

TOWN OF CORTLANDT  
PLANNING AND ZONING BOARDS

ZONING BOARD MEETING

1 Heady Street  
Cortlandt Manor, New York 10567

February 16, 2023

7:00 p.m. - 8:58 p.m.

February 16, 2023

MEMBERS PRESENT:

David S. Douglas, Chairman

Wai Man Chin, Vice-Chairman

Chris Beloff, Member

Michael Fleming, Member

Frank Franco, Member

Benito Martinez, Member

Tom Walsh, Member

ALSO PRESENT:

Michael J. Cunningham, Deputy Town Attorney

Chris Kehoe, Director of Planning

1 February 16, 2023

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

3 MR. DOUGLAS: Welcome to the February  
4 Zoning Board of Appeals meeting. We begin with  
5 the Pledge of 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  
10 all.

11 MR. DOUGLAS: Mr. Kehoe, if you could  
12 call the roll?

13 MR. CHRIS KEHOE: Mr. Martinez?

14 MR. BENITO MARTINEZ: Here.

15 MR. KEHOE: Mr. Franco?

16 MR. FRANK FRANCO: Here.

17 MR. KEHOE: Mr. Chin?

18 MR. WAI MAN CHIN: Here.

19 MR. KEHOE: Mr. Douglas?

20 MR. DOUGLAS: Here.

21 MR. KEHOE: Mr. Walsh?

22 MR. TOM WALSH: Here.

23 MR. KEHOE: Mr. Beloff?

24 MR. CHRIS BELOFF: Here.

1 February 16, 2023

2 MR. KEHOE: Mr. Fleming?

3 MR. MICHAEL FLEMING: Here.

4 MR. DOUGLAS: Okay. So the first item on  
5 the agenda is the adoption of the minutes for our  
6 January meeting. Do I have a motion?

7 MR. CHIN: So moved.

8 MR. FLEMING: Second.

9 MR. DOUGLAS: Okay. All in favor?

10 MULTIPLE: Aye.

11 MR. DOUGLAS: Any opposed? Okay. The  
12 January 19th minutes are adopted. We've got two  
13 new public hearings. The first is case number  
14 2023-1, application of Bilal Ahmad for the  
15 property of Ace/Sport Realty Holding Corp., for  
16 area variances for a proposed hotel located at  
17 2054 East Main Street. That's Cortlandt  
18 Boulevard. So Mr. Steinmetz, I'll turn this over  
19 to Mr. Fleming.

20 MR. FLEMING: Is there someone present  
21 for the applicant?

22 MR. DAVID STEINMETZ: Yes.

23 MR. FLEMING: Please.

24 MR. STEINMETZ: Surprise. Mr. Chairman,

1 February 16, 2023

2 members of the board, good to see all of you,  
3 David Steinmetz from the Law Firm of Zarin &  
4 Steinmetz here this evening, representing Bilal  
5 Ahmad and the Rainbow Hospitality Group in  
6 connection with the proposed hotel. I'm joined  
7 this evening by my client, as well as by my  
8 colleague, Brian Sinsabaugh, as well as our  
9 project engineer, Christian Freeman from  
10 Keplinger Engineering. And I'm delighted to see  
11 that obviously so many members of the public here  
12 tonight as well.

13 We're also joined by the current  
14 property owner, Philip Hersh, from Ace/Sport  
15 Realty Holding Corp. Philip and his family have  
16 owned the subject property on Route 6, 2054 East  
17 Main Street for decades. My client is the  
18 contract vendee or the potential purchaser of  
19 this particular site. And as the board knows and  
20 the public obviously should know, my client has  
21 filed an application for a hotel on the property.

22 We're really excited about this  
23 application. We spend a great deal of time before  
24 even filing it analyzing the site, meeting and

1 February 16, 2023

2 working with the town's professional staff to

3 better understand the zoning regulations, the

4 conditions of the site, appropriate utilities,

5 etc. We've also reviewed some of the traffic

6 studies that have been previously done in

7 connection with Route 6 and other nearby matters,

8 all of which were relevant before we even decided

9 to formally file the application and kick off.

10 The good news, my client felt quite comfortable

11 after reviewing all that information to pursue an

12 application for what is considered an as of right

13 use. A hotel is a permitted and lawful use on

14 this CD zoned property. And we believe

15 additionally, positive news for the town is that

16 Marriott, that Marriott hotel chain found that

17 the town of Cortlandt, Route 6 and this location

18 would be an appropriate place for a Marriott

19 Courtyard to be branded on my client's potential

20 hotel.

21 So this is going to be, it was proposed

22 to be a high quality Marriott Courtyard, 93

23 rooms, five stories, which we're going to talk

24 about this evening, amenitized with a wonderful

1 February 16, 2023

2 kitchen, full bar and grill, an indoor pool, a  
3 fitness center, an outdoor courtyard deck, some  
4 lovely landscaping and several requirements that  
5 in order to carry the Marriott flag or the  
6 Marriott brand, are necessities.

7 I'm sure the folks in the community are  
8 mostly likely well aware that there's been a lot  
9 of discussion about bringing a high quality hotel  
10 to the town of Cortlandt literally for years.  
11 Some of you, and I know Mr. Walsh being one, have  
12 followed envision Cortlandt quite closely. The  
13 discussion by the town, the town's comprehensive  
14 planning committee as well as the town board  
15 about having a hotel in the medical oriented  
16 district, approximate to New York Presbyterian  
17 Hospital, and the town board in its wisdom  
18 determined that a hotel would not be best suited  
19 in the MOD. And one of the reasons may well be  
20 that it's actually already zoned on Route 6 in  
21 the CD zone.

22 One of the attractive aspects of this  
23 particular property is obviously it's on  
24 Cortlandt Boulevard, Route 6, it's immediately

1 February 16, 2023

2 approximate to the Bear Mountain Parkway and both  
3 my client, our technical team and Marriott  
4 believe that it provides a wonderful opportunity  
5 for the community, for folks who reside in the  
6 community to make use of it, for travelers to,  
7 businesses and the community itself as well as  
8 nearby attractions in the area and for the  
9 greater business community in general. There is  
10 no quality hotel, as someone who has lived in  
11 northern Westchester for more than 20 years,  
12 there aren't a lot of high quality hotels in and  
13 around the area. We've certainly seen some growth  
14 in that area, but certainly the town of  
15 Cortlandt, the town of Yorktown, both I think are  
16 desirous of having something of this nature.

17 So, in order to pursue this, we filed an  
18 application in front of the planning board for an  
19 as of right application. However, there are some  
20 variances that are required in order for this  
21 particular hotel to be located on this particular  
22 property. Why?

23 The property has some topographic  
24 challenges, which Christian is going to walk us

1 February 16, 2023

2 through so that we better understand it. We  
3 wanted to make sure, my client felt it was  
4 essential to make sure that the site had safe and  
5 appropriate vehicular truck and first responder  
6 circulation. So, we spent a while with the town's  
7 professional staff figuring out where the best  
8 location would be to align any opening to this  
9 particular property.

10 It's located at the intersection of  
11 Route 6, which, upon which it has frontage, as  
12 well as Jacobs Hill Road. But obviously, maybe  
13 not so obviously, cutting a curb cut into Route 6  
14 to get to this site would not be the best way to  
15 access it. Utilizing Jacobs Hill Road, which is a  
16 signalized intersection would be a better  
17 location. However, aligning it with Pike Plaza,  
18 and that's the correct name for the shopping  
19 location, correct, Pike Plaza, would make it  
20 safer, more appropriate and best suited for fire  
21 access, etc.

22 On the issue of safety and fire access,  
23 again, part of our development team's goal was to  
24 sit and meet with first responders. There have

1 February 16, 2023

2 already been a series of discussions and meetings  
3 with the Mohegan Lake Fire District and fire  
4 department. They have already reviewed the  
5 application and are part of this process as we go  
6 forward.

7 We filed the application with your  
8 planning board. Your planning board designated  
9 itself to be the lead agency under the New York  
10 State Environmental Quality Review Act. What does  
11 that mean? That means the detailed and  
12 comprehensive analysis of this project in terms  
13 of storm water, utilities, traffic, landscaping,  
14 visual, all of those elements will be studied by  
15 the planning board as the lead agency under the  
16 Environmental Quality Review Act. Then why are we  
17 here?

18 We're here because we do need a series  
19 of technical variances, the most significant of  
20 which relates to the height or the number of  
21 stories on the building. And my teammates here  
22 are going to help me try to bring that to life  
23 not only visually by sharing with you what it  
24 looks like but explaining why it is in terms of

1 February 16, 2023

2 making this site work best we needed to have what  
3 the town considers five stories, as we'll  
4 explain, which we would all otherwise really say  
5 is a four-story building. There are four stories  
6 of hotel rooms and there are four stories of  
7 hotel rooms because you cannot attract a high  
8 quality, appropriate commercial hotel like a  
9 Marriott unless you have a certain degree of  
10 vibrancy and a certain degree of occupancy. And  
11 that sweet spot for Marriott Courtyard was in the  
12 90, 93-room range, and in order to achieve 90 to  
13 93 rooms on that property, it required the  
14 structure that we are proposing. And we are going  
15 to walk you through that this evening.

16 Our goal tonight is to share with the  
17 board and with the community, because the  
18 community did not apparently attend, at least in  
19 great numbers, the first two planning board  
20 meetings we conducted. We want to share what this  
21 is, what it looks like, why it, why we believe it  
22 functions, and functions safely and attractively  
23 and appropriately and we're here as I explained  
24 to your board when we were here last month,

1 February 16, 2023

2 because we need to get a sense of the board's  
3 predilection to grant these variances. We can't  
4 ask you to vote on it, and the community should  
5 understand, you're not lawfully permitted to vote  
6 on this application until the planning board  
7 completes its review. But we asked the planning  
8 board and your staff to allow us to come because  
9 we're excited about the application, my client is  
10 proud of the application. We're happy to share it  
11 with the community and we're certainly desirous  
12 of getting the community's comments.

13 I've, both Mr. Hersh and I have already  
14 met with at least one community leader from the  
15 immediate vicinity to try to get some feedback. I  
16 know Mr. Hersh has reached out also the neighbors  
17 and the condominium association behind his  
18 property and we're here tonight to listen.

19 In terms of the variances, just we'll go  
20 through them in great detail this evening. We  
21 need a height variance, we need two side yard  
22 variances, we need an off-street parking  
23 variance, because we do not want to over park  
24 this site. Marriott, Marriott's got a couple

1 February 16, 2023

2 hotels. They know what the vehicular movement in  
3 and out of their hotels generates, they know how  
4 many parking spaces they need to have a viable  
5 and successful hotel. And my client owns several  
6 branded hotels and knows as well. So we believe  
7 we're coming in with the correct number of  
8 parking spaces. However, under the code, we would  
9 need a technical variance.

10 In addition, we're also seeking to try  
11 to make the parking lot not only functional, but  
12 as attractive as possible and by adding  
13 landscaping into the parking lot, we eliminate  
14 some parking, therefore, triggering again, part  
15 of the parking variance.

16 There's also a landscape buffer variance  
17 and we're going to explain tonight, with  
18 Christian and Brian's help, the buffering that's  
19 being done here, the landscaping that's proposed,  
20 the colors and qualities of the materials being  
21 proposed. When we appeared before you last month,  
22 comments from your board were David, come back  
23 with your client having further developed some of  
24 the architecture and the colors. We're ready to

1 February 16, 2023

2 do that tonight. We're also ready to share with  
3 you, I'm sure with Chris's help, a video that he  
4 will display on screen shortly.

5 So, again, for us, we're early in the  
6 process. There's a lot of stuff that needs to be  
7 done, there are a lot of technical issues that  
8 have to be addressed by the planning board in  
9 particular, but by your board as well. I've  
10 submitted in writing why we believe as a matter  
11 of law under New York State law, under New York  
12 State town law and under the town of Cortlandt  
13 code, we satisfy the requirements for an area  
14 variance, or the area variances we have sought.

15 We've identified the five factors. I  
16 went through that with you at the last meeting.  
17 I'm not going to do that in any great detail  
18 tonight. But we believe we satisfy the five  
19 factor test under New York State law. And we  
20 absolutely believe that the benefit to the  
21 applicant outweighs any adverse impact or  
22 detriment to the surrounding area or community.  
23 It's about time Cortlandt has a high quality  
24 hotel. We think this is a great location. We're

1 February 16, 2023

2 looking forward to studying that with your board  
3 and the planning board. And we hope to receive  
4 support from the business communities. Certain  
5 business leaders have already reached out to both  
6 me and to Mr. Hersh and we are hoping that that  
7 will take some preeminence here, and that's one  
8 of the reasons that Envision Cortlandt thought a  
9 hotel would be appropriate in the town. And  
10 that's why the CD zone calls for a hotel in this  
11 town.

12 So with that, as my quick, hopefully  
13 fairly quick intro, I'm going to turn it over to  
14 Christian to walk us through some of the details  
15 and share with you some visuals as well as a  
16 pretty cool video.

17 MR. CHRISTIAN FREEMAN: Thank you all.  
18 Chris, would you mind pulling up a plan, just a  
19 site plan to start? So we know this site very,  
20 very well, we've been working on it for months,  
21 but I'd like to bring you guys in and up to speed  
22 with what we've been looking at. Yeah, so if you  
23 would just open that .PDF, the public hearing  
24 set. It's above the video. Alright. And if you go

1 February 16, 2023

2 to the third, the second sheet. I think you're on  
3 page, let's see, yeah, whichever one is the site  
4 plan. Yeah, that's it, great, awesome.

5 So, as David introduced, this site is a  
6 great location, however, it has challenges of its  
7 own due to the nature, in particular, with  
8 topography. When we talk about grade percentages,  
9 we're talking a 16 percent slope from the back of  
10 the site coming down towards Route 6. What that  
11 is equivalent to is roughly double the steepness  
12 of a handicapped ramp, an ADA ramp. So this  
13 represents a significant slope.

14 We've been challenged to develop a 2.4  
15 acre lot in a way that makes sense and functions  
16 with in particular, vehicular traffic and  
17 movements on site while also trying to manage and  
18 mitigate effects of topography on the contextual  
19 visual natures.

20 So what that means is our goal has been  
21 to limit walls and tier them to be under or equal  
22 to six feet in nature. So rather than having a  
23 very tall wall or series of tall walls, we've  
24 attempted to break those up and sort of soften it

1 February 16, 2023

2 so that when you're looking at the site from the  
3 road or the context, you aren't struck by a  
4 massive cliff of a wall visually deterring you  
5 and jarring you.

