

TOWN OF CORTLANDT  
PLANNING AND ZONING BOARDS

ZONING BOARD MEETING

1 Heady Street  
Cortlandt Manor, New York 10567

March 16, 2023

7:00 p.m. - 9:27 p.m.

March 16, 2023

MEMBERS PRESENT:

David S. Douglas, Chairman

Wai Man Chin, Vice-Chairman

Michael Fleming, Member

Frank Franco, Member

Benito Martinez, Member

Tom Walsh, Member

ALSO PRESENT:

Michael Cunningham, Deputy Town Attorney

Chris Kehoe, Director, Department of Planning

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

3 MR. DAVID S. DOUGLAS: Welcome to the  
4 March Zoning Board of Appeals meeting. We begin  
5 with 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. Fleming?

24 MR. MICHAEL FLEMING: Here.

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2 MR. KEHOE: Mr. Beloff noted as absent.

3 MR. DOUGLAS: Before we get to the items  
4 on the agenda, there's two procedural things I  
5 want to just note. The first is this is my last  
6 meeting as chairing the zoning board. I've been  
7 doing, I've been chairing the zoning board now  
8 for some 13 years, and it's probably, you know,  
9 maybe best for me to move on at this point. I'll  
10 actually be making a lateral move, I'll be  
11 joining, becoming a member of the town zoning  
12 board beginning in April.

13 MR. CHIN: No, planning board.

14 MR. KEHOE: Planning board.

15 MR. CHIN: You're already on the zoning  
16 board.

17 MR. DOUGLAS: So. So I just wanted to  
18 let people know that I will not be here next  
19 month. And there will be, there will be a new  
20 member appointed and there will be a new chair,  
21 which the town board will decide upon. Another  
22 procedural thing is we have the next meeting is  
23 scheduled for, currently scheduled for April  
24 20th. We're considering making a change of that

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2 date, perhaps to the 13th, perhaps to the week  
3 after, the 27th. The new date will be decided  
4 upon and then that'll get posted to the website  
5 sufficiently in advance so that people know what  
6 date it's been changed to or if it is going to be  
7 changed. Okay. Alright. Going to the items on the  
8 printed agenda, the first one is, I don't see the  
9 -- oh, the minutes are there, yes. Okay. So  
10 motion to, for adoption of the meeting minutes  
11 for February?

12 MR. WALSH: So moved.

13 MR. DOUGLAS: Second?

14 MR. CHIN: Second.

15 MR. DOUGLAS: Okay. Any opposed? All in  
16 favor?

17 MULTIPLE: Aye.

18 MR. DOUGLAS: Any opposed? Okay. The  
19 February minutes are adopted. We have two  
20 adjourned public hearings. The first one is case  
21 number 2023-1, application of Bilal Ahmad, for  
22 the property of Ace Sport Realty Holding Corp.,  
23 for multiple area variances for a proposed hotel  
24 on, at 2054 East Main Street. So, applicant's

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2 representative?

3 MR. BRIAN SINSABAUGH: Good evening,  
4 Chair, members of the board. My name is Brian  
5 Sinsabaugh. I'm an attorney with Zarin &  
6 Steinmetz. I'm here on behalf of the applicant  
7 Bilal Ahmed. With me here today, via Zoom,  
8 however, is the applicant, as well as Ed  
9 Keplinger and Christian Freeman of Keplinger  
10 Freeman Associates, the architect of record, as  
11 well as Gordon Stansbury of GTS Consulting, our  
12 traffic consultant.

13 For those of you who were not here for  
14 the public, when the public hearing opened at our  
15 last meeting, this matter is for a proposed 93-  
16 key Marriott flagged hotel. This will be located  
17 at 2054 East Main Street, which is adjacent to  
18 the on and off ramp for Bear Mountain Parkway.

19 The, with regard to this public hearing,  
20 just for clarity to the board and just in terms  
21 of what we're asking here, the planning board has  
22 declared lead agency under SEQRA. And we  
23 understand that the board cannot vote on our  
24 application. However, what we are requesting

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2 tonight is that we obtain to the extent possible  
3 any feedback of the board on the variances being  
4 requested and if the board is so inclined to  
5 close the public hearing.

6 Before you respond to these items, our  
7 team would like to address some of the questions  
8 that did arise at the February 16th meeting and  
9 some of the variances that we are requesting. And  
10 to give summary on those variances for those who  
11 were not in attendance previously, the variances  
12 requested include a variance for building height,  
13 corner lot side yard setback, the side yard  
14 setback, or the standard side yard, which is  
15 facing Bear Mountain Parkway, the off-street  
16 parking, parking lot landscaping and landscape  
17 buffer zone.

18 At the last meeting, there were some  
19 questions raised with regard to the building  
20 height. And there, what was being sought was a  
21 comparison of height from the proposed hotel  
22 building as to the Pikes Plaza, which is located  
23 on 2050 East Main Street, adjacent to the  
24 property but across from Jacobs Hill Road.

