

TOWN OF CORTLANDT
PLANNING AND ZONING BOARDS

ZONING BOARD MEETING

1 Heady Street
Cortlandt Manor, New York 10567

May 25, 2023

7:00 p.m. - 8:06 p.m.

April 13, 2023

MEMBERS PRESENT:

Michael Fleming, Chairman

Wai Man Chin, Vice-Chairman

Chris Beloff, Member

Frank Franco, Member

Michelle Piccolo Hill, Member

Benito Martinez, Member

ALSO PRESENT:

Chris Kehoe, AICP, Director of Planning

Michael J. Cunningham, Deputy Town Attorney

1 May 25, 2023

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

3 MR. MICHAEL FLEMING: Alright. I'd like
4 to call to order the Zoning Board of Appeals
5 meeting on May 25, 2023. First, I'd like to start
6 by asking everyone who's willing to join me
7 saying the Pledge of Allegiance.

8 MULTIPLE: I pledge allegiance to the
9 flag of the United States of America and to the
10 Republic for which it stands, one nation under
11 God, indivisible, with liberty and justice for
12 all.

13 MR. MICHAEL FLEMING: Alright. We'll
14 start off with the roll call, please.

15 MR. CHRIS KEHOE: Ms. Piccolo Hill?

16 MS. MICHELLE PICCOLO HILL: Here.

17 MR. KEHOE: Mr. Martinez?

18 MR. BENITO MARTINEZ: Here.

19 MR. KEHOE: Mr. Franco?

20 MR. FRANK FRANCO: Here.

21 MR. KEHOE: Mr. Fleming?

22 MR. FLEMING: Here.

23 MR. KEHOE: Mr. Chin?

24 MR. WAI MAN CHIN: Here.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

May 25, 2023

MR. KEHOE: Mr. Beloff?

MR. CHRIS BELOFF: Here.

MR. KEHOE: Mr. Walsh noted as absent.

MR. FLEMING: Alright, so the, the first case on our agenda is the only case on our agenda tonight.

MR. KEHOE: Minutes.

MR. FRANCO: The minutes.

MR. FLEMING: Oh, sorry. You're right.

MR. FRANCO: I make a motion to adopt the minutes --

MR. FLEMING: Second?

MR. FRANCO: -- from April 13th?

MS. PICCOLO HILL: Mm-hmm.

MR. FLEMING: Was there a second?

MR. BELOFF: Second.

MR. FLEMING: All in favor?

MULTIPLE: Aye.

MR. FLEMING: Any opposed? Carried.

Alright. So now, I'm sorry, we're now on case number 2023-04, application of David Fornelos for area variances. This is continued from our prior meeting from April 13th, 2023. Tom Walsh was the

1 May 25, 2023

2 member who was handling this. Tom, unfortunately
3 could not be at this meeting. So I'm going take
4 it forward. I'm going to invite you to come up,
5 but first a couple of comments I want to make.
6 One, this was kind of pushed into this meeting
7 relatively recently. And the board in our, in our
8 meeting beforehand has decided we have not had
9 enough time to review everything. So I just
10 wanted to give, let you know that we're, we're
11 not going to be able to make a decision tonight.
12 We're going to continue this in the next meeting,
13 so we have a little more time to digest. But in
14 the meantime, there are a lot of questions that
15 some of the board members have. So what I'd like
16 to do is first invite you up, if you have
17 anything you want to say, you're welcome to do
18 so. And then after that, if you can just, to the
19 extent you're able to, answer some of the
20 questions some of the board members may have.
21 You're welcome to come on up and just state your
22 name.

23 MR. DAVID FORNELOS: David Fornelos,
24 thanks for coming today. So our last meeting, we

1 May 25, 2023

2 were trying to do a garage on the side of the
3 house and it was suggested if we can move the
4 garage and call it a shed and bring it into the
5 backyard for its intended purposes. So that's
6 what we ended up doing, trying to configure and
7 make it work for us, and that's pretty much what
8 we came up with.

9 MR. FLEMING: Okay. A couple of
10 questions, one is just a simple math issue and I
11 don't think you know this, but there was an error
12 on your on your architect's drawings. It's not
13 substantial, but it's a 20 foot difference on the
14 area variance you're requesting. When you do the
15 math, for some reason, he honestly just didn't
16 include that 20 feet. So it changes your request
17 from a minimum landscape coverage requirement of
18 of five nine -- excuse me, 5,707 is what is
19 allowed. You're proposing actually 5,967. So it's
20 actually a variance proposal for 260 square feet,
21 not 240 square feet. Since we're continuing this,
22 if, if for some reason you disagree with what I
23 just said, you're welcome to address it before
24 the next meeting. But what we're going to do is,

1 May 25, 2023

2 unless you -- unless you do that, we're going to
3 consider this a variance for 260 square feet.

4 MR. FORNELOS: Okay. Understood.

5 MR. FLEMING: I think that those numbers
6 -- we, we all talked about it and looked at it,
7 we're --

8 MR. KEHOE: Yeah, just, just for the
9 record on, on your architect's chart, I think the
10 correctly added numbers for this section are
11 2,886, but then as he got down in the chart, they
12 got transposed to 2,866.

13 MR. FORNELOS: Mm-hmm.

14 MR. KEHOE: And that's what the math
15 ended up being based on. So the 20 feet was lost
16 there.

17 MR. FORNELOS: Yeah, It may be because I
18 know that we were making some last minute changes
19 trying to get things in to you guys.

20 MR. FLEMING: It's fine. I just want to
21 let you know --

22 MR. FORNELOS: Yeah.

23 MR. FLEMING: -- that that, that, that,
24 that, that 20 foot difference, so when we

1 May 25, 2023

2 consider it to vote, we actually have to consider
3 a 260 square foot variance.

4 MR. FORNELOS: And that's for the
5 landscape variance?

6 MR. FLEMING: That's the landscape
7 variance.

8 MR. FORNELOS: Okay.

9 MR. FLEMING: Yeah, it's you're actually
10 requesting 5,967 square feet. And you're allowed
11 5,707, so it's a 260 square foot variance you're
12 requesting. Alright, so I guess what I'll do
13 after this is if you don't have anything else you
14 want to add directly, I'm going to open it up to
15 questions from members of the board. If anyone
16 wants to. You can start off, go ahead.

17 MS. PICCOLO HILL: Hi.

18 MR. FORNELOS: Hello.

19 MS. PICCOLO HILL: I just had a
20 question, on your proposed plan, there's one area
21 that says 880 square feet and 333 square feet
22 where your old driveway was --

23 MR. FORNELOS: Correct.

24 MS. PICCOLO HILL: -- for 320 square

1 May 25, 2023

2 feet. What is that area?

3 MR. FORNELOS: The current area of where
4 the driveway is now?

5 MS. PICCOLO HILL: Yes.

6 MR. FORNELOS: The, so there, there's a
7 driveway currently there.

8 MS. PICCOLO HILL: Uh-huh.

9 MR. FORNELOS: All we're doing is we're
10 widening the width of the mouth of the driveway.
11 We're not extending it out further on the street,
12 towards the adjacent street. But we are curving
13 it along our property lines to have adequate
14 parking.

15 MS. PICCOLO HILL: So you're going to go
16 from 320 square feet to about 1,200 square feet?

17 MR. FORNELOS: If -- I believe so, yeah.
18 If that's what he has proposed in the drawing.

19 MR. FLEMING: That'll be a black,
20 that'll be an asphalt driveway?

21 MS. PICCOLO HILL: That's a significant
22 --

23 MR. FORNELOS: All asphalt, correct.

24 MS. PICCOLO HILL: Okay. And I guess

1 May 25, 2023

2 the, because that's a significant difference is
3 what is the purpose of that?

4 MR. FORNELOS: Of the, of the driveway
5 itself?

6 MS. PICCOLO HILL: Yeah.

7 MR. FORNELOS: So we have enough parking
8 right now for two vehicles, if that.

9 MS. PICCOLO HILL: Okay.

10 MR. FORNELOS: Our street doesn't allow
11 for off-street parking during the winter months.
12 So we have two children, one of which is going to
13 be driving shortly.

14 MS. PICCOLO HILL: Okay.

15 MR. FORNELOS: And we're trying to
16 pretty much get everything off of the street,
17 have adequate parking for when we do have guests,
18 as well as another concern that we had, which was
19 having vehicles on the street, it's already kind
20 of narrow as it is. When we do have, our
21 neighbors have guests or whatever it is, we're
22 fortunate enough to have neighbors across from
23 us, two neighbors across from us that have
24 children. So my little one, they're always

1 May 25, 2023

2 running back and forth across the street. Any
3 vehicles in that street causes a hazard because
4 you have to keep reminding them look both ways.
5 So, we just want to get, we want to get all those
6 vehicles off the street as much as we can, and if
7 we can get it tucked away, then even better.

8 MS. PICCOLO HILL: Okay. Great. So
9 that's all basically the driveway?

10 MR. FORNELOS: Correct.

11 MS. PICCOLO HILL: Okay.

12 MR. KEHOE: Could, could I just ask, you
13 see the rendering up there?

14 MR. FORNELOS: Mm-hmm.

15 MR. KEHOE: So it says 880 square feet.

16 MR. FORNELOS: Correct.

17 MR. KEHOE: That's sort -- I, I know
18 it's not the same number is on the existing
19 condition, but that's pretty much the existing
20 driveway?

21 MR. FORNELOS: That's actually wider
22 than the existing driveway.

23 MR. KEHOE: Right. And, And that goes
24 down grade to a garage door?

1 May 25, 2023

2 MR. FORNELOS: Correct.

3 MR. KEHOE: And that, so you're going to
4 have to raise the grade in order to get to the
5 side of the house where the 333 is now shown?

6 MR. FORNELOS: Actually, the grade where
7 the 333 is now is higher than the grade of where
8 that garage is.

9 MR. KEHOE: Right.

10 MR. FORNELOS: The garage dips down
11 underneath the house. So the 333, the elevation's
12 actually higher than the elevation --

13 MR. KEHOE: So if you come into your
14 driveway from Crestview --

15 MR. FORNELOS: Correct.

16 MR. KEHOE: -- right now, you're going
17 down,

18 MR. FORNELOS: We are going down,
19 correct.

20 MR. KEHOE: And, and which you're going
21 to just sort of be able to turn to the right?

22 MR. FORNELOS: Correct.

23 MR. KEHOE: Without any grade --

24 MR. FORNELOS: So that we're not coming

1 May 25, 2023

2 -- so that we're not coming out towards the
3 street and coming in and out of the driveway
4 closer to the street side where the stop sign is.
5 We want to try and stay away from that. I believe
6 there's a guideline.

7 MR. CHIN: Mr. Fornelos, if your
8 driveway is going down, which is the original 320
9 square feet, and now you're adding it to the
10 side, attaching it to the 333 square feet of the
11 gravel that you had over there. Okay. Right now,
12 to me, your driveway's going down, this is up
13 here. How do you get up there?

14 MR. FORNELOS: Right now?

15 MR. CHIN: From your driveway?

16 MR. FORNELOS: There's no, there's no
17 gravel where the 333 is now.

18 MR. CHIN: Okay. But I'm saying how you
19 going to park anything over there?

20 MR. FORNELOS: We're, we're going to
21 raise the elevation where the 880 is to bring it
22 to grade.

23 MR. CHIN: Yeah, but your driveway's
24 still there going down.

1 May 25, 2023

2 MR. FORNELOS: Correct.

3 MR. CHIN: And that's not changing.

4 MR. FORNELOS: No, it is.

5 MR. CHIN: Oh. So you're --

6 MR. FORNELOS: We're, we're going to
7 flatten the whole driveway, remove the garage
8 doors, and just have stairs access to the
9 basement.

