

TOWN OF CORTLANDT  
PLANNING AND ZONING BOARDS

ZONING BOARD MEETING

Town Hall  
1 Heady Street  
Cortlandt Manor, NY 10567  
May 16, 2024  
7:00 p.m. - 7:26 p.m.

May 16, 2024

MEMBERS PRESENT:

Michael Fleming, Chairman

Wai Man Chin, Vice-Chairman

Chris Beloff, Member

Frank Franco, Member

Michelle Piccolo Hill, Member

Benito Martinez, Member

Thomas Walsh, Member

ALSO PRESENT:

Chris Kehoe, AICP, Director of Planning

Michael Cunningham, Deputy Town Attorney

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

3 MR. MICHAEL FLEMING: Call to order. I'd  
4 like to call to order the May 16, 2024 meeting of  
5 the Town of Cortlandt's Zoning Board of Appeals.  
6 I'd like to start by inviting everyone who wishes  
7 to join me in saying the pledge of allegiance.

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

13 MR. FLEMING: All right, let's start  
14 with a roll call please.

15 MR. CHRIS KEHOE: Ms. Piccolo Hill?

16 MS. MICHELLE PICCOLO HILL: Here.

17 MR. KEHOE: Mr. Martinez?

18 MR. BENITO MARTINEZ: Here.

19 MR. KEHOE: Mr. Franco?

20 MR. FRANK FRANCO: Here.

21 MR. KEHOE: Mr. Fleming?

22 MR. FLEMING: Here.

23 MR. KEHOE: Mr. Chin?

24 MR. WAI MAN CHIN: Here.

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2 MR. KEHOE: Mr. Walsh?

3 MR. THOMAS WALSH: Here.

4 MR. KEHOE: Mr. Beloff?

5 MR. CHRIS BELOFF: Here.

6 MR. FLEMING: All right, has all the  
7 members of the board had an opportunity to review  
8 the meeting minutes from the April 18, 2024  
9 meeting?

10 MR. FRANCO: Yep.

11 MS. PICCOLO HILL: Yeah.

12 MR. FLEMING: Can I have a motion to  
13 Approve?

14 MR. FRANCO: Motion to approve the  
15 meeting minutes for April 18th.

16 MR. FLEMING: And a second?

17 MR. MARTINEZ: Seconded.

18 MR. FLEMING: All opposed? All in favor?

19 MULTIPLE: Aye.

20 MR. FLEMING: Alright, minutes are  
21 approved. Old business, we'll start with case  
22 number 2013-17, which is the application of Parth  
23 Patel.

24 MS. PICCOLO HILL: 2023-17.

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

5 MR. CLIFFORD DAVIS: Yes.

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

9 MR. DAVIS: No.

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

23 MS. PICCOLO HILL: Yes.

24 MR. FLEMING: Alright, hold on one

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second. Alright. We have a proposed decision order and I think you're going to read a summary of it?

MS. PICCOLO HILL: I am. So our proposed decision is based off of Section 307-8C of the town of Cortlandt zoning code. And this states that the minimum average lot in an R-40 zone is 150 feet. According to the applicant's engineer and confirmed by the town, the average lot width of the four substantiated lots, 10, 11, 25, and 26 is 98.78 feet, which doesn't meet the required 150 feet. Given this, and based on the application of Section 307-8C, the lots have not been merged. So, I would like to make a motion to declare their lots have not been merged and to overturn the director of code enforcement's determination.

MR. MARTINEZ: I do second that motion.

MR. FLEMING: All in favor?

MULTIPLE: Aye.

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

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2 MR. DAVIS: Okay, thank you very much.

3 MR. FLEMING: Thank you.

4 MR. KEHOE: Well, wo just for the  
5 record, you know, we'll, we'll mail the decision  
6 and order, but then it would be up to your client  
7 to determine what the next steps are.

