

TOWN OF CORTLANDT
PLANNING AND ZONING BOARDS

ZONING BOARD MEETING

Town Hall
1 Heady Street
Cortlandt Manor, NY 10567
February 15, 2024
7:00 p.m. - 8:18 p.m.

February 15, 2024

MEMBERS PRESENT:

Michael Fleming, Chairman

Wai Man Chin, Vice-Chairman

Chris Beloff, Member

Frank Franco, Member

Michelle Piccolo Hill, Member

Benito Martinez, Member

Thomas Walsh, Member

ALSO PRESENT:

Chris Kehoe, AICP, Director of Planning

Michael Cunningham, Deputy Town Attorney

Martin Rogers, Director of Code Enforcement

1 February 15, 2024

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

3 MR. MICHAEL FLEMING: The February 15,
4 2024 meeting of the town of Cortlandt Zoning
5 Board of Appeals. I'd like to invite everybody
6 who wishes to do so join me in saying the pledge
7 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, I announced
14 this earlier, but we have a slight change to the
15 agenda. We are going to hear the last case on the
16 agenda first since that's an adjourned public
17 hearing from our last meeting, and we,
18 traditionally our rule is to finish the adjourned
19 hearings first, so we'll be hearing that case
20 first. Before that though, we just have a couple
21 of paperwork, we have to do roll call. Can
22 everybody hear me?

23 MR. CHRIS KEHOE: You've got to keep the
24 mic close.

1 February 15, 2024

2 MR. FLEMING: Okay. Thank you. Sorry
3 about that. So first, we have to do roll call.

4 MR. KEHOE: Ms. Piccolo Hill?

5 MS. MICHELLE PICCOLO HILL: Here.

6 MR. KEHOE: Mr. Martinez?

7 MR. BENITO MARTINEZ: Here.

8 MR. KEHOE: Mr. Fleming?

9 MR. FLEMING: Here.

10 MR. KEHOE: Mr. Chin?

11 MR. WAI MAN CHIN: Here.

12 MR. KEHOE: Mr. Walsh?

13 MR. THOMAS WALSH: Here.

14 MR. KEHOE: Mr. Beloff?

15 MR. CHRIS BELOFF: Here.

16 MR. KEHOE: Mr. Franco noted as absent.

17 And just for the record, for the stenographer,
18 we're joined tonight by Martin Rogers, the
19 director of code enforcement.

20 MR. FLEMING: Thank you. First, before
21 we move on to the adjourned public hearing and
22 the new public hearings, has everyone had an
23 opportunity to review the meeting minutes from
24 the January 18th hearing?

1 February 15, 2024

2 MS. PICCOLO HILL: Yes.

3 MR. FLEMING: All right, then I would
4 need a motion.

5 MR. WALSH: Motion to approve the
6 minutes.

7 MR. FLEMING: A second?

8 MR. CHIN: Second.

9 MR. FLEMING: All in favor?

10 MULTIPLE: Aye.

11 MR. FLEMING: Any opposed? The meetings
12 are approved -- the minutes are approved. All
13 right, so we are first going to go to like I
14 said, the adjourned public hearing from the last
15 meeting. This is case number 2023-17, the
16 application of Parth Patel. Our anticipation on
17 this is not to issue a ruling tonight but to take
18 the matter under advisement. Nonetheless, we
19 would like to accept any information from, from
20 the applicant as well as the public. I did cut
21 off Michelle [unintelligible] [00:02:05] I wanted
22 --

23 MS. PICCOLO HILL: Yeah, that's fine.

24 MR. FLEMING: -- to let everybody know

1 February 15, 2024

2 our plan is not to make a ruling from the, from
3 the floor tonight. But, Michelle, if you have
4 anything else to add, please do.

5 MS. PICCOLO HILL: No, that's it. Do you
6 want, should I just read -- do you want to read
7 the whole --

8 MR. FLEMING: Please, go ahead.

9 MS. PICCOLO HILL: Okay. So this case
10 number 2023-17, application of Parth Patel for an
11 interpretation of the zoning ordinance appealing
12 the denial of a building permit for a new one-
13 family residence for the property located at 41
14 East Hill Road.

15 MR. CLIFFORD DAVIS: Okay, thank you.
16 Good evening, Mr. Chairman, members of the zoning
17 board. My name is Clifford Davis, 200 Mamaroneck
18 Avenue, Suite 602, White Plains, New York. I
19 represent Mr. Patel. We made our submission,
20 initial submission on December 11, 2023. And in
21 that analysis, I walked through the merger
22 statute. And I just want to remind the board that
23 the merger statute of this town is 307-8. And
24 that the only way that lots can be merged is

1 February 15, 2024

2 pursuant to a merger statute. And that's set
3 forth with case law in my December 11, 2023
4 submission.

5 We walked through that merger statute,
6 and what that merger statute requires is that if
7 you look at the lot width of the four lots that
8 are issued -- that are at issue here, and they,
9 all these four lots were created pursuant to the
10 1907 map, that if you take all of the four lots,
11 and then you take the square -- the area divided
12 by I think the depth, it comes to, what is it,
13 it's 100 feet where 150 feet is required. So just
14 from that simple calculation under 307 -- under
15 307-8, there should be no merger and Mr. Patel
16 should be able to continue with his building
17 permit application.

18 And we're not here to, for him to just
19 get a rubber stamp. He has to meet all of the
20 requirements, although he doesn't have to meet
21 the requirements of the area because it's from
22 the 1907 map.

23 Now, the denial letter of Mr. Rogers
24 refers to C of O, refers to the building permit

1 February 15, 2024

2 and the sewer district. They're all to serve lots
3 10 and 11. The house is on lots 10 and 11. Lots
4 25 and 25 (SIC) is vacant woods.

5 The board had raised issues at the last
6 public hearing whether Mr. Patel received any
7 benefits by the fact that he also owns lots 25
8 and 26. Did he receive any benefits when the
9 house was built in 1996 from the square footage
10 of lots 25 and 26? There are no benefits from
11 lots 25 and 26. We submitted the expert letter
12 from Cronin Engineering regarding the four lots
13 which were created on that 1907 map. And that's
14 the same map that this board had to address in
15 Cozzi in which it permitted a single family house
16 on a 7,500 square foot house. The Cronin expert
17 report said that there were no benefits, that as
18 a result of doing the setbacks of the square
19 footage that was permitted, that Mr. Patel, or
20 his predecessor, the builder, was allowed to
21 build a 3,290 square foot house, which is what he
22 could build then, what he could build now, the
23 house is much more modest and it's only 2,758
24 square feet. So that house met the bulk

1 February 15, 2024

2 requirements and the maximum permitted floor area
3 of 3,290 square feet in 1996. And that would be
4 the same now.

5 So, I believe one of the board members
6 was concerned that Mr. Patel was trying to say
7 that when it's convenient for Mr. Patel, he wants
8 it as one lot, and when it's convenient that he
9 doesn't want it, he wants it as separate lots.
10 That has never been our position. The position
11 has been that lots 25 and 26, the vacant woods,
12 doesn't add any value to his property, to lots 10
13 and 11 where the house is, that lots 10 and 11
14 have their own separate backyard and in fact,
15 people dump grass clippings on lots 25 and 26,
16 which detract from the community. And what we're
17 hoping to do is to build a single family house
18 that meets all the setbacks, other than area,
19 because pursuant to the 1907 map, we don't have
20 to meet that. And he would build that on lots 25
21 and 26.

22 We submitted photographs of what, of,
23 from looking at lots 25 and 26. It's sort of like
24 a gapless tooth in the community. And it would be

1 February 15, 2024

2 a house that would be -- that would be built
3 totally consistent with all the other houses that
4 are there.

5 Mr. Patel also submitted an affidavit,
6 and in that affidavit, it refers to a case called
7 Matherson. And in Matherson, it dealt with a
8 merger statute on Long Island in Islip. And the
9 issue there was whether the lots were used in
10 conjunction with each other. And the Second
11 Department, which covers this area, it's the
12 Appellate Court, basically set forth a test and
13 said that the rear yard lots on parallel streets,
14 they're both on East Hill Road, only because it
15 comes around, but they're really parallel streets
16 that the lots 25 and 26, which are the woods and
17 vacant, they're not used in conjunction with lots
18 10 and 11. Lots 25 and 26 do not improve lots 10
19 and 11. They're just not used. They're not part
20 of the backyard. And then, there are grass
21 clippings so it actually detracts.

22 So we believe that there are no benefits
23 to lots 10 and 11 from 25 and 26. The house could
24 not have been larger, it was limited to 3,290

1 February 15, 2024

2 square feet, even though what was built in 1996
3 was much smaller.

4 So I've submitted all the documentation.
5 It's our belief that there was no merger. And if
6 there was no merger, then we believe that Mr.
7 Patel should be able to proceed with his building
8 permit application and what is proposed is to
9 build a single family house on lots 25 and 26.
10 And I'm here to answer any questions.

11 MS. PICCOLO HILL: No, no questions.

12 MR. FLEMING: I'll go through the board,
13 if anyone has any questions for the applicant.

14 MR. DAVIS: And just so from a
15 mathematical standpoint and Exhibit E to my
16 December 11th letter, our engineer set forth the
17 calculation showing that when you took all of the
18 four lots and, and you looked at the square
19 footage to determine the lot width, the
20 calculation there is showing that it's not even
21 at 100 feet when 150 feet is needed. And pursuant
22 to 307-8, if you don't meet that calculation,
23 then the lots do not merge.

24 MR. FLEMING: Again, any of the members

1 February 15, 2024

2 of the board have any questions or comments? No?

3 MR. CHIN: Not on my end.

4 MR. FLEMING: All right, any other
5 questions or comments?

6 MS. PICCOLO HILL: No.

7 MR. FLEMING: All right. We're taking
8 the matter under advisement.

9 MR. MICHAEL CUNNINGHAM: And it's still
10 a public hearing.

11 MR. FLEMING: Oh, you're right, I'm
12 sorry. We do. Please, if any members of the
13 public have any comments they wish to make on
14 this, please come forward. When you come forward,
15 can you please just state your name and your
16 address.