10 MR. CHIN: Oh, so there's no garage no
11 more?

12 MR. FORNELOS: There's not going to be a
13 garage there. It's not -- the issue that we were
14 having before of why we were relocating the
15 garage is we're getting way too much water off of
16 the street coming into our basement and my sum
17 pump can't keep up with the drainage.

18 MR. CHIN: No, okay, I understand what
19 you're saying now.

20 MR. FORNELOS: Yeah.

21 MR. CHIN: Okay. So you -- actually,
22 that garage is no longer there, you're raising
23 that whole sloped driveway up to a level area --

24 MR. FORNELOS: Correct.

1 May 25, 2023

2 MR. CHIN: -- for you to be able to park
3 right there and also have a few additional cars
4 there.

5 MR. FORNELOS: Correct.

6 MR. CHIN: That's what you're saying.

7 MR. FORNELOS: Yes.

8 MR. CHIN: But now, originally you were
9 putting the shed or that you originally took the
10 garage out, it's out of there.

11 MR. FORNELOS: Mm-hmm.

12 MR. CHIN: So where do you park your
13 cars inside? You don't, there's no parking in
14 indoor garage no more?

15 MR. FORNELOS: No, the garage was never
16 intended for a vehicle. The garage was intended
17 for snow blower, lawn mower, gardening tools,
18 storage and that was pretty much it. The garage
19 wasn't intended for a vehicle.

20 MR. CHIN: So you're saying that the
21 storage, that you're going to put there in the
22 back now?

23 MR. FORNELOS: Correct.

24 MR. CHIN: That's going to be for your

1 May 25, 2023

2 lawn and equipment?

3 MR. FORNELOS: Lawn equipment, snow
4 blower, you know, kids toys.

5 MR. CHIN: What happened to your
6 motorcycles that you originally were going to put
7 in the garage?

8 MR. FORNELOS: Oh no, they're still
9 going to be there.

10 MR. CHIN: What?

11 MR. FORNELOS: They're still going to be
12 there.

13 MR. CHIN: Where?

14 MR. FORNELOS: In the, in the driveway.

15 MR. CHIN: In, in the wintertime they're
16 going to be sitting on the driveway?

17 MR. FORNELOS: Oh, in the wintertime, I
18 may bring them into the shed to store. I mean, we
19 only have two vehicles right now, two
20 motorcycles. But that's just for winter storage.

21 MR. CHIN: Okay.

22 MR. MARTINEZ: Yeah. The motorcycles are
23 easily moved to anywhere you want to put it.

24 MR. FORNELOS: Right.

1 May 25, 2023

2 MR. MARTINEZ: Yeah.

3 MR. FORNELOS: Right. But right now, as,
4 as it sits, because we don't have the space, the
5 motorcycles don't take up a ton of room. But the
6 way that they're sitting now, again, they're,
7 they're right --

8 MR. CHIN: Okay.

9 MR. FORNELOS: -- in front of the
10 street.

11 MR. CHIN: I, I hear what you're saying
12 now.

13 MR. FORNELOS: Yeah.

14 MR. CHIN: Some, some of the people,
15 some people will complain that you have your
16 commercial vehicles parked in your driveway and
17 all around there. Okay.

18 MR. CHIN: Okay.

19 MR. CHIN: Let me finish that.
20 Basically, you can't have commercial vehicles
21 parked in your driveway or on the streets in, in
22 the town. Okay. They're, they're not permitted.
23 If you have no garage there, you park those, if
24 you have any kind of commercial vehicle, you

1 May 25, 2023

2 can't park them up there at all.

3 MR. FORNELOS: Correct.

4 MR. CHIN: And that means all time.

5 MR. KEHOE: Well, but I, I think it
6 depends on the type, and Michael Cunningham, you
7 can correct me. If you have a pickup truck that
8 says the name of your contracting company,

9 MR. MICHAEL CUNNINGHAM: Correct.

10 MR. KEHOE: I think that can stay there.
11 But if you have a big panel van or --

12 MR. CHIN: If it says commercial on it,
13 then he cannot.

14 MR. FLEMING: I'm, I'm not sure that's
15 right, but Michael can answer that question for
16 us.

17 MR. CUNNINGHAM: So I, I think as Chris
18 was saying, if it's a pickup truck, then, you
19 know, maybe advertised for the company, that's
20 okay. But if it's a larger sort of vehicle, then
21 there's certain cutoffs that enforcement will
22 know.

23 MR. CHIN: Does the license plate say
24 commercial or non-commercial?

1 May 25, 2023

2 MR. KEHOE: Well, we, we can get an
3 answer to that.

4 MR. FLEMING: We can get an answer to
5 that.

6 MR. FORNELOS: Well, my, my pickup truck
7 doesn't have any lettering on it. We did have a
8 utility trailer that occasionally would be
9 attached to my truck when I'm moving from job to
10 job.

11 MR. CHIN: No, that can't be that. You
12 cannot have that on the, on the site though.

13 MR. FORNELOS: No, no. It was never
14 parked on the, on the, on the, in the driveway.
15 We don't have room for it in the driveway. It
16 would be parked on the street, when I can park on
17 the street. But again, that's only when we're
18 going from site to site. So there was never,
19 there was never any vehicle with my lettering on
20 it other than when we were doing construction.
21 Yes. We did have my trailers there because we
22 were doing construction on the on the property,
23 through our building permit.

24 MS. PICCOLO HILL: And that's the

1 May 25, 2023

2 purpose of this shed.

3 MR. CHIN: Well, I'm just saying that in
4 other areas in the town, whenever a commercial
5 truck does come there to do commercial work, by
6 the end of the day they're gone. They cannot park
7 there overnight or even on the property if
8 somebody else is doing the job. You know what I
9 mean? They don't just leave it there.

10 MR. FORNELOS: Right.

11 MR. CHIN: You know, that's the way the
12 code is written.

13 MR. FORNELOS: Correct.

14 MR. CHIN: Okay. Because anybody can
15 call enforcement and say, oh, you got commercial,
16 you can't park there. It doesn't matter if it's
17 yours or somebody else's, overnight on your
18 property, so forth. You know what I mean? Unless
19 it's in the garage hidden. All right. You just
20 can't have it.

21 MR. FORNELOS: Right.

22 MR. CHIN: That's the code. I'm just
23 saying that on the last meeting, some people
24 complain about your trucks being out there all

1 May 25, 2023

2 the time, even though you're saying that you are
3 doing work on your house, when you're finished,
4 at the end of the day, they cannot be there by
5 code.

6 MR. FORNELOS: Okay.

7 MR. FLEMING: So I, I think, I think
8 what, what what's being said here is that there
9 was definitely a concern voiced by your neighbors
10 regarding the storage of commercial vehicles and
11 construction, I'm going to call it equipment for
12 lack of a better word, on your site. There may
13 well be one of, one of the things this zoning
14 board does, when they do grant approvals, they
15 also, they, they, they grant approvals with
16 conditions.

17 MR. FORNELOS: Right.

18 MR. FLEMING: And again, we're not
19 making any decisions tonight, but one of the
20 things we may well consider is granting an
21 approval for a variance, but putting a condition
22 that would ban the parking of commercial
23 equipment or vehicles on, on, on whatever area of
24 the property we're considering the variance for.

1 May 25, 2023

2 MR. FORNELOS: Mm-hmm.

3 MR. FLEMING: I just want to let you
4 know that, and again, if there's something on
5 that you want to address, you're welcome to do
6 so. Okay. I'm sorry, you were in the middle of
7 speaking.

8 MS. PICCOLO HILL: I'm sorry, I'm just
9 getting up to speed.

10 MR. FORNELOS: No, that's Okay.

11 MS. PICCOLO HILL: And the shed is
12 essentially taking the place of the garage?

13 MR. FORNELOS: Correct.

14 MS. PICCOLO HILL: Everything that you
15 used to have in the garage, will now be kept in
16 the shed?

17 MR. FORNELOS: Correct.

18 MS. PICCOLO HILL: And how -- I'm going
19 off of the photos.

20 MR. FORNELOS: Mm-hmm.

21 MS. PICCOLO HILL: So it looks like you
22 have a really nice fence there. How are you going
23 to get the stuff from the garage into the shed so
24 that it's usable? Are you going to be able to add

1 May 25, 2023

2 --

3 MR. FORNELOS: So there's, there's a,
4 there's a gate on the corner of the property.

5 MS. PICCOLO HILL: There is? Okay.

6 MR. FORNELOS: Yeah. We, we put, we left
7 it so that there's a gate so that if we, you
8 know, landscaping, because they usually -- our
9 gates in the front are only three feet.

10 MS. PICCOLO HILL: Right.

11 MR. FORNELOS: And you know, my
12 landscaper's equipment is much bigger when I do
13 have the landscaper come, whether it's for mulch
14 or whatever it is. So we have a larger gate for
15 them to be able to come in and out.

16 MR. KEHOE: Are you proposing a larger
17 gate or?

18 MR. FORNELOS: No, we -- no, there's
19 already a gate there on the fence line.

20 MR. KEHOE: Towards Edgewood?

21 MR. FORNELOS: On Edgewood, correct.

22 MR. KEHOE: And you say that's --
23 because it, it looks like a regular sort of
24 sized, is that greater than three feet?

1 May 25, 2023

2 MR. FORNELOS: The one on the corner?

3 MR. KEHOE: Yeah.

4 MR. FORNELOS: No, it's about 16 foot.
5 We needed it when we had the, the grading. So we
6 did the fence and then we had to bring in soil,
7 gravel for drainage and make sure everything was
8 --

9 MR. KEHOE: But the, how, how wide is
10 the gate? You're saying the gate?

11 MR. FORNELOS: The gate itself is
12 roughly, if I had to say anywhere between 15 and
13 16 foot, not more than 16.

14 MR. CHIN: So it's like a double gate or
15 one gate?

16 MR. FORNELOS: Correct.

17 MR. KEHOE: Oh, in the back corner?

18 MR. FORNELOS: In the back corner.

19 MR. KEHOE: Oh, okay.

20 MR. FORNELOS: By the pool, correct.

21 MR. KEHOE: But then you have a much
22 smaller gate and that looks like a black handle
23 or something.

24 MR. FORNELOS: You're looking at the, at

1 May 25, 2023

2 the side of the house. If you go further down
3 Edgewood --

4 MR. KEHOE: Right.

5 MR. FORNELOS: -- all the way down in
6 the corner.

7 MR. CHIN: All the way down.

8 MR. KEHOE: Okay.

9 MR. FORNELOS: There's right in the
10 corner, there's uh, a double gate there.

11 MR. KEHOE: So I think that's the -- I
12 mean this would've been a good photograph to have
13 you all have. But down, way down Edgewood is a
14 really wide gate. And I think that's where you
15 all were thinking maybe the shed was going to go
16 on that side of the property --

17 MR. FORNELOS: Yeah, we --

18 MR. KEHOE: -- way down there.

19 MR. FORNELOS: -- we couldn't, we didn't
20 want to put anything there. There is, it's
21 raised. There is a difference in elevation and in
22 order to eliminate the drainage issues that on my
23 end that our neighbor was having behind us, all
24 that's filled with gravel so that it's actually -

1 May 25, 2023

2 -

3 MR. CHIN: Permeable.

4 MR. KEHOE: Yeah. Correct.

5 MR. CHIN: Okay. So that other little
6 gate is probably just a, a walk gate between
7 those --

8 MR. FORNELOS: Yeah, we have one on
9 either side of the house currently, yeah.

10 MR. CHIN: There's, there's one other
11 thing I want to say on the drawing. On one part
12 it says the pool is 302 square feet and the other
13 one says 676 square feet. And based on the
14 calculation, based on 302 square feet, what is
15 the actual dimension of the pool?