8 MR. DAVIS: Got it.

9 MR. KEHOE: Okay.

10 MR. DAVIS: Thank you very much. Thank  
11 you.

12 MR. FLEMING: Alright, that's the,  
13 that's the remainder of old business. We do have  
14 two new cases on the case for today. The first  
15 case is 2024-four. Michelle, I think that's your  
16 case as well?

17 MS. PICCOLO HILL: Yes.

18 MR. FLEMING: Alright.

19 MS. PICCOLO HILL: So, case number 2024-  
20 4, the applicant, John A. Lentini, R.A. on behalf  
21 of Edison, Ruilova, sorry if I'm pronouncing that  
22 incorrectly. The request is area variances in the  
23 front yard for a proposed two-car garage and an  
24 existing shed. Is there anyone from the audience

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2 that would like to speak up?

3 MR. JOHN LENTINI: Yes.

4 MR. FLEMING: Welcome, please just state  
5 your name and who you are relation.

6 MR. LENTINI: I'm John A. Lentini,  
7 architect. I'm representing, excuse me one  
8 minute, I just want to silence my phone.

9 MS. PICCOLO HILL: Sure, of course.

10 MR. LENTINI: I just got a call --

11 MS. PICCOLO HILL: Sure, please, of  
12 course. Yeah, definitely.

13 MR. LENTINI: Last thing I want to do is  
14 get interrupted. Thank you. I'm here, in  
15 attendance is, Edison Ruilova, Nestor Tamachi,  
16 and Nestor's son, Illias. If there's any purpose  
17 for Edison to speak, Nestor is an interpreter,  
18 although he speaks very good English, but he  
19 still likes an interpreter.

20 I wanted to give you a little background  
21 on the job. I was first involved last year.  
22 Edison purchased the property in 2023 and it was  
23 in kind of disrepair, especially for his taste,  
24 so he immediately sought to clean it up and got a



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

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

24 So the purpose for putting the garage

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2 there is there's not many flat places on the  
3 site. The site has constraints. It's R-80 zone  
4 requiring 80,000 square feet, but the lot is  
5 95,000 square feet. So we've sufficient size and  
6 he didn't want these vehicles to be stored close  
7 to his house because they're, you know, he might  
8 have a hand plow or something. He wants some  
9 right where the driveway is.

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

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

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

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

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

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

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

7 To prepare my plans, I use Westchester  
8 County, GIS mapping data, which is old. It  
9 doesn't account for erosion. It doesn't account  
10 for the work he did. So I, even though I believe  
11 my plans are accurate, because I did, I did a  
12 drone image and I did my own, I have a laser  
13 level, one man can operate it. I took some of  
14 these, the grades. All he did to get stopped  
15 though, but requiring a permit, is he filled in  
16 this crevice, like coming out from one part of  
17 these big outcroppings, there was this crevice  
18 that just went back up into the lot. So he pushed  
19 the dirt over. Very obvious, people driving by  
20 saw it, apparently somebody complained.

21 We stopped immediately and I went by  
22 there today. I don't, I don't know if anybody on  
23 the board went by, but it doesn't look unusual.  
24 It doesn't look like there's any, you know, thing

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

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

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

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

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

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

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

15 MR. WALSH: I don't have any.

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

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

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2 MR. FLEMING: Okay.

3 MR. KEHOE: That's why I'm, I'm opening  
4 my phone back up. And John, you, you recall from  
5 your experiences with the planning board that  
6 they typically like to have these on the weekend.

7 MR. LENTINI: Sure.

8 MR. KEHOE: The site inspections and I  
9 think even though maybe past practice for the  
10 zoning board was Saturdays, I think we're going  
11 to shoot for Sundays.

12 MR. FLEMING: Whatever people want. I  
13 know Michelle indicated Sundays were better for  
14 her and I'm happy to make myself available.

15 MS. PICCOLO HILL: My kids have sports  
16 both days.

17 MR. CHIN: Usually, we do it the Sunday  
18 before, but the Sunday before the next board  
19 meeting is Father's Day. So I would say we have  
20 to do maybe the week before that even.

