

TOWN OF CORTLANDT
PLANNING AND ZONING BOARDS

ZONING BOARD MEETING

1 Heady Street
Cortlandt Manor, New York 10567

November 16, 2023

7:00 - 7:13 p.m.

November 16, 2023

MEMBERS PRESENT:

Michael Fleming, Chairman

Wai Man Chin, Vice-Chairman

Chris Beloff, Member

Frank Franco, Member

Michelle Piccolo Hill, Member

Benito Martinez, Member

Tom Walsh, Member

ALSO PRESENT:

Chris Kehoe, AICP, Director of Planning

Michael Cunningham, Deputy Town Attorney

1 November 16, 2023

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

3 MR. MICHAEL FLEMING: I would like to
4 call to order the November 16, 2023 meeting of
5 the town of Cortlandt Zoning Board of Appeals.
6 I'd like to start by inviting everyone to join me
7 to say 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. FLEMING: All right. We can start
14 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 November 16, 2023

2 MR. KEHOE: Mr. Walsh?

3 MR. THOMAS WALSH: Here.

4 MR. CHRIS BELOFF: Here.

5 MR. FLEMING: All right, so I'd like to
6 get a motion -- first of all, ahs everyone had an
7 opportunity to review the meetings (SIC) from
8 October 19th's meeting?

9 MR. CHIN: Yeah.

10 MR. FLEMING: And if so, can I get a
11 motion to adopt them, or if there are any
12 suggested changes?

13 MR. CHIN: I make a motion to adopt the
14 meetings (SIC) of October 19th.

15 MR. BELOFF: Second.

16 MR. FLEMING: All in favor?

17 MULTIPLE: Aye.

18 MR. FLEMING: And no opposed. All right,
19 so the meeting minutes for the October 19, 2023
20 meeting are approved. Moving on to the agenda for
21 tonight, we have three cases, one of which is old
22 business, which we'll start with. That is case
23 number 2023-9. Chris, I think that's yours?

24 MR. BELOFF: Yes.

1 November 16, 2023

2 MR. FLEMING: All right.

3 MR. BELOFF: I'd like to make a motion
4 to adopt case number 2023-9, the applicant is
5 Summit Realty, LLC, located at 1 Jerome Drive.
6 The request actually was for an area variance of
7 front yard, side yard, and minimum landscape
8 coverage for a proposed addition to an existing
9 dental office. The front yard requires 30 feet,
10 proposed is 20. The side yard is 20 feet,
11 proposed is 15. And the minimum landscape
12 coverage is 50 percent, proposed is 47 percent.

13 MR. FLEMING: It looks like we have
14 someone here from the applicant.

15 MR. JOHN LENTINI: Yeah, John Lentini,
16 architect for the applicant.

17 MR. FLEMING: Pull the mic down to you a
18 little bit.

19 MR. LENTINI: Hi, I'm John Lentini,
20 architect for the applicant.

21 MR. FLEMING: Thank you. Do you have
22 anything to say? You're welcome to, but I think
23 we're ready to vote.

24 MR. LENTINI: Nope, I believe I've side

1 November 16, 2023

2 all I could.

3 MR. FLEMING: Okay. No problem.

4 MR. BELOFF: So the last part is it's a
5 SEQR type II, no further compliance is required.
6 Can I get a second?

7 MR. CHIN: Second.

8 MR. MARTINEZ: Second.

9 MR. FLEMING: All in favor of approving
10 the proposed variances?

11 MULTIPLE: Aye.

12 MR. FLEMING: All right. No, any
13 objections? All right, so the approved -- the
14 applicant's request for variances are approved.
15 You will get an order in the mail in the next
16 five to seven days.

17 MR. LENTINI: On behalf of Dr. Marcos
18 and his staff, thank you very much.

19 MR. FLEMING: Thank you. All right,
20 that's the only old business --

21 MR. CHIN: Oh, right.

22 MR. FLEMING: -- case. We have two new
23 business cases, the first one is case number
24 2023-14 at 249 Kings Ferry Road. Tom, is that

1 November 16, 2023

2 yours?