6 In terms of another limiting site  
7 feature that's affected our layout, the entire  
8 site has sort of a blanket of topsoil over what  
9 is a shallow bedrock system. What that means is  
10 if you drilled down five feet in some of these  
11 areas, you are in bedrock. What that means for us  
12 is you can't simply cut the site out and sink the  
13 hotel. We have to sort of balance between  
14 perching on top of it and working into the  
15 topsoil area so you're not blasting and blowing  
16 up the entire site just to develop it. So that's  
17 also been a challenge in siting our hotel.

18 What all this jargon really means is  
19 we've thought through the layout and we've  
20 attempted to come up with something that works  
21 best for the town and works best for vehicular  
22 safety and visual impacts as well.

23 In terms of the layout, David touched on  
24 this, but there are two existing curb cuts on

1 February 16, 2023

2 Jacobs Hill Road. So as you turn right on Jacobs  
3 Hill Road from Route 6, there is an existing curb  
4 cut immediately to the right after that island,  
5 yes, right across from that Pike Place where  
6 you're gesturing, just across the street. And  
7 then further up the hill, where we opted to enter  
8 into our site. So there were two options. We  
9 determined the lower one would not really work  
10 for us.

11 Unfortunately the porte-cochère and the  
12 true drop-off portion of the hotel have to be on  
13 the backside of the hotel. And the reason we did  
14 that was we were thinking of our visitors. Rather  
15 than having most of the parking opposite of where  
16 you would go into the hotel, we've now made it  
17 more accessible and easier for people to get in.  
18 That being said, the true front of the hotel from  
19 a function standpoint would be facing the uphill  
20 side and towards the curb cut entrance of Jacobs  
21 Hill Road.

22 I'm going to touch on fire safety really  
23 quickly. So I've been in touch with Holly and  
24 Wayne. Holly sent me over the new fire truck, the

1 February 16, 2023

2 new Mohegan ladder truck, so the biggest one that  
3 would respond to an emergency here. We ran that  
4 truck through using a software that determines  
5 wheel base and the size of the truck and we  
6 navigated it through the site, and then, just to  
7 be safe, I used an even bigger truck and  
8 navigated that through the site. So there's a 40-  
9 foot truck with a 20-foot wheel base that you  
10 guys have and own and is the new truck. I used a  
11 41.4 inch truck by 22.5-foot wheel base, so I  
12 used a bigger truck just to be safe and make sure  
13 it works.

14 We have two stands, one on the flatter  
15 portion of the site by the porte-cochère and  
16 then also closer to East Main. So on those two  
17 faces of the buildings, a truck would come in,  
18 make its stand and safely, not on a slope, flat,  
19 have a flat way of getting a person on a ladder  
20 up to, you know, put out a fire. And they've seen  
21 these plans and are familiar with them and we're  
22 in process of moving forward with them on that.

23 Finally, I'd just like to touch up on  
24 landscaping and in particular in regard to the

1 February 16, 2023

2 visual impact before I show you guys a video so  
3 you have an understanding of the site in 3D, just  
4 like plan. The goal, again, of our landscaping,  
5 since we do not achieve that landscape buffer,  
6 was to attempt to sort of amend visually our  
7 impact to the site in ways we can, understanding  
8 we can't achieve the buffer, but attempting to  
9 soften it up as best we can.

10 So on Jacobs Hill Road, we've planted  
11 trees at 25 feet on center, to give sort of an  
12 avenue style, so your visual impact going up  
13 Jacobs Hill Road would be a series of trees, and  
14 the hotel would be sort of visually seen through  
15 the trees. You'll see it on the video. And then  
16 at the front of the site, you'll see all those  
17 green and purplish circles. Those are ornamental  
18 trees.

19 And this doesn't tell the full story,  
20 because we also are engaged with the arborist  
21 associated with the planning board and he went  
22 out and marked trees that he deemed would be  
23 valuable to stay. So we're keeping trees along  
24 Route 6 and these are significant tall trees that

1 February 16, 2023

2 are full and would buffer the hotel even more. So  
3 the hotel is going to be up the hill behind two  
4 six-foot walls, with planting in between them and  
5 along with that, there's also existing trees.  
6 Chris, I think it's your moment.

7 So we're going to play a video that  
8 swings from outside the property, starting at the  
9 Bear Mountain Parkway side along Route 6 and then  
10 finishes halfway up Jacobs Hill, sort of making  
11 an arched smile motion around the site. Alright,  
12 so here we are on Bear Mountain Parkway. You'll  
13 see some of these tiered walls with planting off  
14 to the right. The pink and white trees at the  
15 base of the slope you see are going to be  
16 proposed vegetation. Those tall trees by the  
17 telephone pole along Route 6 are existing trees  
18 to remain.

19 Now as we look back towards the hotel,  
20 there's a guard rail up there for safety, there's  
21 trees up within the parking lot and around the  
22 parking above while also surrounding the walls.

23 Here we are on Main Street, crossing  
24 over, just so you get a sense of the view. Our

1 February 16, 2023

2 hotel stands at 50 feet tall. We get a jump  
3 there. As you can see, we're keeping existing  
4 vegetation. This is modeled as best we can to  
5 showcase the existing vegetation to remain, which  
6 is significant in height in its fullness.

7 Here we are across the way. Here you can  
8 see the hotel poking through from the  
9 intersection opposite of Jacobs Hill Road. Now  
10 we're looking north. And on the left you see  
11 going up Jacobs Hill Road, that sort of avenue  
12 vibe with trees. And there you have those two  
13 tiered walls that wrap around, again, to the  
14 Jacobs Hill side and sort of resolve themselves  
15 at grade with planting in between on top and in  
16 front. And that sort of concludes our video.

17 The materials for the architecture are  
18 true in terms of their color and likeness. We  
19 actually brought them with us. We can show those  
20 off as well. But it's going to be an EFFAS  
21 material with a wood, just as is shown in the  
22 video.

23 And then in terms of building height, I  
24 believe technically in New York State, this

1 February 16, 2023

2 building would be let's see, defined as a four-  
3 story building with a basement. But due to how  
4 we're using the basement, in your code it's five  
5 stories.

6 MR. STEINMETZ: Can you just explain  
7 what's in the basement?

8 MR. FREEMAN: Sure, sure. So in the  
9 basement, if it's New York State code, all it can  
10 be used for is storage, or in your code, all it  
11 can be used for is storage. But we're using other  
12 functions as well. So since the magic number we  
13 settled on was around a hundred and we actually  
14 went down to 93 for this to be a viable project,  
15 some of the amenities and spaces had to be moved  
16 into the basement.

17 MR. STEINMETZ: Christian, another thing  
18 I would appreciate if you can explain the four  
19 versus five stories on the side view of the  
20 building.

21 MR. FREEMAN: Sure. Yes, so since, as  
22 you guys have been harping on it, the pitch on  
23 this site, and as you can see in the video, is  
24 pretty significant. So if you think about driving

1 February 16, 2023

2 up Jacobs Hill Road, if you're halfway up Jacobs  
3 Hill Road and you turn and look at the elevation  
4 of the building, one side of the uphill side of  
5 the hotel will not have an exposed floor, but the  
6 downhill side would because the grade is sort of  
7 resolving from the walkout to covering a floor  
8 completely. And we fiddled with grade to try and  
9 get as much of that underground as we could, but  
10 due to location of the building with the curb cut  
11 and the depth to bedrock, we found ourselves  
12 unable to really sink it further. And then I  
13 think I'm going to invite Brian up to discuss  
14 variances further.

15 MR. BRIAN SINSABAUGH: Hi, good evening,  
16 board. My name is Brian Sinsabaugh. I'm an  
17 attorney with Zarin & Steinmetz. I'm just going  
18 to briefly go through some of the variances that  
19 we are requesting in greater detail just to  
20 clarify for both the board as well as the  
21 audience, what variances we are seeking tonight.

22 Just to build upon what was just being  
23 stated with regard to building height, what is  
24 permitted within our zone, the CD district, is

1 February 16, 2023

2 three stories and 35 feet. What is being proposed  
3 here is and what we're requesting I should say,  
4 is five stories and 50 feet, which would require  
5 a variance of two stories, 15 feet.

6 The reason why we had this height again,  
7 I'm just going to be very brief, is with regard  
8 to the topography for all intents and purposes,  
9 on the rear, if you're facing the rear side which  
10 is further up on Jacobs Hill Road, that will  
11 appear to be four stories, but as you do come  
12 down, it is five stories on the lower end if  
13 you're looking from Main Street.

14 With the screen that we've provided,  
15 this will be blocked out, you will not see the  
16 lower portion of that building as you're heading  
17 out main street. The trees that's comprised of  
18 the existing screening as well as what's being  
19 proposed in that area will shield part of that  
20 area, that building. So I do not believe that at  
21 any point you will be visibly able to see the  
22 full five stories, so some of those impacts are  
23 mitigated in that fashion.

24 Next, with regard to the side yard

1 February 16, 2023

2 setback, there are two side yard setbacks. I'll  
3 go through the more intensive one first. That is  
4 the corner lot side yard setback which abuts  
5 Jacobs Hill Road. Pursuant to Section 307-4 of  
6 the code, the side yard setback of a corner lot  
7 must be the lesser of a front yard, or the,  
8 double the side yard. The side yard in this  
9 instance in the CD district is 50 feet.  
10 Therefore, and the front yard is 75 feet,  
11 therefore we are required to hold a 75 foot side  
12 yard setback.

13 We've, what we've proposed here is 45  
14 feet, requiring a variance of 30. Again, though,  
15 it's building upon what was stated earlier by  
16 Christian, is that we provide landscaping as well  
17 as tiered walls to try and mitigate the impacts  
18 of having this reduced side yard setback.

19 Additionally, the side yard setback is  
20 only five feet less than what the normal side  
21 yard setback would have been, so there is  
22 significant distance between the buildings and  
23 the roadway. However, we, again, it will be  
24 screened, both with a combination of the street

1 February 16, 2023

2 trees as well as the tiered wall that does have  
3 landscaping in between.

4 Moving on to the other side, which would  
5 be the side yard setback abutting Bear Mountain  
6 Parkway, the side yard setback being 50, the  
7 requirement being 50 feet, and we are proposing  
8 44 feet. Again, we have proposed some landscaping  
9 in this area due to the restraints of our  
10 property. We have a very small property line on  
11 that side. We are unable to put trees in this  
12 location. However, there are trees located on the  
13 adjacent property and we've also supplemented  
14 that with the tiered walls and the landscaping in  
15 between that location.

16 Moving on to parking, the third one is  
17 parking, so again, we have off street parking.  
18 And as David had mentioned, the -- we provide 93  
19 spaces, which we verified with the Marriott that  
20 that is sufficient. Marriott has interest in  
21 having enough parking for their patrons, so those  
22 staying there, that is more than sufficient. What  
23 we do, we are proposing here is a 93-room hotel  
24 and that is not one space per room and most

1 February 16, 2023

2 typically, you will not have a mass capacity  
3 hotel at any point in time, but we do want to  
4 have the ability to have at least one space per  
5 room.

6 In addition to that, the requirement for  
7 the town is that there's one space per room and  
8 in addition to that, there is one space per  
9 maximum shift number of employees. In this case,  
10 that would be seven employees, resulting in 100  
11 spaces, but we're now requesting a seven space  
12 parking reduction for variance.

13 The parking variance that we're  
14 requesting is in part to provide additional  
15 parking lot landscaping. So we do have park- --  
16 parking lot landscaping is proposed in the rear  
17 of the parking lot. That breaks up the larger  
18 portion of the parking that we do have. We've  
19 provided two and a half percent, the requirement  
20 being five, thus requiring a variance of two and  
21 a half percent.

22 The rationale behind this is both to  
23 provide sufficient parking, but also we want to  
24 have mobility for fire vehicles to move around

1 February 16, 2023  
2 the site. And I do want to note that also for  
3 those that would be viewing that parking lot,  
4 this parking lot is on an upper portion of  
5 roadway. If you come up on Jacobs Hill Road, it's  
6 up on the rear. If you're looking at East Main  
7 Street, it's not really, it's not going to be  
8 visible since it is in the rear of the site. This  
9 is different than some other parking areas within  
10 the town. You would like to add landscaping to  
11 certain areas that are highly visible. This is  
12 not highly visible.

13 Also, from the rear, if you're looking  
14 down from further up on Jacobs Hill Road, you  
15 will not see that entire, the entirety of this  
16 parking lot. There is a wall that's along the  
17 rear of that parking lot. That's six feet. There  
18 is an immediate dropdown in that area. You also  
19 have landscaping that is proposed along the rear,  
20 in addition to all the existing vegetation.

21 That vegetation will screen a large  
22 portion of that parking lot, so that parking lot  
23 will not be visible from those, looking from what  
24 I'll call the rear of the property.

1 February 16, 2023

2 And lastly, we do have a landscape  
3 buffer requirement which would be 25 feet. That  
4 requirement for the 25 feet requires that the  
5 landscaping be comprised of trees, other  
6 vegetation, and it must be at a height of 20  
7 feet, or provide screening of up to 20 feet.

8 We have provided ten street trees along  
9 Jacobs Hill Road, as I previously mentioned.  
10 There is additional, there are walls that are  
11 located, tiered walls on the Bear Mountain side,  
12 but neither of those sides do fully meet that  
13 requirement. We do feel that there is sufficient  
14 screening however, between what it is the  
15 existing vegetation as well as the proposed  
16 landscaping. What we have is of the 25 feet, we  
17 are requesting a full variance of that, but I do  
18 want to clarify again, there is eight and a half  
19 feet between the boundary line and the parking  
20 lot. That is consisting of landscaping, tiered  
21 walls, street trees, other vegetation. However,  
22 it just does not meet the full requirement of the  
23 code.

24 MR. STEINMETZ: Just to conclude before

1 February 16, 2023

2 the public speaks, I know that was a lot of  
3 information. We know we have provided you all and  
4 the public with a lot. There's no question that  
5 the building is a good sized building. Nobody is  
6 going to say otherwise. Again, for our purposes,  
7 it's a four-story building that the town  
8 considers five because of the topography.

9 The good news for us, we think the way  
10 the site sits, the topography of the site, the  
11 walls that you've heard about this evening, the  
12 fact that it's set back from Route 6, it actually  
13 is quite nicely nestled into the hillside and we  
14 think that the visual analysis will show that  
15 it's not an adverse impact.

