

TOWN OF CORTLANDT
PLANNING AND ZONING BOARDS

ZONING BOARD MEETING

Cortlandt Town Hall
1 Heady Street
Cortlandt Manor, New York
Nyberg Meeting Room
September 22, 2021
7:00 - 7:35 p.m.

September 22, 2021

MEMBERS PRESENT:

David Douglas, Chairman

Wai Man Chin

Frank Franco

Adrian C. Hunte

Benito Martinez

Cristin Jacoby

Thomas Walsh

Chris Beloff, Alternate

ALSO PRESENT:

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. DAVID DOUGLAS: Zoning Board of
4 Appeals meeting, we begin with the pledge of
5 allegiance.

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

10 MR. DOUGLAS: Mr. Kehoe, if you can call
11 the roll, please.

12 MR. CHRIS KEHOE: Mr. Franco.

13 MR. FRANK FRANCO: Here.

14 MR. KEHOE: Ms. Hunte?

15 MS. ADRIAN C. HUNTE: Here.

16 MR. KEHOE: Mr. Martinez?

17 MR. MARTINEZ: Here.

18 MR. KEHOE: Mr. Chin?

19 MR. WAI MAN CHIN: Here.

20 MR. KEHOE: Mr. Douglas?

21 MR. DOUGLAS: Here.

22 MR. KEHOE: Ms. Jacoby?

23 MS. CRISTIN JACOBY: Here.

24 MR. KEHOE: Mr. Walsh?

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2 MR. THOMAS WALSH: Here.

3 MR. KEHOE: Mr. Beloff?

4 MR. CHRIS BELOFF: Here.

5 MR. KEHOE: Mr. Subin?

6 MR. JOSHUA SUBIN: Here.

7 MR. DOUGLAS: Okay. Before we get to our
8 agenda, I just want to take note for the member
9 of an anonymous member of this board who is
10 sometimes known as Cristin Jacoby, that I am
11 wearing a tie today, and I'm wearing a jacket,
12 unlike at our work session, so I did not want to
13 disappoint you, okay.

14 MS. JACOBY: Thank you. Things are back
15 to normal.

16 MR. DOUGLAS: Okay.

17 MR. FRANCO: I would like to know where
18 Mr. Kehoe's shirt and jacket is. [laughter]

19 MR. DOUGLAS: Right. So the first real
20 item on the agenda is the adoption of the minutes
21 for August.

22 MR. MARTINEZ: So moved.

23 MS. JACOBY: Second.

24 MR. DOUGLAS: All in favor?

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2 MULTIPLE: Aye.

3 MR. DOUGLAS: Any opposed? Okay, the
4 August minutes are adopted. We've got one
5 adjourned public hearing, that's case number 21-
6 9, application of Robert Szpiczynski for area
7 variances for side yard setbacks for an existing
8 carport and screened porch located at 104 Mt.
9 Airy East.

10 MS. JACOBY: Hello, good evening,
11 welcome back.

12 MS. HUNTE: Good evening.

13 MR. SZPICZYNSKI: Good evening. My wife,
14 we had kind of offer to buy another lot to us, we
15 decided with my wife, we're not going to go this
16 direction, so we'd like to proceed with the
17 variance. We're asking to grant a variance for
18 the screened porch and for the carport. And the
19 screened porch is for my wife's convenience and
20 psychological health I would say because
21 mosquitoes are really biting her and they love
22 her, so if not for the screened porch, she
23 wouldn't be able to exist outside the house.
24 There is marshes down the road and lots of woods

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2 around, so lots and lots of mosquitoes.

3 The carport, when we moved into this
4 house 11 years ago, 12, it was deterring where
5 the oaks were blooming, and you know, the acorns
6 basically destroyed our car, the body of the car
7 was like covered in dimples. It's impossible to
8 park over there every so often whenever they
9 bloom.

10 And in addition, because of the very big
11 trees next to our house and they're close to our
12 house, they're quite old and quite big, from time
13 to time, the branches can come down, so it's
14 quite dangerous when there is no, nothing
15 overhead, nothing over you, because the branches
16 can be dangerous. And I have two kids, teenagers
17 that are running around, so, you know, it's quite
18 unsafe condition.

19 The carport is located over the existing
20 driveway. It doesn't go anywhere to the sides.
21 There was a piece of roof that was coming to the
22 side, I noticed after I built it that it's
23 extending over the property, so I took it down,
24 so whatever you have on the picture over there,

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2 it's like half of it, because half of it, I took
3 it down.

