounded improvements, easements, or encroachments exist and are shown on this map, they may not be shown on this map. If they are shown by measurements which have not been provided to three surveyors, the map should carry the name of their attorney or a qualified title examiner.
  5. The information shown on this map is based on the Subdivision Plat of Cortlandt, Putnam and Westchester Counties, New York State, Clerk's Office on October 22, 2003 as Map No. 22033.
  6. The photographs were taken on the site on December 22, 2003.
  7. The photographs were taken on the site on December 22, 2003.
  8. The photographs were taken on the site on December 22, 2003.
  9. The photographs were taken on the site on December 22, 2003.
  10. The photographs were taken on the site on December 22, 2003.
  11. The photographs were taken on the site on December 22, 2003.



**SURVEY OF PROPERTY**  
 PREPARED FOR  
**HOLLOW BROOK GOLF CLUB, LLC.**  
 TOWN OF CORTLANDT  
 WESTCHESTER COUNTY  
 NEW YORK

SCALE 1 in. = 20 ft. DECEMBER 22, 2003

We hereby certify that the survey shown hereon was completed by us on December 22, 2003 that this map was prepared in accordance with the provisions of the New York State Practice for Land Surveying adopted by The New York State Legislature on April 20, 2004. Said Surveyor, Inc. is duly Licensed under the provisions of the New York State Education Law, Section 2269, Sub-Division 2.

**PRINTED**  
 APR 3 2004  
 BAILEY & WATSON  
 SURVEYING & ENGINEERING, P.C.



FILE No. 89-172

See map entitled "Lake Peekskill Section C..."  
 Filed in the Westchester County Clerk's Office on May 28, 1929 as Map No. 1858  
 Filed in the Putnam County Clerk's Office on May 28, 1929 as Map No. 1858

See map entitled "Lake Peekskill Section C..."  
 Filed in the Westchester County Clerk's Office on May 28, 1929 as Map No. 1858  
 Filed in the Putnam County Clerk's Office on May 28, 1929 as Map No. 1858

See "Map of Lake Peekskill Section D..."  
 Filed in the Putnam County Clerk's Office on May 28, 1929 as Map No. 1858  
 Filed in the Westchester County Clerk's Office on May 28, 1929 as Map No. 3441

**Area = 1.105 acres**  
 which includes 0.200 acres in sewer easement

This map was prepared for the enclosure  
 use of and is certified only to:  
**HOLLOW BROOK GOLF CLUB, LLC.**

**BAILEY & WATSON** Surveying & Engineering, P.C.  
 2003 Route 9  
 Cortlandt, New York 10516  
 (845) 235-5312  
 (877) 884-1583 Toll-Free  
 (914) 693-1000  
 (914) 281-4628 (Fax)  
 (914) 794-3077

**ZONING**

*307 Attachment 1*

**NOTES FOR TABLE OF PERMITTED USES  
§§ 307-14 and 307-15, Zoning  
Town of Cortlandt**

**[Amended 2-14-2023 by L.L. No. 1-2023; 3-20-2023 by L.L. No. 2-2023; 8-15-2023 by L.L. No. 6-2023]**

Note A. The text of Note A for this table appears in the text of the Zoning Chapter, in § 307-15A.

Note 1. Contained within a structure also used for commercial purposes, or as principal use.

Note 2. Only those single-family dwellings existing prior to the effective date of this chapter.

Note 3. Only those two-family dwellings existing prior to the effective date of this chapter.

Note 4. For permitted residential uses only.

Note 5. Any illumination shall be installed in such a way as not to shine directly onto any nearby dwelling.

Note 6. The domestic keeping of animals is subject to the following provisions:

<b>KEY:</b>
P = Permitted
SP = Special permit

**A. Animals, other than dogs or cats.**

Permitted Status	Lot Size	Maximum Number of Animals	
		Large	Small
P	Less than 2 acres	0	4
P	At least 2 acres	2	8
P	At least 3 acres	3	16
P	At least 4 acres	4	24
SP	At least 10 acres	5 or more	25 or more

**B. Dogs. NOTE: Dogs less than six months of age shall be exempt from these regulations.**

Permitted Status	Lot Size	Maximum Number
P	Lot of any size	3
P	At least 2 acres	4
P	At least 5 acres	5
SP	10 or more acres	6 or more

## CORTLANDT CODE

C. Cats. There are no land area requirements for the domestic keeping of cats.

Note 7. More than two vending machines are subject to the provisions of § 307-67 of this chapter.

Note 8. All semidetached or attached and multiple dwelling units must be built in either a townhouse, flat, or stacked style.

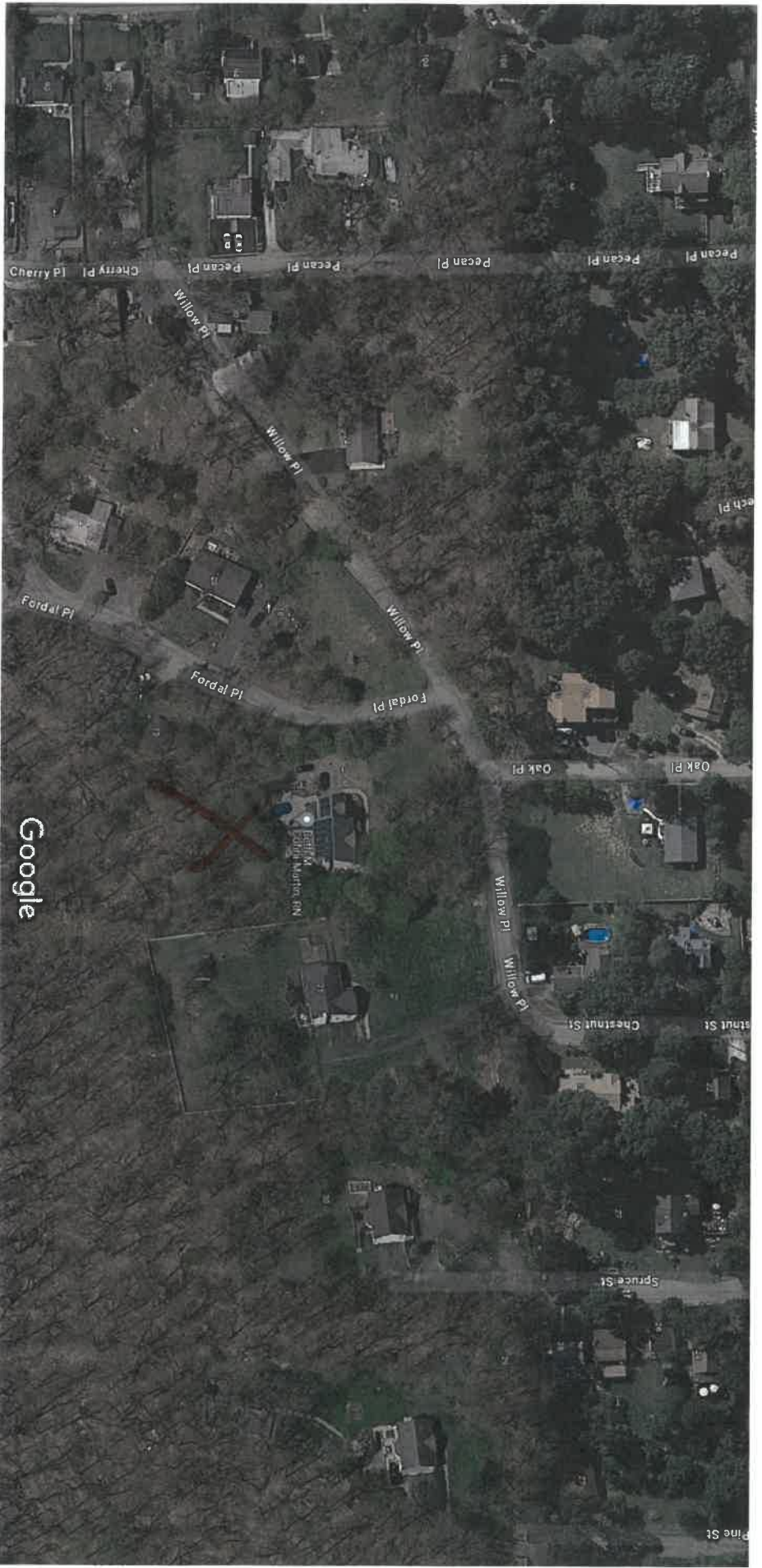
Note 9. Dining uses including cafes, bakeries, restaurants (except drive-through is prohibited), and other food services are permitted only in support of medical uses and must be located in a building with other medical uses.

Note 10. "Other personal services (SIC Secs. 722-729) (except adult massage establishments)" shall only be permitted in the RG Zone on lots with frontage on a State Road.

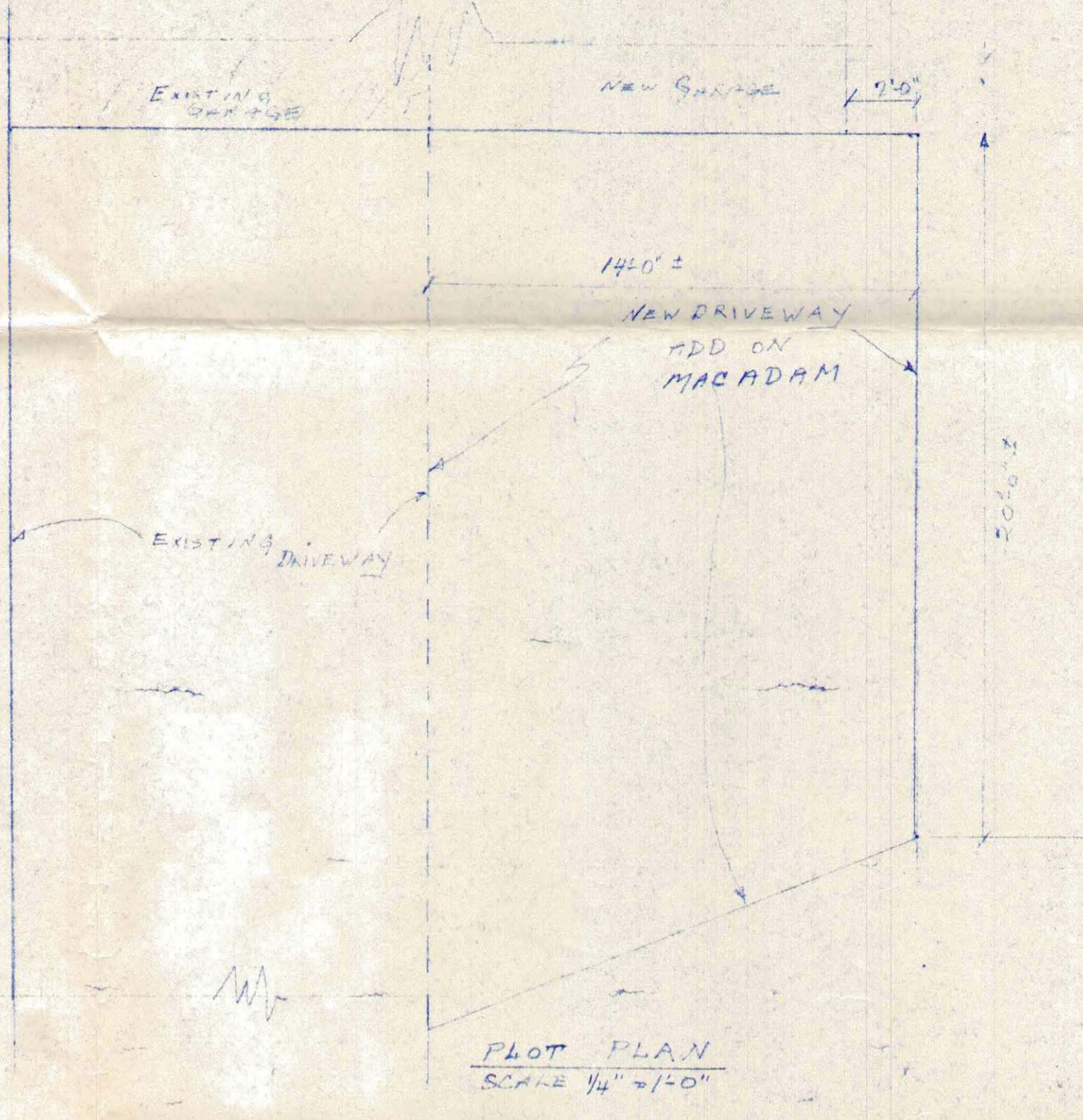
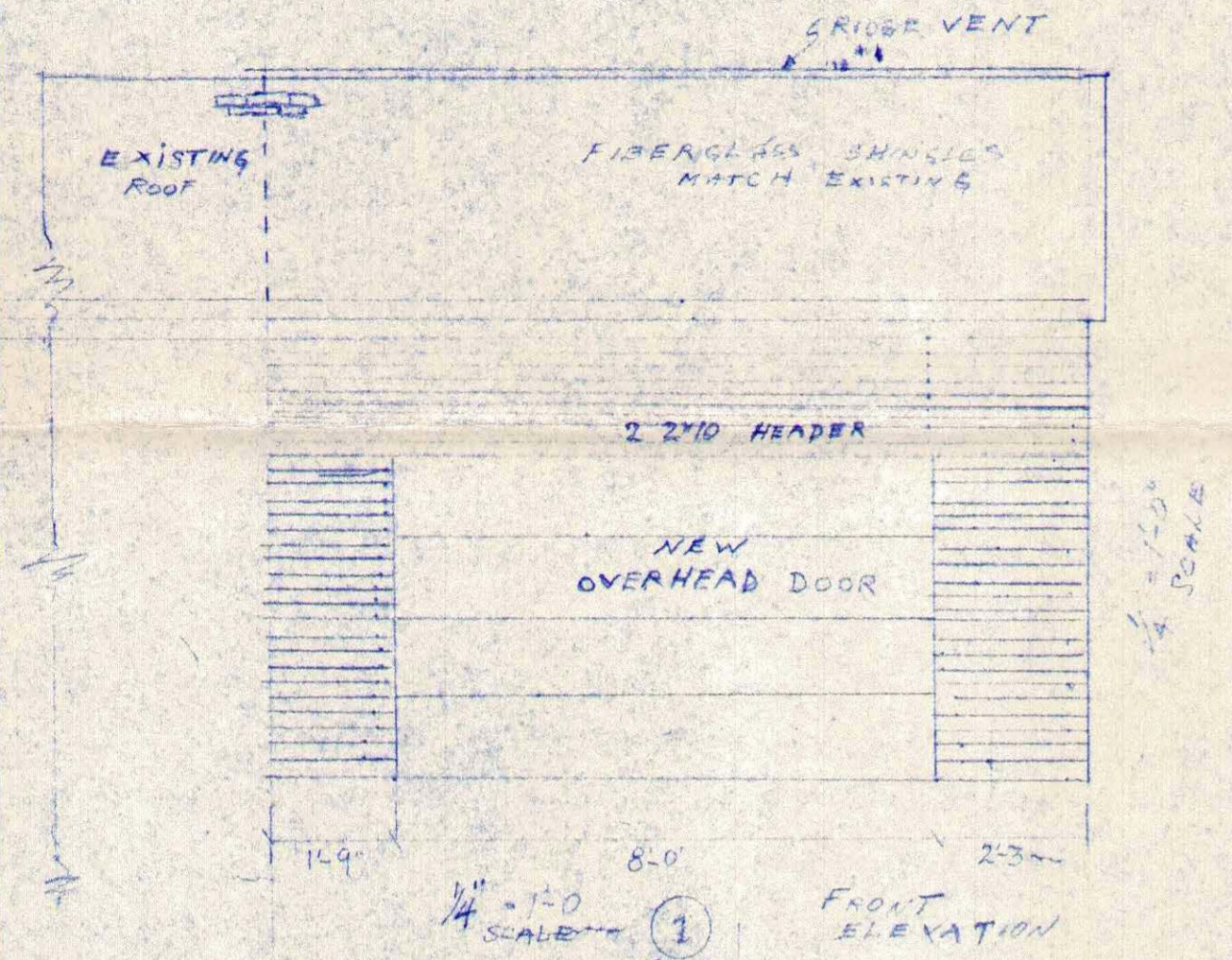










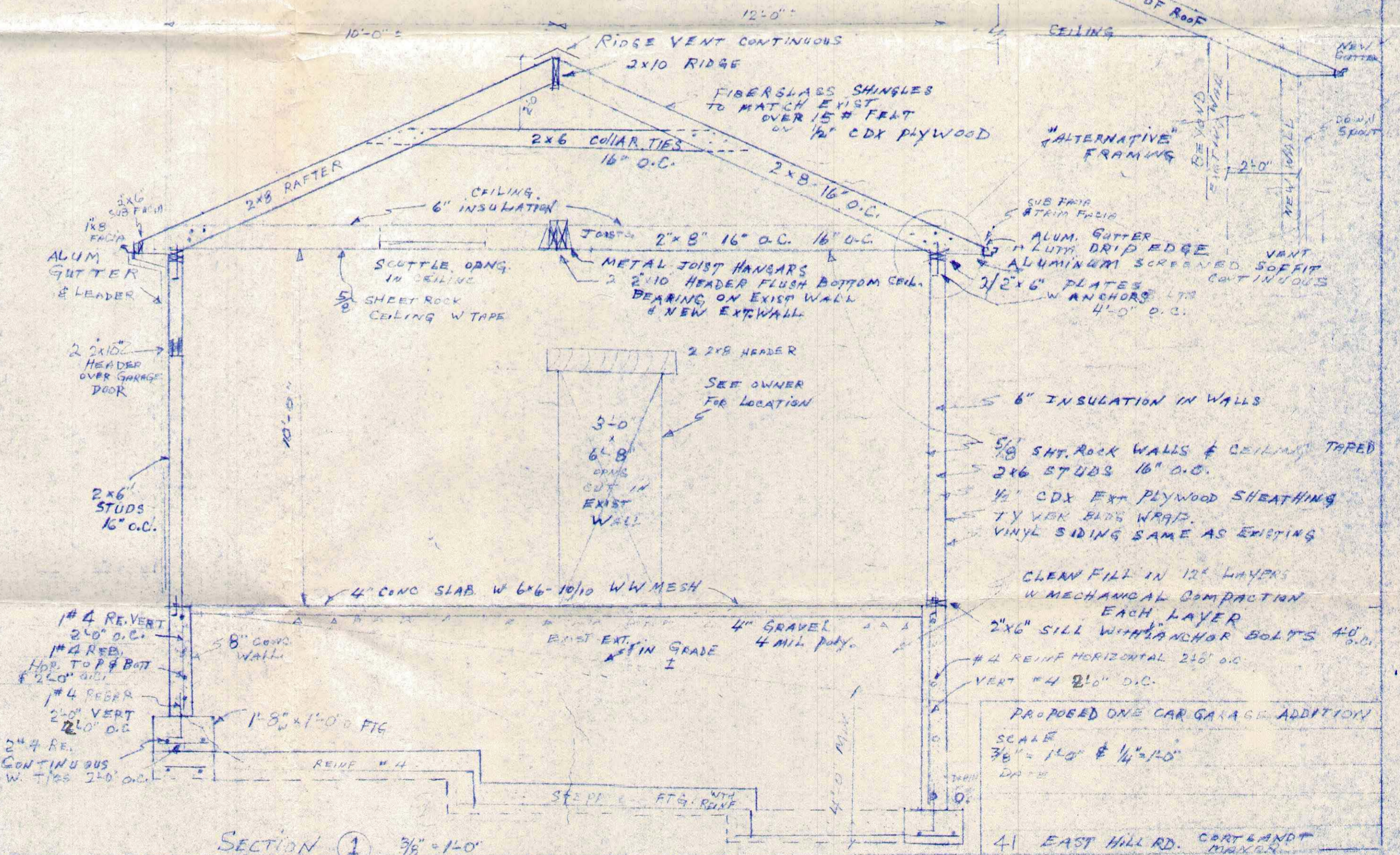
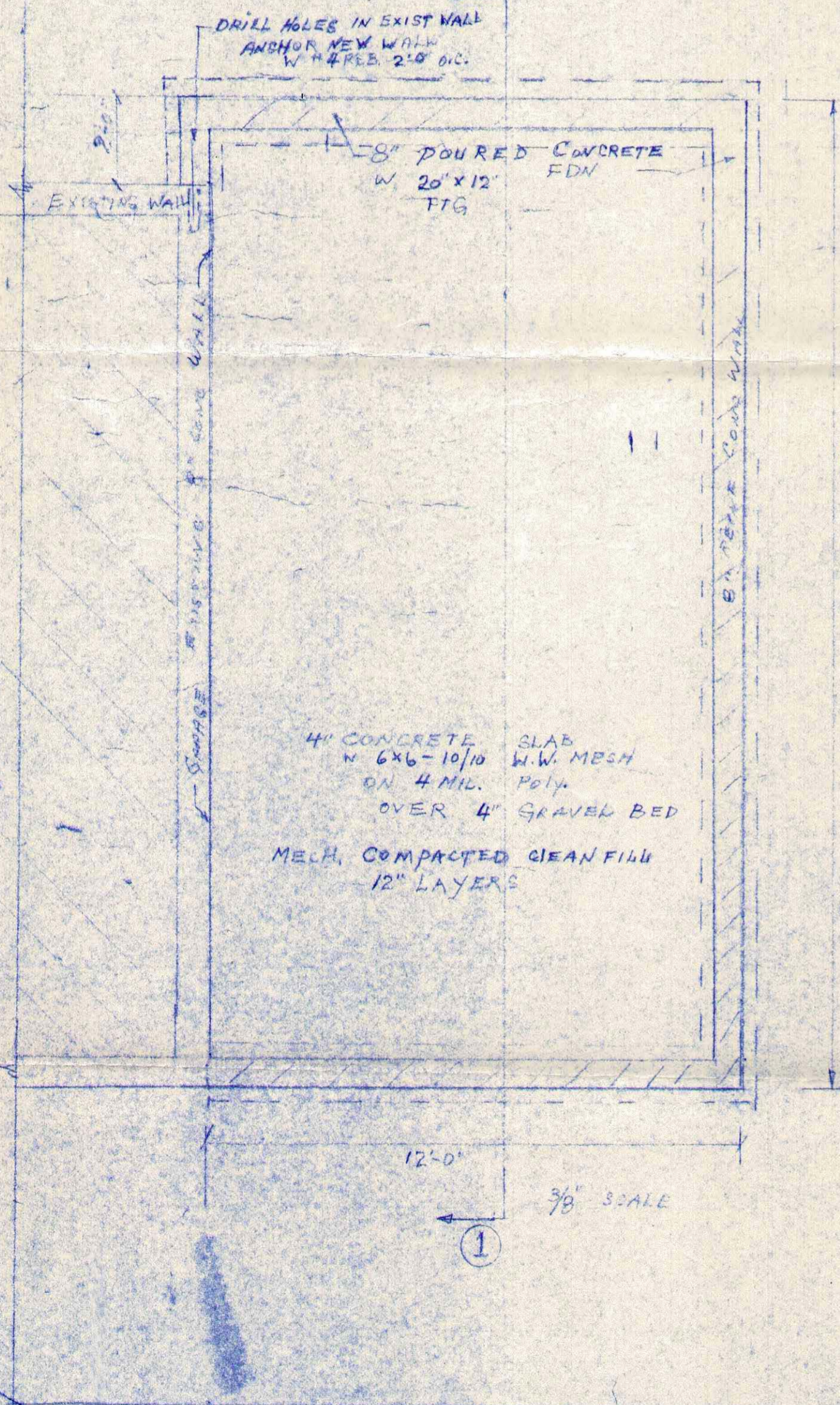


ELECTRICAL LAYOUT

- POWER RECEPTACLE FOR OVER HEAD DOOR IN CEILING
- BOX FOR CEILING LIGHT WITH SWITCH
- WALL OUT LET INT WALL
- WALL OUT LET EXTERIOR
- MOVE OUTSIDE SPOT TO CENTER
- SWITCH FOR OUTSIDE SPOT IN LAUNDRY ROOM WALL



Edward Bruno



PROPOSED ONE CAR GARAGE ADDITION  
 SCALE 3/8" = 1'-0" & 1/4" = 1'-0"  
 41 EAST HILL RD. CORTLANDT MANOR



Building Permit No.: 21180  
Date Issued: 5/7/96

C.O. No.: 13421  
Date Issued: 3/26/97

# TOWN OF CORTLANDT

WESTCHESTER COUNTY

## APPLICATION FOR BUILDING PERMIT AND CERTIFICATE OF OCCUPANCY WETLANDS AND/OR STEEP SLOPES PERMIT & ZONING BOARD OF APPEALS

TAX MAP DESIGNATION: SECTION 13.10 BLOCK 1 LOT 41

APPLICATION IS HEREBY MADE for the issuance of a Building Permit pursuant to the New York State Uniform Fire Prevention & Building Code and the code of the Town of Cortlandt for the construction of buildings, additions or alterations, or for demolition, as herein described. The applicant agrees to comply with all applicable laws, ordinances, and regulations.

Name of owner of premises: LPL BUILDERS INC  
address: 11 SUN HILL RD. KATONAH Tel. No. 962-1617

Street and number of proposed work: 41 EAST HILL RD. N.Y 10536  
Existing  Other  Open Deck

Nature of Work: New Building  Addition  Alteration  Demolition  Swimming Pool

Description of Work: FRONT COVER PORCH - REAR <sup>OPEN</sup> DECK

~~2 STOREY COLONIAL MODULAR ATTACHED GARAGE~~

Approximate dimension of new construction: Front 22 Rear 5-9 Depth 27-7/8 Height 20'

Number of Stories: 2 Garage: No. of Cars 1 Under  Attached  Detached

Name of Contractor: LPL BUILDERS W.C. Lic. No. 7129-1195 Tel. No. 962-1617

Existing use and occupancy 1 FAM RES Proposed use and occupancy 1 FAM. RES.

Zoning district R-40 Lot acre (sq.ft.) 2,464 Average lot width 100'

Subdivision name DEERSKILL TERRACE Filed map no. 1193 Date filed \_\_\_\_\_

If not a subdivision lot, date lot was established \_\_\_\_\_ PB File no. \_\_\_\_\_ Z.B.A. Case No. \_\_\_\_\_

Survey Submitted  Individual Site Dev. Plan  App.: (date) \_\_\_\_\_

W.C.D.H. File # N/A Public Sewer: Yes  No  No. of Bedrooms: 4

PLUMBING Yes  No

Plumbing Contractor TO BE SELECTED Westchester Co. Lic. No. \_\_\_\_\_

Address \_\_\_\_\_ Telephone No. \_\_\_\_\_

ELECTRICAL Yes  No

Electrical Contractor TO BE SELECTED Cortlandt Lic. No. \_\_\_\_\_

Address \_\_\_\_\_ Telephone No. \_\_\_\_\_

WETLANDS / STEEP SLOPES		
Adjoining Owners		
Name	Address	SEC BLK LOT

I, Leonard Winstanley the Officer Pres.  
(owner, contractor, architect, engineer, etc. \*)

acknowledge that all statements contained in this application are true to the best of my knowledge and belief, and that the work will be performed in the manner set forth in this application and in the plans and specifications filed herewith.  
NOTE: False statements made herein are punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.

Date: 5/7/96 Signature: Leonard Winstanley

\*Applicants other than the owner must submit a letter of authorization from the owner.