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2 With regard to the answer, in brief, the  
3 answer is approximately 17 feet. But I would like  
4 to explain fully for the board and for the  
5 audience as to how we came to that conclusion.  
6 Since last meeting, we did obtain a survey from  
7 the town, prepared by [unintelligible] [00:04:56]  
8 Engineering and last revised in December 1996,  
9 which was submitted by the owner of Pikes Plaza  
10 property. This is the last survey of record that  
11 we are aware of. And on that survey, it shows  
12 that the tallest building at Pike Plaza has a  
13 maximum elevation of approximately 441 feet. This  
14 does not include the height of the parapets, thus  
15 this being an approximation.

16 Based on our plans, the maximum  
17 elevation, which is the grade plus the building  
18 height of the proposed hotel is 458.2 feet. As  
19 such, what we found is approximately a 17 foot  
20 height discrepancy between the two. This is due  
21 to -- this is also partially due to the changed  
22 topography, although the building for the hotel  
23 is slightly larger in terms of floors, it is at a  
24 different elevation. So the elevation at the rear



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2 of the Pike Plaza building is 422 feet and the  
3 elevation at the rear of the proposed hotel  
4 building is 414 feet.

5 There are also -- there is also a  
6 request for additional information or questions  
7 regarding the parking sufficiency at the site. As  
8 we stated last, there is no, at the last meeting,  
9 there's no banquet hall and the restaurant is  
10 primarily for hotel patrons. So we do not expect  
11 to have anybody outside of the hotel use for  
12 those staying at the hotel, parking on the site.  
13 That would include staff and the occupancy.

14 We did obtain additional information  
15 from the, from Courtyard and Marriott with regard  
16 to a 95-key Courtyard hotel that's located in  
17 Oneonta, that has 95 parking spaces, very similar  
18 to what we're proposing here.

19 However, I do want to be clear that we  
20 understand there are differences in location.  
21 Oneonta does have a different of sorts. They do  
22 have four universities nearby. They also have  
23 Cooperstown Fields that are nearby, so they do  
24 have some large events. There are not that many

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2 businesses. And what you will find probably in  
3 this location is that we will have more business  
4 clientele.

5 But with that being said, the staffing  
6 is set up very similarly, and I'd like to go  
7 through with regard to the staffing. We have set  
8 up a chart that does try to break this down a  
9 little more visually for everybody, so we can  
10 understand what is going on at the site.

11 The hotel staff at the site at any given  
12 time varies from one staff person to ten,  
13 depending on business levels. The increase in the  
14 personnel beyond the four staff members, which is  
15 the standard as we move closer. What -- actually,  
16 I'll take a step back. What I've proposed here is  
17 we have a charge here showing what's a.m. hours  
18 right now, so 1:00, 1:00 a.m. until noon. You'll  
19 see that we have staffing levels of just one  
20 person who is a front desk staff overnight, who  
21 will be the sole person at the site in terms of  
22 staff, until 5:00 a.m. At 5:00 a.m. all the way  
23 through until 11:00, that's when you'll have both  
24 an a.m. bistro number one, bistro number two at

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2 the restaurant. Bistro number two is somewhat up  
3 in the air in terms of what the business level is  
4 at the site.

5 As you move forward, I have, I have  
6 identified at the bottom a standard checkout  
7 period, which we've identified to be between 7:00  
8 and 10:00 a.m. When you look up from that area,  
9 you do see that our staffing levels start to  
10 increase at that point, and what we do have with  
11 regard to housekeeping and people who do laundry  
12 services, those are primarily done between the  
13 hours of 8:00 a.m. and 3:00 p.m. Coincidentally,  
14 those are the hours where a lot of our patrons  
15 are leaving and we have open spaces. So the  
16 number of parking spaces being utilized by the  
17 actual people staying at the hotel is going to be  
18 extremely minimal during that period.

19 Overall, as you scroll over to the right  
20 here, you'll see our check-in period typically  
21 starts around 5:00 and will continue on until  
22 about 10:00 p.m. That'll be pretty staggered. At  
23 that same time, you'll see that the number of  
24 people, staff that we do have onsite is lowering

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2 by the hour. So while you do have high staffing  
3 levels midday, low staffing levels are  
4 particularly there overnight. So we find that  
5 these parking -- the ratio of parking spaces to  
6 the rooms that we have available is more than  
7 sufficient.

8 With regard to occupancy, also I would  
9 like to note that on average, the hotel, at least  
10 for the Oneonta hotel and hotels typically by the  
11 Marriott are seeing 65 percent on average  
12 occupancy throughout the year. Occupancy does  
13 raise obviously during peak season. You will see  
14 somewhat up to maybe say 95 percent occupancy  
15 during a peak season, during a major event. But  
16 for the most part, you will see on average 65  
17 percent.