4 MS. JACOBY: I'm sorry, you took a piece
5 of the carport off?

6 MR. SZPICZYNSKI: There was a carport.

7 MS. JACOBY: Uh-huh.

8 MR. SZPICZYNSKI: And next to the
9 carport, I built a little roofing for the wood
10 for fireplace, so I basically took this out this
11 part for the wood storage, you would say.

12 MS. JACOBY: Okay. Does that, Chris, I
13 don't know if you know, does that change the
14 variance requested?

15 MR. KEHOE: No, I think that's already
16 been removed, correct?

17 MS. JACOBY: Oh, okay.

18 MR. SZPICZYNSKI: It was removed before
19 I put, but --

20 MS. JACOBY: I see.

21 MR. SZPICZYNSKI: -- I notice picture
22 over here when you had it on the screen a couple
23 of minutes ago, and the picture is not updated.

24 MS. JACOBY: I see, thank you.

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2 MR. SZPICZYNSKI: The carport is not
3 parallel to the property line, so very close to
4 the property line is only one corner of the
5 carport, the one towards the Mt. Airy Road. The
6 other part, they extend, so -- I mean the
7 distance extends between the property line and
8 the carport. So end of the carport is about seven
9 feet, eight feet from the property line.

10 And the last and I think most important
11 part is if your ground is very [unintelligible]
12 [00:05:16] save one guy to slipping on their foot
13 for the rest of their life.

14 MS. JACOBY: I wish that was in our
15 factors.

16 MR. SZPICZYNSKI: I know it's not.

17 MS. JACOBY: Okay. Thank you so much,
18 Mr. Szpiczynski. Do, we discussed this a little
19 bit last time, I know some people are here that
20 were not here last time. We had gone through the
21 five factors. I drove by, it does not seem to
22 have an undesirable effect on the neighborhood.
23 We, as a group have discussed internally the lot
24 next door. I drove by as well and saw that that's

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2 pretty steep right there. However, we have since
3 learned that it could definitely be a buildable
4 lot that somebody could buy, which I know has
5 impacted the way that we've thought about it,
6 because if you're a future homeowner thinking
7 about something that close to your property might
8 be a concern. The steep, the somewhat steep drop-
9 off to the next property line mitigates that a
10 little bit for me, because I'm not sure to the
11 extent a house would actually be approaching
12 that, as does the fact that we discussed last
13 time, the carport is directly over an existing
14 driveway. So while it would present somewhat of
15 a, a little bit of a more inconvenience, it's not
16 entirely a new structure approaching the edge of
17 the lawn. So that was my thoughts on that.

18 Whether the benefit can be achieved by
19 some other method, not really, whether the area
20 variance is substantial, for the carport, I mean
21 for both of them a little bit, but for the
22 carport, definitely. I mean you're ending up one
23 foot from the property line, which is not
24 typically something that we grant. The screened

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2 porch is a little bit of a different situation.

3 You're only having a 37 percent variance. Yes?

4 MR. SZPICZYNSKI: Just one thing, the
5 place where the carport has the closest to the
6 other property line, right in this place, there's
7 huge tree. So this one foot, it's like basically
8 it's, there was a tree between the corner and the
9 property line. So even if someone would like to
10 build something over there, it would be a big
11 tree dividing property, my property with their
12 property.

13 MS. JACOBY: Okay. And you had said
14 towards the back is seven feet from the property
15 line, right?

16 MR. SZPICZYNSKI: Yes, yes.

17 MS. JACOBY: I don't think it will have
18 an adverse effect on the physical or the
19 environmental conditions and obviously, it is
20 self-created. I think a lot of us had questions.
21 Does anybody else want to ask Mr. Szpiczynski.

22 MR. CHIN: Well, I would like to say
23 something, I wasn't here at the last --

24 MR. KEHOE: Please make you're your mic

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2 is on, or speak into it.