16 In terms of some of the questions you  
17 asked at the prior meeting, there would be, and I  
18 apologize if it was the planning board that asked  
19 me as opposed to you on this one specifically, it  
20 would be no fewer than two electric vehicle  
21 charging stations incorporated into the parking  
22 lot. So there would be at least two.

23 We are reviewing right now a number of  
24 other sustainable features that can be baked into

1 February 16, 2023

2 the building. Those are not necessarily relevant  
3 to the variance analysis. But it's important for  
4 you to know that our client is trying to figure  
5 out a way to make this as appealing and as  
6 environmentally sensitive as possible.

7 In terms of other benefits to the  
8 community, obviously, the real property  
9 assessment on this property would jump  
10 dramatically. In addition to real estate taxes,  
11 there would be no less than \$300,000 in sales tax  
12 generated from this hotel, as well as an  
13 additional \$100,000 in hotel tax or what's called  
14 room tax in Westchester County.

15 So from a fiscal standpoint, we believe  
16 that this will be beneficial to the town, to the  
17 school district and to the community at large.  
18 There would be a number of permanent employees  
19 working here. Obviously, there's shifts, so there  
20 would be a number of different individuals on  
21 each shift, but it would be a permanent employer  
22 and full time employer in the town. In addition,  
23 development of the site would result in a  
24 substantial amount of construction jobs as well

1 February 16, 2023

2 that would be here for the period of time during  
3 construction.

4 And just to conclude, we have done what  
5 we consider to be the first part of the visual  
6 analysis. We know that there will be further  
7 studies as we go forward. But we did this visual  
8 analysis, Mr. Chairman and members of the board,  
9 at this point, because as you know, I encouraged  
10 staff to allow us to come into your board at this  
11 early point so that we could get your feedback,  
12 so that we could get the community involved.

13 And the reason that my client has asked  
14 us to get your feedback at the earliest possible  
15 date is because as much fun as it is to come to  
16 Cortlandt and go to the planning board and go to  
17 the zoning board and work with your staff, and  
18 you guys know I do it a lot with this town, I  
19 have no desire to make my client go through that  
20 process for a substantial period of time if this  
21 application doesn't have the requisite amount of  
22 traction. It's a permitted use, it's a great  
23 idea, but it needs variances from your board, and  
24 that's why I'm here.

1 February 16, 2023

2 MR. FLEMING: If anyone from the public  
3 has comments, can you please come up to the  
4 podium. You're welcome, please come on up. Ma'am,  
5 before you start, could you also just state your  
6 name and your address?

7 MS. VIRGINIA SCHNEIDER: My name is  
8 Virginia Schneider. I live at 2309 Jacobs Hill  
9 Road. I'm president of the board of managers  
10 there. And I live at Woodcrest Jacobs Hill as I  
11 said. It's a senior citizen complex up the road  
12 from the proposed hotel. There are approximately  
13 180 units up the hill that include condos and  
14 rental apartments.

15 The proposed hotel is too close to  
16 Jacobs Hill Road. The entrance and exit to and  
17 from the hotel are dangerous and a safety factor.  
18 At one time a few years ago, there was a house  
19 fire on that property that started at 6:00 p.m.,  
20 a.m. rather, and a lot of fire trucks came  
21 because of the size of the fire that blocked  
22 anyone in and out to go to work. This was the  
23 only egress to get out of the complex. What will  
24 happen if this hotel is built?

1 February 16, 2023

2 This proposed project is asking the  
3 zoning board to waive not one, but three  
4 variances, a height variance, they are asking you  
5 to raise more than 40 percent over the existing  
6 variance. That change, if and when it occurs will  
7 set a new precedent for further building in this  
8 town. This is still a suburban community even  
9 though the existing traffic along Route 6 from  
10 Conklin Avenue to Lexington is worse than most  
11 cities.

12 We the citizens of Woodcrest at Jacobs  
13 Hill implore you, ask you not to approve this  
14 project and save the suburban atmosphere of  
15 northern part of Cortlandt. Thank you.

16 MR. BOB BAKER: Good evening. My name is  
17 Bob Baker. I live at 1310 Jacobs Hill Road. I  
18 live in Building One and the back of Building One  
19 will face this hotel, so that the five units that  
20 are at the back of Building One on the third  
21 floor will basically, when we get up in the  
22 morning, look out any of our windows, look out  
23 the balcony, we're going to be staring at the top  
24 of this hotel. Certainly not what I intended to

1 February 16, 2023

2 when I moved to this area.

3 The essential question here I think is  
4 why do we have to waive multiple variances to  
5 build a hotel at this site? Is this the proper  
6 place to build it? Do we need a hotel? Do we need  
7 one, you know, so badly that it needs to be  
8 squeezed into this space? It seems to me that  
9 there are a number of places that are much larger  
10 along Route 6 and all throughout the town of  
11 Cortlandt that could better accommodate this  
12 hotel.

13 This project is too large. It's too  
14 high. They're asking you to waive the height  
15 variance by over 40 percent. And to me, that's  
16 going to set a precedent that's not going to be  
17 good in the long run. It's going to mean that  
18 there are going to be other buildings the same  
19 size eventually, if that's what we're intending  
20 to do.

21 This building is too close to the  
22 parkway. They're looking for a variance there.  
23 It's too close to a busy road, and to me, it's  
24 going to be a threat to the health and safety of

1 February 16, 2023

2 the two communities, the two senior citizen  
3 communities that are on the top of that hill.  
4 Turn it down, please. [applause]

5 MR. FLEMING: Anyone else from the  
6 public?

7 MS. STEPHANIE BUCARIA: Hello. Hi. My  
8 name is Stephanie. I'm 33 years old and I've been  
9 a resident of Parkway Drive for 33 years.

10 MR. FLEMING: Can you state your full  
11 name and your address?

12 MS. BUCARIA: Oh, sure. It's Stephanie  
13 Bucaria, 11 Parkway Drive.

14 MR. FLEMING: Thank you.

15 MS. BUCARIA: You're welcome. I've grown  
16 up in Cortlandt and watched it changed over the  
17 years. Our street was redone one time previously,  
18 so we went through all that construction. And  
19 currently, I'm against the construction of the  
20 new hotel for a few reasons. First off, I just  
21 want to say that I think the business aspect in  
22 Cortlandt is failing and I don't see a potential  
23 here. Our own movie theater is shutting down. The  
24 old ShopRite building is vacant, the old Moe's is

1 February 16, 2023  
2 vacant, Big Lots, Retro Fitness, Model's, Office  
3 Max, Emperor Garden, everything around you that  
4 you see is an empty building. There's nowhere to  
5 go. Even the McDonald's is not 24/7 anymore. You  
6 can't even use the back parking lot entrance of  
7 Dunkin Donuts anymore because there's a fence  
8 blocking it.

9 And then going back to my street, it's  
10 elevated and you can see a nice view of the sky  
11 and the stars at night. This was once a quiet,  
12 peaceful place when I was a child, but now it's  
13 boisterous. You can see and hear Route 6 and the  
14 Bear Mountain Parkway all day. You can hear  
15 countless cars drive by, people screeching their  
16 brakes, trucks honking loud horns, motorcycles,  
17 ambulance sirens. And as if that weren't enough,  
18 now they're going to build a gas station at the  
19 bottom of our street and early in the morning you  
20 hear loud construction, jackhammers going off,  
21 you know, and this is every day.

22 So to put a large hotel across the  
23 street is not only an eyesore, but a further  
24 distraction to the community. To start a second

1 February 16, 2023

2 project is not only unnecessary but unfair to us  
3 residents. It can take a long time to build a  
4 hotel, and therefore between the construction of  
5 the gas station and the construction of the  
6 hotel, this puts Parkway Drive and Jacobs Hill in  
7 limbo until these projects can be completed.

8 To have ongoing construction noise for  
9 an undetermined amount of time is not only  
10 stressful but it's tiresome and there are  
11 psychological risks for residents when it comes  
12 to sleep deprivation and mental disturbance from  
13 noise, anxiety, restlessness, agitation. Not only  
14 that, but the gas station and the hotel will also  
15 be 24 hours so that means constant lights on all  
16 night, people coming and going, so that's further  
17 interference.

18 I'm also leery of the hotel construction  
19 as it can cause a negative environmental impact  
20 for energy, water and waste. The hotel has a  
21 profound impact on the over production of carbon  
22 dioxide in the atmosphere, which is hurtful not  
23 only to the ozone layer, but everyone surrounding  
24 it.

1 February 16, 2023

2 The location of the hotel is also poor  
3 when it comes to traffic at the four way  
4 intersection. Current projects attribute further  
5 to traffic and detours.

6 And several summers in a row, the town  
7 has done roadwork in front of our street and King  
8 Buffet that caused road closures. Sometimes we  
9 weren't able to enter or exit our street at all  
10 because the trucks and the workers were blocking  
11 it off. One day I wasn't able to get home at all  
12 and I had to spend half the way in a parking lot  
13 until the entrance to Parkway Drive was cleared.

14 Adding another project across the street  
15 when there is already a gas station being  
16 constructed is dangerous and problematic for  
17 commuters.

18 Lastly, I think the construction of a  
19 hotel in this area is not needed. There are five  
20 nearby hotels in our vicinity that people can go  
21 to. The closest one is five minutes away, which  
22 is Town Line Motel on Route 202, 2.4 miles away  
23 is the Inn on the Hudson, 2.5 five miles away is  
24 the Abby Inn and Spa, 5.2 miles is the Holiday

1 February 16, 2023

2 Inn on John Walsh Boulevard and 8.5 miles is the  
3 Watergate Motor Inn. So to say we have hotel  
4 accommodations already is an understatement.

5 In my opinion, the companies want to  
6 make money and draw in customers, but they're  
7 forgetting about their own community members that  
8 live here and have to deal with constant noise  
9 and construction. Parkway Drive is not the  
10 peaceful street I used to know and frankly, I'm  
11 disappointed.

12 All I ask is for the town of Cortlandt  
13 to reconsider their plans for the sake of their  
14 residents' wellbeing. Thank you for your time.  
15 [applause]

16 MR. FLEMING: Any other members of the  
17 audience here? Please. Please state your name and  
18 your address.

19 MR. FRANK MCINTYRE: Yeah, sure. My name  
20 is Frank McIntyre I live at East Hill Road number  
21 21. I didn't here expressively to discuss the  
22 hotel tonight. I'm actually relatively new to it,  
23 but I do know stuff about hotels and I had some  
24 questions about the parking seemed inadequate to

1 February 16, 2023

2 me, and nothing worse than a hotel with  
3 inadequate parking because then you get all sorts  
4 of illegal parking and issues with ingress and  
5 egress, emergency things and things like that. So  
6 the question I have is, is there going to be a  
7 banquet room in this hotel?

8 MR. STEINMETZ: No.

9 MR. MCINTYRE: No? Okay. And then will  
10 this restaurant bar be kind of a destination  
11 place?

12 MR. STEINMETZ: [unintelligible]  
13 [00:46:47].

14 MR. MCINTYRE: [unintelligible]  
15 [00:46:48].

16 MR. FLEMING: Excuse me, wait, wait.  
17 Stop. One second.

18 MR. CHIN: You've got to speak into the  
19 microphone. Otherwise, we're not going to hear  
20 it.

21 MR. MCINTYRE: Alright. So when I mean  
22 when I hear 100 parking spaces, it seems like  
23 it's undersized by probably 15 more than, less  
24 than they need, which typically would be hotels,

1 February 16, 2023

2 there's at least one housekeeping person per  
3 floor, when you have a restaurant, you're going  
4 to have at least six people working in it at some  
5 point, you have the cooks and you have the people  
6 serving and then you have the front office staff,  
7 the manager, the assistant manager and the front  
8 office check in staff. So my perspective is if  
9 we're going to do this, and again, I'm neutral on  
10 it, the parking has to be adequate. Thank you.

11 MR. CHIN: Would you like to comment on  
12 some of the things they said, David?

13 MR. STEINMETZ: Nothing you guys said  
14 got into the record, because you weren't speaking  
15 into the mic, so if you do want to speak, we  
16 invite you to.

17 MR. STEINMETZ: There was a question,  
18 thank you, for reminding me of that. There was a  
19 question about a banquet, there is no banquet  
20 room. There was a legitimate question about  
21 parking and Mr. McIntyre would probably  
22 acknowledge that it's in my client's interest and  
23 Marriott's interest to make sure that people who  
24 stay at the hotel have parking, which is what

1 February 16, 2023

2 he's claiming. We agree.

3 As we go through the process, we're more  
4 than happy to share with you empirical data on  
5 93-room hotels and how much room is required. We  
6 have no desire to over park this site, like many  
7 commercial businesses in this town and others  
8 have done historically under zoning. So if more  
9 parking is required, we're more than happy to  
10 revisit constructing more parking. I think our  
11 data will show you that based upon the number of  
12 employees, the number of rooms and the occupancy  
13 rate of the hotel, I wish I could tell you that  
14 it would be 100 percent occupied at all times and  
15 every room will have a car outside. That's not  
16 the case.

17 So again, it's not like somebody just  
18 threw against the wall the number of spaces.  
19 These folks and the architects spent months  
20 deciding the appropriate numbers here. We're  
21 happy to share that data with you.

22 MR. FLEMING: Is there any other members  
23 of the public?

24 MR. CHIN: The restaurant.

1 February 16, 2023

2 MR. STEINMETZ: The, it's really a café  
3 bistro designed to service the folks who stay in  
4 the hotel. There's definitely food, it's  
5 definitely attractive and will be enjoyable. It's  
6 not a destination restaurant. I think there are  
7 enough other destination restaurants. And I'll  
8 just -- while I'll -- I'll use that as a quick  
9 response to Stephanie Bacaria's comments. It's  
10 disappointing to hear somebody with decades of  
11 experience and life experience here in the town  
12 talking about your vacancies and talking about  
13 the dearth of things that are occurring.

14 We believe that one of the things the  
15 community needs is a real legitimate and vibrant  
16 hotel to keep businesses here, to stimulate the  
17 ability for folks to come to Cortlandt. Go read  
18 your own master plan. Your comp plan talks about  
19 how you would like to be able to accommodate  
20 people to come to the area tourist attractions.  
21 You've got a list of the tourist attractions in  
22 the area in your comprehensive plan. Having a  
23 first rate hotel would allow folks to come not  
24 only to visit family and friends but actually to

1 February 16, 2023  
2 visit nearby attractions, stay in the community,  
3 shop in the community, eat in the community,  
4 whether McDonald's goes back to 24 hours, I can't  
5 speak to, but having a hotel of this nature would  
6 be a good thing for your community. Thanks.

