

TOWN OF CORTLANDT
PLANNING AND ZONING BOARDS

ZONING BOARD MEETING

Town Hall, 1 Heady Street
Cortlandt Manor, New York 10567

November 17, 2021

7:00 p.m. - 7:20 p.m.

November 17, 2021

MEMBERS PRESENT:

Wai Man Chin, Member

Frank Franco, Member

Eileen Henry, Member

Adrian C. Hunte, Member

Cristin Jacoby, Member

Thomas Walsh, Member

Chris Beloff, Alternate

Chris Kehoe, Deputy Director, Planning

Joshua Subin, Assistant Town Attorney

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

3 MR. WAI MAN CHIN: Welcome to the
4 November meeting of the zoning board of appeals.
5 Our first agenda will be to pledge allegiance to
6 the flag.

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

12 MR. CHIN: May I have a roll call?

13 MR. CHRIS KEHOE: Mr. Beloff?

14 MR. CHRIS BELOFF: Here.

15 MR. KEHOE: Mr. Franco?

16 MR. FRANK FRANCO: Here.

17 MR. KEHOE: Mr. Martinez?

18 MR. BENITO MARTINEZ: Here.

19 MR. KEHOE: Mr. Chin?

20 MR. CHIN: Here.

21 MR. KEHOE: Ms. Jacoby?

22 MS. CRISTIN JACOBY: Here.

23 MR. KEHOE: Mr. Walsh?

24 MR. THOMAS WALSH: Here.

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2 MR. KEHOE: Ms. Hunte?

3 MS. ADRIAN C. HUNTE: Here.

4 MR. KEHOE: Mr. Subin?

5 MR. JOSHUA SUBIN: Here.

6 MR. KEHOE: Mr. Douglas noted as absent.

7 MR. SUBIN: Wai, if you recall, because
8 of the statute, you had to bring Chris into the
9 regular dais.

10 MR. CHIN: Oh, okay. We have Chris
11 Beloff as alternate member to take over for David
12 Douglas who is not here tonight, and that would
13 be Chris over here, sitting down to my right,
14 lower right. Okay. First new case is 2021-12,
15 application of Mark Mendelson.

16 MR. FRANCO: Do we want to adopt the
17 minutes first?

18 MR. CHIN: Oh, yeah, we can do that, oh,
19 you're right.

20 MR. KEHOE: It's a pressure meeting.

21 MR. CHIN: It's been a while. I make a
22 motion to adopt the minutes of the meeting for
23 our September 22nd meeting of 2021.

24 MR. WALSH: So moved.

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2 MR. CHIN: Second, did I hear a second?

3 MR. FRANCO: Second.

4 MR. CHIN: All approved?

5 MULTIPLE: Aye.

6 MR. CHIN: Okay. Minutes are adopted.

7 Okay, new public hearing is on 2021-12
8 application for Mark Mendelson, I believe that's
9 your case, Mr. Franco?

10 MR. FRANCO: Yeah, for, so for case
11 2021-12, before I say anything, do you want to
12 present us your thoughts on the case and then
13 we'll take it from there.

14 MR. MARK MENDELSON: The whole thing,
15 start to finish?

16 MR. FRANCO: Well, as much as you want
17 to tell us.

18 MR. KEHOE: Just explain your case,
19 introduce yourself and then explain.

20 MR. MENDELSON: Generally the most
21 helpful thing is the five factors.

22 MR. MENDELSON: Okay. Good evening. My
23 name is Mark Mendelson. I'm the owner of 12
24 Douglas Mowbray Road in Cortlandt Manor, New

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2 York. Earlier this year, in the springtime, I
3 wanted to purchase a larger shed than what I
4 currently had, which was an 8x12. I came to town
5 hall, filed for a permit. At the time I filed for
6 a permit, I advised them that I had an 8x12 shed
7 already on the property that I would be
8 relocating in the back yard to another area. They
9 had given me the paperwork. During the process, I
10 spoke to Mr. Rogers on two occasions and the only
11 thing he advised me that I had to keep it six
12 feet off the neighbor's property line and ten
13 feet from my septic. So I found the most level
14 spot in my back yard and I had to take a tree
15 down, which was in the way, I removed the tree, I
16 poured a cement slab for this existing shed I had
17 already to move it, to be located onto at a cost
18 of \$1,700 for the cement slab and 1,500 to remove
19 that tree, moved the shed. I didn't move it, I
20 had the manufacturer who came to deliver my new
21 shed once the permit was issued, they moved the
22 shed for me at a cost of \$150.