3 MR. CHIN: Hello? Can you hear?

4 MR. KEHOE: Yeah, it was off.

5 MR. CHIN: I was at the last work
6 session and also this work session and I've gone
7 by that piece of property every day, alright, and
8 when I come from 129, I see your house up on the
9 hill and the property next to you is probably
10 good, almost 30 foot down coming down
11 drastically. It may be only thee or feet from the
12 property line, and all of a sudden, it just drops
13 all the way down, okay. And to me, yes, the
14 variance is large, but I think it's a unique
15 condition because the property line to the next
16 property drops down 30 feet in height. And that,
17 I would not have a problem with because if
18 anybody is going to build a house on that piece
19 of property, they're not going to build it right
20 next to the sheer drop from the property next
21 door over there. Is it going to be further
22 forward, further back, I don't know, that's
23 again, another situation, you know what I mean.
24 But as far as I'm concerned, I don't see a

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2 precedence, I mean that it would cause a
3 precedence on any other sites in the town of
4 Cortlandt because this happens to be only a
5 unique condition on this one piece of property.
6 So I have no problem with giving the variance for
7 that.

8 MR. DOUGLAS: I wasn't sure last month
9 either, and I apologize for that. I see it very
10 differently than Mr. Chin does. Going through the
11 five factors, I think that this is one of these
12 rare cases that in my mind that all five factors
13 cut against giving a variance here. And as for
14 the closeness of it to the property line, in all
15 my years on this board, I don't think that we've
16 -- I know that we have never granted something
17 that close. You know, it's a foot from the
18 property line, to have a structure that wasn't
19 there, there are situations where there are
20 preexisting structures that are built and then
21 somebody buys a house and then they're faced with
22 the situation of something that's there that's
23 right near the property line, that's a different
24 situation.

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2 But a situation where somebody builds a
3 structure one foot away from the property line,
4 we have never even remotely considered granting a
5 variance. Now let me finish. So let me just go
6 through the five factors here. The first one as
7 to whether it'd be a change in the character of
8 the neighborhood, that's the first half of that
9 clause. There's also a question for the first
10 factor of whether there's a detriment to nearby
11 properties, and there is. The lot right now is
12 vacant next door to you, but it's designated as a
13 buildable lot and that is a detriment to that
14 property to have a structure one foot away from
15 that property line.

16 Whether the benefit can be achieved in
17 some other manner, it seems to me that the
18 benefit that you've described is you want to keep
19 your car safe from acorns and tree branches.
20 There are lots of oak trees in this town. And I
21 think the solution, the other alternative method
22 you could use is you could cut back the branches.
23 If you're really concerned about branches and
24 acorns coming down on your carport, just cut back

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2 the branches. Many of us live with large oak
3 trees.

4 Whether the variance is substantial,
5 yeah, it could hardly be more substantial.
6 Whether it'll have an adverse impact on the
7 environmental conditions or physical conditions
8 in the neighborhood, I'm not sure whether it will
9 or it won't. One question that came up in our
10 work session had to do with the water flow. I
11 don't know. It seems from the pictures like your
12 roof is sloping down towards the next door
13 property, in which case it would be draining
14 property onto the neighbor's parcel, which not
15 only has detriment to it, but also might have
16 environmental effects. And as to whether it's
17 self created, sure, it's self created. I mean you
18 built it. I'm not saying you're a bad person for
19 doing it, but you're not supposed to do that.

20 With regards to the porch, I have some
21 qualms about the porch also, but I'm aware from
22 last month that there seemed to be a consensus
23 among the members who were here that that was
24 less of a problem, so I won't buck the trend

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2 there. Those are my thoughts.

3 MR. SUBIN: I just want to clarify one
4 thing, likely a buildable lot. We, there's been
5 no determination officially yet that it is a
6 buildable lot, but speaking to the tax assessor,
7 he informed me that it is likely a buildable lot
8 and that goes into his valuation when, if we were
9 to negotiate with anyone or put it up for auction
10 or anything like that.

11 MR. SZPICZYNSKI: Can I say one word?

12 MR. DOUGLAS: Sure.

13 MR. SZPICZYNSKI: The structure very
14 close to the property, this one foot, is the roof
15 that is overhanging the pole that is holding it.
16 And the roof is about three-and-a-half foot. The
17 pole is five feet, almost, it's five feet away
18 from the line of the property, the pole itself.

19 MR. DOUGLAS: Well, yeah, I understand
20 that.

21 MR. SZPICZYNSKI: So, I could easily cut
22 this piece of roof that overhang, and just, it
23 would be five feet them from the side of the
24 property.