FEES (to be submitted with the application)  
Estimated cost of construction (including labor and material)

\$ 8,000.-  
Wetlands Insp \$ \_\_\_\_\_  
Building Permit \$ 36.-  
Plumbing Permit \$ \_\_\_\_\_  
C.O. Fee \$ 25.-  
TOTAL \$ 61.-

BUILDING PERMIT DENIED \_\_\_\_\_ Per Sec: \_\_\_\_\_ By \_\_\_\_\_

REFERRED TO ZBA AS CASE NO. \_\_\_\_\_ APPLICATION TO ZBA FOR THE FOLLOWING:

AREA VARIANCE  SPECIAL PERMIT  280A EXEMPTION  USE VARIANCE  INTERPRETATION  OTHER  
EXPLANATION OF CIRCUMSTANCES: \_\_\_\_\_

SEQR:  EXEMPT/EXCLUDED-NO FURTHER REQUIREMENTS  TYPE 2-NO FURTHER REQUIREMENTS  TYPE 1-EAF FORM REQUIRED  
 UNLISTED-EAF REQUIRED  CEA - FULL EAF REQUIRED

VARIANCE GRANTED  VARIANCE DENIED  \_\_\_\_\_ date \_\_\_\_\_ FEE \$ \_\_\_\_\_

WETLANDS PERMIT: REQUIRED  NOT REQUIRED

WETLANDS INSPECTION By CAC: Name: \_\_\_\_\_ Date: \_\_\_\_\_

WORK TO CONSIST OF: \_\_\_\_\_

COMMENTS: \_\_\_\_\_

**INFORMATION SUBMITTED:**

- |  |  |
|--|--|
| <input type="checkbox"/> Environmental assessment form | <input type="checkbox"/> Site topography                       |
| <input type="checkbox"/> Wetlands Delineation          | <input type="checkbox"/> Deed                                  |
| <input type="checkbox"/> Survey                        | <input type="checkbox"/> Approved WCHD SSDS plan and or permit |
| <input type="checkbox"/> Plan of improvements          |  |
| <input type="checkbox"/> Adjoining owners notified     | <input type="checkbox"/> Other _____                           |

**STANDARDS SET FORTH IN L.L. 3-87, SECT. 6C & 6B HAVE BEEN CONSIDERED AND MET.  
FINDINGS REQUIRED UNDER L.L. 3-87 SECT. 6C HAVE BEEN MADE.**

**CONDITIONS/RESTRICTIONS OF PERMIT:**

- Erosion Control Facilities are to be installed prior to commencement of construction in accordance with accompanying plan and in compliance with Westchester County Standards. Erosion Control Facilities are to be maintained until permanent ground cover is established.  
**NOTE: SILT FENCE AND HAY BALES SHALL BE USED IN TANDEM, WITH HAY BALES PLACED UPSLOPE, TO THE SATISFACTION OF THE DIRECTOR OF CODE ENFORCEMENT.**
- No Certificated of Occupancy shall be issued until all conditions of this permit have been complied with to the satisfaction of the Director of Code Enforcement.
- No change in any approved plan shall be permitted without prior written consent all approving authorities.
- This permit expires two years from the date of issuance unless otherwise indicated, suspended or revoked.
- 

**STEEP SLOPES PERMIT:** REQUIRED  NOT REQUIRED

STEEP SLOPES INSPECTION By CAC: Name: \_\_\_\_\_ Date: \_\_\_\_\_

WORK TO CONSIST OF: \_\_\_\_\_

**INFORMATION SUBMITTED:**

- |  |  |
|--|--|
| <input type="checkbox"/> Environmental Assessment Form | <input type="checkbox"/> Site Topography                       |
| <input type="checkbox"/> Survey                        | <input type="checkbox"/> Approved WCHD SSDS plan and or permit |
| <input type="checkbox"/> Retaining Wall Details        |  |
| <input type="checkbox"/> Plan of Improvements          | <input type="checkbox"/> Other _____                           |

**CONDITIONS/RESTRICTIONS OF PERMIT:**

Conditions 1 thru 4 above apply.

PERMIT ISSUED  PERMIT DENIED

DATE: \_\_\_\_\_ PERMIT NO. \_\_\_\_\_ By: \_\_\_\_\_

WETLANDS  STEEP SLOPES  Title: \_\_\_\_\_

FEES (to be submitted with the application)  
Estimated cost of construction (including labor and material)

	\$ <u>10,000</u>	
Wetlands Insp	\$	<u>25</u>
Building Permit	\$	<u>44</u>
Plumbing Permit	\$	
C.O. Fee	\$	<u>25</u>
TOTAL	\$	<u>94</u>

BUILDING PERMIT DENIED \_\_\_\_\_ Per Sec: \_\_\_\_\_ By \_\_\_\_\_

REFERRED TO ZBA AS CASE NO. \_\_\_\_\_ <sup>date</sup> APPLICATION TO ZBA FOR THE FOLLOWING:  
 AREA VARIANCE  SPECIAL PERMIT  280A EXEMPTION  USE VARIANCE  INTERPRETATION  OTHER  
EXPLANATION OF CIRCUMSTANCES: \_\_\_\_\_

SEQR:  EXEMPT/EXCLUDED-NO FURTHER REQUIREMENTS  TYPE 2-NO FURTHER REQUIREMENTS  TYPE 1-EAF FORM REQUIRED  
 UNLISTED-EAF REQUIRED  CEA - FULL EAF REQUIRED

FEE: \$ \_\_\_\_\_

WETLANDS PERMIT: REQUIRED  NOT REQUIRED

WETLANDS INSPECTION By CAC: Name: \_\_\_\_\_ Date: 8/23/99

WORK TO CONSIST OF: W. Aluma

COMMENTS BY CAC: \_\_\_\_\_

INFORMATION SUBMITTED:

- |  |  |
|--|--|
| <input type="checkbox"/> Environmental assessment form | <input type="checkbox"/> Site topography                       |
| <input type="checkbox"/> Wetlands Delineation          | <input type="checkbox"/> Deed                                  |
| <input type="checkbox"/> Survey                        | <input type="checkbox"/> Approved WCHD SSDS plan and or permit |
| <input type="checkbox"/> Plan of improvements          |  |
| <input type="checkbox"/> Adjoining owners notified     | <input type="checkbox"/> Other _____                           |

STANDARDS SET FORTH IN L.L. 3-87, SECT. 6C & 6B HAVE BEEN CONSIDERED AND MET.  
FINDINGS REQUIRED UNDER L.L. 3-87 SECT. 6C HAVE BEEN MADE.

CONDITIONS/RESTRICTIONS OF PERMIT:

- Erosion Control Facilities are to be installed prior to commencement of construction in accordance with accompanying plan and in compliance with Westchester County Standards. Erosion Control Facilities are to be maintained until permanent ground cover is established.  
**NOTE: SILT FENCE AND HAY BALES SHALL BE USED IN TANDEM, WITH HAY BALES PLACED UPSLOPE, TO THE SATISFACTION OF THE DIRECTOR OF CODE ENFORCEMENT.**
- No Certificated of Occupancy shall be issued until all conditions of this permit have been complied with to the satisfaction of the Director of Code Enforcement.
- No change in any approved plan shall be permitted without prior written consent all approving authorities.
- This permit expires two years from the date of issuance unless otherwise indicated, suspended or revoked.
- 

STEEP SLOPES PERMIT: REQUIRED  NOT REQUIRED

STEEP SLOPES INSPECTION By CAC: Name: \_\_\_\_\_ Date: P/23/99

WORK TO CONSIST OF: W. Aluma

COMMENTS BY CAC: \_\_\_\_\_

INFORMATION SUBMITTED:

- |  |  |
|--|--|
| <input type="checkbox"/> Environmental Assessment Form | <input type="checkbox"/> Site Topography                       |
| <input type="checkbox"/> Survey                        | <input type="checkbox"/> Approved WCHD SSDS plan and or permit |
| <input type="checkbox"/> Retaining Wall Details        |  |
| <input type="checkbox"/> Plan of Improvements          | <input type="checkbox"/> Other _____                           |

CONDITIONS/RESTRICTIONS OF PERMIT:

Conditions 1 through 4 above apply.

PERMIT ISSUED  PERMIT DENIED

DATE: \_\_\_\_\_ PERMIT NO. \_\_\_\_\_ By: \_\_\_\_\_

WETLANDS  STEEP SLOPES  Title: \_\_\_\_\_



Building Permit No. 23079  
Date Issued: 8-26-99

C.O. No.: 15034  
Date Issued: 3/28/00

TOWN OF CORTLANDT

WESTCHESTER COUNTY

APPLICATION FOR BUILDING PERMIT AND CERTIFICATE OF OCCUPANCY  
WETLANDS AND/OR STEEP SLOPES PERMIT & ZONING BOARD OF APPEALS

TAX MAP DESIGNATION: SECTION 13.10 BLOCK 1 LOT 41

APPLICATION IS HEREBY MADE for the issuance of a Building Permit pursuant to the New York State Uniform Fire Prevention & Building Code and the code of the Town of Cortlandt for the construction of buildings, additions or alterations, or for demolition, as herein described, and/or for ZBA Application, Steep Slopes or Wetland Permit. The applicant agrees to comply with all applicable laws, ordinances, and regulations.

Name of owner of premises: GREGORY AND JOYCE MACHER  
address: 41 EAST Hill RD. Tel. No. 526-8506

Street and number of proposed work: SAME

ZONING BOARD OF APPEALS  STEEP SLOPES PERMIT  WETLANDS PERMIT

New Building  Open Deck  Addition  Alteration  Demolition  Swimming Pool  Existing

Description: ADDITION OF A ONE CAR ATTACHED GARAGE TO AN EXISTING ATTACHED ONE CAR GARAGE.

Approximate dimension of new construction: Front 12' Rear 12' Depth 22' Height 10' Stories 1

Garage: No. of Cars 1 Under  Attached  Detached

Name of Contractor: CORTLANDT CONST. W.C. Lic. No. WC-9600-1498 Tel. No. 739-6144

Existing use and occupancy SINGLE FAMILY Proposed use and occupancy ATTACHED GARAGE

Zoning District R-40 Lot area (sq.ft.) 29,982 Average lot width 100 SINGLE FAMILY -

Subdivision name PARKSKILL TERR. Filed map no. 1793 Date filed 4-6-1988

If not a subdivision lot, date lot was established \_\_\_\_\_ PB File no. \_\_\_\_\_ Z.B.A. Case No. \_\_\_\_\_

Survey Submitted  Individual Site Dev. Plan  Approved: (date) \_\_\_\_\_

W.C.D.H. File # WC-9600-1498 No. of Bedrooms Approved: \_\_\_\_\_

PLUMBING Yes  No

Plumbing Contractor \_\_\_\_\_ West. County Lic. No. \_\_\_\_\_

Address \_\_\_\_\_ Telephone No. \_\_\_\_\_

ELECTRICAL Yes  No

Electrical Contractor TO BE SELECTED Cortlandt Lic. No. \_\_\_\_\_

Address \_\_\_\_\_ Telephone No. \_\_\_\_\_

WETLANDS / STEEP SLOPES

Adjoining Owners  
Name Address SEC BLK LOT

Name	Address	SEC	BLK	LOT

I HEREBY ACKNOWLEDGE RECEIPT OF INFORMATION SHEET FOR THIS APPLICATION \_\_\_\_\_ (initial)

I, Joyce Macher the Owner  
(owner, contractor, architect, engineer, etc. \*)

acknowledge that all statements contained in this application are true to the best of my knowledge and belief, and that the work will be performed in the manner set forth in this application and in the plans and specifications filed herewith.

NOTE: False statements made herein are punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.

Date: 8/20/99 Signature: Joyce C Macher

\*Applicants other than the owner must submit a letter of authorization from the owner.



Building Permit No.: 21122  
Date Issued: 4-4-96

C.O. No.: 13420  
Date Issued: 3/26/97

**TOWN OF CORTLANDT**  
WESTCHESTER COUNTY

**APPLICATION FOR BUILDING PERMIT AND CERTIFICATE OF OCCUPANCY  
WETLANDS AND/OR STEEP SLOPES PERMIT & ZONING BOARD OF APPEALS**

TAX MAP DESIGNATION: SECTION 13.10 BLOCK 1 LOT 41

APPLICATION IS HEREBY MADE for the issuance of a Building Permit pursuant to the New York State Uniform Fire Prevention & Building Code and the code of the Town of Cortlandt for the construction of buildings, additions or alterations, or for demolition, as herein described. The applicant agrees to comply with all applicable laws, ordinances, and regulations.

Name of owner of premises: LPL BUILDERS, INC  
address: 11 SUNHILL Rd Katona Tel. No. 962-1617  
Street and number of proposed work: 41 EAST HILL RD N.Y 10536  
Existing  Other  Open Deck   
Nature of Work: New Building  Addition  Alteration  Demolition  Swimming Pool   
Description of Work 2 STOREY COLONIAL MODULAR  
ATTACHED GARAGE  
Approximate dimension of new construction: Front 40' Rear 40' Depth 27'7 1/2" Height 20'  
Number of Stories: 2 Garage: No. of Cars 1 Under  Attached  Detached   
Name of Contractor: LPL BUILDERS W.C. Lic. No. 7129-1195 Tel. No. 962-1617  
Existing use and occupancy \_\_\_\_\_ Proposed use and occupancy \_\_\_\_\_

Zoning district R-40 Lot acre (sq.ft.) 2,464 Average lot width 100'  
Subdivision name PEEKSKILL TERRACE Filed map no. 1193 Date filed \_\_\_\_\_  
If not a subdivision lot, date lot was established \_\_\_\_\_ PB File no. \_\_\_\_\_ Z.B.A. Case No. \_\_\_\_\_  
Survey Submitted  Individual Site Dev. Plan  App. By Town Engineer: (date) \_\_\_\_\_  
W.C.D.H. File # N/A No. of Bedrooms Approved: 4

**PLUMBING** Yes  No   
Plumbing Contractor To Be Selected Cortlandt Lic. No. \_\_\_\_\_  
Address \_\_\_\_\_ Telephone No. \_\_\_\_\_  
**ELECTRICAL** Yes  No   
Electrical Contractor To Be Selected Cortlandt Lic. No. \_\_\_\_\_  
Address \_\_\_\_\_ Telephone No. \_\_\_\_\_

**WETLANDS / STEEP SLOPES**

Adjoining Owners		SEC	BLK	LOT
Name	Address			

I, Peter Intyko the Owner (owner, contractor, architect, engineer, etc. \*)  
acknowledge that all statements contained in this application are true to the best of my knowledge and belief, and that the work will be performed in the manner set forth in this application and in the plans and specifications filed herewith.  
NOTE: False statements made herein are punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.  
Date: 3-23-96 Signature: Peter Intyko  
\*Applicants other than the owner must submit a letter of authorization from the owner.

FEES (to be submitted with the application)  
Estimated cost of construction (including labor and material)

\$ 230,000  
Wetlands Insp \$ 25  
Building Permit \$ 564  
Plumbing Permit \$ 50  
C.O. Fee \$ 25  
TOTAL \$ 664

BUILDING PERMIT DENIED \_\_\_\_\_ Per Sec: \_\_\_\_\_ By \_\_\_\_\_

REFERRED TO ZBA AS CASE NO. \_\_\_\_\_ <sup>date</sup> APPLICATION TO ZBA FOR THE FOLLOWING:

AREA VARIANCE  SPECIAL PERMIT  280A EXEMPTION  USE VARIANCE  INTERPRETATION  OTHER  
EXPLANATION OF CIRCUMSTANCES: \_\_\_\_\_

SEQR:  EXEMPT/EXCLUDED-NO FURTHER REQUIREMENTS  TYPE 2-NO FURTHER REQUIREMENTS  TYPE 1-EAF FORM REQUIRED  
 UNLISTED-EAF REQUIRED  CEA - FULL EAF REQUIRED

VARIANCE GRANTED  VARIANCE DENIED  \_\_\_\_\_ date \_\_\_\_\_ FEE \$ \_\_\_\_\_

WETLANDS PERMIT: REQUIRED  NOT REQUIRED

WETLANDS INSPECTION By CAC: Name: \_\_\_\_\_ Date: 4/3/96

WORK TO CONSIST OF: \_\_\_\_\_

COMMENTS: \_\_\_\_\_

INFORMATION SUBMITTED:

- |  |  |
|--|--|
| <input type="checkbox"/> Environmental assessment form | <input type="checkbox"/> Site topography                       |
| <input type="checkbox"/> Wetlands Delineation          | <input type="checkbox"/> Deed                                  |
| <input type="checkbox"/> Survey                        | <input type="checkbox"/> Approved WCHD SSDS plan and or permit |
| <input type="checkbox"/> Plan of improvements          | <input type="checkbox"/> Other _____                           |
| <input type="checkbox"/> Adjoining owners notified     |  |

**STANDARDS SET FORTH IN L.L. 3-87, SECT. 6C & 6B HAVE BEEN CONSIDERED AND MET.  
FINDINGS REQUIRED UNDER L.L. 3-87 SECT. 6C HAVE BEEN MADE.**

**CONDITIONS/RESTRICTIONS OF PERMIT:**

- Erosion Control Facilities are to be installed prior to commencement of construction in accordance with accompanying plan and in compliance with Westchester County Standards. Erosion Control Facilities are to be maintained until permanent ground cover is established.  
**NOTE: SILT FENCE AND HAY BALES SHALL BE USED IN TANDEM, WITH HAY BALES PLACED UPSLOPE, TO THE SATISFACTION OF THE DIRECTOR OF CODE ENFORCEMENT.**
- No Certificated of Occupancy shall be issued until all conditions of this permit have been complied with to the satisfaction of the Director of Code Enforcement.
- No change in any approved plan shall be permitted without prior written consent all approving authorities.
- This permit expires two years from the date of issuance unless otherwise indicated, suspended or revoked.
- 

**STEEP SLOPES PERMIT:** REQUIRED  NOT REQUIRED

STEEP SLOPES INSPECTION By CAC: Name: \_\_\_\_\_ Date: 4/3/96

WORK TO CONSIST OF: \_\_\_\_\_

INFORMATION SUBMITTED:

- |  |  |
|--|--|
| <input type="checkbox"/> Environmental Assessment Form | <input type="checkbox"/> Site Topography                       |
| <input type="checkbox"/> Survey                        | <input type="checkbox"/> Approved WCHD SSDS plan and or permit |
| <input type="checkbox"/> Retaining Wall Details        | <input type="checkbox"/> Other _____                           |
| <input type="checkbox"/> Plan of Improvements          |  |

**CONDITIONS/RESTRICTIONS OF PERMIT:**

PERMIT ISSUED  PERMIT DENIED

DATE: \_\_\_\_\_ PERMIT NO. \_\_\_\_\_ By: \_\_\_\_\_

WETLANDS  STEEP SLOPES  Title: \_\_\_\_\_



DATE	REMARKS
	We have no smoke detectors in bedrooms of every floor level.
3-25-97	LETTER FROM MANF. 16 AS BUILT ENCLOSED O.K FOR C.O.







revision no.	date	remarks

1	4-1-96	ISSUE FOR BLDG. PERMIT
issue no.	date	remarks

**KEY PLAN**

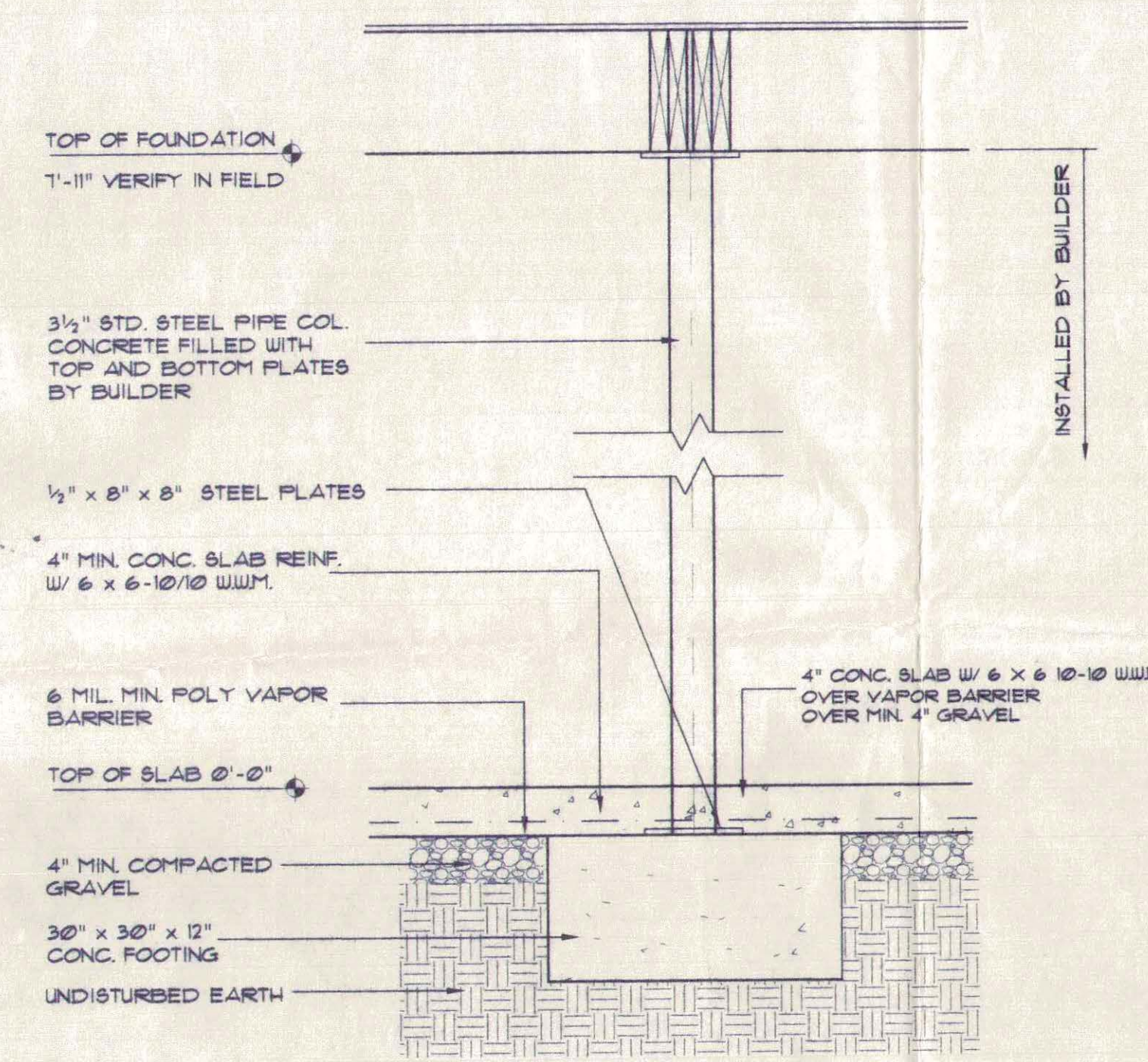
**LPL CUSTOM BUILDERS INC.**  
 54 SHELburne ROAD  
 YONKERS N.Y.

**FOUNDATION PLAN SECTIONS AND DETAILS NOTES**

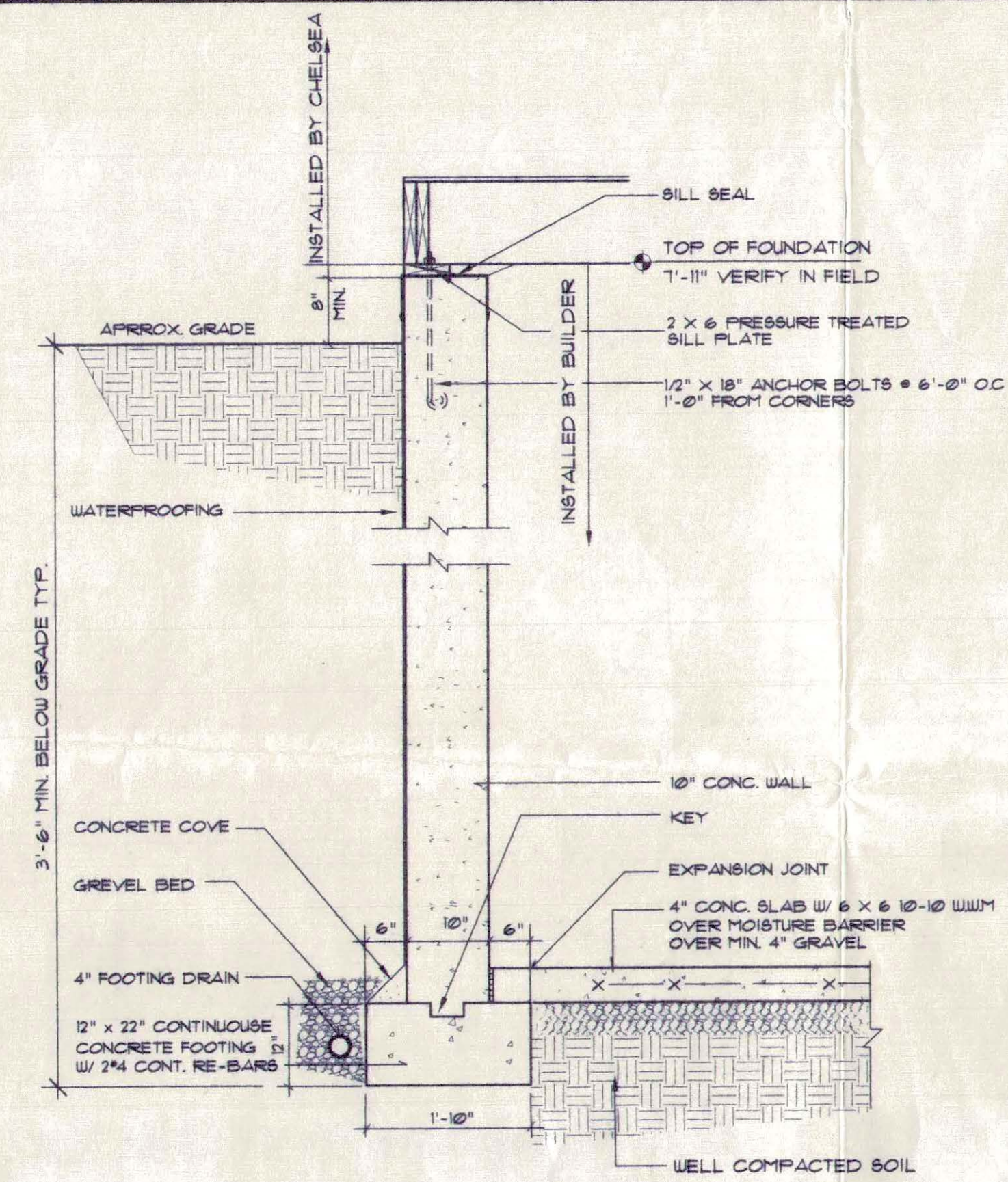
location  
**EAST HILL ROAD**  
**TOWN OF CORTLAND**  
**WESTCHESTER COUNTY**  
**NEW YORK**  
**LOTS 10, 11, 25, & 26**

**A-1**

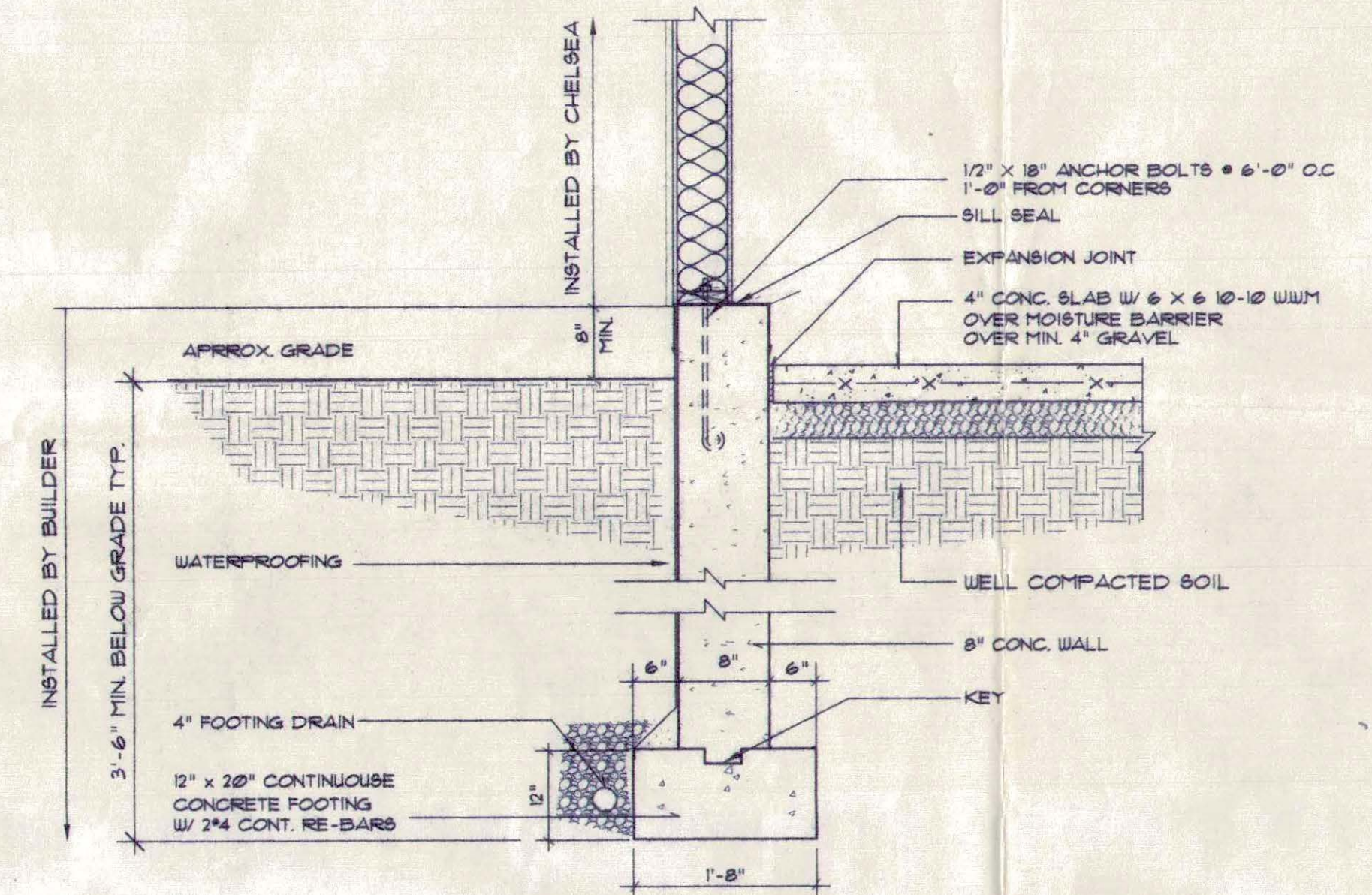
date  
 4-1-96  
 scale  
 AS NOTED  
 project no.  
 96001



**TYPICAL BASEMENT COLUMN DETAIL**  
 1" = 1'-0"



**1 WALL SECTION**  
 SCALE: 3/4" = 1'-0"



**2 WALL SECTION**  
 SCALE: 3/4" = 1'-0"

**SITE WORK**

- BACKFILL AND REGRADE AROUND NEW STRUCTURE TO ACHIEVE MIN. 8" CLEARANCE BETWEEN GRADE AND SIDING TO PROVIDE MIN. 1/4" PER FOOT SLOPE AWAY FROM BUILDING.
- CONTRACTOR TO VERIFY LOCATIONS OF ALL UNDERGROUND UTILITIES PRIOR TO ANY EXCAVATION.