17 MR. ROBERT GROSS: Sure, good evening to
18 the board. My name is Robert Gross, I reside at
19 the adjacent lot there, I think it's 27, so my
20 house is at 25 East Hill Road. When we bought
21 that house, I was looking at that lot, and as far
22 as grass clippings, I can tell you what goes on
23 there. If anything, it's people from up above,
24 kids play in that area. They actually use that

1 February 15, 2024
2 lot, then play, they have set up on some of the
3 old tree stumps and some of the old fallen
4 timbers, they actually have like almost like a
5 little yard back there. I go back there, why,
6 because I can see what goes on back there. And
7 members of the board that were this, this board,
8 that were up on the upper lot that was approved
9 for the house, you could -- if you come during,
10 during one of the sunsets, that, that would be
11 totally blocked by that lot. So the bottom line
12 is there's total benefit to the 10 and 11 by
13 having, you know 25 and 26 there. It's clearly
14 not wide enough for a home. It, you know, the
15 setback might be correct, but not the width. But
16 as far as that, if the impression is that lot is
17 a dumping ground for the neighborhood, and people
18 are throwing things, I can tell you I've gone in
19 there and I've cleaned things up because I think
20 inadvertently people might drive by, through
21 things back there. But if anything, it's actually
22 a play area for people up above. But, you know,
23 it'd be our position that it's -- when I moved in
24 I didn't expect to see another, another house

1 February 15, 2024

2 right next to, to my house. Thank you.

3 MR. FLEMING: Thank you. Any other
4 members of the public have any comments? Do we
5 have anyone on Zoom who has any comments? No. All
6 right.

7 MR. KEHOE: One thing I might suggest is
8 just keep the public hearing open just in case
9 something comes up between now and next month. I
10 mean it's your prerogative. It's not up to me,
11 but I would just be thinking that maybe you'd get
12 one more --

13 MR. FLEMING: I don't have a problem
14 with that. Let's, let's have a motion to adjourn
15 the public hearing, then, and then we'll allow
16 further public hearing next month before we do
17 formally vote. Any problems with that anybody?

18 MR. MARTINEZ: I make a motion.

19 MR. FLEMING: All right, motion made. Do
20 I have a second?

21 MS. PICCOLO HILL: Second.

22 MR. FLEMING: All right. All in favor?

23 MULTIPLE: Aye.

24 MR. FLEMING: Any opposed? All right. So

1 February 15, 2024

2 we're adjourning this to the next pub- to the
3 next hearing. What's the date of the next
4 hearing?

5 MR. KEHOE: March 21st.

6 MR. FLEMING: Okay. So it's March 21,
7 2024, 7:00 o'clock. Unless we have another
8 adjournment today, we'll have you guys first, if
9 not, we usually go alphabetically, if there's two
10 adjourned hearings. So we'll let you know about
11 that. But you'll be hearing next week.

12 MR. DAVIS: If I can just --

13 MR. FLEMING: You're welcome, please,
14 please do?

15 MR. DAVIS: Should we expect a decision
16 one way or the other at the next meeting, or is
17 it now going to be two more meetings?

18 MR. FLEMING: I think it's likely you
19 will get a decision, but I can't promise that,
20 because if someone from the public does come in
21 and makes comments that would cause us to have to
22 not be able to make a decision, we have to --
23 we'd have to consider that, so.

24 MR. DAVIS: Understood.

1 February 15, 2024

2 MR. FLEMING: I, I do think it's more
3 likely than not that you will get a decision next
4 month.

5 MR. DAVIS: Thank you.

6 MR. FLEMING: Okay. All right. The next
7 case is Robert Harper and Wendy Kaufman.

8 MR. CHIN: 2024-1.

9 MR. FLEMING: And that was you?

10 MR. WALSH: No, me.

11 MR. FLEMING: Tom, all right, Mr. Walsh.

12 MR. WALSH: Case number --

13 MR. FLEMING: Sorry, before you go --
14 thank you, thank you, Martin. I mean we do very
15 much appreciate it. Have a good evening. So, Mr.
16 Walsh, go ahead.

17 MR. WALSH: That's all right, case
18 number 2024-1, applicant John Powers on behalf of
19 Robert Harper and Wendy Kaufman, address 7
20 Furnace Brook Drive, for an area variance, front
21 yard, side yard and building coverage minimum for
22 a proposed addition to an existing residence.
23 Anybody here on the applicant? Mr. Power, would
24 you like to just go over the project and what

1 February 15, 2024

2 you're planning to do and what the -- we go
3 through our five factors, you can talk about the
4 five factors too.

5 MR. FLEMING: John, just before you
6 begin, I just want to put on the record about
7 ten, 12 years ago, John Power was my architect
8 and did a project for me. I don't believe there's
9 any conflict that would cause me to recuse myself
10 just because of that, but I did just want to
11 state that I do know of the applicant's
12 architect.

13 MR. JOHN POWER: Okay. My name is John
14 Power, 24 Van Wyck Street, Croton on Hudson, New
15 York. I'd like to pass this letter of support out
16 to everyone.

17 MS. PICCOLO HILL: Thank you.

18 MR. FLEMING: Sir, do me a favor, and
19 give the original to Chris Kehoe, because he'll
20 make sure that gets into the file.

21 MS. PICCOLO HILL: Thank you.

22 MR. FLEMING: Thank you. That's fine.
23 We'll pass them out so you don't have to. That's
24 fine. Do you guys have enough?

1 February 15, 2024

2 MR. KEHOE: I'll take the original. Oh,
3 you want to keep?

4 MR. FLEMING: Wai.

5 MR. CHIN: I got one.

6 MR. FLEMING: Oh, perfect.

7 MR. CHIN: No. Do you need them?

8 MR. FLEMING: We're good, everyone has
9 one. Thank you, sir.

10 MR. POWER: Okay. So that is from the
11 neighbor at 9 Furnace Brook Drive, the
12 neighboring property where abuts the, the side
13 yard we're requesting the side yard variance
14 from. So, should I read --

15 MR. WALSH: Just go over what you're
16 proposing, what the --

17 MR. POWER: Okay. So this residence,
18 we've been planning a number of additions and
19 alterations, going out the rear, going out the
20 side and because primarily through my narrative,
21 because the lot is so much undersized as to the
22 zoning, zoning area, we've had a few tight spots.
23 I would just say the front yard setback, the
24 entire front of the home now is well within the

1 February 15, 2024

2 front yard. And the thing that we're doing is
3 taking an opportunity to alter the front porch,
4 to do a symmetrical related to the front
5 elevation that got the two doghouse dormers
6 there, and the front porch now is not symmetrical
7 or off center. So the design is to do a timber
8 structure, as the drawings illustrate. And what
9 we're doing with that is not coming out further
10 with the porch itself as far as the footprint,
11 but the timber structure itself we want to bring
12 that timber structure out an extra I believe 18
13 inches past where it is now. So it really is a
14 matter of an overhang situation and not a
15 footprint. So that's the one with regard to the
16 front yard setback.

17 The side yard setback is related to a,
18 making this house an accessible dwelling relating
19 to a, a ramp that will go to one side of the home
20 and end up as a rear corridor that would allow
21 accessibility for a bedroom level, primary
22 bedroom level to age in place situation.

23 And then the third, this third variance
24 is primarily just related to coverage, and just

1 February 15, 2024

2 the proposed design just goes over that limit,
3 the fact that this is a small, a smaller lot,
4 just by 40, 40 square feet. So those are the
5 three requested variances.

6 So, as far as the five points, I haven't
7 done this here, I think only one other time. So,
8 I live in Croton, and they have a more, bit of a
9 casual in a much smaller room, so I'm a little
10 intimidated, by the space here.

11 So, we've got, so these three variances
12 are related to the size of the lot and also the
13 fact that this home was built in the position
14 that it was built originally.

15 MR. WALSH: Do you know when the house
16 was built?

17 MR. POWER: Sorry?

18 MR. WALSH: Do you know when the house
19 was built? I know it's pre-zoning, but
20 approximate age.

21 MR. POWER: I could ask -- I don't know
22 personally, no, I've been told from the client,
23 the owner, that this was some sort of utility
24 structure because the, the first floor --

1 February 15, 2024

2 portions of the first floor are concrete slab,
3 especially over the garage. The whole first
4 floor, not only the basement level, or, but the
5 whole first floor is, could be, pretty sure it's
6 concrete block with that stone, as you can see in
7 the photographs, that's stone veneer. So it's a
8 belief that -- the owner believes that this was
9 more of a utility building. For what purpose, I
10 don't know. And was at one point, you know,
11 converted into a residence, so --

12 MS. WENDY KAUFMAN: In the 1940s.

13 MR. POWER: -- in the 1940, they're
14 suggesting.

15 MR. WALSH: Okay.

16 MR. CHIN: Well, it was 1940, that's
17 way, way before zoning. Zoning was in 1951, okay.
18 And so this house is way before the zoning.

19 MR. POWER: The regulations, yeah, yes.
20 But we're trying to keep, you know, really the
21 architectural -- the additions are trying to keep
22 and relate to the stone, which is very nice. And,
23 you know, to maintain, most of the additions that
24 I've done, to maintain roof slopes, so that

1 February 15, 2024

2 basically the addition -- I always seek to look
3 at the additions, which I do mostly, and
4 alterations, to seek to make an addition like it
5 had always been there. And that's what we're,
6 that's what we're going for here.

7 MR. FLEMING: All right.

8 MR. WALSH: I was out to the site
9 yesterday, I actually drove by and took a look at
10 it. As I go through the requested variances and
11 our five factors, you know, the front yard
12 setback, you're not proposing anything new. The
13 porch is existing, the stairs are existing,
14 you're not going out past the stairs.

15 MR. POWER: No, it's primarily this
16 structure that's really --

17 MR. WALSH: Okay.

18 MR. POWER: That's really because of
19 the, the drawing that shows the elevation front,
20 that's quite a tall structure and I explained
21 that we need to reach out a little further to
22 protect it from a wind driven snow or rain, so
23 that as far as the overhang needs to go out
24 further.

1 February 15, 2024

2 MR. WALSH: So you're not -- the stairs,
3 I mean from what I had seen --

4 MR. POWER: No.

5 MR. WALSH: -- from my inspection.

6 MR. POWER: The stairs probably --

7 MR. WALSH: The stairs are the same,
8 they're not, we're not projecting --

9 MR. POWER: The stairs are not even
10 going to be --

11 MR. WALSH: -- any further out.

12 MR. POWER: -- altered. The only thing
13 that's going to happen with the stairs is the
14 railings are failing, so the railings are going
15 to be replaced. And then, like I said, the idea
16 is to have a symmetrical, triangular timber
17 structure that's perfectly centered between those
18 two dormers on the second floor.

19 MR. FLEMING: The delta from the
20 existing -- sorry to interrupt, but the delta
21 from the existing to the new is you're really
22 talking about something less than three feet it
23 seems like from where the new overhang will be to
24 where the existing stairs are in terms of the --

1 February 15, 2024

2 because the setback is 50 feet, and the existing
3 setback right now is 37 feet.