16 MR. FORNELOS: The pool itself is three
17 -- 15 foot by 30 foot. Around that is, there's
18 small retaining walls. I don't know why he has
19 676.

20 MR. CHIN: Okay, yeah, So, so it should
21 say 15 by 30 foot is the pool. Okay.

22 MR. FORNELOS: Fifteen by 30.

23 MR. CHIN: So the pool is close to 400
24 feet almost.

1 May 25, 2023

2 MR. KEHOE: Well, 15 by 30 would be
3 roughly a 450 square-foot pool.

4 MR. FORNELOS: But it's oval, correct.

5 MR. KEHOE: Right, but --

6 MR. FORNELOS: Yeah. The corner's a
7 little bit off, a little bit off. So, so, but so
8 either the both dimensions are both wrong then?

9 MR. FLEMING: Well, I'm not, I'm not
10 sure where the 302, I don't know where it comes
11 from, but I -- the, the, with the pool being 30
12 by 15, that makes more sense, because then you --
13 if you're including the surface area around the
14 pool that 676 number starts to look
15 [unintelligible] [00:18:14].

16 MR. KEHOE: So, so David, this was
17 John's drawing for what's existing there now, and
18 he's got 676 for the pool.

19 MR. FORNELOS: Yeah.

20 MR. KEHOE: Then when he comes up here
21 for what you're proposing, the pool goes to 302 -
22 -

23 MR. FLEMING: Which would require a new
24 pool.

1 May 25, 2023

2 MR. KEHOE: And he used that 302 number
3 in all the mathematical calculations on which
4 Martin based his variances. So that's another
5 question the zoning board had. So the problem
6 there, yeah, the problem there is I mean the pool
7 itself, even without the surrounding area is 450
8 square foot, ballpark. It's oval instead of
9 rectangle so I get that. I, I think we're going
10 to need a measurement of the pool itself and a
11 measurement of the area around the pool, because
12 I think your numbers are off again and it's going
13 to require recalculation by your architect.

14 MR. FORNELOS: Okay.

15 MR. FLEMING: So basically, what you're
16 saying, like you said, the pool was
17 approximately, you know, 30 by 15. Which is --

18 MR. FORNELOS: Right. And then there's,
19 there's a graveled area around it.

20 MR. FLEMING: Yeah. I'm looking at the
21 picture of it right now.

22 MR. CHIN: I'm looking at based on, on
23 that, then the 676 square feet is correct, not
24 the 302 square feet.

1 May 25, 2023

2 MR. FLEMING: Well, 302 clearly was an
3 error, 15 by 30 --

4 MR. CHIN: Okay, yeah, exactly --

5 MR. FLEMING: -- feet can't be 302. The
6 pool itself is 450.

7 MR. CHIN: I said 302 square feet, it
8 can't be, you know.

9 MR. FORNELOS: Right. Correct. Yeah. I'm
10 going to, I'm going to have to have him take a
11 look at it again.

12 MR. FLEMING: Yeah. And I think we're
13 going to need you to, to --

14 MR. FORNELOS: Sorry.

15 MR. CHIN: We've got to adjust our --

16 MR. FLEMING: That's okay, it's a
17 mistake.

18 MR. CHIN: -- calculation because it's
19 actually 672, 676 instead of 302.

20 MR. FORNELOS: Mm-hmm.

21 MR. CHIN: That's a difference of 374
22 square feet.

23 MR. FORNELOS: Right.

24 MR. CHIN: You know. So these, see,

1 May 25, 2023

2 these are things that we have to make sure we're
3 doing --

4 MR. FORNELOS: Right.

5 MR. CHIN: -- before we give any for
6 anything like that.

7 MR. FORNELOS: Right, right.

8 MR. CHIN: Okay. And you, you've got to
9 have John, recalculate that based on that. I
10 mean, I know he hasn't been to a meeting, but
11 he's the architect.

12 MR. FORNELOS: Yeah. No, I understand.

13 MR. KEHOE: So this is, I think this is
14 what we, they were talking about, right?

15 MR. FORNELOS: Yes.

16 MR. KEHOE: So there's the pool, and
17 then you've got the gravel area around the pool.

18 MR. FORNELOS: Correct.

19 MR. KEHOE: So I think for the purposes
20 of landscape coverage, I mean, it doesn't matter
21 how tall the pool is, you've got to go to the
22 outer limit of the gravel.

23 MR. FORNELOS: Of the gravel, correct.

24 MR. KEHOE: Right.

1 May 25, 2023

2 MR. FLEMING: And the gate you were just
3 referring to --

4 MR. FORNELOS: It's right there --

5 MR. FLEMING: is on the right corner?

6 MR. FORNELOS: The far right corner.

7 MR. CHIN: Yeah, way, way --

8 MR. FLEMING: Okay. I see.

9 MR. CHIN: -- on that side.

10 MR. FORNELOS: To the right.

11 MS. PICCOLO HILL: Yeah.

12 MR. FORNELOS: Okay.

13 MR. CHIN: You really can't see it from
14 here, but --

15 MR. KEHOE: Yeah, but you're, you're
16 right. Looking more closely, you can see the
17 hardware on the inside of the fence, yeah.

18 MR. CHIN: Yeah.

19 MR. FLEMING: All right, Ms. Hill, were
20 you still going?

21 MR. CHIN: So again, these things have
22 to be cleared up first --

23 MR. FORNELOS: Understood.

24 MR. CHIN: -- before we act

1 May 25, 2023

2 [unintelligible] [00:20:57].

3 MR. FORNELOS: Yeah, absolutely.

4 MR. CHIN: You know what I mean?

5 MR. KEHOE: But I think there's a couple
6 things, right? There's, there's number
7 corrections that need to be made.

8 MR. FLEMING: Yes.

9 MR. KEHOE: But then I think at least at
10 the work session, there were sort of more
11 theoretical --

12 MR. FRANCO: Yeah.

13 MR. KEHOE: Issues?

14 MR. FRANCO: One of the things I wanted
15 to bring up is just, you know, that we have all
16 these variances, but collectively it affects, I
17 would say significantly your coverage area, you
18 know, with the amount of area covered on the
19 property.

20 MR. FORNELOS: Mm-hmm.

21 MR. FRANCO: And, you know, with the
22 driveway, the expansion of the house, the shed,
23 the gazebo and the existing gravel areas.

24 MR. FORNELOS: Right.

1 May 25, 2023

2 MR. FRANCO: You know, from a character
3 of your property compared to everyone else's, it
4 just it seems like there's not much green area
5 left, you know.

6 MR. FORNELOS: Understood.

7 MR. FRANCO: A lot, since so much is
8 covered. So we were somewhat concerned about that
9 too, from a character of the neighborhood
10 standpoint.

11 MR. FORNELOS: There was a little,
12 sorry, there, there was a little miscommunication
13 when we were doing our backyard last year. And
14 that communication was that gravel, pea gravel,
15 was considered part of landscaping. So I started
16 making little areas here and there. We wanted a
17 nice grassed area for the kids to play. And in
18 the far, far back, I have a graveled area where
19 we set up for a playground. You know, my, my kids
20 are older, but we still have friends with kids.
21 Our neighbors have kids, younger kids. So we
22 figured that we would leave that alone and leave
23 a little graveled area there. I have no issue
24 with removing the gravel and putting grass.

1 May 25, 2023

2 MR. CHIN: Can we check it? I mean the
3 pea gravel?

4 MS. PICCOLO HILL: Is that the 361?

5 MR. CHIN: Was that --

6 MS. PICCOLO HILL: -- that you're
7 talking of?

8 MR. CHIN: -- part of ground?

9 MR. CUNNINGHAM: Whether, whether it's
10 considered part of minimum landscape coverage?

11 MR. CHIN: Yeah. Right. Right.

12 MR. FLEMING: So we need clarification
13 from --

14 MR. KEHOE: Martin did sort of clarify
15 that. He, he acknowledged that maybe there was a
16 disagreement or whatever, but Martin's position
17 is gravel's not green.

18 MR. FORNELOS: Correct.

19 MR. KEHOE: So it doesn't count.

20 MR. FORNELOS: Well --

21 MR. KEHOE: He's made that
22 determination.

23 MR. FORNELOS: Yeah. Which is, which is
24 fine.

1 May 25, 2023

2 MR. KEHOE: Right.

3 MR. FORNELOS: And you know, there was
4 just we were under the impression when we had
5 this discussion a year ago, of what we were
6 proposing to do and how we were planning things
7 out, that it was. And it worked to an advantage
8 because the gravel actually helps with the
9 drainage on the neighbor's side where we do have
10 grass. I finally got it to grow in.

11 MR. CHIN: No, I [unintelligible]
12 [00:23:34].

13 MR. FORNELOS: Down at the bottom. So I
14 mean, again, I have no problem removing that
15 gravel and putting down --

16 MR. FLEMING: Sod.

17 MR. FORNELOS: -- a barrier and putting
18 down sod, I really don't.

19 MR. CHIN: Yeah, I mean, I mean, I know
20 that gravel, yes, permeates the water and
21 everything else, helps on that, but I just want
22 to double check on that.

23 MR. CUNNINGHAM: And, and I think the
24 pervious versus impervious question is a little

1 May 25, 2023

2 different than what constitutes landscape
3 coverage versus what doesn't. Even I think if
4 something is pervious, it could still not count
5 towards the minimum landscape coverage.

6 MR. CHIN: I've seen some areas, not
7 particularly here, but where like pea gravel is
8 small, not big lumps of --

9 MR. FLEMING: Yeah. Not three-quarter
10 inch, yeah.

11 MR. CHIN: No, not three-quarter inch or
12 bigger, but the small gravel, like that was
13 considered landscaping. So I'm not sure. Just, I
14 just wanted to double check.

15 MR. CUNNINGHAM: I, I think it may be
16 impervious, but might not be considered
17 landscaping.

18 MR. CHIN: Yeah, right, yeah. I just
19 wanted to double check that, that's all.

20 MR. FLEMING: Okay.

21 MR. FORNELOS: Had, had I -- had it been
22 clarified a little bit more a year ago than we
23 would've done things much differently than what
24 we didn't know.

1 May 25, 2023

2 MR. MARTINEZ: Yeah. We weren't very
3 clear today. So I'm very [unintelligible]
4 [00:24:34] many of the things that you actually
5 clear for us.

6 MS. PICCOLO HILL: So just to clarify
7 right now, the gravel that suggesting that you
8 might remove is the 361?

9 MR. FORNELOS: Correct.

10 MR. FLEMING: Which is shown in the
11 picture right here.

12 MR. FORNELOS: Yeah, yeah. We, we don't
13 want to do anything that's going to look
14 horrendous. We just want it to be as functional
15 as it possibly can be, you know.

16 MR. KEHOE: Now I think, I think one
17 other thing that the zoning board, that you need
18 to think of, and, and I'll talk to you in between
19 meetings, you know, is I don't think that the
20 zoning board liked the idea of the garage being
21 so close to Edgewood. Right, and, and you
22 responded to that by eliminating garage.