18 Coinciding with the parking, we do also,  
19 we did also prepare a traffic impact assessment  
20 as part of our planning board application, which  
21 is running, running alongside this application  
22 here before the zoning board. The traffic impact  
23 assessment was prepared by Gordon Stansbury and  
24 what we did find in this was that traffic would,

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2 there would be very, very minimal increase in  
3 traffic. In fact, what was stated was the hotel  
4 will only on average impact traffic by an  
5 increase of one vehicle entering and exiting the  
6 site every one and a half minutes or longer  
7 during peak hours. This equates to approximately  
8 one additional vehicle entering and exiting the  
9 intersections on Route 6 and what we can know in  
10 addition to this is that these Route 6 lights are  
11 being modified as part of the modification of  
12 these intersections, so you may actually see an  
13 increase in the, or improvement in the actual  
14 traffic in the area.

15 Lastly and possibly most importantly to  
16 the public as well as the board and to our client  
17 is the visibility. So with regard to visibility,  
18 unlike the Pikes Plaza that does partially rely  
19 on visibility for its patrons that are commuting  
20 up and down Route 6, and they look over that they  
21 do have restaurants available, the hotel itself,  
22 most of the patrons that are coming there, are  
23 already on that destination. They know where  
24 they're going, they do not need to have that

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2 level of visibility. For that reason, we've tried  
3 to maximize our screening to all the neighboring  
4 parcels. For example, much of the vegetation  
5 along Bear Mountain Parkway ramp is on state  
6 owned land, and therefore, that will not be  
7 touched. On top of that, that area that we will  
8 not be touching that's not our land, we are  
9 providing additional landscaping. The areas along  
10 Route 6 will be maintained to the extent  
11 possible, which is primarily along the area that  
12 you see in the corner moving towards the Bear  
13 Mountain Parkway onramp, we will be adding  
14 additional plantings of high quality trees and  
15 bushes along that portion.

16 Also, unlike the retaining walls that  
17 you do see along Pike Plaza on Jacobs Hill Road,  
18 those retaining walls that are abutting the  
19 street or extremely close to abutting the street  
20 line, what we are proposing are having staggered  
21 walls that are going to be beginning  
22 approximately ten feet from Jacobs Hill Road line  
23 and the, within that area of the ten feet we'll  
24 also be installing sidewalks and street trees, so

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2 there will be additional buffers along that area.

3 And most importantly, the wooded area  
4 along the northwesterly portion of the site, we  
5 are maintaining a 50 foot buffer along that  
6 northerly site. That, that northerly portion of  
7 the site does have an elevation change from 418  
8 feet at the parking lot level to a maximum  
9 elevation of 454 feet. So there, just the  
10 elevation alone will be screening a portion of  
11 the site and that landscaping that is an addition  
12 to that portion of the site that has the  
13 elevation gain will nearly screen the majority of  
14 the, what we would call, I guess that's the  
15 front, this front façade but is the rear of the  
16 building as you are coming up Route 6 from any  
17 tenants that are on the northerly portion of  
18 Jacobs Hill Road.

19 At this point, do you want to open up  
20 any questions of the board or the public? If  
21 there's anything we can answer, we'd be happy to.

22 MR. DOUGLAS: Mr. Fleming, I turn this  
23 over to you, since it's your case.

24 MR. FLEMING: The height numbers you

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2 gave, I think you were talking about height off  
3 of sea level because you're talking about numbers  
4 in [unintelligible] [00:13:04].

5 MR. SINSABAUGH: Correct.

6 MR. FLEMING: So, but the actual  
7 differentiation in height you said was 17 feet.  
8 [unintelligible] [00:13:11] the building next  
9 door, which is a question I think I raised at the  
10 last meeting. Where, and again, height is one of  
11 the things I really wanted to have us kind of  
12 lock down on. Where is, because your floor is cut  
13 into the building. Your, your base is cut into  
14 the building.

15 MR. SINSABAUGH: Correct.

16 MR. FLEMING: So when you say that, are  
17 you just talking about the highest point in your  
18 building would be 17 feet higher than the highest  
19 point next door? Or is that somehow being  
20 adjusted?

21 MR. SINSABAUGH: Correct. So, what we  
22 did utilize was the elevation, so we added, you  
23 have to the base level, which is 414 feet on the  
24 upper corners of our building. And when I say



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2 upper, I mean the highest elevation of our  
3 building, so as you're heading up Jacobs Hill  
4 Road. For the building that's on Pikes Plaza, the  
5 highest point of the base elevation next to  
6 building, that is 422 feet. So that difference --  
7 what I'm proposing when I say the 17 feet  
8 difference is if you were to be looking at a  
9 standard level and you're just looking, sorry, I  
10 didn't mean to step away too far. But when you're  
11 just looking at these buildings from the base of  
12 Jacobs Hill Road, you would see that there's a 17  
13 foot increase in terms of the height of our  
14 building over the top of the building on Pikes  
15 Plaza. If that doesn't answer your question --

16 MR. FLEMING: It does, thank you.

17 MR. SINSABAUGH: Okay.

18 MR. WALSH: I've just got a quick follow  
19 up. Is that 17 feet, is that to the roof level or  
20 the bulkhead, the stair bulkhead level?