4 MR. POWER: Yes.

5 MR. FLEMING: While your proposed
6 setback does -- it's 32 percent of -- you know,
7 so it is a relatively, you know, I wouldn't say
8 large variance, but the variance from the
9 existing, which exists as of right --

10 MR. POWER: Right.

11 MR. FLEMING: -- is relatively small.
12 You're only talking about a two or three feet
13 delta, right.

14 MR. POWER: Yes.

15 MR. FLEMING: Okay. So I just wanted to
16 make sure I understood exactly what they were
17 saying, so.

18 MR. WALSH: And again, like what I was
19 saying too, the stairs are still the existing
20 stairs. They're not, the stairs aren't coming out
21 any further --

22 MR. FLEMING: Right.

23 MR. WALSH: -- into the front yard
24 setback, it's --

1 February 15, 2024

2 MR. FLEMING: It's just that the roof is
3 going to overhang.

4 MR. WALSH: -- just the roof pitch is
5 going down --

6 MR. FLEMING: Okay. Thank you.

7 MR. WALSH: -- three more feet, so.

8 MR. FLEMING: I appreciate it.

9 MR. WALSH: The second variance is for
10 the side yard and that's for the, the ramp. We've
11 approved those, you know, in a couple of cases
12 that I've been on the board. I don't see that
13 being any sort of detriment to the neighborhood.
14 And then the building coverage, two percent for
15 only 40 square feet is not very large and be
16 keeping in character with the neighborhood. You
17 know, as I drove through the neighborhood,
18 there's a lot of large, beautiful homes that are
19 built in there recently or added onto in there
20 recently, so it is keeping in character with the
21 neighborhood. So, I don't believe there's an
22 undesirable change with these requested
23 variances. The benefits sought by the applicant,
24 I don't think it's very substantial that they're

1 February 15, 2024

2 asking for. And then going to be adverse impact
3 on the neighborhood, I don't think it is. And
4 then whether it's self-created, all variances are
5 self-created by nature, so I have no issue with
6 me voting in favor of this.

7 MR. FLEMING: Anyone else on the board?

8 MR. CHIN: Yeah, I would like to say
9 also, I agree with Mr. Walsh on everything. Like
10 I say, the house was built prior to zoning, at
11 least a good ten years or more maybe, who knows,
12 and what you're proposing right now, is because
13 the setbacks are set on the new code and you're
14 way beyond the setback requirements anyway, so
15 you're not really going beyond a great percentage
16 compared to your house where it is now. There's
17 hardly anything, like Mr. Fleming had said, you
18 know, it's not based on the 50 foot setback, it's
19 based on, only, you know, your building is 34,
20 you're only coming out another two feet, that's
21 really nothing, you know what I mean. So again, I
22 see no problem with what you're asking for and I
23 would approve this no problem.

24 MR. FLEMING: Okay. Any other comments?

1 February 15, 2024

2 MR. FLEMING: I'd also like to echo that
3 I don't think there's any problem with this, with
4 your plans. I want to give you kudos on the
5 photo- the pictures, the proposed work. I think
6 this house is going to look gorgeous when it's
7 done and will really fit into this neighborhood,
8 so I commend you on your work. Otherwise, I think
9 at this point, Tom, we need a motion?

10 MR. WALSH: We need to see if there's
11 anybody else and then in the audience who wants
12 to speak.

13 MR. FLEMING: Anyone else in the public
14 have any comments to make?

15 MR. WALSH: Online?

16 MR. FLEMING: Anyone on Zoom have any
17 comments to make?

18 MR. CHIN: Anybody on Zoom? No, okay.

19 MR. FLEMING: Very good. So then Tom, we
20 do need a motion.

21 MR. WALSH: All right, I'd like to make
22 a motion for case number 2024-1, for 7 Furnace
23 Brook Drive to close the public hearing.

24 MR. CHIN: Second.

1 February 15, 2024

2 MR. FLEMING: All in favor?

3 MULTIPLE: Aye.

4 MR. FLEMING: Any opposed? Now, public
5 hearing is closed.

6 MR. WALSH: All right, for case number
7 24 -- 2024-1, applicant John Power on behalf of
8 Robert Harper and Wendy Kaufman for 7 Furnace
9 Brook Drive, for an area variance, front yard,
10 side yard and building coverage minimum proposed
11 addition, front yard required 50 feet, going down
12 to 34 feet, 16 foot variance which is 32 percent,
13 side yard, 27 and a half is required, proposed
14 20, seven and a half foot variance for 27 percent
15 and building lot coverage required 3,071,
16 proposing 3,111 square feet for a 40 foot
17 variance at two percent. This is SEQRA type II,
18 no further compliance required.

19 MR. CHIN: Second.

20 MR. FLEMING: Alright, Chris, can you
21 please poll the board?

22 MR. KEHOE: Ms. Piccolo Hill?

23 MS. PICCOLO HILL: Approve.

24 MR. KEHOE: Mr. Martinez?

1 February 15, 2024

2 MR. MARTINEZ: Approve.

3 MR. KEHOE: Mr. Chin?

4 MR. CHIN: Approve.

5 MR. KEHOE: Mr. Walsh?

6 MR. WALSH: Yeah.

7 MR. KEHOE: Mr. Beloff?

8 MR. BELOFF: Approve.

9 MR. KEHOE: Mr. Fleming.

10 MR. FLEMING: Approve.

11 MR. KEHOE: Motion carries, six to zero.

12 MR. FLEMING: All right, you'll be
13 hearing --

14 MR. DAVIS: Thank you so much.

15 MR. FLEMING: -- you'll be hearing,
16 you'll get a decision and order from us, it'll go
17 out next week?

18 MR. KEHOE: Yeah. I'll draw up the
19 decision and order. It gets sent to Martin and
20 then as soon as Martin gets it, he can continue
21 reviewing your building permit application.

22 MR. DAVIS: Right.

23 MR. FLEMING: Congratulations and good
24 luck.

1 February 15, 2024

2 MR. DAVIS: Thank you. Take care.

3 MR. WALSH: It wasn't that scary, was
4 it?

5 MR. FLEMING: It really does look
6 beautiful. All right, we have, Benito, you have
7 the last case?

8 MR. MARTINEZ: Yes.

9 MR. FLEMING: All right, you can go
10 ahead and call it.

11 MR. MARTINEZ: Okay. We have the case
12 number 2024-2, the name of the applicant is Beth
13 Cofini, address is 23 Willow Place, the request
14 variance is for to permit to have five dogs where
15 there is three allowed. Can you please state your
16 name and let us know.

17 MS. BETH COFINI: Good evening, my name
18 is Beth Cofini. I really don't know what to do up
19 here, so you'll have to bear with me.

20 MR. FLEMING: Honestly, any statements
21 you want to make, we're happy to listen to them.
22 Some members of the board may have questions for
23 you.

24 MS. COFINI: Okay.

1 February 15, 2024

2 MR. FLEMING: And they'll certainly ask
3 them. When you got your letter from, from the
4 planning board, I don't know if you saw, but
5 there were five factors that were identified that
6 our board considers when we decide to grant
7 variances or not. You probably will hear them,
8 and to the extent you want to have us tell you
9 them, if you want to try and address those
10 factors, we're happy to do so. Hang on one
11 second, I can read those for you.

12 MS. COFINI: I mean one thing that I
13 really want to push is the fact that I know the
14 property is one of your issues. But if you look
15 at the pictures that were sent, you can see that
16 behind my house is completely all woods, which
17 goes all the way down to the golf course. So the
18 dogs have plenty of room to run. There is an
19 electric fence on the property. They stay within
20 the electric fence. Does the electric fence
21 break? Absolutely. Did the batteries --

22 MR. MARTINEZ: And how long --

23 MS. COFINI: -- run out? Absolutely. But
24 I've been there since 2006, and I've never had a

1 February 15, 2024

2 problem.

3 MR. MARTINEZ: How old are the dogs?

4 MS. COFINI: The youngest is four and
5 the oldest is eight.

6 MS. PICCOLO HILL: Just a question, you
7 said, but now the dogs don't -- do they go
8 unaccompanied on the property abutting your
9 property?

10 MS. COFINI: No.

11 MS. PICCOLO HILL: Okay. So --

12 MS. COFINI: Not unless, I mean is it a
13 possibility that they would wander over there? Of
14 course. If the battery is not working, or if,
15 like I said, the fence is not working. And we've
16 had several issues where the fence hasn't worked.
17 For the most part, they know their boundaries,
18 because they're not allowed -- we have a large
19 front yard and they can't go any more than about
20 ten feet from the path going to the front door.
21 So they've never run out.

22 Now, I know you're thinking about the
23 bite. First of all, I don't know how that
24 transpired. I wasn't there. I didn't see it. All

1 February 15, 2024

2 I know is the guy got bit. I have no idea if he
3 tried to pet the dog. I don't know if he was too
4 close to my property. I can't answer that. But
5 whether I have five dogs or whether I have one
6 dog, there's always the possibility of somebody
7 getting bit --

8 MR. MARTINEZ: And to your knowledge --

9 MS. COFINI: -- whether they're on a
10 leash or on the property.

11 MR. MARTINEZ: To your knowledge, how
12 many times did this incident happen with the --

13 MS. COFINI: One time in, since I've
14 been there since 2006.

15 MS. PICCOLO HILL: I'm just curious,
16 have you ever considered a solid fence, if the
17 batteries die a bunch?

18 MS. COFINI: What I'm looking into,
19 excuse me, right now, are the halo collars, by
20 Caesar. I don't know if you are familiar with
21 him. My neighbor across the street has one and
22 they have a chocolate lab that's probably about a
23 year now or two years, and the dog stays within
24 the confines and the great thing with it is that

1 February 15, 2024

2 you can use the phone to set the parameters as to
3 where the dog can go, so there's no chance of
4 break in the fence per se.

5 MS. PICCOLO HILL: Would you ever
6 consider a solid fence?

7 MS. COFINI: Around the entire property?

8 MS. PICCOLO HILL: Around where you let
9 the dogs out.

10 MS. COFINI: That would be the entire
11 property. That's a lot of money.

12 MR. FLEMING: The Caesar system is still
13 battery operated too, so you still have the
14 possibility of the batteries dying, correct?

15 MS. COFINI: Sure. There's also a
16 possibility of the fence falling down. I mean
17 we're looking at apples and oranges. There's a
18 possibility for anything to happen.

19 MR. CHIN: Yeah, but --

20 MS. COFINI: A dog is a dog. I mean --

21 MR. CHIN: Yeah, but, excuse me, but the
22 incident did happen, because your dog did bit,
23 bite somebody, alright.

24 MS. COFINI: I understand.

1 February 15, 2024

2 MR. CHIN: And because even though you
3 have an electric fence, I know because I used to
4 have an electric fence and my dog used to go
5 through that like nothing, it didn't bother him
6 at all, okay. But I'm just saying, it doesn't
7 matter, if the guy was right outside your
8 property line, he bit somebody.