7 MR. FLEMING: Anyone else in the  
8 audience want to come forward? I've got to also  
9 ask if there's anyone online on the Zoom meeting,  
10 if there's anyone there, you have the ability to  
11 raise your hand, if you want to do that.

12 MR. KEHOE: Right now, there are 14  
13 people on Zoom and I guess one of them has raised  
14 their hand. If you want to speak you need to  
15 raise your hand.

16 MR. FLEMING: You may have clicked it  
17 and unclicked it. There looked like there was  
18 someone who did raise their hand and then took it  
19 down. If you meant to take it down, that's okay.

20 MR. KEHOE: And then also, I think, just  
21 for the public's sake, I don't believe the zoning  
22 board is planning on closing the hearing tonight.

23 MR. DOUGLAS: No.

24 MR. KEHOE: So there will be additional

1 February 16, 2023

2 opportunities to speak.

3 MR. DOUGLAS: Okay. I think no one on  
4 Zoom had asked to speak. We had also wanted to  
5 talk about having a site visit, so.

6 MR. STEINMETZ: I heard that from the  
7 work session. We'd be delighted to have you come  
8 out there. And give us enough of a heads up in  
9 terms of when that will occur, so I can make sure  
10 our engineer is there, and maybe we can even try  
11 to stake out some corners and appropriate  
12 locations so that you can see it in context.

13 MR. DOUGLAS: Yeah, we were thinking if  
14 it works for the applicant, on March 12. That's a  
15 Sunday, Sunday March 12, if that works. That's  
16 the weekend before the next, the next meeting.

17 MR. STEINMETZ: Got it. That should  
18 work. That should give us more than enough time  
19 to do what we need to do and we'll have the right  
20 people at the site.

21 MR. KEHOE: As you are well aware, the  
22 boards like to go out on Sundays.

23 MR. STEINMETZ: I get it.

24 MR. KEHOE: If it can't be the 12th,

1 February 16, 2023

2 maybe it could be the 5th, but the 12th is so  
3 close to the meeting.

4 MR. STEINMETZ: I'm aware. So we'll make  
5 sure that we make that happen. Any questions from  
6 the board, anything else that we can answer or  
7 provide you with? Okay.

8 MR. KEHOE: Oh, one thing, technology  
9 wise I don't know how I would have done it, but  
10 you provided to me and I provided to the board, I  
11 think there's 24 images on the back pages of the  
12 plan set. And those images are noted from where  
13 they're taken from, you know, image one is  
14 looking this way, image 20 is looking that way.  
15 I'll have those in my office if anyone wants to  
16 see them. I'll also try to get them on the zoning  
17 board's web page, and just reminding the zoning  
18 board that we didn't spend a lot of time other  
19 than the video, but there are numerous images  
20 from different locations.

21 MR. WALSH: I just have one comment. I  
22 know it was brought up last time, elevation of  
23 the building to the left where the back nine is,  
24 what is the elevation of the roof there compared

1 February 16, 2023

2 to the roof of the hotel?

3 MR. KEHOE: I did have a brief  
4 discussion with Martin Rogers, the building  
5 inspector about that right after the last  
6 meeting. I don't think it's necessarily up to us.  
7 We can talk to Christian about it, but we have  
8 some topo maps and some information that that  
9 number could be reached fairly quickly to compare  
10 the top of the roofline of those buildings to  
11 these, if you just get in touch with our office.

12 MR. STEINMETZ: You're right, the  
13 question was asked, getting that information from  
14 Chris and Martin would definitely help answer.

15 MR. DOUGLAS: Okay. So why don't we have  
16 a motion to adjourn the public hearing.

17 MR. WALSH: I move to adjourn the public  
18 hearing.

19 MR. DOUGLAS: Okay.

20 MR. CHIN: Second.

21 MR. DOUGLAS: All in favor?

22 MULTIPLE: Aye.

23 MR. DOUGLAS: Any opposed? Okay. So --

24 MR. KEHOE: And just for the record,

1 February 16, 2023

2 it's March 16th will be the next zoning board  
3 meeting.

4 MR. CHIN: And March 12th site visit  
5 will be 10:00 o'clock.

6 MR. DOUGLAS: 10:00 o'clock if that  
7 works for everybody.

8 MR. STEINMETZ: Okay. Christian write  
9 that down, 10:00 o'clock. We definitely need you  
10 there.

11 MR. DOUGLAS: Okay. Thank you very much  
12 everybody. We'll see you next month.

13 MR. STEINMETZ: Thank you. Thank you for  
14 your patience and your time tonight.

15 MR. DOUGLAS: We've got one other item  
16 on the agenda. I don't, I'm not sure, we'll give  
17 it a minute, because some people will be leaving  
18 right now. The next item is case number 2023-2  
19 application of Ben Cozzi of MJD Contracting for  
20 an area variance for maximum floor area for a  
21 proposed new house located on East Hill Road. And  
22 before the applicant starts, because I'm not sure  
23 how many people are leaving, why don't we give  
24 them a chance to just leave the room. Okay, does

1 February 16, 2023

2 the applicant want to come up on the next matter  
3 on East Hill Road, and I'll turn this over to Mr.  
4 Chin, whose case it is.

5 MR. CHIN: Yes, this is my case. I did a  
6 site visit but would like to hear from the  
7 applicant and see what they want to propose.

8 MR. BEN COZZI: Good evening, Mr.  
9 Chairman, members of the board, Ben and Lisa  
10 Cozzi, owners of East Hill Road, which does not  
11 have a physical address yet, so we can't give you  
12 that number. We're here tonight applying for a  
13 variance for the home that we're going to be  
14 building there. And it's one variance, so we're  
15 not looking to encroach into the side or rear  
16 setbacks of the property. We know the size of the  
17 house that we're allowed to build. We're aware of  
18 the footprint. We're not looking to expand on the  
19 footprint.

20 What we are looking to do is to  
21 incorporate a garage into the house. So by  
22 incorporating the garage, it's going to make the  
23 second story of the house larger. By doing that,  
24 it's going to make the second story of the house

1 February 16, 2023

2 larger. By doing that, it's going to increase the  
3 size of the house. And we're doing that for two  
4 reasons. We're doing this for ourselves. We're  
5 also doing this for our neighbors. We want to put  
6 a house in the neighborhood that's going to be  
7 substantial. It's going to look like our  
8 neighbor's houses on either side of it. The  
9 people across the street are going to have to see  
10 the house. So that is our goal.

11 MS. LISA COZZI: Right, so what I'd like  
12 to say is so what's required by the town is a max  
13 floor area the square footage area of 1,750. What  
14 we would like to do is get a variance for an  
15 additional 612 and three-quarters square feet.  
16 That additional square footage will allow us to  
17 incorporate a garage. And without the additional  
18 square footage, if we -- you know, the rooms  
19 wouldn't, the rooms would be very small.

20 MR. COZZI: Well we can incorporate the  
21 garage. If we don't get the variance, we won't  
22 have a garage. The house will be the 1,750 square  
23 feet. It just will not have a garage. And in  
24 alignment with the houses, this house is also

1 February 16, 2023

2 going to be in a direct line with the neighbors  
3 on either side of me. So in scale, when you're  
4 looking at this house, along with my neighbors, I  
5 don't know if you have, Mr. Kehoe, oh you do, on  
6 the screen there, a rendering of the house. So  
7 that would be the front view with the garage  
8 incorporated into it. And without it, you're just  
9 going to see the front view of the house. And  
10 again, without the garage, we will be parking,  
11 you know, in the driveway, and I think it's going  
12 to bring value to the neighborhood. It's going to  
13 keep the value of the neighborhood. As a matter  
14 of fact, there's 51 homes in the neighborhood. We  
15 would be the only house in the neighborhood  
16 without a garage. So I think that's important to  
17 everybody that's here for this, listening to  
18 this, our neighbors.

19 The house is for our son, it's not a  
20 house that we're building to sell and part of it  
21 was I could come here and say I tried. If the  
22 board doesn't grant it to me, when my neighbors  
23 see me, I can say I tried to deliver a better  
24 product and I guess I was denied, but I tried.

1 February 16, 2023

2 Because I will be seeing these people. They're my  
3 neighbors. And you know, again, I'm aware of the  
4 restrictions of the house size. I'm fully aware  
5 of it. So without it, you know, I can still  
6 proceed without it. Again, I just want to deliver  
7 a better product for my neighbors.

8 MS. COZZI: Right, and I just want to  
9 reiterate that we're not going to extend within  
10 the setbacks that were allowed. We're staying in  
11 that footprint. So we're not going to be any  
12 closer to the neighbors than what we would --

13 MR. COZZI: What's allowable.

14 MS. COZZI: What's allowable.

15 MR. COZZI: We're allowed 1260 square  
16 feet of footprint. So with the variance, if I  
17 incorporate the garage into the 1260, what it's  
18 going to do is bring the second floor up  
19 equivalent with the first, so we're not looking  
20 to go out in other direction. We're looking to  
21 maintain in the footprint and incorporate the  
22 garage into the house and I think that's it.

23 MR. CHIN: Alright. Actually I went, I  
24 did a little site visit myself, around the, drove

1 February 16, 2023

2 around, okay.

3 MR. COZZI: Okay.

4 MR. CHIN: And basically, your sight and  
5 maybe one or two other sites are, that size in  
6 smallness compared to the houses or the  
7 properties next door to you. It's just that this  
8 was subdivided before the zoning FAR went into  
9 effect. And now you're coming in front of this  
10 board after FAR went into effect and of course,  
11 you know, you're asking for a variance based on  
12 floor area ratio.

13 From my view of all the houses around  
14 and everything else, like the one next to you,  
15 the one over here, the left and right of you, of  
16 course, everybody has garages and they're all  
17 fairly large houses except that their property is  
18 that wide while yours is that wide. You know what  
19 I mean? So again, I really don't see a problem  
20 with what you're asking for, only because I think  
21 it will really kind of match the houses around  
22 you, not realizing that you have a smaller lot.  
23 There's only a few lots in that whole development  
24 that's actually that small.

1 February 16, 2023

2 And there was one house that was built  
3 on, number 35 East Hill Road, it was actually  
4 there, that house or let's say their  
5 [unintelligible] [01:01:20] was even larger than  
6 yours, what you're asking for, but they built it  
7 prior to the new FAR zoning variance.

8 MR. COZZI: Right.

9 MR. CHIN: Okay. So, again, based on the  
10 five factors and everything else, I really don't  
11 see a problem with anything on the five factors.  
12 Is it a detriment the neighborhood? I don't think  
13 it's going to be a detriment because you really  
14 can't tell, unless you put a fence on your  
15 property saying that's my property. And from the  
16 next door it was that wide, you know what I mean.  
17 Things like that.

18 There was also can you incorporate the  
19 garage in another way? I don't think you can. You  
20 know what I mean, from looking at the plan.

21 MR. KEHOE: You cannot.

22 MR. CHIN: There's a few things I want  
23 to ask, is basically, you have a basement,  
24 alright. I see that there's backyard sliding

1 February 16, 2023

2 doors and everything else. What's down there,  
3 because I have no floor plans at all.

4 MR. COZZI: We don't have a floor plan.  
5 It's an unfinished basement and it has egress  
6 because the lot will allow for it, the sloping of  
7 the lot, you should be able to walk out.

8 MR. CHIN: Oh, okay. So basically I  
9 think what you gotta to indicate to the building  
10 department what are you going to do down there.  
11 It just can't be just a, you know, a vacant  
12 space. There's got to be something there because  
13 you've got sliding doors, you've got some windows  
14 on there. It's got to be something, you know what  
15 I mean?

16 MR. COZZI: It is.

17 MR. CHIN: It just can't be a storage  
18 area with sliding doors, you know what I'm  
19 saying, and windows and so forth. So this is  
20 something that you have to indicate to the  
21 building department indicating whether there's  
22 actually and how big it is.

23 Again, the hardship, I don't think it's  
24 self created because the land was already there

1 February 16, 2023

2 prior to this new FAR zoning. On all the four,  
3 five factors, I really don't see a big problem  
4 with it. That's how I feel. Anybody else from the  
5 zoning board?

6 MR. DOUGLAS: Well, we've heard what Mr.  
7 Chin's view is. Does anybody from the public want  
8 to speak?

9 MR. MICHAEL CUNNINGHAM: And I do think  
10 before the public speaks, just one point of  
11 information which might be helpful is there's a  
12 quirk in the law and it affects virtually every  
13 community in the state, where if a lot was  
14 created prior to the town zoning code being in  
15 place, then you can still build the lot, so  
16 admittedly this lot is generally smaller than  
17 other surrounding lots. They can still build a  
18 single family as of right pursuant to certain  
19 specifications. Really the only question right  
20 now is do you want a garage to be part of a  
21 house, or do you not want it to be part of the  
22 house, because they can still build a single  
23 family house. Of course too, there can also be  
24 some screening and other things that the board

1 February 16, 2023

2 can look for.

3 MR. CHIN: Well also, they're going up  
4 rather than going wide. It's like if you look at  
5 the houses next door and everything else, they're  
6 all two stories high and plus.

7 MS. COZZI: Right.

8 MR. CHIN: You know what I mean, so.

9 MR. DOUGLAS: Wai, let's hear what the  
10 public has to say, okay.

11 MR. CHIN: That's what I'm trying to  
12 get.

13 MR. DOUGLAS: Let's hear what they have.

14 MR. CHIN: State your name and your  
15 address.

16 MR. PARTH PATEL: I'm Parth Patel. I  
17 live at 41 East Hill Road. So that would be if  
18 you're looking at this lot to the right. Thank  
19 you for giving me the time to hear my comments.  
20 So I have a number of concerns. So I'll go  
21 through them in order. Though the applicant meets  
22 the more than 7.5 feet setback requirements based  
23 on some grandfathered code that this undersized  
24 lot adheres to, of the 51 homes referenced in the

1 February 16, 2023

2 application, there's only one other home with  
3 less than a minimum of 30 feet between our walls.

4 The pictures submitted in the  
5 application show the homes to the left and right  
6 but they don't show the uncharacteristically  
7 narrowness of this lot compared to everyone else.  
8 This is a pretty big invasion of mine and my  
9 family's privacy, which windows peering into our  
10 home that weren't there before.