23 Then, when Mr. Rogers, I believe, is the
24 one who came back to inspect the property for the

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2 final inspection to close out the permit, he got
3 in touch with me and said you can't put the shed
4 in the location you put it at. I have, he says it
5 has to be 12 feet off of roadway side property
6 line, which I was never advised. I had looked
7 online. Even on the town's website. The only
8 mention they make is any accessory building under
9 100 square feet, that's not for a special use as
10 food preparation, etc., it does not need a permit
11 and there is absolutely no guidelines. So
12 without, and I asked him, well, how does anybody
13 know this, and he said, well most people call the
14 office and ask. I said I talked to you twice and
15 you never related anything about the street side
16 and I have about 100 feet of roadside property
17 line in my back yard.

18 So there was no reasonable way for me to
19 know this. I already spent about over 4,000 to
20 relocate a shed that I paid 5,000 for about seven
21 years ago. And I was trying to follow, you know,
22 rules and stay within zoning laws and that's why
23 I went and got a permit, and there was just no
24 way for me to know this on my own. And looking at

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2 the town's website, there's no classification of
3 zoning rules for a shed under 100 square feet as
4 to where you can put it, where you can't put it.
5 And that's why I'm here.

6 MR. FRANCO: Right. But the one question
7 I had is even in your write-up, you mention it
8 could have been six feet from a neighbor, so I
9 was just curious why you thought three feet was
10 okay.

11 MR. MENDELSON: Nobody mentioned a
12 roadside. I figured he would have known my
13 property --

14 MR. FRANCO: So you were considering the
15 roadside different from a neighbor?

16 MR. MENDELSON: Right. That you don't
17 have a neighbor's property next to you. And I
18 drive around, I drove around the town and I see
19 dozens of sheds in places probably where they
20 don't belong, and nobody knows and nobody says
21 anything. And there's no guideline for anybody to
22 know because it's not online and you don't need a
23 permit for it.

24 MR. FRANCO: Right. I guess, you know,

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2 when we reviewed this and we looked at the five
3 factors, one thing, the aesthetics to the
4 neighborhood, being you did have a fence going
5 across, you know, bordering the road, and
6 enclosing the shed, we felt that that made the
7 aesthetics better. So one thing about the shed
8 is, you know, if we did potentially approve it, I
9 think we would say that the fence has to stay,
10 because even if the fence was down, I think it
11 would be more out there, and even if it was set
12 back further at this point from the fence, I
13 think it would almost show more, being you're on
14 the corner lot to begin with. So those were my
15 thoughts about it. Does anybody else on the board
16 have any comments on the shed?

17 MR. WALSH: I know we discussed on
18 Monday night also that we write up the DNO if
19 it's approved just so the shed, the approval
20 would be just for the shed, not for any future
21 shed, not rebuilding, you know, if the approval
22 were granted, it would just be for this one, it
23 could never be replaced, you'd have to back
24 through and request another variance --

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2 MR. KEHOE: Right, I guess that would be
3 if a tree fell on it --

4 MR. WALSH: Right.

5 MR. KEHOE: -- you couldn't just put it
6 back in the same place. You'd have to make it
7 compliant.

8 MR. MENDELSON: Right.

9 MR. KEHOE: Okay.

10 MS. HUNTE: I would just say regarding
11 the five factors, that I don't see any
12 undesirable change to be produced in the
13 character of the neighborhood. The benefit
14 sought, perhaps you can't achieve this by any
15 other means because of the topography. The
16 requested variance, by percentage, it's large, 75
17 percent, but by feet measurement, it's just nine
18 feet and it's self-created, and I don't think
19 it's going to have an adverse impact on the
20 environment, or the neighborhood per se.