9 MS. COFINI: Yes.

10 MR. CHIN: So that's the problem. You
11 know, but the thing is that you have, you have --

12 MS. COFINI: And my question, I guess my
13 question --

14 MR. CHIN: -- right now, excuse me,
15 excuse me. I'm, I'm trying to say that right now,
16 you're only permitted three dogs rather than five
17 dogs by code, okay. So you're asking for a
18 variance of permitting you to have five dogs.

19 MS. COFINI: Mm-hmm.

20 MR. CHIN: But we're trying to figure
21 out how to permit you, you know, stay with the
22 five dogs by doing something that you might have
23 to do to protect yourself and your dog and from
24 people walking by your property. I mean I have --

1 February 15, 2024

2 I live in the woods also, I mean, you know, when
3 I put my electric fence on, back then, it went
4 around my whole property. Not just -- that means
5 he couldn't get out into the woods or whatever by
6 himself. Okay. So, you know, you can't just put
7 an electric fence in the front of your property
8 and it's, you know --

9 MS. COFINI: It goes around my entire
10 house.

11 MR. CHIN: Yeah, but no, I'm not saying
12 -- there, people could be walking in the woods.
13 It's not your woods, you know what I mean.

14 MS. COFINI: For the most part, it is.

15 MR. CHIN: How far? I mean how far? I
16 mean, you know, you could put an electric fence
17 up --

18 MS. COFINI: Probably about three-
19 quarters of an acre in from the house, most --

20 MR. CHIN: What I'm saying --

21 MS. COFINI: Most of my property is in
22 the back.

23 MR. CHIN: -- I mean I put an electric
24 fence around my house. But I didn't go all the

1 February 15, 2024

2 way to the property line.

3 MS. COFINI: But I did. I did.

4 MR. CHIN: Yeah, all the way around the
5 property, all the way around the whole house?

6 MS. COFINI: It's around the whole
7 house.

8 MR. CHIN: So that means he's not
9 supposed to go to the vacant lot or next door --

10 MS. COFINI: Correct.

11 MR. CHIN: -- without him getting
12 zapped?

13 MS. COFINI: Correct.

14 MR. CHIN: Okay. Alright. So maybe, you
15 know, I don't know, like I say, like Ms. Piccolo
16 said, you know, a solid fence, it's probably more
17 ideal, but, you know, it is costly, okay. But
18 with electric fences, you've got to make sure
19 that that's maintained --

20 MS. COFINI: Yes.

21 MR. CHIN: -- all the time. And, you
22 know, and if people walk outside your driveway or
23 whatever, walking out, your dog just can't just
24 jump through and bite somebody, you know, that's

1 February 15, 2024

2 going to be on you. It doesn't matter if you have
3 an electric fence or not.

4 MS. COFINI: And it doesn't matter if I
5 have six dogs or one.

6 MR. CHIN: That's true.

7 MS. COFINI: There's always that chance.

8 MR. CHIN: Yes, I understand that.

9 MS. COFINI: But if we're basing one
10 incident of a bite, how is that comparable to
11 whether or not I have five dogs?

12 MR. FLEMING: And there was a second --

13 MS. COFINI: And this is where my --

14 MR. CHIN: Excuse me.

15 MS. COFINI: -- concern is.

16 MR. CUNNINGHAM: So, so I think just to
17 -- so just code by code, why we're here, you can
18 only have three dogs on the property. Whether you
19 agree it's a smart code or whether it's a bad
20 part of the code, you can only have three dogs on
21 the property. So that's why you're here. And
22 there was another alleged incident too, where the
23 dog migrated off the property and was chasing --

24 MS. COFINI: He didn't chase anyway.

1 February 15, 2024

2 MR. CUNNINGHAM: Well, I'm just saying
3 what, what was alleged, and he was chasing an
4 elderly person who fell and injured themselves.

5 MS. COFINI: He never chased the person.

6 MR. CHIN: Wow.

7 MS. COFINI: I'm just saying -- I'm just
8 saying what was alleged.

9 MS. COFINI: Yeah, it's alleged big
10 time.

11 UNIDENTIFIED MALE: I was there.

12 MS. PICCOLO HILL: Are they, are they --

13 MR. FLEMING: Again, no one else in the
14 public, please -- we, we will -- you're welcome
15 to speak in the future, you'll be able to come up
16 to the podium, but yelling out from the audience,
17 one doesn't --

18 MR. CHIN: Doesn't work.

19 MR. FLEMING: -- recorded and so it's
20 just really not appropriate, so I'd appreciate it
21 --

22 UNIDENTIFIED MALE: So sorry.

23 MR. FLEMING: When, when we're finished,
24 you're welcome to come up and give any comments

1 February 15, 2024

2 you want. Thank you sir.

3 MS. PICCOLO HILL: Are the, are the --

4 MR. MARTINEZ: Ms. Cofini, I believe --

5 I'm sorry.

6 MS. PICCOLO HILL: No, that's okay. I

7 was just going to say are the dogs accompanied

8 when they're outside?

9 MS. COFINI: For the most part, yes.

10 MS. PICCOLO HILL: So you don't leave

11 them outside when you're not there, or you're

12 outside with them when they're outside?

13 MS. COFINI: For the most part, yes. Do

14 I let them out to go to the bathroom and not go

15 outside with them, yes, sometimes I do.

16 MS. PICCOLO HILL: I mean I'm just --

17 I'm just asking because, you know, unfortunately,

18 if a dog does bite someone, it also puts the dog

19 at risk.

20 MR. KEHOE: Michelle, you need to get

21 closer to the mic.

22 MS. PICCOLO HILL: I'm sorry. I was just

23 asking some of these questions, because, you

24 know, if the dog bites someone, they're also put

1 February 15, 2024

2 at risk. So --

3 MS. COFINI: But let's go back to the
4 bite, all right. The skin wasn't broken, there
5 was no blood.

6 MR. CHIN: Doesn't --

7 MS. COFINI: So it was a nip. It wasn't
8 a bite the way you're thinking it was a bite.

9 MR. CHIN: Not from the picture.

10 MS. COFINI: He did not press charges.
11 He did not come back to me for money if he was
12 going to the ER, all he did was report it to the
13 town. And now we're making this into a major
14 issue.

15 MS. PICCOLO HILL: Oh I'm, please don't
16 misunderstand me. I'm just questioning if you'd
17 be willing to put in a physical barrier instead
18 of electric if the electric is failing and the
19 dog is sometimes found around the neighborhood.
20 So, you know, that's a question for you is that -
21 -

22 MR. KEHOE: So, Michelle, still the
23 microphone.

24 MS. PICCOLO HILL: Oh, I'm sorry. I'm

1 February 15, 2024

2 going to move it over here.

3 MS. COFINI: I can hear you.

4 MS. PICCOLO HILL: Would you, if it came
5 down to it, would you put in a physical barrier,
6 because if the code is three, if we were to allow
7 five, but there is the concern that the five are
8 getting through the electrical fence, would you
9 consider putting in a physical barrier?

10 MS. COFINI: First, the five don't get
11 through the barrier, number one. Number two, like
12 I said, putting a fence around an acre of
13 property is going to be extremely expensive. I
14 don't make that kind of money.

15 MR. MARTINEZ: Ms. Cofini, when you
16 learned about the incident, what was the first
17 thing that came into mind that you think that you
18 can do to prevent from that to happen again?

19 MS. COFINI: Making sure the electric
20 fence or the batteries are working. I mean the
21 fence was working. The battery didn't. They tell
22 you to change the batteries every three months,
23 so three months. But unfortunately, it wasn't
24 three months yet, so therefore, I didn't check

1 February 15, 2024

2 the battery.

3 MS. PICCOLO HILL: Would you consider
4 fencing a portion of your property and only
5 allowing the dogs to roam in that portion?

6 MS. COFINI: A fence upon a fence upon a
7 fence. I -- yes.

8 MR. MARTINEZ: We just trying to find a
9 way to allow you to have the --

10 MS. COFINI: I know. I understand.

11 MR. MARTINEZ: -- the five dogs.

12 MS. COFINI: I mean what you're asking
13 me to do is, I mean you're talking about
14 something that's going to cost me 20, \$30,000 to
15 do. I don't have that kind of money.

16 MR. MARTINEZ: I understand. Okay.

17 MR. FLEMING: All right. Anyone else on
18 the board have any questions or comments? Anyone
19 else have any questions or comments?

20 MR. WALSH: No. I, I have a buried dog
21 fence. I have two labs, I have one, we actually
22 had to get a stubborn dog collar for it just
23 because the normal dog collar, she'd go through
24 it no matter what, so it's a nine volt battery

1 February 15, 2024

2 instead of the standard little disc battery and
3 that stands her straight up when she tries to go
4 through it. But I do have, you know, when the
5 battery starts going, they start blinking, so I
6 do know when the dogs' collars are starting to go
7 because it starts red blinking until I change it.
8 I understand the cost of the fence. That's an
9 extraordinary or an extravagant cost to put a
10 fence around your property. I, you know, I don't
11 know if that would be a solution or a feasible
12 solution for you.

13 MR. CHIN: How about these collars, like
14 the cone shape where it's further than the dog
15 can bite anybody? You know what I'm talking
16 about? I see them on dogs sometimes.

17 MS. COFINI: But you're making the
18 assumption that they're going to bite somebody
19 all the time. This is an assumption that you keep
20 making when --

21 MR. CHIN: Yeah, but it doesn't matter.
22 I, I get --

23 MS. COFINI: Since 2006 --

24 MR. CHIN: I'm not making an assumption.

1 February 15, 2024

2 MS. COFINI: -- it's never happened.

3 MR. CHIN: Well, it happened here, okay.
4 It shows the bite marks on the person, it shows -
5 - indicated he was bleeding and everything else
6 on the report.

7 MS. COFINI: He was not bleeding. I was
8 --

9 MR. CHIN: According to this.

10 MS. COFINI: -- even offered to take
11 care of his knee. There was no blood.

12 MR. CHIN: It doesn't matter, okay. But
13 I'm just saying right now, you're trying to keep
14 five dogs instead of three, okay. So what I'm
15 trying --

16 MS. COFINI: Yes, and one dog is --

17 MR. CHIN: Excuse me.

18 MS. COFINI: -- is a support dog --

19 MR. CHIN: Can I finish saying --

20 MS. COFINI: -- by the way.

21 MR. CHIN: -- something. Can I say
22 something?

23 MS. COFINI: Mm-hmm.

24 MR. CHIN: All right, all I want to say,

1 February 15, 2024

2 they have collars where you put on a dog where it
3 comes out like a cone, okay, prevents the dog
4 from biting anything, all right. That could be
5 done and they're not expensive. I see it in
6 Manhattan, people walking along in Manhattan, I
7 see them walking actually on my street over there
8 with, with collars like that because they have
9 big dogs, okay. And a lab I know is not a real
10 big dog, but, you know, I'm just saying they have
11 these collars because you, you can be walking a
12 dog and they could actually attack somebody even
13 though you have them on a leash, all right.

