

TOWN OF CORTLANDT
PLANNING AND ZONING BOARDS

ZONING BOARD OF APPEALS MEETING

Nyberg Meeting Room
Town Hall, Cortlandt, New York

August 18, 2021

7:00 p.m. - 7:33 p.m.

August 18, 2021

MEMBERS PRESENT:

Adrian C. Hunte, Member

Chris Beloff, Alternate

Frank Franco, Member

Benito Martinez, Member

Cristin Jacoby, Member

Thomas Walsh, Member

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

3 MS. ADRIAN HUNTE: Good evening, welcome
4 to the August 18, 2021 regularly scheduled
5 meeting of the Town of Cortland's Zoning Board of
6 Appeals. We'll start with the pledge of
7 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 all.

12 MS. HUNTE: Before we start with the
13 roll, I'm Adrian Hunte, acting ZBA chair this
14 evening, as Chairman David Douglas and Vice Chair
15 Wai Man Chin are not available. Also, alternate
16 member Chris Beloff is now sitting as a member of
17 the ZBA this evening. And our ZBA attorney, Josh
18 Subin is doing double duty this evening as
19 attorney and liaison because Chris Kehoe is not
20 available. Alright. May we call the roll, please?

21 MR. JOSH SUBIN: Member Franko?

22 MR. FRANK FRANCO: Here.

23 MR. SUBIN: Member Beloff?

24 MR. CHRIS BELOFF: Here.

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MR. SUBIN: Member Martinez?

MR. BENITO MARTINEZ: Here.

MR. SUBIN: Member Hunte.

MS. HUNTE: Here.

MR. SUBIN: Member Jacoby.

MS. CRISTIN JACOBY: Here.

MR. SUBIN: Member Walsh.

MR. THOMAS WALSH: Here.

MR. SUBIN: Acting as assistant town attorney and advising the ZBA and as clerk, I'm here.

MS. HUNTE: Okay. Thank you. Alright. Also, before we get to the agenda, let's have a moment of silence in honor of Mr. Charles Heady, who passed away on August 3rd, at the age of 95. Charlie was a dedicated U.S. Navy WWII veteran and a wonderful person and he served on the zoning board for Cortlandt for over 40 years up until at least a couple of years ago, he was active on the board. So he's sorely missed, and if we could just have 30 seconds.

Okay. Thank you. Alright. The first item on the agenda is the adoption of the June 2021

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2 ZBA meeting meetings.

3 MR. FRANCO: So moved.

4 MR. WALSH: Second.

5 MS. HUNTE: All in favor.

6 MULTIPLE: Aye.

7 MS. HUNTE: Any opposed? Alright, the
8 minutes from the June 2021 ZBA meeting are
9 adopted. This evening, we have three new items on
10 the agenda for public hearings. The case number
11 one is case 2021-8, application of Sarah
12 Lounsbury for an area variance for a front yard
13 setback for a proposed building addition located
14 at 264 Lafayette Avenue. Mr. Franco, this is your
15 case.

16 MR. FRANCO: Yes, thank you. Does the
17 Lounsburys have anything they want to present to
18 the zoning board on what they're asking for
19 before we start? Yes, you can stand right there
20 and just state your name.

21 MS. HUNTE: And you can move the
22 microphone because this is being recorded.

23 MS. SARAH LOUNSBURY: Okay. Thank you.
24 My name is Sarah Lounsbury. This is my husband

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2 Roger, and our architect Mary Ting. A little
3 history, so the property we live at actually our
4 daughter, who is almost four is the fifth
5 generation from my husband's family to live on
6 the property. So we actually moved in, in 2007
7 right after college, and have been living there
8 ever since, and in 2014, we purchased it from
9 family, and we've been living there since, but,
10 you know, the family has grown. Just our
11 lifestyle and our needs with working from home
12 have changed. So we're just trying to add a
13 little bit more space. We have about roughly 950
14 square feet now, so it's a little bit of a tight
15 squeeze, so just hoping to get more of a livable
16 space, so we can obviously have room for growing
17 family, have family over, have another half bath,
18 so we don't just have our one bedroom, so just
19 trying to make it more functional. And we're a
20 little bit limited with where we can build, just
21 because we have -- obviously, our home was built
22 a long time ago, so our side yard, as you can see
23 on the --

24 MR. SUBIN: If you need me to zoom in, I

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2 think I can.