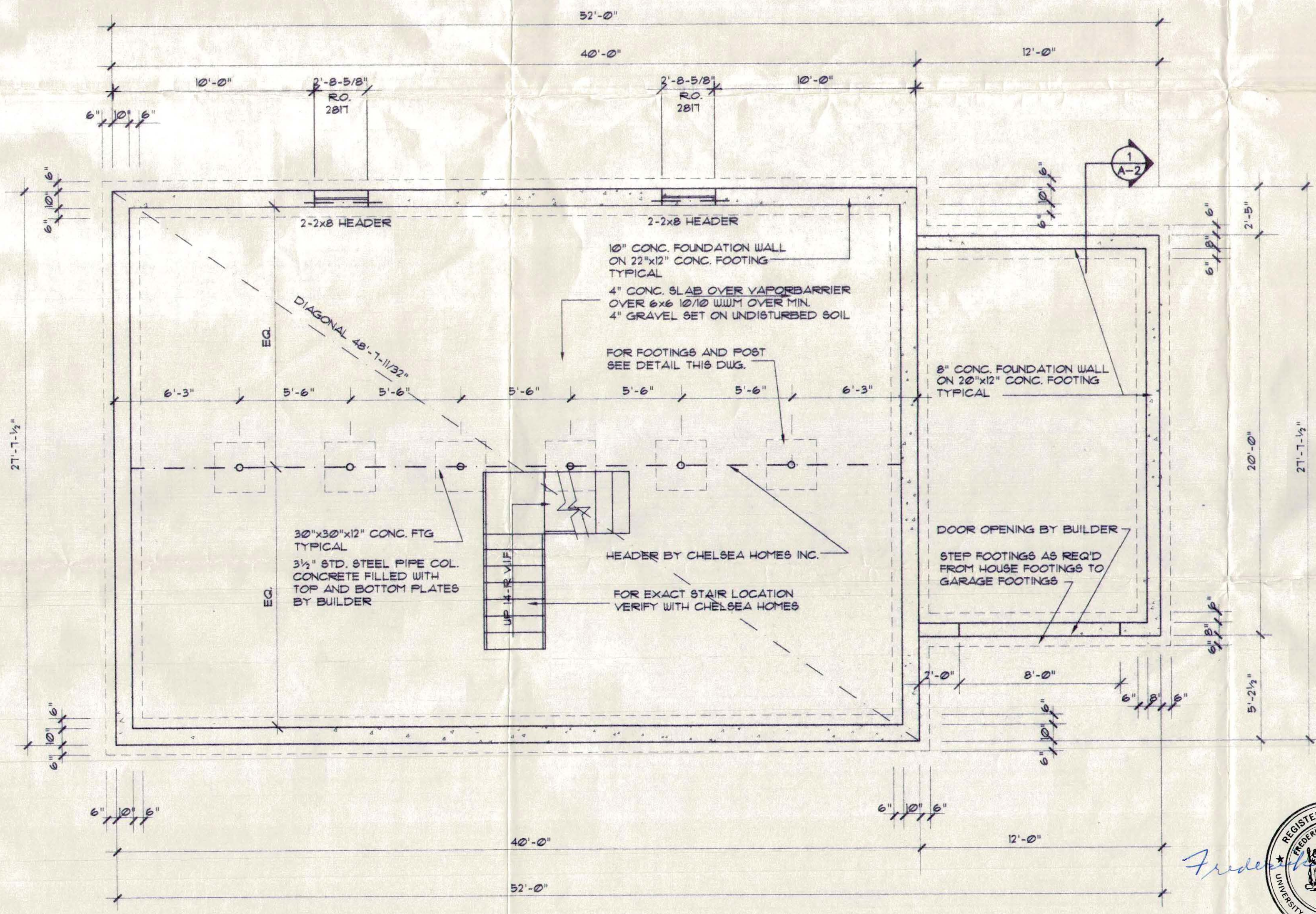
**FOUNDATION-CONCRETE & MASONRY**

- ALL CONCRETE SHALL BE TRANSIT MIX AND SHALL HAVE A MINIMUM COMPRESSIVE STRENGTH OF 3000 PSI @ 28 DAYS. SEE DRAWINGS FOR SIZES OF FOOTINGS.
- ALL FOOTINGS TO BE A MINIMUM 3'-6" BELOW GRADE TO UNDISTURBED SOIL WITH A MINIMUM BEARING CAPACITY OF 4000 PSF. REINFORCED WITH (2) CONTINUOUS #4 BARS 2" FROM BOTTOM.
- ALL CONCRETE TO POURED CONC. IF BLOCK SHALL BE STONE CONCRETE LOAD BEARING UNITS LAID IN FULL PORTLAND CEMENT MORTAR BEDS. EXTERIOR BLOCK FACES SHALL BE PARGED WITH CEMENT STUCCO ABOVE GRADE AND WATERPROOFED BELOW GRADE. (IF APPLICABLE)
- CMU WALLS TO HAVE LADDER OR TRUSS-TYPE STEEL REINFORCING BY "DUROWALL" OR EQUAL EVERY 2ND COURSE (IF APPLICABLE)
- WHERE INDICATED, PROVIDE 4" CONCRETE SLAB WITH MINIMUM 6x6 10/10 W/M OVER 6 MIL POLY. VAPOR BARRIER PROVIDE 4" GRAVEL (MAX. 3/4") OVER 95% COMPACTED FILL UNDER SLAB.
- PROVIDE 1/2" DIAM. 18" LONG (MIN.) ANCHOR BOLTS MIN. 6'-0" O.C. AND 12" MAX. FROM EACH CORNER.

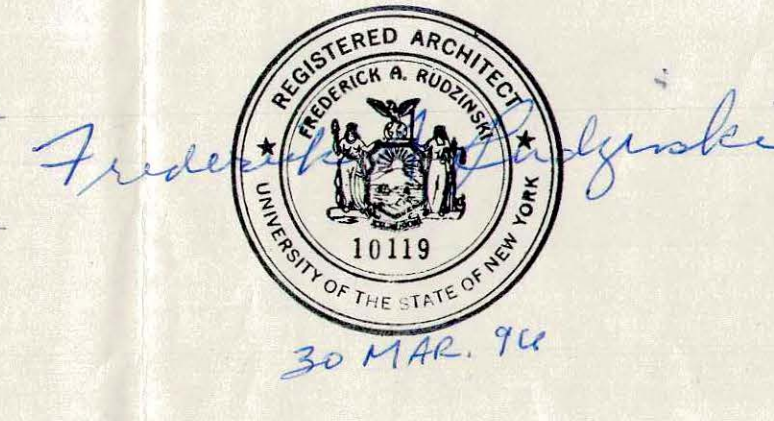
**INSURANCE**

- TO THE FULLEST EXTENT PERMITTED BY LAW, THE CONTRACTOR SHALL INDEMNIFY AND HOLD HARMLESS THE OWNER AND ARCHITECT AND THEIR AGENTS AND EMPLOYEES FROM AND AGAINST ALL CLAIMS, DAMAGES, LOSSES AND EXPENSES, INCLUDING BUT NOT LIMITED TO ATTORNEY'S FEES ARISING OUT OF OR RESULTING FROM THE PERFORMANCE OF THE WORK PROVIDED THAT ANY SUCH CLAIM, DAMAGE, LOSS OR EXPENSE (1) IS ATTRIBUTABLE TO BODILY INJURY OR DESTRUCTION OF TANGIBLE PROPERTY (OTHER THAN THE WORK ITSELF) INCLUDING THE LOSS OF THE USE RESULTING THEREFROM AND (2) IS CAUSED IN WHOLE OR IN PART BY ANY NEGLIGENT ACT OR OMISSION OF THE CONTRACTOR, ANY SUBCONTRACTOR, ANYONE DIRECTLY OR INDIRECTLY EMPLOYED BY ANY OF THEM OR ANYONE FOR WHOSE ACTS ANY OF THEM MAY BE LIABLE. REGARDLESS OF WHETHER OR NOT IT IS CAUSED IN PART BY A PARTY INDEMNIFIED HEREUNDER.

NOTE:  
 WINDOWS TO BE SUPPLIED BY BUILDER LOCATION AND SIZES OF WINDOWS TO BE DETERMINED IN FIELD GARAGE DOORS SUPPLIED AND INSTALLED BY G.C. AS PER MFG. SPEC'S  
 CONTRACTOR TO ESTABLISH HEIGHT OF NEW POURED CONCRETE FOUNDATION WALL W/ OWNER AFTER DETERMINING SLOPE AND CONDITIONS OF SITE PRIOR TO COMMENCEMENT OF FOOTING AND FOUNDATION CONSTRUCTION



**FOUNDATION PLAN**  
 SCALE: 1/4" = 1'-0"





**TOWN OF CORTLANDT CODE ENFORCEMENT  
INSPECTION REPORT**

PERMIT NO. 21122	DATE 4/4/96	OWNER LPL BUILDERS
LOCATION 41 EAST HILL ROAD		DESCRIPTION OF WORK 1 FAMILY RESIDENCE
SECTION 13.10	BLOCK 1	LOT 41

DATE	REMARKS
5-14-96	FTCS OK to pour.
5-24-96	FOUND & RE. DES - de to Backfill, NEED ASBUILT FOUND. Screwy.
6/3/96	See found. peering + Pkt. cert. in file Also - need arch. revision, etc. for columns, etc.
6-5-96	See arch cert. for columns enclosed.
6-10-96	Advised contractor sewer insp is engineering & water Dept. -
7-18-96	Ball taps + bottoms of lallys, check lallys + Insul under stairs. Plumbing has leaks, check chimney fire stop. Basement Insul not done yet. Patch framing O.K.
7-25-96	Fire stop O.K., insul for stairs O.K. Plumb. O.K. -
7-26-96	Insul. between 1 <sup>st</sup> fl + 2nd floor O.K. contractor has insul blown in -
8-22-96	Modular Co. Arch. cert. for nailing of floor joints enclosed.
3/21/97	Final - NEED All paper work Adjust Self Closure to Garage Door. One Coat of Tape over Balis, NEED WATER MATTER, NEED "1" BEACING AT Deck posts, ALSO NEED letter of Manufacturer Date of models



**BUILDING INFORMATION**

PROJECT: SINGLE FAMILY RESIDENCE  
 MODEL DESIGNATION: 2840 TWO STORY  
 USE GROUP: A1  
 CONSTRUCTION CLASSIFICATION TYPE: 5B  
 FLOOR AREA (PER FLOOR):  
 1ST FLOOR ---- -MIN. 1120 -MAX.  
 2ND FLOOR ---- -MIN. 1120 -MAX.  
 VOLUME OF ENCLOSED SPACE: 32947 CU. FT.  
 HEIGHT ABOVE FOUNDATION: 2 STORIES 24'-9" HEIGHT  
 FLAME SPREAD CLASSIFICATION: CLASS C  
 LOT LINE MINIMUM SET BACK: GREATER THAN 5'-0" FOR 0 HR. FIRE WALL.  
 (BUILDER'S RESPONSIBILITY)  
 BUILDING LOCATION: MUST BE OUTSIDE OF FIRE LIMITS  
 DESIGN OCCUPANCY LOAD: PEOPLE/FLOOR - 9 MAX.

**DESIGN LIVE LOADS: (IN PSF)**

WIND (WALL) 25 STAIRS 100  
 SNOW (ROOF) 40 CORRIDORS - 1st. FL. =40 2nd. FL. =30  
 FLOOR-1st. 40 BALCONY 60 (BUILDER'S RESPONSIBILITY)  
 2nd. (SLEEPING AREAS) 30 ATTIC: 8 (2x6 JOISTS) 20 (2x8 JOISTS)  
 SEISMIC: WIND LOAD CONTROLS  
 SPECIAL SYSTEMS: FIRE ALARM-INTERCONNECTED SMOKE DETECTORS  
 ARE SUBJECT TO APPROVAL BY LOCAL FIRE DEPARTMENT  
 TYPE III (1) ONE PER FLOOR PER 1200 SQ. FT. OR PORTION THEREOF

**EXTERIOR ENVELOPE THERMAL PERFORMANCE INFO.**

ENVELOPE COMPONENT	STATE REQUIRED CRITERIA IN MINIMUM 'R' VALUE		ACTUAL 'R' VALUE	
	NON-ELEC. HEAT	ELEC. HEAT	NON-ELEC. /	ELEC. HEAT
WALL	R 18	R 23	R 19/R 23	
ROOF/CLG.	R 24	R 33	R 30/R 38	
FLOOR	R 19	R 24	R 19/R 24	②
FOUNDATION	R 10	R 10	R 10	②
GLAZING	R 1.7	R 2.6	R 2.65/R 3.2	
EXT. DOORS	R 2.5	R 2.5	R 4.76	

NOTE: ① REQUIRED CRITERIA BASED ON 9000 DEGREE DAYS.  
 ② SUPPLIED AND INSTALLED BY BUILDER

**LOCATION OF INFORMATION LABELS**

DATA PLATE - IN KITCHEN SINK BASE CABINET. (1) PER DWELLING  
 P.F.S. LABELS - (1) IN EA. MODULE AS INDICATED ON PLANS  
 STATE LABEL - (1) PER DWELLING AS INDICATED ON PLANS

**CODE INFORMATION**

CHIMNEY/VENTING SYSTEM TYPE: MASONRY (ON SITE) OR ALL-FUEL TYPE CHIMNEY (UL 103 HIGH TEMP.) INSTALLED WITH PROPER CLEARANCES ON SITE, IN COMPLIANCE WITH STATE AND LOCAL CODES.

CONSTRUCTED IN COMPLIANCE WITH:

- 1990 NY ENERGY CONSERVATION CONSTRUCTION CODE (EFFECTIVE 3/1/91)
- 1987 NATIONAL ELECTRIC CODE
- 1986 NY UNIFORM FIRE PREVENTION & BUILDING CODE W/ AMENDMENTS

**HEATING SYSTEM INFORMATION**

SYSTEM TYPE: Hot Water Baseboard  
 FUEL: By Builder

**HEAT SUPPLIED**

DESIGN CRITERIA: DESIGN TEMP. DIFFERENCE 80 °  
 ( BTU/3.412 = WATTS )

ROOM BTUH REQ. PROV'D

LIVING ROOM	7270	7700
DINING ROOM	4642	4950
KITCHEN	5324	5500
NOOK	3857	4400
FAMILY ROOM	6758	7150
MASTER BR	6758	7150
BEDROOM #2	4608	4950
BEDROOM #3	4608	4950
BEDROOM #4	----	----
MASTER BATH	4608	4950
BATH 1	717	1100
BATH 2	----	----
W.I.C.	1775	2200
UTIL.	1331	1650
DEN	4676	4950
FOYER	2696	2750
OTHER	----	----
OTHER-	----	----

**LIGHT, VENT, HEAT REQUIREMENTS**

NATURAL LIGHT REQUIRED IS 8% OF FLOOR AREA. VENT REQUIRED IS 4% OF FLOOR AREA. LIGHT & VENT MAY BE PROVIDED BY MECHANICAL (\*) OR SHARED (\*\*) MEANS.

ROOM	LIGHT (SQ.FT.)		VENT (SQ.FT.)	
	REQ'D	PROV'D	REQ'D	PROV'D
LIVING ROOM	17.04	22.00	8.52	12.20
DINING ROOM	10.88	22.00	5.44	12.20
KITCHEN	12.48	4.70**	6.24	2.71**
NOOK	9.04	32.40	4.52	15.56
FAMILY ROOM	15.84	22.00	7.92	12.20
MASTER BR	15.84	22.00	7.92	12.20
BEDROOM #2	10.80	22.00	5.40	12.20
BEDROOM #3	10.80	22.00	5.40	12.20
BEDROOM #4	----	----	----	----
MASTER BATH	10.80	4.70*	5.40	2.71*
BATH 1	1.68	*	0.84	*
BATH 2	----	----	----	----
W.I.C.	----	----	----	----
UTIL.	3.12	*	1.56	17.77
DEN	10.96	11.00	5.48	6.10
FOYER	6.32	10.00	3.16	20.00
OTHER	----	----	----	----
OTHER-	----	----	----	----

ATTIC VENTILATION METHOD AT DISCRETION OF CHELSEA HOMES. TO BE SOFFIT AND RIDGE VENT OR SOFFIT AND GABLE VENT.

**WINDOW SCHEDULE**

MODEL	ROUGH OPENING	LIGHT	VENT	REMARKS
2-2852	5'-7 1/4" X 5'-5 1/4"	22.0	12.2	EGRESS
2852	2'-10 1/2" X 5'-5 1/4"	11.0	6.10	EGRESS
24210	2'-6 1/2" X 3'-1 1/4"	4.7	2.71	----
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**DOCUMENTS PROVIDED**

SHEET#	DRAWING TITLE	DWG. DATE	REV. DATE
A-1	DATA SHEET	12/29/95	N/A
A-2	FOUNDATION	12/29/95	N/A
A-3	FLOOR PLAN-1st	12/14/95	12/29/95
A-3a	FLOOR PLAN-2nd	12/14/95	12/29/95
A-4	ELEVATIONS	12/29/95	N/A
5	TOTAL SHEETS		



**IMPORTANT NOTE-**

IT SHALL BE THE RESPONSIBILITY OF THE SET & INSTALLATION CREW TO COMPLY TO THE SET INSTRUCTIONS AT THE TIME OF THE HOUSE SET ON THE FOUNDATION. ANY DISCREPANCY BETWEEN THE SET CONSTRUCTION AND THOSE SET INSTRUCTIONS WILL RENDER THE HOUSE WARRANTIES NULL AND VOID.

THESE PLANS TO THE BEST OF MY KNOWLEDGE, BELIEF AND PROFESSIONAL JUDGEMENT ARE IN COMPLIANCE WITH THE 1991 NEW YORK STATE ENERGY CONSERVATION CONSTRUCTION CODE. FURTHER:

THESE PLANS AND/OR SPECIFICATIONS ARE IDENTICAL TO THOSE TYPES ON FILE WITH THE DIVISION BEARING CERTIFICATION # 0648, (APPL 1332), HAVING BEEN APPROVED EFFECTIVE AUG. 29, 1994, AND HAVE NOT BEEN MODIFIED IN ANY MANNER WHATSOEVER EXCEPT PER SYSTEMS APPROVAL.

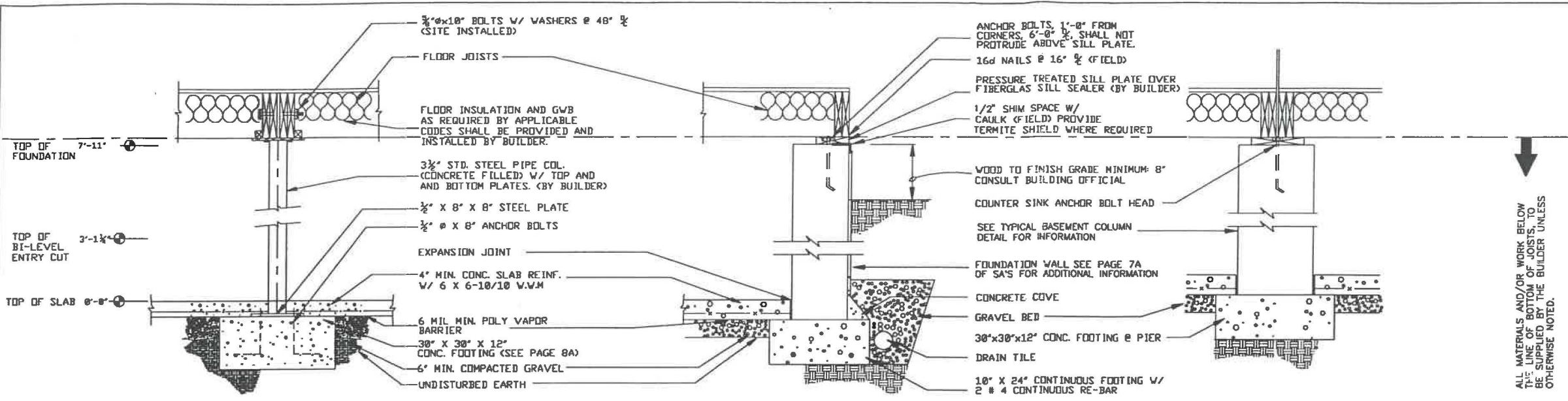
**THIRD PARTY INSPECTION AGENCY INFORMATION**  
 THIRD PARTY INSPECTION AGENCY: PFS CORP.

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<p>CLIENT: SPEC                  ADDRESS: CORTLAND NY</p>	<p>BUILDER: L.P.L. CUSTOM BUILDERS, INC                  ADDRESS: 54 SHELBURNE ROAD                  YONKERS NY 10710</p>	<p>SITE LOC.: ----                  2840 TWO STORY                  PROJ. ID #: C577                  SERIAL #: ----</p>	<p>DATA PAGE                  SHEET # A-1                  DWN. BY: PW                  APP. BY: ----                  DATE: 12/29/95</p>	<p>REVISIONS</p>		<p><b>MANUFACTURER INFORMATION</b>                  CHELSEA MODULAR HOMES, INC.                  P.O. BOX 1108 ROUTE 9W                  MARLBORO, N.Y. 12542 914-236-3311                  © COPYRIGHT 1995 CHELSEA MODULAR HOMES - ALL RIGHTS RESERVED                  THE ARCHITECTURAL WORK CONTAINED HEREON IS PROTECTED UNDER SECTION 102 OF THE COPYRIGHT ACT, 17 U.S.C. AS AMENDED 12-1-90.                  THIS DRAWING SHALL NOT BE REPRODUCED IN ANY WAY OR USED FOR CONSTRUCTING ANY BUILDING WITHOUT FIRST OBTAINING WRITTEN AUTHORIZATION OF CHELSEA MODULAR HOMES, INC. ALL FLOORPLANS SUBJECT TO CHANGE WITHOUT NOTICE.</p>
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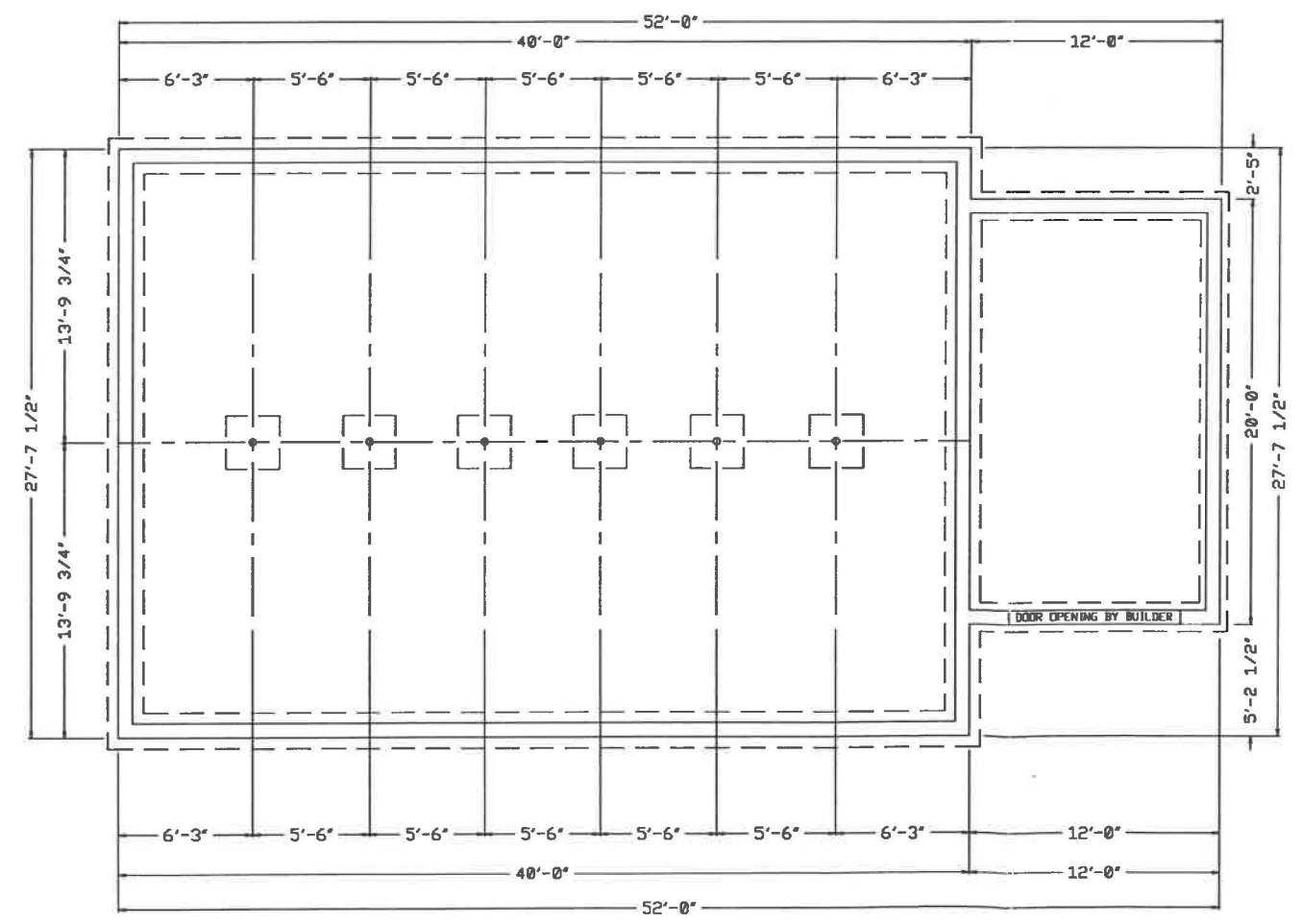




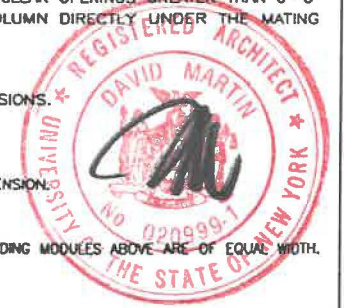
TYPICAL BASEMENT COLUMN DETAIL

TYPICAL FOUNDATION WALL DETAIL

TYPICAL CRAWLSPACE PIER DETAIL



- NOTES:
- CHelsea MODULAR HOMES, INC. SHALL NOT BE RESPONSIBLE FOR THE DESIGN OR CONSTRUCTION OF FOOTINGS, FOUNDATION WALLS, PIERS, GROUND SLABS, SITE DRAINAGE AND OTHER SITE FEATURES. THE FEATURES NOTED SHALL BE DESIGNED BY OTHERS TO COMPLY WITH ALL LOCAL, STATE AND FEDERAL CODES AND/OR REQUIREMENTS. CHelsea MODULAR HOMES, INC. HAS DEPICTED TYPICAL FOUNDATION DETAILS FOR GENERAL INFORMATION PURPOSES ONLY. ANY VARIATION, JOB CONDITIONS OR DISCREPANCIES SHOULD BE DISCUSSED WITH EITHER A LICENSED PROFESSIONAL ENGINEER OR YOUR LOCAL BUILDING OFFICIAL PRIOR TO PROCEEDING.
  - CHelsea MODULAR HOMES, INC. MAKES NO RECOMMENDATION WITH REGARD TO HOW THE SCOPE OF THE REQUIRED WORK SHOULD BE UNDERTAKEN AND ALL PROCEDURES INVOLVING BACKFILLING, BRACING, CURING TIME, DESIGN OF MORTAR MIX AS WELL AS OTHER PERTINENT DETAILS, SHOULD BE UNDER THE SUPERVISION OF A LICENSED PROFESSIONAL ENGINEER.
  - ALL ITEMS AND PRACTICES REQUIRED FOR THE INSTALLATION OF THE FOUNDATION ILLUSTRATED SHALL BE PROVIDED BY THE BUILDER.
  - CONTACT YOUR LOCAL BUILDING OFFICIAL FOR EXACT SPECIFICATIONS REQUIRED FOR YOUR FOUNDATION.
  - WHEN BASEMENT IS TO BE HEATED, DEPTH OF BASEMENT WALL INSULATION WILL VARY DEPENDING UPON THE TYPE OF HEATING SYSTEM USED AND THE DEGREE DAYS FOR THE AREA.
  - FOUNDATION CAN BE POURED CONCRETE OR BLOCK. IF BLOCK, FILL CORES SOLID WITH MORTAR AT GIRDER BEARING POINTS. ALL FOOTINGS MUST REST ON SAFE, UNDISTURBED EARTH AND BE BELOW FROST LINE WITH SUITABLE EARTH COVER ABOVE.
  - MASONRY CONTRACTOR SHALL BE RESPONSIBLE FOR CONFORMITY, OF DIMENSIONS, AND SHALL ASSUME LEVEL AND SQUARE WORK. ALL CORNERS ARE TO BE 90 DEGREES UNLESS OTHERWISE NOTED.
  - SHOULD ANY CONTRADICTIONS EXIST BETWEEN THE INFORMATION CONTAINED HEREON AND THAT FOUND ON OTHER SHEETS WITHIN THIS SET, THE MORE STRINGENT CONDITION SHALL APPLY.
  - COLUMNS SHALL BE SPACED ACCORDING TO THE FOLLOWING PARAMETERS:
    - 24" WIDE W/ 2x8 JOISTS 5'-6" MAX. CL. TO CL.
    - 26" & 28" WIDE W/ 2x10 6'-6" MAX. CL. TO CL.
    - ALL TWO STORY BUILDINGS 5'-6" MAX. CL. TO CL.
    - ALL DOOR OPENINGS, ARCHES AND CLEAR OPENINGS GREATER THAN 6'-0" IN THE MATING WALL REQUIRE A COLUMN DIRECTLY UNDER THE MATING WALL OPENING POSTS.
  - REFER TO FLOOR PLANS FOR DIMENSIONS.
  - FOR ENERGY PKG. ADD 1" TO PLAN DIMENSION.
  - DIMENSION "A" AND "AE" ASSUME BOTH BUILDING MODULES ABOVE ARE OF EQUAL WIDTH.