21 MR. SINSABAUGH: That is to the roof  
22 levels. So, actually, let me just -- I just want  
23 to verify. When you say the bulkhead, you're  
24 talking about the upper portion of that façade?

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2 MR. WALSH: Yeah.

3 MR. SINSABAUGH: That's on the corner?

4 MR. WALSH: Yeah, the part that's being  
5 marked right there on the screen.

6 MR. SINSABAUGH: I believe that is to --  
7 and this is a little skewed, so when you're  
8 looking at this building here, and actually I may  
9 -- Christian is on, I may have Christian come on  
10 to help answer this question here.

11 MR. CHRISTIAN FREEMAN: Yeah, Brian,  
12 I'll hop in here.

13 MR. SINSABAUGH: Thank you.

14 MR. FREEMAN: It's from the highest  
15 point on our building.

16 MR. WALSH: So that 17 feet is from the  
17 top of that stair bulkhead, not from the, I'm  
18 going to call it the solid blue colored roof.

19 MR. FREEMAN: Yes, correct.

20 MR. WALSH: Okay. How high is that  
21 bulkhead?

22 MR. FLEMING: That's a good question. If  
23 I'm shooting from the hip I would say six to  
24 eight feet.

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2 MR. WALSH: Okay. I appreciate that.

3 MR. FREEMAN: Mm-hmm.

4 MR. FLEMING: Does anybody else have any  
5 questions for the applicant before I --

6 MR. CHIN: On that bulkhead, if you're  
7 coming out onto the roof, I would, I would think  
8 it's maybe eight to ten feet, because you'll have  
9 a door coming out onto the roof, you know, that's  
10 a seven-foot door already, you know what I mean.  
11 And then you've got the roof and whatever  
12 construction above the stair door. So, you know,  
13 you're talking about maybe a difference of about  
14 eight to ten feet in height from the bulkhead to  
15 the roof of the main hotel.

16 MR. FREEMAN: Yeah.

17 MR. SINSABAUGH: Correct.

18 MR. FLEMING: Shooting from the hip  
19 again, I know, but what do you think the square  
20 footage of that bulkhead is?

21 MR. SINSABAUGH: Another good one.

22 MR. FLEMING: And again, I'm not, you  
23 don't have to be exact. I'm just kind of --

24 MR. SINSABAUGH: Yeah, Let's say --

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2 MR. CHIN: Seven by 20?

3 MR. SINSABAUGH: -- 25 by 10 or 12. And  
4 again, these numbers I can verify for you.

5 MR. CHIN: Yeah, I would say if it's  
6 eight foot wide, you know, for both stairs coming  
7 up and maybe about, maybe 20 to 22 feet in  
8 length, that's about it. You know what I mean? So  
9 maybe 160 square feet?

10 MR. FREEMAN: Yeah, that sounds  
11 accurate.

12 MR. SINSABAUGH: I can give an answer to  
13 these questions. The height of that bulkhead is  
14 9'3".

15 MR. CHIN: Okay. So I said eight to ten  
16 feet.

17 MR. SINSABAUGH: And with regard to the,  
18 the width, it does not, I apologize, our  
19 elevation plans do not show the width of it, so I  
20 can't provide you with the square footage.

21 MR. CHIN: Two staircases at three foot  
22 wide, give or take six plus a little bit of wall,  
23 so you're talking about eight feet, six to eight  
24 feet wide, eight feet wide and probably about

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2 maybe 20 to 22 feet in length.

3 MR. SINSABAUGH: Yeah.

4 MR. CHIN: You've gone up one flight to  
5 get up onto the roof.

6 MR. SINSABAUGH: Certainly, so.

7 MR. FLEMING: And again, just for my  
8 clarification, this is Michael Fleming again, so  
9 you're talking about that, that bulkhead being  
10 whatever size we just talked about, as a  
11 percentage of the overall roof though, I mean  
12 again, I'm just looking at it, it doesn't look  
13 like it's a significant percentage, but can you,  
14 can you guesstimate that?

15 MR. FREEMAN: Let than ten per- maybe  
16 ten percent. IF you chop the building up into ten  
17 pieces, that would be one slice.

18 MR. FLEMING: And the rest of the roof,  
19 you're talking then would be less than ten feet  
20 above the building next door?

21 MR. SINSABAUGH: Correct.

22 MR. FLEMING: I appreciate that. That  
23 helped me out quite a bit, thank you.

24 MR. FREEMAN: Mm-hmm.

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2 MR. FLEMING: Anybody else on the board?