3 MS. LOUNSBURY: Yeah. The side yard
4 would be the south part of the plan here, is
5 already pretty close to the edge of the property
6 line, and then we have our septic field on the
7 right to the rear. And our main living space now
8 is where this proposed addition is built off of,
9 so it just makes it more easy to adapt to the
10 current circulation rather than having to change
11 the full way out of the house. So that was kind
12 of where we were limited to, but again, it's just
13 a small front porch, a half bath, a little powder
14 room and then just a bigger living space so we
15 can have an actual functional dining room and not
16 just squeeze into our tiny kitchen like we do
17 now. So that's very high level, but obviously, if
18 there are any questions, we are happy to answer.

19 MR. FRANCO: Yeah, we were looking at
20 this, you know, just going through the five
21 factors and you presented that in your write up
22 and it doesn't, you know, we can't see the house
23 from the road, so it's very hard to see, so I
24 don't see it producing an undesirable effect to

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2 the neighborhood. And as you guys were pointing
3 out, I don't think there's any other way it could
4 be achieved, the septic is in the back yard, and
5 there's really not space anywhere else to put it
6 that would be appropriate. You know, it is a
7 substantial variance, but, you know, that's not
8 the only factor we consider in this case. It
9 doesn't appear that it would have an adverse
10 effect on the neighborhood or the environmental
11 conditions I should say. It's self created, but
12 again if you want to expand the house, there's
13 really no other option.

14 It is a flag lot, as I said, and the
15 house was set up prior to zoning, so given that,
16 uh, I don't have an issue with, personally, with
17 the request. Does anybody else on the board have
18 any questions or comments?

19 MS. HUNTE: No, I'm okay with it.

20 MR. WALSH: I'm okay with it.

21 MR. FRANCO: Yeah? Uh.

22 MS. HUNTE: Okay.

23 MR. MARTINEZ: Make a motion.

24 MS. HUNTE: Yes, I make a motion?

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2 MR. WALSH: You can make a motion.

3 MS. HUNTE: Make a motion.

4 MR. FRANCO: Yeah, so given --

5 MS. HUNTE: Make a motion to close the
6 public hearing.

7 MR. FRANCO: Yeah, yeah, okay, so I'd
8 like to make a motion for case 2021-8 to close
9 the public -- oh, actually should we -- does
10 anybody else have anything else they would like
11 to present on this case before? Alright. I'd like
12 make a motion to close the public hearing for
13 2021-8.

14 MS. JACOBY: I second it.

15 MS. HUNTE: All in favor.

16 MULTIPLE: Aye.

17 MS. HUNTE: Any opposed? The public
18 hearing is closed.

19 MR. FRANCO: I'd like to make a motion
20 for case 2021-8, for the address at 264 Lafayette
21 Avenue, for the proposed variance of 29 feet,
22 which is 58 percent over the required, this is a
23 SECR type II, no further compliance required.

24 MS. JACOBY: Second.

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2 MS. HUNTE: All in favor?

3 MULTIPLE: Aye.

4 MS. HUNTE: Opposed? No opposed? Okay.

5 Variance is granted.

6 MR. FRANCO: Yeah.

7 MS. HUNTE: Are there any steps that the
8 applicant needs to take with buildings department
9 or other --

10 MR. SUBIN: You need to submit your
11 plans to the building department with the
12 variance. It usually takes two days, Chris is not
13 here. He should be back tomorrow. You can touch
14 base with him tomorrow and go with the next steps
15 as to submitting the plans and getting them
16 approved by the building department.

17 MS. LOUNSBURY: Okay. Thanks very much,
18 appreciate it. Thank you.

19 MS. HUNTE: Alright, second case is
20 2021-9, application of Robert Szpiczynski for
21 area variances for side yard setbacks for an
22 existing carport and screened in porch located at
23 104 Mt. Airy Road, East. Ms. Jacoby?

24 MS. JACOBY: This is my case. Mr.

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2 Szpiczynski, you want to come present your case?

3 MR. ROBERT SZPICZYNSKI: Good evening.

4 MS. JACOBY: Let me give you a little
5 bit of a history. We built this house in 2009,
6 with a beautiful deck and outside, you know,
7 between the trees and nice greenery. The first
8 night, first evening my wife prepared nice
9 dinner, we were outside and having this dinner
10 with our kids. The poor thing was eaten by
11 mosquitoes, she wouldn't do anything, she
12 wouldn't say anything, she didn't want to break
13 nice time, but the next day she was really
14 hurting. So it was the last time she had dinner
15 outside.