14 MS. COFINI: That's right.

15 MR. CHIN: But with these collars that
16 come out like a cone, then they, it prevents them
17 from biting anybody.

18 MS. COFINI: So then are we going to
19 tell the -- everybody in the town that they need
20 to get a collar when they walk their dog?

21 MR. CHIN: No.

22 MR. FLEMING: But the case, the case in
23 front of us though --

24 MS. COFINI: You're, you're singling me

1 February 15, 2024

2 out, number one --

3 [COMMENTS OVERLAPPING]

4 MS. COFINI: -- you're comparing me to
5 you, which is unfair.

6 MR. FLEMING: Mm-hmm. The case --

7 MS. COFINI: I don't care about your dog
8 and your fence not working or working. We're
9 talking about my issue.

10 MR. FLEMING: Ma'am, you're --

11 MS. COFINI: And you're trying to
12 compare my problem --

13 MR. FLEMING: Okay.

14 MS. COFINI: -- to your house and your
15 problem, and I don't think that's fair.

16 MR. FLEMING: Ma'am, I think what,
17 what's happening is the board is telling you you
18 have a nonconforming situation right now. You're,
19 you basically have two illegal dogs, and they're
20 trying to offer a conversation with you to come
21 up with a way to allow you to keep your five
22 dogs. And it's -- it appears that you're
23 resistant to all of the suggestions that have
24 been offered.

1 February 15, 2024

2 MS. COFINI: The suggestions you're
3 making, I'm not resistant to. The problem is the
4 cost.

5 MR. WALSH: Well that's an unknown at
6 this point, right?

7 MS. COFINI: I mean if you're telling me
8 I have to spend \$30,000 to put up a fence, then
9 I'm just going to move out of the town, because I
10 can't afford a \$30,000 fence.

11 MR. FLEMING: I understand.

12 MS. COFINI: You're putting me in a
13 predicament that I can't be in. And then you're
14 going to tell me well, if you don't put up a
15 fence, then you can't keep your dogs. Is that
16 fair? Because I don't see that as being fair.

17 MR. FLEMING: I think the answer to your
18 question is if you are not complying with the
19 town's laws, and you're -- the answer is yes, it
20 is completely fair to tell someone you have to
21 comply with the town's laws. I do think that's
22 fair.

23 MS. COFINI: So you're asking me to get
24 rid of my children. Would you get rid of your

1 February 15, 2024

2 children?

3 MR. FLEMING: I don't think anyone here
4 has mentioned any kind of child. I think we're
5 talking --

6 MS. COFINI: Well, they're my children.

7 MR. FLEMING: You could feel that way,
8 ma'am.

9 MS. COFINI: I don't have two-legged
10 children, I have four-legged children.

11 MR. FLEMING: That, that --

12 MS. COFINI: And as far as I'm
13 concerned, they are my children.

14 MR. FLEMING: You can feel that way all
15 you want. The law does not recognize them as
16 human children.

17 MS. PICCOLO HILL: I, I just want to say
18 I do understand that mentality.

19 MS. COFINI: I don't think everybody
20 does.

21 MR. FLEMING: I do.

22 MS. PICCOLO HILL: They may not.

23 MS. COFINI: No, you don't.

24 MS. PICCOLO HILL: But, you know, my

1 February 15, 2024

2 goal is just to find out if there's some sort of
3 solution. So, you know, if cost is an issue,
4 maybe there's something else. Maybe there are
5 other ways to help you conform. So that there
6 isn't this concern of the extra two dogs,
7 something so that you can keep, you know, your
8 family members, and also protect your family
9 members, because, you know, if they do nip the
10 wrong -- and you know what, dogs do that
11 sometimes.

12 MS. COFINI: Mm-hmm.

13 MS. PICCOLO HILL: They're protecting
14 their, their home.

15 MS. COFINI: Yeah.

16 MS. PICCOLO HILL: But if they nip the
17 wrong person, you know, it can really go south
18 really, really quickly. So how can we make it so
19 that, you know, you keep them, the town's happy.
20 That's the dialogue. It's not, we're, you know,
21 I'm not trying to attack you, I'm just trying to
22 ask questions and start a dialogue.

23 MR. CHIN: Well, basically, what I'm
24 saying with the cones on their collars, those are

1 February 15, 2024

2 very inexpensive. I'm saying, you know, that will
3 prevent you from building a, a full fence around
4 your house, and that way I could permit you to
5 keep five dogs. Otherwise, if you don't want to
6 do anything that we're suggesting, then I'm going
7 to say, I'm going to stick with three dogs and
8 that's it.

9 MS. COFINI: My suggestion was the halo
10 collars. That's going to cost me about \$5,000.

11 MR. CHIN: Well, you know what, I'm
12 talking about the collars that are shaped like a
13 cone.

14 MS. COFINI: Yeah, the ones that are
15 used when they don't want them chewing on their
16 necks when they have surgery.

17 MR. CHIN: It helps for everything. It
18 keeps the dog from biting people also and it
19 just, and they're very inexpensive. It doesn't
20 cost \$5,000 for five of those collars. If they
21 cost \$50 apiece, that would be a lot. So I'm
22 making a suggestion to you. If you don't want to
23 follow that suggestion, then you do what you want
24 to do and then I'm going to vote no on your case.

1 February 15, 2024

2 MS. COFINI: Why are we so against the
3 halo collars?

4 MR. CHIN: I don't even know what that
5 is.

6 MR. BELOFF: That doesn't seem like a
7 permanent fix to the problem. The halo collars
8 are just as good as your electric fence. You know
9 what I mean? They're battery driven, the collars
10 are battery driven, so it's a halo collar. A more
11 permanent fix would be a permanent barrier that
12 would delineate your property to passerbys that
13 are actually getting bit. That's what we're
14 trying to fix. You don't need a fence around the
15 whole property. I don't agree that the fence is
16 going to cost \$30,000. I mean that's an unknown.
17 It could be a portion of the property. I've seen
18 kennels on properties, closed in kennels where
19 the dogs can go. And that's not for every dog. I
20 have a German Shepherd and my dog does bite and
21 he is family, the most trusted family member,
22 loyalty that I could have. So I understand where
23 you're coming from. But the collars for me, I
24 don't think is a permanent fix to the situation,

1 February 15, 2024

2 only because of the situation that you're in. You
3 know what I mean? It was your dog that actually
4 bit somebody. And they're not -- I think there
5 was a second incident here with a neighbor. But
6 regardless, I think you need more of a permanent
7 fix and I was told by my dog, by a friend that
8 the dog I have is like a loaded gun. And, and if
9 you don't get it under control or with training
10 or whatever, the, the consequences and the amount
11 that you're going to have to pay when it does
12 bite somebody and does cause damage is going to
13 be a lot worse than actually putting up a
14 permanent barrier that will correct your
15 situation. That's all I got.

16 MR. FLEMING: I think, I think the board
17 has, you know, expressed to you that there is a
18 concern with approving your request for a
19 variance to allow you keep the amount of dogs you
20 have in excess of the limit of three based on
21 your property size. I think you understood that.
22 Various suggestions have absolutely been made. I
23 have no problem continuing this for a month for
24 you to explore the various suggestions that --

1 February 15, 2024

2 MR. CUNNINGHAM: I do think there's
3 someone in the audience who may want to say
4 something.

5 MR. FLEMING: I know. I'm not done yet.
6 I have no problem continuing this for a month to
7 allow you time to explore other options and
8 perhaps come back to us and tell us you have
9 other options that would allow you to keep your
10 dogs. And I welcome you to look into some of
11 these things. Particularly, I have no idea what a
12 fence would cost. I do know they're based on
13 size, and if there are options not to enclose
14 your whole property, but to enclose a smaller
15 part, looking into that, getting a price for it
16 might be something you can do. Maybe you can come
17 back to the board with a suggestion for you to
18 find some way to do this. But I think what the
19 board is telling you if the answer is nothing or
20 if the answer is the halo collars that you
21 proposed, you're likely to get a rejection. So
22 we're trying to work with you and we're happy to
23 work with you, and I'm happy to give you more
24 time if you think you need it. If you have no

1 February 15, 2024

2 interest in that, and you just want us to vote,
3 we're happy to do that too. But, I do believe
4 while there's probably been some disagreement
5 here, we're really trying to offer you solutions
6 to allow you to keep, because you're currently
7 not in compliance with the law. It's easy for us
8 to just say no, comply with the law. But we're
9 trying to find a way for you to be able to
10 continue to be noncompliant but avoid any
11 potential concerns that the members of the public
12 may have. So why don't you sit down for a second,
13 we'll let members of the public talk, you can
14 come back up after that, and if you do think more
15 time would be helpful, you can ask for it. If you
16 don't want to and you want us to vote tonight,
17 you know, we can accommodate you on that. So why
18 don't you take a moment, you can think about it
19 and then we will open the floor up to other
20 members of the public.

21 MS. COFINI: And my understanding is
22 that support dogs do not count.

23 MR. FLEMING: That's, I, I think legally
24 that understanding is inaccurate.

1 February 15, 2024

2 MS. COFINI: I don't believe so. I have
3 a --

4 MR. CUNNINGHAM: It's not a service dog.

5 MS. COFINI: I have a certificate and I
6 also have a license for him.

7 MR. FLEMING: It's not a service dog.

8 MR. CUNNINGHAM: A support animal is not
9 a service dog.

10 MS. COFINI: According to the support
11 people they are.

12 MR. CUNNINGHAM: They're different.
13 They're different --

14 MS. COFINI: How are they different?

15 MR. CUNNINGHAM: The support animal,
16 it's a different certification that they get.

17 MS. COFINI: And I have it.

18 MR. CUNNINGHAM: You have a support
19 animal certification.

20 MS. COFINI: Yes, I do.

21 MR. CUNNINGHAM: Yes. And I'm saying
22 it's different than a service animal,
23 certification --

24 MR. WALSH: It's a therapy dog, not a --

1 February 15, 2024

2 MS. COFINI: You're not -- you're
3 thinking of a therapy dog. This is not a therapy
4 dog. This is a support dog.

5 MR. WALSH: The certificate was therapy
6 dog.

7 MR. CUNNINGHAM: It was a support
8 animal.

9 MS. COFINI: And he has a certificate
10 and a license, both were sent to Mr. Kehoe.

11 MR. FLEMING: We, we looked at both of
12 them. I think what we're telling you is our legal
13 conclusion is that the Americans Disabilities Act
14 does not recog- -- does in fact recognize a
15 distinction between what is called a service dog
16 and what is called a support dog, that those are
17 in fact two separate characteristics. For
18 example, a seeing eye dog is a protected dog
19 under the Americans with Disabilities Act and a
20 service dog -- and a service dog, while a support
21 dog does not meet that same legal criteria.