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2 MR. DOUGLAS: But the setback is
3 supposed to be, I think it was 20 --

4 MR. SUBIN: Twenty-three and a half
5 feet.

6 MR. DOUGLAS: -- 23 and-a-half feet.

7 MR. SZPICZYNSKI: I understand, but --

8 MR. DOUGLAS: So basically then you want
9 something that's five feet when it's 23 and-a-
10 half, right. Then it wouldn't be, it wouldn't be
11 the closest variance ever in all the years I've
12 been on the board, it would be one of the very
13 closest, so that won't, that's not going to
14 change it for me. I only speak for myself.
15 Everybody here gets an equal vote. But that's my
16 view.

17 MS. HUNTE: On the, I had forgotten the
18 issue that you had addressed with the water slope
19 issue. How does that get adjudicated? Is that
20 after we vote?

21 MR. SUBIN: Generally what happens
22 whether it's fireproofing things that are close
23 to a property line or requiring mitigation for
24 drainage, something along those lines, that would

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2 happen in the permitting process. So if there was
3 something where you don't want water draining,
4 maybe he might require gutters or something along
5 those lines or he might have to slope it a
6 different direction. It depends on how Martin
7 would interpret the code.

8 It's a town property, so I don't think
9 you're going to get a complaint from the neighbor
10 quite yet. But if there was a neighbor in the
11 future, hypothetically they could complain it
12 involved a violation, so when Martin is
13 considering that with the permitting process
14 you'd have to look at it.

15 MR. KEHOE: Yeah. So what we forget
16 sometimes is that the reason he's here is he
17 applied for a building permit. Martin holds the
18 building permit in abeyance until this is
19 resolved. If it's resolved, then Mr. Szpiczynski
20 needs a building permit and Martin will take into
21 account drainage, fire rating and all of that,
22 and he'll have to do whatever Martin tells him.

23 MS. HUNTE: Okay.

24 MR. DOUGLAS: What did Martin say about

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2 the fire rating?

3 MR. SUBIN: He said it probably, he said
4 it would have to be fire rated. At least the
5 portion that is a certain distance to
6 [unintelligible] [00:15:18] so, maybe not the
7 whole thing, but like six feet or something like
8 that. So maybe part of it would have to be fire
9 rated, and we discussed drainage mitigation. He
10 said it would probably be a violation unless
11 something stopped it from happening, which, you
12 know, these were the discussions we were having.

13 MR. FRANCO: Well, there is some other
14 problem. We're now being, as it stands now, we're
15 being asked to approve this structure that is not
16 fire rated that we know needs to be. So shouldn't
17 we be asked to, shouldn't there be revisions put
18 in front of us as something that conforms with
19 the code?

20 MR. SUBIN: I mean we've done, usually
21 when it's been required, we've done that during
22 the approval from the permit process, but we know
23 that this would probably require it, so it makes
24 sense. It's a little unique in that we know it in

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2 advance and Martin is not just saying well you
3 still have to fire rate it, which he's done with
4 sheds and stuff like that that are too close to
5 the property line.

6 MR. DOUGLAS: Well, again, I think part
7 of it comes is the difference when we're being
8 asked to grant a variance for a structure that
9 hasn't been built. But when you've got a
10 structure that is built, I may be wrong, but I
11 vaguely remember one, I think it was near Hollow
12 Brook where there was some sort of accessory
13 structure back toward the end of the property and
14 that already exists, and at that point, I think,
15 if I'm remembering correctly, it was a number of
16 years ago, but I think that it wasn't, we weren't
17 even considering approving it unless it was fire
18 rated, and the applicant I think in that case
19 decided not to, so it all went away.

20 MR. SUBIN: The honorable chairman
21 probably has a better memory as to that as I do,
22 so I might not have been here at the time.

23 MR. DOUGLAS: No, I know, you weren't,

24 MR. SUBIN: If that is your

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2 recollection, it's probably true. I don't know
3 for sure. I know that we have fire rated things
4 after you guys have given us approvals. But this
5 is a little unique, it's already built.

6 MS. JACOBY: So if we want to vote on
7 the variance, as with like any kind of language
8 assuming that it passed those whatever, because
9 that's already baked into the process?

10 MR. SUBIN: It's baked into the
11 process in some regards, but the water, you have,
12 it can't basically go onto the other property and
13 cause damage without it being a violation. So
14 then he'd have to, it'd have to be cured,
15 improvising the process.

