

TOWN OF CORTLANDT
PLANNING AND ZONING BOARDS

ZONING BOARD MEETING

1 Heady Street
Cortlandt Manor, New York 10567

August 17, 2023

7:00 p.m. - 7:16 p.m.

August 17, 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 J. Cunningham, Deputy Town Attorney

1 August 17, 2023

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

3 MR. MICHAEL FLEMING: All right, I'd
4 like to call to order the, today's date is August
5 17, 2023, this is the town of Cortlandt's Zoning
6 Board of Appeals. I'd like to start by letting
7 anyone who wishes to join me to say the Pledge of
8 Allegiance.

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

14 MR. FLEMING: And now, if we could
15 please do a roll call.

16 MR. CHRIS KEHOE: Ms. Piccalo Hill?

17 MS. MICHELLE PICCOLO HILL: Here.

18 MR. KEHOE: Mr. Martinez?

19 MR. BENITO MARTINEZ: Here.

20 MR. KEHOE: Mr. Fleming?

21 MR. FLEMING: Here.

22 MR. KEHOE: Mr. Walsh?

23 MR. THOMAS WALSH: Here.

24 MR. KEHOE: Mr. Beloff?

1 August 17, 2023

2 MR. CHRIS BELOFF: Here.

3 MR. KEHOE: Mr. Franco and --

4 MR. WALSH: Mr. Chin.

5 MR. KEHOE: -- Mr. Chin noted as absent,
6 sorry.

7 MR. FLEMING: Only been on the board for
8 28 years.

9 MR. KEHOE: I should have known.

10 MR. FLEMING: All right, so we have
11 three cases that are, that have been carried over
12 from our last hearing. What we have to do is open
13 and close the public hearing for those three
14 cases before we move on to the two new matters
15 for this week. So I'm first going to open the
16 case number 2023-8 and I'm going to ask if
17 there's any members of the public -- this, I'm
18 sorry, this is, this is an application for a
19 building for the property at 15 Henning Drive.
20 Are there any members of the public who wish to
21 make any comments on the application 2023-8? Are
22 there any members of the public online? You have
23 the opportunity to raise your hand. Any members
24 of the public online wish to make any comment on

1 August 17, 2023

2 the 15 Henning Drive application, case number
3 2023-8? All right, then can I have a motion to
4 close the public hearing?

5 MR. MARTINEZ: So moved.

6 MR. FLEMING: He moved it. You need to -
7 -

8 MR. MARTINEZ: So on case number 2023-8,
9 I --

10 MR. CUNNINGHAM: You would move to close
11 the public hearing and adopt the decision and
12 order.

13 MR. MARTINEZ: I move to close the
14 public hearing.

15 MR. FLEMING: Second? Anybody second?

16 MR. WALSH: Second.

17 MR. FLEMING: Anybody opposed? Okay, all
18 in favor?

19 MULTIPLE: Aye.

20 MR. FLEMING: The public hearing is
21 closed, do you wish to --

22 MR. MARTINEZ: Yeah, so I'm going to
23 call for a vote for case number 2023-8, in a --
24 for a, the owner of the property is Zola

1 August 17, 2023

2 Alexandra Chillogallo, and Andres Quiridumbay, I
3 think I did it, an area variance for a barbeque
4 grill on the front -- on the front yard. So I
5 just wanted to call for a vote.

6 MR. FLEMING: A second?

7 MR. BELOFF: Second.

8 MR. FLEMING: All in favor?

9 MULTIPLE: Aye.

10 MR. FLEMING: Any opposed? All right, so
11 the variance requested in case number 2023-8 is
12 granted. We're going to move on to case number
13 2023-9. For this one, we have to open the public
14 hearing to allow comments, but we will not be
15 able to take a vote on this tonight, as the
16 planning board is the lead agency. So what we'll
17 do is open and close the public hearing after we
18 hear any comments and then we'll hold a decision
19 in abeyance, correct?

20 MR. CUNNINGHAM: Correct.

21 MR. FLEMING: Okay. All right, so case
22 number 2023-9, application of Jenny Thompson of
23 JJ Summit Realty for, you know, for, for a
24 variance for the property located at 1 Jerome

1 August 17, 2023

2 Drive. Whose case is this? You want to open? Oh,
3 first of all, any members of the public wish to
4 speak on this application? And then any members
5 online, any members of the public online who wish
6 to speak on this application? Alright. So we need
7 a motion to close the public hearing.