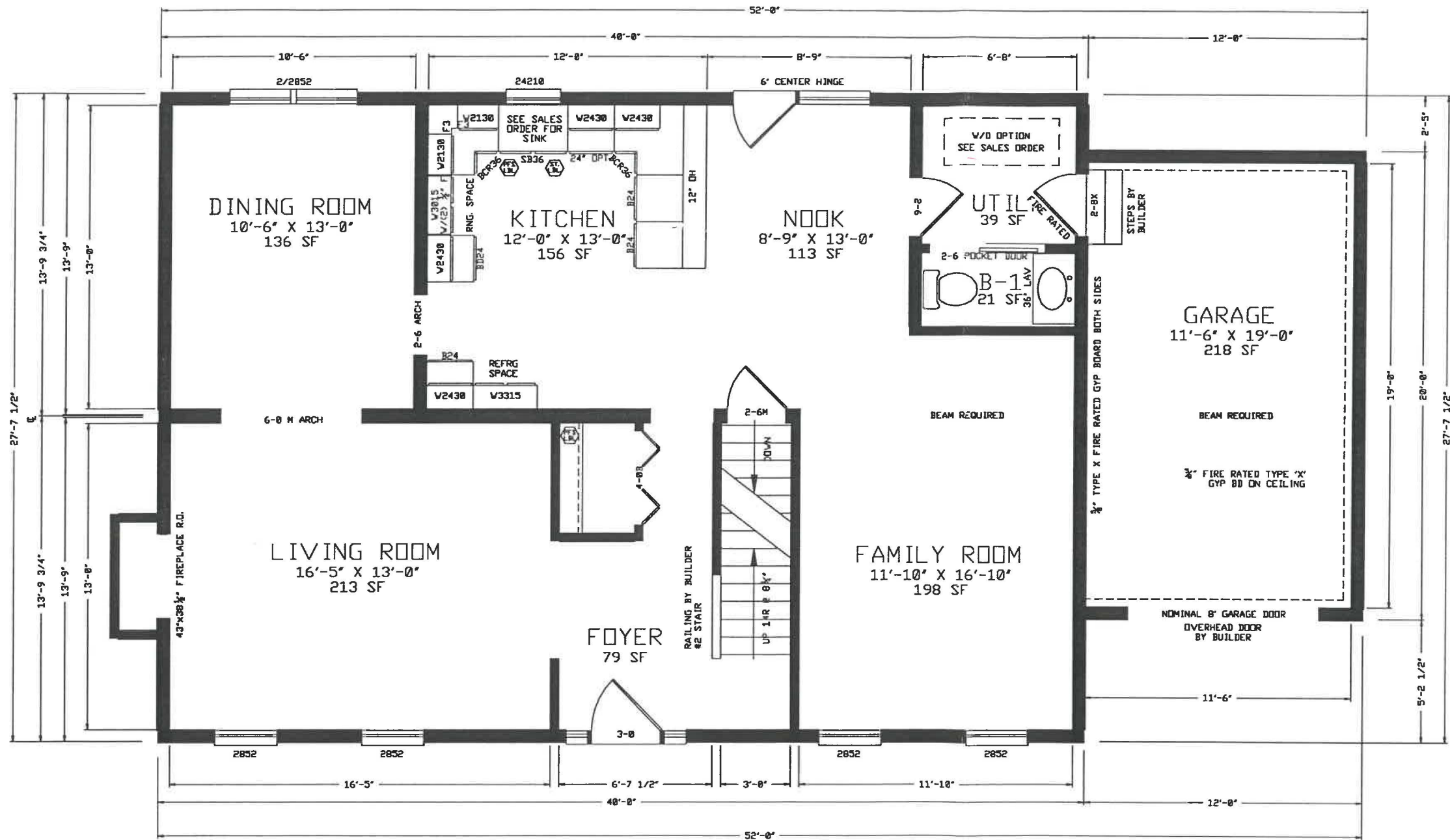


**CAUTION:**  
BUILDER SHALL BE RESPONSIBLE TO COORDINATE LOCATION OF COLUMNS WITH REGARD TO BASEMENT STAIRS. SEE FLOOR PLANS FOR ANY COLUMNS REQUIRED OTHER THAN THOSE ON MATING LINE.

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<p>CLIENT: SPEC ADDRESS: CORTLAND NY</p>	<p>BUILDER: L.P.L. CUSTOM BUILDERS, INC ADDRESS: 54 SHELBURNE ROAD YONKERS NY 10710</p>	<p>SITE LOC.: ---- 2840 TWO STORY PROJ. ID #: C577 SERIAL #: ----</p>	<p>FOUNDATION DIAGRAM SHEET # A-2 DWN. BY: PW APP. BY: ---- DATE: 12/29/95</p>	<p>REVISIONS</p>		<p>MANUFACTURER INFORMATION CHelsea MODULAR HOMES, INC. P.O. BOX 1108 ROUTE 9W MARLBORO, N.Y. 12542 914-236-3311 © COPYRIGHT 1995 CHelsea MODULAR HOMES - ALL RIGHTS RESERVED THE ARCHITECTURAL WORK CONTAINED HEREON IS PROTECTED UNDER SECTION 102 OF THE COPYRIGHT ACT, 17 U.S.C. AS AMENDED 12-1-90. THIS DRAWING SHALL NOT BE REPRODUCED IN ANY WAY OR USED FOR CONSTRUCTING ANY BUILDING WITHOUT FIRST OBTAINING WRITTEN AUTHORIZATION OF CHelsea MODULAR HOMES, INC. ALL FLOORPLANS SUBJECT TO CHANGE WITHOUT NOTICE.</p>
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CLIENT:  
SPEC.  
ADDRESS:  
CORTLAND NY

BUILDER:  
L P L CUSTOM BUILDERS INC  
ADDRESS:  
54 SHELBURNE ROAD  
YONKERS NY 10710

SITE LOC.: ----  
2840 TWO STORY  
PROJ. ID #: C577  
SERIAL #: ----

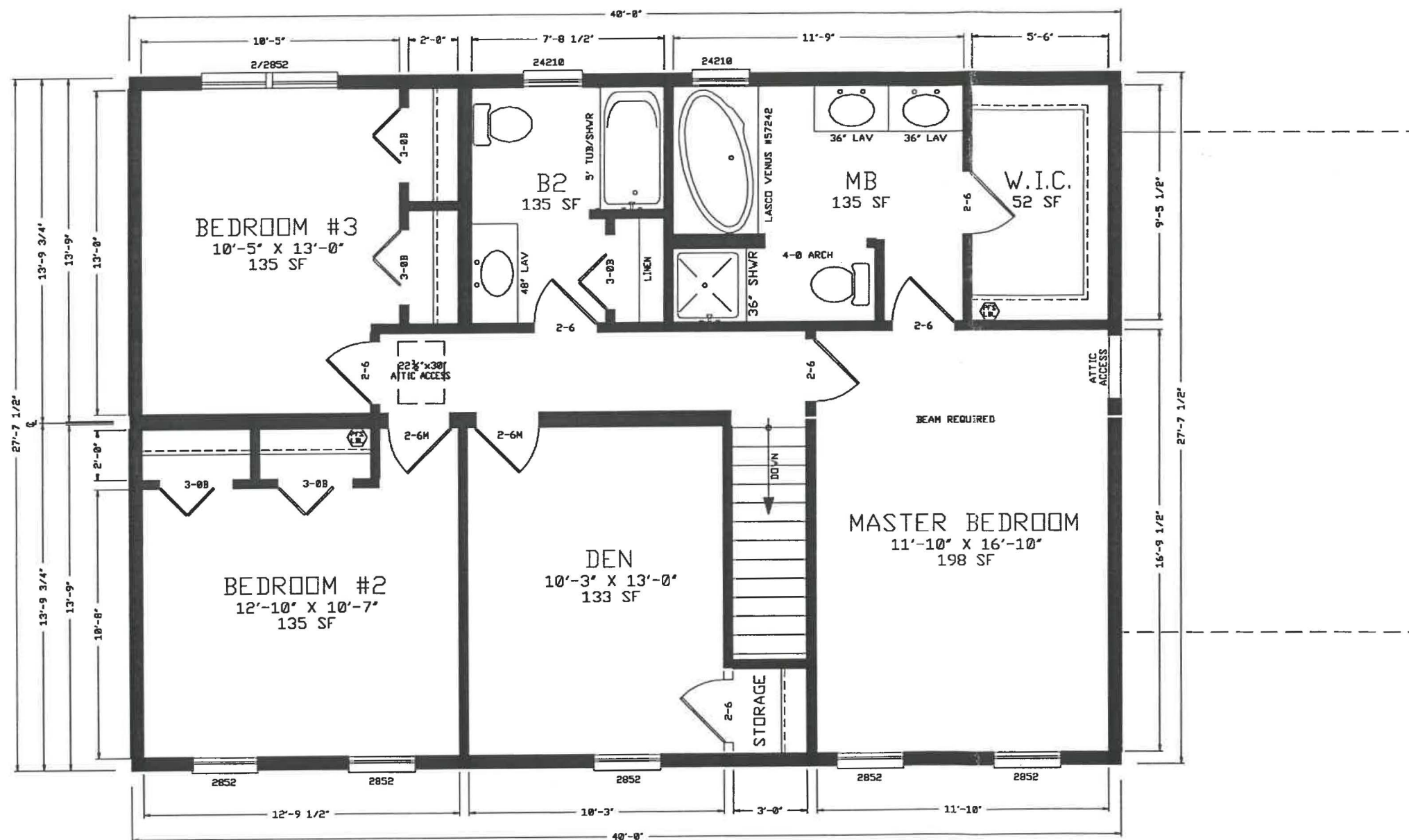
FIRST FLOOR PLAN  
SHEET # A-3  
DWN. BY: KS  
APP. BY:  
DATE: 12/14/95

REVISIONS	01/02/96	MY
	12/29/95	PW



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ADDRESS:  
54 SHELBURNE ROAD  
YONKERS NY 10710

SITE LOC.: ----  
2840 TWO STORY  
PROJ. ID #: C577  
SERIAL #: ----

SECOND FLOOR PLAN

SHEET # A-3a  
DWN. BY: KS  
APP. BY:  
DATE: 12/14/95

REVISIONS

01/02/96	MY
12/29/95	PW

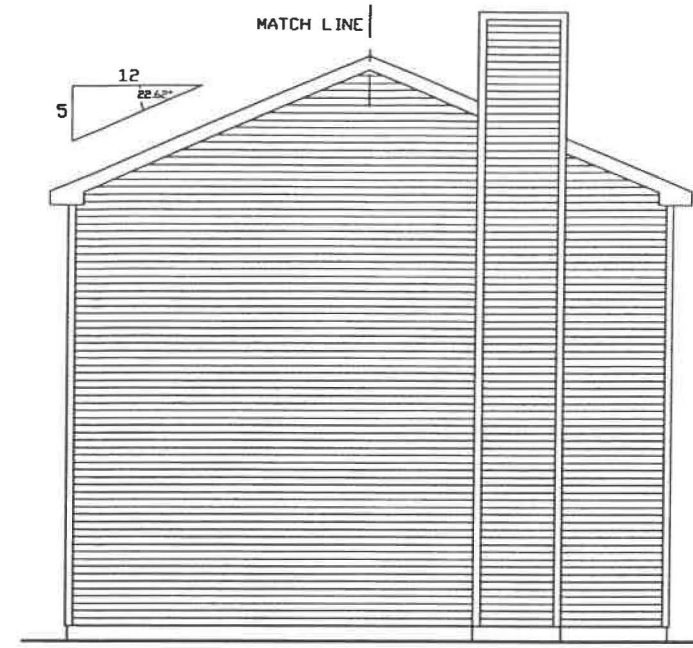


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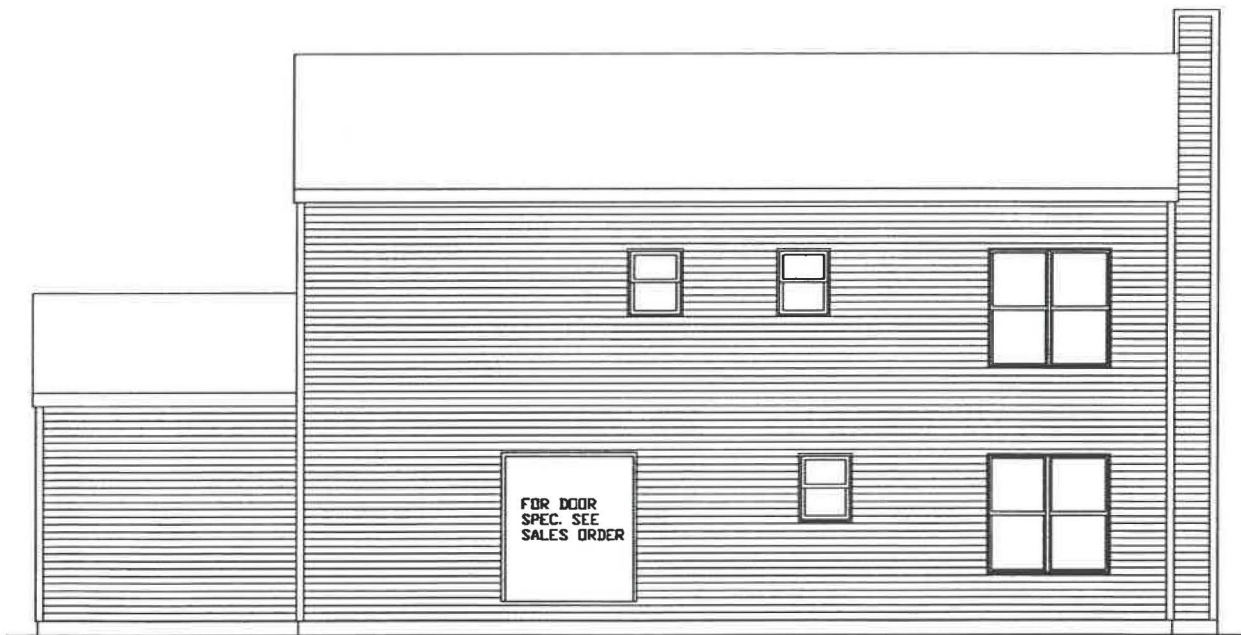


FRONT ELEVATION

NOTE: BUILDER SHALL BE RESPONSIBLE FOR ASSURING EGRESS ELEMENTS ARE IN COMPLIANCE WITH LOCAL REGULATIONS.

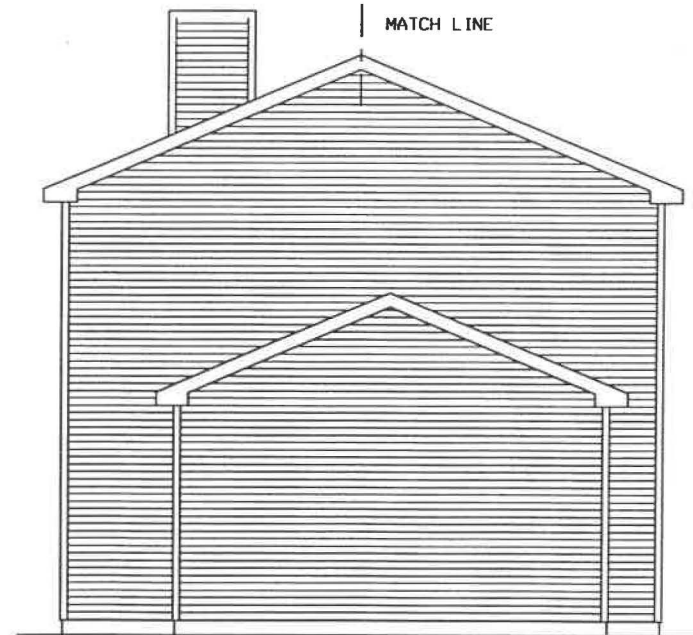


LEFT ELEVATION



REAR ELEVATION

NOTE: BUILDER SHALL BE RESPONSIBLE FOR ASSURING EGRESS ELEMENTS ARE IN COMPLIANCE WITH LOCAL REGULATIONS.



RIGHT ELEVATION



SEE SALES ORDER/PLAN FOR:  
 DOOR TYPES  
 OPTIONAL SHUTTERS  
 GABLE END OVERHANGS  
 FYPON PANELS  
 ADDITIONAL LIGHTING  
 GRILLS

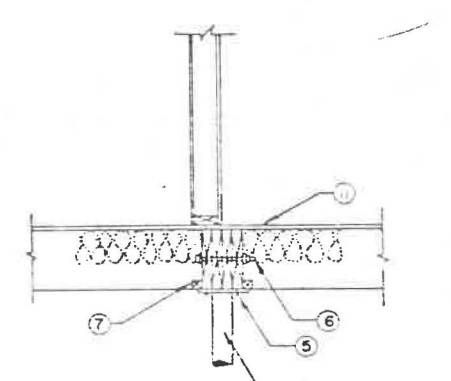
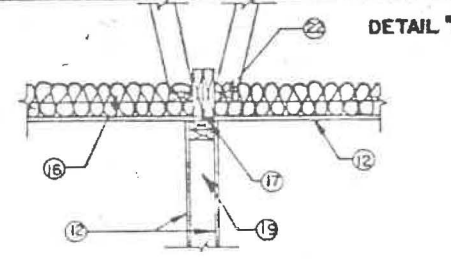
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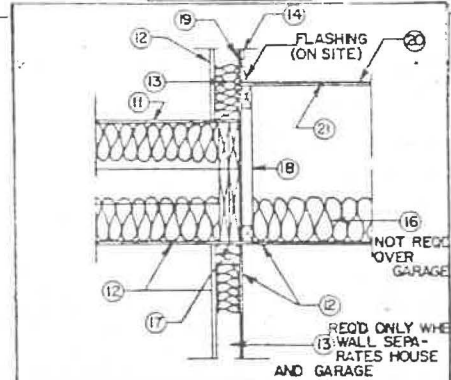
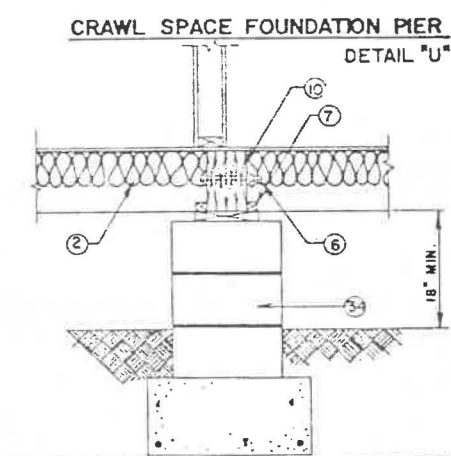
<p>CLIENT: SPEC ADDRESS:  CORTLAND NY</p>	<p>BUILDER: L.P.L. CUSTOM BUILDERS, INC ADDRESS: 54 SHELBURNE ROAD YONKERS NY 10710</p>	<p>SITE LOC.: ---- 2840 TWO STORY PROJ. ID #: C577 SERIAL #: ----</p>	<p>ELEVATIONS SHEET # A-4 DWN. BY: PW APP. BY: ---- DATE: 12/29/95</p>	<p>REVISIONS</p>		<p>MANUFACTURER INFORMATION                  CHELSEA MODULAR HOMES, INC.                  P.O. BOX 1108 ROUTE 9W                  MARLBOROUGH, N.Y. 12542 914-236-3311                  © COPYRIGHT 1995 CHELSEA MODULAR HOMES - ALL RIGHTS RESERVED                  THE ARCHITECTURAL WORK CONTAINED HEREON IS PROTECTED UNDER SECTION 102 OF THE COPYRIGHT ACT, 17 U.S.C. AS AMENDED 12-1-90.                  THIS DRAWING SHALL NOT BE REPRODUCED IN ANY WAY OR USED FOR CONSTRUCTING ANY BUILDING WITHOUT FIRST OBTAINING WRITTEN AUTHORIZATION OF CHELSEA MODULAR HOMES, INC. ALL FLOORPLANS SUBJECT TO CHANGE WITHOUT NOTICE.</p>
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**SINGLE CENTER WALL BRG. AND MATING DETAILS**

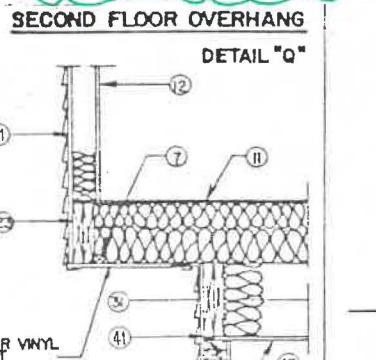
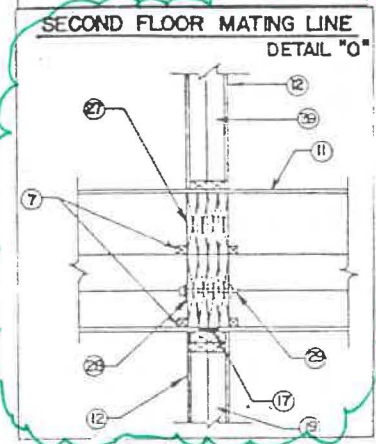
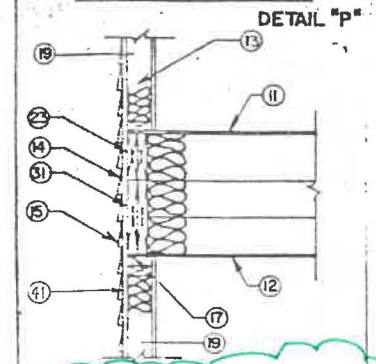


**TYP. ONE STORY FLR. GIRDER BRG. DETAIL 'T'**



**ROOF/2ND FLOOR INTERSECTION DETAIL 'R'**

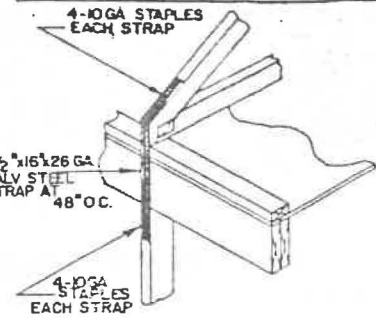
**TYP. SECOND FLOOR**



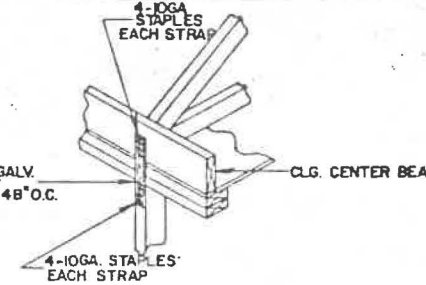
ALUM OR VINYL SOFFIT

Exterior cornices and eaves shall be firestopped at the ends of fire and party walls, and at intervals of not more than 20'-0" (739.6c-5)

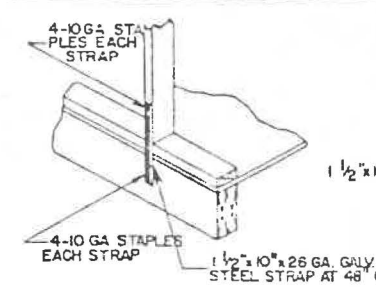
**STD. TRUSS TO WALL ANCHORAGE**



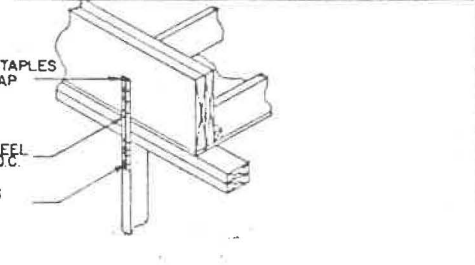
**ROOF ANCHORAGE TO MATING WALL**



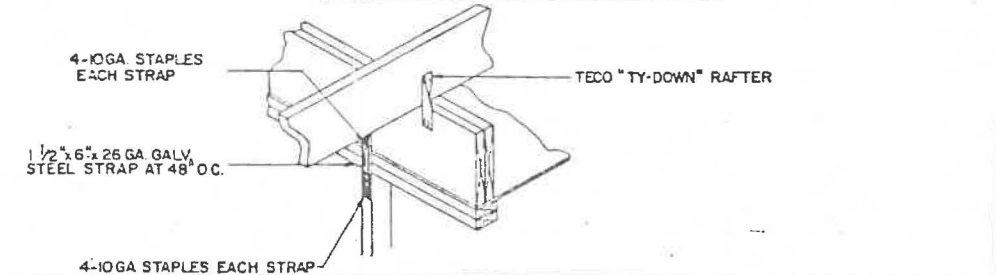
**STD. EXT. WALL TO FLOOR ANCHORAGE**



**TWO STORY FIRST FLR. CLG. ANCHORAGE TO BRG. WALL**

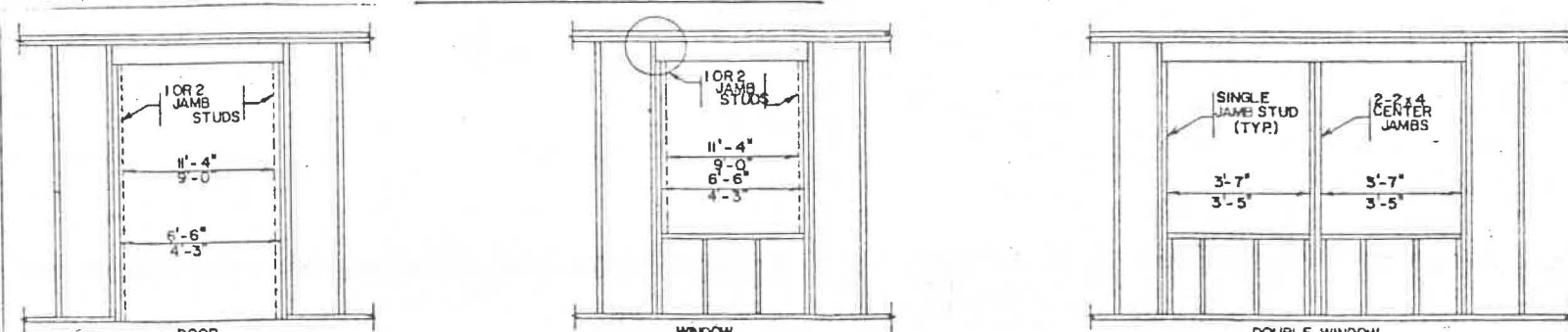


**TWO STORY 2ND FLR. OVERHANG**



NOTES, CONT.  
4.1. AIR INFILTRATION BARRIER UNDER "LOOSE FITTING" SIDING PER SECT. 7814.2 (C), TYP.