21 MR. WALSH: The 9th.

22 MR. FLEMING: So you're talking about  
23 the first weekend in June?

24 MR. CHIN: Yeah, the 9th.

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2 MR. FLEMING: Which is -- that's not --

3 MR. FRANCO: The 2nd or the 9th.

4 MR. CHIN: Because the meeting is June  
5 20.

6 MR. FLEMING: Okay.

7 MR. CHIN: Okay. And the 16th is  
8 Father's Day, which is right before the meeting,  
9 alright. So, you don't want to disrupt Father's  
10 Day for that.

11 MR. FLEMING: I understand.

12 MR. CHIN: And maybe the 9th.

13 MR. KEHOE: I cannot do the 2nd. I can  
14 do the 9th.

15 MR. CHIN: The 9th.

16 MR. KEHOE: Yep.

17 MR. CHIN: Yep. That's what I'm saying.

18 MR. MARTINEZ: The 9th?

19 MR. CHIN: The 9th.

20 MR. FLEMING: Sunday, June 9th.

21 MR. CHIN: June 9th.

22 MR. LENTINI: That wouldn't be, that  
23 would be the 8th.

24 MR. FLEMING: I'm sorry?



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2 MR. LENTINI: The 8th.

3 MR. KEHOE: No.

4 MR. LENTINI: What's Father's Day you  
5 said was the 16th?

6 MR. FLEMING: Father's Day is Sunday the  
7 16th. This is a week --

8 MR. LENTINI: Oh, so 9th, right, sorry.

9 MR. MARTINEZ: Mr. Chairman? Excuse me,  
10 I'm sorry. I, I would like to be there and I  
11 think I'm going to be coming back, but I'm going  
12 to be out of the country, coming back that day.

13 MR. CHIN: Okay. So that's alright.

14 MR. FLEMING: Um --

15 MR. MARTINEZ: If it's okay, yeah.

16 MR. CHIN: Yeah. I mean as long as most  
17 of the board members can make it, fine. You know  
18 what I mean, that's all.

19 MR. FLEMING: Would you be there, are  
20 you not available that entire day or would you be  
21 available at a certain time? Do you know?

22 MR. MARTINEZ: No, because I'm going to  
23 be heading back that day from --

24 MR. CHIN: No, that's you, so you

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2 wouldn't be there at all.

3 MR. MARTINEZ: I'm not going to be  
4 there.

5 MR. FLEMING: Okay. Would you, would you  
6 prefer we do it a different day? Do you want --

7 MR. MARTINEZ: That's what I mean.

8 MR. FLEMING: That's fine.

9 MR. MARTINEZ: Because I would love to  
10 be there.

11 MR. FLEMING: What about a Saturday?  
12 What about when are you leaving for your trip?  
13 Are you available, like for example --

14 MR. MARTINEZ: Well, any day after the  
15 9th, then I'll be fine, because I'll be here.

16 MR. FLEMING: And what day, what day is  
17 the next meeting? It's the 20th?

18 MR. CHIN: The 20th.

19 MR. KEHOE: I, I can't speak for all  
20 fathers, but I have no problem being on a site  
21 inspection from 9:00 to 9:30 in the morning on  
22 Father's Day.

23 MR. LENTINI: Nor, nor do I.

24 MR. FLEMING: I will do that as well.

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2 MR. CHIN: Okay, fine.

3 MR. MARTINEZ: I have no problem with  
4 that.

5 MR. FLEMING: I'm happy if that's --

6 MR. CHIN: But is that okay with your  
7 client?

8 MR. KEHOE: But --

9 MS. PICCOLO HILL: I mean, we could also  
10 look at maybe Saturday instead.

11 MR. KEHOE: I, I apologize, I'm not  
12 available that weekend.

13 MR. CHIN: Thank you.

14 MR. FLEMING: Saturday the 15th.

15 MR. MARTINEZ: I wouldn't do it for  
16 Mother's Day, but for Father's Day, I'm okay  
17 with.

18 MR. LENTINI: Mother's Day, that's  
19 sacred.

20 MR. KEHOE: I'm away that weekend.

21 MR. FLEMING: That weekend, okay.  
22 Saturday, June 8th. No, sorry, you're not  
23 available.

24 MS. PICCOLO HILL: Are you around June

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2 1st?

