

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

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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.

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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,

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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

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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

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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

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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

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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

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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

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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,

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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

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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

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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

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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

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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

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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

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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

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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

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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

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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

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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

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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

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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

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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

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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

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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

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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

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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.

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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

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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

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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

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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.

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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?

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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

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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

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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

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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

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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.

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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

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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

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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,

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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

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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.

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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

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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

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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,

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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

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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,

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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

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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

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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

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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.

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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

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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.

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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

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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

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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

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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

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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.

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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

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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

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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

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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,

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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

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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

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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

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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

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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

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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

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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

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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

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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

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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

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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

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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.

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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.

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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 --

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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.

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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.

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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?

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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

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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

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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

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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

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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

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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?

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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?

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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

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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

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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

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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,

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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

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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

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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 --

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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

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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

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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

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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

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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

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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 --

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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.

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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.

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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

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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.

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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,

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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

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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

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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.

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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

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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

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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

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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

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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

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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

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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

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