11 The applicant also uses 51 other homes  
12 as an example of homes that all have garages. I  
13 think this zoning board denied a garage for 24  
14 Pierce Road, which is one of those. It was denied  
15 because of the steep nature of the lot, which in  
16 the applicant's own plans are noted as steep,  
17 that's in the bottom left of sheet two.

18 The example of the most similar other  
19 house on 35 East Hill Road is a three-bedroom  
20 house with a garage in the front, not a four-  
21 bedroom. This should kind of weigh against the 35  
22 percent variance they're seeking for the square  
23 feet. They can't fit four reasonably sized rooms  
24 in this small lot but I think they can fit three.

1 February 16, 2023

2 The proposed benefit to the neighborhood  
3 in the five factors is being made by an outside  
4 developer who purchased this lot maybe two months  
5 ago. Many folks from the neighborhood are here  
6 today, and I don't think they agree.

7 There also is a claim that there's no  
8 environmental impact from this variance. In the  
9 plans, there is a 200 square foot "rain garden"  
10 which seems to be essentially a pit to hold  
11 standing water up to a maximum of six inches.  
12 Unless someone's standing there with a bucket and  
13 planning on emptying it out, I don't know how  
14 that would hold. That also presents a risk to my  
15 property and drainage and to the people lower on  
16 [unintelligible] [01:07:01]. There's also deer,  
17 fox, beavers, a groundhog we've named Wilbert  
18 that live in our house, or near our house, not in  
19 it. There's no environmental study or drainage  
20 study I saw to say that the plans won't  
21 negatively impact [unintelligible] [01:07:21].

22 And then lastly, the survey line  
23 markers, I don't know, to my eye they don't seem  
24 straight. I didn't see a survey stamped by a

1 February 16, 2023  
2 licensed land surveyor and it doesn't include  
3 what reference points were used to denote where  
4 the property line is against my home. So, given  
5 these concerns, I have some mitigations that I  
6 think will help here. When we moved to Cortlandt,  
7 we expected an R-40 zoning neighborhood, which  
8 implies quite a large distance to your neighbors,  
9 quite a large lot size, and this lot is  
10 grandfathered in to not required to meet any of  
11 it. A privacy fence of arborvitae trees on the  
12 three side bordering the property would help  
13 mitigate the impact to the privacy and preserve  
14 property values.

15 The rain pit is a serious point of  
16 concern. The example of all of the homes that  
17 this is similar to, none of them have such a pit.  
18 Standing water right next to my shed where  
19 animals will come and leave feces, will spread  
20 bugs, spread ticks, this doesn't seem right to  
21 me.

22 The additional space needed for the  
23 garage, the board can help ensure all the  
24 neighbors that it won't be turned into an

1 February 16, 2023

2 accessory apartment or a rental space if they can  
3 require that it shall not be made into a living  
4 space.

5 The exact plans for how the building  
6 will sit on the property were not included. I  
7 can't see how far the wall will be from mine. It  
8 doesn't show that it will be at least 7.5 feet.  
9 So we should be able to see such plans and review  
10 them.

11 And then finally, we should see an  
12 environmental and drainage study to guarantee  
13 that mine and the neighbors' houses lower on the  
14 hill won't be impacted. Thank you for hearing  
15 these concerns and letting me comment today. I  
16 hope you can help mitigate mine and my other  
17 neighbor's concerns.

18 MR. DOUGLAS: Thank you. Just in terms  
19 of some of the things you raised, the drainage  
20 issues, I believe the building department would  
21 deal with those issues correct?

22 MR. CUNNINGHAM: The house couldn't be  
23 built without a fully engineered site plan. So we  
24 do have an internal staff we're reviewing any

1 February 16, 2023

2 sort of drainage plan.

3 UNIDENTIFIED FEMALE: Can you speak into  
4 the microphone?

5 MR. CUNNINGHAM: Sure. Before they would  
6 be able to actually build their house, they would  
7 have to submit a drainage plan to our in-house  
8 building staff.

9 MR. PATEL: Okay. Well, the plans I see  
10 now have essentially a 200 square foot hole in  
11 the ground next to my shed. This doesn't seem  
12 sensible to me.

13 MR. KEHOE: The applicant will have to  
14 address that. The applicant's engineer is here.  
15 He has to defend the rain garden, but I'm sure he  
16 will say it's not just a hole in the ground. But  
17 that would be up to him to describe it to you.

18 MR. PATEL: Okay. [applause]

19 MR. JAMES ABADIE: My name is James  
20 Abadie and I live at 47 East Hill Road and I want  
21 that address changed. That's the first thing I  
22 want done. Okay. I don't know how you got 47 East  
23 Hill Road, that is my address. I've lived there  
24 for 30 years, I paid \$500,000, almost a million,

1 February 16, 2023

2 half a million dollars in taxes for that address,  
3 okay. So I take that as an offense.

4 Number two is when I moved in, I was the  
5 first house in phase two of the development,  
6 okay. The original developers did phase one,  
7 which I have some of my neighbors here that have  
8 been together for over 35 years together, and in  
9 a neighborhood that is pristine condition, okay.  
10 I think it's one of the best neighborhoods in  
11 this area, okay. And every one of us pay a lot of  
12 taxes, started at six, we're at 22 grand plus a  
13 year in taxes, okay.

14 About 12 years ago, or 15 years ago,  
15 when another development was going to go through,  
16 I stood in front of this board and they wanted to  
17 put a road through our property. At that time, we  
18 had 31 children. That was the first generation. I  
19 raised three boys there, okay. And at that time,  
20 the people said oh, the snow plow is going to  
21 take another two minutes to go by. I said there's  
22 31 kids on the block. They didn't know that. So I  
23 gave an easement so you could put other houses in  
24 so you could support development. Okay. And at

1 February 16, 2023

2 that time, we asked where is the road going to be  
3 repaved. I've been there for 30 years. The road  
4 has never been repaved. The original developers  
5 supposedly put an endowment or a down payment  
6 with you guys. The road has never been repaved.  
7 You drive down that thing, it's like driving in  
8 the Bronx. Okay.

9 This, the fact that we were never told  
10 that there was a couple of houses, when you gave  
11 the rights to the original developer and there  
12 are about eight or six lots that were left, that  
13 were like quarter acre lots, because originally  
14 they were going to be homes for people that  
15 worked for the trolley company when this thing  
16 was first developed in 1923. You gave an  
17 agreement to them and yes, you, those lots were  
18 grandfathered. But something has to be taken into  
19 consideration for all the neighbors that have  
20 been paying taxes here for over 40 years, okay.  
21 And have some respect for them, and what they've  
22 done. And drive up in that neighborhood and look  
23 at every house up there. There isn't one of us  
24 that doesn't take care of their place, respect

1 February 16, 2023

2 it, we're still waiting for a road to be paved  
3 over 30 years, which 12 years ago, you, or 15  
4 years ago, whatever that other development came  
5 in, you promised you were going to do it. Still  
6 not done. Okay. And --

7 MR. DOUGLAS: Mister, can I  
8 [unintelligible] [01:13:18] for one second.

9 MR. ABADIE: Okay. And I have two more  
10 things.

11 MR. DOUGLAS: Wait, wait, no, no, I just  
12 want to say. It's not us. We have nothing to do  
13 with the paving. You should speak -- if there's a  
14 paving --

15 MR. ABADIE: If the town of Cortlandt  
16 get my half a million dollars in taxes --

17 MR. DOUGLAS: Okay. Okay. Listen. I'm  
18 not trying to argue with you. I'm just saying you  
19 may have a very valid point about paving. You  
20 should speak to the, to the environmental  
21 services.

22 MR. ABADIE: It's all a part of this.

23 MR. DOUGLAS: Okay.

24 MR. ABADIE: Because again, another

1 February 16, 2023

2 house is going to come in, another trench is  
3 going to put in the street, another bump and  
4 down, okay. We're in another whole generation  
5 now. There's all new kids there. I have a  
6 grandson now who's living and running around on  
7 this block. Okay. We love our neighborhood and I  
8 feel sorry for anybody that bought the house. I  
9 don't understand why we were never told, we were  
10 told when we bought the place that there were  
11 these little lots.

12 We were told originally that they were  
13 for drainage. My lot, the real 47 East Hill Road,  
14 has a tail on it. I have the only flag lot on the  
15 block and that is for drainage, because the sewer  
16 doesn't go into the sewer it runs through my  
17 property and dumps on this extra piece of land.  
18 The town had to come in and, thank you, and  
19 replace it because it keeps collapsing. So when  
20 my neighbor says he's got water issues, you  
21 better look at them, because you have just had to  
22 change the whole drainage pipe through my  
23 property because the drainage is not working. And  
24 we told these little lots that were left over

1 February 16, 2023

2 were going to be drainage lots, not buildable  
3 lots. Okay. We have concerns with that.

4 And anything bigger than what was  
5 supposed to be there, I think we were not told  
6 the truth when we bought our house, okay. We've  
7 been living there, we've been taking care of the  
8 neighborhood. We've been paying our taxes  
9 faithfully, 30 years, \$500,000 in taxes to you  
10 guys, okay. I think we get, deserve some respect.  
11 And all the neighbors that are here have been  
12 here for a long, long time. Okay. And again, I  
13 feel sorry for somebody that bought a lot and  
14 somebody that thought they were going to jump on  
15 something. They're going to jump into a  
16 neighborhood that really cares. Okay. And we  
17 really care. And that's all I have to say.  
18 [applause]

19 MR. DOUGLAS: Thank you.

20 MR. DAN JACKSON: Mr. Chairman, members  
21 of the board, my name is Dan Jackson and I live  
22 at 45 East Hill Road. I should mention I'm with  
23 my lovely wife, or else she'd kill me if I didn't  
24 say that. And I'm here to ask you to deny the

1 February 16, 2023

2 appeal. By the way, nice to meet you, I'm sorry  
3 we're meeting like this. I wish we had met  
4 beforehand and I'm glad to hear that this is your  
5 son and not the super beltway project. But the  
6 issue really is that, based off of rendering, I  
7 don't agree that a forward face garage is more  
8 aesthetically appealing.

9 You know, they submitted five factors  
10 for consideration as to why this should be done  
11 and I'd like to talk about them for just a  
12 moment. The first factor is that it would have a  
13 positive impact on the neighborhood by allowing  
14 to incorporate a garage. Don't agree. I think a  
15 forward facing garage on a squished in lot like  
16 that is actually less aesthetically appealing  
17 than a bay window or something like that.

18 Secondly, we don't see any reason that  
19 this variance would have an adverse effect on the  
20 neighborhood. We appreciate you thinking about  
21 us, but we're here to tell you that we think  
22 differently.

23 Thirdly, the hardship is partially self-  
24 created. I know you agreed with that, sir, but I

1 February 16, 2023

2 do not agree with that. These folks are realtors  
3 and developers with 20 years experience. They  
4 knew what they were getting into. Quite frankly,  
5 this lot has just about every variance, it's  
6 grandfathered with almost every variance you can  
7 have. And for it to not to have this one is  
8 telling.

9 Next, the variance is of substantial  
10 consideration, important, as much as it will  
11 benefit us, it will equally have a positive  
12 impact on the neighboring homes. This variance  
13 will probably increase their home value by  
14 \$20,000 to \$50,000. I haven't seen any of that,  
15 and I don't think we will receive any benefit,  
16 let alone positive benefit. Quite frankly, the  
17 neighborhood is here to tell you that we'll  
18 receive a negative benefit to this.

19 And then the fifth is there's no other  
20 way for us to incorporate this. But quite  
21 frankly, that may be the case, but given their 20  
22 year professional record, they knew that coming  
23 in. They knew they were taking a risk, right. And  
24 they are attempting to benefit at the expense of

1 February 16, 2023

2 the neighbors that are currently there. And I  
3 don't appreciate that.

4 I think this is pretty easy. On the one  
5 side, you have some folks that are attempting to  
6 increase the value of their home. I appreciate  
7 that. On the other side, you have no benefit to  
8 the community, negative benefits to the  
9 neighborhood, as the neighbors will describe. So  
10 all we're asking you is to uphold the zoning laws  
11 as they are today, and to deny this for the  
12 benefit of the people that, you're looking at  
13 over a hundred years of folks living in that  
14 neighborhood and families. And the people who  
15 will be there, quite frankly, long after the  
16 developer leaves. Thank you for your time.

17 [applause]

18 MR. DOUG KRAMER: Hi, Doug Kramer, 44  
19 East Hill Road, I've been there over 30 years. As  
20 a second career, I went into home appraisal and I  
21 spent about nine years in it all together. I have  
22 not done it in a while, so I won't claim to be an  
23 immediate expert. The homes that you drove by,  
24 you noticed that there were extra architectural

1 February 16, 2023  
2 detail and care in putting them together, not  
3 only the front, but the side. And that's very  
4 important because we can't have a one way  
5 dimension that looks like our neighborhood and  
6 the rest of the house doesn't. It doesn't have  
7 any architectural details. If you would like to  
8 bring up a side rendering of it, this is the view  
9 that Mr. Patel is going to get from his living  
10 room and he's going to be almost as close to him  
11 as you and I are talking right now. So this is,  
12 it looks like a freight car that he's going to  
13 be looking at. And it needs architectural  
14 touches, to say the least. And I don't think --  
15 these are homes that are over \$700,000 in value  
16 all around this particular home. So this is a  
17 significant difference in terms of the value of  
18 things.

19 And as an appraiser, I don't have an  
20 exact amount, but it would increase the value of  
21 this house being in the neighborhood, but it  
22 would decrease, particularly the houses on either  
23 side of it, because the privacy, there is no  
24 privacy on that side. And at least as it looks

1 February 16, 2023

2 right now, it doesn't fit into the others. And if  
3 you take a look at the homes, both in front and  
4 around the side, you'll see even though they were  
5 smaller properties, they still kept the whole  
6 house looking as if it belonged in the  
7 neighborhood. And it does. It fits in fine.  
8 You're certainly right about that. This, I don't  
9 feel that. I don't see it. This side is 48 feet  
10 long, 48 feet of nothing on this side and the  
11 other side. And, you know, doing more details, if  
12 you would, in front wouldn't hurt either.