3 Alright --

4 MR. CHIN: Well, I would like to say we  
5 all did a site visit.

6 MR. FLEMING: Well, we're going to hear  
7 from the public.

8 MR. CHIN: Yeah.

9 MR. FLEMING: Alright. So, thank you  
10 very much. Now, we're going to open it up for the  
11 public for anyone in the public who has any other  
12 comments on this application, please come forward  
13 to the podium, and state your name, when you get  
14 there, any comments you want to make.

15 MR. CHIN: Anybody on Zoom?

16 MR. FLEMING: Anybody on Zoom have any  
17 comments?

18 MR. DOUGLAS: No?

19 MR. FLEMING: We'll give them a minute  
20 for anybody to raise their hand. Okay. Applicant,  
21 do you have anything further?

22 MR. SINSABAUGH: No at this time, and if  
23 the board is satisfied and they have no further  
24 questions, I just ask that if they're so inclined

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2 that the public hearing be closed and if you have  
3 any comments yourselves, we'd be open to hearing  
4 them. We'd like to have those comments as we move  
5 forward with our application with the planning  
6 board.

7 MR. FLEMING: So I think we're going to  
8 make comments before we close the public hearing,  
9 right, Davis?

10 MR. DOUGLAS: Yeah.

11 MR. FLEMING: Okay.

12 MR. CHIN: I just want to make the  
13 comment that we all went to the site visit, and  
14 on my site visit, my opinion on the site visit, I  
15 looked around the site and everything else, with  
16 accu- it was all marked out with where the hotel  
17 was going to be, the height give or take, based  
18 on the pine tree that was right there and  
19 everything else and so forth. And from Bear  
20 Mountain, from Jacobs Hill, from Route 6, it  
21 looked pretty good, you know, from my standards  
22 of putting a hotel there. And I don't think it  
23 would be bothering or, you know, really obtrusive  
24 to anybody in that area, because it's all

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2 commercial basically in front of it and on the  
3 sides of it. And of course, the Bear Mountain  
4 Parkway.

5 MR. DOUGLAS: Anybody else have  
6 comments?

7 MR. BELOFF: Yes. So really before us,  
8 there are four variance requests and while we're  
9 not voting on this, just to address them all, you  
10 know, the side yard setbacks may well be modified  
11 throughout the rest of this process, so I'm going  
12 to kind of withhold comment on that. The height  
13 was really what I addressed most of my attention  
14 with the applicant on. And after talking you, I  
15 think I'm satisfied, you know, with what the  
16 applicant proposes.

17 The parking lot variance as well, I mean  
18 and the parking variance, those two are somewhat  
19 handcuffed together because the, the request to  
20 decrease the parking lot was in order to increase  
21 the parking lot landscaping. And again, I think,  
22 I think that was done really to, to help you  
23 gaining approval. So, you know, overall, I'm  
24 satisfied, but we, this process still has to go



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2 forward because we're working in conjunction with  
3 the planning board on this.

4 MR. SINSABAUGH: Yeah, thank you, for  
5 recognizing that, Chris, because you're correct  
6 in that we absolutely would not have hit the  
7 numbers for the internal landscaping variance,  
8 but by lowering the parking, we balance it. But  
9 again, we don't hit -- it's not like we subbed  
10 out the parking for that landscaping variance. We  
11 don't hit it, the internal spacing. You're  
12 correct in bringing that up. Thank you for doing  
13 that.

14 MR. FLEMING: Anybody else on the board?

15 MR. DOUGLAS: Anybody else want to say?

16 MR. FRANCO: This is Frank Franco. One  
17 of the things, just like Michael was saying, that  
18 was concern to me was the height also. And at the  
19 site visit, we were looking to see if the  
20 building up on the hill could really see that  
21 site, and it didn't appear that we could see it,  
22 so I felt good about that. And from the site  
23 itself, I couldn't see the building the other  
24 direction either. Now, I -- it would be

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2 interesting if we could with like a drone or  
3 whatever, fly to that height and look at the, you  
4 know, go up to that building and see if you could  
5 see the drone from that height, you know, because  
6 that's like a simulated height at that point. So  
7 that, that could be useful going forward, just to  
8 understand where that height is, because even  
9 when you're up there, it's hard to access. You  
10 know, you can't see the ground, but I'm not sure  
11 exactly where the building is.