16 At some point, we ordered, we called
17 some services to abate mosquitoes, but it lasted
18 for two days and they came back. It didn't really
19 work. And so a couple years later, my wife, with
20 my children, she left for Poland to see her
21 grandma and for a longer time. So I called up a
22 contractor and asked him to build a screened
23 porch.

24 And he did that in addition, at that

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2 time, and he reminded me that I have lots of oak
3 trees around. And he asked me what's going on
4 with my cars. And I remembered that the last
5 year, three years before, my car was covered in
6 dimples because of the acorns. On top of it,
7 because of those trees, the branches were
8 sometimes coming down, so that was a little bit
9 of a safety issue for my kids as well.

10 So, he build this screened porch and he
11 added this carport, which is extending over the
12 existing asphalt, the driveway. It doesn't extend
13 anywhere else.

14 Last year, a friend of mine came over,
15 and he was really, liked the idea what I'd done,
16 and he was like so how long did it take you to
17 set and everything and I'm like what papers and
18 he -- you need a permit, and so I figure let me
19 come to visit and to the town and make it right,
20 so I'm here.

21 MS. JACOBY: Alright. Thank you, Mr.
22 Szpiczynski. Okay, so I drove by. And I think you
23 met the five factors. One is whether or not an
24 undesirable change would produce in the character

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2 of the neighborhood. It's not. Like, as you know,
3 your house is very far set back, you can't see
4 anything. Another is that the benefit can be
5 achieved by some other method. I mean very well
6 highlighted the importance of having a screened
7 in porch and the covered carport on your car.
8 Whether or not the area variance is substantial,
9 I think it's so much easier to get comfortable
10 with the screened in porch.

11 The carport is incredibly substantial.
12 It's right up against the next property. Having
13 said that, I feel like for me, and I'd be
14 interested in hearing how the board members feel.
15 It's mitigated by two things. One is the fact the
16 fact that it's a town owned property next to you
17 and as of now, there's not a house right there.
18 And then secondly, the fact that, as you have
19 highlighted, the carport is only covering the
20 area that's already being -- already in existence
21 of your driveway, so it's not providing any kind
22 of additional aggrievance to the edge of your
23 property that doesn't already exist.

24 The fourth factor is whether it will

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2 have an adverse effect on the physical or
3 environmental conditions, I think the answer is
4 no, and whether it's self created, yes, I mean
5 you created it. But that's not necessarily the be
6 all and end all. Do other people on the board
7 have questions or comments they wanted to make
8 around this case?

9 MR. WALSH: I have just a couple of
10 comments for myself. We have to look at this as
11 it's not existing, so I go through the five
12 factors myself, I have to look at it like you're
13 proposing it right now. And what I, when I go
14 through the five factors, you know, the screened
15 in porch, I would be acceptable for that as an as
16 proposed. The carport, I think it is, you know,
17 it is very substantial, it is self created. The
18 town does own the property, now they're talking
19 about the town might auction the property off,
20 and is that going to be detriment to the taxes of
21 somebody, a potential buyer with this being a
22 foot and a half off the property. So myself, I
23 think it is substantial and I don't know if I can
24 approve it as proposed.

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2 MS. JACOBY: Other comments?

3 MS. HUNTE: I think we had some
4 discussion at the work session about the driveway
5 and that the driveway is a structure that was
6 there.

7 MR. SZPICZYNSKI: Yeah the driveway was
8 already there.

9 MR. SUBIN: I have not done any
10 additional research on it since the work session.
11 It didn't seem like there was any indication that
12 we wanted to see about the neighboring property
13 as to whether it was something that was,
14 inventory that could be sold to -- if that is
15 something you would like me to investigate, I
16 would probably recommend that we take another
17 month, put it over to the next meeting and then
18 deal with it then. And I would be happy to do
19 that in the interim.

20 MS. HUNTE: I think Chris Kehoe had
21 mentioned that if the driveway was there and that
22 it was impervious to the calculation.

23 MR. SUBIN: Yeah, driveways are usually,
24 they're part of the impervious calculation,

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2 generally speaking. So in that regard, it's a
3 driveway.