22 MS. COFINI: They are protected by the
23 Fair Housing Act.

24 MR. FLEMING: Again, we've received what

1 February 15, 2024

2 you sent to us and we disagree with that. And,
3 and if we make a decision on that, again, you
4 would have the right to seek redress and appeal
5 our decision. But I believe the conclusion we
6 have made is that they are not a protected code.

7 MR. WALSH: And town code doesn't
8 differentiate either between service, regular, or
9 pet, so it's still five dogs. I asked that
10 question.

11 MS. COFINI: I believe you do. I think I
12 read it somewhere in your code. And it says in
13 here federal law allows for animals of any kind
14 including dogs of any breed to be considered
15 emotional support animals with proper
16 documentation. And that's federal law.

17 MR. MARTINEZ: Ms. Cofini?

18 MS. COFINI: Yes?

19 MR. MARTINEZ: One thing I just want you
20 to know, as you can see, the people who was
21 affected by the dog, they didn't come to you,
22 they came to the town. When they do that, it is
23 because they want the town to act on it. But we
24 don't want to separate you from your five dogs,

1 February 15, 2024

2 we want to keep you with them. But we have to
3 come up with some solution so that doesn't keep
4 happening. Because if it happen again --

5 MS. COFINI: But I did offer a solution.

6 MR. MARTINEZ: -- because if it happen
7 again, then they're going to come and, you know,
8 the town is going to be the one that has to be --
9 so we need to, we want to work with you, so you
10 can let us know, like the chairman just
11 recommended if you wanted you know, sit down,
12 take a minute or a few minutes and think about
13 what you'd like to suggest to us so we don't have
14 the police involved.

15 MS. COFINI: I made a suggestion and you
16 turned it down.

17 MR. MARTINEZ: But we just explained to
18 you why, because we need something that is a more
19 defined solution to the problem.

20 MS. COFINI: But --

21 MS. PICCOLO HILL: Have you ever gotten
22 a quote for a fence?

23 MS. COFINI: No.

24 MS. PICCOLO HILL: That might be a good

1 February 15, 2024

2 step.

3 MS. COFINI: If it's over \$5,000 which
4 I'm sure it is --

5 MS. PICCOLO HILL: Well, it depends on -
6 -

7 MS. COFINI: -- who's going to pay for
8 it?

9 MS. PICCOLO HILL: -- it probably
10 depends on the quality of the -- the kind of
11 fence. If you're doing chain link, it probably
12 depends on how much area, but maybe you can get,
13 maybe you can get some option that's similar to
14 the halo collar. It might be worth getting a
15 quote.

16 MR. FLEMING: She's talking about the
17 cost.

18 MS. COFINI: Sure.

19 MS. PICCOLO HILL: The cost wise.

20 MS. COFINI: Sure. I'll get a quote, but
21 we're going to be back in this same predicament
22 because I know it's not going to cost \$5,000 to
23 put a fence up.

24 MR. MARTINEZ: But that's why we're

1 February 15, 2024

2 giving you the chance to explore what do you
3 think you can come up with and then we can
4 consider it and see if it's something that can be
5 a fix for, for the problem, so to prevent for
6 that to happen again and people not to complain
7 to the town again.

8 MS. COFINI: Well, I hear you, I do. But
9 what I'm hearing is that I did make a suggestion
10 and you're turning it down.

11 MR. CHIN: No, Mr. Beloff --

12 MS. COFINI: I can't afford your
13 suggestion, so you're putting me between a rock
14 and a hard place.

15 MS. PICCOLO HILL: Getting an estimate
16 doesn't cost anything.

17 MS. COFINI: And again, if it costs over
18 \$10,000 or over \$5,000, I'm going to be back in
19 the same hole.

20 MS. PICCOLO HILL: But we're not telling
21 you yes or no right now. We're asking you --
22 unless you want us to vote today.

23 MS. COFINI: No, I don't want you to
24 vote. But, nevermind.

1 February 15, 2024

2 MS. PICCOLO HILL: No, I do -- I, you
3 know, I do understand. I have dogs. They are
4 members of my family. I absolutely understand. I
5 grew up in a family with lots of dogs. I
6 understand that they're members of the family. I
7 understand that they're support and they're
8 comfort and they're, you know, that's why I'd
9 like to help you find a solution, one that isn't
10 astronomically expensive, that maybe you can
11 afford, but can also appease some of the concern,
12 hence the dialogue. No, I'm not saying yes or no,
13 I'm just trying to, you know, talk to you and
14 help come up with a solution.

15 MR. KEHOE: And maybe you could provide
16 more information on the halo collars, because I
17 think Mr. Chin said he wasn't aware of what they
18 were and I just looked online. You know, maybe
19 provide information that they're better than an
20 electric fence, find information that they work,
21 whatever, part of the back and forth.

22 MR. CHIN: Well --

23 MR. KEHOE: If that's what you're really
24 proposing, get more information on that.

1 February 15, 2024

2 MR. CHIN: But it's like Mr. Beloff
3 says, they're same as like electric fence,
4 they're electrically inclined.

5 MR. KEHOE: I understand that, but --

6 MR. FLEMING: That, that's fine.

7 MR. CHIN: But what I'm suggesting, you
8 don't like those collars that flare out a little
9 bit, that come out, they stick out so far, where
10 they're very inexpensive, you put it on like a
11 collar around the dog and it -- they are very
12 inexpensive compared to your electric fence or
13 anything else.

14 MR. KEHOE: So you're hearing from Mr.
15 Chin that he'd like you to examine that
16 possibility as well.

17 MR. CHIN: I mean that is a very
18 inexpensive way of going.

19 MR. FLEMING: I think there have been
20 multiple suggestions made for you, and I would
21 like for you to sit and think about it. Again, if
22 you want us to vote tonight, we will. If you
23 don't, and if you want to think if there's a way
24 you can try and work with the suggestions offered

1 February 15, 2024

2 by the board or if you want to take some time and
3 see if there's another suggestion you can come up
4 with. I think the biggest key when you're
5 offering suggestions is providing the board with
6 a significant amount of information about your
7 proposal, so we really can understand it. So I
8 would just ask you, you know, if you are going to
9 consider other options, you know, to do that, to
10 provide as much information to us as you can, so
11 we can look at them. The answer right now is you
12 are in violation of code and, you know, to
13 accommodate you, we need to work past just
14 leaving things at the status quo. So if there is,
15 again, if you would like to take some more time,
16 if you want to get some sort of quotes, if you
17 want to explore the collars that Mr. Chin
18 mentioned, I honestly don't know what they are
19 either, so I would love to hear about them.

20 MS. PICCOLO HILL: I would too.

21 MR. FLEMING: If you want to provide
22 additional information about the halo options. I
23 mean you have options. We're telling you that
24 you're not complying with the law and we're

1 February 15, 2024

2 trying to work with you to find a way to allow
3 you to continue not to comply. We just want to
4 have that dialogue and to come up with a solution
5 that makes sense. At the end of the day, if we
6 can't, we'll vote and we'll have to make a
7 decision. But I think you want to take some time
8 to come up with viable alternatives. I think it
9 would be in your best interest if you did that.

10 MS. COFINI: Okay. I have no problem
11 doing it.

12 MR. FLEMING: All right, why don't you
13 sit down now, we're going to ask other members of
14 the public to come up and make any comments they
15 want, and then I think what we'll do is after
16 that, adjourn this hearing until next month and
17 allow you to have that time. At this point, yeah
18 we definitely invite any members of the public
19 who wish to come up. Please state your name, your
20 address and then any comments you wish to make,
21 please do.

22 MS. DONNA SLOTA: Okay. My name is Donna
23 Slota, I live right next door at 25 Willow Place.

24 MR. FLEMING: Thank you.

1 February 15, 2024

2 MS. SLOTA: And there was a lot of, from
3 Ms. Beth Cofini, a lot of misstatements. Her dogs
4 have been on my property numerous times. I lived
5 at this address since 2005. That's when I first
6 purchased the house. She purchased the house next
7 door to me after that. And in the beginning, the
8 dogs would just randomly come. I did see the
9 little, for the electric fence that she's talking
10 about, I'm assuming, I don't have dogs, but there
11 was like little flags all over the place. But
12 that didn't work. So eventually, I put a fence
13 around most of my property in the back. I put a
14 white fence, they weren't happy with it, but it
15 didn't matter. I did it for my safety so when I'm
16 actually in the back yard at least of my house,
17 I'm safe.

18 The dog that she's saying that, that
19 that's not true about the older woman was my mom
20 that was chased by the dog. And my mom and my
21 little step niece, I'm sorry, not step niece, my
22 niece's daughter, so great niece, was in the
23 front yard and they were just walking around my
24 yard and their dog came across and my mom noticed

1 February 15, 2024

2 the dog coming at them, so she tried to shoo it
3 away and he chased them, so she grabbed my one-
4 year, the one-year old and started running
5 because the -- and the dog started chasing them.
6 Now whether he wanted to play or not, obviously,
7 she's not going to take that as that, he wants to
8 play. And so then as she was coming around to try
9 to get into my garage, that's when she slipped
10 and fell.

11 They did come to my house a few hours
12 later. Now, as this happened, I ran, obviously --
13 I heard her screaming, so I ran out of the house
14 through the garage and I saw her as she was
15 falling, so I didn't know what happened, and she
16 said a dog is chasing us, a dog is chasing us. So
17 I ran out and I tried to shoo the dog away. So
18 the dog did go -- and I was screaming her name on
19 top of my lungs as I was running up from the
20 front of my house. Nobody came out. Nobody. So,
21 and this is not the first time this happened,
22 that I was yelling for, for somebody to come when
23 the dog was on my property.

24 So then I called, obviously, I called

1 February 15, 2024

2 the police that day. they said they were going to
3 speak to, to them and apparently they did. Then
4 they came over like hours later, and one of the
5 questions that she asked my mom, as my mom was
6 outside now, she said, oh, he didn't bite you,
7 did he? I was like okay, and so, because before
8 that, she tells me that oh, he's the nicest dog
9 and he just wanted to play and that's why this --
10 that's why he was running after her.