16 MR. KEHOE: It is different due to built
17 or not built, but as you all know, there's always
18 the catchall condition that a variance is not the
19 issuance of the building permit.

20 MS. HUNTE: Right.

21 MR. SUBIN: Exactly.

22 MR. KEHOE: So the condition is if he
23 can't get his building permit, then he can't, he
24 can't build the shed if it's not built and in

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2 this case, if he can't --

3 MR. FRANCO: Let's say if a variance is
4 granted, like something like this or whatever,
5 then it's up to the building department to make
6 sure that it's to code.

7 MR. KEHOE: Mm-hmm.

8 MR. FRANCO: Before the C of O and
9 everything else is given to him.

10 MR. SUBIN: And there's two codes.
11 There's the building code and there's the town
12 code and we're talking about water discharging
13 into the ground.

14 MR. FRANCO: But that's again the
15 building department.

16 MR. KEHOE: Yeah.

17 MR. DOUGLAS: But wait a second. Isn't
18 it the general approach here that if there's a
19 violation on a property, we won't consider the
20 variance.

21 MR. SUBIN: That's true.

22 MR. DOUGLAS: So right now, I mean I
23 know that's the policy. It appears from what
24 Morton Rogers has told you, there's a known

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2 violation. There's a structure that's too close
3 to the property line that needs to be fire rated
4 that's not. So I don't think we should even be
5 considering that.

6 MS. HUNTE: Well, I'm torn because this
7 is already there, but usually with the cases,
8 we're supposed to look at this as if it's not
9 here whether we would grant the variance and the
10 answer is probably no, we would not because it is
11 too close to the property line. If we're saying
12 that we can grant a variance now but this would
13 be subject to the approval or compliance with
14 conditions required by the buildings department,
15 it sounds as though there's a violation here
16 already. It's too close to the property line.

17 I now have a problem that we're looking
18 at a property that is close to another property
19 that has not been sold. So all of the
20 hypothetical part, I'm having issues with saying
21 well, if in the future somebody comes to buy this
22 property, they wouldn't be happy about having
23 something so close to the line. I think that's
24 too speculative at this point.

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2 Dealing with what we have here now, I
3 would say in terms of the five factors, that no,
4 I don't believe it would be an undesirable change
5 and detriment to nearby properties. I think
6 that's too speculative. However, in the benefit
7 [unintelligible] [00:20:02] so it cannot be
8 achieved by any other method, the option is you
9 cut it back or you tear it down. So that's not
10 really an option, tearing it down. But it is
11 substantial, it's large and it's in violation
12 apparently. And it will not have an adverse
13 physical environmental effect on the conditions
14 of the neighborhood. But we don't know that, but
15 being so close, if there is severe rain would
16 there be runoff, mudslides, we don't know that.
17 But it could be. And it is self-created because
18 it's here without proper permitting.

19 Based on those factors, it sounds to me
20 as though I'm leaning, it's leaning towards it's
21 not a good idea to grant this variance. And if we
22 do grant it, it would have to be subject to
23 approval by the board, which sounds like you
24 might have a problem with the buildings

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2 department.

3 MR. FRANCO: Yeah, the other thing going
4 through my head is if we did, if Mr. Szpiczynski
5 brought it up to standards, I still don't know if
6 I or the rest of the board would approve it, so
7 I'm just thinking if I was Mr. Szpiczynski, if I
8 did invest the money to upgrade the whole thing
9 to make it fire code and then it comes back to
10 the board and we say well, you know, we still
11 reject it because it's a foot off the property
12 line.

13 MR. SUBIN: Just to clarify, I think
14 what you were, maybe I'm wrong, David, but I
15 think you were suggesting update the plans?

16 MR. DOUGLAS: Yes.

17 MR. FRANCO: Not, not make the, not fix
18 the --

19 MR. DOUGLAS: No, Frank, you're right. I
20 agree with what you're saying. I meant to say
21 provide the plans.

22 MR. SUBIN: He wanted updated plans with
23 the fire, showing the fire rating and gutters and
24 stuff before we considered it.

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2 MR. FRANCO: Got it.

3 MR. SUBIN: That's what he was
4 suggesting.

5 MR. DOUGLAS: But Frank, that's a good
6 point, and personally I agree. I don't think, I
7 mean I did mention the concerns we had regarding
8 the fire rating, but I don't think I would vote
9 in favor of it even if it were fire rated.