4 MS. HUNTE: Yeah, I think he mentioned
5 that the driveway was there, and the carport only
6 covered a portion of the driveway.

7 MR. SZPICZYNSKI: Yeah, the driveway,
8 and the house is this direction, the deck is over
9 here, and the carport is over here and the
10 driveway, when you drive in, there is big area
11 over here and there is a area over here. And from
12 this point, you can basically get to the house
13 very quickly. So when you have like shopping, or
14 whatever, you know, the groceries going from here
15 to here it's far away, but from here, it's very
16 close. On top of it, over here, I have lots of
17 trees, oak trees. They, I can't really utilize
18 the driveway, so to speak, when the trees are
19 having acorns.

20 MR. SUBIN: I just want to make
21 something clear, I can't speak towards any town
22 interest in the property while I'm advising the
23 board. I don't want to have any conflict in that
24 regard.

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2 MS. HUNTE: No, I don't --

3 MR. SUBIN: But I would be willing to
4 discuss anything with anyone, and, you know, off,
5 when we're not dealing with a ZBA matter.

6 MS. HUNTE: Alright. Thank you. Do any
7 other members have comments?

8 MR. MARTINEZ: I just had a question
9 about the property that it's adjacent to. Is that
10 residentially zoned? Is that a buildable lot?

11 MR. SUBIN: I cannot say that it's a
12 buildable lot and I don't want to get into the
13 town interests. I can say, as a matter of fact, I
14 believe it was an [unintelligible] [00:16:46]
15 property that was taken. I can't really say
16 whether it's buildable or not. That is a planning
17 issue, usually before the planning board. It's,
18 there are things that I would not talk about
19 because I have two hats on.

20 MS. HUNTE: Okay, well, we don't want
21 you --

22 MR. WALSH: What is the size of that
23 lot, do you know?

24 MR. MARTINEZ: My concern is --

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2 MR. SUBIN: I can look it up right now
3 if you'd like.

4 MR. WALSH: Then we could figure out if
5 it's, I think it's a R-40, what is it, 20,000.

6 MR. SUBIN: If you're having, I would
7 suggest if the board is having ambivalence in any
8 way, shape or form, I would suggest we -- there's
9 no harm in not -- he's not building anything
10 right now. Putting it over a month and
11 investigating all of this stuff really has no
12 drawback except for your time, sir. You know, and
13 I would be happy to talk more fully when I have
14 my town attorney hat on, and I've consulted with
15 the town attorney and can discuss the property
16 that is town owned in more detailed.

17 MR. SZPICZYNSKI: If I can say one
18 thing. On the town property, at the bottom of the
19 hill, there are marshes, so this is what I heard.
20 The town didn't sell it before because nobody
21 would build over there or anything because of
22 those marshes. There is no easy way of getting
23 driveway from the street, the East Mt. Airy Road
24 up to, up to the place where the house could

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2 stand, the upper level of the property. This is -
3 -

4 MR. BELOFF: But if it was sold and
5 somebody decided to put a house back there, I
6 mean what impact does it have to the buyer of
7 that lot of it was sold as a buildable lot,
8 right?

9 MR. SUBIN: I can't say that it's a
10 buildable lot. It has not been approved as a
11 buildable lot.

12 MR. BELOFF: Okay.

13 MR. SUBIN: Yet.

14 MS. HUNTE: That would require --

15 MR. SUBIN: That doesn't mean that it
16 couldn't hypothetically become one. But there
17 might be wetland issues. I can't speak to that at
18 this point. It would be -- I have to have two
19 hats on. And the lawyers on the board know what
20 I'm talking about.

21 MS. HUNTE: That the applicant, or
22 whoever purchases, if someone purchases, that
23 would require their environmental assessment and
24 review and an engineer's report to see whether

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2 the, you know, the property is useable for
3 residential purposes. So we can't really, I mean
4 it's a good hypothetical question, but we can't
5 answer, because we don't know the environmental
6 conditions there.

7 MR. SUBIN: If it is on the town parcel
8 list, and if it is on inventory, I can't say
9 anything against the lot anyway, because that
10 would be problematic.