3 MR. WALSH: Yes.

4 MR. FLEMING: Okay.

5 MR. WALSH: Is anybody from the
6 applicant here? Step up, say your name and
7 address.

8 MS. MELANIE BUTLER: Hello, Melanie
9 Butler.

10 MR. FLEMING: Can you do me a favor and
11 just lean towards that mic a little bit and be a
12 little bit louder.

13 MS. BUTLER: Melanie Butler.

14 MR. FLEMING: Thank you, I appreciate
15 it.

16 MR. WALSH: And could you just explain
17 what you're, what you're proposing?

18 MS. BUTLER: Yes. So we are just looking
19 to -- we're building an addition onto our house
20 and for the variance, we were, I guess, under, we
21 have 47,000 blah, blah, blah square feet to the
22 lot, so we were just short to build the addition
23 to the proposed size, so we're requesting a
24 variance for an additional, I think it was 140

1 November 16, 2023

2 square feet, just to bring the front of the home
3 to the full width. It's as simple as that.

4 MR. WALSH: All right, I've reviewed the
5 plans for this and your request for proposal, as
6 we go through our five factors, I read through
7 it, and, you know, I love what the, you know,
8 what you're proposing for that house. You know,
9 I've driven by the house a number of times. I'm
10 glad somebody has bought it and is renovating it.
11 So, you know, will improve -- you know, will it
12 be an undesirable change for the neighborhood?
13 Absolutely not. What you're doing I think is
14 going to enhance the neighborhood. Whether the
15 benefit could be sought the applicant be achieved
16 by some other method? It probably could, come
17 under, but this is a factor -- we don't have to
18 approve all the factors for, for area variance.
19 Whether request is substantial, this is actually
20 only a three percent request, which is very
21 minimal in my opinion. Variance has an adverse
22 effect on the neighborhood. It does not. And then
23 whether it is self-created. Yes, it is, but
24 again, we don't have to approve all five factors

1 November 16, 2023

2 or agree with all five factors.

3 So, you know, as I'm reading through
4 these, I have no issues with what you're
5 proposing and it's going to look lovely when it's
6 done, so.

7 MS. BUTLER: Thank you.

8 MR. FLEMING: Does anybody else on the
9 board have any questions or comments for the
10 applicant?

11 MR. CHIN: No, I agree. Everything looks
12 fine according to what you're indicating and I
13 agree with Tom on everything that he had said.

14 MR. FLEMING: Yeah, I just have to add,
15 I mean this is a beautiful, historic building, I
16 think what you guys are doing is fantastic, so I
17 wish you the best of luck with it. I don't think
18 you're going to get -- we'll vote in a second,
19 but I don't think you're going to have any
20 problems here. And seriously, good luck. I like
21 to see buildings like this in our town find
22 owners that are really going to take care of them
23 and make them truly beautiful. So I appreciate
24 it.

1 November 16, 2023

2 MS. PICCOLO HILL: It's nice to see it
3 getting the love it deserves.

4 MS. BUTLER: We are so excited, so thank
5 you.

6 MR. MARTINEZ: It is very nice.

7 MR. FLEMING: All right. In light of
8 that then, I think I'm going to ask for a motion
9 to approve.

10 MR. WALSH: Is there anybody else in the
11 audience who wants to speak, anybody online?

12 MR. FLEMING: No? Okay.

13 MR. WALSH: I apologize for that. Anyone
14 in the audience wish to speak? Okay.

15 MR. FLEMING: Well in light of that, I'm
16 going to ask for a motion to approve the, the
17 requested variance.

18 MR. WALSH: I make a motion to close the
19 case 2023-14.

20 MR. CHIN: Second.

21 MR. FLEMING: All in favor?

22 MULTIPLE: Aye.

23 MR. FLEMING: All right.

24 MR. WALSH: I make a motion to approve

1 November 16, 2023

2 case number 2023-14 for 249 Kings Ferry Road for
3 an area variance. Permitted is 4,975 square feet,
4 requested is 5,120 for 145 square foot variance.
5 SEQR type II, no further action is required.