10 MR. FRANCO: Right, right.

11 MS. JACOBY: Other comments?

12 MR. WALSH: Yeah, I can agree with Mr.
13 Douglas, on his interpretation of this, you know,
14 I had my hesitations last month, just being so
15 close to the property line, the screened in front
16 porch, you know, side porch, I would be willing
17 to grant that variance even though it does, it is
18 substantial at 37 percent. But the carport, you
19 know, just as I go through the five factors, it
20 pretty much hits all five that I wouldn't be in
21 favor of that, of granting that approval.

22 MR. CHIN: And for me, it hinges off the
23 fact of what that other property, the fact that
24 it's a potential buildable lot is the key factor

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2 in making my decision and if I bought that
3 property and even if it's steep slope or whatever
4 the case is, I still, as an owner of that
5 buildable lot, I wouldn't be terribly happy
6 knowing that that carport was only a foot off my
7 property line. And nothing is going to change
8 that, you know. The, it's what it is.

9 MR. FRANCO: And that could be a
10 detriment to the sale, I know it's speculative,
11 but if it goes up for a tax auction or auction
12 for the town, that could be a detriment to what
13 the town will get for it at a sale. So that's the
14 way I'm leaning.

15 MS. JACOBY: Anybody else? This is --

16 MR. SUBIN: Just, Mr. Szpiczynski also
17 after this, if you want to reevaluate the sale
18 portion, I know you're going forward with the
19 variance request, but if after this you want to
20 reevaluate with your wife, the town is still not
21 like turning -- we're still open to discussions,
22 so whatever --

23 MR. SZPICZYNSKI: In this case, could I
24 just ask for the variance for the porch?

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2 MR. DOUGLAS: Yeah, actually what I
3 would suggest is that after we close the public
4 hearing, we'll vote separately on the two.

5 MR. SZPICZYNSKI: Okay.

6 MR. DOUGLAS: Okay.

7 MS. JACOBY: Yeah.

8 MR. SUBIN: Is there anything else you
9 wanted to say?

10 MR. SZPICZYNSKI: No, I mean, it's
11 whoever, I mean the gutters are going towards my
12 property on the side of -- so there's a slope,
13 but there is a gutter on the other side, which
14 goes along to the back of my property, so all the
15 water that is coming from the roof from the
16 house, it's going that way, and along this, this
17 water going that way as well. So nothing is going
18 to the side of the, to the neighbor. That's one
19 thing.

20 MR. DOUGLAS: I'm not so sure, given the
21 difference in the topography it's, water is going
22 to go town.

23 MR. SZPICZYNSKI: The back of my
24 backward, it's sloped down towards the 129, it's

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2 going down. And there is three places where the
3 water is coming down from the roof, in the middle
4 of the house, on the one side of the house and on
5 the other side of the house. And middle of the
6 house and left side of the house, not the
7 carport, the water is going on the yard and is
8 going down towards 129 basically. The water that
9 is coming from the roof, there is a gutter going
10 down, going close to the roof then going down and
11 to the same direction that this water is going.
12 So they basically merge down the road, down the
13 lawn basically.

14 MR. DOUGLAS: Okay.

15 MS. JACOBY: Okay. Motion to close the
16 public hearing.

17 MR. CHIN: If he just wants it on the
18 screen porch, then maybe he should remove the
19 carport and not give us a shot at it at all. If
20 that's, you know, if that's what he wants to do.

21 MR. DOUGLAS: I think we should vote on
22 it.

23 MR. CHIN: You think so? If he wants, if
24 he's saying right now he wants us only to do the

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2 screen porch.

3 MR. DOUGLAS: Well, okay, I guess what
4 Mr. Chin is raising is if you want, you can
5 withdraw that part of your application that has
6 to do with the carport or we can vote on it.

7 MR. SZPICZYNSKI: Can you vote
8 separately on the porch and on the carport?

9 MR. DOUGLAS: Yes, that's what I was
10 planning to do.

11 [CROSSTALK]

12 MR. SZPICZYNSKI: Yes, please. Yeah.

13 MS. JACOBY: Okay. So I make a motion to
14 close the public hearing on case number 2021-9.

15 MS. HUNTE: Second.

16 MR. FRANCO: Second.

17 MR. DOUGLAS: All in favor?

18 MULTIPLE: Aye.

19 MR. DOUGLAS: Any opposed? Okay, the
20 public hearing is closed.

21 MS. JACOBY: And then I make a motion to
22 grant the variance for the screened porch roof of
23 the variance of 8.6 feet, which is 37 percent,
24 SEQR type II, no further compliance required.