11 So then I called animal control, because
12 I did call you guys prior to that, like in
13 October. This happened in like the summer. So
14 prior to that, I did call the state and I, or you
15 guys here, and I was told that you don't have
16 anybody that works for, with animal control. So
17 you, the person told me that she will try to get
18 in contact with the zoning board and, and see
19 what's going on, because if she's -- if they live
20 on an acre of property, which is what I live on,
21 they shouldn't have more than three dogs.

22 So as far as I know, there's been five
23 dogs on that property since I can remember. And
24 the only reason I know as well is because I had a

1 February 15, 2024

2 tree cut in the middle, in the front yard, and as
3 I was clearing it out with a friend of mine, Beth
4 came up holding the dog and there was a neighbor
5 coming from the top that said, oh, is this the
6 forth, and she goes oh no, that's my fifth baby
7 as she was holding the dog. At that moment, I
8 wasn't even aware that she had five dogs. I know
9 that there was like four or five, but I wasn't,
10 you know, they just -- my problem is if you allow
11 five dogs, there's going to be -- there might be
12 seven dogs. And honestly, the front of my -- I
13 didn't put a fence, I put a fence up to the half
14 of my house. The other half is not fenced in.

15 So when, then finally when this incident
16 happened, a gentleman from here, from the, I
17 guess from the animal control did come and speak
18 to them and then he called me like a week later
19 and says like oh, I was there today and I said,
20 oh, I don't know what time you were here, but the
21 dog was on my property again. So he said to me,
22 look, I'm really sorry to hear that because I was
23 told that it wasn't going to be happening.

24 Then about a month later, it wasn't --

1 February 15, 2024
2 this happened with the black dog. Then the next,
3 about a month later, I'm looking at my cameras
4 because I was down in my basement and the cameras
5 started going off on my phone so I'm like what's
6 going on. So then I looked on my cameras and the
7 white dog is actually at my front porch walking
8 around and then he's moving around, he's peeing
9 all over my yard in the front. So I was like
10 okay, this, this is not working. So this is what
11 I deal with, with them. And this is why I don't
12 want them -- not only that, they let the dogs out
13 2:00 o'clock in the morning, 4:00 o'clock in the
14 morning, anybody that's in my, one comes to my
15 house, like my friends or my mom, or my, or my
16 sister was, nobody actually wants to stay in the
17 bedroom, right, facing their side, because the
18 dogs are just -- they're barking for long time.
19 But, you know, when you fall asleep, it's 2:00
20 o'clock in the morning and something wakes you,
21 it's like an alarm clock. It's very hard to go
22 back to sleep. So, so even with that, I mean I
23 can hear their dogs sometimes for 15, 20 minutes
24 barking outside. I don't know if they see an

1 February 15, 2024

2 animal, whatever it is. But there's been plenty
3 of times that I yelled through the window like
4 shut up, or, you know, every time I'm outside,
5 like even decorating my outside, all four dogs
6 will stand against me and bark until I either
7 tell them to shut up or I go back into the house.
8 And this is constant. This is not something that
9 happens once in a blue moon, or never, like she
10 said they never come across to any yard. They've
11 been on my yard like countless times, like
12 thousands of times. And they're not even there to
13 even -- even a few days after this big incident
14 with my mom happened, I was yelling for them and
15 I believe the gentlemen, I don't know their
16 names, was like doing some fire or something in
17 the back. And he, then he started yelling for the
18 dog when I was yelling through the window like
19 your dog is on my property again, you know.

20 So that's where I'm -- I understand with
21 the expense of a fence, because I put one up.
22 It's obviously not \$30,000. I wish they, if they
23 want to have the dogs, I wish they at least put
24 some kind of a fence between our property. The

1 February 15, 2024

2 half, I put in I think 200 feet, because it's 300
3 by 100 I think is the lots. So I put up a fence
4 on my side all around that section, especially
5 with their property, so I think there's only like
6 100 feet of fence on my side. The rest of it is
7 already there for them, because I put it up. And
8 I understand that not a lot of people have money,
9 but they put a pool in, an in-ground pool three
10 years ago, and that's not cheap. So, so I don't
11 know why that's even an issue with, you know. I
12 just, you know, with the noise level and the
13 gentleman from the, for the patrol from here did
14 tell me to videotape it or get it on the phone,
15 but I'm really not going to be, try to be up at
16 3:00 o'clock in the morning or 4:00 o'clock in
17 the morning to try to tape the dog barking. But,
18 but it is constant.

19 I have to say this last two weeks, I
20 haven't heard anything, so the dogs must have
21 been in the house. But, but prior to that, it's
22 constant. It's constant noise and it's constant
23 on my property, it's constant leaving feces on
24 there and, so.

1 February 15, 2024

2 MR. FLEMING: What's your address again,
3 I'm sorry.

4 MS. STROTA: I'm sorry?

5 MR. FLEMING: What's your address again?

6 MS. STROTA: 25 Willow, I'm right next
7 door.

8 MR. FLEMING: Okay. And your fence goes
9 the whole property line between --

10 MS. STROTA: My -- no, my fence goes
11 where my house stops. I fenced -- what happens is
12 my, my house is, is like here and then so I
13 fenced it like almost to the end of my house this
14 way and all the way to the back all around.

15 MR. KEHOE: I have an aerial image that
16 shows the fence. I can get --

17 MS. STROTA: The white fence?

18 MR. KEHOE: Yeah.

19 MS. STROTA: Yeah.

20 MR. KEHOE: I can get that to the board
21 members --

22 MR. CHIN: Thank you.

23 MR. KEHOE: To give you an idea.

24 MR. CHIN: Thank you, Chris.

1 February 15, 2024

2 MR. WALSH: I can, I guess it's the
3 Google Map I can see, is it a white fence?

4 MS. STROTA: Yes. That's my fence.

5 MR. WALSH: I can see it in the Google
6 Map.

7 MS. STROTA: That's mine. But the front
8 of it isn't and now the dogs are --

9 MS. PICCOLO HILL: Oh, yeah.

10 MS. STROTA: -- obviously getting on the
11 front of the house.

12 MS. PICCOLO HILL: I can see it right
13 there. Yeah.

14 MS. STROTA: Now, obviously, when my
15 mom's around, or my niece or my great niece, we
16 constantly have to pay attention to whether the
17 dogs are there or not, because most of the time,
18 they are not with them. Or they're in the house,
19 most likely, I'm assuming, but the dogs are
20 outside.

21 MR. FLEMING: All right, thank you,
22 ma'am, for your comments.

23 MS. STROTA: Thank you.

24 MR. MARTINEZ: Thank you.

1 February 15, 2024

2 MR. FLEMING: Anybody else have any
3 comments to make? Is there anybody on the Zoom
4 who has any comments to make?

5 MS. PICCOLO HILL: Now there's more
6 comments?

7 MR. FLEMING: Well, that's the -- the
8 applicant is going to come up, I'm going to
9 invite her to come back and finish.

10 MS. PICCOLO HILL: Oh, I think the guy
11 next to her was --

12 MR. FLEMING: Hang on for one second
13 please, ma'am. Is there someone else? I missed
14 what you said?

15 UNIDENTIFIED FEMALE: No, no, there's
16 only one person on Zoom, but they're not raising
17 their hand.

18 MR. FLEMING: Okay, thank you. I'm
19 sorry, ma'am, you're welcome, please, like I
20 said, to, to further your comments now.

21 MS. COFINI: First, I have to cool down,
22 because I will say the wrong thing. First of all,
23 whether or not I put a pool in has nothing to do
24 with what we're talking about.

1 February 15, 2024

2 MR. FLEMING: Ma'am, ma'am, you don't
3 have to address --

4 MS. COFINI: And I'm really getting
5 annoyed --

6 MR. FLEMING: You --

7 MS. COFINI: -- about the comments that
8 she made to you that are not true.

9 MR. FLEMING: Ma'am, you don't have to
10 address any of the comments she make. You're
11 certainly free to, but you're not required to
12 address comments that another member of the
13 public had made. If you want to say something,
14 you're welcome to, but you don't have to address
15 it and any member of the public, whether they
16 know you or not is welcome to attend here tonight
17 and make a comment. You don't have to address
18 anything. So, you're welcome to if you want to.

19 MS. COFINI: But if I don't address it,
20 you're going to take it into consideration.

21 MR. FLEMING: We're going to take it
22 into consideration whether you address it or not.
23 We take into consideration all comments that are
24 made.

1 February 15, 2024

2 MS. COFINI: I understand, but there is
3 no truth to the comments she made.

4 MR. FLEMING: You're, you're welcome to
5 state that.

6 MS. COFINI: My dogs have never been on
7 her property a thousand times. Whether or not I
8 put a pool in is really not her business. I had
9 no discussion with her about putting up her
10 fence, I never told her I disliked the fence. The
11 only argument that we ever had was when I moved
12 in and she started cutting trees down, and I was
13 a little perturbed, because I wanted to be sure
14 she wasn't cutting my trees down. And that is the
15 only time we have ever spoken.

16 MR. FLEMING: Okay.

17 MS. COFINI: So she's spewing out all
18 this information then why hasn't she come to me?
19 And if she's so afraid of the dogs, why doesn't
20 she stay behind her fence that she put in to
21 protect her from the dogs?

22 MR. WALSH: She has a right to walk her
23 own property.

24 MR. FLEMING: Before you go, I just --

1 February 15, 2024

2 MS. COFINI: And what's the difference
3 if there's three dogs or five dogs? They're still
4 going to bark. They're still --

5 MR. CHIN: The code.

6 MS. COFINI: -- going to do what they
7 do.

8 MR. FLEMING: Again, the code. Again --

9 MS. COFINI: They're dogs.

10 MR. FLEMING: -- you're legally allowed
11 to have three and not five.

12 MS. COFINI: I understand that.

13 MR. FLEMING: That is the difference.

14 MS. COFINI: But the, the bottom line is
15 whether it's three dogs or five dogs, it, it --
16 if I get rid of two dogs, it's not going to
17 change the situation. That's what I'm trying to
18 get across to you.

19 MR. FLEMING: Listen, there, there are
20 codes in the town which deal with quiet hours and
21 barking dogs. And if you, if you violate those
22 rules, that has nothing whatsoever to do with the
23 decision we are making. If you live in compliance
24 with those rules, it has nothing to do with the

1 February 15, 2024

2 decision we're making.

3 MS. COFINI: So now there's, there's
4 violations as to when dogs can bark?

5 MR. CHIN: Yes.

6 MR. FLEMING: Without, without question,
7 yes there are, but --

8 MS. COFINI: You know --

9 MR. FLEMING: -- but again, those --

10 MS. COFINI: -- can you send me all
11 these laws, because --

12 MR. FLEMING: You can --

13 MS. COFINI: -- I'd really like to see
14 them.

15 MR. FLEMING: -- the, the town code is
16 available on the internet. You can go to the
17 town's website and get to it and you could read
18 the entire thing.