13 One thing I would recommend, that you do  
14 take a site visit and do look at the other homes  
15 that are dealing with smaller properties and one  
16 thing I'm concerned about is that we've talked --  
17 the building that they're talking about is 30  
18 feet wide, seven and a half feet are supposed to  
19 be on either side. That makes 45 feet. That lot  
20 does not look like 45 feet wide to me. And I know  
21 there are stakes and things put up. And I don't  
22 know if those are official or unofficial. But I  
23 would certainly recommend that when you go for a  
24 site visit that the planner lay out where the

1 February 16, 2023

2 boundaries are of the lot and where the building  
3 is going to be. Once again, lay it out so it's  
4 visible.

5 I, as I say I took a measurement and I  
6 came up with as small as 35 feet in several  
7 places. But I don't know what they used as a  
8 basis for that. I can only say this, that it  
9 certainly doesn't look like 45 foot, which means  
10 it brings everything closer together. And I think  
11 that's an important thing really to look at. And  
12 this is the smallest parcel in the whole  
13 development, not by far, but small enough.

14 So that's what I kind of feel. I  
15 understand the positions you're in. I feel badly  
16 for the owner. I don't know what best cause is,  
17 but I certainly know that this house has to be  
18 upgraded in terms of its construction, its  
19 architectural details and such or it just doesn't  
20 fill in.

21 MR. CHIN: Excuse me. We're the zoning  
22 board, we're not an architectural review board.

23 MR. KRAMER: I'm sorry?

24 MR. CHIN: We're not an architectural

1 February 16, 2023

2 review board. We're a zoning board. But first of  
3 all you cannot tell how people -- you cannot say  
4 to people how they have to design a house. Okay.  
5 Number one.

6 MR. KRAMER: Well, let me say this. This  
7 isn't how you design a house next to \$700,000  
8 homes. And he was -- and I, I disagree a comment  
9 and it doesn't fit in with the rest. If, if the  
10 front would be the same, would you feel the same  
11 way?

12 MR. DOUGLAS: Well, Mr. Chin, as a  
13 matter of this board's power, Mr. Chin is right.

14 MR. KRAMER: Of course.

15 MR. DOUGLAS: We don't, we don't --

16 MR. CHIN: Dictate how to design a  
17 house.

18 MR. DOUGLAS: We don't, we don't make  
19 aesthetic judgments.

20 MR. KRAMER: Doesn't it have to fit into  
21 the neighborhood?

22 MR. DOUGLAS: No, we don't --

23 MR. KRAMER: Who does it?

24 MR. CHIN: We don't do that.

1 February 16, 2023

2 MR. DOUGLAS: We don't -- that's not a,  
3 that's not one of the factors that we can  
4 consider.

5 MR. KRAMER: Oh, it, it doesn't have to  
6 fit in the neighborhood, so it doesn't make any  
7 difference what it looks it?

8 MR. DOUGLAS: That's not, look -- the,  
9 there's factors that the zoning board can  
10 probably consider. We cannot consider the  
11 aesthetics. If somebody wants to put a, you know,  
12 one type of decoration on, or a particular type  
13 of siding or detail. We, we don't, that's not  
14 within our power. I'm just saying.

15 MR. KRAMER: It's 50 feet of four  
16 windows, folks.

17 MR. DOUGLAS: Okay. If you'll --

18 MR. KRAMER: And it's next to somebody's  
19 home and it's going to cost --

20 MR. DOUGLAS: I'm not trying --

21 MR. KRAMER: -- them money.

22 MR. DOUGLAS: -- I'm not, I'm not trying  
23 to argue with you.

24 MR. KRAMER: I know.

1 February 16, 2023

2 MR. DOUGLAS: I'm just --

3 MR. KRAMER: I'm trying to argue with  
4 you.

5 MR. DOUGLAS: -- that, you know, we  
6 have, we have certain powers and there are  
7 certain things we do not have. We cannot make  
8 aesthetic judgments. We never do. Okay. I'm not  
9 saying that's right or wrong. But there are some  
10 factors --

11 MR. KRAMER: Well, maybe subliminally,  
12 you'll remember that as you look at this house  
13 and the space, and please do check the width of  
14 it, so that the people on either side --

15 MR. CUNNINGHAM: According to the plan,  
16 it's 50 foot wide.

17 MR. KRAMER: Please check the width of  
18 it. I've been there, I've walked it.

19 MR. DOUGLAS: We'll make --

20 MR. KRAMER: I don't see 45 feet.

21 MR. DOUGLAS: -- we'll make sure that  
22 the numbers are right.

23 MR. KRAMER: If, if you guys folks put  
24 it down, if you folks put down --

1 February 16, 2023

2 MR. CHIN: Can I say something?

3 MR. KRAMER: -- the lot size and you put  
4 stakes on it, then we're square. There's no  
5 problem.

6 MR. CHIN: Here's the site plan, it says  
7 50 foot wide, okay.

8 MR. KRAMER: It's not 50 foot wide. I'm  
9 telling you, put stakes on that.

10 MR. CHIN: Well, I'm just saying,  
11 according to this thing, it says --

12 MR. KRAMER: It's because this goes a  
13 lot more into the property on either side.

14 [CROSSTALK]

15 MR. DOUGLAS: We won't -- excuse me.  
16 Hold on, hold on --

17 [CROSSTALK]

18 MR. DOUGLAS: Hold on.

19 MR. CHIN: He does, he had to --

20 MR. KRAMER: Can you put stakes on this?

21 [CROSSTALK]

22 MR. DOUGLAS: Wait, wait, wait, hold on  
23 a second. We will, we will make -- we will double  
24 check the numbers, okay.

1 February 16, 2023

2 MR. KRAMER: Not, not the numbers, at  
3 the site.

4 MR. DOUGLAS: The site, we will --

5 MR. KRAMER: Because those numbers  
6 aren't working.

7 MR. DOUGLAS: Yes, we will double -- we  
8 will, we will make sure it's correct, okay. I  
9 assure you, we'll make sure it's correct, okay.

10 MR. KRAMER: Alright. If you could for  
11 all of us, and if this is 55 feet, this goes a  
12 lot further towards his lot.

13 MR. CHIN: It's 50 feet, according to  
14 this.

15 MR. KRAMER: Fifty-three, okay. And it  
16 goes to the lot, into the other lot. No, I see  
17 through your four markers for measurement there -  
18 -

19 MR. DOUGLAS: Okay. We will --

20 MR. KRAMER: I don't know which one is  
21 accurate.

22 MR. DOUGLAS: We will, we will check.

23 MR. KRAMER: But none of those are 40  
24 feet.

1 February 16, 2023

2 MR. DOUGLAS: We will, we will check.  
3 We'll make -- we'll double, we'll reconfirm it.

4 MR. KRAMER: Okay. Can you? So we all  
5 can see? And don't be wrong.

6 MR. DOUGLAS: Yes. I give you my word  
7 that we --

8 MR. KRAMER: That that would be worth --

9 MR. DOUGLAS: -- will, I give you my  
10 word --

11 MR. KRAMER: -- doing, to stake it out.  
12 Can you?

13 MR. CUNNINGHAM: The board can't force  
14 someone to stake their property, you'd have to  
15 talk to the owner of the property.

16 MR. DOUGLAS: We can't do that.

17 MR. KRAMER: I don't understand your  
18 point.

19 MR. CUNNINGHAM: My point is you can't  
20 tell the board to tell someone to stake their  
21 property. You'd have to --

22 UNIDENTIFIED MALE: You just told the  
23 other property owners to do the exact same thing.

24 MR. CUNNINGHAM: To stake it?

1 February 16, 2023

2 UNIDENTIFIED MALE: You told them to  
3 have it marked out so we could see where the  
4 hotel was going to be.

5 MR. CHIN: No, we didn't.

6 MR. DOUGLAS: No, no. They said --

7 MR. CHIN: They said, they said they  
8 would do it.

9 MR. DOUGLAS: We can't --

10 MR. CHIN: We did not ask them to do  
11 that. The, they said they would stake out corner  
12 shows exactly where the hotel would be. We did  
13 not ask for that.

14 MR. KEHOE: I, I think similar to the  
15 hotel, you're going to go out and do a site  
16 inspection.

17 MR. CHIN: Yeah.

18 MR. FLEMING: Yes, we are.

19 MR. KEHOE: The same day, and so when  
20 they go out and do a site inspection, what is  
21 typical, is they talk with the owner and the  
22 owner would mark something in the field.

23 MR. KRAMER: Yes, yeah.

24 MR. KEHOE: Sometimes, they would mark

1 February 16, 2023

2 the four corners of the house, because the issue  
3 of the lot size isn't critical. But that'll be up  
4 to discussion between the board and the  
5 applicant, maybe all eight things need to be  
6 marked, the four corners of the house and the  
7 four corners of the lot, but that would be up for  
8 discussion.

9 MR. KRAMER: Well, Christopher, if I  
10 may, I don't want this to be any bigger surprise  
11 to the people on either side, because now, it  
12 looks like the property is not 53 feet.

13 MR. DOUGLAS: Sir, just --

14 MR. KRAMER: Okay. Enough said.

15 MR. DOUGLAS: -- we will, we will --

16 MR. KRAMER: Enough said.

17 MR. DOUGLAS: I'm going now ask the  
18 applicant if he would be willing to please stake  
19 out the property. We're going to do a site visit  
20 as Chris alluded to. We are going to do a site  
21 visit. As soon as the public finishes speaking I  
22 was going to mention that. We're going to do a  
23 site visit the same day we're going to do the  
24 hotel, we're going to do the hotel site visit at

1 February 16, 2023

2 10:00 and then we will come straight from the  
3 hotel to, to your property, assuming that --

4 MR. CHIN: 12:00 or --

5 MR. DOUGLAS: No, let's say 11:00, 11:00  
6 or something like that.

7 MR. CHIN: I don't know, an hour only?

8 MR. DOUGLAS: Okay. Well let's set it  
9 for 11:00 and if we're late because we're still  
10 at the hotel, can you make it on the 12th?

11 MR. COZZI: Yes.

12 MR. DOUGLAS: Okay. So, we'll plan on  
13 coming out to you after we finish everything at  
14 the hotel site. Hopefully by 11:00, maybe we'll  
15 be a little bit later than that. I'd ask that  
16 you'd stake out the footprint of the house. I  
17 can't force you to do that. But I would ask you  
18 to do it. It would make our lives easier. I think  
19 it would calm some concerns that the people may  
20 have.

21 MR. COZZI: Yes, hopefully it would.

22 MR. DOUGLAS: So I think it would be a  
23 good idea, okay.

24 MR. KRAMER: I've taken enough of your

1 February 16, 2023

2 time, thank you.

3 MR. DOUGLAS: No, that's fine. Anybody  
4 else from the public? Sure. [applause]

5 MR. CUNNINGHAM: I think we just want to  
6 clarify -- clarify too, this is as of right. They  
7 can build a home on this lot. It can be up to  
8 1,750 square feet, so if the board does deny the  
9 variance, they could build the home at 750 feet  
10 as of right with no variance.

11 MR. KEHOE: Yeah, 1,750.

12 MR. WALSH: 1,750, yeah. So we're not  
13 saying we can't say yes or no, that they're  
14 building the house or not, we can just deny or  
15 approve the variance for the extra 612 square  
16 feet.

17 MR. DOUGLAS: Well, let me follow up on  
18 what Mr. Walsh just said. I think it's  
19 personally, I can only speak for myself, I can't  
20 speak for anybody else. I personally think it is  
21 very unfortunate that they have the ability under  
22 the law to build a house on this site. I don't  
23 think this is an appropriate site to be putting  
24 this house to be built on it. If I were, if I

1 February 16, 2023  
2 personally [applause] if I were the neighbor, I  
3 drove out there this afternoon, and my first  
4 thought was, if I was the neighbors, particularly  
5 the neighbors at either side, I would be  
6 extremely upset. And so I fully understand and  
7 empathize. But the law is what the law is and Mr.  
8 Cunningham explained it and we can't do anything  
9 about that law. They've got the right to build a  
10 house there. The only issue that we can address  
11 is whether they can get the variance for the  
12 floor area ratio.

13 UNIDENTIFIED MALE: [unintelligible]  
14 [01:30:13].

15 MR. DOUGLAS: Right. I just want to make  
16 sure it's clear to everybody. I also want to get  
17 my personal view out there. Again, my personal  
18 view, I looked at that lot and immediately said  
19 they're going to put a house there, you know, and  
20 that's what I said at our work session also. But  
21 the law is the law. Anyway, okay.

22 MR. FRANK MCINTYRE: Thank you, Mr.  
23 Chairman, Vice-chairman, and members of the  
24 board. I'm going to come at this from a different

1 February 16, 2023  
2 perspective. I agree with Parth, Jim and Dan and  
3 Doug who made excellent points and I wholly agree  
4 with them. My perspective is a little different.  
5 I'm coming at this with the long term view.  
6 There's the old adage that fences make good  
7 neighbors, however when you do that visit at East  
8 Hill, the space between the homes without the  
9 fences makes even better neighbors.

10 Everyone knows everybody in East Hill,  
11 And I don't know of any neighborly issues over  
12 the 25 years, all due to the buffered space  
13 between the houses. The town of Cortlandt has  
14 this open space initiative, save open spaces. I  
15 know it applies to larger tracts of land. Why not  
16 have it apply to this [unintelligible]  
17 [01:31:19]. Why not start incorporating smaller  
18 tracks of land? You can buy the plot from the  
19 developer. This tract of land has a lot of  
20 biodiversity. Why not conduct, we had talked  
21 about this during the hotel review. Why not  
22 conduct an environmental impact study,  
23 Environmental Quality Review Act was invoked  
24 earlier. Does it not apply here?

1 February 16, 2023

2 I'm not Al Gore, but I'll give you 20  
3 furry and feathered reasons not to develop this  
4 land and some are protected species. There's  
5 pileated woodpeckers, downy woodpeckers, red-  
6 bellied woodpeckers on this land, cardinals, blue  
7 jays, red robin --

8 MR. DOUGLAS: Wait, sir, sir. Okay. Two  
9 things, when you're talking about environmental  
10 things, you probably don't know this but you're  
11 preaching to the choir. I have two roles in this  
12 town, and the other one is I'm the head of our  
13 conservation advisory council. So you don't have  
14 to convince me about the importance of  
15 environment.

16 MR. MCINTYRE: I would just like to go  
17 on record.

18 MR. DOUGLAS: Okay. But, but the other  
19 thing is what I just said before. They have the  
20 legal right to build this house. We cannot say to  
21 them they cannot say to them they can't build. So  
22 --

23 MR. MCINTYRE: Even if there's an  
24 environmental impact?

1 February 16, 2023

2 MR. DOUGLAS: Going through which  
3 animals may live and what the biodiversity there  
4 is nothing we can do about that.