21 I will say this though, that there was
22 an amendment apparently to the code in 2020,
23 which did speak to the position or calculation of
24 having, especially when you have two front yards,

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2 that's the other thing, not just the less than
3 100 square feet. And the other is that by law, we
4 cannot hold the agency, if there's an error,
5 based on what the law is, that we have to go by
6 the law.

7 MR. SUBIN: Just a note, there might
8 have been a breakdown in communication, but
9 Martin does have some diagrams he drew up after
10 that law was amended and he tries to show people.
11 Maybe we'll, in the future, evaluate putting
12 those online as well. Maybe we'll make it easier
13 for people, but that's something for the town
14 board to consider.

15 MR. MENDELSON: Or even some bullet
16 statements that just, some, a couple of
17 guidelines of distance, probably about eight or
18 ten lines.

19 MR. SUBIN: Yeah, I think a diagrams
20 would make it -- if you see a picture of it, it
21 might make things a little bit easier.

22 MR. MENDELSON: And I would have been
23 more than willing to move it if I didn't spend
24 the money where it's at because I had space to

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2 move it elsewhere forward, but now I have a
3 \$1,700 slab in that location, which then would
4 also cost probably five or \$600 to demolish and
5 replace the grass in that location also on top of
6 building a new slab.

7 MR. CHIN: I'd like to say also one
8 thing, that the fence covers most of the shed
9 except for the rooftop, kind of the slope of the
10 roof. I believe if we did move it back further,
11 but the required, we would see more of the shed
12 because the property starts to slope uphill, to
13 raise the shed up in the air to the fence, so
14 really do not have a problem giving him the
15 variance that you are requesting. And like Tom
16 says, it'll be a onetime variance and that's it.

17 MR. MENDELSON: I actually have since
18 painted it to match my house exactly so it blends
19 right in.

20 MR. CHIN: Anybody in the audience would
21 like to speak on this matter? No. Frank?

22 MR. FRANCO: Yeah, so I make a motion to
23 approve the --

24 MR. CHIN: Close the public hearing

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2 first.

3 MR. FRANCO: Oh yeah, I make a motion to
4 close the public hearing.

5 MS. HUNTE: Second.

6 MR. CHIN: I have a second?

7 MS. HUNTE: Second.

8 MR. CHIN: All in favor?

9 MULTIPLE: Aye.

10 MR. CHIN: Motion approved.

11 MR. FRANCO: Okay. And I make a motion
12 to approve this variance for case 2021-12, for a
13 shed with a required setback of 12 proposed down
14 to three, which is a variance of nine, or 75
15 percent. We put in, in this case, that the fence
16 has to remain in order for this shed and this
17 variance to be active, and also that the shed,
18 it's for this shed only, and if the shed gets
19 demolished, etc., a new variance would need to be
20 requested. And this is a SEQR type II, no further
21 compliance is required.

22 MR. CHIN: Do I have a second?

23 MS. HUNTE: Second.

24 MR. CHIN: All approve?

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2 MULTIPLE: Aye.

3 MR. CHIN: Okay. So you're approved.

4 Chris --

5 MR. KEHOE: Yeah, you'll get a copy of
6 the decision and order in the mail and then I
7 don't know if you need to close anything out with
8 Martin Rogers in the code office, but he'll also
9 get a copy of the decision and order, and then
10 speak with him.

11 MR. MENDELSON: Yeah, he had to close
12 the original shed permit out for the larger shed,
13 which he attached this to it.

14 MR. KEHOE: Okay. So you'll get the
15 document and he'll get it and then you two should
16 talk to close it all out.

17 MR. MENDELSON: Okay. Thank you.

18 MR. FRANCO: Thank you.

19 MS. HUNTE: Thank you, good night.

20 MR. CHIN: Our next case is 2021-13,
21 application of Brian Mahoney, 10 Southgate Drive.
22 And Mr. Martinez, this is your case.