23 MR. FORNELOS: By putting it in the far
24 corner. Correct.

1 May 25, 2023

2 MR. KEHOE: But I do now think there
3 might be concerns about, now the driveway has
4 been so expanded over there and goes pretty close
5 to Edgewood, you know, that's the 333 on the
6 side, that's just something to think about. You
7 know, I know that that's, I guess that's
8 important to you. But I guess the question would
9 be if that's where a pickup truck is going to be,
10 you know, or a car, whatever all of the time, I
11 don't know that, you know, I --

12 MR. FORNELOS: Well, I'm -- it's, it's a
13 little unclear to me. I'm really trying to, you
14 know, a lot of different things are being said
15 and, you know, I'm being told that I, I can do
16 this, and then I'm being told I can do that. My
17 architect says this, Martin says this. So I'm
18 getting pulled in a bunch of different directions
19 of what I -- I don't want to come in for a
20 variance. I don't, I don't want to, you know,
21 take up anybody's time. But I'm just trying to
22 get an understanding of what I am allowed to do
23 and what I'm not allowed to do. What's to code,
24 what's not to code. So, for example, the fence,

1 May 25, 2023

2 from what I understood was, you know, I'm allowed
3 to go up to my property line with my fence, and I
4 actually came back six inches from my property
5 line, six foot on the street side. So both
6 Edgewood and if I had a fence not past the front
7 of my house, I can do six foot as long as it
8 doesn't exceed the front of my house. Anything
9 exceeding the front of my house would be three
10 foot. Along the neighbor's property, I'm allowed
11 to go up to eight foot. So I kept everything at
12 six. So where I'm having a little difficulty of
13 understanding is on Edgewood side, where the
14 garage was going to go, I'm, I understood that I
15 could have the fence come towards the front of
16 the house, but cannot pass the front of the house
17 on my property line.

18 MR. FLEMING: Can you put the drawing,
19 Chris?

20 MR. FORNELOS: So if I were to put a
21 fence there, I'm trying to understand the
22 difference between having a fence, a garage, or a
23 vehicle that would technically obstruct the view
24 of Crestview. Again, we're trying to keep the

1 May 25, 2023

2 vehicles as far away from the street as possible.
3 There is a stop sign. So I'm, I'm just, I, I'm,
4 I'm just, I'm having a little difficulty. Not
5 intentionally, I'm just having a little
6 difficulty because I'm getting pulled and it's a
7 little frustrating for me. It's a little
8 frustrating for my wife of the back-and-forth and
9 trying to do the right thing and make decisions
10 for ourselves that work for, for everyone.

11 MR. CHIN: Right now, on, on the fence
12 that you have right now on Edgewood, right there.

13 MR. FORNELOS: Yes.

14 MR. CHIN: It comes to, including the
15 333 foot, square foot gravel and then goes back
16 to the house.

17 MR. FORNELOS: So the fence comes up to
18 the 333 square foot, correct. And from what I
19 understood, the, so that curvature --

20 MR. FLEMING: The existing, no, the
21 existing fence he asked about. The existing fence
22 runs down Edgewood to the corner of the square
23 where you have it labeled as 333 SF gravel on
24 grade.

1 May 25, 2023

2 MR. FORNELOS: Correct.

3 MR. FLEMING: And then at that point, it
4 turns directly towards your house and then
5 connects with or in some way runs adjacent to
6 your home?

7 MR. FORNELOS: Correct.

8 MR. FLEMING: Okay.

9 MR. FORNELOS: If we were not going to,
10 the intention was to always put a garage where
11 the 333 was. So, that's why we went back towards
12 the house. If we had not, if we were not planning
13 on putting a garage there, then we would have
14 absorbed the side of the house as part of the
15 backyard, for example. And I could have done a
16 playground there for the kids, and I could have
17 brought the fence towards Crestview and then have
18 it come back to the front corner of the house.

19 MR. CHIN: Where the staircases you
20 mean?

21 MR. FORNELOS: Where the staircase is,
22 correct. So I'm a little, I was just, I'm, I'm
23 little confused. I don't know. Am I not -- would
24 I not be allowed to at that point bring the fence

1 May 25, 2023

2 across the side of the house and then back to the
3 corner of the front side of the house?

4 MR. FLEMING: I guess I don't understand
5 what your question is. You're asking me, are you
6 allowed to --

7 MR. CHIN: Can we bring that back again?

8 MR. KEHOE: I'm, I'm trying to get
9 there.

10 MR. FLEMING: What you just said was if
11 you never had planned to have a garage, you would
12 have run the fence along Edgewood to the point
13 where it would be adjacent to the front portion
14 of your house?

15 MR. FORNELOS: Correct.

16 MR. FLEMING: And then run the fence --

17 MR. CHIN: Right now, the fence, how it
18 goes right now?

19 MR. FLEMING: Right

20 MR. CHIN: It goes right to the back of
21 the house.

22 MR. FORNELOS: Correct.

23 MR. FLEMING: So you would basically
24 extend that, extend that L so that it will equal

1 May 25, 2023

2 to the front of your house.

3 MR. FORNELOS: Mm-hmm.

4 MR. CHIN: You want to bring this
5 straight across and then go back to the front of
6 the house instead --

7 MR. FORNELOS: Right.

8 MR. CHIN: -- and keep that all --

9 MS. PICCOLO HILL: You're asking what
10 the difference is between that and a garage?

11 MR. FORNELOS: I'm trying to figure out
12 the correlation of what the difference is, if
13 it's aesthetics. So for example, nobody wants to
14 see a vehicle parked on the side of the house in
15 what would be called the driveway. If that's an
16 issue, then I could always extend the fence just
17 as a blind.

18 MS. PICCOLO HILL: Right.

19 MR. FORNELOS: So that you don't see
20 such vehicle.

21 MS. PICCOLO HILL: Right.

22 MR. FORNELOS: I have no problem doing
23 that. I have no problem putting up arborvitaes or
24 some type of bushes or something that's tall

1 May 25, 2023

2 enough so that you don't see the vehicle.

3 MR. CHIN: The only thing is, if you, if
4 you brought that fence closer that way and then
5 to the front of the house, then people coming on
6 Edgewood, coming this way, would have to go past
7 the fence before you actually see going that way
8 or whatever. You know what I'm saying? If you
9 stop right now, you could pass your fence thing
10 you see all the way across. You know what I mean,
11 yeah.

12 MR. FLEMING: I don't, I don't think
13 there's any zoning rule which would prohibit him
14 from tomorrow, regardless of what else he wants
15 to do, as of right, moving that fence.

16 MR. CHIN: Exactly.

17 MR. FLEMING: Extending it along
18 Edgewood on the six foot or six foot six inch
19 mark, as you said.

20 MR. FORNELOS: Yeah. Right.

21 MR. FLEMING: To the front of your house
22 and then turning there. There's no zoning law
23 which would forbid you from doing that.

24 MR. FORNELOS: No. That's --

1 May 25, 2023

2 MS. PICCOLO HILL: But if you did that,
3 how would you, I mean, the whole purpose of
4 expanding your driveway so much is that you can
5 put all these cars.

6 MR. FLEMING: That's the question.

7 MR. FORNELOS: Correct.

8 MS. PICCOLO HILL: So, if you were to
9 attach it to your house there, then you couldn't
10 actually use that area as --

11 MR. FORNELOS: Correct. No, 100 percent
12 correct. So I'm trying to figure out the
13 correlation. It's not saying that, oh, I'm going
14 to build out my fence.

15 MS. PICCOLO HILL: Right.

16 MR. FORNELOS: It's more so, you know,
17 100 percent understandable of why we couldn't put
18 the garage there, because we're asking for, we're
19 asking for a lot.

20 MS. PICCOLO HILL: Right.

21 MR. FORNELOS: Because of the setbacks.
22 So we can't do that. So, instead of being
23 negative about it, my response was like, well,
24 you know what, everything happens for a reason.

1 May 25, 2023

2 So we'll, we'll, do what they're asking. We'll
3 put the -- we'll put the shed in the back, which
4 causes other issues, because the landscape
5 coverage, accessory structure coverage. So it
6 comes back to the comment that Mr. Chin had made
7 about having a vehicle there.

8 MS. PICCOLO HILL: Right.

9 MR. FORNELOS: And it being obstruction
10 of view, if a vehicle's an obstruction of view,
11 so would a fence.

12 MR. CHIN: Right. No, I understand. I'm
13 saying if the garage was there, that's the only
14 reason we, we talked about not having the garage,
15 because that would be a full height all the way
16 up to the house and everything else. But we --

17 MR. KEHOE: But, I think in addition, it
18 was like a 90 percent variance. I mean, it was a
19 huge request.

20 MR. FORNELOS: Right, so that, that I
21 would hundred percent understand.

22 MR. CHIN: With the fence or a car
23 parked over there, I wouldn't have a problem with
24 that.

1 May 25, 2023

2 MR. FORNELOS: Mm-hmm. Oh, okay.

3 MR. KEHOE: And I guess the question for
4 Michael Cunningham is a fence and a paved
5 driveway over there may not even require any
6 zoning board action at all. It might require some
7 sort of permit from --

8 MR. FLEMING: Well, the, the total
9 square footage when you include the driveway and
10 everything else may in fact require the variance
11 he's currently seeing.

12 MR. FORNELOS: Right. So it's --

13 MR. FLEMING: But that's separate from
14 can you put a six foot --

15 MR. CHIN: Fence --

16 MR. FLEMING: -- privacy fence down your
17 property line adjacent to the front of your house
18 on a town road?

19 MR. CUNNINGHAM: Right. And, and I think
20 --

21 MR. FLEMING: And, I think the answer is
22 yes.

23 MRCUNNINGHAM: Right. Right. And -- yes,
24 in short, yes. And I think, I think what Chris

1 May 25, 2023

2 was sort of asking in a way was, you know, could
3 he just go to code enforcement or, and, you know,
4 to the Department of Technical Service tomorrow
5 and apply for a driveway, you know, expansion
6 permit and also just apply to put, expand his
7 fence. And I think he could, without needing
8 zoning board approval, assuming he would meet the
9 minimum landscape requirements.

10 MR. FORNELOS: Right. And so that's why
11 we're here now. And the, the driveway is part of
12 that, which is why we're looking to accommodate
13 the landscape coverage and the driveway is, is a
14 part of that. You know, I, I'm, I'm willing to
15 budge and do what I can. That's why if I get rid
16 of that graveled area for the playground, I'm
17 happy to do so. I was -- I was under the
18 impression that Mr. Chin was suggesting that
19 maybe by having a vehicle there, that it would be
20 unpleasant to see.

21 MS. PICCOLO HILL: My only concern --

22 MR. CHIN: I'm saying that if you in the
23 garage, but having a vehicle there, I'm saying if
24 you bring the fence all the way to here and then

1 May 25, 2023

2 what Michelle is saying is that now you lost your
3 area where you could have parked something.

4 MR. FORNELOS: Oh, no, no. It would just
5 be a blind. What I'm saying is I would just have
6 one section.

7 MR. FLEMING: You wouldn't run it to the
8 house.

9 MR. FORNELOS: No, no, correct.

10 MR. FLEMING: You would just run it
11 straight down.

12 MR. CHIN: Oh, straight.

13 MR. FORNELOS: Correct.

14 MR. CHIN: End it you mean?

15 MR. FORNELOS: Correct.

16 MR. CHIN: Okay.

17 MR. FORNELOS: And if it were the other

18 --

19 MR. KEHOE: And you'd pull the car
20 behind it.

21 MR. FORNELOS: Correct. So that you
22 wouldn't see it.

23 MR. CHIN: Oh, okay.

24 MR. FORNELOS: The other, the other

1 May 25, 2023

2 thing was that if we did not plan on putting the
3 garage there, that we would've brought the fence
4 further, closed it off, and then we would've had
5 more grass coverage in the backyard.