**ALT. FRAMING FOR LARGE HEADERS**



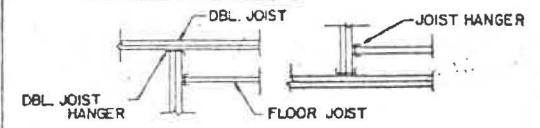
**TYP. EXT. WALL FRAMING-DOORS AND WINDOWS**

DIM. SHOWN ARE MAX R.O. ACCORDING TO NO. OF JAMB STUDS PROVIDED 1ST FLR. OF 2-STORY 2x4 #2 SPF-MAX R.O. ABOVE DIM LINE SINGLE STORY & 2ND FLR. OF TWO STORY 2x4 STUD SPF-MAX R.O. BELOW DIM LINE.

**DETAIL REFERENCE NOTES**

- ALUMINUM RIDGE VENT. (OR GABLE END VENT)
  - R-19 INSULATION W/ VAPOR BARRIER TOWARD CONDITIONED SPACE (ON-SITE INSTALLATION)
  - SAME AS NOTE # 2 WITH UNHEATED BASEMENT ONLY.
  - 3" DIA PIPE COLUMNS (ON-SITE). SEE FOUNDATION DETAILS.
  - 3/4" x 4" LAG BOLT (4 EA COLUMN) (ON-SITE BY BUILDER).
  - 3/8" BOLTS WITH WASHERS AT 48" O.C. (SITE INSTALLED)
  - 2x2 CONTINUOUS LEDGER TAKEN FROM GRADED 2x4 MAT'L FOR 27 WIDE MODELS.
  - FLR JOISTS AT 16" O.C. #2 SPF FOR 24 WIDE MODELS & 10#2 SPF FOR 27 WIDE MODELS.
  - DOUBLE BAND JOISTS (#2 SPF TO MATCH SIZE TO FLOOR JOIST WITH SPLICES STAGGERED 4'-0" MIN.)
  - CENTER FLOOR GIRDER PER STRUCTURAL CALC. MANUAL
  - 3/4" T&G O.S.B. DECKING GLUED & NAILED
  - 1/2" GYP SYM BOARD WITH 5/8" OPTION
  - R-19 INSULATION W/ VAPOR BARRIER TOWARD CONDITIONED SPACE.
  - EXTERIOR SHEATHING:
    - (A) O.S.B. (APA RATED SHEATHING)
    - (B) 5/8" PLYWOOD T-II (C) 1/2" R-MAX (OPD DISA) STYROFOAM
  - EXTERIOR SIDING:
    - (A) 4/4 ALUM OR VINYL (UNBACKED)
    - (B) 1/2" ALUM WITH BACKING
    - (C) 5/8" T-II
  - INSULATION W/ VAPOR BARRIER TOWARD CONDITIONED SPACE.
  - 1/2" x 1/2" WOOD COMPRESSION STRIP OVER ALL BRG. WALLS
  - PREFABRICATED WOOD TRUSS AT 16" O.C.
  - 2x4 STUDS AT 16" O.C. (STUD GRADE SPF) SEE ITEM 40 BELOW
  - 2x6 ASPHALT OR FIBERGLASS (CLASS C) SHINGLES OVER # 15 FELT.
  - 1/2" APA RATED SHEATHING 24/16 EXPC.
  - APPROVED METAL JOIST HANGER
  - DOUBLE BAND JOIST #2 SPF TO MATCH SIZE OF FLOOR JOIST (TYP ON ALL OVERHANGING FLOORS)
  - 2x4 AT 16" O.C. (#2 SPF)
  - 4 MEMBER CENTER FLOOR GIRDER WITH SPLICES STAGGERED AND LOCATED AT 8' INCREMENTS IN CO-ORDINATION WITH COL. AND PIER SPACING.
  - A 1" AIR SPACE FOR VENTILATION IS REQUIRED VIA AN INSULATION RETAINER INSTALLED BETWEEN TRUSSES. (EVERY OTHER TRUSS)
  - 2 OR 4 MEMBER 2ND FLOOR GIRDER W/ SPLICES STAGGERED 4' O.C. EXCEPT AS RESTRICTED BY SPAN SCHEDULE
  - 4-2x12 CLG. GIRDER W/ SPLICES STAGGERED 4' O.C. EXCEPT AS RESTRICTED BY SPAN SCHEDULE.
  - 5/8" BOLTS AT 8' O.C. (ON SITE)
  - 2x6 #2 SPF CLG. JOISTS AT 16" O.C.
  - DOUBLE 2-12x2 SPF BAND JOIST W/ SPLICES STAGGERED 4' MIN.
  - CRAWL SPACE FOUNDATION WALL (ON SITE BY BUILDER) SEE FOUNDATION DETAILS.
  - BASEMENT FOUNDATION WALL (ON SITE BY BUILDER) SEE NOTE 32
  - 16" x 16" CRAWL SPACE FOUNDATION PIER (ON SITE BY BUILDER) SEE FOUNDATION DETAILS.
  - 2 PCS OF 1/2" MICRO-LAM WALL HEADER.
  - 2 PCS OF 1/2" PLY OR STRUCTWOOD FILLER.
  - DOUBLE 1/2 x 1 1/2" COMPRESSION STRIP.
  - WEDGE BLOCKING
- NOTE-IDENTIFICATION OF TOP AND BOTTOM PLATES MUST BE DOUBLED WHEN TRUSSES DO NOT ALIGN W/ STUDS

**TYP. FLOOR FRAMING**



**Stamp of Approval for a System, Model or Component**

A-1552 3-00-40  
 Dorek V. Halpain  
 REGISTERED ARCHITECT & ENGINEER  
 STATE OF NEW YORK



CHELSEA MODULAR HOMES, INC.  
 ROUTE 9W  
 P.O. BOX 1108  
 MARLBORO, NY 12542

**TYPICAL SECTIONS-DETAILS**

DATE	
BY	
CHECKED BY	
APPROVED BY	

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 2) Reproduction or unauthorized possession, use or distribution is prohibited without the prior written consent of Chelsea Homes, Inc. and may contain copyrighted information and/or proprietary data which belongs to Chelsea Homes, Inc.  
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 4) Use of this plan and/or the proprietary data and information contained herein is authorized for a single one-time use or multiple use in connection with the erection of a structure or structure located at \_\_\_\_\_ registered plan # \_\_\_\_\_







EAST HILL ROAD

120.79'

27

24

26

25

Scale 1"=40'

8

9

10

11

12

FOUND REBAR WITH CAP STAMPED "B/W LS"

FOUND CONCRETE MONUMENT

29,962 S.F.  
0.69 ACRES

Prop. Driveway

Prop. House

EAST HILL ROAD

N 16° 46' 00" E 100.27'

270'

N 77° 27' 00" W 180.01'

280'

S 77° 27' 00" E 150.01'

S 16° 46' 00" W 50.14'

290'

N 16° 46' 00" E 50.14'

300'

S 77° 27' 00" E 146.93'

N 77° 27' 00" W 153.30'

23'

58.0'

100.00'

S 12° 33' 00" W 100.00'

SECTION

LOT

BLOCK

8th Street  
Verplanck, N.Y. 10596

**TOWN OF CORTLANDT  
HIGHWAY DEPARTMENT**

PLANTING OF TREES, SHRUBS OR  
FLOWERS; INSTALLATION OF PIPES  
SIGNS, WALLS, OR ENCUMBRANCES  
OF ANY NATURE, ARE NOT ALLOWED  
WITHIN THE HIGHWAY RIGHT OF WAY

Tel. # 737-0047

**DRIVEWAY PERMIT**

I, L. WINSTANLEY  
(Name of Applicant)

OF

54 SHELBURNE ROAD.  
YONKERS, N.Y. 10710  
(Address)

Hereinafter termed the Applicant, request permission and Authority to construct (a driveway) (driveways) described as follows:

CONTRACTORS NAME L.P.L. BUILDERS  
ADDRESS 11 SUN HILL RD  
KATONAH SOMERS N.Y. 10536  
PHONE # 962-1617

Subject to the restriction shown in sketches and regulations as described in the Minimum Standard for Entrances to Highways as approved by the Town Board.

The applicant agrees to construct and maintain the driveway or driveways in such reasonably safe and proper condition that it will not interfere with or endanger travel upon said highway, nor obstruct nor interfere with the proper maintenance thereof, and if by reason of future construction within the right of way should require the rearrangement of said driveway or driveways the applicant agrees for himself and his successor and assigns to promptly alter said driveway or driveways to conform with said future construction.

It is understood and agreed that the driveway or driveways will be constructed in accordance with sketches annexed hereto.

Permit requested this the

1

day of

February, 1996

Town of Cortlandt Highway Department

Walter F. Kelly, Superintendent

8th Street

Verplanck, N.Y. 10596

Tel. # 737-0047

Signed

L. Winstanley  
Owner

This driveway shall be constructed so that no water runs on or off the town road and sight distances of 200 ft. will be maintained.  
Copy of Permit to be kept on job site.

Permit granted this the

16

day of

Feb, 1996

PLEASE HAVE A SOILS ANALYSIS PERFORMED FOR DRAINAGE AND PERCOLATION PURPOSES.

By:

Walter F. Kelly  
Superintendent

TOWN OF CORTLANDT

SUBMIT THE FOLLOWING:

1. BOARD OF HEALTH APPROVAL PLAN
2. PROPERTY SURVEY MAP

modular permit to be submitted  
sewer permit to be submitted  
sewer authority to be submitted  
with bond  
1539138  
201534



28 August 1996

Building Department  
Town of Cortlandt  
1 Heady St. (Town Hall)  
Cortlandt Manor, N.Y.

RE: Residential Dwelling  
41 East Hill Road  
Town of Cortlandt, N.Y.

Dear Building Department:

Upon inspection of the subject dwelling on 22 August, 1996, it appeared that the installation of the factory-manufactured home was satisfactory. There did not appear to be any damage to the structural integrity of the building.

Sincerely,

*Frederick A. Rudzinski*

FREDERICK A. RUDZINSKI, R.A.



Town of Cortlandt  
1 Heady Street  
Cortlandt Manor, NY 10566

FAX. NO. 734-1025

RE: FREEDOM OF INFORMATION REQUEST

Dear Mrs. Boyle:

Under the provisions of the New York State Freedom of Information Law, Article 6 of the Public Officers Law, I hereby request records or portions thereof pertaining to the following:

*Copy of survey*

If there are any fees for copying the records requested, please inform me before filling the request (or please supply the records without informing me if the fees are not in excess of \$5.00).

As you know, the Freedom of Information Law requires that an agency respond to a request within five business days of receipt of a request. Therefore, I would appreciate a response as soon as possible and look forward to hearing from you shortly.

If for any reason any portion of my request is denied, please inform me of the reasons for the denial in writing and provide the name and address of the person or body to whom an appeal should be directed.

Sincerely,

*Robin S. Goldsant*  
Signature Name Robin S Goldsant  
Print Name \_\_\_\_\_  
Box 431 Peekskill  
Address & Phone No. 734-2700  
City \_\_\_\_\_

*Info given to applicant  
4-8-97*

(FOR OFFICE USE ONLY)

Referred to Code Enforcement on 4-8-97 for  
response to Town Clerk no later than \_\_\_\_\_

REQUEST IS DENIED, PLEASE INDICATE REASON FOR DENIAL. \_\_\_\_\_

# TOWN OF CORTLANDT

DEPARTMENT OF CODE  
ADMINISTRATION & ENFORCEMENT  
TOWN HALL  
111 OREGON ROAD  
CORTLANDT MANOR, N.Y. 10566  
(914) 734-1010

LINDA D. PUGLIS  
TOWN SUPERVISOR

VINCENT F. NYBERG, PE, RA  
DIRECTOR OF CODE ENFORCEMENT

BARBARA K. MILLER  
DEPUTY DIRECTOR OF CODE ENFORCEMENT

ANTHONY J. TURCO  
BUILDING INSPECTOR

## LICENSED ELECTRICIAN'S CERTIFICATION

BUILDING PERMIT # 21122

ELECTRICAL CONTRACTOR LPL ELECTRIC

ADDRESS 11 SUN HILL RD Katonah

CORTLANDT MASTER'S LICENSE # 547 OR

RECIPROCAL LICENSE # 1515

OWNER LPL BUILDERS

ADDRESS 11 SUN HILL RD Katonah

NATURE OF WORK NEW SINGLE FAMILY

MODULAR

  
CONTRACTOR'S SIGNATURE

DATE: 4/4/96



**TOWN OF CORTLANDT**  
**DEPARTMENT OF CODE**  
**ADMINISTRATION & ENFORCEMENT**

LINDA D. PUGLISI  
Town Supervisor

BARBARA K. MILLER  
Deputy Director of Code Enforcement

VINCENT F. NYBERG, PE, RA  
Deputy Town Engineer  
Director of Code Enforcement

MUNICIPAL BUILDING  
CROTON-ON-HUDSON, NY 10520  
914-271-8044-8045

ANTHONY J. TURCO  
Building Inspector

**LICENSED PLUMBER'S CERTIFICATION**

BUILDING PERMIT # 21122

PLUMBING CONTRACTOR Ted Oswald Jr

ADDRESS 119 4th St Verplank, NY 10596

CORTLANDT LICENSE # 86

OWNER L P L BUILDERS

ADDRESS 54 Shelburne Rd Yonkers NY

NATURE OF WORK N Connect all PLUMBING  
TO MODULAR HOUSE

NO. OF FIXTURES \_\_\_\_\_

Ted Oswald Jr  
CONTRACTOR'S SIGNATURE

**NOTE:**

AS OF OCTOBER 1, 1987, ALL MODULAR BODSES MUST HAVE ALL FIXTURES DISCONNECTED TO ENABLE DS TO WATER TEST THE WASTE LINES THROUGH THE ROOF VENTS.



# CHELSEA MODULAR HOMES

Route 9W • Box 1108 • Marlboro NY 12542  
(914) 236 - 3311 Fax (914) 236 - 4881

13-10-1-41

BP# 21122

JUL 31 1996

## LETTER OF TRANSMITTAL

TO Cortlandt Manor Town Hall  
1 Healy Street  
Cortlandt Manor, NY 10566

DATE 30-Jul-96 PIN # C577  
ATTN: Mr. Anthony Turco, B SERIAL # 135  
BLDR/DEALER: LPL Custom Home  
RETAIL CUSTOMER: Spec  
STATE OF: NY  
DIMENSIONS: 2840  
MODEL/DESCRIPTION: Two Story

### ENCLOSED PLEASE FIND THE FOLLOWING ITEMS:

#### NO. OF PRINTS:

#### DESCRIPTION OF ITEMS:

Letter from PFS w/ excerpts from the NYS Code Manual  
for the State Building Code

#### REMARKS:

Please call if I can be of any further assistance.

David Martin

#### SEND VIA:

MAIL  PRIORITY  OVERNIGHT MAIL  OTHER

MORNING  2-DAY  SATURDAY

HOLD FOR PICK-UP BY: \_\_\_\_\_

HAND CARRY-BY: \_\_\_\_\_

#### ROUTING:

WHITE/Addressee

YELLOW/Scheduling

PINK/Sales Rep.

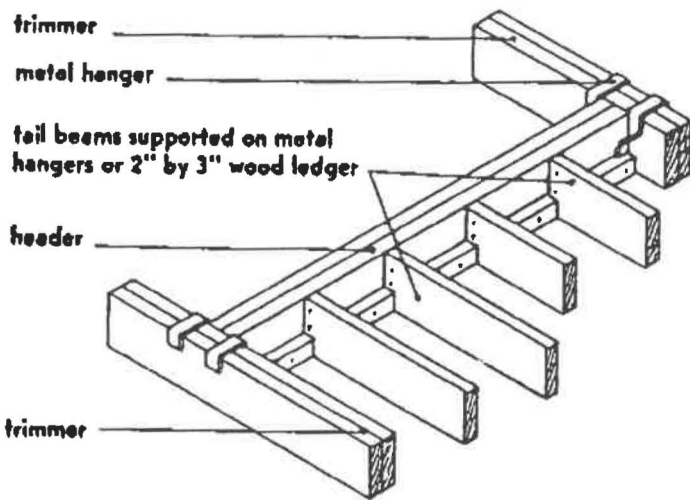
GOLD/Engineering

# 3

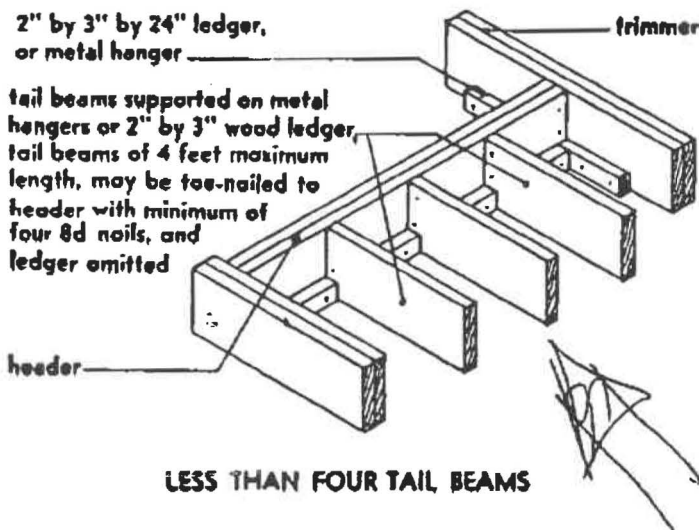
## Wood Construction

84

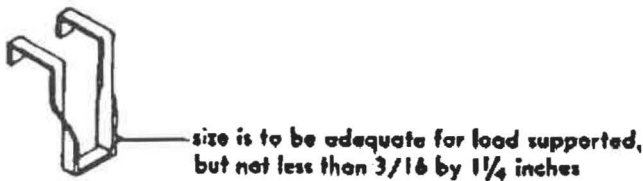
### Framing Trimmers, Headers, and Tail Beams



FOUR OR MORE TAIL BEAMS



LESS THAN FOUR TAIL BEAMS



METAL JOIST HANGERS

**Framing Around Openings—**  
**General:** Framing around openings is to be designed for the loads supported.

**Large Openings:** A trimmer-supported header carrying four or more tail beams is to be supported on metal joist hangers spiked to the trimmer and the header.

**Small Openings:** A trimmer-supported header carrying less than four tail beams is to be supported on metal joist hangers; or on bearing or ledger strips not less than 2 inches by 3 inches by 24 inches, well spiked to the side of the trimmer.

**Single Members:** Headers 4 feet or less in length may be single. Trimmers may be single when headers are 4 feet or less in length, and opening occurs in the end-quarter span of trimmer.

**Nailing:** When supported on a bearing or ledger strip, headers are to be toe-nailed to the trimmer, and further supported by spikes driven through the trimmer into the headers. Tail beams are to be similarly nailed and spiked to headers. The two joists forming a doubled trimmer or doubled header are to be nailed together with 10-penny nails, staggered, at 32-inch maximum spacing between nails in a horizontal line.

**Notches:** Notches at the ends of members supported on bearing or ledger strips may in general not exceed one fourth the depth of the member. However, notches of greater depth may be used, provided the remaining depth of tail beam or header is adequate for the load.

**Punching:** Hangers to be punched to permit spiking to supporting and supported members.





**CHELSEA**  
**HOMES inc.**  
**MODULAR**  
(914)236-3311

fax (914)236-488

DATE: ... *3/24/97* .....

COMPANY: .....

ATTENTION: ... *Project J. Ltd.* .....

TRANSMITTED BY: ... *Paul W. [unclear]* .....

# OF PAGES: ... *2* ... (including cover sheet)

MESSAGE:

*LETTER FROM DPCR STATING WE BUILD  
TO AN APPROVED SYSTEM — NOT TO BE  
CHANGED UNLESS SYSTEMS ARE RENEWED.*



NEW YORK STATE  
DIVISION OF HOUSING AND  
COMMUNITY RENEWAL  
ONE FORDHAM PLAZA  
BRONX, NEW YORK 10458

GEORGE E. PATAKI, GOVERNOR  
JOSEPH H. HOLLAND, COMMISSIONER

December 14, 1995

**NOTICE**

**TO**

**FACTORY MANUFACTURED HOME MANUFACTURERS  
AND OTHER INTERESTED PARTIES**

**REGARDING**

**AMENDMENT TO THE STATE UNIFORM FIRE PREVENTION AND  
BUILDING CODE RELATING TO REFERENCE STANDARDS**

This is to confirm that Factory Manufactured Home plans approved by the Division of Housing and Community Renewal prior to the effective date of a State Code regulation, need not comply with such regulation until the two year approval period has expired.

A handwritten signature in cursive script, appearing to read 'Fred L. Kessner'.

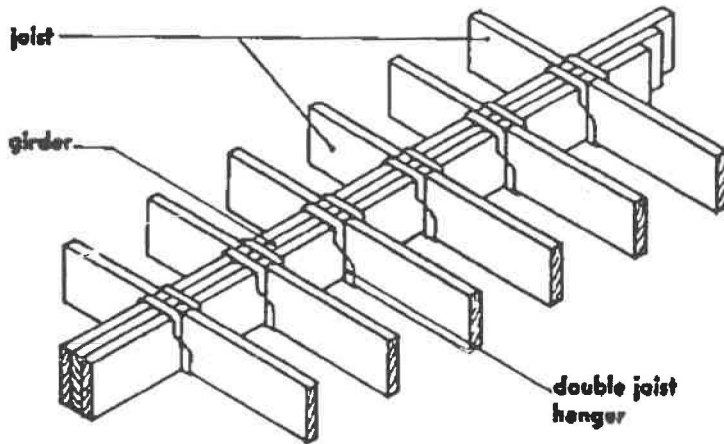
Fred L. Kessner, Director  
Housing & Building Codes Bureau

# 3

## Wood Construction

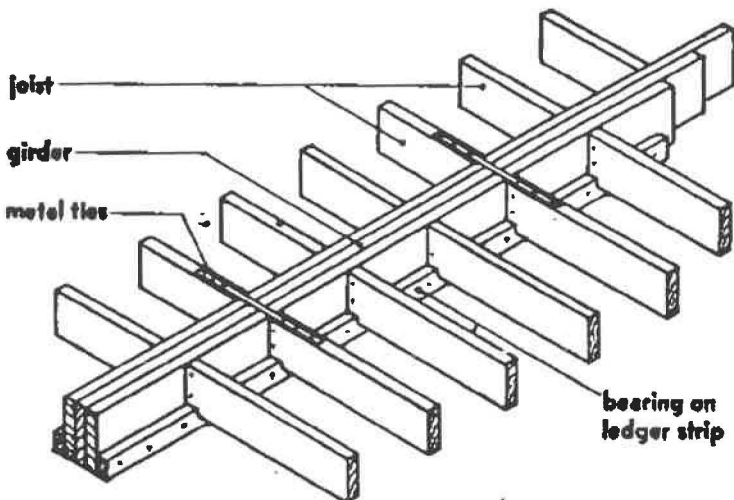
82

### Joists Framed Flush with Top of Girders



**Metal joist hangers**—Minimum  $\frac{3}{8}$  inches by  $1\frac{1}{4}$  inches.

**Nailing**—Nail hangers to girders and joists with 16-penny nails.



**Metal ties**—1 inch wide by  $\frac{3}{8}$  inch thick by 24 inches long, spaced 4 feet on centers maximum and nailed to each joist with three 8-penny nails.

**Bearing strips**—Not less than 2 inches by 3 inches, spiked to girder with 16-penny nails approximately 6 inches on centers.

**Notches**—In end of joist over bearing strip not to exceed one quarter of the joist depth, unless a lesser net depth is adequate for the load.

**Nailing**—Toe-nail joist to girder with a minimum of three 16-penny nails at each joist.







Ed Starostovic, P.E.  
President

Michael J. Slifka, P.E.  
Executive Vice President

James A. Rothman, P.E.  
Sr. VP Quality Control  
& Director of Field Services

PFS Regional Offices:

Joseph H. A. LaBonte, Sr. VP  
Bloomsburg, PA.  
717/784-8396

James M. Hopland, P.E., VP  
Dallas, TX.  
214/620-7012

J. Robert Nelson, P.E., Sr. VP  
Los Angeles, CA.  
310/559-7287

Ronald H. Reindl, AIA, VP  
Madison, WI.  
608/221-3361

• Ron Hershberger, GM  
Goshen, IN.  
219/533-8084

Larry A. Beineke, Ph.D., VP  
Raleigh, NC.  
919/981-0552

TECO Offices:

Gerald P. Marx, P.E., GM  
206/896-2475

• Eugene, OR.  
503/746-8271  
800/628-1763

• Shreveport, LA.  
318/965-9650

• Duluth, MN.  
218/722-2302

Providing Quality Control,  
Testing, Inspection and  
Certification Services to  
the Building Industry

401 Market Street, Bloomsburg, PA 17815 • Ph: 717/784-8396 • Fax: 717/784-5961

Date: July 30, 1996

To: Dave Martin  
Chelsea Homes

From: Richard L. Wenner, P.E.  
PFS Corporation

Subj: Chelsea Homes--Joist nailing to ledger strips

Dear Mr. Martin:

The following is submitted per our phone conversation on the above date with regards to the listed subject.

It is my understanding that you have been questioned on the attachment of your joists to the ledger/perimeter beams for your modular units. Please see the attached excerpts from the New York State Code Manual for the State Building Code. This manual is commonly used by the New York State Division of Housing & Community Renewal in their code interpretations. Note that there is no code requirement for the joist to be nailed to the ledger. The ledger is commonly nailed to the perimeter/header per the attached excerpts, and the joist is nailed to the perimeter via end or toe nailing. It is our opinion, as an independent third party inspection & plan review agency for the modular and manufactured housing industry, that there is no need for nailing the joist to the ledger. Further, it would seem to PFS that this practice would cause structural damage to the joist and ledger. This practice of nailing the ledger to the perimeter/header and nailing the perimeter to the joist is common with all national recognized building codes.

Please feel free to contact this office with questions.

Sincerely,

  
Richard L. Wenner, P.E.  
Staff engineer

cc: Joseph LaBonte--SR. VP. northeast region of PFS

enc: NY codes manual excerpts for joists/ledgers

ACCT # J-287Z

CORTLANDT CONSOLIDATED WATER DISTRICT

SEWER INSPECTION FORM  
(Sewer Service Line)

Owner/Contractor LPL Custom Homes - Winstanley

Location 41 East Hill Rd.

