

### TOWN OF CORTLANDT

### ZONING BOARD OF APPEALS

Town Hall, 1 Heady Street Cortlandt Manor, NY 10567 914-734-1080

**Town Supervisor** Richard H. Becker, MD

Town Board

James F. Creighton Cristin Jacoby Robert Mayes Joyce C. White

Wai Man Chin Vice-Chairman

Chris Beloff Frank Franco Michelle Piccolo Hill Benito Martinez Thomas Walsh

You are invited to a Zoom webinar.
When: Jun 20, 2024 07:00 PM Eastern Time (US and Canada)
Topic: 2024 June 20 Zoning Board Meeting

Please click the link below to join the webinar:

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AGENDA.....ZONING BOARD OF APPEALS

Town Hall – 1 Heady Street Cortlandt Manor, NY 10567

### Work Session – Thursday, June 20, 2024 at 6:30 PM

1. Discuss Agenda for the Regular Meeting

### Regular Meeting – Thursday, June 20, 2024 at 7:00 PM \*

- 1. Pledge to the Flag and Roll Call
- 2. Adoption of the Meeting Minutes for May 16, 2024
- 3. <u>OLD BUSINESS</u>

**A.** Case No. 2024-4 Application of John Lentini, R.A., on behalf of Edison Ruilova, for area variances for a proposed garage in the front yard and for an existing shed located in the front yard at 4 Travis Lane.

\*Regular meeting to begin at conclusion of the work session

# TOWN OF CORTLANDT PLANNING AND ZONING BOARDS

ZONING BOARD MEETING

Town Hall

1 Heady Street

Cortlandt Manor, NY 10567

May 16, 2024

7:00 p.m. - 7:26 p.m.

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

	Dago '
1	Page 3 May 16, 2024
2	(The board meeting commenced at 7:00 p.m.)
3	MR. MICHAEL FLEMING: Call to order. I'd
4	like to call to order the May 16, 2024 meeting of
5	the Town of Cortlandt's Zoning Board of Appeals.
6	I'd like to start by inviting everyone who wishes
7	to join me in saying the pledge of allegiance.
8	MULTIPLE: I pledge allegiance to the
9	flag of the United States of America and to the
10	Republic for which it stands, one nation under
11	God, indivisible, with liberty and justice for
12	all.
13	MR. FLEMING: All right, let's start
14	with a roll call please.
15	MR. CHRIS KEHOE: Ms. Piccolo Hill?
16	MS. MICHELLE PICCOLO HILL: Here.
17	MR. KEHOE: Mr. Martinez?
18	MR. BENITO MARTINEZ: Here.
19	MR. KEHOE: Mr. Franco?
20	MR. FRANK FRANCO: Here.
21	MR. KEHOE: Mr. Fleming?
22	MR. FLEMING: Here.
23	MR. KEHOE: Mr. Chin?
24	MR. WAI MAN CHIN: Here.

### Geneva Worldwide, Inc. 228 Park Ave S - PMB 27669. New York, NY 10003

MS. PICCOLO HILL: 2023-17.

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MR. FLEMING: I'm sorry if I missed that, it's 2023-17. I think Mr. Patel's counsel is here?

MR. CLIFFORD DAVIS: Yes.

MR. FLEMING: Alright. Do you have anything you want to say to the board before we begin?

MR. DAVIS: No.

MR. FLEMING: Okay. The only thing left to do on this is, is to hold our vote. We had we had continued over for a month because last month we had several members of the board, unfortunately, who weren't able to be here. When we have a significant member membership of the board not here, we always invite the people present to have the opportunity to wait until the following meeting so the full board could be here. Mr. Patel took us up on that, on that offer, so we held it over. The only thing left to do on this is, is to vote. So this is an -- I'm sorry, Michelle, this is yours?

MS. PICCOLO HILL: Yes.

MR. FLEMING: Alright, hold on one

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1 May 16, 2024 2 second. Alright. We have a proposed decision order and I think you're going to read a summary 3 4 of it? 5 MS. PICCOLO HILL: I am. So our proposed decision is based off of Section 307-8C of the 6 7 town of Cortlandt zoning code. And this states that the minimum average lot in an R-40 zone is 8 9 150 feet. According to the applicant's engineer 10 and confirmed by the town, the average lot width 11 of the four substantiated lots, 10, 11, 25, and 12 26 is 98.78 feet, which doesn't meet the required 13 150 feet. Given this, and based on the 14 application of Section 307-8C, the lots have not 15 been merged. So, I would like to make a motion to 16 declare their lots have not been merged and to 17 overturn the director of code enforcement's 18 determination. 19 MR. MARTINEZ: I do second that motion. 20 MR. FLEMING: All in favor?

MULTIPLE: Aye.

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MR. FLEMING: Any opposition? Alright, so the application is granted. There'll be a decision and order coming forthwith.

	Page
1	May 16, 2024
2	MR. DAVIS: Okay, thank you very much.
3	MR. FLEMING: Thank you.
4	MR. KEHOE: Well, wo just for the
5	record, you know, we'll, we'll mail the decision
6	and order, but then it would be up to your client
7	to determine what the next steps are.
8	MR. DAVIS: Got it.
9	MR. KEHOE: Okay.
10	MR. DAVIS: Thank you very much. Thank
11	you.
12	MR. FLEMING: Alright, that's the,
13	that's the remainder of old business. We do have
14	two new cases on the case for today. The first
15	case is 2024-four. Michelle, I think that's your
16	case as well?
17	MS. PICCOLO HILL: Yes.
18	MR. FLEMING: Alright.
19	MS. PICCOLO HILL: So, case number 2024-
20	4, the applicant, John A. Lentini, R.A. on behalf
21	of Edison, Ruilova, sorry if I'm pronouncing that
22	incorrectly. The request is area variances in the

front yard for a proposed two-car garage and an

existing shed. Is there anyone from the audience

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1	May 16, 2024
2	that would like to speak up?
3	MR. JOHN LENTINI: Yes.
4	MR. FLEMING: Welcome, please just state
5	your name and who you are relation.
6	MR. LENTINI: I'm John A. Lentini,
7	architect. I'm representing, excuse me one
8	minute, I just want to silence my phone.
9	MS. PICCOLO HILL: Sure, of course.
10	MR. LENTINI: I just got a call
11	MS. PICCOLO HILL: Sure, please, of
12	course. Yeah, definitely.
13	MR. LENTINI: Last thing I want to do is
14	get interrupted. Thank you. I'm here, in
15	attendance is, Edison Ruilova, Nestor Tamachi,
16	and Nestor's son, Illias. If there's any purpose
17	for Edison to speak, Nestor is an interpreter,
18	although he speaks very good English, but he
19	still likes an interpreter.
20	I wanted to give you a little background
21	on the job. I was first involved last year.
22	Edison purchased the property in 2023 and it was
23	in kind of disrepair, especially for his taste,
24	so he immediately sought to clean it up and got a