5 MR. CHIN: Mr. Chairman, he spoke at the  
6 last, can you please repeat your name and where  
7 you live also, okay.

8 MR. MCINTYRE: Frank McIntyre, number 21  
9 East Hill Road.

10 MR. FLEMING: Yeah, I think when our  
11 esteemed attorney here spoke earlier, not  
12 everyone understood it. We're calling it the  
13 garage, but it's whatever the 700 square foot in  
14 the house, if they decided you know what, we're  
15 not going to do that, we're just going to build  
16 the house without that, there's almost nothing  
17 that can be done. There are requirements that are  
18 here, that the town they have. But the side of  
19 the house can look exactly like that, nothing can  
20 be done to stop it. The distance between the two  
21 houses can be built and as long as they're  
22 complying with that seven and a half foot  
23 setback, nothing can done to stop it. This really  
24 is whether or not we're going to grant them the

1 February 16, 2023

2 extra, I can't remember the exact square footage.

3 MR. CHIN: 612 square foot.

4 MR. FLEMING: That additional square  
5 footage. That's really the only thing that we're  
6 able to address. We don't have the power to say  
7 no, you can't build this house.

8 MR. MCINTYRE: So environment issues  
9 don't count? Endangered species don't count?

10 MR. KEHOE: Well, that's always been  
11 somewhat of a fuzzy issue. But the zoning board  
12 has, they were told, you know, and we're doing  
13 this now, the number of trees that need to be  
14 removed to construct the house, the impact on the  
15 steep slopes. The zoning board is not incorrect  
16 to say that's typically not what they do. They're  
17 talking about you've got to be five feet from --  
18 but they do have to make a judgment of whether  
19 granting the variance or not would have a  
20 negative impact on the environment of the  
21 neighborhood. So it's not as clear cut, but it is  
22 something that they have to take into account.  
23 But, but, I don't believe and the attorney can  
24 correct me if I'm wrong, that they can really

1 February 16, 2023

2 deny based purely on environmental factors.

3 MR. CUNNINGHAM: So I think to follow up  
4 on Chris' point, obviously, if the site can't be  
5 engineered, certain sites are so steep you could  
6 never put a house there, that, you know, it would  
7 be an environmental concern that you just  
8 couldn't build. But as long as it's able to be  
9 engineered in a way that -- and obviously  
10 engineered in a way that just leads to  
11 significant runoff, that's not proper, and our  
12 own internal staff would deny an application.  
13 They still have to obtain all their building  
14 permits as well to build. It doesn't just stop  
15 here. They're going through a whole process at  
16 the same time with the town's building inspector,  
17 which is the one who actually denied their  
18 application and put it here. So the town, we're  
19 all, the environmental concerns are considered.  
20 It's, but really the question of whether they can  
21 build or not is whether they can engineer the  
22 site.

23 MR. KEHOE: But I guess technically  
24 speaking, the zoning board could grant the

1 February 16, 2023

2 variance and the building department could deny  
3 the building permit. It's not likely. I don't  
4 want to give false hope, but they have to analyze  
5 the impact to the trees, they have to analyze the  
6 drainage. Usually that stuff can be worked out  
7 and they would grant the permit. But to what Mike  
8 says, once the zoning board grants a variance, if  
9 they do, it doesn't mean they start building the  
10 house tomorrow.

11 MR. CUNNINGHAM: There's also a tree  
12 ordinance where they have to, for whatever number  
13 of trees they cut they have to mitigate that as  
14 well. They either have to replant or pay into a  
15 fund. So there are rules in place. There are  
16 steep slope rules, there are drainage rules in  
17 the code.

18 MR. MCINTYRE: Okay. Well, just remember  
19 me, I put a list together. I'd like finish the  
20 other 15 species.

21 MR. DOUGLAS: Go ahead.

22 MR. MCINTYRE: It's not going to take  
23 long. So I left off at blue jays, red robin  
24 breasts, hawks, crows, bobcats, eastern coyotes,

1 February 16, 2023

2 red foxes, raccoons, opossums, skunks, rabbits,  
3 chipmunks, wood frogs, toads, garden snakes and  
4 groundhogs, to say the least. So again, my  
5 perspective is why can't the town start thinking  
6 out of the box and start buying smaller tracts of  
7 land within neighborhoods. We talk about open  
8 space preservation. I'm sure some reasonable  
9 people can come to a conclusion and then there  
10 will be an opportunity for the Cozzis to move  
11 into East Hill at some point when another house  
12 becomes available. Okay. Thank you. [applause]

13 MR. DOUGLAS: And by the way, you can --  
14 feel free to talk to other people in the town  
15 about buying land and if they want to. We don't  
16 have that power.

17 MR. MCINTYRE: Okay.

18 MR. DOUGLAS: But feel free to go bother  
19 Chris about it.

20 MR. MCINTYRE: Okay.

21 MR. CHIN: Any salamanders?

22 MR. DOUGLAS: He doesn't have that power  
23 either.

24 MR. KEHOE: Well, no, but I think people

1 February 16, 2023

2 realize the zoning board members are in essence  
3 volunteers. They're all town residents, they get  
4 a small stipend, but like Michael and I are town  
5 employees. So those questions can be addressed to  
6 us, but the zoning board is doing this because  
7 they want to be doing this. They're volunteers.

8 MR. CHRIS SAWYER: Hi, I'm Chris Sawyer,  
9 I'm at 32 East Hill Road. About 15 years ago, I  
10 was here because someone wanted to do a side yard  
11 setback. It turned out that the contractor who  
12 was trying to build this was trying to build on  
13 my lot. So I caution you, they say this lot is 50  
14 feet. I'm in the design construction. This is  
15 what I do. That's how I, when I saw the guy's  
16 survey, I knew the guy was wrong. And I brought  
17 it to your attention and you denied the variance.  
18 I appreciate that, thank you.

19 What I'm concerned about here, you're  
20 saying this lot is 50 feet wide. By the two  
21 markers that are out there, that lot is no  
22 longer, no wider than 35 feet wide. So I really  
23 caution you to please check that.

24 My other concern is this 200-square foot

1 February 16, 2023

2 water pit. I'd really like to hear from the  
3 developer what that's about, because that can  
4 cause all kinds of problems with mosquitoes and  
5 other insects, with infestation and illness for  
6 everybody in the neighborhood. That's all I have  
7 to say, thank you. [applause]

8 MR. TOM NOLAN: Tom Nolan, number 49  
9 East Hill. The question I have is actually about  
10 the zoning of the property itself. I had to do a  
11 property survey about a year ago on my own  
12 property. And in talking to the engineers about  
13 getting everything mapped out, they explained to  
14 me that the entire East Hill Road has been under  
15 decades long debates among surveyors. And I'm  
16 very interested to understand if the survey  
17 that's been done on the property, how up to date  
18 it is, which surveyor actually participated in  
19 doing that and whether or not the setbacks for  
20 the building are appropriate given the space and  
21 the regulations that it's required to have. So  
22 that's all.

23 MR. DOUGLAS: I'm going to defer to  
24 either Chris or Mike about this. I don't --

1 February 16, 2023

2 MR. KEHOE: Well, and I apologize for  
3 that. We put some of the information upon the  
4 website. We do have a survey. I did not put the  
5 survey on the website. It stated from December of  
6 2022 and it was done by Erik Link and it's signed  
7 and sealed. So I will put this up on the web. The  
8 zoning board members all have this, but I'll make  
9 sure it's available to the public.

10 MS. DORIS BRAUN: Doris Braun, 48 East  
11 Hill Road. I just want to thank all of my  
12 neighbors for turning up today and I am in total  
13 agreement with all of their comments. I do have a  
14 couple of questions. I would like to see the  
15 rendering of the house without the garage. I  
16 don't know why that wasn't provided to us so that  
17 we could compare. My other -- that's the ask. My  
18 question is if there is no garage, where are they  
19 going to be parking? Everybody has homes with  
20 garages, driveways, so I'm curious to know how  
21 many cars they expect to put on the street. And  
22 then thirdly, Mr. Kehoe, there is a neighbor who  
23 wasn't able to show up but they did send a letter  
24 and I want be sure that that letter was presented

1 February 16, 2023

2 to the board.

3 MR. KEHOE: We talked about that at the  
4 work session and I think I just got that. But  
5 that's one of the reasons that the zoning board  
6 is not going to close the public hearing tonight.  
7 That will be provided to them for their  
8 information.

9 MS. BRAUN: Okay. Great, thank you.  
10 [applause]

11 MR. ROBERT GROSS: Good evening, Mr.  
12 Chairman, members of the board. I'm Robert Gross,  
13 I live at 25 East Hill Road. I'm here with my  
14 wife Cindy Nichtberger. It's nice to hear people  
15 talking about this development for 30 years. I'm  
16 here two months. Love the house. And you know  
17 what, at the price I paid, everybody would be  
18 very happy to know, and that's the kind of value  
19 that this community is. It's the reason we bought  
20 into that area. And then to find out, we saw some  
21 markings up above, because my property is located  
22 is almost directly, not quite directly below it,  
23 but it's on the lower level. So it's a big  
24 concern on our end, in other words while they may

1 February 16, 2023

2 be able to build on the lot, the whole point you  
3 saw an amazing presentation by David Steinmetz  
4 who was hired by the developer, presenting all  
5 those studies that you're going to be able to  
6 review in granting all those, in that case, you  
7 know, four variances and in this case, you didn't  
8 have any of that in front of you. The fact is  
9 whether they can build or not, it's a big concern  
10 for us being on the lower lots.

11 You've heard obviously, and we totally  
12 agree with our neighbors, the aesthetics and  
13 other issues on the adjacent properties, but also  
14 it very much, you should very much have concern  
15 for the properties below that area. There's a lot  
16 adjacent right next to my house. It looks like, I  
17 don't know whether anybody can build on it. It  
18 looks like if you can't, I'd like to know what  
19 the issues are there with this. Thank you very  
20 much. [applause]

21 MS. NORMA JOHNSON: Good evening. My  
22 name is Norma Johnson and I live at 33 East Hill  
23 Road. Mr. Chin, when you saw the house that was  
24 built behind mine, which you gave a variance in

1 February 16, 2023

2 order to build on that smaller lot, that worked  
3 because I have a large backyard. And so this  
4 house is the side of, the side of their house is  
5 the back of my house and that's why that worked.  
6 I would like to ask you, you said you're buying  
7 the house for your son?

8 MR. COZZI: I am.

9 MS. JOHNSON: Oh, you are?

10 MR. COZZI: Yes.

11 MS. JOHNSON: Are you going to --

12 MR. DOUGLAS: Wait, wait, wait.

13 MS. JOHNSON: -- live there?

14 MR. COZZI: [unintelligible] [01:42:31].

15 MR. DOUGLAS: Can you just --

16 MS. JOHNSON: Your son is?

17 MR. CHIN: Excuse me.

18 MR. DOUGLAS: You have to --

19 MS. JOHNSON: I can't, I can't do that?

20 MR. CHIN: You have to talk to us, not  
21 talk to them.

22 MS. JOHNSON: The reason I'm asking is  
23 because when you look at the house and the size  
24 of the house and the size of the rooms, it

1 February 16, 2023

2 doesn't look like someone is building it for a  
3 home for a wife and children, or any kind of  
4 family and children. It looks like a house that  
5 you're going to be using for income perhaps or  
6 even a B&B or something like that, because it's -  
7 - it looks too closed in for families.

8 I am asking you to deny the waivers  
9 because we want to prevent something being used  
10 in the wrong way rather than not try to correct  
11 it after it's happened. Thank you. [applause]

12 MR. JACKSON: Mr. Chairman, can I ask a  
13 question?

14 MR. DOUGLAS: If you come up to the  
15 microphone you can.

16 MR. JACKSON: If I walk over there I  
17 can? So I want to say I understand that you can  
18 only rule on this size variance, but what are the  
19 conditions for that ruling, right? That's a  
20 question. What is it when you consider when  
21 making that ruling? Because I'll just really  
22 quickly, because as I mentioned, there's no  
23 benefit to the community and as you've eloquently  
24 given your opinion, there is no background to the

1 February 16, 2023

2 Neighborhood. So what is it that you guys look at  
3 to make your ruling?

4 MR. DOUGLAS: Okay. There's a statute  
5 that controls this and it's this five factors  
6 that it lays out. And though I've been doing this  
7 for a long time, every meeting, I put a piece of  
8 paper in front of me that's got them just so I  
9 have them handy, though I should have these  
10 memorized, I've been doing this so long. There's  
11 five factors.

12 MR. JACKSON: I can see you looking.

13 MR. DOUGLAS: What's that?

14 MR. JACKSON: I can see you looking at  
15 the cheat sheet.

16 MR. DOUGLAS: You know, you could quiz  
17 me, I could close my eyes and I would still get  
18 it right, but the cheat sheet is there, I'm going  
19 to use it. So the five factors are whether  
20 there's an undesirable change would it produce in  
21 the character of the neighborhood.

22 MR. JACKSON: Yes.

23 MR. DOUGLAS: Okay. Well, I don't want  
24 to --

1 February 16, 2023

2 MR. JACKSON: I'm sorry, I thought that  
3 was a question.

4 MR. DOUGLAS: You want to know what the  
5 factors are?

6 MR. JACKSON: My apologies, sir.

7 MR. FLEMING: He's describing it for  
8 you.

9 MR. JACKSON: Okay. I'm sorry, yeah, I  
10 got it.

11 MR. DOUGLAS: These are the things that  
12 we would consider.

13 MR. JACKSON: Understood.

14 MR. DOUGLAS: Okay. The second is, if  
15 the benefit the applicant is seeking can be  
16 achieved by some other method that's feasible,  
17 okay. The third is whether the requested area va  
18 is substantial, the fourth is --

19 MR. JACKSON: Is substantial, is that to  
20 the good or to the bad?

21 MR. CHIN: is it too large, or too, you  
22 know, not right --

23 MR. JACKSON: Yeah, if it's substantial,  
24 it's less likely to be approved.

1 February 16, 2023

2 MR. DOUGLAS: It's less likely, right.  
3 if somebody is seeking a one percent variance as  
4 opposed to a 99 percent variance. So that's --

5 MR. JACKSON: Got it.

6 MR. DOUGLAS: Okay.

7 MR. JACKSON: So where they listed in  
8 their factors for consideration that they say it  
9 is substantial --

10 MR. DOUGLAS: Right.

11 MR. JACKSON: -- that's what that's  
12 [unintelligible] [01:45:53]--

13 MR. DOUGLAS: And that's -- right, you  
14 should think longer and harder about the more  
15 substantial ones.

16 MR. JACKSON: Got it.

17 MR. DOUGLAS: Whether the proposed  
18 variance will have an adverse effect or impact on  
19 the physical or environmental conditions in the  
20 neighborhood.