12 MR. SINSABAUGH: Understood.

13 MR. FRANCO: So, but beyond that, you  
14 know, it, it seemed to look pretty good to me.

15 MR. WALSH: Yeah, as I look through it  
16 and go through, you know, our factors for each  
17 variance that the applicant is requesting, you  
18 know, hotel, this is the perfect location it. It  
19 is zoned for the hotel, and just looking for  
20 these four variances, or five variances, actually  
21 the two side yard setbacks, and those will be  
22 changed once, through the planning board. The  
23 height, I'm not, you know, opposed to the height  
24 of it, that's why we got clarification just with

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2 what Pikes Plaza is. So, I, you know, I'm  
3 satisfied with that. The parking requirements,  
4 you know, will a hotel be 100 percent occupied  
5 365 days of the year, hopefully for them yes, but  
6 I don't know if that would be true or not, so,  
7 definitely I see you had to lower the parking for  
8 the landscaping, so I'd like to see how that  
9 turns out with the planning board, but overall, I  
10 think this is, will be a great project to move  
11 forward.

12 MR. SINSABAUGH: Thank you.

13 MR. MARTINEZ: As, yeah, my colleagues  
14 say, on the site visit, we was able to get a  
15 better understanding of the construction of the  
16 hotel there, and I believe this is the best place  
17 for it. I agree with my colleagues here. I  
18 believe the size, the height is the only concern  
19 we have and once we get that addressed, I think I  
20 have no problem getting a hotel there. I think  
21 this is the best place for it.

22 MR. DOUGLAS: I agree with what my  
23 colleagues have said. The site visit was, was  
24 very helpful. In addition to that, I had gone out

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2 previously and driven around the neighborhood and  
3 driven up Jacobs Hill and walked around up there  
4 to look down on the site, and I did the same  
5 thing on Parkway --

6 MR. KEHOE: Parkway Drive.

7 MR. DOUGLAS: -- Parkway Drive, and did  
8 the same thing there to get a sense of what the  
9 views would be from there. And having done that,  
10 I agree with what people have said. This is, this  
11 is one of the locations in town that a structure  
12 such as you're proposing belongs. It's in a  
13 commercial zone on a commercial street. It's  
14 across the street from another commercial mall.  
15 The, yes, obviously people will see a hotel.  
16 That's inescapable. You're going to see a four-  
17 story building. But I don't really think that it  
18 will change the neighborhood in any undesirable  
19 way to have that hotel in that location. And  
20 there, this is not to minimize the fact that,  
21 that a limited number of people will, instead of  
22 looking out onto what's now woods, though they're  
23 not in the greatest condition, will now be  
24 looking at a hotel. There will be two or three

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2 houses across on Parkway Drive that will see the  
3 building. And it's my understanding from the site  
4 visit that though we weren't able to, they  
5 weren't about -- your colleague was unable to get  
6 the drone back up when we were there --

7 MR. SINSABAUGH: That's correct.

8 MR. DOUGLAS: -- but what you  
9 represented to us is that when you went up to the  
10 height of the building, there's not a sightline  
11 from that height to the few apartments that are  
12 on -- the closest apartments that are on Jacobs  
13 Hill that face down on there. It's not until you  
14 get up about another 20 feet higher than that,  
15 that they would have, they would have sightlines  
16 of it. And this of course the wintertime, there  
17 will be even less visibility during the, you  
18 know, once the leaves come back out.

19 MR. SINSABAUGH: Sure.

20 MR. DOUGLAS: So I agree. I, I would,  
21 I'm fine with the height. I'm fine with the  
22 parking. This is, I think ultimately if the, if  
23 the Marriott thinks that this is sufficient  
24 parking for its needs, it's a business decision,

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2 and I'm convinced by it. There's also a trend  
3 throughout the country to reduce parking  
4 requirements to a certain degree for commercial  
5 businesses or for residential developments. And I  
6 think that's a, personally, I think that's a good  
7 trend.

8 And as to the other variances that you  
9 mentioned, I don't have, I look favorably on  
10 them, but those are going to get -- those are  
11 probably going to get tweaked through, or varied  
12 to a certain degree as it goes through the  
13 planning process. So all in all, I don't have any  
14 -- I look favorably on it. And at looking at each  
15 of the five factors, I think that you, you know,  
16 I think that you satisfy, you sufficiently  
17 satisfy the factors to get a variance. Thank you.

18 MR. FLEMING: So I think we'll close  
19 public hearing?

20 MR. DOUGLAS: Yeah, in a vote.

21 MR. FLEMING: And then we'll reserve --

22 MR. DOUGLAS: Right.

23 MR. FLEMING: -- while the planning  
24 board process continues.

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2 MR. DOUGLAS: Right. Right. So just to  
3 explain again for people out in the audience and  
4 people watching on the Internet, to the extent  
5 they weren't at the prior meeting is that we're  
6 now going to close the public hearing now, but  
7 we're not going to actually vote on the  
8 variances, because the planning board is the lead  
9 agency, and we're doing what's, the phrase is  
10 called coordinated review, so with the  
11 coordinated review with the planning board so  
12 that we're not going to issue a final decision at  
13 this point until they reach the stages that they  
14 move down further along in the process until it's  
15 appropriate that there be an actual vote on the  
16 variances.

17 So, we'll just close the public hearing  
18 and hopefully the comments that we've made are  
19 helpful to the applicant and to the public to  
20 understand where we're coming from.