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violation for building some small grade walls around the house. So we filed, got an approval, and while I'm trying to finalize that, he starts moving dirt around, gets another violation for moving the dirt around. Now, I don't believe that would be a cause to call this a self-created condition because when the town engineering department went out there, they noticed that there were walls that were built in the back that maybe Edison didn't even do and there were sheds that he didn't put in and there was all kinds of things happening. So they said could you please ask your client what does he want to do over there ultimately?

So, after I talked to Edison, he said I would've liked to get a garage in the front of the house. He has four children. He has jet skis, he has bicycles, motorcycles. At least three of them I think are going to be -- are driving and one is going to be driving and he has a car. So he has vehicles. The modern family today has a lot of vehicles, a lot of horses.

So the purpose for putting the garage

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there is there's not many flat places on the site. The site has constraints. It's R-80 zone requiring 80,000 square feet, but the lot is 95,000 square feet. So we've sufficient size and he didn't want these vehicles to be stored close to his house because they're, you know, he might have a hand plow or something. He wants some right where the driveway is.

And it works out very well except for the fact that the town doesn't permit it. The reason the town doesn't permit it, I believe, is the zoning codes for setback and front yard accessory buildings is for keeping a uniformity in a neighborhood that you don't see anything sticking out, it's all uniform, there's nice looking houses.

Well, they're all very nice looking there. It's a high end neighborhood. But it's not very uniform to begin with. Between these blocks of White Lion Road, Travis Lane and Montrose Station Road, there's like 22 houses and none of them are lined up. They're all over the place, his being probably the highest site of all those.

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When you drive by, you can't -- wouldn't see the garage we're proposing to build. But a peek up the driveway would reveal the house, which is still what I believe the town wants to see, not a garage, but a house.

So to be creative, I approached, just today, code enforcement. Well, what if we turned our house around, faced Montrose Station Road and now Travis Lane would be a side yard, then the garage will be permitted right where we're proposing it. The problem there is we'd also have to move the driveway over and we'd have to move the mailbox over and there's no good access from Montrose Station Road because of the terrain. So it's out of the question.

But my point for bringing this up is that it doesn't look, it's not like it looks so unusual and it would be permitted in another situation. So it's, it's going to be an ordinary looking structure hidden by a fence, trees and the grade.

So I don't believe that it, you know, one of the tests of asking for a variance, we're

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not asking for anything unusual per se. Back to his hardship, with the grade the way it is, and he still has work to do to satisfy the engineering department, we have now been asked to get a modern topographic survey for two acres.

To prepare my plans, I use Westchester

County, GIS mapping data, which is old. It

doesn't account for erosion. It doesn't account

for the work he did. So I, even though I believe

my plans are accurate, because I did, I did a

drone image and I did my own, I have a laser

level, one man can operate it. I took some of

these, the grades. All he did to get stopped

though, but requiring a permit, is he filled in

this crevice, like coming out from one part of

these big outcroppings, there was this crevice

that just went back up into the lot. So he pushed

the dirt over. Very obvious, people driving by

saw it, apparently somebody complained.

We stopped immediately and I went by there today. I don't, I don't know if anybody on the board went by, but it doesn't look unusual.

It doesn't look like there's any, you know, thing

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going on there other than what I'm representing. So I believe I've made the points I'm trying to make and I'll entertain any questions the board has.

MR. FLEMING: So we, we met on this beforehand and one of the things we, we sometimes ask for, and I'm going to ask for in here is the opportunity for any members of the board who'd like to accompany, and I would like to be there, is actually do a site visit. I'm interested in actually seeing -- and sorry, that's my phone beeping. I, I didn't do what you did and I should have so sorry for that. But, I'd like to actually see some of what you're talking about, specifically the character of the neighborhood and, and, and what this looks like.

I did not have an opportunity to drive past, but I also would like to actually enter the property and, and we won't do that without obviously yours and your applicant's permission.

MR. LENTINI: Yeah, you have his permission, but I'd be delighted to meet you there if you will let me.

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MR. FLEMING: And that's what I'd like to do, if possible. I certainly won't interrupt any of the other board members who have direct questions and I'll let them go in a second. But, but before we take a vote on this, which means we wouldn't take a vote tonight, we'd extend it to the next meeting --

MR. LENTINI: I'd ask for an adjournment if I was planning on doing that.

MR. FLEMING: But what I'd like to do is, is, is have a site visit. So I'll let anybody else from the board who has any specific questions ask them. Anybody? Good? Okay.

MR. WALSH: I don't have any.

MR. FLEMING: Alright. So if we have the opportunity for a site visit, and I will tell you normally at site visits, if you could be there, it'd be great because we do often have questions while we're looking. Perhaps we can make, make an appointment, and I hope we could do it now, or if not we could have Mr. Kehoe arrange it with you.

MR. KEHOE: No, typically we would try to find a date now.

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1	Page 1 May 16, 2024
2	MR. FLEMING: Okay.
3	MR. KEHOE: That's why I'm, I'm opening
4	my phone back up. And John, you, you recall from
5	your experiences with the planning board that
6	they typically like to have these on the weekend.
7	MR. LENTINI: Sure.
8	MR. KEHOE: The site inspections and I
9	think even though maybe past practice for the
10	zoning board was Saturdays, I think we're going
11	to shoot for Sundays.
12	MR. FLEMING: Whatever people want. I
13	know Michelle indicated Sundays were better for
14	her and I'm happy to make myself available.
15	MS. PICCOLO HILL: My kids have sports
16	both days.
17	MR. CHIN: Usually, we do it the Sunday
18	before, but the Sunday before the next board
19	meeting is Father's Day. So I would say we have
20	to do maybe the week before that even.
21	MR. WALSH: The 9th.
22	MR. FLEMING: So you're talking about
23	the first weekend in June?
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MR. CHIN: Yeah, the 9th.