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2 MR. WALSH: Second.

3 MR. DOUGLAS: All in favor?

4 MULTIPLE: Aye.

5 MS. HUNTE: For the porch?

6 MR. DOUGLAS: For the porch.

7 MS. HUNTE: Aye.

8 MR. FRANCO: For the porch only.

9 MR. DOUGLAS: Yeah, only for the porch.

10 MULTIPLE: Aye.

11 MR. DOUGLAS: Any opposed? Okay, so the
12 variance as to the porch only is approved. Okay.

13 MS. JACOBY: And then I make a motion to
14 grant the variance of 22.3 feet for the carport
15 roof, which is 95 percent. It's also a SEQR type
16 II, no further compliance required.

17 MR. DOUGLAS: Okay, so your motion is
18 that we approve it?

19 MS. JACOBY: Yes.

20 MR. DOUGLAS: Okay

21 MR. CHIN: I second.

22 MR. DOUGLAS: All in favor?

23 MS. JACOBY: Aye.

24 MR. CHIN: Aye.

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MR. FRANCO: No.

MS. HUNE: No.

MR. DOUGLAS: Okay. Any opposed?

MR. WALSH: Opposed.

MR. MARTINEZ: Opposed.

MR. DOUGLAS: Okay. Can you poll the board then?

MR. KEHOE: Mr. Chin?

MR. CHIN: Aye.

MR. KEHOE: So, I probably -- Mr. Franco?

MR. FRANCO: No.

MR. KEHOE: Ms. Hunte?

MS. HUNTE: No.

MR. KEHOE: Mr. Martinez?

MR. MARTINEZ: No.

MR. KEHOE: Chairman Douglas?

MR. DOUGLAS: No.

MR. KEHOE: Ms. Jacoby?

MS. JACOBY: Yes.

MR. KEHOE: Mr. Walsh?

MR. WALSH: No.

MR. KEHOE: Motion fails, five to two.

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2 MR. DOUGLAS: Okay, Mr. Szpiczynski,
3 thank you very much.

4 MR. SZPICZYNSKI: Thank you.

5 MS. JACOBY: Thank you.

6 MR. SZPICZYNSKI: So I can keep porch,
7 right?

8 MR. KEHOE: Yes.

9 MR. SZPICZYNSKI: And I should just get
10 rid of the carport?

11 MR. DOUGLAS: Well, you should speak
12 with Chris.

13 MR. KEHOE: Yeah, we'll have to draw up
14 with the attorney the actual decision and order,
15 and then you'll have to deal with your architect
16 and Martin Rogers. You're probably still going to
17 need a permit to remove the carport. But talk to
18 Mr. Rogers about that, but once you get the
19 decision and order.

20 MR. SZPICZYNSKI: Okay.

21 MS. JACOBY: Thank you.

22 MR. SZPICZYNSKI: Thank you.

23 MR. SUBIN: Okay, thank you very much
24 sir.

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2 MR. DOUGLAS: Okay. We've got one new
3 public hearing and that's case number 21-11,
4 application of Frank Califano for an area
5 variance for front yard setback for a proposed
6 addition at 630 Cardinal Road.

7 MR. FRANK CALIFANO: How are you?

8 MS. HUNTE: Good evening.

9 MR. CALIFANO: So --

10 MR. DOUGLAS: Good evening, and this is
11 Mr. Walsh, this is your case.

12 MR. WALSH: This is my case. Mr.
13 Califano, do you want to just explain what you're
14 doing, and they go with the five factors, do you
15 have those with you, you want to talk us through
16 that.

17 MR. CALIFANO: I have the plans.

18 MR. WALSH: Okay.

19 MR. CALIFANO: So we're doing an
20 addition and my house, we're just looking for a
21 variance, for the -- for to put a cover or a
22 little roof area above a pad that's already
23 there. It's not coming out any further. It's just
24 putting a roof over a stoop that's already there.

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2 We're at the tail end of the renovation, I'm not
3 sure how many feet we're short, but I was told
4 that we were short by a few feet.