21 MR. SINSABAUGH: They have been, chair,  
22 and we definitely thank you for your time this  
23 past Sunday in terms of site visit. It was a  
24 pleasure having you there and it was a pleasure

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2 being able to walk around and show you the site.  
3 It's been an honor to work with you, Chairman  
4 Douglas, and I know it's been a very short  
5 period.

6 MR. DOUGLAS: I'll see you again.

7 MR. SINSABAUGH: I'll be seeing you  
8 shortly.

9 MR. CUNNINGHAM: And before the board  
10 votes, I just want to, Brian to confirm, normally  
11 after the board closes a public hearing, it has  
12 62 days to issue a decision, but since, you know,  
13 it's a coordinated review, I don't think that  
14 will be possible. So I just want to confirm that  
15 you'll waive the 62-day clock.

16 MR. SINSABAUGH: We do.

17 MR. MICHAEL CUNNINGHAM: Thank you.

18 MR. DOUGLAS: Thank you, Mike, I knew I  
19 was forgetting something and that's what I was  
20 forgetting. Thank you.

21 MR. FLEMING: So we should vote to close  
22 the public hearing?

23 MR. DOUGLAS: Yes, we should vote.

24 MR. FLEMING: So, motion to close the



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2 public hearing.

3 MR. CHIN: Second.

4 MR. DOUGLAS: Okay. All in favor?

5 MULTIPLE: Aye.

6 MR. DAVIS: Any opposed? Okay, the  
7 public hearing is closed and that, that's it.  
8 We're adjourned until an indefinite date along  
9 the planning process.

10 MR. KEHOE: We will draft a memo,  
11 probably for Chairman Douglas' signature to go  
12 back to the planning board to give them guidance.  
13 And if you want to get on the next planning board  
14 agenda, which is April 4th, just let me know.

15 MR. SINSABAUGH: Okay. I appreciate  
16 that. Thank you very much.

17 MR. FLEMING: Thank you.

18 MR. DOUGLAS: Okay. Thank you. I think  
19 the next case is another adjourned public  
20 hearing. It's case number 23-02, application of  
21 Benn Cozzi of MJD Contracting for an area  
22 variance for maximum floor area for a proposed  
23 new house located on East Hill Road. Mr. Chin,  
24 this is your case, and Mr. Cozzi, please come up.

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2 MR. CHIN: Mr. Cozzi, will you --

3 MR. DOUGLAS: I'm sorry, if I  
4 mispronounced your name, I apologize.

5 MR. BEN COZZI: That's okay, everybody  
6 does. Mr. Chairman and members of the board --

7 MR. CHIN: Will you please explain what  
8 you are trying to get here?

9 MR. COZZI: My name is Ben Cozzi, I'm  
10 the owner of a still to be determined house  
11 number on East Hill Road, and I'm here seeking a  
12 variance to increase the size of the house from  
13 what's allowed by the town. I want to thank  
14 everybody for coming out to the site on Sunday.  
15 That was a, I appreciate your time for that. And  
16 I'm here to hear comments from the neighbors. I  
17 was trying to address some of the issues that  
18 some of the neighbors had had. I'm not sure where  
19 we are with them. And Mr. Patel, who's my  
20 neighbor to the right, I certainly want to  
21 address any concerns that I can help him with,  
22 which are screening between the back yards of the  
23 houses and I'm hoping that they're in favor of it  
24 and you are as well. And that's really all I have

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2 to say until I hear from yourselves and I can  
3 answer questions and/or the neighbors.

4 MR. CHIN: Alright. Basically, this is  
5 my case. I mean the only thing that you're really  
6 asking, you don't need any variances on side,  
7 side of your yard, front setbacks or anything  
8 else, you're just asking for the area variance,  
9 the size of the house to be a little bit larger,  
10 to incorporate a garage.

11 MR. COZZI: That's correct. I'm not  
12 looking for any other variances, other than.

13 MR. CHIN: I did see some plans of the  
14 house with the garage and some plans without the  
15 house. And the house with the house with or  
16 without the garage is the same width.

17 MR. COZZI: It is, yes.

18 MR. CHIN: Okay, so. I, to me, I think  
19 the garage looks nicer with the, with the garage  
20 there where you drive in and park your car inside  
21 rather than parking outside on the street, or on  
22 your front lawn or front part where you're going  
23 to, where you have to park your car, you know,  
24 what I mean? So again, you know, the variance is

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2 not large and not small, but, you know, somewhere  
3 and between and I don't have a problem with  
4 giving you that variance on that area variance.  
5 But again, I'd like to hear what some of my other  
6 colleagues will say and we did get a letter from  
7 Mr. Patel, Partel, Patel?

8 MR. KEHOE: Yes, he's also going to --  
9 he's going to read that into the record as well.

10 MR. DOUGLAS: Right, Well, why don't we  
11 hear, before we have comments from us, why don't  
12 we hear if anybody else wants to be heard?