3 MR. FLEMING: June 1st?

4 MS. PICCOLO HILL: Are you still away?  
5 You're probably away.

6 MR. MARTINEZ: That's when I'm heading  
7 out.

8 MR. FLEMING: Man, you're killing us.

9 MR. MARTINEZ: I'm sorry.

10 MR. KEHOE: Well, well maybe there's a  
11 way Benito could make arrangements --

12 MS. PICCOLO HILL: To go separately.

13 MR. KEHOE: -- to go separately.

14 MR. MARTINEZ: Yeah, no --

15 MR. FLEMING: Would the applicant be --

16 MR. MARTINEZ: -- that would be fine.

17 MR. KEHOE: Based on what we decided at  
18 the work session, you can't go separately. You'd  
19 have to make arrangements with the applicant.

20 MR. FLEMING: Would you be willing to  
21 meet twice essentially? Once with all of us --

22 MR. LENTINI: No problem.

23 MR. FLEMING: -- and then the second  
24 time --

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2 MR. LENTINI: I'm very loose.

3 MR. FLEMING: -- with Benito?

4 MR. MARTINEZ: No, no, no.

5 MR. FLEMING: I'm sorry.

6 MR. MARTINEZ: That's fine. Set it up  
7 for you guys to be there.

8 MR. KEHOE: Right.

9 MR. MARTINEZ: And I'll just --

10 MR. KEHOE: But if you want to go, get  
11 in touch with me, I'll get in touch with John.  
12 You can figure out a time to get there.

13 MR. MARTINEZ: I will make that if it's  
14 necessary, but I don't think it would be, so.

15 MR. FLEMING: Okay.

16 MR. LENTINI: Well, we'll --

17 MR. MARTINEZ: I, I'll handle it  
18 differently.

19 MR. KEHOE: So if, Benito, so are we  
20 back to the 8th?

21 MR. CHIN: Stick with the 9th?

22 MR. KEHOE: The 9th?

23 MR. FLEMING: The 9th, Sunday, June 9th?

24 MR. WALSH: Perfect, time?

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2 MR. FLEMING: Is that okay with  
3 everybody else?

4 MR. KEHOE: First thing in the morning?  
5 9:00 o'clock?

6 MR. FLEMING: 9:00 o'clock that morning?

7 MR. LENTINI: 9:00 o'clock.

8 MR. CHIN: On June 9th.

9 MR. KEHOE: On June 9th.

10 MR. CHIN: Sunday, June 9th.

11 MR. FLEMING: And that's okay with your  
12 clients, everything's okay?

13 MR. LENTINI: Excuse me?

14 MR. FLEMING: Your clients can do that,  
15 June 9th?

16 MR. LENTINI: Oh yes, absolutely.

17 MR. FLEMING: Okay. Alright. So we'll,  
18 we'll, we'll, we'll have that. If anyone else has  
19 any other questions, I do also want to invite,  
20 although I don't think there's anyone present,  
21 any members of the public who have any comments  
22 to make on this, I do wish to invite you to do  
23 so. And if there is anybody online at the meeting  
24 who wishes to make any comments, you're welcome

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2 to.

3 MR. CHIN: Anybody online? No? Okay.

4 MR. FLEMING: Alright. So in light of  
5 that, what we'll do is we will adjourn. I need a  
6 motion to adjourn.

7 MS. PICCOLO HILL: I make a motion to  
8 adjourn.

9 MR. WALSH: Second.

10 MR. FLEMING: Alright. So this matter is  
11 adjourned into the next hearing and prior to  
12 that, on June 9th at 9:00 a.m., we'll have a site  
13 visit where the board members may have more  
14 specific questions for you.