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1	May 16, 2024
2	MR. FLEMING: Which is that's not
3	MR. FRANCO: The 2nd or the 9th.
4	MR. CHIN: Because the meeting is June
5	20.
6	MR. FLEMING: Okay.
7	MR. CHIN: Okay. And the 16th is
8	Father's Day, which is right before the meeting,
9	alright. So, you don't want to disrupt Father's
10	Day for that.
11	MR. FLEMING: I understand.
12	MR. CHIN: And maybe the 9th.
13	MR. KEHOE: I cannot do the 2nd. I can
14	do the 9th.
15	MR. CHIN: The 9th.
16	MR. KEHOE: Yep.
17	MR. CHIN: Yep. That's what I'm saying.
18	MR. MARTINEZ: The 9th?
19	MR. CHIN: The 9th.
20	MR. FLEMING: Sunday, June 9th.
21	MR. CHIN: June 9th.
22	MR. LENTINI: That wouldn't be, that
23	would be the 8th.
24	MR. FLEMING: I'm sorry?

1	May 16, 2024
2	MR. LENTINI: The 8th.
3	MR. KEHOE: No.
4	MR. LENTINI: What's Father's Day you
5	said was the 16th?
6	MR. FLEMING: Father's Day is Sunday the
7	16th. This is a week
8	MR. LENTINI: Oh, so 9th, right, sorry.
9	MR. MARTINEZ: Mr. Chairman? Excuse me,
10	I'm sorry. I, I would like to be there and I
11	think I'm going to be coming back, but I'm going
12	to be out of the country, coming back that day.
13	MR. CHIN: Okay. So that's alright.
14	MR. FLEMING: Um
15	MR. MARTINEZ: If it's okay, yeah.
16	MR. CHIN: Yeah. I mean as long as most
17	of the board members can make it, fine. You know
18	what I mean, that's all.
19	MR. FLEMING: Would you be there, are
20	you not available that entire day or would you be
21	available at a certain time? Do you know?
22	MR. MARTINEZ: No, because I'm going to
23	be heading back that day from
24	MR. CHIN: No, that's you, so you

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wouldn't be there at all.
MR. MARTINEZ: I'm not going to be
there.
MR. FLEMING: Okay. Would you, would you
prefer we do it a different day? Do you want
MR. MARTINEZ: That's what I mean.
MR. FLEMING: That's fine.
MR. MARTINEZ: Because I would love to
be there.
MR. FLEMING: What about a Saturday?
What about when are you leaving for your trip?
Are you available, like for example
MR. MARTINEZ: Well, any day after the
9th, then I'll be fine, because I'll be here.
MR. FLEMING: And what day, what day is
the next meeting? It's the 20th?
MR. CHIN: The 20th.
MR. KEHOE: I, I can't speak for all
fathers, but I have no problem being on a site
inspection from 9:00 to 9:30 in the morning on
Father's Day.
MR. LENTINI: Nor, nor do I.
MR. FLEMING: I will do that as well.

1	May 16, 2024
2	MR. CHIN: Okay, fine.
3	MR. MARTINEZ: I have no problem with
4	that.
5	MR. FLEMING: I'm happy if that's
6	MR. CHIN: But is that okay with your
7	client?
8	MR. KEHOE: But
9	MS. PICCOLO HILL: I mean, we could also
10	look at maybe Saturday instead.
11	MR. KEHOE: I, I apologize, I'm not
12	available that weekend.
13	MR. CHIN: Thank you.
14	MR. FLEMING: Saturday the 15th.
15	MR. MARTINEZ: I wouldn't do it for
16	Mother's Day, but for Father's Day, I'm okay
17	with.
18	MR. LENTINI: Mother's Day, that's
19	sacred.
20	MR. KEHOE: I'm away that weekend.
21	MR. FLEMING: That weekend, okay.
22	Saturday, June 8th. No, sorry, you're not
23	available.
24	MS. PICCOLO HILL: Are you around June

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1	Page 2 May 16, 2024
2	1st?
3	MR. FLEMING: June 1st?
4	MS. PICCOLO HILL: Are you still away?
5	You're probably away.
6	MR. MARTINEZ: That's when I'm heading
7	out.
8	MR. FLEMING: Man, you're killing us.
9	MR. MARTINEZ: I'm sorry.
10	MR. KEHOE: Well, well maybe there's a
11	way Benito could make arrangements
12	MS. PICCOLO HILL: To go separately.
13	MR. KEHOE: to go separately.
14	MR. MARTINEZ: Yeah, no
15	MR. FLEMING: Would the applicant be
16	MR. MARTINEZ: that would be fine.
17	MR. KEHOE: Based on what we decided at
18	the work session, you can't go separately. You'd
19	have to make arrangements with the applicant.
20	MR. FLEMING: Would you be willing to
21	meet twice essentially? Once with all of us
22	MR. LENTINI: No problem.
23	MR. FLEMING: and then the second
24	time

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1	May 16, 2024
2	MR. LENTINI: I'm very loose.
3	MR. FLEMING: with Benito?
4	MR. MARTINEZ: No, no, no.
5	MR. FLEMING: I'm sorry.
6	MR. MARTINEZ: That's fine. Set it up
7	for you guys to be there.
8	MR. KEHOE: Right.
9	MR. MARTINEZ: And I'll just
10	MR. KEHOE: But if you want to go, get
11	in touch with me, I'll get in touch with John.
12	You can figure out a time to get there.
13	MR. MARTINEZ: I will make that if it's
14	necessary, but I don't think it would be, so.
15	MR. FLEMING: Okay.
16	MR. LENTINI: Well, we'll
17	MR. MARTINEZ: I, I'll handle it
18	differently.
19	MR. KEHOE: So if, Benito, so are we
20	back to the 8th?
21	MR. CHIN: Stick with the 9th?
22	MR. KEHOE: The 9th?
23	MR. FLEMING: The 9th, Sunday, June 9th?
24	MR. WALSH: Perfect, time?