6 MR. CHEN: Second.

7 MR. FLEMING: Any opposition? All in
8 favor?

9 MULTIPLE: Aye.

10 MR. FLEMING: So moved. So granted. You
11 will be getting in the mail an order and then
12 you'll be following up with the town's, what they
13 call planning -- not planning --

14 MR. KEHOE: Yeah, you'll get a decision
15 and order mailed to you. I'll give it to Martin,
16 because he needs it in order for you to proceed
17 with you -- I mean you already have a building
18 permit, just it has to modify the building
19 permit. But look for it probably Tuesday,
20 Wednesday of next week.

21 MS. BUTLER: Okay.

22 MR. KEHOE: You'll get it in the mail,
23 hard copy.

24 MS. BUTLER: The stamped copy for

1 November 16, 2023

2 Martin?

3 MR. KEHOE: He'll get one, you'll get
4 one. As soon --

5 MS. BUTLER: Okay.

6 MR. KEHOE: -- as you get yours, you can
7 double check with Martin.

8 MS. BUTLER: Okay.

9 MR. KEHOE: And he'll do whatever he
10 needs to do to continue making sure you get your
11 permit.

12 MS. BUTLER: Okay. All right.

13 MR. FLEMING: Best of luck to you.

14 MS. BUTLER: Thank you.

15 MR. WALSH: Good luck.

16 MR. CHEN: Good luck.

17 MR. MARTINEZ: Good luck.

18 MR. FLEMING: All right. And next case
19 on the -- next case on the agenda is case number
20 2023-15 for 18 Hollis Lane. And I can't remember,
21 we talked about this already. Who's is this?

22 MR. MARTINEZ: That is my case.

23 MR. FLEMING: Okay. There you go.

24 MR. MARTINEZ: That's for Kim Alpert

1 November 16, 2023

2 Popolizio. Please state your name.

3 MS. KIM ALPERT POPOLIZIO: Kim Alpert
4 Popolizio.

5 MR. MARTINEZ: Okay. Can you tell us --

6 MR. FLEMING: Can you pull that mic down
7 a little bit. Perfect.

8 MR. MARTINEZ: If you can let us know --

9 MS. POPOLIZIO: So, we, we want to put a
10 10 x 10 shed in the front of the house, but of
11 course our property is not like most normal
12 properties. It's like way back with all shrubs
13 around it, so it's like you don't see any of it
14 from the road. Like it's -- and we have lots of
15 stuff in -- our backyard has a pool so we have no
16 place to put this. The side has a septic and all
17 this, you know, underground stuff. So, that's
18 what we want to do. And you, you can't see it at
19 all from the road, because it's all shrubs. I
20 think we've sent a picture of the view up the
21 driveway.

22 MR. MARTINEZ: And I believe the pool is
23 on the left side, back by the left side of --

24 MR. POPOLIZIO: Yeah, as you're going up

1 November 16, 2023

2 the driveway, it's --

3 MS. POPOLIZIO: Right. It's on the top
4 left of the driveway, behind the shrubs.

5 MR. MARTINEZ: Okay.

6 MS. POPOLIZIO: So, and of course, yeah.
7 where all those yellow leaves are kind of, behind
8 there.

9 MR. MARTINEZ: Yeah, so case number
10 2023-15, is area variance for a shed in the front
11 of the, the house. I did look at all the, you
12 know, five factor and I don't see that it made
13 any impact on the neighborhood. And I basically
14 don't have any problem.

15 MR. CHEN: You need to speak into there
16 or move closer.

17 MR. MARTINEZ: I don't have any problem.
18 I don't know if anyone on my --

19 MR. FLEMING: Yeah, I mean just looking
20 at the five factors, I mean the first one is will
21 it change the character of the neighborhood, and
22 I don't believe it will. You know, looking at it,
23 you're right, the area even where you're putting
24 the shed, I'm not sure you could see it from the

1 November 16, 2023

2 road, or will any of your neighbors have any,
3 have any impact by you putting it where you want
4 to put it. All other alternatives that do not
5 require a variance, I do think you probably could
6 squeeze it in somewhere else, but again, all five
7 factors don't have to be complied with.

8 It is not a substantial request. It's
9 pretty minimal. It's a small shed, and where it's
10 located is right off your driveway. I don't think
11 there will be any effect on the environmental
12 conditions and is it self-created, yeah, you want
13 a shed, so I guess you guys did create it because
14 you want a shed, so you're putting it there. But
15 again, it's -- that's not a factor that's going
16 to be determinative for us. You know, in my mind,
17 I don't think there's any problem with this.
18 Anyone else have any questions or comments?