11 MS. HUNTE: Okay, well, how do we feel?
12 Do we want to put this over or are we ready to
13 vote?

14 MR. SUBIN: I could bring the lot up on
15 the GIS if you like, that I could do Would you
16 want me to do that?

17 MS. HUNTE: If you like.

18 MS. JACOBY: I guess if people that the
19 buildability of this lot is impacting their vote,
20 then that's --

21 MR. WALSH: Well, my thought was just
22 having a structure that close to -- if somebody
23 else bought that piece of property, to have a
24 structure that close to the property line.

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2 MS. JACOBY: Right. Right, and --

3 MR. WALSH: And not so much of the
4 Marsh, the environmental and everything else,
5 it's just to have that structure that close to
6 the property line. I mean there's codes in place
7 for that reason, not to have that to happen.

8 MS. JACOBY: I'm totally with you.

9 MR. SUBIN: You can see right now, this
10 is the town lot right here. It is R-40 zone and
11 it is a 1.029 acres, so it's not a small lot, but
12 it probably does have wetland issues, as the
13 applicant says. I can't speak to that. But there
14 are --

15 MR. WALSH: But under R-40 zone --

16 MR. SUBIN: -- there are a lot of
17 issues, lots in that area who do have this.

18 MR. WALSH: Under an R-40 zone, though
19 it is large enough to build a single family home
20 then.

21 MS. HUNTE: Alright. Mr. Szpiczynski, at
22 this point, your options are that we put this
23 over to get more information. If we vote now, and
24 we vote to not grant the variance, then you have

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2 some problems. I was not sure what the outcome
3 will be once we do the --

4 MR. SUBIN: There are three options. He
5 can withdraw the carport.

6 MS. HUNTE: Right. You could take down
7 the carport.

8 MR. SUBIN: You can keep the carport and
9 take a vote, or you could, we can revisit in a
10 month and have a discussion in the interim and
11 try and figure out a solution.

12 MR. SZPICZYNSKI: Okay. I mean if you
13 think that the best way is to research this
14 stuff, we can wait one month.

15 MR. SUBIN: I'll be in the office
16 tomorrow and Chris'll be in the office tomorrow.
17 Why do you give us a call and we'll see what we
18 can figure out. Sound like a good plan?

19 MS. HUNTE: Okay.

20 MS. JACOBY: IS there any value to
21 voting on just the screened porch or no?

22 MR. SUBIN: I mean you're bifurcating it
23 and then you've got to come back.

24 MR. SZPICZYNSKI: I brought some

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2 pictures of the place over there. The screened --
3 the, the carport extending over --

4 MS. JACOBY: Are they the ones you
5 provided Chris? Because we have some to.

6 MR. SZPICZYNSKI: Yeah, I think
7 [unintelligible] [00:21:55].

8 MS. JACOBY: I think we have pictures.

9 MR. SZPICZYNSKI: So the second picture
10 is showing the, like the extending over the
11 carport. You see that's the area where this kind
12 of --

13 MS. JACOBY: So it's just over the edge
14 of the driveway?

15 MR. SZPICZYNSKI: Yes. The carport is
16 [unintelligible] [00:22:31].

17 MS. JACOBY: Right. So I guess the
18 question, I mean we can defer this, Ms. Hunte,
19 but the question is do we feel like if this was
20 built upon in the next slide over, the carport
21 would have an effect on the value in a way that
22 the driveway being right adjacent to the property
23 wouldn't already have? That's where I came -- I
24 mean it's tricky, but that's where I came down on

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2 it, was I don't -- it's hard for me to think that
3 it would be that much more substantial of a
4 burden on the neighbors than the driveway.

5 MS. HUNTE: Any other comments? Motion,
6 put it over, or vote?

7 MR. SUBIN: I think the applicant should
8 decide.

9 MS. HUNTE: We're asking you if you
10 would want us to put this over.

11 MR. SZPICZYNSKI: Yeah, I would love to,
12 if it's possible, but if you need some more time,
13 you know.

14 MS. HUNTE: Alright. Motion to put this
15 over to the September meeting, September 15th.

16 MS. JACOBY: Do I make a motion to close
17 the public hearing first?

18 MR. SUBIN: Yeah, yeah.

19 MS. JACOBY: Okay. I make a motion --

20 MS. HUNTE: Oh, no, no.

21 MR. SUBIN: You don't have to close it.

22 MS. HUNTE: We don't want to have to
23 close it. We --

24 MR. SUBIN: You need to keep it open.

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2 MS. JACOBY: Okay.