8 MR. BELOFF: Yeah, case 2023-9, motion
9 to close the public hearing.

10 MR. FLEMING: Second.

11 MR. MARTINEZ: So moved.

12 MR. FLEMING: All in favor?

13 MULTIPLE: Aye.

14 MR. FLEMING: All right, so the public
15 hearing is now closed. We cannot call for a vote
16 on this one, so we're just going to hold this one
17 in abeyance until the planning board acts and
18 then we will address it at that point. So now we
19 move on to case 2023-11. This is -- I'm sorry, I
20 skipped one -- 2023-10, this is the application
21 of Ravi Raj for property located at 5 Wooddale
22 Avenue. Who's case is this?

23 MR. WALSH: That's mine.

24 MR. FLEMING: All right, so first I'm

1 August 17, 2023

2 going to open the public hearing. Are there any
3 members of the public present who wish to comment
4 on this application? And I have to ask again, are
5 there any members of the public online who wish
6 to comment on this application? Okay. So then I'm
7 going to call for a motion to close the public
8 hearing.

9 MR. WALSH: All right, for case number
10 2023-10, I call for a motion to close the public
11 hearing.

12 MR. MARTINEZ: Second.

13 MR. BELOFF: Second.

14 MR. FLEMING: All in favor?

15 MULTIPLE: Aye.

16 MR. FLEMING: Any opposition? All right,
17 so public hearing is now closed.

18 MR. WALSH: Case number 2023-10, call
19 for Derek Kilner and Claire Benoist, at 5
20 Wooddale Avenue for an area variance for an
21 accessory structure, a shed in the front yard.
22 This is SEQRA type two, no further compliance
23 required. I call for approval.

24 MR. MARTINEZ: Second.

1 August 17, 2023

2 MR. FLEMING: All in favor?

3 MULTIPLE: Aye.

4 MR. FLEMING: Any opposed? All right,
5 case number 2023-10, the application for an area
6 variance is granted. All right, now, we have two
7 new cases on the board for tonight. But before we
8 address those two, I just want to say there's
9 another case which has been adjourned two times
10 already. This is the third adjournment. I do need
11 to call for a vote on this quickly. This is 2023-
12 4, the application of David Fornelos for an area
13 variance. He is not present today, has advised he
14 won't be present, has asked for an adjournment
15 until the next meeting, which is the September
16 meeting. Is there any opposition to giving that
17 adjournment? Okay. So we need a motion to
18 adjourn.

19 MR. WALSH: Case number 2023-4, motion
20 to adjourn this until the September hearing.

21 MR. FLEMING: Any second?

22 MR. BELOFF: Second.

23 MR. FLEMING: All right, all in favor?

24 MULTIPLE: Aye.

1 August 17, 2023

2 MR. FLEMING: Any opposed? Okay. So case
3 number 2023-4 is adjourned until the September
4 hearing. I understand we'll be advising Mr.
5 Fornelos of, of that. All right. So now we have
6 the two new cases.

7 MR. KEHOE: I think we have to go out of
8 order. I believe the people in the audience are
9 for 2023-12 for 26 Jerome Drive. I don't see
10 anyone in the audience for 26 Sassi Drive.
11 Hopefully, they'll be here, so if you could flip
12 those two.

13 MR. FLEMING: That's fine.

14 MR. KEHOE: Okay.

15 MR. FLEMING: All right, so then, we'll
16 first hear the case number 2023-12, whose case is
17 this?

18 MR. BELOFF: All right, so I got case
19 number 2023-12, the applicant's name is Bryan
20 Adams and Ingrid Heinz, located on 26 Jerome
21 Drive, looking for a variance, an area variance,
22 side yard setback for proposed carport. Two feet
23 proposed, two feet variance of 50 percent. Would
24 you like to speak, anyone from the public?

1 August 17, 2023

2 MR. FLEMING: So please, first state
3 your name, if it's your property, the address and
4 if you represent, just your capacity as
5 representing that party.

6 MR. BRYAN ADAMS: My name is Bryan
7 Adams, I'm the owner, as well as my wife, I
8 represent my wife. I wanted to get approval to
9 have a carport put in next to the garage we have
10 enclosed by a privacy fence and the carport will
11 be inside of there, pretty much enclosed. You
12 really can't see it from the road, except for the
13 peak. I did talk to my neighbors to make sure
14 nobody was going to have any concerns about that.

15 MS. PICCOLO HILL: Nice.

16 MR. ADAMS: And -- my one neighbor,
17 looking at the property, the carport will be
18 closer to her, Sally, [unintelligible] [00:08:33]
19 said that was fine, did go ahead and send me an
20 email. I uploaded it. I uploaded the photos of my
21 property. I did, at this point, put the carport
22 up. It's, I have not put the roof, but I wanted
23 to have a good representation of what it was
24 going to look like. So I think that's pretty much

1 August 17, 2023

2 it.