15 MR. LENTINI: Sure.

16 MR. FLEMING: If you have anything you  
17 want to give to us before that, you're welcome to  
18 do that.

19 MR. CHIN: And that's on case 2024-4.

20 MR. KEHOE: And, and John, I'll send out  
21 a written invitation.

22 MR. LENTINI: Okay.

23 MR. KEHOE: In the old days I would've  
24 mailed it, now I'll email it to everybody. I'll

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2 email it to the zoning board members. And since  
3 it constitutes a quorum of the board, I also have  
4 to notify the press. That's just Gary Cahill at  
5 the Gazette. And then I notify the CAC as well.

6 MR. LENTINI: Okay.

7 MR. KEHOE: So sometimes a member of the  
8 CAC, who's an advisor to the zoning board and the  
9 planning board might come on the site inspection  
10 as well.

11 MR. LENTINI: The more the better.

12 MR. FLEMING: Thank you for being  
13 accommodating. We appreciate it.

14 MR. LENTINI: You're welcome. And we  
15 will see you on June 9th.

16 MR. CHIN: There better be coffee.

17 MR. FLEMING: Okay. Alright, the next  
18 case is 2024-5 and I think this one is yours.

19 MR. CHIN: This is my case on 2024-5,  
20 Carly Sheck.

21 MR. FLEMING: Okay.

22 MR. CHIN: Mr. Lentini, would you like  
23 to speak again on this?

24 MR. LENTINI: John Lentini, architect on



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2 behalf of Carly Sheck. This is a rather  
3 interesting variance and I'm trying to avoid any  
4 attempt at humor, but fact is the section of the  
5 property maintenance code doesn't permit two  
6 people to be in a bedroom under a hundred square  
7 feet. It's Section, for the record, New York,  
8 404.4.1, every room area, every habitable room,  
9 has to have no less than 70 square feet. 4.2 from  
10 bedrooms, let's see, from bedrooms, it has to be,  
11 or 4.1, same, same section, 50 square feet per  
12 person. This house is a little unusual. There's  
13 only two houses on Hickory Street, a very tough  
14 block to get down. I was talking to one of my  
15 clients who's a Mohegan Lake firefighter, so hope  
16 you never have to go there, you know. I, I have a  
17 moderate sized car and every time I go there it's  
18 hard to turn around.

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

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

17 In the terms of is there any o other way  
18 we could do it expanding the existing bedroom?  
19 Well, it's bordered by a bathroom, a kitchen and  
20 a three bearing walls, four bearing walls. The  
21 house, the roofs change right over the bedroom  
22 that it would be a structural nightmare to try to  
23 move a wall and then we would lose the living  
24 room. So this was about the, you know, most

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2           appropriate way to do it.

3                     The shed has been there for 15 years.  
4           It's four feet from a fence, but it is too close  
5           to the lot line. The house beyond that is several  
6           hundred feet down a hill. It's in another high-  
7           end subdivision. I don't believe the house could  
8           even see it. One of the concerns the code  
9           enforcement has is that we have a state law about  
10          having setback of five feet for fire division,  
11          you know, non-combustible. We could add some non-  
12          asbestos fireproofing material to satisfy that  
13          portion of the code.

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

23                    So let's see the other points I have.  
24          The value of the house, I mean, there's only two

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2 houses, so it was hard to prepare, but the  
3 actual, full market value is only 141,000 for the  
4 house. It's hard to believe today because lots  
5 are going for that much, even though this lot  
6 probably wouldn't, and the only other house that  
7 actually also uses another address is valued at  
8 172,000. Neither of them are really attractive in  
9 terms of what the value would be. And I believe  
10 that without improving at least one bedroom in  
11 the house, it would, you know, if she ever did  
12 plan on selling it, which she doesn't at the  
13 moment, it would hurt the potential for selling  
14 it.