23 MR. MARTINEZ: Yeah. Hi, Mr. Mahoney,
24 how are you?

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2 MR. BRIAN MAHONEY: I'm sorry?

3 MR. MARTINEZ: How are you?

4 MR. MAHONEY: How are you?

5 MR. MARTINEZ: Thank you for coming.

6 MR. MAHONEY: Thanks for taking the
7 time.

8 MR. MARTINEZ: I, we did review the
9 grant that you requested and after reviewing, I
10 don't see any really major impact or change in
11 the character of the neighborhood. So, as much as
12 we like everybody to follow the code and
13 [unintelligible] [00:13:07] that the -- the
14 request that you asking it's [unintelligible]
15 [00:13:12] only 2.3, so I don't think we should
16 have any problem with that. So any one of my
17 colleagues want any --

18 MR. SUBIN: Let him make the
19 presentation and the five factors first, but
20 yeah.

21 MR. MAHONEY: No, I like what he had to
22 say. We're good.

23 MR. SUBIN: Just to make a record, just
24 to make the record.

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2 MR. MAHONEY: Thank you and good night.

3 MR. MARTINEZ: And I did review the five
4 factors and it's within the five factors, so
5 that's why --

6 MR. KEHOE: Introduce yourself.

7 MR. SUBIN: Introduce yourself, tell us
8 your story and then we'll get to --

9 MR. MARTINEZ: Oh, yeah, if you can tell
10 us --

11 MR. MAHONEY: I can only hurt my case.
12 I'm Brian Mahoney. This is my consultant,
13 Rebeccah, she's helped through the paperwork. So
14 basically, our house is on slab, we have some
15 storage issues, so we do use the attached garage
16 for storage. We have a 9-year old, so bikes and
17 whatever else is in the garage. So our cars
18 cannot fit. So we decided that, just speaking to
19 some of our neighbors, a two-car garage will look
20 great right next to the house. It is detached by
21 about four feet from a fence line that goes along
22 the pool. And basically the variance is for a
23 roof pitch. I've learned more about roof pitches
24 and ratios than I ever thought I would need to

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2 know. So the current code states that the roof
3 pitch should be four feet for every 12 feet of
4 length on an angle, so by increasing the fence
5 pitch to 7/12, it more aesthetically matches our
6 house, which is a contemporary style house.

7 MS. REBECCA RASHI: And as well as the
8 neighborhood too --

9 MR. KEHOE: If you could just introduce
10 yourself. I'm sorry.

11 MS. RASHI: I'm Rebeccah Larashi
12 [phoenetic], so I'm the drafter.

13 MR. KEHOE: The mic.

14 MS. RASHI: I drafted up the plans for
15 Brian and I've been working with him and the shed
16 company, going back and forth. Because it's kind
17 of a pre-fab shed, that was the other issue was
18 that this is kind of their standard truss design,
19 so even going through with having that four foot
20 height, they'd have to actually specially make
21 the truss to kind of go and fit on the pre-fab
22 shed. But also if you go through the
23 neighborhood, it's a very contemporary style
24 neighborhood and a lot of other houses on his

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2 block have a very steep roof pitch. So we don't
3 think that it would be harmful to the
4 neighborhood, as well as the fact that it's set
5 very far back, he has a very long driveway, and I
6 don't even think it's really going to be visible
7 from the road at all. But it's just to kind of
8 blend into the house better because he has such a
9 long roof pitch on the house, it's a very
10 contemporary style house. So, trying to actually
11 blend it more than having a flat roof, with the
12 size of the garage, the roof would look really
13 flat. It would have to go down to a 4/12 pitch,
14 so we're proposing a 7/12 pitch.