3 MR. FLEMING: Is there any other
4 comments from the public? Zoom?

5 MR. KEHOE: Anybody on Zoom?

6 MR. FLEMING: Anybody else on the board
7 have, [unintelligible] [00:09:02] board have any
8 other questions or comments?

9 MS. PICCOLO HILL: No.

10 MR. BELOFF: No.

11 MR. WALSH: As I go through our five
12 factors that we have to weigh for each project --

13 MR. ADAMS: Mm-hmm.

14 MR. WALSH: I don't see an undesirable
15 change in the neighborhood. I drove by there, you
16 can just see the top of it with your
17 [unintelligible] [00:09:17] the fence.

18 MR. ADAMS: Mm-hmm.

19 MR. WALSH: Benefit sought by the
20 applicant can be achieved by some other method,
21 maybe, but I don't think it's very -- it's not
22 very -- it's not going to block anybody's view,
23 it's set to the side of your house, so I don't
24 find that as a reason to deny this. Substantial,

1 August 17, 2023

2 it is a 50 percent variance, again, but that
3 doesn't weigh one way or the other in my opinion,
4 that, I don't feel that's a detriment. Adverse
5 effect or impact to the neighborhood, I don't
6 feel it does where it is, and it is not going to
7 be really visibly seen. And whether it is self-
8 created, yes, it is self-created, but every
9 variance is pretty much self created, so I don't
10 have any issues with your request.

11 MR. ADAMS: Okay.

12 MR. FLEMING: Just to echo it, what Tom
13 just said, I kind of feel the same way. I do
14 think a 50 percent is a substantial variance, but
15 I think balancing all of the factors together,
16 even though it is a substantial variance from
17 what the code allows, I don't have a problem
18 approving this. I will say I drove past as well.
19 The way your fence is set up right now, again,
20 you will just see the peak, and I'm not even sure
21 you'll see the entire peak of the roof, it's just
22 really the top portion of it, so, yeah, I have no
23 objection to this.

24 MR. WALSH: So I'd like to --

1 August 17, 2023

2 MR. FLEMING: Close the public hearing.

3 MR. WALSH: -- I'd like to close case
4 2023-12, close it to the public hearing.

5 MR. FLEMING: A second?

6 MR. MARTINEZ: Second.

7 MR. FLEMING: Any, any opposed? All in
8 favor?

9 MULTIPLE: Aye.

10 MR. FLEMING: All right, so the public
11 hearing is now closed. Does anyone on the board
12 feel we more no time to consider this before
13 voting?

14 MS. PICCOLO HILL: No.

15 MR. FLEMING: All right, do you want to
16 call for a vote? You want to call for a motion to
17 approve?

18 MR. BELOFF: Yeah, I'd like to make a
19 motion to approve case 2023-12, for Bryan Adams
20 and Ingrid Heinz at 26 Jerome Drive, for the area
21 variance, side yard setback for enclosed carport.

22 MR. FLEMING: There's a motion to
23 approve.

24 MS. PICCOLO HILL: Second.

1 August 17, 2023

2 MR. FLEMING: All in favor?

3 MULTIPLE: Aye.

4 MR. FLEMING: Any opposed? No? Okay.

5 Congratulations, your variance has been approved.

6 MR. KEHOE: So, so what will happen is
7 I'll transmit this decision and order to Martin
8 Rogers in the code enforcement office. You'll
9 also get one in the mail. And then you can finish
10 up your permit with Martin. But you'll need to
11 get whatever permits you need from him to
12 finalize the carport.

13 MR. ADAMS: Okay. Thank you.

14 MR. FLEMING: Congratulations.

15 MR. WALSH: You don't have to wait
16 around either, you can just leave now.

17 MR. FLEMING: Alright, so maybe take a
18 ten minute break?

19 MR. KEHOE: Maybe we could pause for a
20 couple minutes. Alan, I don't know if you want to
21 stop the video for a couple of minutes. We're
22 waiting for the last applicant.

23 MR. FLEMING: There was a woman in the
24 audience.

1 August 17, 2023

2 MR. KEHOE: Yeah, she was Claire, she
3 was with the shed.

4 MR. WALSH: She was with my case.

5 MR. FLEMING: Okay.

6 [OFF THE RECORD]

7 [ON THE RECORD]

8 MR. FLEMING: All right, we are
9 continuing the August 17, 2023 meeting of the
10 Zoning Board of Appeals for the town of
11 Cortlandt. Do you want to call your case?