SEC 13.10 BLOCK 1 LOT 41

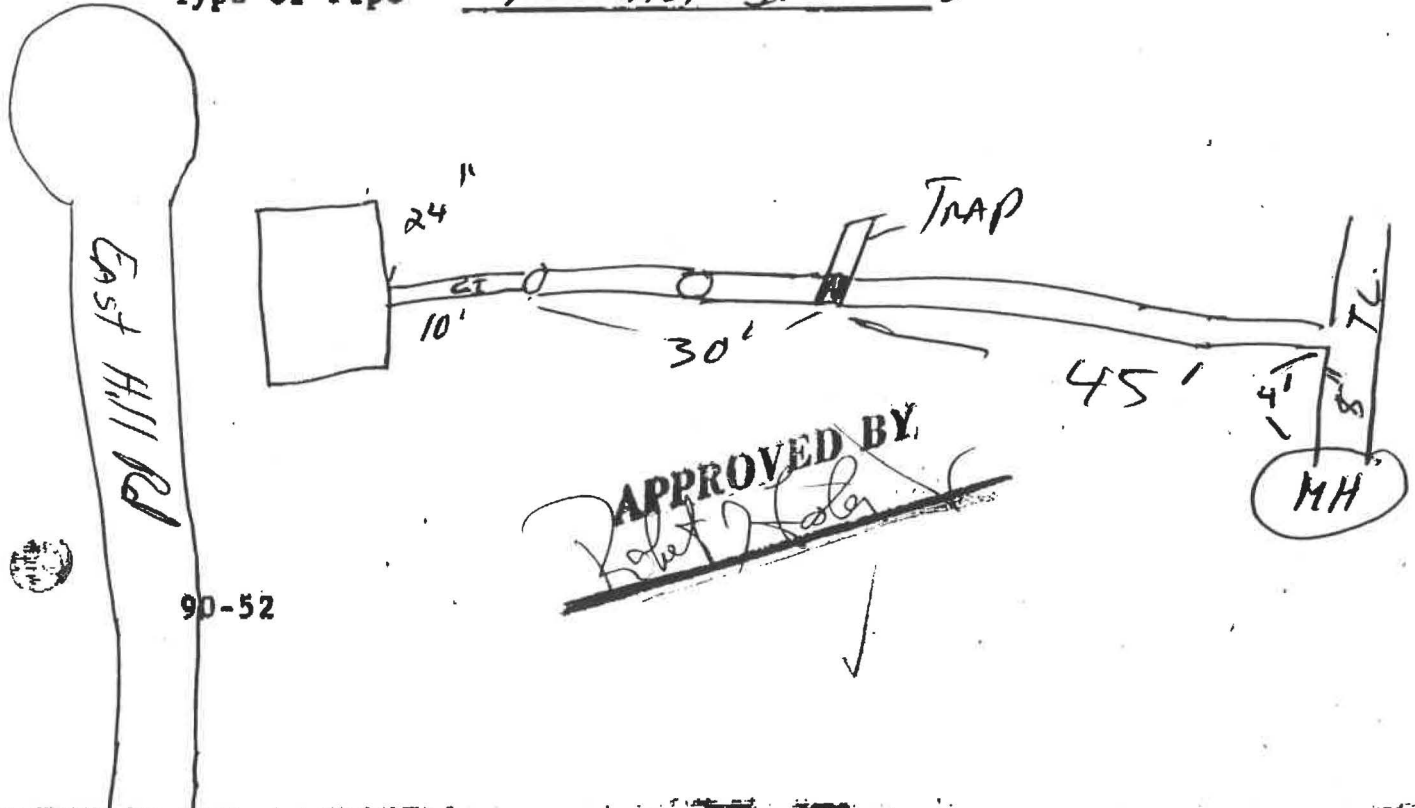
Date Inspection Requested 6-13-96 PM Other

Requested By owner Telephone # 968-1895

Inspected by Russ Brandes Date 6-13-96

Depth of Trench 24" - 66"

Type of Pipe 4" Cast Iron - SDR 35 GREEN PVC



# ACORD CERTIFICATE OF INSURANCE

DATE (MM/DD/YY)

12/01/95

**PRODUCER**  
 AVALON SCHAPFER AGENCY MERCER  
 300 HAMILTON AVE.  
 WHITE PLAINS NY 10601

**THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.**

**COMPANIES AFFORDING COVERAGE**

- COMPANY A TRAVELERS INSURANCE COMPANY
- COMPANY B
- COMPANY C
- COMPANY D

**INSURED**  
 LPL CUSTOM BUILDERS INC.  
 54 SHELBOURNE ROAD  
 YONKERS NY 10710

**COVERAGES**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED, NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

CO LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS
A	<b>GENERAL LIABILITY</b>	I 680 210W242 2 TRI 95	10/15/95	10/15/96	GENERAL AGGREGATE \$ 2,000,000
	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY				PRODUCTS - COMP/OP AGG \$ 2,000,000
	<input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR				PERSONAL & ADV INJURY \$ 1,000,000
	OWNER'S & CONTRACTOR'S PROT				EACH OCCURRENCE \$ 1,000,000
					FIRE DAMAGE (Any one fire) \$ 50,000
					MED EXP (Any one person) \$ 5,000
	<b>AUTOMOBILE LIABILITY</b>				COMBINED SINGLE LIMIT \$
	<input type="checkbox"/> ANY AUTO				BODILY INJURY (Per person) \$
	<input type="checkbox"/> ALL OWNED AUTOS				BODILY INJURY (Per accident) \$
	<input type="checkbox"/> SCHEDULED AUTOS				PROPERTY DAMAGE \$
	<input type="checkbox"/> HIRED AUTOS				
	<b>GARAGE LIABILITY</b>				AUTO ONLY - EA ACCIDENT \$
	<input type="checkbox"/> ANY AUTO				OTHER THAN AUTO ONLY:
					EACH ACCIDENT \$
	<b>EXCESS LIABILITY</b>				AGGREGATE \$
	<input type="checkbox"/> UMBRELLA FORM				EACH OCCURRENCE \$
	<input type="checkbox"/> OTHER THAN UMBRELLA FORM				AGGREGATE \$
	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b>				STATUTORY LIMITS
	THE PROPRIETOR/PARTNERS/EXECUTIVE OFFICERS ARE: <input type="checkbox"/> INCL <input type="checkbox"/> EXCL				EACH ACCIDENT \$
					DISEASE - POLICY LIMIT \$
					DISEASE - EACH EMPLOYEE \$
	<b>OTHER</b>				

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/SPECIAL ITEMS

**CERTIFICATE HOLDER**

TOWN OF CORTLANDT  
 BUILDING DEPT  
 CORTLANDT MANOR NY 10566

**CANCELLATION**

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING COMPANY WILL ENDEAVOR TO MAIL 15 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO MAIL SUCH NOTICE SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE COMPANY, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE

*Harold Mercer Jr.*



# 21122

FREDERICK A. RUDZINSKI A.I.A.  
ARCHITECT  
54 HALLIDAY AVENUE  
YONKERS, N.Y. 10701

914 GR 6-9412

28 May 1996

Department of Buildings  
Town of Cortlandt, N.Y.

RE: Lots 10, 11, 25 and 26  
East Hill Road  
Town of Cortlandt, N.Y.

Dear Building Department:

This letter is to inform you of a revision to the typical basement column detail for the residence on the above subject lots.

1. The 3½ inch Lally columns are now to bear on the 4 inch concrete basement slab.
2. The 4 inch concrete basement slab is to be of 3000 psi concrete and is to bear directly on the concrete footing below it.
3. The Lally column base plate anchor bolts are to penetrate through the concrete slab and into the concrete footing below it a minimum of 2 inches.

Sincerely,

*Frederick A. Rudzinski*  
FREDERICK A. RUDZINSKI, R.A.



# THE NEW YORK BOARD OF FIRE UNDERWRITERS

PAGE 1

3235050

BUREAU OF ELECTRICITY  
85 JOHN STREET, NEW YORK, NY 10038

Date **AUGUST 19, 1996**

Application No. on file **31510196/96**

N **394445**

**THIS CERTIFIES THAT**

PERMIT NO. **21122/1-E-3**

*only the electrical equipment as described below and introduced by the applicant named on the above application number in the premises of*

**LPL BUILDERS, 41 EAST HILL ROAD, CORTLANDT, N.Y.**

in the following location:  **Basement**  **1st Fl.**  **2nd Fl.** **OUT** Section **1310** Block **1** Lot **41**

was examined on **AUGUST 14, 1996** and found to be in compliance with the National Electrical Code.

FIXTURE OUTLETS		RECEPTACLES	SWITCHES	FIXTURES			RANGES		COOKING DECKS		OVENS		DISH WASHERS		EXHAUST FANS		
AMT.	K. W.		INCANDESCENT	FLUORESCENT	OTHER	AMT.	K. W.	AMT.	K. W.	AMT.	K. W.	AMT.	K. W.	AMT.	H. P.		
6		2	5	6													
DRYERS		FURNACE MOTORS			FUTURE APPLIANCE FEEDERS			SPECIAL REC'PT.		TIME CLOCKS		BELL TRANS.	UNIT HEATERS		MULTI-OUTLET SYSTEMS NO. OF FEET	DIMMERS	
AMT.	K. W.	OIL	H. P.	GAS	H. P.	AMT.	NO.	A. W. G.	AMT.	AMP.	AMT.	AMPS.	AMT.	H. P.	NO. OF FEET	AMT.	WATTS
		1	F														
SERVICE DISCONNECT			NO. OF METER EQUIP.	S E R V I C E													
AMT.	AMP.	TYPE		1 Ø 2W	1 Ø 3W	3 Ø 3W	3 Ø 4W	NO. OF CC. COND. PER Ø	A. W. G. OF CC. COND.	NO. OF HI-LEG	A. W. G. OF HI-LEG	NO. OF NEUTRALS	A. W. G. OF NEUTRAL				
1	200	CB	1		X			1	4/0			1	2/0				

**OTHER APPARATUS:**

PANELBOARDS: 1-24 CIR. 200  
G.F.C.I.: -2  
SMOKE DETECTOR: -1

LEONARD WINSTANLEY  
54 SHELBURNE RD.  
YONKERS, NY, 10710

LIC. #1515



*Daniel L. Rowe*

**GENERAL MANAGER**

127

Per

This certificate must not be altered in any manner; return to the office of the Board if incorrect. Inspectors may be identified by their credentials.

COPY FOR BUILDING DEPARTMENT. THIS COPY OF CERTIFICATE MUST NOT BE ALTERED IN ANY MANNER.



# CHELSEA MODULAR HOMES

Route 9W • Box 1108 • Marlboro NY 12542  
(914) 236 - 3311 Fax (914) 236 - 4881

## LETTER OF TRANSMITTAL

TO TOWN HALL  
1 HEADY STREET  
CORTLANDT MANOR, NY  
10566  
CODE ENFORCEMENT

DATE JUL 22 1996 PIN # \_\_\_\_\_  
ATTN: TONY TURCO SERIAL # \_\_\_\_\_  
BLDR/DEALER: L.P.L. CUSTOM  
RETAIL CUSTOMER: SPEC.  
STATE OF: NY  
DIMENSIONS: 28 x 40  
MODEL/DESCRIPTION: TWO STORY

### ENCLOSED PLEASE FIND THE FOLLOWING ITEMS:

NO. OF PRINTS:

DESCRIPTION OF ITEMS:

PAGE 8B OF CHELSEA MODULAR HOMES, INC.  
SYSTEMS APPROVALS

*Letter to  
certify no  
nailing*

REMARKS:

*Tony: Please call if it can be of  
further assistance.*

*David Martin*

SEND VIA:

MAIL  PRIORITY  OVERNIGHT MAIL  OTHER  
 MORNING  2-DAY  SATURDAY  
 HOLD FOR PICK-UP BY: \_\_\_\_\_  
 HAND CARRY-BY: \_\_\_\_\_

ROUTING:

WHITE/Addressee

YELLOW/Scheduling

PINK/Sales Rep.

GOLD/Engineering



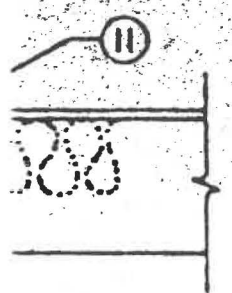
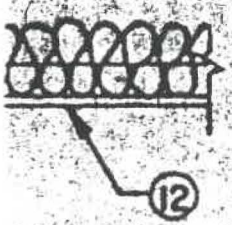
## DETAIL REFERENCE NOTES

1. ALUMINUM RIDGE VENT (OR GABLE END VENTS)
2. R-19 INSULATION W/VAPOR BARRIER TOWARD CONDITIONED SPACE (ON-SITE INSTALLATION)
3. SAME AS NOTE # 2 WITH UNHEATED BASEMENT ONLY
4. 3" DIA PIPE COLUMNS (ON-SITE) SEE FOUNDATION DETAILS
5. 3/4" X 4" LAG BOLT (4 EA COLUMN) (ON-SITE BY BUILDER)
6. 5/8" BOLTS WITH WASHERS AT 48" O.C. (SITE INSTALLED)
7. 2x2 CONTINUOUS LEDGER TAKEN FROM GRADED 2x4 PLATE
8. FLOOR JOISTS AT 16" O.C. - 2x8 @ 2 SPF FOR 24 WIDE MODELS, 2x10 @ 2 SPF FOR 27 WIDE MODELS
9. DOUBLE BAND JOISTS (#2 SPF TO MATCH SIZE TO FLOOR JOIST WITH SPLICES STAGGERED 4'-0" MIN.)
10. CENTER FLOOR GIRDER PER STRUCTURAL CALC. MANUAL
  
11. 3/4" T&G O.S.B. DECKING GLUED & NAILED
12. 1/2" GYPSUM BOARD WITH 5/8" OPTION
13. R-19 INSULATION W/VAPOR BARRIER TOWARD CONDITIONED SPACE
14. EXTERIOR SHEATHING:
  - (A) OSB (APA RATED SHEATHING)
  - (B) 5/8" PLYWOOD T-III (C) 1/2" R-MAX (OPT) (D) 1/2" STYROFOAM (OPT)
15. EXTERIOR SIDING:
  - (A) 1/4" ALUM. OR VINYL (UNBACKED)
  - (B) 1/2" ALUM. WITH BACKING
  - (C) 5/8" T-III
16. INSULATION W/VAPOR BARRIER TOWARD CONDITIONED SPACE
17. 1/2" x 1 1/2" WOOD COMPRESSION STRIP OVER ALL BRG. WALLS
18. PREFABRICATED WOOD TRUSS AT 16" O.C.
19. 2x4 STUDS AT 16" O.C. (STUD GRADE SPF) SEE ITEM 40 BELOW
20. 235# ASPHALT OR FIBERGLASS (CLASS G) SHINGLES OVER #5 FELT
21. 1/2" APA RATED SHEATHING 24/16 EXPG.
22. APPROVED METAL JOIST HANGER
23. DOUBLE BAND JOIST #2 SPF TO MATCH SIZE OF FLOOR JOIST (TYP. ON ALL OVERHANGING FLOORS)
24. 2x4 AT 16" O.C. (#2 SPF)
25. 4 MEMBER CENTER FLOOR GIRDER WITH SPLICES STAGGERED AND LOCATED AT 8' INCREMENTS IN CO-ORDINATION WITH COL AND PIER SPACING
26. A 1" AIR SPACE FOR VENTILATION IS REQUIRED VIA AN INSULATION RETAINER INSTALLED BETWEEN TRUSSES. (EVERY OTHER TRUSS)
27. 2 OR 4 MEMBER 2nd FLOOR GIRDER W/SPLICES STAGGERED 4' O.C. EXCEPT AS RESTRICTED BY SPAN SCHEDULE
28. 4-2x12 CLG GIRDERS W/SPLICES STAGGERED 4' O.C. EXCEPT AS RESTRICTED BY SPAN SCHEDULE.
29. 5/8" BOLTS AT 8' O.C. (ON SITE)
30. 2x6 @ 2 SPF CLG. JOISTS AT 16" O.C.
31. DOUBLE 2-12x2 @ 2 SPF BAND JOIST W/SPLICES STAGGERED 4' MIN.
32. CRAWL SPACE FOUNDATION WALL (ON SITE BY BUILDER) SEE FOUNDATION DETAILS.
33. BASEMENT FOUNDATION WALL (ON SITE BY BUILDER) SEE NOTE 32
34. 16" x 16" CRAWL SPACE FOUNDATION PIER (ON SITE BY BUILDER) SEE FOUNDATION DETAILS.
35. 2 PCS OF 1 1/2" MICRO-LAM WALL HEADER.
36. 2 PCS OF 1/2" PLY. OR STRUCTWOOD FILLER.
37. DOUBLE 1/2" x 1 1/2" COMPRESSION STRIP.
38. WEDGE BLOCKING
  - NOTE-IDENTIFICATION OF TOP AND BOTTOM PLATES. MUST BE DOUBLED WHEN TRUSSES DO NOT ALIGN W/STUDS
39. DBL 2x3 MARRIAGE WALL (STUD GRADE SPF.)
40. 2x6 SPF STUD GRADE 16" OR 24" O.C. (OPTIONAL)



**ND MATING DETAILS**

**DETAIL "S"**



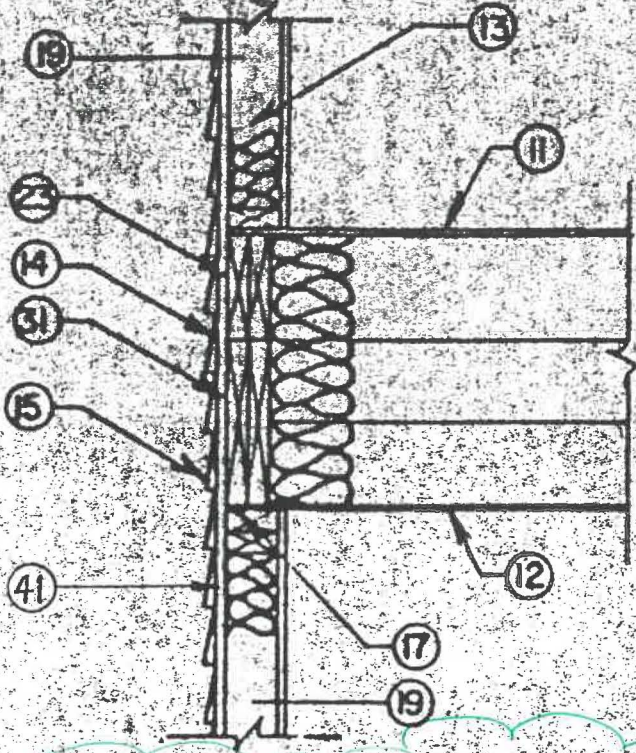
**ORDER BRG.  
DETAIL "T"**

**ADATION PIER  
DETAIL "U"**



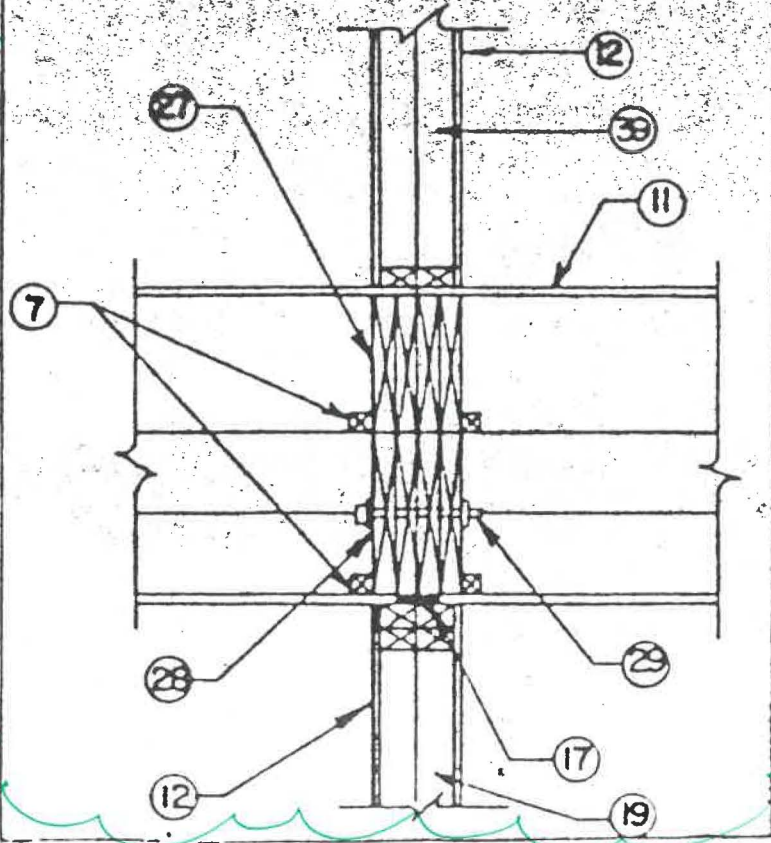
**TYP. SECOND FLOOR**

**DETAIL "P"**



**SECOND FLOOR MATING LINE**

**DETAIL "O"**



**SECOND FLOOR OVERHANG**





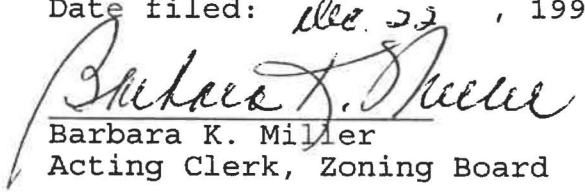


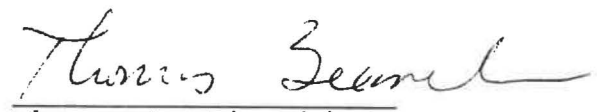
The Applicants are GRANTED an area variance in the northerly side yard from 20 feet down to 12 feet for a proposed addition to the attached garage.

This is a Type II action under SEQR with no further compliance required.

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 and all other agencies having jurisdiction.

Adopted: December 17, 1997  
Cortlandt Manor, New York  
Date filed: Dec. 22, 1997

  
Barbara K. Miller  
Acting Clerk, Zoning Board

  
Thomas A. Bianchi  
Chairman, Zoning Board

# THE NEW YORK BOARD OF FIRE UNDERWRITERS

PAGE 1

3000264

BUREAU OF ELECTRICITY  
40 FULTON STREET, NEW YORK, NY 10038

Date **NOVEMBER 24, 1999**

Application No. on file  
PERMIT NO. 23079

38199199/99

N 507862

**THIS CERTIFIES THAT**

only the electrical equipment as described below and introduced by the applicant named on the above application number is in the premises of

**MACHER, 41 EAST HILL ROAD, SEC. 13.10, CORTLANDT, NY**

in the following location;  Basement  1st Fl.  2nd Fl. **OUT** Section **Block<sup>1</sup> Lot 41**  
was examined on **OCTOBER 28, 1999** and found to be in compliance with the National Electrical Code.

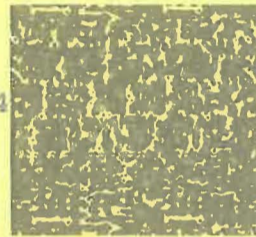
FIXTURE OUTLETS		RECEPTACLES	SWITCHES	FIXTURES			RANGES		COOKING DECKS		OVENS		DISH WASHERS		EXHAUST FANS	
AMT.	K.W.			INCANDESCENT	FLUORESCENT	OTHER	AMT.	K.W.	AMT.	K.W.	AMT.	K.W.	AMT.	K.W.	AMT.	H.P.
2		3	3													
DRYERS		FURNACE MOTORS			FUTURE APPLIANCE FEEDERS			SPECIAL REC'PT.	TIME CLOCKS		BELL TRANS.	UNIT HEATERS		MULTI-OUTLET SYSTEMS NO. OF FEET	DIMMERS	
AMT.	K.W.	OIL	H.P.	GAS	H.P.	AMT.	NO.	A. W. G.	AMT.	AMPS.		AMT.	H.P.		AMT.	WATTS
SERVICE DISCONNECT				S E R V I C E												
AMT.	AMP.	TYPE	NO. OF METER EQUIP.	1 Ø 2W	1 Ø 3W	3 Ø 3W	3 Ø 4W	NO. OF CC COND. PER Ø	A. W. G. OF CC. COND.	NO. OF HI-LEG	A. W. G. OF HI-LEG	NO. OF NEUTRALS	A. W. G. OF NEUTRAL			

**OTHER APPARATUS:**

G.F.C.I.: -1

PETER MASELLI  
346 ALBANY POST RD.  
CROTON, NY, 10520-1520

LIC. #E305R4



*Daniel L. Rowe*

GENERAL MANAGER

127

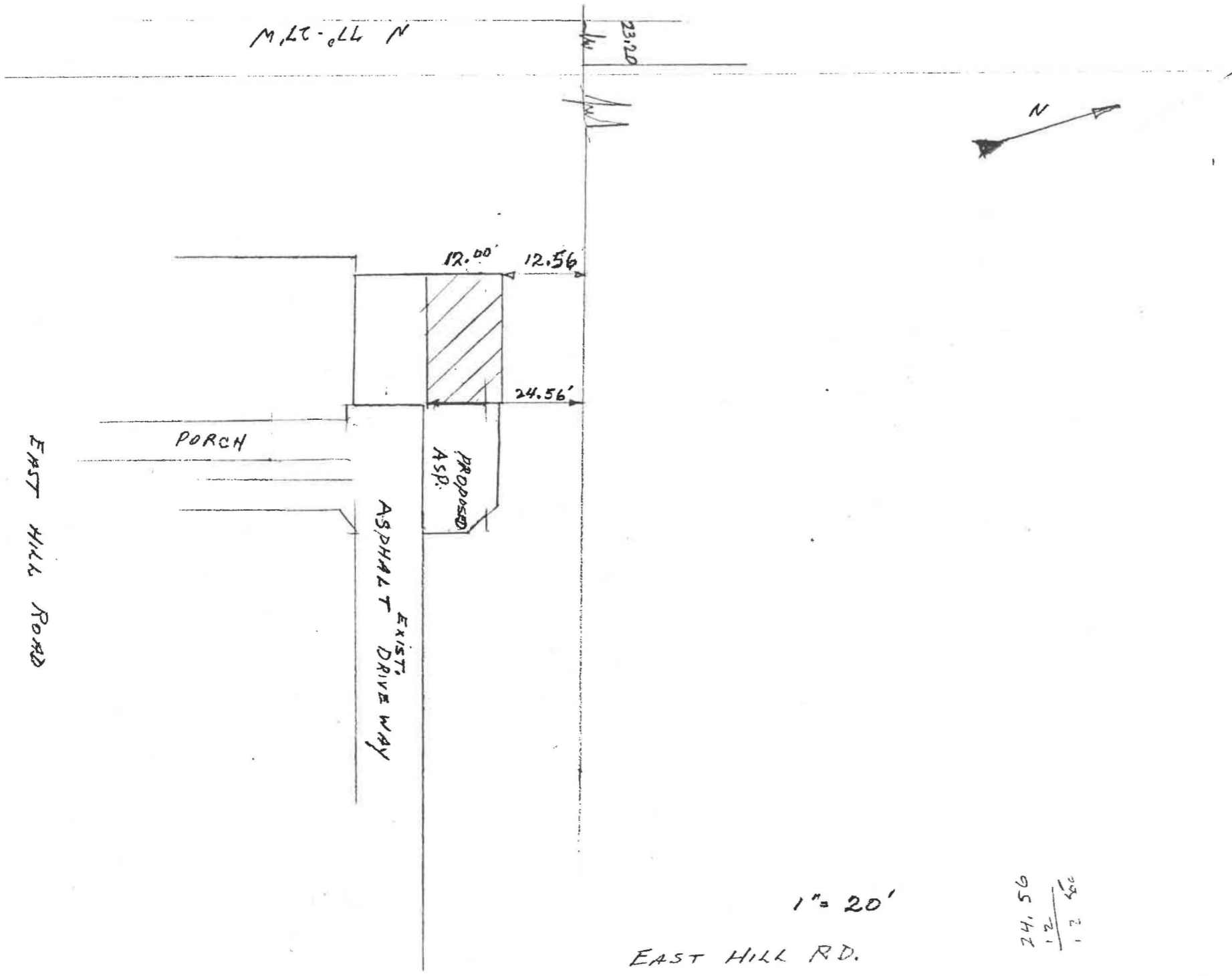
Per

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COPY FOR BUILDING DEPARTMENT. THIS COPY OF CERTIFICATE MUST NOT BE ALTERED IN ANY MANNER.