	Page 2
1	May 16, 2024
2	MR. FLEMING: Is that okay with
3	everybody else?
4	MR. KEHOE: First thing in the morning?
5	9:00 o'clock?
6	MR. FLEMING: 9:00 o'clock that morning?
7	MR. LENTINI: 9:00 o'clock.
8	MR. CHIN: On June 9th.
9	MR. KEHOE: On June 9th.
10	MR. CHIN: Sunday, June 9th.
11	MR. FLEMING: And that's okay with your
12	clients, everything's okay?
13	MR. LENTINI: Excuse me?
14	MR. FLEMING: Your clients can do that,
15	June 9th?
16	MR. LENTINI: Oh yes, absolutely.
17	MR. FLEMING: Okay. Alright. So we'll,
18	we'll, we'll, we'll have that. If anyone else has
19	any other questions, I do also want to invite,
20	although I don't think there's anyone present,
21	any members of the public who have any comments
22	to make on this, I do wish to invite you to do
23	so. And if there is anybody online at the meeting
24	who wishes to make any comments, you're welcome

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1	Page 2 May 16, 2024
2	to.
3	MR. CHIN: Anybody online? No? Okay.
4	MR. FLEMING: Alright. So in light of
5	that, what we'll do is we will adjourn. I need a
6	motion to adjourn.
7	MS. PICCOLO HILL: I make a motion to
8	adjourn.
9	MR. WALSH: Second.
10	MR. FLEMING: Alright. So this matter is
11	adjourned into the next hearing and prior to
12	that, on June 9th at 9:00 a.m., we'll have a site
13	visit where the board members may have more
14	specific questions for you.
15	MR. LENTINI: Sure.
16	MR. FLEMING: If you have anything you
17	want to give to us before that, you're welcome to
18	do that.
19	MR. CHIN: And that's on case 2024-4.
20	MR. KEHOE: And, and John, I'll send out
21	a written invitation.
22	MR. LENTINI: Okay.
23	MR. KEHOE: In the old days I would've
24	mailed it, now I'll email it to everybody. I'll

1	May 16, 2024
2	email it to the zoning board members. And since
3	it constitutes a quorum of the board, I also have
4	to notify the press. That's just Gary Cahill at
5	the Gazette. And then I notify the CAC as well.
6	MR. LENTINI: Okay.
7	MR. KEHOE: So sometimes a member of the
8	CAC, who's an advisor to the zoning board and the
9	planning board might come on the site inspection
10	as well.
11	MR. LENTINI: The more the better.
12	MR. FLEMING: Thank you for being
13	accommodating. We appreciate it.
14	MR. LENTINI: You're welcome. And we
15	will see you on June 9th.
16	MR. CHIN: There better be coffee.
17	MR. FLEMING: Okay. Alright, the next
18	case is 2024-5 and I think this one is yours.
19	MR. CHIN: This is my case on 2024-5,
20	Carly Sheck.
21	MR. FLEMING: Okay.
22	MR. CHIN: Mr. Lentini, would you like
23	to speak again on this?
24	MR. LENTINI: John Lentini, architect on

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behalf of Carly Sheck. This is a rather interesting variance and I'm trying to avoid any attempt at humor, but fact is the section of the property maintenance code doesn't permit two people to be in a bedroom under a hundred square feet. It's Section, for the record, New York, 404.4.1, every room area, every habitable room, has to have no less than 70 square feet. 4.2 from bedrooms, let's see, from bedrooms, it has to be, or 4.1, same, same section, 50 square feet per person. This house is a little unusual. There's only two houses on Hickory Street, a very tough block to get down. I was talking to one of my clients who's a Mohegan Lake firefighter, so hope you never have to go there, you know. I, I have a moderate sized car and every time I go there it's hard to turn around.

The variance we seek is not selfcreated, she just wants to do this. We applied
for a permit and was denied. It is for a front
yard setback primarily. There's a shed involved
too that I'll talk about separately. But the
front yard is not actually adjacent to the street

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because the street ends right about where this starts. But the code enforcement examiner determined that you just keep running that line and that's the setback we have to be set back from. There's the other places you could have put it perhaps is on the right side yard, but the septic system stops it. The rear yard, which is a nice little yard, if we put an extension there that would kill the whole yard. And the left was a potential yard except that it isn't the look of the house. The house will start looking very large and she wanted to keep the house looking modest and she works on her planting and stuff around the left side yard. So this is an appropriate place to put it.

In the terms of is there any o other way we could do it expanding the existing bedroom?

Well, it's bordered by a bathroom, a kitchen and a three bearing walls, four bearing walls. The house, the roofs change right over the bedroom that it would be a structural nightmare to try to move a wall and then we would lose the living room. So this was about the, you know, most

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2 appropriate way to do it.

The shed has been there for 15 years.

It's four feet from a fence, but it is too close to the lot line. The house beyond that is several hundred feet down a hill. It's in another highend subdivision. I don't believe the house could even see it. One of the concerns the code enforcement has is that we have a state law about having setback of five feet for fire division, you know, non-combustible. We could add some non-asbestos fireproofing material to satisfy that portion of the code.

But otherwise, I had told Martin if this is going to hold everything up, we could also try to move it. Except that right now everything is nicely landscaped and if, if anybody wants to go there too, but it really would be a shame to have to move it. And it's very valuable because there's no storage place in the house. You know, all her gardening equipment is in that little shed.

So let's see the other points I have.

The value of the house, I mean, there's only two

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houses, so it was hard to prepare, but the actual, full market value is only 141,000 for the house. It's hard to believe today because lots are going for that much, even though this lot probably wouldn't, and the only other house that actually also uses another address is valued at 172,000. Neither of them are really attractive in terms of what the value would be. And I believe that without improving at least one bedroom in the house, it would, you know, if she ever did plan on selling it, which she doesn't at the moment, it would hurt the potential for selling it.

And then the lot itself is a tax lot, but it's too small. It's, it's an R-10 neighborhood required to be 10,000 square feet and the lot is only 8,300. Not her fault. I'm an architect 55 years. When I bought my house at Lake Allendale, I didn't realize it was a non-conforming lot. I'm an R-10, it's supposed to be 10,000, mine's 9,000. Oh my god, you know, now I can't do anything. You know, fortunately the code enforcement looks at it a little differently.

2.3

There's certain things you could do, but if they didn't, you don't relax the yard requirements.