3 MR. SUBIN: We want to get more --

4 MS. JACOBY: So make a motion to adjourn
5 until the September meeting for case number 2021-
6 9.

7 MR. WALSH: Second.

8 MR. BELOFF: Second.

9 MS. HUNTE: All in favor?

10 MULTIPLE: Aye.

11 MS. HUNTE: Any opposed? Alright. The
12 matter is adjourned to the September 15, 2021 ZBA
13 meeting.

14 MR. SZPICZYNSKI: Okay. So I should come
15 over here September 15, right?

16 MR. SUBIN: Yeah. But, but give us a
17 call in the office tomorrow.

18 MR. SZPICZYNSKI: And who should I speak
19 to?

20 MR. SUBIN: Give me a call. I don't have
21 my -- I will write on this. Give me until the
22 afternoon because I want to talk to the tax
23 assessor before I have a conversation with you.

24 MS. JACOBY: Thank you.

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2 MS. HUNTE: Thank you.

3 MR. SZPICZYNSKI: Thank you, bye.

4 MS. HUNTE: Alright. Next matter is case
5 number 2021-10, application of Andrea Colucci for
6 an area variance for accessory building coverage
7 exceeding 50 percent of the principal building
8 for a proposed pool located at 169 Watch Hill
9 Road. And this is my case. Good evening.

10 MS. ANDREA COLUCCI: Good evening.

11 MS. HUNTE: Coluccis, please make your
12 presentation as to why we're here, what you'd
13 like to do.

14 MS. COLUCCI: Thank you. I appreciate
15 it. My partner and I moved into our home at 169
16 Watch Hill this past summer, 2020. Lived in the
17 city for the last 16 years, and we're looking to
18 start a family, which was successful, luckily and
19 wanted to have some more space and I grew up in
20 the county and kind of wanted to have that kind
21 of space around me again. We were drawn to this
22 home because of the way that it is on the land.
23 It's very secluded. You're not able to see, only
24 the very back of the house from the road because

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2 it's actually up a hill and it is surrounded by
3 trees, which makes it very, very private. It's in
4 fact, when you stand in the back yard and do a
5 complete 360, you can't see another neighbor,
6 which is one of the reasons why we purchased it.

7 The other reason that we decided on this
8 home was because of its character. After looking
9 at a million cookie cutter homes, this home,
10 which was built in 1777 really appealed to us. It
11 has a lot of really antique old kind of character
12 to it and great energy. But with the home came
13 also a very large barn that is in the back yard,
14 which used to be a blacksmith's barn that was
15 built in the same year, in 1777, which is
16 actually an amazing thing to have on our
17 property. We love it. But it's causing problems
18 with us wanting to put in this pool. Because of
19 that structure, we would be over the 50 percent,
20 as you mentioned.

21 Both the house and the barn were there
22 before there were any zoning laws in the Town of
23 Cortlandt, and you know, the pool that we want to
24 put in, we chose the location that we did for it

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2 and the property because of, number one, it's up
3 the hill, so it would have really a good location
4 for drainage. We hired an engineer to design the
5 pool and where it would go and the drainage
6 system to make sure that it was put in properly
7 and kept with the integrity of the property.
8 Because of where we want to put it in the yard,
9 we really want to keep that privacy, and in fact,
10 if you are there at that spot and pretty much
11 almost anywhere in our yard, there is no neighbor
12 who can see into our back yard.

13 The nature of the location of the
14 neighboring houses, the trees and the fact that
15 the lot backs up against a mountain all make that
16 so that the neighbors aren't able to see the
17 pool. The only neighbor that is quite close to us
18 are our neighbors are Tracy and Tony Shea, who
19 are our next door neighbors at 171 and we've made
20 quite close friends with them in a sort period of
21 time. They actually called the town on our
22 behalf, which was very kind of them. And they
23 have -- we spoke to them before we even thought
24 about the pool, about what they thought about.

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2 Although they can't see it from their house
3 unless maybe if they're on the very top corner
4 floor, they were excited, just invite us over and
5 we're good to go. So, you know, we just wanted to
6 seek approval for this zoning variance from the
7 board. Is there anything that I left out?