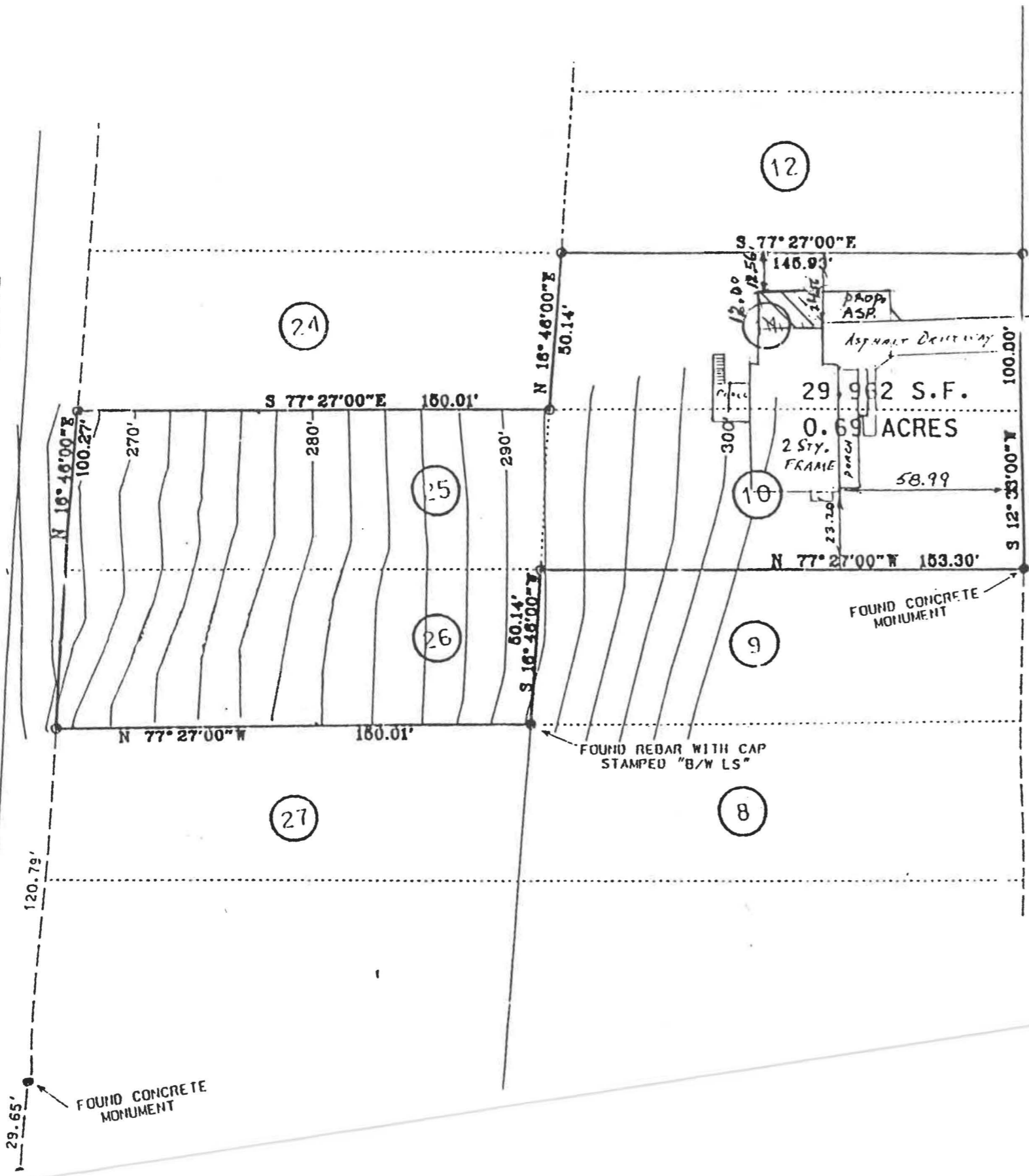


24.56  
 12.00  
 12.56

EAST HILL ROAD

EAST HILL ROAD

1'-40'



FOUND CONCRETE MONUMENT

FOUND REBAR WITH CAP STAMPED "B/W LS"

FOUND CONCRETE MONUMENT

12

24

25

26

27

10

9

8

12.00

12.56

146.93

300'

23.20'

58.99

100.00'

153.30'

180.01'

180.01'

100.27'

50.14'

50.14'

120.79'

29.65'

100.27'

100.27'

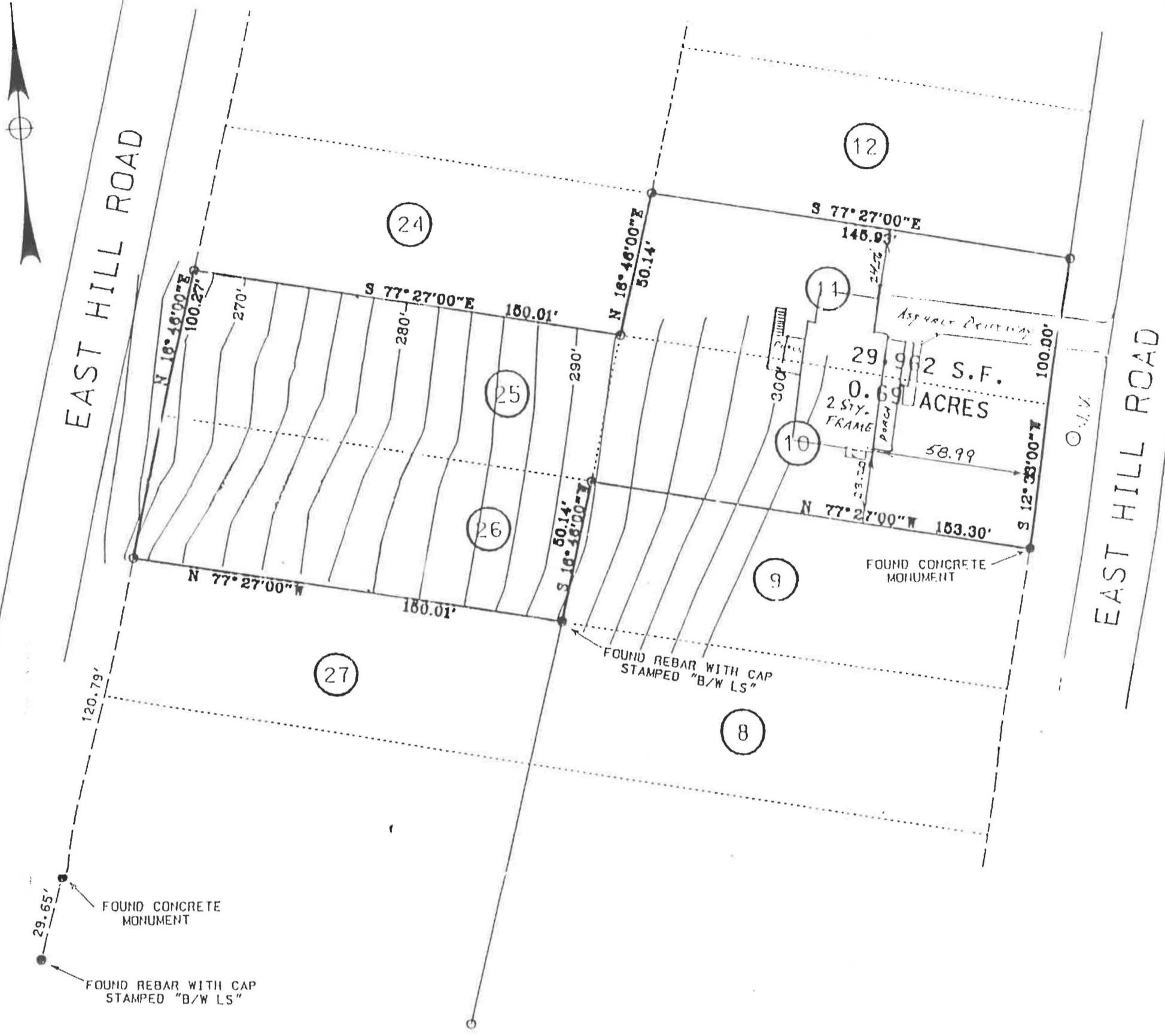
100.27'

100.27'

100.27'

100.27'

100.27'



**SURVEY MAP**  
 PREPARED FOR  
**LPL CUSTOM BUILDERS**  
 F.M. NO. 1793  
 MAP OF PEEKSKILL TERRACE  
 BUILDING PLOTS  
 LOTS 10, 11, 25 & 26

TOWN OF CORTLANDT  
 WESTCHESTER COUNTY  
 NEW YORK

JANUARY 29, 1996  
 SCALE 1 INCH = 40 FEET  
 REV. MARCH 27, 1996  
 FOUNDATION: MAY 20, 1996  
 UPDATE: OCT. 15, 1996

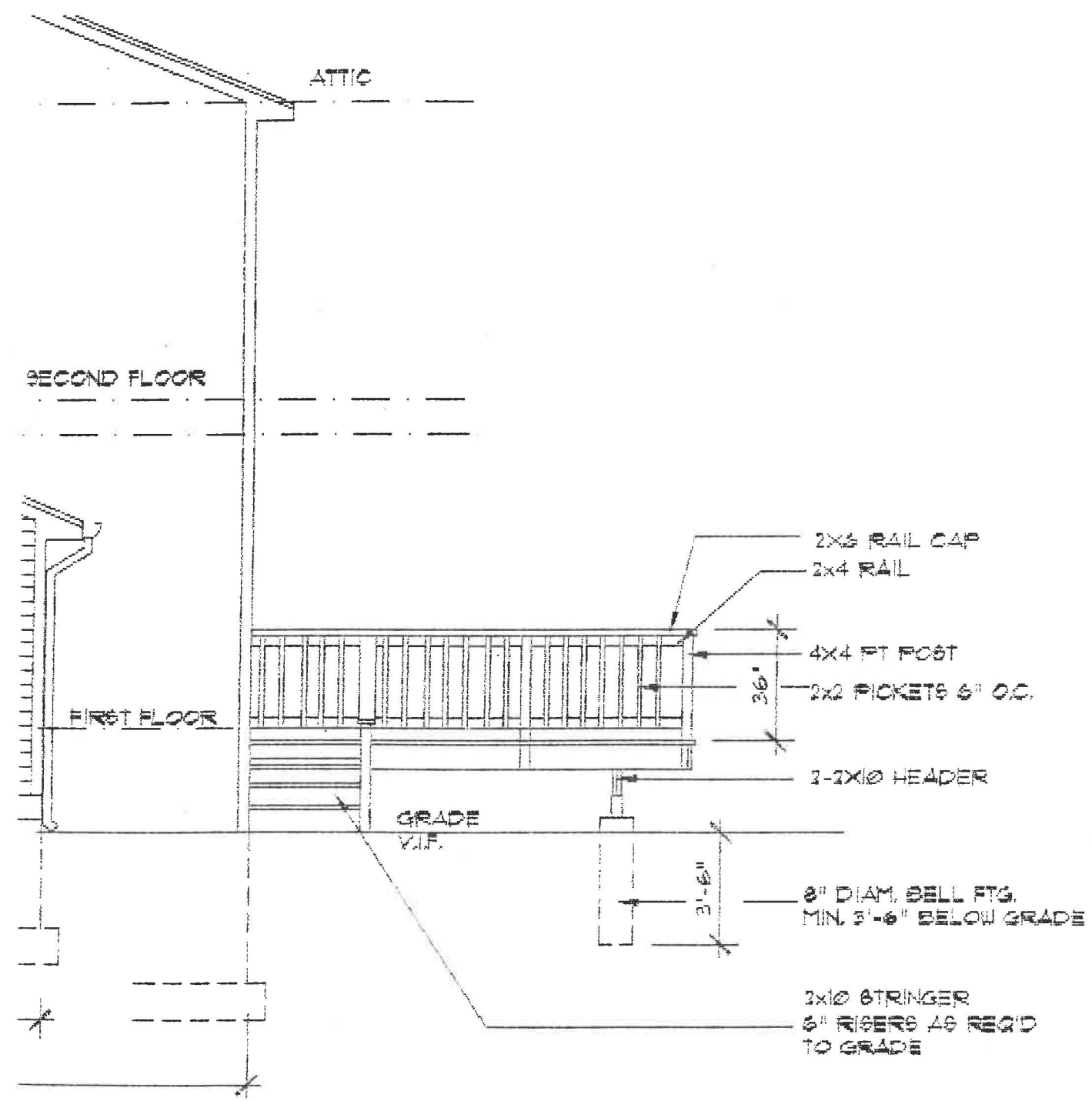
SURVEY BY:  
**WILLIAM F. ZEILER**  
 PROFESSIONAL ENGINEER & LAND SURVEYOR  
 28 CONCORD ROAD  
 MAHOPAC, NEW YORK 10541  
 (914) 628-4764

*W. Zeiler*

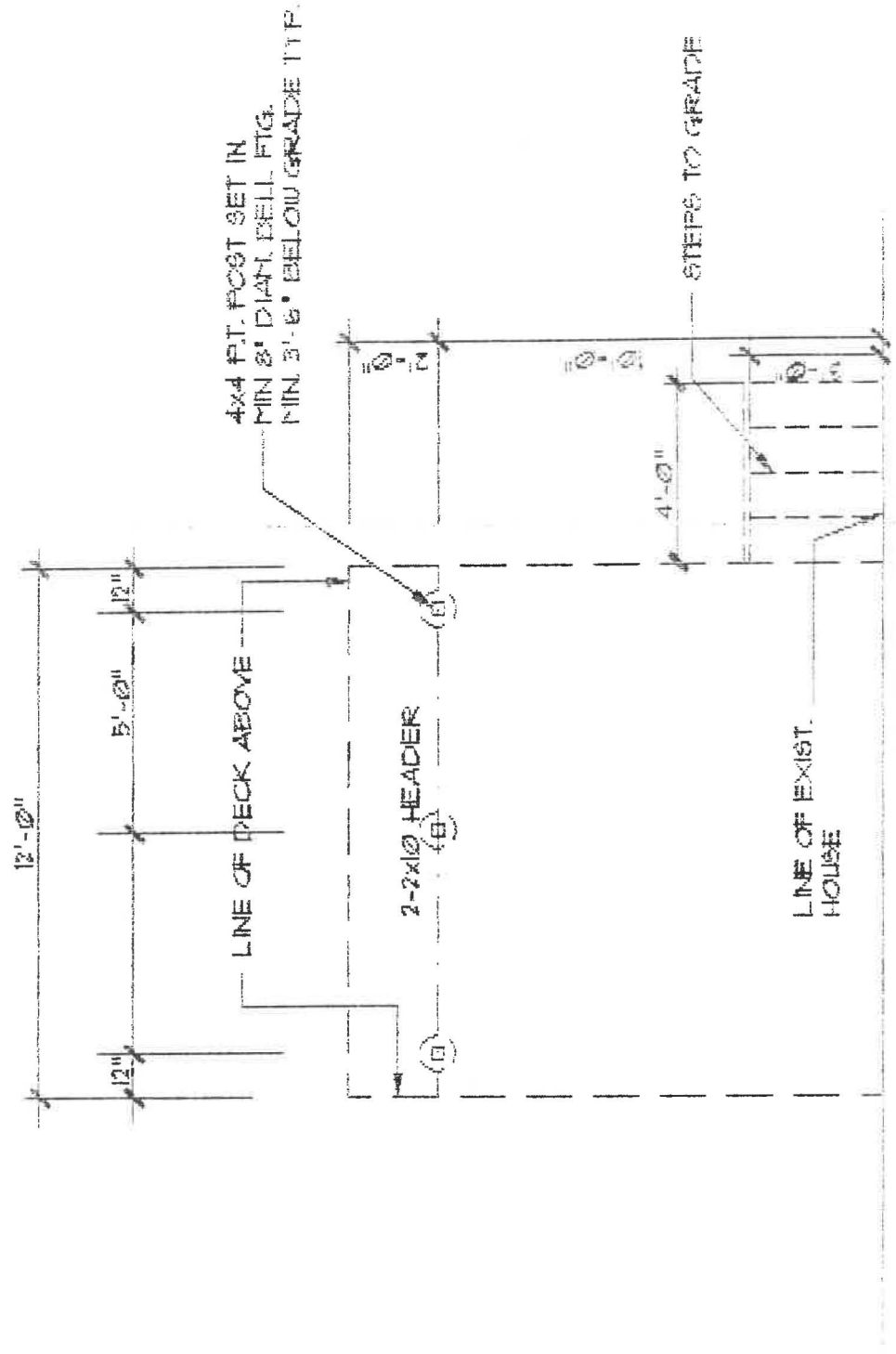
"UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY  
 MAP BEARING A LICENSED LAND SURVEYOR'S SEAL IS A  
 VIOLATION OF SECTION 7209, SUBDIVISION 2, OF THE  
 NEW YORK STATE EDUCATION LAW."

UNDERGROUND UTILITIES NOT SHOWN.  
 I HEREBY CERTIFY THAT THIS MAP WAS MADE  
 FROM AN ACTUAL FIELD SURVEY COMPLETED





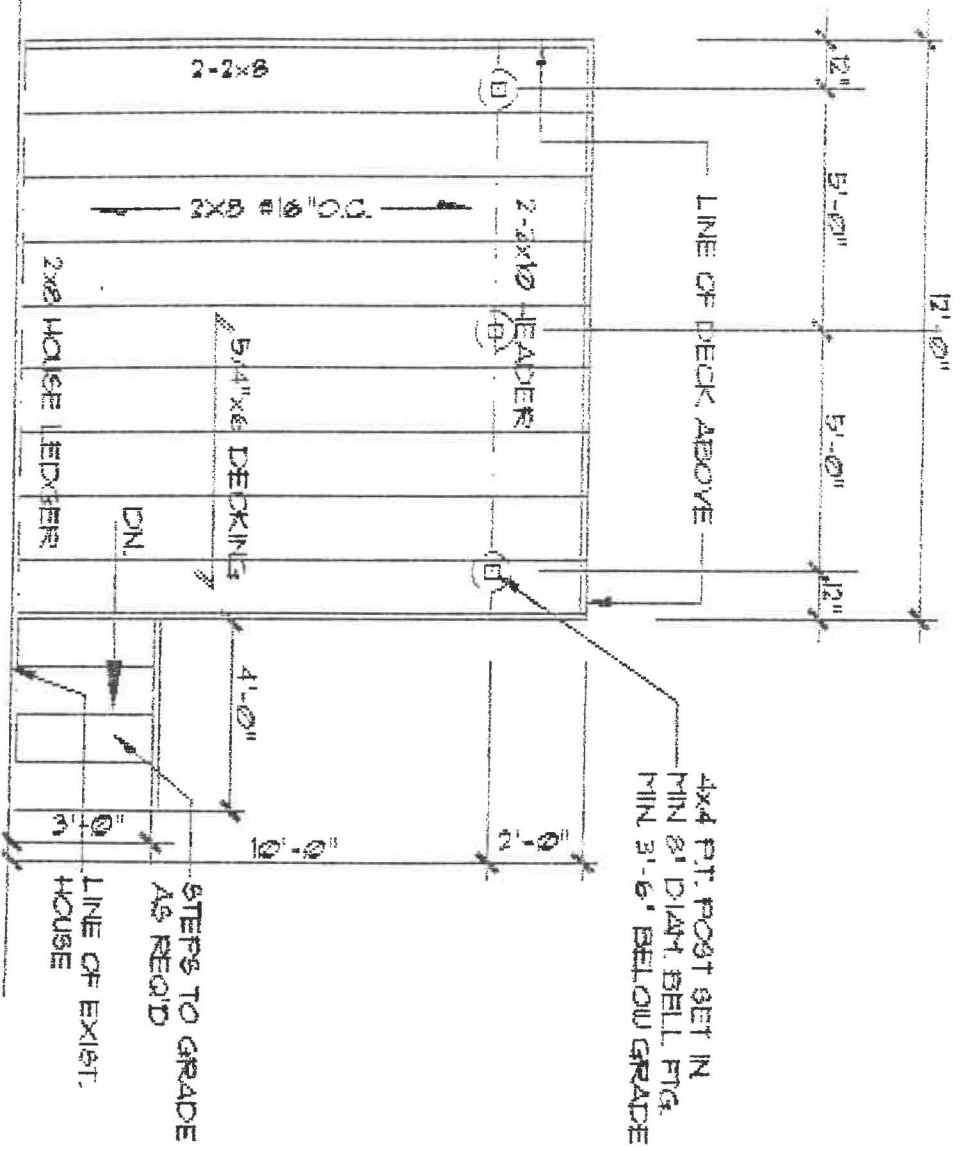
SIDE ELEVATION



# DECK FOOTING PLAN

1/4" = 1'-0"

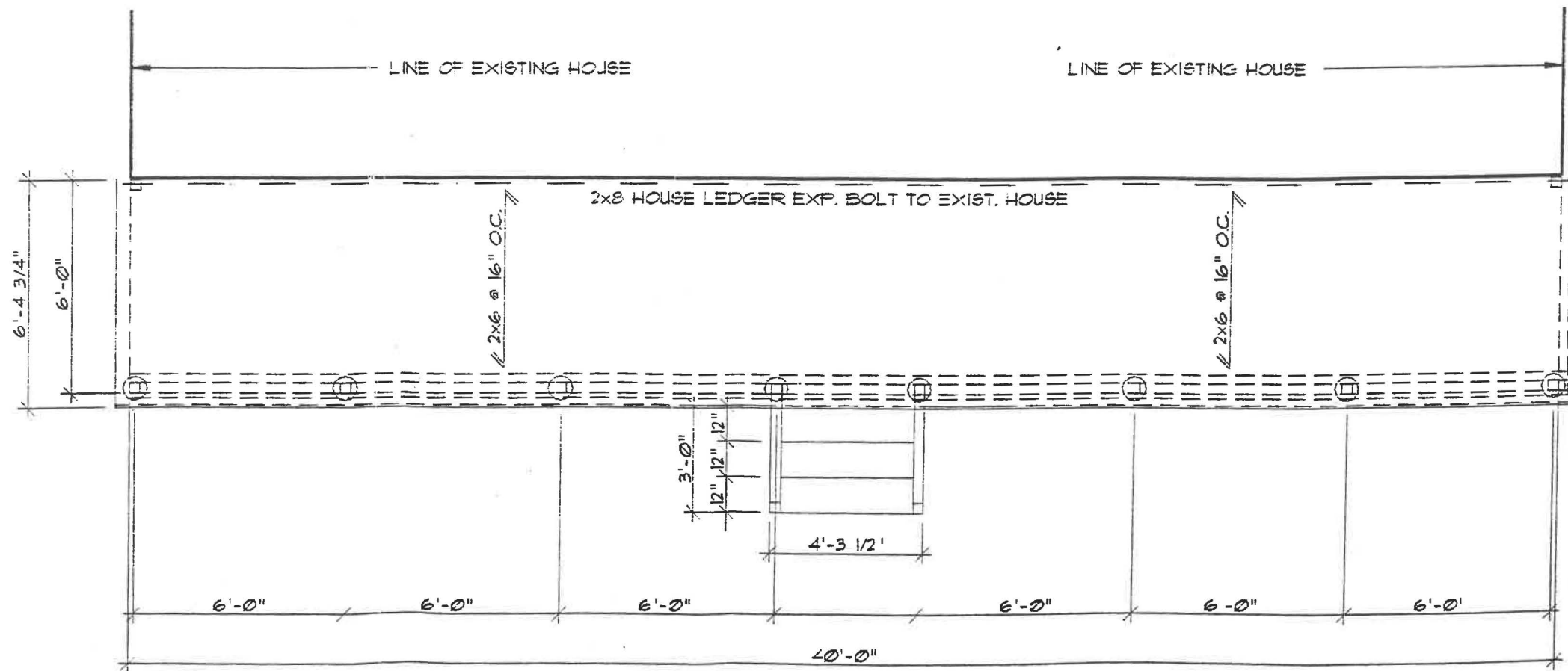
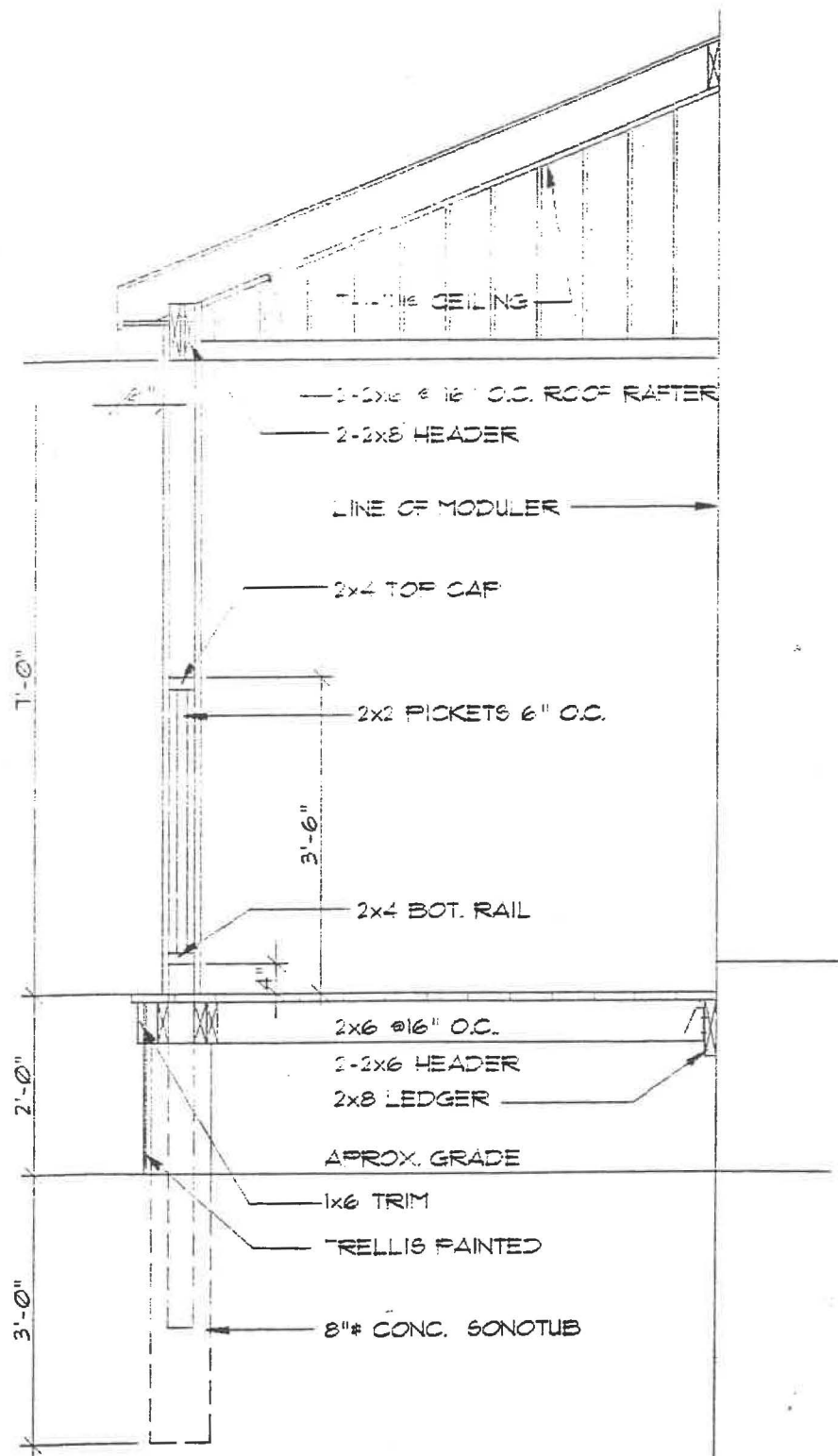




# DECK FRAMING PLAN

1/4" = 1'-0"





EAST HILL ROAD

24

S 77° 27' 00" E 150.01'

N 16° 46' 00" E 100.27'

270'

280'

290'

25

26

S 16° 48' 00" W 60.14'

N 16° 46' 00" E 60.14'

S 77° 27' 00" E 145.93'

11

PROP. HOUSE

PROP. DRIVEWAY

29,962 S.F.