15 MR. MARTINEZ: Yeah, that's one other
16 thing is we noticed all those house as we was
17 reviewing the request you're asking for. And as I
18 was saying before, so I don't see that it's going
19 to be an impact of changing character, so
20 therefore, I think that [unintelligible]
21 [00:16:47], me personally, I don't have any
22 problem with that.

23 MS. JACOBY: Yeah, I'm okay with it too.
24 I agree with you. It's not going to have a

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2 detrimental effect on the neighborhood and if you
3 look, it's very nice, it's not like it's
4 something that's standing out or some wildly
5 changing the terrain, so I'm okay with it as
6 well.

7 MS. HUNTE: I concur.

8 MR. CHIN: Anybody else? I'd like to say
9 that I disagree with not your pitch, but the four
10 and 12 pitch because most pitches for any kind of
11 structure like your accessory structure should be
12 the same as the house, okay.

13 MS. RASHI: Yeah.

14 MR. CHIN: When you do a low pitch, it
15 just throws it totally out of proportion. Again,
16 that's why I agree with your -- and you have a
17 truss system, whereas nobody can really --
18 according to the code when it was done
19 originally, was because people were afraid that
20 they're going to have a living area above the
21 garage.

22 MS. RASHI: Right.

23 MR. CHIN: And I can't see you having a
24 living area in that --

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2 MS. RASHI: Right. We absolutely can't.
3 I mean even for storage, this is going to be a
4 truss system.

5 MR. CHIN: Right.

6 MS. RASHI: So it's going to be almost
7 completely full with the truss, so.

8 MR. CHIN: You can't stand up.

9 MS. RASHI: We can't even -- no.

10 MR. CHIN: So again, I have no problem
11 with what you're asking.

12 MR. WALSH: Yeah, same here. I agree.

13 MR. CHIN: Anybody in the audience
14 having anything? No.

15 MS. JACOBY: Laura Lee, do you want to
16 ask a question? She's in the zone.

17 MR. MARTINEZ: I make a motion to close
18 the public hearing.

19 MS. HUNTE: Second.

20 MR. CHIN: All in favor?

21 MULTIPLE: Aye.

22 MR. MARTINEZ: And I make a motion to
23 approve the variance of, from four to 2.3, which
24 it's going to bring it to 6.3 for the attached

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2 garage.

3 MR. KEHOE: And just reference the SEQR
4 note on the fact sheet, that it's a type II
5 action on the first page, I think.

6 MR. MARTINEZ: SEQR type II, no further
7 compliance required.

8 MR. FRANCO: Right there.

9 MR. MARTINEZ: And no further compliance
10 will be required.

11 MR. SUBIN: On the SEQR type II.

12 MR. MARTINEZ: On the SEQR type II.

13 MR. SUBIN: This is Benito's first case,
14 so we're all rooting for him.

15 MS. JACOBY: Second.

16 MR. CHIN: All in favor?

17 MULTIPLE: Aye.

18 MR. CHIN: That's it.

19 MR. KEHOE: Okay, so you heard, you'll
20 be getting a copy of this in the mail. I'll give
21 it to Martin. I guess you're waiting for Martin -
22 - Martin's waiting for this to be able to proceed
23 with you?

24 MS. RASHI: Yes, yes.

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MS. JACOBY: Thank you.

MR. MAHONEY: Thank you.

MR. CHIN: Do I have a motion to adjourn
the hearing?

MS. JACOBY: Motion to adjourn.

MS. HUNTE: Motion to adjourn.

MR. CHIN: Second?

MR. WALSH: Second.

MR. CHIN: All in favor?

MULTIPLE: Aye.

MR. SUBIN: And we're done.

(The public board meeting concluded at
7:20 p.m.)

CERTIFICATE OF ACCURACY

I, Claudia Marques, certify that the foregoing transcript of the zoning board meeting of the Town of Cortlandt on November 17, 2021 was prepared using the required transcription equipment and is a true and accurate record of the proceedings.

Certified By



Date: December 6, 2021

GENEVAWORLDWIDE, INC

256 West 38th Street - 10th Floor

New York, NY 10018