You know, I made a case before the board that wasn't successful once before. If you're going to allow an R-40 lot at 20,000 feet to be built, you should use the R-20 setbacks. But they don't. So therein is all the hardships, self-created. And I think that's about all I have.

MR. CHIN: Okay. Well actually I drove and saw the house, okay. Got up right to the fence.

MR. LENTIN: Yes.

MR. CHIN: Opened the gate, of course I knocked on the door, nobody was home. But I looked at the plan and I walked around it a little bit this way, that way I say I'm looking at the site of the flashes. This is the only place you could really put the bedroom. You know, there's no other place to put it. You know, you got a porch on this side, you got this over there. The front deck is on the other side over there. You know, this, you can't put it on the left or right of the front, front, you know, the

1	May 16, 2024
2	front of the house.
3	MR. LENTIN: Yeah.
4	MR. CHIN: It's just impossible to put,
5	you know what I mean? So, it's the only location
6	I could see myself. Alright. And from what I saw,
7	based on what you're putting there and everything
8	else, based on also the five factors that you
9	also put down yourself, I didn't see a problem
10	with your addition going there. And it's a little
11	bit larger than most variances that we do give,
12	but based on the condition of the area,
13	everything is so close to each other over there.
14	I don't have a problem with it.
15	MR. LENTINI: Thank you.
16	MR. CHIN: Anybody else?
17	MR. FLEMING: Any members the board have
18	any comments?
19	MR. WALSH: No. As I, as I went through
20	
21	MS. PICCOLO HILL: Eighty-eight square
22	feet is not a lot for a bedroom, I have no
23	problems. I have no concerns.
24	MR. LENTINI: Well, so you spend one

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2	third of your life in the bedroom.
3	MS. PICCOLO HILL: Yeah.
4	MR. LENTIN: At least one third.
5	MR. MARTINEZ: Just for the record, I, I
6	had like the fact that you highlighted all five
7	factors, so I do not have a problem with it
8	either.
9	MR. CHIN: And the other thing is I, you
10	know, we got the statement from the three
11	adjoining property owners and they had no problem
12	with the addition that you're putting on.
13	MR. FLEMING: Mr. Walsh?
14	MR. WALSH: Yeah. As I agree with Mr.
15	Chin, you know, it doesn't have an undesirable
16	change in the neighborhood, feasible for
17	somewhere else, you know, you have the septic
18	tank, your leach fields. This is really the best
19	spot for it. Is a substantial, yes, it is
20	substantial, but that is not one of the it is
21	one of the factors, but we don't have to meet all
22	five factors, so.
23	MR. LENTINI: And the shed.
24	MR. WALSH: Adverse impact of the

1	Page 3 May 16, 2024
	ray 10, 2024
2	neighborhood, I don't think so. I think it's
3	going to fit nicely in the neighborhood. And is
4	it self-created? Yes. Pretty much every zoning
5	case is self-created at some point. So it's, and
6	again, we don't have to meet all five factors, so
7	
8	MR. LENTIN: Understood.
9	MR. WALSH: I am in support of this.
10	MR. FLEMING: Any other?
11	MR. BELOFF: I agree with Tom. I'm, I'm
12	supportive.
13	MR. FLEMING: Again, this is actually I
14	think the largest area variance that I've, you
15	know, percentage wise, that I've actually been in
16	favor of. But you know, in light of the, the
17	obstacles you've identified with the site, I, I
18	do think this is, that this is the best way to
19	accomplish it. So, I also I, I would approve
20	this. I think it's a, a very good presentation as
21	well, so thank you.
22	MR. FRANCO: Yeah. For the same reasons
23	already discussed, I, I agree as well.
24	MR. FLEMING: Alright, so I think we

1	May 16, 2024
2	need a motion.
3	MR. CHIN: Okay. Well, for anybody in
4	the audience who want to speak about this?
5	MR. LENTINI: One
6	MR. FLEMING: Oh, sorry.
7	MR. LENTINI: Does that include your
8	opinion of the shed being there?
9	MR. FLEMING: Well, the shed, the shed
10	before us?
11	MR. CHIN: Yeah. The existing shed was
12	still by a previous owner. It's not, it's not
13	really on here, on the DNO.
14	MR. FLEMING: I'm sorry, let me
15	MR. WALSH: On the side here, four feet
16	is
17	MR. FLEMING: let me just read his
18	denial letter.
19	MR. KEHOE: The shed is on there.
20	MR. FLEMING: Hold on one second.
21	MR. CHIN: It says propose addition to
22	side yard for the existing shed. Yeah, it's on
23	there, yeah.
24	MR. CUNNINGHAM: Yeah. What the board

1	Page 3 May 16, 2024
2	will be voting on is allowing the shed to stay as
3	well.
4	MR. CHIN: Yeah.
5	MR. FLEMING: Alright.
6	MR. CHIN: Allowing
7	MR. FLEMING: My mistake, I apologize.
8	MR. WALSH: Now, code enforcement
9	would've to do they have the dictate?
10	MR. KEHOE: Yeah, to the point of the
11	fire rating, that would be that the DNO's
12	conditioned upon receiving all necessary permits
13	from code enforcement.
14	MR. WALSH: Okay.
15	MR. KEHOE: So if they're going to
16	require fireproofing in the structure
17	MR. LENTINI: We're, prepared to do
18	that.
19	MR. KEHOE: you'd deal with Martin.
20	MR. CHIN: That's between you and the
21	building department.
22	MR. LENTINI: Yes.
23	MR. FLEMING: Agreed. And thank you for
24	identifying that.

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1	May 16, 2024
2	MR. CHIN: Anybody on the Zoom or
3	anything? Nope? Nope. Okay. So, I'm going to make
4	a motion on case 2024-5 to close the public
5	hearing.
6	MR. WALSH: Second.
7	MR. FLEMING: All in favor?
8	MULTIPLE: Aye.
9	MR. FLEMING: Public hearing is closed.
10	MR. CHIN: Okay. I'm going to make a
11	motion on case 2024-5 for, for a front yard
12	variance from a proposed 12.79, from 30 feet is a
13	variance of 17.21, it's 57 percent. Also the side
14	yard from four feet is down to 2.4 feet, 2.44
15	feet, a 1.36 feet variance, 34 percent. And that
16	includes the existing shed that was installed by
17	a previous owner that you would have to talk to
18	the building inspector on
19	MR. LENTINI: Right.
20	MR. CHIN: just upgrading it a little
21	bit or whatever you have to do for fireproofing
22	the

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MR. LENTINI:

building permit.