0.699 ACRES

52'

53.0'

PROP. COVERED PORCH

N 77° 27' 00" W 153.30'

FOUND CONCRETE MONUMENT

9

FOUND REBAR WITH CAP STAMPED "B/W LS"

8

27

N 77° 27' 00" W 150.01'

120.79'

EAST HILL ROAD

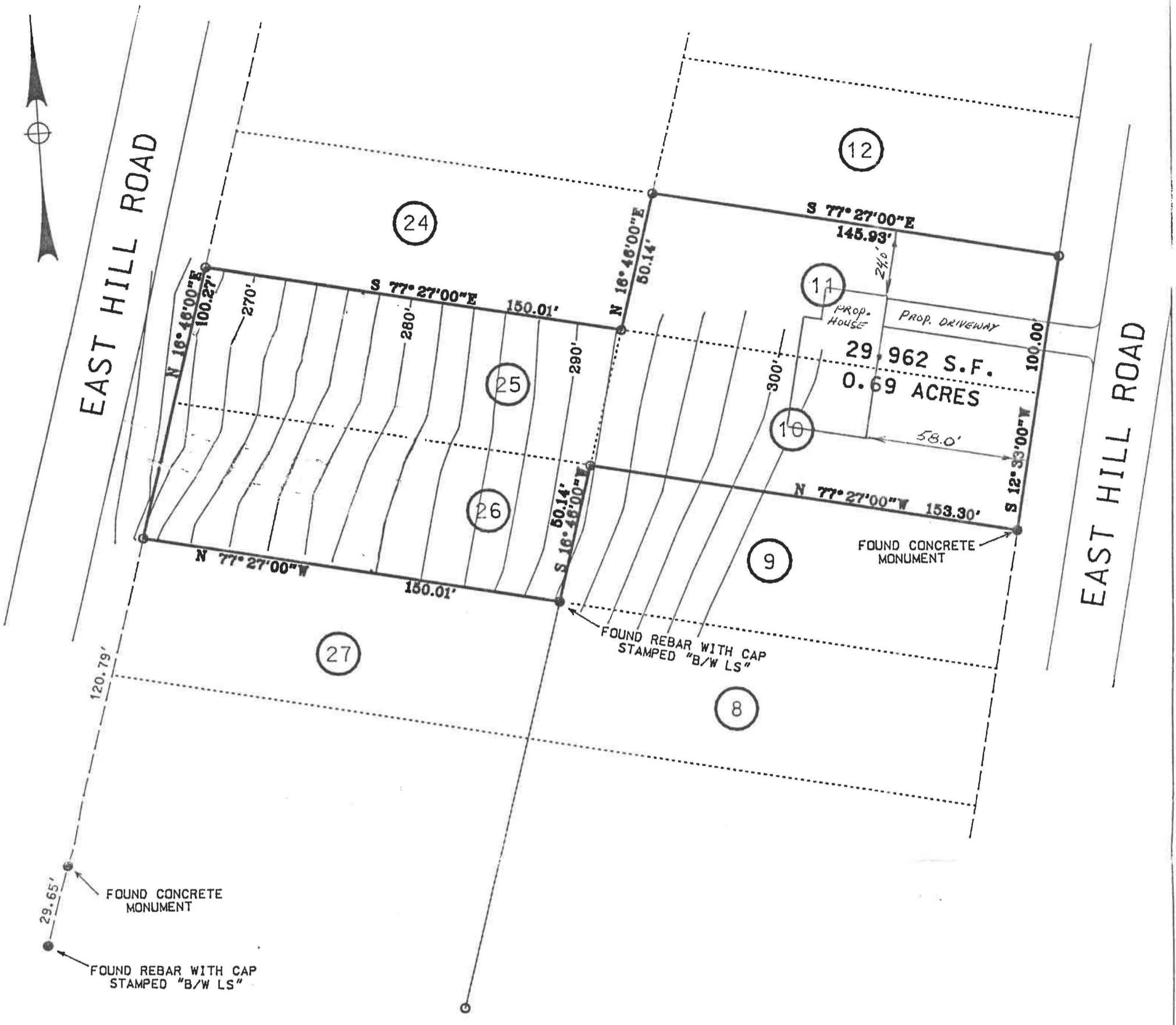
100.00'

S 12° 33' 00" W 100.00'

12







**SURVEY MAP**  
PREPARED FOR  
**LPL CUSTOM BUILDERS**  
F.M. NO. 1793  
MAP OF PEEKSKILL TERRACE  
BUILDING PLOTS  
LOTS 10, 11, 25 & 26

TOWN OF CORTLANDT  
WESTCHESTER COUNTY  
NEW YORK  
JANUARY 29, 1996  
SCALE 1 INCH = 40 FEET  
REV. MARCH 27, 1996

SURVEY BY:  
**WILLIAM F. ZEILER**  
PROFESSIONAL ENGINEER & LAND SURVEYOR  
28 CONCORD ROAD  
MAHOPAC, NEW YORK 10541  
(914) 628-4764

*W. Zeiler*

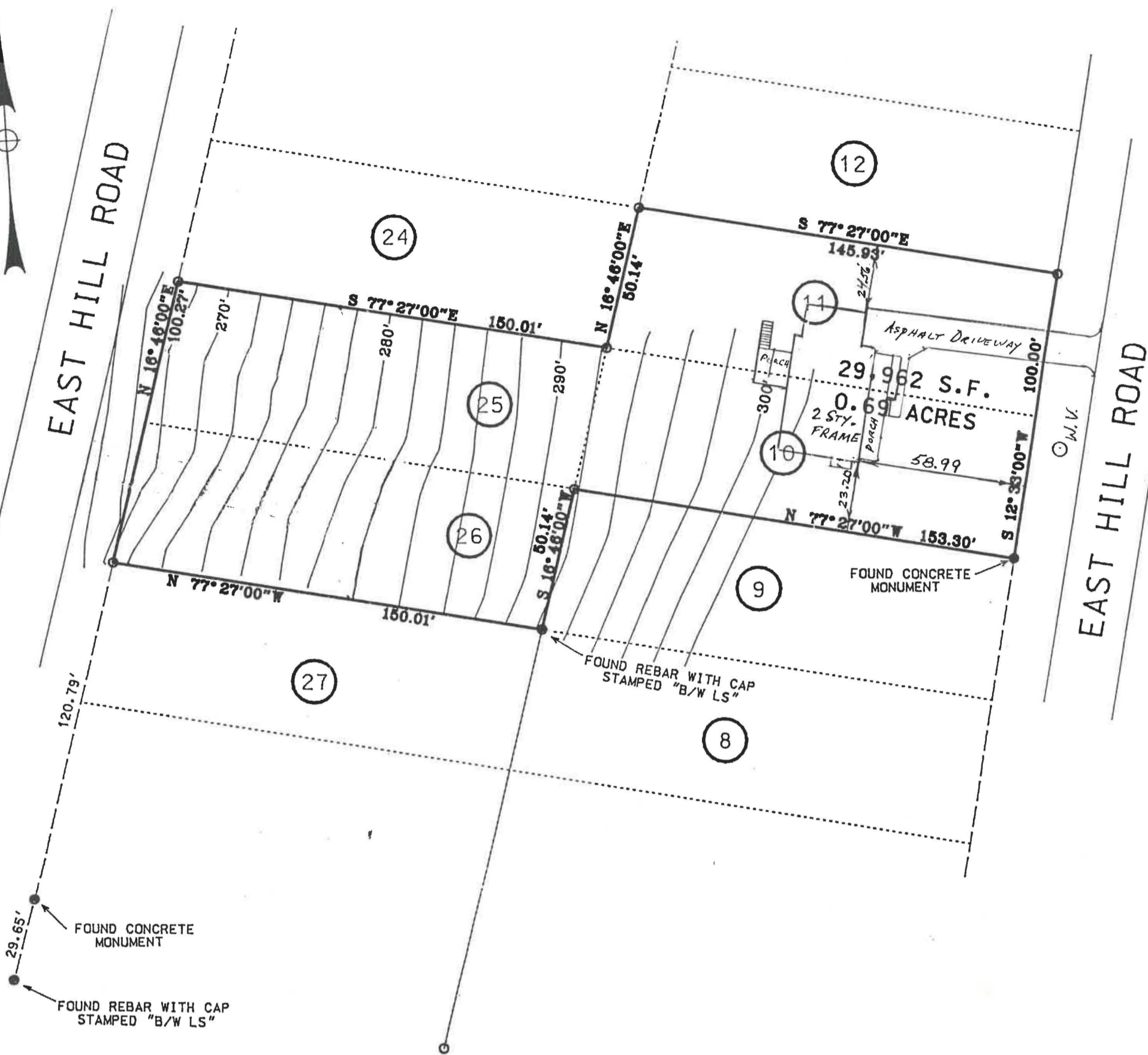
"UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY MAP BEARING A LICENSED LAND SURVEYOR'S SEAL IS A VIOLATION OF SECTION 7209, SUBDIVISION 2, OF THE NEW YORK STATE EDUCATION LAW."

UNDERGROUND UTILITIES NOT SHOWN.  
I HEREBY CERTIFY THAT THIS MAP WAS MADE FROM AN ACTUAL FIELD SURVEY COMPLETED ON JANUARY 6, 1996.



EAST HILL ROAD

EAST HILL ROAD



**SURVEY MAP**  
 PREPARED FOR  
**LPL CUSTOM BUILDERS**  
 F.M. NO. 1793  
 MAP OF PEEKSKILL TERRACE  
 BUILDING PLOTS  
 LOTS 10, 11, 25 & 26

TOWN OF CORTLANDT  
 WESTCHESTER COUNTY  
 NEW YORK

JANUARY 29, 1996

SCALE 1 INCH = 40 FEET

REV. MARCH 27, 1996

FOUNDATION: MAY 20, 1996

UPDATE: OCT. 15, 1996

SURVEY BY:

**WILLIAM F. ZEILER**

PROFESSIONAL ENGINEER & LAND SURVEYOR

28 CONCORD ROAD

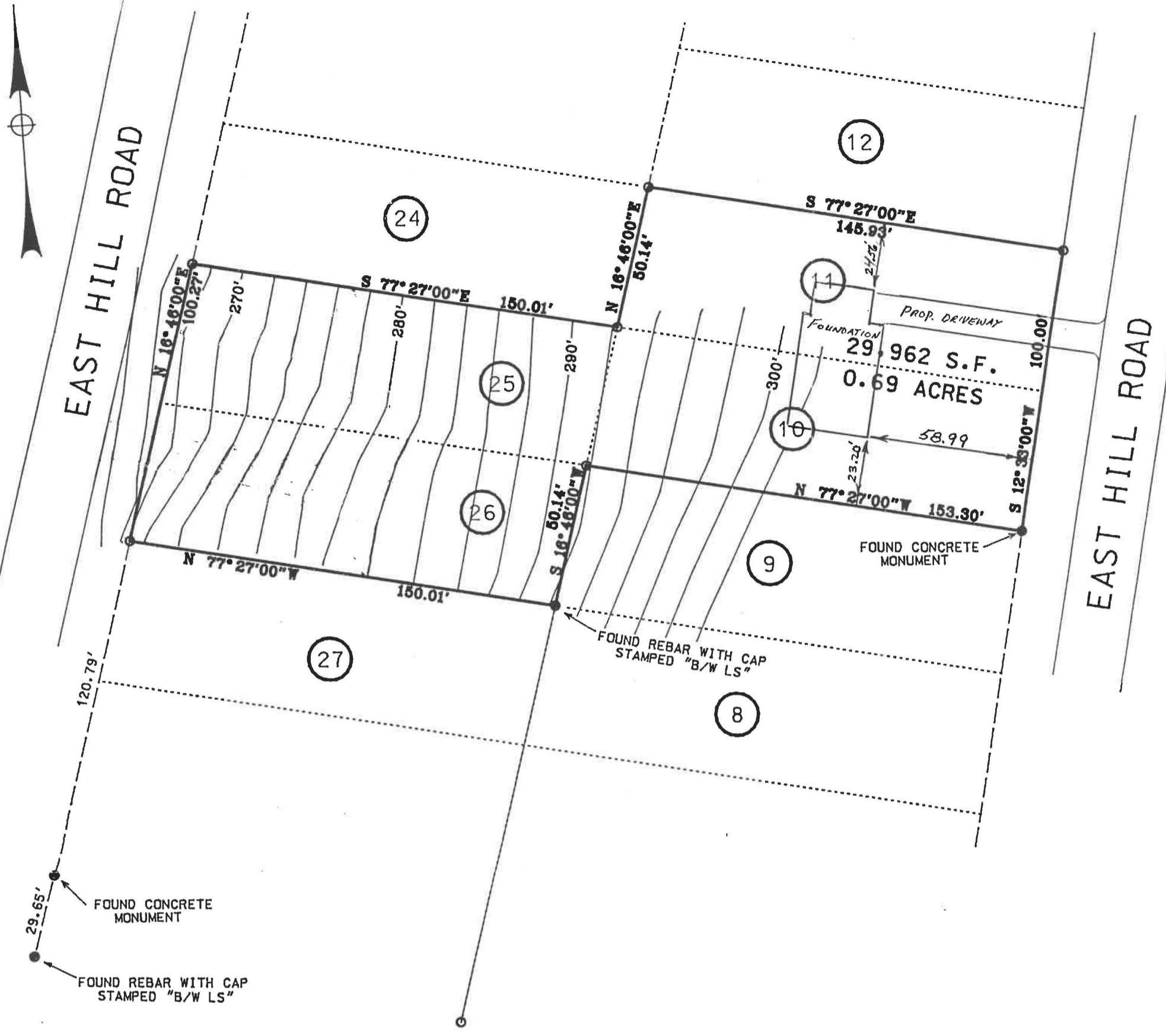
MAHOPAC, NEW YORK 10541

(914) 628-4764

*W. Zeiler*

"UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY MAP BEARING A LICENSED LAND SURVEYOR'S SEAL IS A VIOLATION OF SECTION 7209, SUBDIVISION 2, OF THE

UNDERGROUND UTILITIES NOT SHOWN. I HEREBY CERTIFY THAT THIS MAP WAS MADE FROM AN ACTUAL FIELD SURVEY COMPLETED



**SURVEY MAP**  
 PREPARED FOR  
**LPL CUSTOM BUILDERS**  
 F.M. NO. 1793  
 MAP OF PEEKSKILL TERRACE  
 BUILDING PLOTS  
 LOTS 10, 11, 25 & 26

**TOWN OF CORTLANDT**  
**WESTCHESTER COUNTY**  
**NEW YORK**

JANUARY 29, 1996  
 SCALE 1 INCH = 40 FEET  
 REV. MARCH 27, 1996  
 FOUNDATIONS: MAY 20, 1996

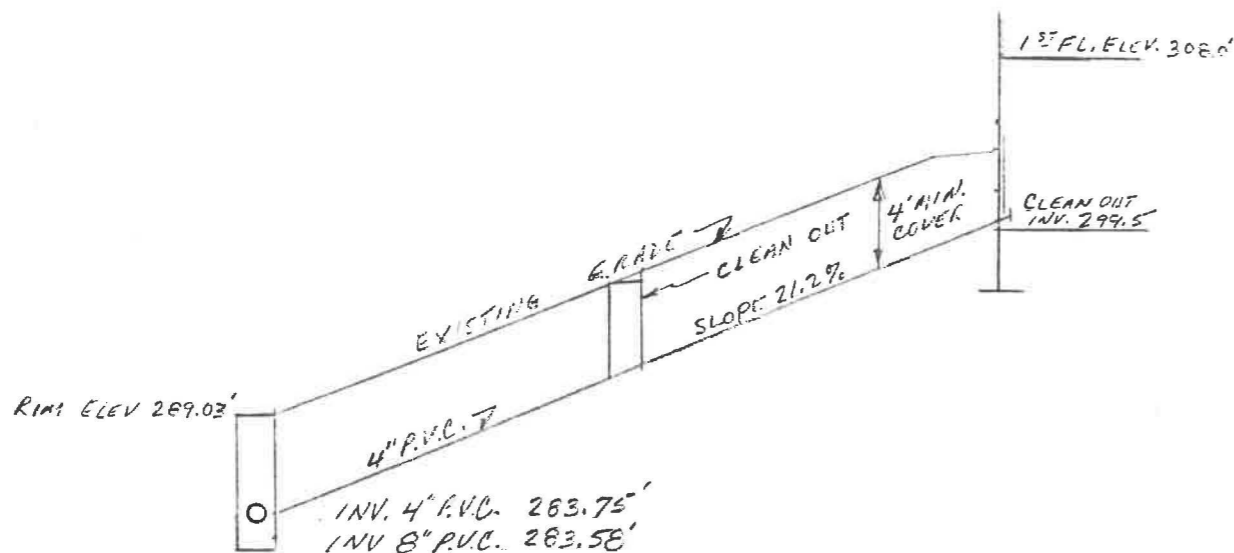
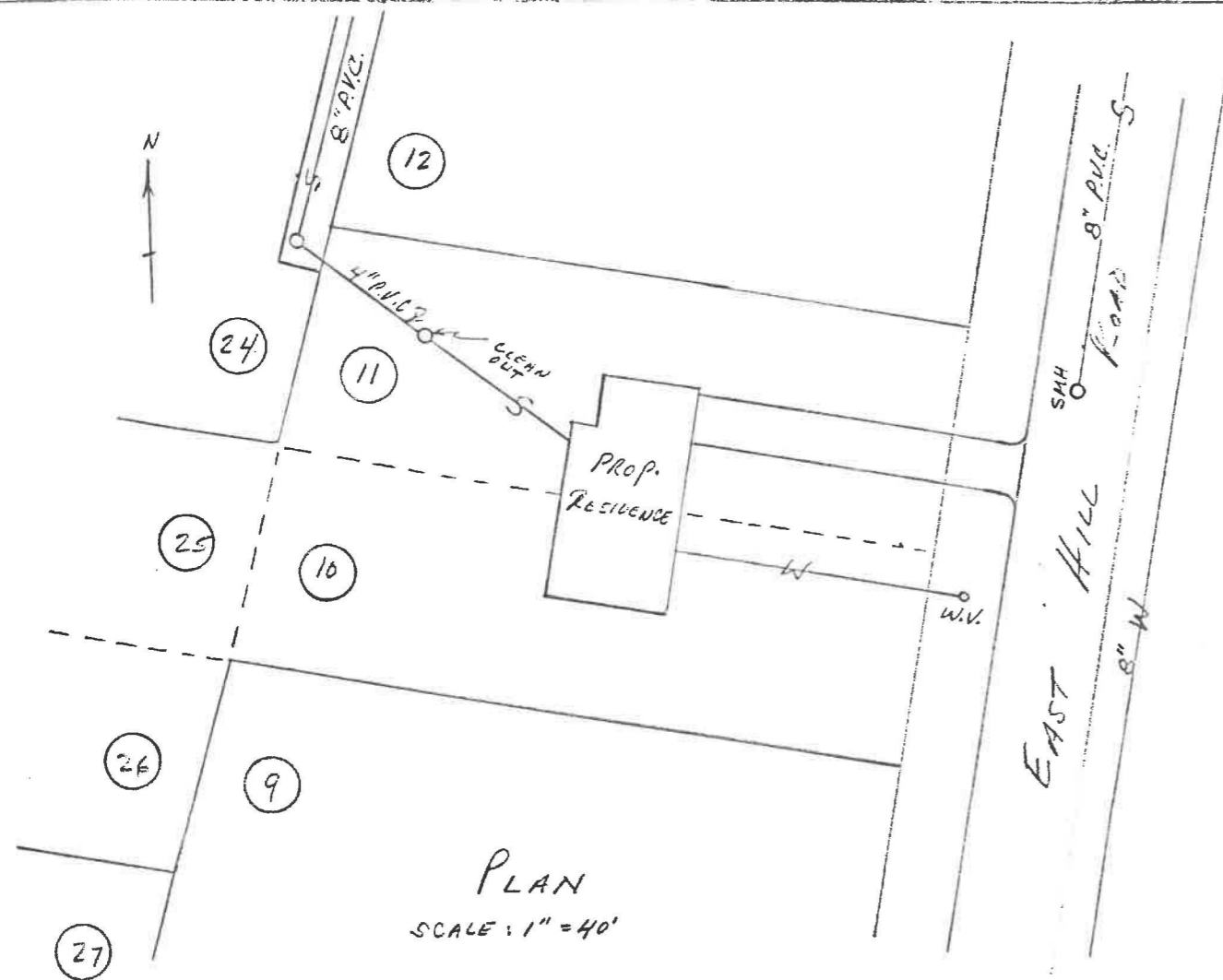
**SURVEY BY:**  
**WILLIAM F. ZEILER**  
 PROFESSIONAL ENGINEER & LAND SURVEYOR  
 28 CONCORD ROAD  
 MAHOPAC, NEW YORK 10541  
 (914) 628-4764

*W. Zeiler*

"UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY  
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UNDERGROUND UTILITIES NOT SHOWN.  
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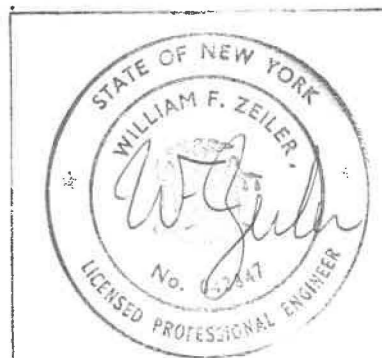


**SEWER CONNECTION**  
 PREPARED FOR  
**LPL CUSTOM BUILDERS**  
 F.M. NO. 1793  
 MAP OF PEEKSKILL TERRACE  
 BUILDING PLOTS  
 LOTS 10, 11, 25 & 26

TOWN OF CORTLANDT  
 WESTCHESTER COUNTY  
 NEW YORK

MARCH 27, 1996

BY:  
**WILLIAM F. ZEILER**  
 PROFESSIONAL ENGINEER & LAND SURVEYOR  
 28 CONCORD ROAD  
 MAHOPAC, NEW YORK 10541  
 (914) 628-4764



T/1 20.10-1-41

State of New York        )  
                                  )Ss.:  
County of Westchester)

Parth Patel, being duly sworn, deposes and says:

1. I am the owner of 41 East Hill Road and a residence which is entirely on Lots 10 and 11 from the 1907 "Map of Peekskill Terrace Building Plots, Westchester-Putnam Trolley and Land Improvement Company, Town of Cortlandt, Westchester County, NY." ("1907 Map"), which was attached to my counsel's letter as Exhibit "A".

2. I submit this affidavit in this Case No. 2023-17 with regard to my request for a statutory interpretation before this Board from the Building Inspector's Denial Letter, which was attached to my counsel's letter as Exhibit "D".

3. The sole issue as I understand it is whether pursuant to Zoning Code Section 307-8 Lots 25 and 26 merged with Lots 10 and 11, as to which my house alone sits.

4. As my counsel explained at the hearing and in his submission a proper reading of Zoning Code Section 307-8 requires a determination that under paragraph C whether if all four lots were treated together that lot width as defined under the Code would be in compliance. As demonstrated by our Engineer, Exhibit "E" to my counsel's submission, that lot width is only 98.78 feet, not the required 150 feet. Accordingly, as plainly stated in the statute there can be no merger. There is no evidence to the contrary.

5. Notwithstanding the above, the Board raised certain issues as to whether Lots 10 and 11 somehow benefitted from Lots 25 and 26. This is not relevant as there can only be merger pursuant to a merger statute. Nonetheless I address the Board's concerns below.

6. I live in the house with my wife. The house sits entirely on Lots 10 and 11, which I use for my residence. Attached hereto as Exhibit "A" are photographs of my house. The photographs show my house with a backyard, all on Lots 10 and 11.

7. My wife and I do not use Lots 25 and 26, which consist entirely of woods in their natural state. We do not consider the woods to be our backyard, which is entirely on Lots 10 and 11.

8. While not relevant, I never at any time considered all of

the lots to be my residence; only Lots 10 and 11. Lots 25 and 26 were just woods not used.

9. Lots 10 and 11 were never used in conjunction with Lots 25 and 26 and did not materially enhance the value or utility of the other.

10. In fact, Lot 11 does not even touch Lots 25 and 26, and Lot 10 does not touch Lot 26.

11. Attached hereto as Exhibit "B" are photographs of Lots 25 and 26. The photographs are revealing in that they evidence no connection whatsoever to the residence on lots 10 and 11. From the view of East Hill Road from where Lots 25 and 26 would be developed one cannot even see the house on Lots 10 and 11.

12. Lots 25 and 26, as is, actually detract from our residence on Lots 10 and 11 because persons discard trash on our property, including grass clippings. See the photographs above.

13. As my counsel has explained to me on point is Matherson v. Scheyer, 20 A.D.2d 425, 799 N.Y.S.2d 86 (2d Dept. 2005). In that case, just like here, the applicant before the zoning board of appeals had purchased two properties, a lot with a house on it and a vacant lot. The Court referred to the lots as a "back-to-back" split configuration, in that they share a common rear boundary and have frontage on two parallel streets. Id. at 426. The Second Department found that the trial Court properly ruled that **no** merger of the lots occurred pursuant to the Town of Islip's merger statute:

Lots in "back-to-back" split formation are deemed not to have merged where it is shown that, during the period of common ownership, the parcels were never used in conjunction with one another and neither parcel materially enhanced the value or utility of the other (see Matter of Sakrel, Ltd. v Roth, 176 AD2d 732, 734, 574 NYS2d 972 [1991]; Cicenia v Zoning Bd. of Appeals, 157 AD2d 722, 549 NYS2d 818 [1990]; Matter of Barretto v Zoning Bd. of Appeals, 123 AD2d 692, 507 NYS2d 57 [1986]). Here, as part of the 1997 application, the prior owner averred, without contradiction, that Lot 64 (1) had never been used in conjunction or as one with Lot 42, (2) had never been improved or been considered part of Lot 42's backyard, (3) had habitually been overgrown with trees and other brush and used by neighbors to dump their grass clippings, and (4) had never been used by the prior owner or anyone in her family. Additionally, in



connection with the subject application, the petitioner testified, also without contradiction, that a fence once separated the two lots. In the face of this uncontradicted evidence, the ZBA's determination that the two lots had merged lacks any factual basis in the record (see McDermott v Rose, 148 AD2d 615, 539 NYS2d 80 [1989]).

Id. at 427-28.

14. As set forth above the vacant Lots 25 and 26 share a partial common rear boundary and have frontage on two parallel streets. Further, as in Matherson, Lots 25 and 26 were not used in conjunction with Lots 10 and 11, Lots 25 and 26 had not been improved or used as part of the backyard of Lots 10 and 11, and trash and grass clippings were dumped by neighbors in Lots 25 and 26.

15. Thus, the facts make clear that Lots 25 and 26 did not materially enhance the value or utility of Lots 10 and 11.

16. Nor did Lots 25 and 26 at all enhance the construction of the residence on Lots 10 and 11. The house on Lots 10 and 11 is only 2,758 square feet, and is on the smaller side of the houses in the neighborhood.

17. As set forth in the engineering analysis of Cronin Engineering there was no benefit received from the house on Lots 10 and 11 from the additional square footage from Lots 25 and 26. The house on Lots 10 and 11 could have been 3,290 square feet just from Lots 10 and 11. The additional square footage of Lots 10 and 11 was not used by the house on Lots 10 and 11 to be larger.

18. Simply put the house on Lots 10 and 11 did not receive any benefits from the Lots on 25 and 26, and even if considered would NOT have made the house any larger than 3,290 square feet.

*Parth Patel*

Parth Patel

STATE OF TEXAS  
COUNTY OF HARRIS  
Sworn to before me this  
5th Day of <sup>February</sup> 2024

*A. Murray*  
Notary Public

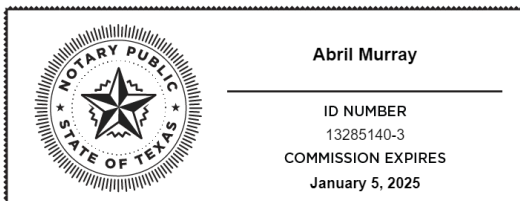




Exhibit A













Exhibit B



View from East Hill Road facing lots 25 and 26.





Side view from East Hill Road.





Neighbor yard waste being dumped into lots 25 & 26.

**January 30, 2024**

Michael Fleming, Chairman  
Town of Cortlandt Zoning Board  
Town Hall, 1 Heady Street  
Cortlandt Manor, NY 10567

**Re: *Patel***  
***41 East Hill Road***  
***Interpretation***  
***Tax ID 13.10-1-41***

Dear Chairman Fleming and Members of the Zoning Board:

Our firm has been retained by the Applicant named above to investigate the history of Tax lot 41 and the residence owned by the Applicant. The lot in question, based on the official tax maps for the Town, is comprised of four subdivided lots from Filed Map of "Peekskill Terrace Building Plots, Westchester-Putnam Trolley and Land Improvement Company, Town of Cortlandt, Westchester NY, made by I.W. Reynolds, C.E., Dated May 14, 1907", Filed Map No. 1793, namely lots 10, 11, 25, 26.

The residence is located solely on lots 10/11, lots 25 and 26 are vacant.

Lots 10 and 11 are offset fifty feet from lots 25 and 26. The Applicant's house was built in approximately 1996 on Tax lot 41 (subdivision lots 10 and 11) and it is believed that at that time, the Zoning District was R-20. The current house satisfies the bulk requirements of the R-20 district, including the maximum permitted floor area.

At the time the house was built, which is estimated to have a floor area of approximately 2,758 square feet, the maximum permitted floor area for the R-20 district was 3,290 square feet. Since then, the property's Zoning was changed to R-40.

The R-40 district also has a maximum permitted floor area of 3,290 square feet. So, the house meets the maximum permitted floor area whether it is located in the R-20 or R-40 Zoning District.

In conclusion, it is our expert opinion that the additional square footage of lots 25/26 provided no benefit to the size of the residence located on lots 10/11. When the house was built in 1996 and without any benefit of lots 25 and 26, the house could have been built having 3,290 square feet.

Significantly, lots 25 & 26 set forth on Filed Map No. 1793 appear to be intended for a house to be built thereon facing East Hill Road, the same direction that the houses to its left and right face, lots 22, 23 and 24 on the left and lots 27, 28, and 29 on the right, nor could the house built on lots 10 and 11 have been built larger than 3,290 square feet taking into account the square footage of lots 25 and 26. As stated above, the configuration of lots 10 and 11 and its setbacks limited the size of the house.

We would like to have this application placed on the next Zoning Board agenda for discussion. Should you have any questions or require additional information please contact me at the above number. Thank you for your time and consideration in this matter.

Respectfully submitted,



Keith C. Staudohar  
Cronin Engineering P.E. P.C.

cc: Parth Patel  
Cliff Davis, Esq.