15 And then the lot itself is a tax lot,  
16 but it's too small. It's, it's an R-10  
17 neighborhood required to be 10,000 square feet  
18 and the lot is only 8,300. Not her fault. I'm an  
19 architect 55 years. When I bought my house at  
20 Lake Allendale, I didn't realize it was a non-  
21 conforming lot. I'm an R-10, it's supposed to be  
22 10,000, mine's 9,000. Oh my god, you know, now I  
23 can't do anything. You know, fortunately the code  
24 enforcement looks at it a little differently.

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2 There's certain things you could do, but if they  
3 didn't, you don't relax the yard requirements.  
4 You know, I made a case before the board that  
5 wasn't successful once before. If you're going to  
6 allow an R-40 lot at 20,000 feet to be built, you  
7 should use the R-20 setbacks. But they don't. So  
8 therein is all the hardships, self-created. And I  
9 think that's about all I have.

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

13 MR. LENTIN: Yes.

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

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2 front of the house.

3 MR. LENTIN: Yeah.

4 MR. CHIN: It's just impossible to put,  
5 you know what I mean? So, it's the only location  
6 I could see myself. Alright. And from what I saw,  
7 based on what you're putting there and everything  
8 else, based on also the five factors that you  
9 also put down yourself, I didn't see a problem  
10 with your addition going there. And it's a little  
11 bit larger than most variances that we do give,  
12 but based on the condition of the area,  
13 everything is so close to each other over there.  
14 I don't have a problem with it.

15 MR. LENTINI: Thank you.

16 MR. CHIN: Anybody else?

17 MR. FLEMING: Any members the board have  
18 any comments?

19 MR. WALSH: No. As I, as I went through  
20 --

21 MS. PICCOLO HILL: Eighty-eight square  
22 feet is not a lot for a bedroom, I have no  
23 problems. I have no concerns.

24 MR. LENTINI: Well, so you spend one

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2 third of your life in the bedroom.

3 MS. PICCOLO HILL: Yeah.

4 MR. LENTIN: At least one third.

5 MR. MARTINEZ: Just for the record, I, I  
6 had like the fact that you highlighted all five  
7 factors, so I do not have a problem with it  
8 either.

9 MR. CHIN: And the other thing is I, you  
10 know, we got the statement from the three  
11 adjoining property owners and they had no problem  
12 with the addition that you're putting on.

13 MR. FLEMING: Mr. Walsh?

14 MR. WALSH: Yeah. As I agree with Mr.  
15 Chin, you know, it doesn't have an undesirable  
16 change in the neighborhood, feasible for  
17 somewhere else, you know, you have the septic  
18 tank, your leach fields. This is really the best  
19 spot for it. Is a substantial, yes, it is  
20 substantial, but that is not one of the -- it is  
21 one of the factors, but we don't have to meet all  
22 five factors, so.

23 MR. LENTINI: And the shed.

24 MR. WALSH: Adverse impact of the

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2 neighborhood, I don't think so. I think it's  
3 going to fit nicely in the neighborhood. And is  
4 it self-created? Yes. Pretty much every zoning  
5 case is self-created at some point. So it's, and  
6 again, we don't have to meet all five factors, so  
7 --

8 MR. LENTIN: Understood.

9 MR. WALSH: -- I am in support of this.

10 MR. FLEMING: Any other?

11 MR. BELOFF: I agree with Tom. I'm, I'm  
12 supportive.

13 MR. FLEMING: Again, this is actually I  
14 think the largest area variance that I've, you  
15 know, percentage wise, that I've actually been in  
16 favor of. But you know, in light of the, the  
17 obstacles you've identified with the site, I, I  
18 do think this is, that this is the best way to  
19 accomplish it. So, I also I, I would approve  
20 this. I think it's a, a very good presentation as  
21 well, so thank you.

22 MR. FRANCO: Yeah. For the same reasons  
23 already discussed, I, I agree as well.

24 MR. FLEMING: Alright, so I think we



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2 need a motion.