19 MS. COFINI: I did. And I didn't see any
20 of this.

21 MR. FLEMING: Again, again, I, again,
22 I'm not giving you legal advice, what I'm telling
23 you though is whether or not you're in compliance
24 or not in compliance with other rules has nothing

1 February 15, 2024

2 whatever to do with whether or not you're in
3 compliance with the maximum number of dogs that
4 you're allotted for on your property. That's what
5 we're being -- that's what we're addressing here.
6 You're asking us to allow you to have a variance
7 of two additional dogs. What I asked you to do is
8 to think about whether or not you want additional
9 time --

10 MS. COFINI: I have no problem doing
11 that. But my problem is people are making
12 comments that are untrue.

13 MR. FLEMING: And you've stated that. We
14 have her comments. We have your comments. We'll
15 consider them. And I thank you. And if you have
16 any more comments to make, we would welcome those
17 to. But I just want to know do you want us to
18 adjourn this hearing to allow you to have another
19 month, come back at the next hearing to address
20 the proposals that various members of the board
21 have, or to the extent you have other proposals
22 and specifically one request, to provide
23 additional information about the halo collars
24 that you suggested.

1 February 15, 2024

2 MS. COFINI: Yeah.

3 MR. FLEMING: If you want that, I am
4 fairly confident this board will agree to that
5 and give you that 30 days.

6 MS. COFINI: Okay.

7 MR. FLEMING: All right, so what I'm
8 going to do is I'm going to call for a motion to
9 --

10 MR. WALSH: I have one question before -
11 -

12 MR. FLEMING: I'm sorry, go ahead, go
13 ahead.

14 MR. WALSH: You know, dogs are supposed
15 to be licensed in the town of Cortlandt. Are
16 three of the five dogs licensed, or any of your
17 dogs licensed?

18 MS. COFINI: They're all licensed I
19 believe.

20 MR. CUNNINGHAM: I think there are three
21 that are licensed, because you can only license
22 three per property. So that's how --

23 MS. COFINI: But I --

24 MR. CUNNINGHAM: I, I think you might

1 February 15, 2024

2 have filed that --

3 MS. COFINI: Was I told to get -- I
4 thought I was told to license the other two.

5 MR. CUNNINGHAM: I think you might have
6 filed the applications for all the dogs. I don't
7 know if they necessarily all received their
8 license because you're over the three, but I do
9 think you submitted your applications?

10 MS. COFINI: So you want me to license
11 the other two?

12 MR. CUNNINGHAM: You can't license them
13 yet because right now you're only permitted at
14 three.

15 MS. COFINI: Okay.

16 MR. FLEMING: That answers Tom's
17 question I think.

18 MR. WALSH: Yes.

19 MR. FLEMING: Okay. All right. Any other
20 questions for tonight? All right, so I'd like to
21 have a motion to adjourn this until the next
22 hearing. Again, what's the hearing date next week
23 -- next month?

24 MR. BELOFF: The 21st.

1 February 15, 2024

2 MR. CHIN: 21st.

3 MR. FLEMING: All right, so, I'd like a
4 motion to adjourn. I'm sorry, it's your case, you
5 make the motion.

6 MR. MARTINEZ: Okay, I will. Is she
7 asking for the adjournment?

8 MR. FLEMING: She has asked for the
9 adjournment.

10 MR. MARTINEZ: I make a motion to
11 adjourn the meeting to, for a month --

12 MR. FLEMING: March 21st.

13 MR. MARTINEZ: -- March 21st so we can
14 review it again.

15 MR. FLEMING: Second?

16 MR. WALSH: Second.

17 MR. FLEMING: All in favor?

18 MULTIPLE: Aye.

19 MR. FLEMING: All right, so this public
20 hearing has been adjourned until the March 21st
21 hearing where you can come back. What I'd like
22 you to do if possible, if you have any additional
23 information you want the board to consider, as
24 much lead time as you give us, it's easier for us

1 February 15, 2024

2 to look at it. So if you could give us any
3 information you have four or five days in
4 advance, a week in advance, it gets circulated to
5 the board by Mr. Kehoe almost immediately and
6 then we're able to actually look at it and digest
7 it before coming in here today. We could look at
8 it if you get it to us that day, but you're only
9 talking about us looking at it a half hour before
10 the hearing and that's not a lot of time.

11 MS. COFINI: I mean I can get you the --

12 MR. FLEMING: I'm sorry, ma'am, I'm
13 sorry, ma'am, just real quick. We're having this
14 conversation, come back to the mic, because it
15 won't get recorded unless you say it into the
16 mic. And I do want your comments to be a part of
17 the record. I'm sorry for that, just --

18 MS. COFINI: Sorry. The halo collar,
19 I'll get you right away, because that I can pull
20 off of the internet. But the price of the fence
21 is going to take me time.

22 MR. FLEMING: I understand.

23 MR. MARTINEZ: And also look into the
24 advice Mr. Chin give you too, so.

1 February 15, 2024

2 MR. CHIN: Are you even thinking about
3 the cones around their heads at all?

4 MS. COFINI: I have no idea what you're
5 talking about.

6 MR. CHIN: You have never seen --

7 MS. COFINI: Other than what I see them
8 use in the vet.

9 MR. CHIN: You have never these cone
10 collars around dogs' heads to keep them --

11 MS. COFINI: Yeah, when they're ill and
12 they don't want --

13 MR. CHIN: No, they're not for ill only.

14 MS. COFINI: -- them to bite themselves.

15 MR. CHIN: They're for keeping from
16 biting people, if you're walking on the street.
17 It's for your own protection more than the
18 protection of your neighbor. Because if you do,
19 your dog does bite somebody, they're going to sue
20 you, not me.

21 MS. COFINI: I understand that, but I
22 don't -- where did you see these, because I have
23 no idea.

24 MR. CHIN: They're all over. You can ask

1 February 15, 2024

2 any kennel, any place, they sell them all over.

3 MR. KEHOE: So I guess --

4 MS. COFINI: Okay.

5 MR. KEHOE: -- the question would be to
6 analysis whether those cones --

7 MR. FLEMING: A cone or even a muzzle or
8 anything of that nature --

9 MR. KEHOE: I always thought the cones -
10 -

11 MR. CHIN: It's not a muzzle. It's a
12 cone --

13 MR. KEHOE: But --

14 MR. CHIN: -- that comes around the, the
15 head of the dog and it, all it does is just like,
16 it looks like a cone, a reverse cone where it's
17 wider in the front and it goes around the neck,
18 okay. And they are very inexpensive compared to
19 your suggestion with that other thing.

20 MR. KEHOE: Right. So get information on
21 how common those are --

22 MR. CHIN: They're really common.

23 MR. KEHOE: -- outside of medical
24 procedures.

1 February 15, 2024

2 MS. PICCOLO HILL: Yes.

3 MR. KEHOE: You know, to see if that's
4 a, you know, as Mr. Chin is saying, it's a normal
5 thing, get some information about that if you
6 want.

7 MR. CHIN: Very normal.

8 MR. FLEMING: And again, ma'am, these
9 suggestions from this board, they're suggestions
10 we've made. Seriously, if you have other ideas,
11 if you have other suggestions, I, I know Michelle
12 had mentioned earlier about, you know, if you
13 can't afford to fence in your whole yard, fencing
14 in a smaller portion of your yard. I mean again,
15 I think this board is very willing to work with
16 you, but I, I think we need to hear from you what
17 options you're willing to work with us on. So,
18 please take the time. If you have other
19 suggestions, we welcome them as well.

20 MR. CHIN: Even Mr. Beloff --

21 MS. COFINI: One question I do have is
22 the height of the fence.

23 MR. FLEMING: Oh, we have height
24 restrictions.

1 February 15, 2024

2 MS. COFINI: If I get a price, I need to
3 know the height.

4 MR. FLEMING: Sure. So we have --

5 MR. CUNNINGHAM: The height maximum is
6 six feet.

7 MR. FLEMING: Maximum --

8 MS. COFINI: Huh?

9 MR. CUNNINGHAM: The maximum will be six
10 feet.

11 MR. CHIN: It can't go above.

12 MS. COFINI: But you only need four feet
13 around a pool, why do I need a six feet --

14 MR. FLEMING: You don't --

15 MR. KEHOE: You don't need six. Six is
16 the maximum.

17 MR. CHIN: The maximum.

18 MS. PICCOLO HILL: No, I don't --

19 MS. COFINI: Oh, maximum.

20 MR. KEHOE: You can't go higher than
21 six.

22 MS. COFINI: Okay.

23 MR. CHIN: Like Mr. Beloff said, that
24 you could put just a run for the dogs to keep

1 February 15, 2024

2 them secure rather than the whole entire
3 property, something like that could be very
4 inexpensive. You know what I mean too, compared
5 to a whole fence all the way around, around the
6 house or whatever you want to do. But there's a
7 lot of suggestions that are made by this board
8 for you right now. And I think the one with the
9 collar is the cheapest of all. Because I've seen
10 them all over.

11 MS. COFINI: I'll look into it because
12 like I said, I've never heard of it other than --

13 MR. CHIN: If you, if you --

14 MS. COFINI: -- in the vet.

15 MR. CHIN: -- had dogs for, for how many
16 years you have it, go talk to your veterinarian,
17 any of the dog kennels, they'll tell you where to
18 buy those things. They are all over the world.

19 MR. FLEMING: All right.

20 MR. CHIN: You see them.

21 MR. FLEMING: Thank you, I appreciate
22 that. Ma'am, thank you for your time. We welcome
23 any other suggestions you have as well. Just
24 please get them to us as early as you can in

1 February 15, 2024

2 advance of the March 21st meeting.

3 MS. COFINI: Okay.

4 MR. FLEMING: Thank you.

5 MS. COFINI: I will do. Thank you.

6 MR. FLEMING: All right, I need a motion
7 to adjourn this meeting. Please do.

8 MR. WALSH: So moved.

9 MR. FLEMING: No, we're -- I'm sorry,
10 we're done. I need a motion to close the, the
11 February 15, 2023 (SIC).

12 MR. WALSH: So moved.

13 MR. FLEMING: Second?

14 MS. PICCOLO HILL: Second.

15 MR. FLEMING: All in favor?

16 MULTIPLE: Aye.

17 MR. FLEMING: All right, motion is
18 granted. We are dismissed.

19 (The public board meeting concluded at
20 8:18 p.m.)

CERTIFICATE OF ACCURACY

I, Ryan Manaloto, certify that the foregoing transcript of the board meeting of the Town of Cortlandt on February 15, 2024 was prepared using the required transcription equipment and is a true and accurate record of the proceedings.

Certified By



Date: February 29, 2024

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