23

24

Satisfying the state

1	Page 36 May 16, 2024
2	MR. CHIN: Okay. Alright. So this is a
3	type II under SQRA, no further compliance is
4	required.
5	MR. WALSH: Second.
6	MR. FLEMING: All in favor?
7	MULTIPLE: Aye.
8	MR. FLEMING: Alright. Congratulations,
9	your application has been approved.
10	MR. LENTINI: Thank you very much.
11	MS. CARLY SHECK: Thank you so much.
12	MR. MARTINEZ: You're welcome.
13	MR. CHIN: Have a nice day.
14	MR. FLEMING: Alright. In light of that,
15	is there any other business? I need a motion to
16	close our hearing.
17	MR. BELOFF: I make a motion to close
18	the public hearing.
19	MR. WALSH: Second.
20	MR. FLEMING: All in favor?
21	MULTIPLE: Aye.
22	MR. FLEMING: Alright. Motion is
23	hearing is closed. Everyone have a lovely
24	evening.

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Certified By

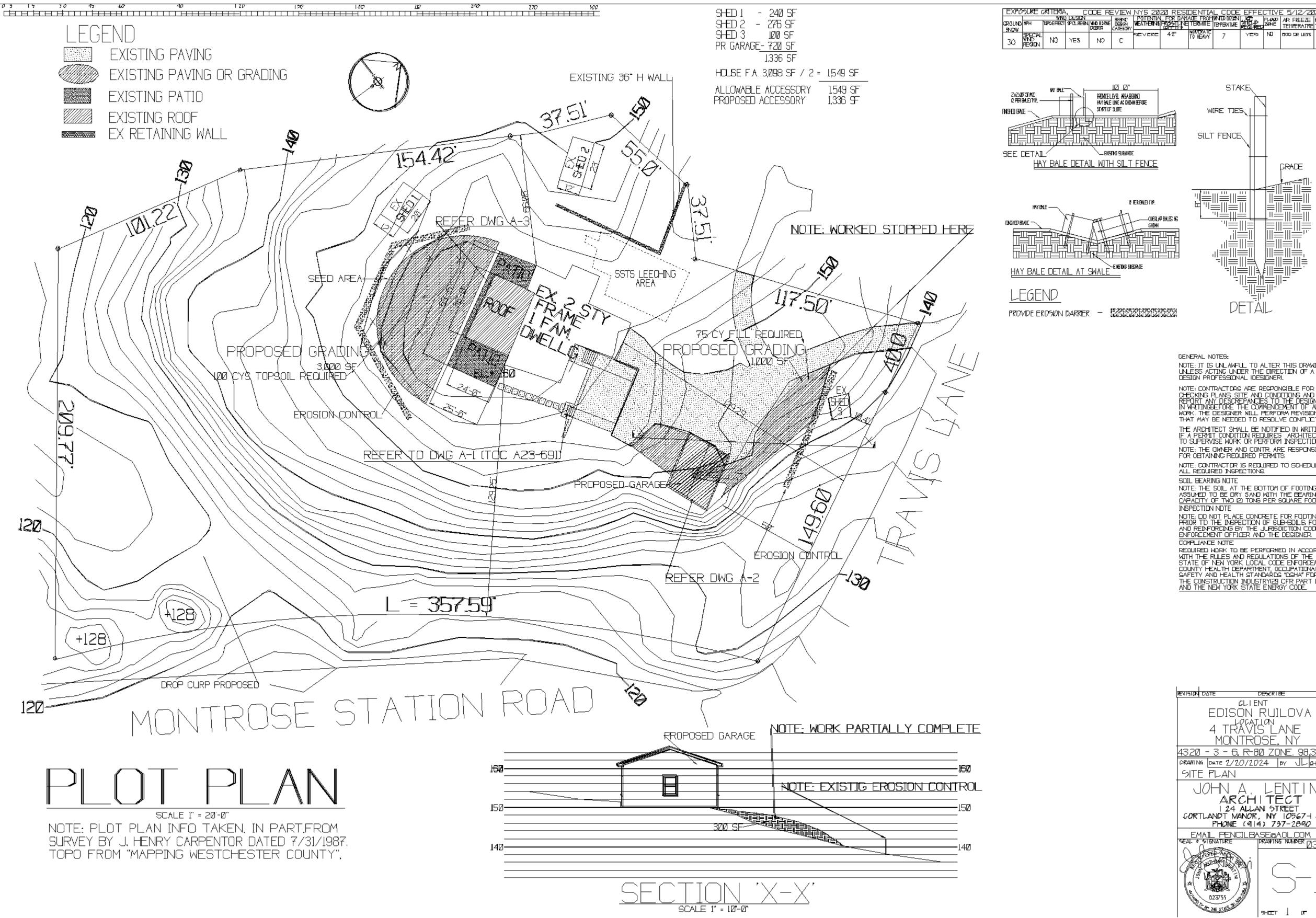
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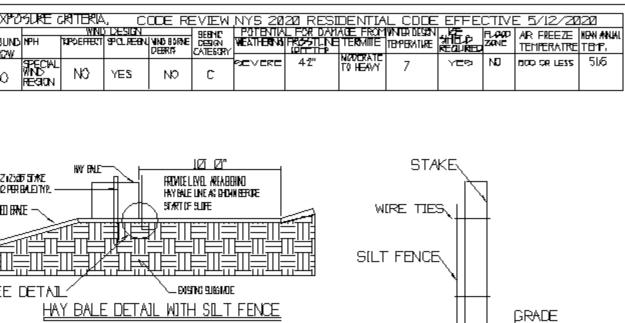