12 MS. PICCOLO HILL: Sure. I'm dealing
13 with case number 2023-11. This is for the Kane
14 residence, and they're being represented by Marco
15 Mandra and this is for a covered porch, screened
16 in porch and deck. Is there, are there any
17 comments from the public?

18 MR. FLEMING: We were advised prior to
19 this that the, the applicant will not be present.
20 He asked us if we would proceed without him. We
21 told him we were able to do that. There's no one
22 in the room. So I'm going to ask if there's
23 anyone online who has any comments. And there are
24 no comments, there's no one in the Zoom and

1 August 17, 2023

2 again, there's -- I'm going to ask if there's
3 anyone present who has any comments, but the room
4 is empty, so there are none. Michelle, would you
5 like to?

6 MS. PICCOLO HILL: Sure. So I make a
7 motion to close public comments.

8 MR. MARTINEZ: Second it.

9 MR. FLEMING: All in favor?

10 MULTIPLE: Aye.

11 MR. FLEMING: Any opposed? All right,
12 public comments are closed. Michelle, do you want
13 to?

14 MS. PICCOLO HILL: Sure, so the
15 applicant is applying for building permit for a
16 screened in porch and a deck. You know, I took a
17 look at the five factors, and honestly, you know,
18 undesirable change would be produced in the
19 neighborhood, I didn't think so, because it's
20 adjacent to the Con Ed property, so it's
21 essentially a wooded lot, whether the benefit
22 sought by the applicant can be achieved by
23 another method. They do address that in their
24 letter. They say that essentially, you know, they

1 August 17, 2023
2 have an existing deck, so they're trying to
3 modify that. So whether the requested area
4 variance is substantial, you know, it's 20
5 percent, so it's not tiny, but again, this is a
6 preexisting deck that's been around for years.
7 Whether the proposed variance will have an
8 adverse effect or impact on the physical or
9 environmental conditions in neighborhood or
10 district, again, I felt that the deck is already
11 preexisting, so it didn't seem like they were
12 going to have to modify very much. They're just
13 building on an existing structure, and whether
14 the alleged difficulty was self-created, it is.
15 You know, this is their deck, and they do want to
16 build on top of it, but again, I didn't think
17 that that is significant enough to warrant
18 denying, so I actually am in favor. Does anyone
19 have any comments that they want to add, or want
20 to address?

21 MR. FLEMING: I just want to add that in
22 addition to the applicant, the application,
23 subsequent to the application, the applicant
24 submitted four photographs for us to look at,

1 August 17, 2023
2 which I actually found helpful. They did clarify
3 to me exactly what they were doing. I drove past
4 this as well. It is, it is next to a very wooded
5 area, I don't think you're actually going to be
6 able to see this, you know, from the street. And
7 I have no problem with it. Anyone else on the
8 board have any comments?

9 MR. MARTINEZ: I do not have any problem
10 with this. I totally agree with you and Michelle.

11 MR. WALSH: I concur. I don't have any
12 issues with it.

13 MR. BELOFF: I have no issues.

14 MR. FLEMING: All right. So, in that
15 case --

16 MS. PICCOLO HILL: So I'd like to make a
17 motion to approve the variance.

18 MR. MARTINEZ: Second it.

19 MR. FLEMING: All in favor?

20 MULTIPLE: Aye.

21 MS. PICCOLO HILL: So the motion is
22 approved.

23 MR. FLEMING: Any opposed? All right. So
24 the motion is approved. We will send a letter

1 August 17, 2023

2 out, and the applicant will have to work with the
3 building department for any further permit work
4 to do.

5 MR. KEHOE: Yeah, the decision and order
6 will be given to the department of code
7 enforcement and also mailed to the applicant.

8 MR. FLEMING: All right, can I have a
9 motion to adjourn?

10 MR. WALSH: Motion to adjourn the
11 meeting.

12 MR. BELOFF: Second.

13 MR. MARTINEZ: Second.

14 MR. FLEMING: All in favor?

15 MULTIPLE: Aye.

16 MR. FLEMING: Meeting is adjourned.

17 (The public board meeting concluded at 7:16 p.m.)

CERTIFICATE OF ACCURACY

I, Ryan Manaloto, certify that the foregoing transcript of the Board of Zoning Appeals meeting of the Town of Cortlandt on August 17, 2023 was prepared using the required transcription equipment and is a true and accurate record of the proceedings.

Certified By



Date: September 5, 2023

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