6 MS. PICCOLO HILL: Okay. And I would've
7 done the playground more towards the front yard.

8 MS. PICCOLO HILL: I mean, my concern,
9 honestly, just with the driveway area here, you
10 know, as they were mentioning before, it's just,
11 it's a lot.

12 MR. FORNELOS: Mm-hmm.

13 MS. PICCOLO HILL: There's a lot of
14 various variances.

15 MR. FORNELOS: Mm-hmm.

16 MS. PICCOLO HILL: The house, and then
17 you have all the accessories in the back, and it
18 just looks a little bit like -- and again, I'm
19 coming to this late so I'm trying to base this
20 off of photos and whatnot.

21 MR. FORNELOS: Right.

22 MS. PICCOLO HILL: But it does look like
23 there's a lot happening there.

24 MR. FORNELOS: Right.

1 May 25, 2023

2 MS. PICCOLO HILL: So if you were to
3 take the graveled space and use that for the shed
4 or something like that, I think that would make
5 me a little happy --

6 MR. FORNELOS: I can't build on the
7 graveled space because of the drainage.

8 MS. PICCOLO HILL: Oh.

9 MR. FORNELOS: All the water
10 accumulation that's there. When I didn't have the
11 grass that I just grew there, we didn't really
12 have much of an issue. But with all these heavy
13 rains, it's actually puddling up where the grass
14 is and it's not puddling up --

15 MR. CHIN: Where the gravel is.

16 MR. FORNELOS: Where the gravel is. So
17 I'm just, you know, trying to figure it out.

18 MS. PICCOLO HILL: I mean, I guess my my
19 concern is just so you're taking up a lot of the
20 green. You know, the landscaping variance, I
21 think, you know, and, and again, I believe the
22 purpose is just to leave residential area with
23 some green, some plants --

24 MR. FORNELOS: Right

1 May 25, 2023

2 MS. PICCOLO HILL: -- some nature. And
3 it looks like a lot of that is being eaten up by
4 a shed, a gazebo, gravel, you know, your
5 addition, your, your house size.

6 MR. FORNELOS: Oh, for --

7 MS. PICCOLO HILL: And now, and now
8 you're really, you're, you're making your
9 driveway four times the size. So suddenly
10 whatever was grass there is now all asphalt. So,
11 you know, is there something you can do to
12 mitigate all the asphalt and the building to make
13 it seem less --

14 MR. FORNELOS: So the pergola is
15 actually a pavilion. It's just a metal structure
16 and --

17 MS. PICCOLO HILL: Right.

18 MR. FORNELOS: There's, there's, there's
19 still grass. But I guess anything that has a
20 canopy would be considered taking up landscape
21 space regardless. We wouldn't be asking for a
22 landscape variance if the garage had stayed where
23 it was. But now, because we're adding that extra
24 space for parking is, you know, we just took it

1 May 25, 2023

2 as a, a positive of oh great, so now we can
3 actually fit our vehicles in there. You know, I,
4 I have a big pickup truck. It's, it's big. My
5 wife drives a little car. You know, I don't know
6 what my daughter's going to drive. I don't know
7 what my other daughter's going to drive. But, you
8 know, it is an inconvenience of, you know, oh,
9 you have to poke your car out, who's leaving
10 first? Moving cars around, hitting stuff with the
11 stairs going down into the garage. That's, you
12 know, more space that we're not going to be able
13 to maneuver in order to be able to get in and out
14 by code. We can only go 18 foot, which would only
15 allow us for about maybe four cars. But if we
16 have that side yard where we put the driveway,
17 then again, we can bring the cars back further
18 from the street to allow for, for them to not
19 obstruct the view of Crestview.

20 MS. PICCOLO HILL: Oh, totally
21 understand.

22 MR. FORNELOS: Yeah.

23 MS. PICCOLO HILL: I also understand the
24 kids and the cars and all that other stuff. But

1 May 25, 2023

2 my concern is just green.

3 MR. FORNELOS: Mm-hmm.

4 MS. PICCOLO HILL: So, you know, one
5 thing that I would love to see is how are you
6 going to take that thought of adding, you know,
7 landscaping to mitigate all the, even the gazebo,
8 it's going to look structural, it's going to look
9 architectural. It's going to be a metal roof.
10 It's not, you know, it isn't landscaping, right.

11 MR. FORNELOS: Well, that's, that's why
12 I was suggesting that, you know, that graveled
13 area down at the end, I can always eliminate that
14 and add grass and with --

15 MR. CHIN: Well, right now --

16 MR. FORNELOS: -- good fortune then, you
17 know, it'll still drain.

18 MR. CHIN: -- right now from Edgewood
19 going back straight, you, your grade slopes
20 slightly uphill, you know.

21 MR. FORNELOS: From Edgewood towards the
22 corner of my house, yes, it's --

23 MR. CHIN: No, going straight back from
24 Edgewood.

1 May 25, 2023

2 MR. FORNELOS: From Edgewood to my house
3 or to --

4 MR. CHIN: To where the shed is, where
5 the shed is being proposed.

6 MR. FORNELOS: Yes. It's --

7 MR. CHIN: It's slightly going --

8 MR. FORNELOS: Correct.

9 MR. CHIN: -- uphill, right?

10 MR. FORNELOS: Correct.

11 MR. CHIN: So all your water's coming
12 from up there and coming down to that bottom.

13 MR. FLEMING: Yeah. But the, it's the
14 neighbor -- the neighbor behind you is also the
15 neighbor sloped to that area, right?

16 MR. CHIN: To that, yeah.

17 MR. FORNELOS: Right. So we, we sloped
18 it away from the neighbor to the side of me.

19 MR. CHIN: Yeah.

20 MR. FORNELOS: And we sloped it away
21 from the neighbor behind us.

22 MR. FLEMING: Right.

23 MR. FORNELOS: So that everything's
24 actually coming down towards --

1 May 25, 2023

2 MR. CHIN: That corner.

3 MR. FORNELOS: -- that corner. And
4 that's where we added the additional gravel so
5 that it all --

6 MR. CHIN: So yeah, so it permeates.

7 MR. FORNELOS: -- it all permeates.

8 MR. CHIN: I can see your point there.
9 Yeah.

10 MR. KEHOE: So I, but I guess sort of
11 what the zoning board is getting at is all of the
12 variances and all of the asphalt in the front
13 runs the risk of this house being out of
14 character with the other houses in the
15 neighborhood. You know, that image that we're
16 looking at there now with the side of the house,
17 that will all be pavement, correct?

18 MR. FORNELOS: It'll be paved up to --

19 MR. KEHOE: The first window, the second
20 window?

21 MR. FLEMING: No, the fence line.

22 MR. CHIN: Yeah.

23 MR. FORNELOS: It, it would actually --

24 MR. KEHOE: To the fence line, right?

1 May 25, 2023

2 MR. CHIN: To the fence.

3 MR. FLEMING: Your, your proposal was to
4 the fence line.

5 MR. FORNELOS: Right. But we actually,
6 for argument's sake he -- it's not 100 percent,
7 but I figured I'd leave it. I was going to
8 propose that it's about three feet away from the
9 fence line.

10 MR. CHIN: Right. Well, from what I see
11 it looks like here, it shows a little space.

12 MR. FORNELOS: To leave for --

13 MR. KEHOE: But, but I think --

14 MR. FORNELOS: Yeah. We were, we were
15 going to put some flowers and stuff there before
16 the fence, make it look pretty.

17 MR. KEHOE: But I think what you're
18 hearing is with everything that's going on in the
19 back, and even though the garage isn't there, now
20 you've already mentioned it's a landscape
21 coverage issue. And you know, that's a new thing
22 that's been introduced, is I think that you, you
23 know, you know, you need to rethink some of that
24 and come up with some new numbers and some

1 May 25, 2023

2 calculations, eliminate some things, you know.
3 And, and the, the, the problem with what you're,
4 you're finding is, you know, there's seven people
5 on the board, you're going to come up with some
6 ideas and then you're going to come back and
7 there's no guarantee that that's going to be
8 satisfactory to everybody.

9 MR. FORNELOS: Well, I'm, I'm open to
10 suggestions, if anybody.

11 MR. FLEMING: One of the things I also
12 just want you to, and I think we talked about
13 this last time, I think I mentioned it during
14 your proposal. You know, what this board does is
15 we, we look at these variances and there are five
16 factors that we have to consider from the legal
17 side of this, as to whether or not we approve it.
18 And it's, it's not -- here's my one variance for
19 27 feet from the front of Crestview. Does that
20 meet the five factors? Collectively, everything
21 you're seeking to do on the property,
22 collectively also has to meet the five factors.
23 So while it might be fine to say we'll give you a
24 three foot variance on the front and a foot

1 May 25, 2023

2 variance on the side, and then we'll give you a
3 240 foot variance for your landscaping, among all
4 the things you're asking for. When you look at
5 all those collectively, the question then
6 becomes, are we changing the character of the
7 neighborhood for this one piece of property? And
8 I don't expect you to address this right now, but
9 one of the things I'd like you to think about,
10 and you are welcome to email Chris at any point,
11 you know, during the next month, think just
12 Google the five factors. You could find them, you
13 know, easily online. I, I could tell you what
14 they are, but I mean, you could find them
15 yourself.

16 MR. FORNELOS: Okay.

17 MR. FLEMING: And, and give us something
18 that explains, because this is clearly a concern
19 that we're having.

20 MR. FORNELOS: Right.

21 MR. FLEMING: Give us something that
22 addresses what, what the board has voiced
23 already, and if anyone else has anything else,
24 I'll be more than happy to let them.

1 May 25, 2023

2 MR. CHIN: There's one, let's say
3 instead of bringing that fence down towards the
4 front of house, let's say you blacktop that area
5 to about three feet foot, you say, maybe you
6 should put, you put some little growing
7 arborvitaes --

8 MR. FORNELOS: Right.

9 MR. CHIN: -- over there, instead of a
10 fence. That might look nicer than a fence going
11 all the way to the front.

12 MR. FORNELOS: Oh no, and I'm, I'm, I'm
13 --

14 MR. CHIN: You know what I'm saying?

15 MR. FORNELOS: I'm perfectly happy doing
16 that.

17 MR. CHIN: That, that would give a nice
18 greenery and looks like a fence, but yet, it's
19 not a fence. You know what I'm saying?

20 MR. FORNELOS: Right, right.

21 MR. FLEMING: One more thing I want to
22 address if we're finished with the --

23 MS. PICCOLO HILL: Actually I have one
24 more question.

1 May 25, 2023

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

3 MS. PICCOLO HILL: So you're saying that
4 you would be open to removing the 361 of gravel?

5 MR. FORNELOS: Correct.

6 MS. PICCOLO HILL: And you can't build
7 there, like you can't put the shed there?

8 MR. FORNELOS: Correct.

9 MS. PICCOLO HILL: But could you put the
10 shed on the gravel?

11 MR. FORNELOS: The shed itself on the
12 gravel?

13 MS. PICCOLO HILL: So that it would help
14 with the, with the water issues?

15 MR. FORNELOS: No, because every, every
16 --

17 MR. FLEMING: It's, it's on the rear
18 property line too. You might not have enough
19 setback.

20 MR. FORNELOS: I'm sorry?

21 MR. FLEMING: It's on the rear property
22 line. You might not have enough of a setback. I
23 think you need a four-foot setback.