19 MR. CHEN: No, I, I agree. I think it's
20 fine where it's located and I have no problem
21 with it.

22 MR. WALSH: I concur.

23 MR. FLEMING: All right. Anyone from the
24 public have anything to say, or anyone on the

1 November 16, 2023

2 Zoom? I think we are okay. All right, so we
3 should move to close the public hearing and --

4 MR. MARTINEZ: I make a motion to close
5 the public hearing.

6 MS. PICCOLO HILL: Second.

7 MR. FLEMING: All in favor?

8 MULTIPLE: Aye.

9 MR. FLEMING: So moved. All right. And
10 then, I think we need a motion to approve the
11 requested variance.

12 MR. MARTINEZ: Yes, I make a motion for
13 case number 2023-15, an area variance to be
14 approved for a shed to be designed in the front
15 of the yard for 100 square feet, an area variance
16 for an [inaudible] [00:10:49] shed in the front
17 of the house, yeah, and no further compliance
18 required.

19 MR. FLEMING: Do I have a second?

20 MR. CHEN: Second.

21 MR. FLEMING: All in favor?

22 MULTIPLE: Aye.

23 MR. FLEMING: All right, there's no
24 opposition, so the requested variance is granted.

1 November 16, 2023

2 Again, as we told the last applicant, you'll get
3 something, you know, from us in the next three to
4 five days.

5 MS. POPOLIZIO: Okay.

6 MR. FLEMING: It'll be early next week.

7 MR. KEHOE: But I don't think you
8 necessarily need a permit from Martin, correct,
9 because it's a 100 square foot shed, so you don't
10 need a building permit.

11 MS. POPOLIZIO: Right, right, yeah,
12 right.

13 MR. KEHOE: But somehow you knew, which
14 is good, that it can't be in the front yard, or
15 somebody told you it can't be in the front yard.

16 MS. POPOLIZIO: I called.

17 MR. KEHOE: Good.

18 MS. POPOLIZIO: Because I had a panic
19 attack that I was going to do this and, and then
20 I found that out, and I was like you can't put --

21 MR. KEHOE: Right. Because a lot of
22 people, once they figure out it's 100 square feet
23 or less, they put it wherever they want to put
24 it. So, the fact that you checked is good. So

1 November 16, 2023

2 whether you call Martin or check with Martin,
3 that's up to you, but I don't think you need any
4 permit from him, but you'll be getting the
5 decision and order in the mail.

6 MS. POPOLIZIO: Okay.

7 MR. FLEMING: You won't be getting also
8 any kind of a ticket or anything now, because if
9 you didn't have it, you could. But you've now a
10 variance permit, so you're in compliance.

11 MS. POPOLIZIO: Right, right. Okay.

12 MR. FLEMING: So you'll get this in the
13 mail. If you have any questions or anything,
14 you're welcome to call the town again, but --

15 MS. POPOLIZIO: Okay. Thank you.

16 MR. FLEMING: Good luck to you.

17 MS. POPOLIZIO: Thanks.

18 MR. CHEN: And Martin will have a record
19 of it, so he has no problem with that.

20 MS. POPOLIZIO: Yeah.

21 MR. FLEMING: All right, good luck.

22 MR. CHEN: Good luck. Thank you.

23 MR. FLEMING: All right. I think we need
24 a motion to adjourn this meeting.

1
2
3
4
5
6
7
8
9
10

November 16, 2023

MR. CHEN: I make a motion to adjourn
the meeting.

MR. WALSH: Second.

MR. FLEMING: All in favor?

MULTIPLE: Aye.

MR. FLEMING: Meeting is adjourned,
everyone have a good night.

(The public board meeting concluded at
7:13 p.m.)

CERTIFICATE OF ACCURACY

I, Ryan Manaloto, certify that the foregoing transcript of the board meeting of the Town of Cortlandt on November 16, 2023 was prepared using the required transcription equipment and is a true and accurate record of the proceedings.

Certified By



Date: December 7, 2023

GENEVAWORLDWIDE, INC
228 Park Ave S - PMB 27669
New York, NY 10003