3 MR. CHIN: Okay. Well, for -- anybody in  
4 the audience who want to speak about this?

5 MR. LENTINI: One --

6 MR. FLEMING: Oh, sorry.

7 MR. LENTINI: Does that include your  
8 opinion of the shed being there?

9 MR. FLEMING: Well, the shed, the shed  
10 before us?

11 MR. CHIN: Yeah. The existing shed was  
12 still by a previous owner. It's not, it's not  
13 really on here, on the DNO.

14 MR. FLEMING: I'm sorry, let me --

15 MR. WALSH: On the side here, four feet  
16 is --

17 MR. FLEMING: -- let me just read his  
18 denial letter.

19 MR. KEHOE: The shed is on there.

20 MR. FLEMING: Hold on one second.

21 MR. CHIN: It says propose addition to  
22 side yard for the existing shed. Yeah, it's on  
23 there, yeah.

24 MR. CUNNINGHAM: Yeah. What the board

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2 will be voting on is allowing the shed to stay as  
3 well.

4 MR. CHIN: Yeah.

5 MR. FLEMING: Alright.

6 MR. CHIN: Allowing --

7 MR. FLEMING: My mistake, I apologize.

8 MR. WALSH: Now, code enforcement  
9 would've to -- do they have the dictate?

10 MR. KEHOE: Yeah, to the point of the  
11 fire rating, that would be that the DNO's  
12 conditioned upon receiving all necessary permits  
13 from code enforcement.

14 MR. WALSH: Okay.

15 MR. KEHOE: So if they're going to  
16 require fireproofing in the structure --

17 MR. LENTINI: We're, prepared to do  
18 that.

19 MR. KEHOE: -- you'd deal with Martin.

20 MR. CHIN: That's between you and the  
21 building department.

22 MR. LENTINI: Yes.

23 MR. FLEMING: Agreed. And thank you for  
24 identifying that.

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2 MR. CHIN: Anybody on the Zoom or  
3 anything? Nope? Nope. Okay. So, I'm going to make  
4 a motion on case 2024-5 to close the public  
5 hearing.

6 MR. WALSH: Second.

7 MR. FLEMING: All in favor?

8 MULTIPLE: Aye.

9 MR. FLEMING: Public hearing is closed.

10 MR. CHIN: Okay. I'm going to make a  
11 motion on case 2024-5 for, for a front yard  
12 variance from a proposed 12.79, from 30 feet is a  
13 variance of 17.21, it's 57 percent. Also the side  
14 yard from four feet is down to 2.4 feet, 2.44  
15 feet, a 1.36 feet variance, 34 percent. And that  
16 includes the existing shed that was installed by  
17 a previous owner that you would have to talk to  
18 the building inspector on --

19 MR. LENTINI: Right.

20 MR. CHIN: -- just upgrading it a little  
21 bit or whatever you have to do for fireproofing  
22 the --

23 MR. LENTINI: Satisfying the state  
24 building permit.

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2 MR. CHIN: Okay. Alright. So this is a  
3 type II under SQRA, no further compliance is  
4 required.

5 MR. WALSH: Second.

6 MR. FLEMING: All in favor?

7 MULTIPLE: Aye.

8 MR. FLEMING: Alright. Congratulations,  
9 your application has been approved.

10 MR. LENTINI: Thank you very much.

11 MS. CARLY SHECK: Thank you so much.

12 MR. MARTINEZ: You're welcome.

13 MR. CHIN: Have a nice day.

14 MR. FLEMING: Alright. In light of that,  
15 is there any other business? I need a motion to  
16 close our hearing.

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

19 MR. WALSH: Second.

20 MR. FLEMING: All in favor?

21 MULTIPLE: Aye.

22 MR. FLEMING: Alright. Motion is --  
23 hearing is closed. Everyone have a lovely  
24 evening.

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(The public board meeting concluded at  
7:26 p.m.)

CERTIFICATE OF ACCURACY

I, Claudia Marques, certify that the foregoing transcript of the board meeting of the Town of Cortlandt on May 16, 2024 was prepared using the required transcription equipment and is a true and accurate record of the proceedings.

Certified By

A handwritten signature in cursive script that reads "Claudia Marques".

Date: June 3, 2024

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