24 MR. CHIN: Four-foot shed.

1 May 25, 2023

2 MR. FORNELOS: Right. We, we actually
3 have -- so where the shed is right now proposed.

4 MR. FLEMING: Right.

5 MR. FORNELOS: We have a five-foot
6 setback.

7 MR. FLEMING: No, I'm talking about
8 moving it to the 361 gravel like Michelle just
9 said.

10 MS. PICCOLO HILL: Right.

11 MR. KEHOE: But you can move it to that
12 and keep it five feet.

13 MS. PICCOLO HILL: The 320 is smaller
14 than 360, so you could put it on that space.

15 MR. FLEMING: Yeah, but that 360
16 includes --

17 MS. PICCOLO HILL: And give you're your
18 setback.

19 MR. FLEMING: -- includes the five foot
20 to the side. I'm not really sure that it's going
21 to work there.

22 MR. FORNELOS: Correct. Correct.

23 MR. CHIN: They're saying, well, she's
24 saying leave that five foot in the back gravel --

1 May 25, 2023

2 MS. PICCOLO HILL: Right.

3 MR. CHIN: -- and the shed would be
4 forward from the five foot.

5 MS. PICCOLO HILL: Right. So you can fit
6 320 into 360 and have 40 feet difference. He
7 still has a setback on the, on your right. So
8 looking at that right now, this, where the shed
9 is, the setback going to of the screen--

10 MS. PICCOLO HILL: But you can reorient
11 the shed.

12 MR. FORNELOS: Well --

13 MS. PICCOLO HILL: Right?

14 MR. FORNELOS: -- what Mr. Fleming's
15 saying is that we have two side yard setbacks in
16 that corner.

17 MS. PICCOLO HILL: Right.

18 MR. FORNELOS: So we'd be moving it
19 towards the back about 10 foot.

20 MR. FLEMING: Yes.

21 MR. FORNELOS: And leaving it where it
22 is.

23 MR. CHIN: Yeah.

24 MR. FORNELOS: What I'm trying to, what

1 May 25, 2023

2 I'm trying to explain is that by putting the shed
3 there with all the gravel that we put there to
4 deal with the drainage, everything permeates and
5 goes there. So by having a structure, whether
6 it's on footings --

7 MS. PICCOLO HILL: Right.

8 MR. FORNELOS: -- regardless of what it
9 is, structurally, it's not going to be sound --

10 MS. PICCOLO HILL: Oh, okay.

11 MR. FORNELOS: -- on those footings.

12 MR. CHIN: There's going to be a lot of
13 water underneath there.

14 MR. FORNELOS: Correct.

15 MS. PICCOLO HILL: Okay.

16 MR. FLEMING: I understand.

17 MR. CHIN: No, and also what Mr.
18 Fornelos was saying is that if, if you move that
19 shed to where that 361 gravel, or 381 gravel is
20 right now, you'll be too close to the side yard,
21 the backyard variance then. He, he would have to
22 move forward again. You know what I mean? So the
23 way you got it right now is better the way it is.

24 MR. FLEMING: I'm just, I'm just saying

1 May 25, 2023

2 I don't think it's mathematically possible.

3 MR. CHIN: Yeah, right.

4 MR. FLEMING: To put a 320 square foot
5 shed on that 361 gravel on grade and have it
6 comply with both the side yard setbacks.

7 MR. CHIN: Yeah.

8 MR. FLEMING: That's all I'm saying.

9 MR. CHIN: You have a setback this way
10 and a setback that way. Yeah.

11 MR. FORNELOS: Right.

12 MR. CHIN: You know what I mean?

13 MR. FORNELOS: Um --

14 MR. FLEMING: Alright. Oh, sorry, go.

15 MR. FORNELOS: No, no, please go ahead.

16 MR. FLEMING: So anyone else have any
17 comments on the area variance?

18 MR. CHIN: No, no. I mean, like I said,
19 I, I assume that you got all this, not maybe
20 talked to Chris on all the things we talked
21 about, like the size of the pool from 302 to the
22 676, you know, so all these things that we talked
23 about, make sure we, we got the right things, the
24 square foot there, this, that, you know, how

1 May 25, 2023

2 we'll get to the right proper number.

3 MR. FORNELOS: Right.

4 MR. CHIN: Okay. That's what we have.

5 Like you say, the one foot that you need on the,
6 on the house on this side, I really don't have a
7 problem with that because it's really going from
8 zero to one foot in the back, because the way
9 the, the topography or the way the house is
10 built, okay, you know, on the side towards,
11 towards your neighbor.

12 MR. FORNELOS: Right.

13 MR. CHIN: Now you're asking, for a one
14 foot variance on that side right now on the
15 house.

16 MR. FORNELOS: Correct.

17 MR. CHIN: Okay. But if you look at the
18 plans, the front of the house, it's, it's zero.

19 MR. FLEMING: It's less than six inches.

20 MR. CHIN: It's less, and then it starts
21 to go that way on a slight angle.

22 MR. FORNELOS: Correct.

23 MR. CHIN: That's why you need that one
24 foot.

1 May 25, 2023

2 MR. FORNELOS: Correct.

3 MR. CHIN: So it's, it's, as you go on
4 this way, it's getting a little bit bigger, a
5 little bit bigger towards the back and ends up
6 the, about a foot.

7 MR. FORNELOS: Yeah.

8 MR. FLEMING: That's actually, that
9 actually is approaching my next question for you.
10 So I'm going to leap in front of you on this.

11 MR. CHIN: Yes, go ahead.

12 MR. FLEMING: If the board was to allow
13 you that one foot variance but require you to
14 extend the existing fence down to the front of
15 the new property of the new, the new front of
16 your house, so that basically you would have
17 that, essentially a privacy fence between you and
18 your neighbor next door --

19 MR. FORNELOS: Well that's the
20 intention.

21 MR. FLEMING: Okay. Well, what we would
22 do is, and would you be -- I guess I'm asking,
23 would you, would you, would you be willing to
24 condition the approval of the side variance on

1 May 25, 2023

2 you maintaining that fence, installing and
3 maintaining a fence between you and your next
4 door neighbor?

5 MR. FORNELOS: Please, yes, because
6 there's already been issues of us maintaining
7 again, not going for tit for tat. I had my
8 landscapers remove all the leaves that she had
9 blown up against the fence, which is going to
10 cause rotting. I left it to dry for since last
11 year so that we can, it can properly dry so we
12 can waterproof it and, you know, she, she got
13 very upset that we were cleaning all the leaves.

14 MR. FLEMING: Is that fence also six
15 inches inside of your property line --

16 MR. FORNELOS: Correct.

17 MR. FLEMING: -- or is it on the
18 property line?

19 MR. FORNELOS: No, we have six inches
20 with our railroad tie to be able to, you know, we
21 have about a foot that we can walk to blow and,
22 and clean it out. We weren't blowing it on her
23 property. We were removing it to maintain the
24 retaining walls so that it wouldn't prematurely

1 May 25, 2023

2 rot and cause --

3 MR. FLEMING: I understand.

4 MR. CHIN: You kind of blowing out those
5 crushed wood, I mean crushed leaves.

6 MR. FORNELOS: Correct.

7 MR. CHIN: Blowing straight out.

8 MR. FORNELOS: Right. And we are going
9 to be going along, you know, power washing and,
10 and putting a clear coat to maintain the fence,
11 keep it --

12 MR. FLEMING: Okay.

13 MR. FORNELOS: -- you know, for
14 longevity. But no, I have --

15 MR. FLEMING: We don't Have the power to
16 order you to have --

17 MR. FORNELOS: I have no stipulation
18 whatsoever. I would be happy to put a fence there
19 to give additional privacy. I do laugh at, you
20 know, her comment because honestly I don't have
21 any privacy. She has all the privacy in the
22 world. She's on her deck and she can see right
23 into my yard. Everybody can see into my yard. I
24 can't see into theirs. So there's plenty of

1 May 25, 2023

2 privacy.

3 MR. FLEMING: We don't have the
4 authority to, to force her to let you on her
5 property to maintain your fence either. So you'd
6 have to take care of it in such a manner --

7 MR. FORNELOS: Oh 100 percent. And I,
8 and I do it with as much ease as I possibly can.
9 You know, I try to do it when, you know, oh,
10 she's not around, okay. Let's clean this up.

11 MR. FLEMING: Okay.

12 MR. FORNELOS: Yeah, we're not no, no
13 one's none the wiser.

14 MR. FRANCO: Well, one last thing I
15 think that we were talking about was the shed and
16 the gazebo and the height of them and what your
17 neighbor might be able to see. Because they're
18 fairly, what were we talking about the height of
19 the structure?

20 MR. FLEMING: The gazebo was, the gazebo
21 was 12 feet, the one you proposed, you sent in
22 the specs.

23 MR. FORNELOS: Right.

24 MR. FLEMING: So I went to Broyhill's

1 May 25, 2023

2 website or whatever company it was and looked at
3 it. But the shed, do you know what the height is
4 on the shed?

5 MR. FORNELOS: The shed --

6 MR. KEHOE: I think it says 10 feet and
7 then four feet to the peak.

8 MR. CHIN: So it's 14 feet.

9 MR. FORNELOS: So 14 foot, yes.

10 MR. CHIN: At the highest point.

11 MR. FLEMING: Yeah.

12 MR. FORNELOS: At the highest point. And
13 the fence right now is, down in that area is six
14 foot, but it, it's steps.

15 MR. FRANCO: Yeah.

16 MR. FORNELOS: So some areas will be
17 higher, some areas are a little --

18 MR. BELOFF: And Michael, that's fine.
19 14 foot's fine.

20 MR. FLEMING: I, I believe that
21 complies, but either way it would, it would have
22 to comply, otherwise, it won't get a permit.

23 MR. FORNELOS: Right. Yeah. I mean I, I
24 have no problem changing the pitch of the roof

1 May 25, 2023

2 and making it lower if need be. Or even, I'd
3 really wouldn't want to reduce the, the height,

4 MR. CHIN: You don't want really to
5 reduce the, the pitch because then the snow will
6 start sitting on there.

7 MR. FORNELOS: Right.

8 MR. FLEMING: Yeah, I wouldn't, I
9 wouldn't honestly do that either, but that's just
10 me. Yeah.

11 MR. FORNELOS: Well, I mean, I mean the,
12 the height of the, the walls maybe drop it a
13 foot, instead of 10 foot, drop it to nine foot.
14 You know, I'm perfectly fine with that too.

15 MR. FRANCO: But I, I think on top of
16 that, wasn't there some concern about, you know,
17 it's obviously going to be taller than the fence.

18 MR. CHIN: Yes. Yeah.

19 MR. FRANCO: So your neighbor will see
20 this, both of these structures sitting there.

21 MR. CHIN: Well, like he said, right
22 now, Frank, it's the neighbor see into his yard
23 totally without anything.

24 MR. FORNELOS: Exactly.

1 May 25, 2023

2 MR. CHIN: Over the fence.

3 MR. FRANCO: Right.

4 MR. CHIN: I mean she's sitting up
5 higher than he is, so.

6 MR. FRANCO: Mm-hmm.

7 MR. FLEMING: Again, I mean if you, you
8 have a right -- again, removing the total amount
9 of square footage, you have a right to build a
10 shed as long as it's compliant with the code. So
11 I mean, I don't, I don't have a problem with
12 that. Same thing with the gazebo, as long as it's
13 compliant, which, you know, again, Martin and the
14 code enforcement will make sure it is when you go
15 for the permit process.