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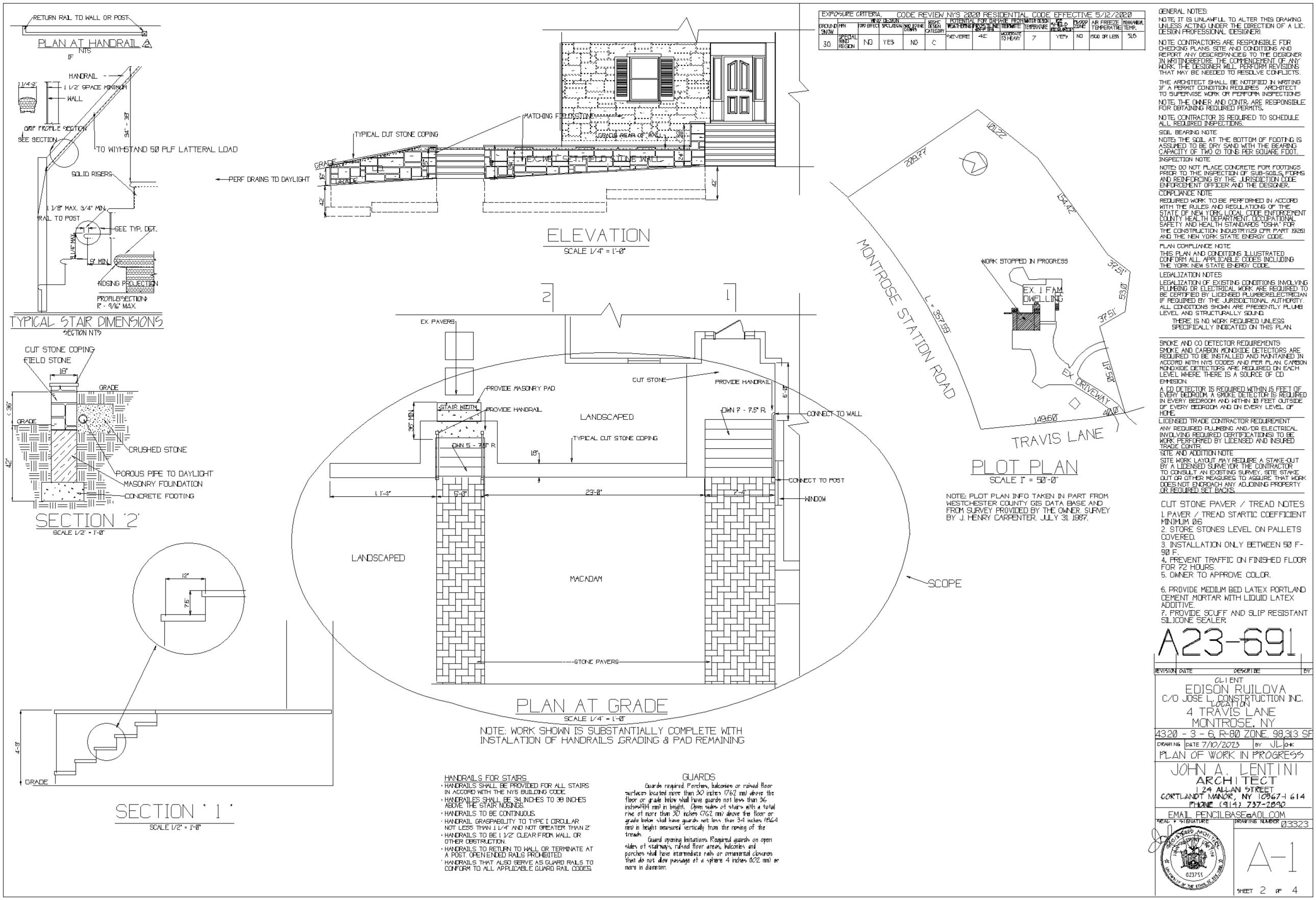
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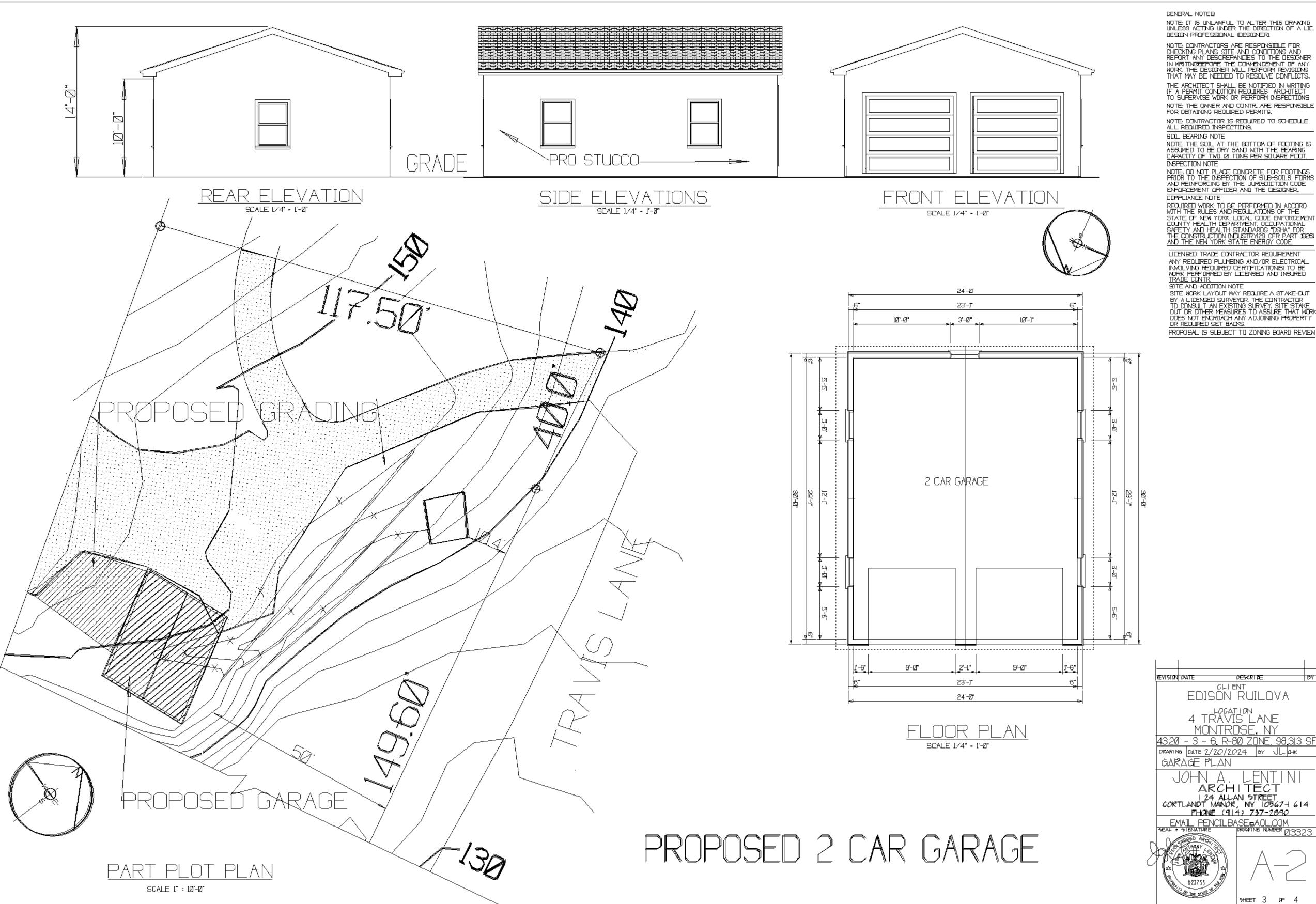
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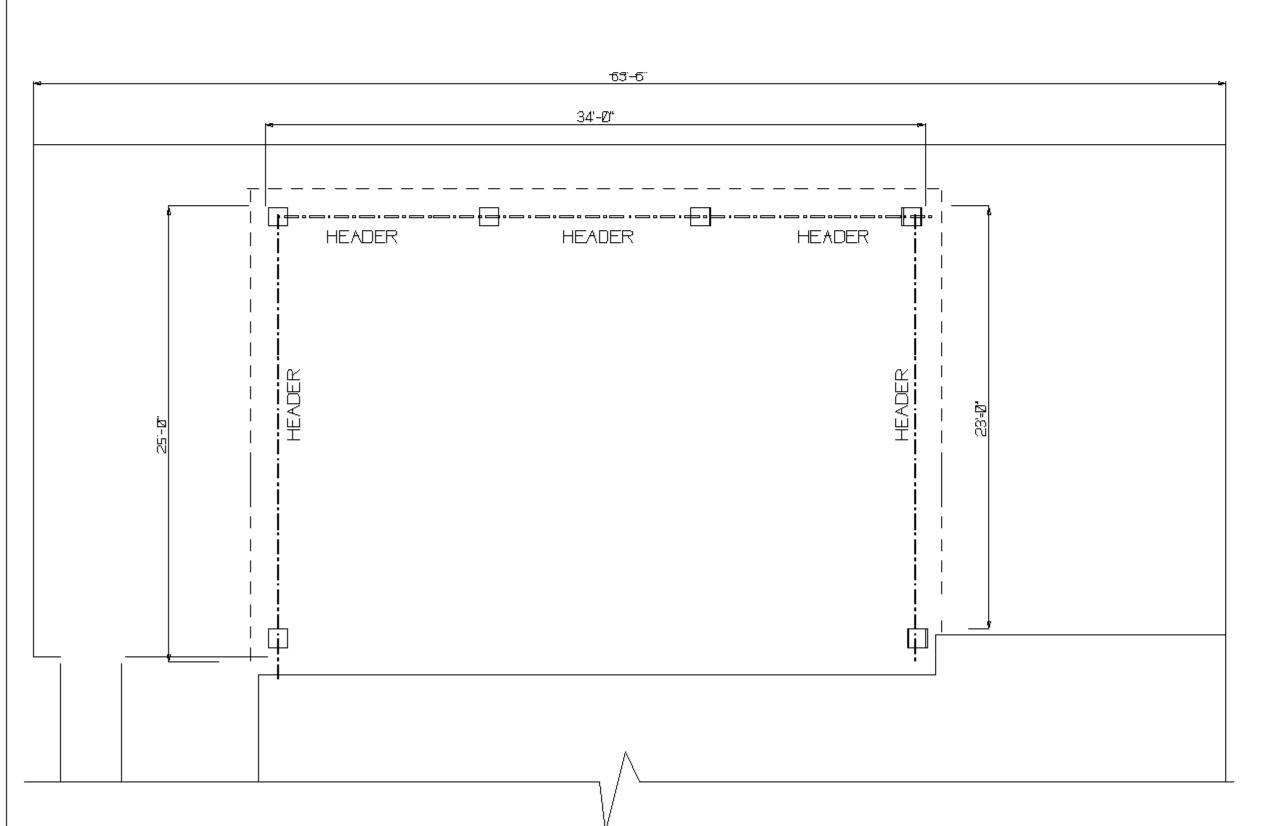
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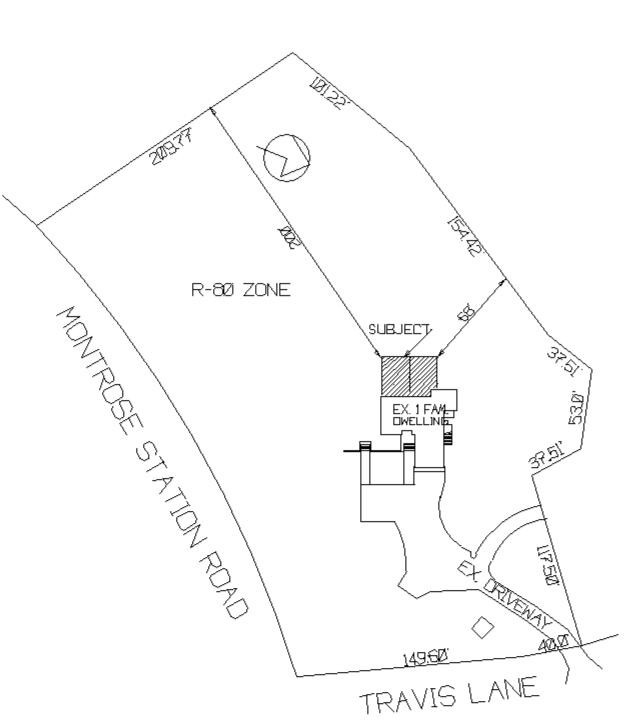
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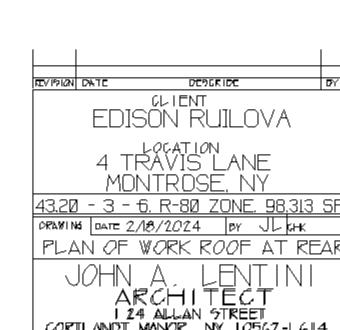
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