8 MR. COLUCCI: No, I think we've covered
9 all five of the points.

10 MS. COLUCCI: Okay, yeah.

11 MS. HUNTE: Okay. Thank you.

12 MS. COLUCCI: And any questions that you
13 guys have for us, please.

14 MS. HUNTE: I just want to make a note
15 concerning the appeals fact sheet that says
16 required 1,083 square feet, I think that should
17 be 1,093. And the variance should be 880 square
18 feet instead of 890.

19 MR. COLUCCI: I would trust your math
20 before I would trust mine.

21 MS. HUNTE: Okay. Alright. The property
22 yes, it's quite secluded and there's no
23 encroachment on the neighbors. And in terms of
24 the five factors, I don't see any adverse impact

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2 to the area or to the neighbors, or an
3 undesirable change and no detriment to the
4 neighbors. In terms of alternative ways to
5 achieve this, you mentioned that the property
6 slopes up in the back, so you really don't have
7 too many alternatives.

8 The variance, although it's substantial,
9 it's because of basically one structure, the
10 barn. And even though it's almost 80 percent,
11 whatever, but in terms of actual impact on the
12 land and area, it is not that large. And I don't
13 see any adverse impact on the environment,
14 environmental conditions in the neighborhood. In
15 terms of self created difficulty, obviously, this
16 is your project, so it would be self created, but
17 in and of itself, that is not enough or a reason
18 to deny without other factors. Anyone else have
19 comments?

20 MR. WALSH: No.

21 MS. JACOBY: I agree. It's not one of
22 the five factors I considered, but it would be
23 nice to give a cute baby a pool. [laughter]

24 MS. HUNTE: Okay.

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2 MS. COLUCCI: I apologize. We didn't
3 have a babysitter this evening, so.

4 MS. HUNTE: Alright.

5 MS. JACOBY: We get it.

6 MS. HUNTE: So, on case number 2021-10,
7 application of Andrea Colucci for an area
8 variance for accessory building coverage
9 exceeding 50 percent of the principal building
10 for a proposed pool located at 169 Watch Hill
11 Road for a required, I guess 1,093 square feet
12 would be 50 percent, proposed is 1,973 square
13 feet of accessory structures for a variance of
14 880 square feet, I make a motion that we close
15 the public hearing. Anyone?

16 MR. BELOFF: Second.

17 MS. HUNTE: All in favor?

18 MULTIPLE: Aye.

19 MS. HUNTE: Any opposed? Okay, public
20 hearing is closed. On case number 2021- what is
21 this again, here we go, 10, excuse me, I make a
22 motion for a variance from the required 1,093
23 square feet of accessory structure up to a
24 proposed 1,973 square feet, for a variance of 880

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2 square feet, I make a motion that we approve the
3 variance.

4 MS. JACOBY: Second. Second.

5 MR. WALSH: Second.

6 MS. HUNTE: All in favor?

7 MULTIPLE: Aye.

8 MS. HUNTE: Any opposed? Alright, the
9 motion for variance is granted. This is a SECR
10 type II action, no further compliance required.
11 Any other steps for the applicants with the
12 building department?

13 MR. SUBIN: Again, Chris is usually the
14 person here. He usually gets the executed
15 agreement. There will be an extra step involved
16 in that process, but call us tomorrow, we'll get
17 your permits over into the building department.

18 MS. COLUCCI: Thank you very much,
19 ladies and gentlemen. I appreciate it.

20 MS. JACOBY: Thank you, have a nice
21 night.

22 MR. FRANCO: Enjoy.

23 MS. HUNTE: Alright, so hearing no old
24 business, our next regular meeting is scheduled

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for Wednesday, September 15, 2021. Do we have a motion to adjourn the meeting?

MR. FRANCO: So moved.

MS. JACOBY: Second.

MS. HUNTE: All in favor?

MULTIPLE: Aye.

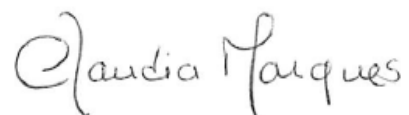
MS. HUNTE: Any opposed? Meeting is adjourned.

(The public board meeting concluded at 7:33 p.m.)

CERTIFICATE OF ACCURACY

I, Claudia Marques, certify that the foregoing transcript of the zoning board of appeals meeting of the Town of Cortlandt on August 18, 2021 was prepared using the required transcription equipment and is a true and accurate record of the proceedings.

Certified By



Date: September 7, 2021

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