16 MR. FORNELOS: Okay.

17 MR. CHIN: So that's all I have to say
18 basically.

19 MR. FRANCO: Yep.

20 MR. BELOFF: Yeah, I, I -- the
21 calculations? I mean without having the proper
22 calculations, I mean, how can we make a
23 determination of, of --

24 MR. FORNELOS: I, I can't even come

1 May 25, 2023

2 close --

3 MR. BELOFF: And Martin redoing the
4 numbers? I mean I think that's the first step --

5 MR. FORNELOS: -- to give an explanation
6 for that.

7 MR. BELOFF: -- that I would be looking
8 for.

9 MR. FLEMING: So, I mean no matter what,
10 we will absolutely need your architect to -- on,
11 on, on the pool and, and you could just mention
12 to him the 20 foot discrepancy. I am sure he will
13 be able to pick it up --

14 MR. FORNELOS: Right.

15 MR. FLEMING: -- immediately. Because I
16 picked it up and I am certainly not an architect.

17 MR. FORNELOS: Yeah.

18 MR. FLEMING: So if you could make sure
19 he addresses both of those things. We, we need to
20 know the actual square footage for the pool and
21 the surrounding area, because that changes your
22 variance request significantly.

23 MR. FORNELOS: Right.

24 MR. KEHOE: But, but I think the, the

1 May 25, 2023

2 end result of this conversation might be more
3 significant, you've got to correct the math.

4 MR. CHIN: Right.

5 MR. KEHOE: But then he may remove a
6 gravel area change. I mean, the whole thing may
7 be different when he comes back.

8 MR. FORNELOS: I, I want to try to --

9 MR. CHIN: You might [unintelligible]
10 [00:52:02] check on that gravel thing also.

11 MR. FLEMING: Sure.

12 MR. FORNELOS: I just want to avoid the
13 back and forth. You know, I don't want to
14 aggravate my architect, I don't want to aggravate
15 anybody, you know, for me to keep going back and
16 forth with.

17 MR. FLEMING: So I mean, unfortunately
18 the way the process works is you, you apply for a
19 variance.

20 MR. FORNELOS: Yeah.

21 MR. FLEMING: And we tell you yes or no.
22 I, I think what we're telling you is what we see
23 is raising some significant concerns.

24 MR. FORNELOS: Right.

1 May 25, 2023

2 MR. FLEMING: We could vote and just say
3 no.

4 MR. FORNELOS: No, I understood.

5 MR. FLEMING: But instead, we're
6 offering you the opportunity to --

7 MR. FORNELOS: Rectify.

8 MR. FLEMING: -- listen to what we've
9 said.

10 MR. FORNELOS: Yeah.

11 MR. FLEMING: And it, it looks like the,
12 the math errors can be corrected rather easily.
13 And that's just, that is what it is.

14 MR. CHIN: Even as I said, like Mike
15 says, I'm asking Mike to double check on the
16 gravel area, if that's part of, you know, these,
17 I've seen where gravel in certain areas is
18 landscape also. I, you know, it's hard to, each
19 town's a little bit different. I don't know.
20 Yeah. You know, I mean, I just want to double
21 check on that. Okay.

22 MR. CUNNINGHAM: Will do.

23 MR. CHIN: Yeah, that's it.

24 MR. FLEMING: So, so nonetheless, I

1 May 25, 2023

2 mean, I think, I think what you're hearing from
3 us is there are some issues we want you to
4 address.

5 MR. FORNELOS: Yeah.

6 MR. FLEMING: And rather than just
7 denying your variance requests and then having
8 you have to start the process all over again --

9 MR. FORNELOS: Right.

10 MR. FLEMING: -- is let's, we're going
11 to continue this for a month and then we'd like
12 you to address the concerns that we raised
13 tonight.

14 MR. FORNELOS: Okay.

15 MR. FLEMING: And again, I'd like you if
16 you can, I mean put a little thought into when
17 you were -- and, and before the next meeting and
18 if you could do it as early as you can before the
19 next meeting, address the five factors that we
20 have to, to consider. And not just address the
21 five factors for my one foot and my 2.8 foot and
22 this, this 333 square foot driveway and this 400
23 square foot you know, vegetation variance, like
24 address everything collectively to give us what

1 May 25, 2023

2 you think the five factors we should think about
3 and consider. It makes our job a lot easier when
4 you do that.

5 MR. FORNELOS: Mm-hmm.

6 MR. FLEMING: And we then get your
7 position and we can understand and we can decide,
8 yes, we're going to grant this or no.
9 Collectively, all of them together though, are a
10 lot, while you're only asking for foot and 2.8
11 and then a bigger driveway. Um, and you're also
12 going to have to do, by the way, get a tree
13 permit for the tree you're going to have to
14 remove in the front of your property too. That,
15 that tree right now in where the driveway
16 currently is --

17 MR. FORNELOS: There's no tree there.

18 MR. FLEMING: To your right? You took,
19 that tree is down.

20 MR. FORNELOS: There's no tree there.

21 MR. FLEMING: There's no tree in front
22 of your house?

23 MR. FORNELOS: No.

24 MR. FLEMING: Where did the tree go?

1 May 25, 2023

2 MR. FORNELOS: The tree came down a long
3 time ago. In front of the house? Yeah.

4 MR. FLEMING: I, I'm sorry. I thought it
5 was still there.

6 MR. FORNELOS: Yeah, no, no, that came
7 down.

8 MR. CHIN: No, But you know, what is
9 that most applicants also state or, you know, if
10 it's not the owner, the attorney for the
11 applicant or somebody for the applicant, they
12 always indicate the five factors of how they got
13 to try and get the variance.

14 MR. FORNELOS: Yeah. I, I --

15 MR. CHIN: And we also look at it also,
16 we we're not there to, we're not exactly going by
17 every five factor. You know what I mean? If
18 there, if we go by all five factors, I'm would
19 say this once, if we follow five factors exactly,
20 there's no sense of having a zoning board.

21 MR. FORNELOS: Right.

22 MR. CHIN: You know what I mean? That's
23 why a zoning board is here to try to look at and
24 see if it's feasible and so forth and so on.

1 May 25, 2023

2 MR. FORNELOS: Understood.

3 MR. KEHOE: Well, one additional thing
4 you mentioned right, is the 333 square foot on
5 the side of the house, you were thinking that
6 might be shrunk, you know, so that number may
7 change as, as well.

8 MR. FORNELOS: Right. So the, the, the
9 logic behind our architect was ask for what you
10 can and then we can shrink it down, you know.

11 MR. FLEMING: Okay.

12 MR. FORNELOS: You know, I, and again,
13 you know, back to if you guys can let me know
14 about the, the pea gravel, if it's landscape,
15 because that might also --

16 MR. CHIN: Be a difference.

17 MR. FORNELOS: -- be a huge difference.

18 MR. CHIN: Yes, I know.

19 MR. MARTINEZ: Yeah. That's one of the
20 thing I like, that you have the good intention to
21 make any modification that necessary. And that's
22 why I want you to really look into what they say
23 and see if you can change some of the things to
24 see if we can stop making you coming back and

1 May 25, 2023

2 forth and -- [unintelligible] [00:55:59]

3 MR. FORNELOS: No, no, absolutely.

4 That's why I'm open to any suggestions to make
5 things easier.

6 MR. MARTINEZ: I'm very happy the way
7 you responded and how you willing to change
8 whatever is necessary, so that's it.

9 MR. CHIN: You don't --

10 MS. PICCOLO HILL: And I --

11 MR. CHIN: -- don't remember everything.
12 I think Chris has everything written out.

13 MR. FORNELOS: Yeah, no, Chris has been
14 great, yeah.

15 MR. FLEMING: Well, also the video's
16 posted online too, so --

17 MR. CHIN: You'll see the video.

18 MR. FORNELOS: I don't, I don't want to
19 look at myself on video.

20 MR. FLEMING: Look at me. It's not
21 [unintelligible] [00:56:23] but --

22 MR. CHIN: You can record it but then
23 you need to watch it.

24 MR. FLEMING: Does anyone else have any

1 May 25, 2023

2 comments?

3 MS. PICCOLO HILL: Well, I was just
4 going to say also, if your 333, your sort of
5 driveway area, you know, again, I know one of my
6 main concerns is just how developed everything
7 is. So maybe, you know, just come up with options
8 that can deal with one of those concerns. Like
9 maybe it's not the fence that comes there, but
10 maybe it's a green hedge.

11 MR. FORNELOS: Right. So you're adding
12 greenery, but hiding at the same time.

13 MR. FORNELOS: No, there's, there's,
14 there's a lot of intention. We were going to be
15 planting trees, small trees, shrubs, you know.
16 If, if I'll, I'll bring in photos of my parents'
17 house, they have the best landscaped home in
18 Ossining. It's beautiful. Roses, flowers
19 everywhere.

20 MS. PICCOLO HILL: Yeah, that does help.

21 MR. FORNELOS: But I can't plant such
22 shrubbery until I finish the structural part of
23 it, in order to, you know --

24 MS. PICCOLO HILL: Right.

1 May 25, 2023

2 MR. FORNELOS: -- my wife doesn't really
3 have a green thumb and I'm learning.

4 MR. FLEMING: What made me do though
5 with that is if you say, this is what I'm
6 planning to do, we can condition the approval on
7 you eventually doing it. You don't have to do it
8 the next day after we condition the approval. But
9 if after you, after you've can finish the
10 structural portion of your house expansion,
11 driveway, expansion, fence extension, we can
12 condition the approval on you doing what you say
13 you're going to do. I'm going to put a line of --

14 MR. FORNELOS: So try and paint a, paint
15 a bigger picture of what we're, looking to do.

16 MS. PICCOLO HILL: Yeah, because If
17 it's, if it's going against the look of the
18 neighborhood that your house is in, but by
19 putting in a hedgerow so that the cars aren't
20 visible, it helps us look and say, okay, yes, he
21 needs a variance for landscaping, but he's
22 mitigating that with this green hedge.

23 MR. FORNELOS: Right.

24 MS. PICCOLO HILL: So even though behind

1 May 25, 2023

2 the green hedge is asphalt, seeing it from
3 outside, it looks green.

4 MR. FORNELOS: I'm more than, more than
5 happy to do that. Even along the fence, we we're
6 looking to put hydrangeas every other fence panel
7 you know, all the way down. We're trying to grow
8 the grass. We, we want that lush feeling. You
9 know, I'm not opposed to doing the work and the
10 watering. I'm out there three hours, four hours a
11 night just watering the lawn as it is.

12 MR. FLEMING: One, one of the factors is
13 the nature and character of the neighborhood. And
14 I will say my experience has been that is
15 probably one of the most important or overriding
16 factors that the members of this board look at
17 and talk about.

18 MR. FORNELOS: Okay.

19 MR. FLEMING: So address that.

20 MR. FORNELOS: Would it be, so to
21 address that, I apologize I wasn't prepared with
22 the five factors today. It was, it was, it was I
23 was under the assumption that because we
24 addressed the five factors at the first meeting

1 May 25, 2023

2 of what we were proposed to do. And then you guys
3 had asked, well how about putting it in the
4 backyard? It was like, oh, okay, well I'll put it
5 in the backyard. But I didn't address any other -
6 -

7 MR. FLEMING: I don't, I don't think the
8 board suggested putting in the backyard. The
9 board suggested the existing structure that you
10 were applying for was not something we were going
11 to approve. Your decision to put a shed in the
12 backyard, totally fine, you're allowed to do that
13 and you can propose and, and it, that now
14 changes, that changes your area, that changes
15 your variance request.