21 MR. JACKSON: I'm not going to say  
22 anything, but --

23 MR. DOUGLAS: Okay, so --

24 MR. JACKSON: -- we've heard.

1 February 16, 2023

2 MR. DOUGLAS: Right. And whether the  
3 alleged difficulty was self-created.

4 MR. JACKSON: Whether 20 year  
5 professionals who bought the property and knew  
6 about it --

7 MR. DOUGLAS: No, I'm not -- again, I  
8 don't, I'm not giving you the answers --

9 MR. JACKSON: I know. I know.

10 MR. DOUGLAS: Those are the five  
11 factors. So what we will do --

12 MR. JACKSON: Okay.

13 MR. DOUGLAS: -- when we, when we vote  
14 on this, which we're not doing tonight.

15 MR. JACKSON: Right.

16 MR. DOUGLAS: But when we vote on this,  
17 all seven of us will have those five factors in  
18 mind, and we will each decide what we think.

19 MR. JACKSON: I appreciate that, and I  
20 should have actually did my homework before --

21 MR. DOUGLAS: We may or may not be  
22 unanimous. You know, it's majority rule.

23 MR. JACKSON: -- presenting. But I think  
24 the neighbors have done a great job addressing

1 February 16, 2023

2 all five of those. So I don't think it will be  
3 particularly difficult in this case to rule.

4 Thank you very much.

5 MR. CHIN: And don't forget, we're going  
6 to do a site visit.

7 MR. JACKSON: I'm sorry, sir?

8 MR. CHIN: We're going to do a site  
9 visit. We're going to go there.

10 MR. JACKSON: If you let me know when,  
11 I'll make sure we're there with some beers.

12 MR. DOUGLAS: Yeah, well, as I said --

13 MR. JACKSON: As will the rest of the  
14 neighbors.

15 MR. DOUGLAS: Yeah, no, as I said  
16 before, we're going to do the site visit on the  
17 10th -- I mean the 12th.

18 MR. CHIN: On the 12th.

19 MR. DOUGLAS: Sunday the 12th.

20 MR. JACKSON: I'm at 45, so stop on by.

21 MR. CHIN: It will probably be somewhere  
22 around 11:30.

23 MR. JACKSON: We'll be there.

24 MR. KEHOE: Now, I have to say this.

1 February 16, 2023

2 Don't blame the zoning board. But you're more  
3 than --

4 MR. JACKSON: I blame you?

5 MR. KEHOE: -- welcome to, to come and  
6 look, but you can't go on the private property  
7 unless the owner of the private property allows  
8 the residents to go on.

9 MR. JACKSON: Of course.

10 MR. KEHOE: Yeah.

11 MR. JACKSON: Do you mind if I go on  
12 your property?

13 MR. KEHOE: Yeah, so, you know, the  
14 zoning board members will be --

15 MR. CHIN: We stand in the streets.

16 MR. KEHOE: Exactly. The zoning board  
17 members will be going on the site, and the  
18 interesting thing to know --

19 MR. JACKSON: No, I'm just asking --

20 [CROSSTALK]

21 MR. JACKSON: I understand insurance and  
22 stuff like that, yeah.

23 MR. DOUGLAS: Right. But you can come  
24 out and you can stand there on the street, and,

1 February 16, 2023

2 you know, as you people point out, it's a small  
3 property, so it's not like you won't be able to  
4 see what we're looking at and what we're doing.

5 MR. JACKSON: No, I'm being a bit tongue  
6 and cheek here. I do appreciate your time.

7 MR. KEHOE: And the other important  
8 thing to note is we notify the media because the,  
9 the quorum of the zoning board will be at that  
10 site visit.

11 MR. JACKSON: Oh, that'd be great.

12 MR. KEHOE: But, it is not a meeting. It  
13 is a site inspection. They don't get amongst  
14 themselves and talk about things and decide  
15 anything at the site inspections.

16 MR. JACKSON: Understood.

17 MR. KEHOE: It's just for them to see  
18 the character of the land.

19 MR. FLEMING: We also don't take public  
20 comment at the site visit.

21 MR. DOUGLAS: Right.

22 MR. FLEMING: We will take public  
23 comments here.

24 MR. JACKSON: I'm not there to chase

1 February 16, 2023

2 you. I'm just there to say hi. And I do, I mean  
3 to refocus this, we did speak to these five  
4 issues, so I feel very comfortable. Thank you  
5 very much. [applause]

6 MR. DOUGLAS: Thank you.

7 MR. COZZI: Can I say something before  
8 we finish?

9 MR. DOUGLAS: Yeah, sure, go ahead.

10 Also, I just want to note some people. Mr. Walsh  
11 had to leave. He needed, he had a family thing he  
12 needed to attend to. So I don't want you to think  
13 Mr. Walsh was rude or walking out on anybody, but  
14 the empty seat that's here, he left.

15 MR. FLEMING: Before you start, one of  
16 the questions I had and maybe you can talk a  
17 little bit about it is the rain area, if you  
18 could just talk a little bit about that and --

19 MR. COZZI: Sure. Well, I just wanted to  
20 let my neighbors know, I'm 30 years in the  
21 construction business. I own a local blacktopping  
22 company. As a matter of fact, I paved the  
23 driveway this summer of two doors down from this  
24 house. I'm very aware of drainage. Part of my

1 February 16, 2023  
2 job, a major portion of my job is drainage. I'm  
3 very considerate of my neighbors. I'm not going  
4 to cause an adverse problem to my neighbors. My  
5 engineer is going to design a drainage system and  
6 he's here with me tonight. But the drainage  
7 system, the town likes rain gardens. We' used  
8 rain gardens in the past on projects. But this  
9 project may call for dry wells rather than have a  
10 rain garden where the water goes into the rain  
11 garden and then it soaks down into the ground.  
12 You have dry wells that can be installed rather  
13 than see anything, the water goes into the dry  
14 well.

15 MR. KEHOE: Yeah, and Mr. Cozzi is  
16 correct in a properly designed and maintained  
17 rain garden is typically the preference of the  
18 town to handle small scale drainage. But you can  
19 design other systems to handle the drainage if  
20 you choose not to do a rain garden. But I think  
21 you're pointing out, typically the town is in  
22 favor of rain gardens, but it's on a case by case  
23 basis.

24 MR. COZZI: Right. And we have Mr.

1 February 16, 2023  
2 Patel, who's concerned about the rain garden  
3 being too close to his property line. Okay.  
4 That's something that we can address. Again, I'm,  
5 we have new neighbors that just bought a few  
6 months ago down in the back. We're going to  
7 ensure that any water runoff that's not going  
8 that way now, it's not going towards you, I'm  
9 aware of exactly how your driveway sits, wherever  
10 you are, I'm trying to identify you. I know how  
11 your driveway sits, down in the hole.

12 MR. KEHOE: You've got to use the  
13 microphone.

14 MR. DOUGLAS: You've got to speak into  
15 the mic.

16 MR. COZZI: Where the water does drain  
17 off through the woods and goes down towards their  
18 driveway, I'm aware of that. I did not -- I'm not  
19 the smallest lot in the neighborhood. As this  
20 board probably knows, the house that's already  
21 there, the yellow house a few doors down is about  
22 1,700 square feet smaller than the lot that I  
23 have. I did not put a set of plans up for the  
24 house without the garage, because it didn't

1 February 16, 2023  
2 really matter to me, because if it wasn't  
3 approved with the garage, then I'm going to go  
4 ahead and build with the garage. And I want to do  
5 -- I want to build a good house for the  
6 neighborhood. I understand the neighbor's  
7 concerns. I really do. I understand they're  
8 angry, they don't want a house there. But a  
9 house, as of right, can go there. And, but my  
10 idea is to build, my whole goal going in was  
11 again, you know what, I'm doing this for me and  
12 my neighbors. Are they going to be pissed at me  
13 later, what did you do, the house looks too  
14 small. Well the house is 1,750 square feet, it is  
15 going to look small to the neighbors on the left  
16 and the right. It will. If the house had more  
17 depth and volume, it's certainly not going to  
18 lessen the property values. Okay. The smaller the  
19 house -- there's a house over on Lockwood Road,  
20 you've got the mansion and they've got the  
21 affordable housing next to it, this small house  
22 next to it. It really looks like it doesn't  
23 belong. But that's what's there. What I'm  
24 proposing putting there with a garage would fit

1 February 16, 2023

2 into the neighborhood and I'll do the best I can  
3 to satisfy my neighbors. Thank you.

4 [unintelligible] [01:52:09]. This is my engineer  
5 for the project, Jack Correll. Do you guys mind  
6 if he spoke for a minute?

7 MR. DOUGLAS: Of course.

8 MR. JOHN CORRELL: John Correll, the  
9 project engineer. I'll cover the engineering  
10 aspects that comments were brought up. In the old  
11 days, gutters, drain pipes, spilled on the  
12 ground. Now we have rain gardens and other  
13 infiltration practices which collect the storm  
14 water and treat the storm water and put it into  
15 the ground. The soils on this property are very  
16 good sandy soils. Like Ben said, we can switch  
17 the infiltrators, but rain gardens are not just a  
18 hole in the ground. They are a depression in the  
19 ground that's filled with organic soils to treat  
20 the storm water that'll infiltrate into the  
21 ground, it'll evaporate into the air. It's really  
22 like a little garden, or a big garden. The whole  
23 back of the yard is going to be a garden with  
24 special wetlands plantings to absorb the storm

1 February 16, 2023

2 water. But if it's the preference of Ben and the  
3 town, we will do infiltrators.

4 And as far as the survey goes, the  
5 survey was done recently by Link Land Surveyors,  
6 a really respectable land surveyor in the  
7 business, and in [unintelligible] [01:53:40] the  
8 property is 50 feet wide, the property will be  
9 staked for the site visit and you will be able to  
10 see exactly where the property lines are. And  
11 that's really all I have to say. Thank you.

12 MR. DOUGLAS: Thank you. Anybody else  
13 want to be heard? Okay. So -- oh, sorry.

14 MR. WARREN CLARK: Good evening. My name  
15 is Warren Clark. My wife couldn't make it. I'm at  
16 54 East Hill Road. I'm on the house on the left.  
17 And I've seen situations like this prior in my  
18 life and I'm quite sure you know what I mean,  
19 it's going to be a battle. I know you're telling  
20 me the town has the right -- that they have the  
21 right to build on this property, and you guys  
22 decide some other footage for them. However, my  
23 feeling is this, right, I've always believed in  
24 neighborhoods, right. And always be the neighbor

1 February 16, 2023  
2 [unintelligible] [01:54:43] to get together and  
3 get along. And I'm quite sure these gentlemen are  
4 not here to try to cause any uncomfortability.  
5 But I do know that they do recognize that the  
6 community is disappointed and very much upset  
7 about having them here. I've passed by that lot a  
8 few times, [unintelligible] [01:54:58] every day.  
9 And I was so surprised to know that the zoning  
10 board even allowed the property to be put there.  
11 I thought that property belonged to the two  
12 houses that was next to it. I'm kind of  
13 understanding what the gentlemen talking about  
14 the footage there. They may not be right, my eyes  
15 tell me that it's not right, I take measurements  
16 all the time myself, but it is sad to see this  
17 happening. I moved to that community five years  
18 ago. I'm probably the puppy in the neighborhood.  
19 And my dog is Asia, she's the Sheppard that runs  
20 up and down the lot always barking to the ones  
21 around the neighborhood.

22 But I moved there because it was a real  
23 nice neighborhood and the houses are very  
24 spacious apart from each other. I heard the other

1           February 16, 2023  
2           lady talk about there's not going to be no garage  
3           there. I'm really concerned about where they're  
4           going to park at myself. I do know when we do  
5           have events in the neighborhood for the homes  
6           that live there, for whatever occasion may go,  
7           graduations or what, it gets, you know, cars can  
8           build up there. But if they gonna have any kind  
9           of event there and the house next door to them is  
10          going to have an event to each other, do you know  
11          what that will look like? Them two houses so  
12          close together and the three house next to each  
13          other, if they have something going on at the  
14          same time, it's going to get really out of  
15          control because they're so close to one another.  
16          I'm so surprised this is happening. I'm shocked.  
17          But I'm hoping that you know, gentlemen up there  
18          can make the right decision. Alright. Thank you.

19                   MR. DOUGLAS: Anybody else?

20                   MR. CHIN: Anybody else?

21                   MR. FLEMING: On Zoom?

22                   MR. CHIN: Anybody on Zoom? I make a  
23          motion to adjourn this case, 2023-2 to the March  
24          meeting and also have a site visit on March 12th

1 February 16, 2023

2 approximately at about 11:30 after the first site  
3 visit meeting.

4 MR. FLEMING: I second it.

5 MR. DOUGLAS: All in favor?

6 MULTIPLE: Aye.

7 MR. DOUGLAS: Any opposed? Okay. So the  
8 public hearing is adjourned to the next meeting  
9 and we'll have a site visit then. Thank you  
10 everybody for coming out.

11 MR. FLEMING: Move to end this meeting  
12 or no?

13 MR. DOUGLAS: Yeah, we need to make a  
14 motion to adjourn.

15 MR. FLEMING: Motion to adjourn this  
16 meeting. You want to second it?

17 MR. BELOFF: Second.

18 MR. DOUGLAS: All in favor?

19 MULTIPLE: Aye.

20 MR. DOUGLAS: Any opposed. Okay. The  
21 meeting is adjourned.

22 (The public board meeting concluded at  
23 8:58 p.m.)

24

CERTIFICATE OF ACCURACY

I, Ryan Manaloto, certify that the foregoing transcript of the Zoning Board meeting of the Town of Cortlandt on February 16, 2023 was prepared using the required transcription equipment and is a true and accurate record of the proceedings.

Certified By



---

Date: March 3, 2023

GENEVAWORLDWIDE, INC

256 West 38th Street - 10th Floor

New York, NY 10018