5 MR. WALSH: Four and a quarter, yeah.

6 MR. CALIFANO: Four and a quarter.

7 MR. WALSH: Alright. So I drove up, I
8 saw your house, a beautiful renovation you guys
9 have done.

10 MR. CALIFANO: Yeah.

11 MR. WALSH: It looks wonderful, it's a
12 nice neighborhood. I go through with the five
13 factors. You know, it's not an undesirable change
14 to your neighborhood. A lot of your neighbors and
15 neighbors across the street have this.

16 MR. CALIFANO: Yeah, they have them, a
17 lot of them do.

18 MR. WALSH: Driving up and down your
19 street, there's a lot of them, I wish I had at my
20 house too. Whether the benefits sought by the
21 applicant is achieved by some other method, no
22 it's not, it needs to go where it is at.
23 Requested variance is substantial, you know, it's
24 four and a quarter feet, ten percent, it's is not

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2 substantial, my thoughts. Proposed variance have
3 an adverse effect or impact in the neighborhood,
4 it will not, and is it self-created, all of them
5 are self-created, but it's not a factor that we
6 have to consider, so I'm in favor of approving
7 your variance as proposed.

8 MS. JACOBY: I agree. I have no problem
9 with it.

10 MS. HUNTE: I concur.

11 MR. FRANCO: Yeah, agree here too.

12 MR. MARTINEZ: I agree with that too.

13 MR. CHIN: Good.

14 MR. DOUGLAS: Anybody else from the
15 public have a comment?

16 MS. JACOBY: You're the public.

17 [laughter]

18 MR. WALSH: You too, you're the public.
19 But a fun Wednesday night to come out and listen
20 to us. Alright, so I'll make a motion in case
21 number 2021-11 for 630 Cardinal Road to close the
22 public hearing.

23 MR. FRANCO: Second.

24 MS. JACOBY: Second.

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2 MR. DOUGLAS: All in favor?

3 MULTIPLE: Aye.

4 MR. DOUGLAS: Any opposed? The public
5 hearing is closed.

6 MR. WALSH: I make a motion to approve
7 case number 2021-11 for 630 Cardinal Road for an
8 area variance of proposed -- required 40 feet,
9 proposed 35.75 feet for a variance of 4.25 feet
10 which is 10.63 percent, SEQR type II, no further
11 compliance required.

12 MR. FRANCO: Second.

13 MR. DOUGLAS: All in favor?

14 MULTIPLE: Aye.

15 MR. DOUGLAS: Any opposed? Okay, the
16 variance is granted.

17 MR. CALIFANO: Okay. Thank you.

18 MR. DOUGLAS: I'm sorry we were so tough
19 on you. [laughter]

20 MS. JACOBY: You were probably sweating
21 after the first one.

22 MR. CALIFANO: How do I go about this? I
23 can start or?

24 MR. KEHOE: You'll be getting a copy of

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2 the decision and order emailed and a hard copy
3 mailed to you.

4 MR. CALIFANO: Okay.

5 MR. KEHOE: You can start working with
6 Martin Rogers in the building department now but
7 until he gets that document, he can't issue
8 whatever permit you need.

9 MR. CALIFANO: Okay.

10 MR. KEHOE: But it'll be done in a day
11 or two, and then your architect will also -- I'll
12 let him know too.

13 MR. CALIFANO: Thank you so much. Have a
14 good night.

15 MS. JACOBY: Thank you.

16 MR. WALSH: You too, good night.

17 MR. DOUGLAS: Okay, that closes our
18 agenda. Anybody want to make another motion?

19 MS. JACOBY: I make a motion --

20 MR. DOUGLAS: No, if somebody doesn't
21 make a motion we're just going to sit here.

22 MS. JACOBY: I make a motion to end the
23 meeting and I'm [unintelligible] [00:32:17] that.

24 MR. DOUGLAS: Yes.

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MS. JACOBY: Okay.

MR. FRANCO: Second.

MS. HUNTE: All in favor?

MULTIPLE: Aye.

MR. DOUGLAS: Anybody opposed? Okay.

Meeting is adjourned.


MR. SUBIN: The meeting is adjourned.

(The public board meeting concluded at
7:35 p.m.)

CERTIFICATE OF ACCURACY

I, Claudia Marques, certify that the foregoing transcript of the board meeting of the Town of Cortlandt on September 22, 2021 was prepared using the required transcription equipment and is a true and accurate record of the proceedings.

Certified By



Date: October 12, 2021

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