16 MR. FORNELOS: I, no, I, I think
17 somebody did. It didn't pop into my head. It was
18 brought up. But neither here nor there, you know,
19 I will do that next time around. Are you guys
20 okay with, if I take the floor plan of what's
21 being proposed and I sketch up what we're looking
22 to do as far as landscaping, not done by my
23 architect, but done by me, of where we're looking
24 to plant trees, where we're looking to put

1 May 25, 2023

2 arborvitaes.

3 MR. CHIN: Say shrubs or this or what,
4 whatever.

5 MR. FORNELOS: Correct. Is that okay if
6 I just do that myself?

7 MR. CHIN: Absolutely.

8 MR. FLEMING: Whatever you want to do is
9 okay. I mean, again, it's, it's what you're
10 trying to convince us is that the character of
11 the neighborhood will not be reduced or impacted
12 in a negative way --

13 MR. FORNELOS: Right.

14 MR. FLEMING: -- what you're proposing.
15 And if there's a factor you could use, using
16 foliage to hide the large driveway you're
17 proposing, that's something will consider.

18 MR. FORNELOS: Right.

19 MR. FLEMING: I'm not saying what the
20 result is going to be, because I can't until you
21 show it to me. But anything you want to show me
22 like that, of course it would be something we --

23 MR. KEHOE: But, but, but John's going
24 to have to revise the drawing anyway.

1 May 25, 2023

2 MR. FORNELOS: Oh, yes.

3 MR. KEHOE: So, so John can put some
4 symbols on the drawing for plants.

5 MR. FLEMING: Yeah.

6 MR. KEHOE: But then you can provide
7 additional information like photographs or
8 catalog information about what it'll actually
9 look like.

10 MR. FORNELOS: Yeah. I'll, I'll probably
11 mention something to you off the record.

12 MR. CHIN: Well, you've got a print of
13 the plan, just mark it up for John and say, look,
14 I want a row of shrubs here, blah, blah, blah,
15 blah. You know, that's it. Make the quick change
16 of it and that's it.

17 MR. FLEMING: But the, the, the numbers
18 are, are supremely important.

19 MR. CHIN: Yeah, very.

20 MR. FLEMING: You know, when you, when
21 you, if you choose to remove the far back corner
22 of gravel and grass it, I'm not saying you have
23 to do that, but if you do, that changes the
24 numbers. And the pool structure, those numbers

1 May 25, 2023

2 are wrong. I, I think it's the 6 --

3 MR. CHIN: The 676.

4 MR. FORNELOS: No,, it looks like it's
5 wrong.

6 MR. KEHOE: So that might be a wash more
7 or less.

8 MR. FORNELOS: Yeah.

9 MR. FLEMING: Well, and if you do those
10 two things, that might be a wash. But regardless,
11 the numbers are supremely important. So please
12 make sure your architect looks at, looks at them
13 again.

14 MR. CHIN: And we're going to double
15 check on that gravel, on the pea gravel.

16 MR. FORNELOS: Yeah, that'd be great.

17 MR. CHIN: Okay.

18 MR. FORNELOS: That'd be great. Thank
19 you.

20 MR. KEHOE: And so, not to confuse
21 anything more, but I think you mentioned you
22 might have a problem with the next meeting.

23 MR. FORNELOS: Depends on when the next
24 meeting is.

1 May 25, 2023

2 MR. KEHOE: June 22nd.

3 MR. FORNELOS: Yeah, I will be in
4 Europe.

5 MR. KEHOE: Alright. So the, the zoning
6 board will be here every month, you know, so I, I
7 know --

8 MR. FLEMING: We are here. Yeah. So I
9 know, I apologize --

10 MR. FORNELOS: Unless you want to do it
11 the 20th and, you know, that's fine with me.

12 MR. FLEMING: We're, we're not going to
13 change the date of the hearing.

14 MR. FORNELOS: Yeah.

15 MR. FLEMING: But, if you want to have
16 your architect here instead of you, that's an
17 option you have as well. But we'll leave that
18 with you if you want to come to the next meeting,
19 okay. If you don't and you want to --

20 MR. CHIN: If you're going to be in
21 Europe, go to Europe.

22 MR. FLEMING: -- and want to --

23 MR. FORNELOS: I don't want to go. I I
24 have to go unfortunately. So, I have no problem

1 May 25, 2023

2 pushing it to the following, if that's okay.

3 MR. CHIN: Yeah, to July.

4 MR. FORNELOS: Yeah. When's the meeting
5 for July?

6 MR. CHIN: The 20th.

7 MR. FLEMING: Because it's once a month.

8 MR. FORNELOS: 20th?

9 MR. FLEMING: Yeah.

10 MR. CHIN: Because I won't be here in
11 August. When, when do I have to --

12 MR. FORNELOS: Well like, we might be in
13 October then or September.

14 MR. KEHOE: Well, you, you're not
15 subject to the same deadlines that --

16 MR. FORNELOS: Well, I'll be, I'll be
17 back the 15th. My concern is I'll --

18 MR. KEHOE: 15th of July?

19 MR. FORNELOS: Yeah.

20 MR. KEHOE: Oh, you're gone for a long
21 time.

22 MR. FORNELOS: Three weeks, yeah.

23 MR. KEHOE: Wow.

24 MR. FLEMING: August 17th is a meeting,

1 May 25, 2023

2 just because one of us isn't here, there will be
3 a meeting in August. So we do have an August, we
4 do have an August 17th meeting.

5 MR. FORNELOS: Okay.

6 MR. CHIN: Yeah. I won't be here.

7 MR. FORNELOS: All right.

8 MR. KEHOE: You just keep in touch with
9 me when you want to be on. But, do you have time
10 between now and when you go to have John revise
11 the drawings?

12 MR. FORNELOS: Oh, I have the time.

13 MR. KEHOE: Yeah.

14 MR. FORNELOS: Whether, whether John has
15 the time is a different story.

16 MR. CHIN: Yeah, just get that to Chris
17 as fast as you can.

18 MR. FORNELOS: Yeah.

19 MR. CHIN: That way we all have it. No
20 matter when we're going to, whatever meeting
21 we'll make --

22 MR. FLEMING: I will tell you that five
23 days, it was very difficult. This time, it was
24 less than a week or just about a week.

1 May 25, 2023

2 MR. FORNELOS: Yeah.

3 MR. FLEMING: It's difficult to go over
4 what again, the numbers are essential.

5 MR. FORNELOS: Well, I, there's, there's
6 -- yeah.

7 MR. FLEMING: So it's just a lot to ask
8 for us --

9 MR. FORNELOS: No, No, no, it's, it's --

10 MR. FLEMING: -- just to Be able to do
11 it in three or four days.

12 MR. FORNELOS: It's, it's
13 understandable. I'd rather get it right.

14 MR. FLEMING: We too.

15 MR. CHIN: Exactly.

16 MR. FORNELOS: And take time than rush
17 it and -- yeah. It's driving crazy.

18 MR. CUNNINGHAM: So why don't, why don't
19 we adjourn this to the July meeting and it can
20 always be adjourned another month if we decide
21 that there's not enough information or we're not
22 --

23 MR. FLEMING: So we're not -- we're
24 going to skip the June meeting entirely.

1 May 25, 2023

2 MR. CHIN: Right.

3 MR. FLEMING: We're going to skip --
4 well at least we're going to adjourn this matter
5 --

6 MR. KEHOE: You will have other cases.
7 So you'll still have the June meeting.

8 MR. FLEMING: No, I understand.

9 MR. FORNELOS: If I have, for argument's
10 sake, if I can get John to do what I need him to
11 do, but I can't be here myself and I hire
12 somebody as a representative, an attorney to come
13 in on my behalf.

14 MR. FLEMING: Of course.

15 MR. KEHOE: That's Fine.

16 MR. FLEMING: Yes, you can do that. You
17 can do that as well.

18 MR. FORNELOS: So can you, can you keep
19 me for --

20 MR. KEHOE: Well, the, the other way to
21 do it is it'll be on the agenda and it can be
22 pulled. All you have to say --

23 MR. FORNELOS: Okay.

24 MR. CHIN: We'll leave June open and let

1 May 25, 2023

2 you tell us.

3 MR. FORNELOS: Thank you.

4 MR. FLEMING: So we'll put it, we'll
5 adjourn it until it -- we'll adjourn this hearing
6 until the June hearing.

7 MR. FORNELOS: Correct.

8 MR. FLEMING: And if, if that's not
9 going to work for you, please let us know as
10 early as you can.

11 MR. FORNELOS: Yes.

12 MR. FLEMING: And then we can, at that
13 meeting and no one has to be here for this
14 purpose, we'll just adjourn it to the July.

15 MR. FORNELOS: That's fine. Okay.

16 MR. FLEMING: And then again, if that
17 doesn't work and we have to push it to August, we
18 can get -- I don't, I don't have a problem
19 extending your time to allow you to, to do this.

20 MR. CHIN: Do it, do it properly.

21 MR. FLEMING: So that's, that's not a
22 problem. So we're going to adjourn this until the
23 June hearing, and then if that doesn't work for
24 you, please let us know and then we could carry

1 May 25, 2023

2 it over. And you don't need to have somebody
3 physically be here for us to carry it over to
4 July or, and then again to the August.

5 MR. FORNELOS: Yeah, I was, I was, I was
6 just trying to push the process a bit
7 specifically for the driveway because we do have
8 retaining wall that did come down and I was
9 looking to rectify that this summer so that it
10 has time to cure.

11 MR. FLEMING: Understand.

12 MR. CHIN: Understandable, but --

13 MR. FORNELOS: And before we put
14 vehicles on such driveway.

15 MR. FLEMING: I understand,

16 MR. MARTINEZ: Just stay in touch with
17 Chris, and, and he'll, he will let us know, and
18 then --

19 MR. FORNELOS: I think Chris is tired
20 of, yeah, I think he's tired of my messages.

21 MR. KEHOE: No, I never get tired,
22 that's fine.

23 MR. BELOFF: That's why he makes the Big
24 bucks, you know.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

May 25, 2023

MR. MARTINEZ: He's the nicest guy.

MR. FORNELOS: No, I know he is. He is.

MR. FLEMING: Alright. So let's, let's have a motion to adjourn this until the June hearing.

MR. CHIN: Yeah. I'm, I'll have a, a motion to adjourn, oh, what's the case number?

MR. FLEMING: 2023-04, right?

MR. CHIN: Yeah, case number 2023-04 to the June meeting for adjournment.

MR. MARTINEZ: Second.

MR. FLEMING: All in favor?

MULTIPLE: Aye. Aye.

MR. FLEMING: And no opposed. That's it.

MR. FORNELOS: Thank you so much.

MR. FLEMING: So you're adjourned until June, we'll see you then. Or if not, let us know.

MR. FLEMING: Thank you very much.

(The public board meeting concluded at 8:06 p.m.)

CERTIFICATE OF ACCURACY

I, Ryan Manaloto, certify that the foregoing transcript of the zoning board meeting of the Town of Cortlandt on May 25, 2023 was prepared using the required transcription equipment and is a true and accurate record of the proceedings.

Certified By



Date: June 8, 2023

GENEVAWORLDWIDE, INC

256 West 38th Street - 10th Floor

New York, NY 10018