13 MR. CHIN: On the board?

14 MR. DOUGLAS: No, no, no, on the public.  
15 Let's hear from the public before, before -- the  
16 only comment that I want to make before we hear  
17 from the public is I just want to remind people  
18 that as was discussed at the, at the last  
19 meeting, that the applicant has got the right to  
20 build a house on this lot, whether, you know,  
21 whether people, you know, are happy about that or  
22 not. And as I expressed my view, I'm personally  
23 not happy about that. But he's got, he's got  
24 rights as the property owner to build the house.

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2 So really, I think that it would be most helpful  
3 to us if comments could be focused on the issue  
4 of whether the house -- the house with the garage  
5 or a house without the garage. Or, or more  
6 specifically, a house within the amount allowed,  
7 the space that is allowed under the lot, or a  
8 larger house, you know, is what he's seeking for  
9 the variance. So, I think it would be helpful if  
10 you could focus your comments on that.

11 MR. PATEL: Hello. I'm Mr. Patel.

12 MR. DOUGLAS: Can you just -- I couldn't  
13 hear you.

14 MR. PATEL: I'm Mr. Patel. I sent the  
15 letter. I just wanted to read it out loud.

16 MR. DOUGLAS: Sure. Can you just, just  
17 so it's on the record, can you tell us what  
18 address --

19 MR. PATEL: I'm at 41 East Hill Road.

20 MR. DOUGLAS: Okay. So you're one of  
21 the, the neig-, one of the immediately adjacent  
22 neighbors?

23 MR. PATEL: Yeah, I own adjacent to and  
24 behind.

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2 MR. CHIN: Oh, so you're to the right,  
3 to the right of it as you're looking at it from  
4 the street?

5 MR. PATEL: Yeah. But, the --

6 MR. CHIN: Okay. And also the property  
7 right behind his property?

8 MR. PATEL: Correct.

9 MR. CHIN: Okay.

10 MR. PATEL: Yeah, so Mr. Cozzi spoke to  
11 me a few times and I, I appreciated that. And I  
12 think I try to stay focused on the extra square  
13 feet. So the summary of the asks I have is to the  
14 extent that the board does approve the extra  
15 square feet, I think the board has the authority  
16 to kind of ensure the rest of the neighborhood is  
17 not so detrimentally impacted. And I've laid out  
18 four points, which I think kind of summarize  
19 everyone's concerns that are a result of the  
20 extra square feet. The, there shouldn't be a rain  
21 garden next to, next to our shed. There should be  
22 plans submitted to the building department for  
23 proper drainage. My lot's in the back and I don't  
24 want, you know, water to flood my property.

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2 There's no grading plan. And, you know, with our  
3 without the square feet, that seems reasonable to  
4 require a retaining wall. There's plans for fill,  
5 but no plans for a wall. Mr. Cozzi has wanted to  
6 do the right thing by the neighbors and has  
7 agreed to a privacy fence. I've listed out a  
8 privacy fence, I think I and the Kabashis  
9 [phonetic] who are on the left side, who couldn't  
10 make it today, would agree with.

11 And even the variance is for the square  
12 feet, but they keep talking about the garage,  
13 which was also very nice of Mr. Cozzi to make  
14 sure that cars aren't parked on the driveway. I  
15 think that the board can require that it won't be  
16 made into living space to make sure that cars  
17 aren't parked on the driveway. Those are my,  
18 those are my asks.

19 MR. CUNNINGHAM: And after taking a look  
20 at Mr. Patel's letter, the conditions generally  
21 speaking, are something the board could impose.  
22 The rain garden, that if, if the board decides it  
23 shouldn't be a rain garden, that's okay, as long  
24 as whatever sort of other drainage is approved by

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2 our department of technical services, the grading  
3 plan and retaining wall plan will have to be  
4 submitted as part of the building permit process.  
5 If the board wants, it could require a six-foot  
6 green arborvitae privacy fence. That won't be  
7 subject to the approval of the Architectural  
8 Review Board. Our Architectural Review Board  
9 doesn't review any single family homes. But, but  
10 this board could still require that arborvitae  
11 fence. And the board could also require that the  
12 garage space not be converted to living space.

13 MR. DOUGLAS: Mr. Patel, you said you  
14 spoke to the applicant. Did you speak to him  
15 today about the fence? And did he agree to that?  
16 I didn't understand what you said?

17 MR. PATEL: I think we kind of had a  
18 handshake about it, but I don't know how to  
19 collect.

20 MR. DOUGLAS: That's fine. I just want  
21 to make sure I understood what you said. And I'll  
22 as the applicant to come up when you're done, but  
23 if he's consenting to that, we would have no  
24 problem putting a condition on the -- that the



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2 applicant is consenting to, so I'll ask him that  
3 when we finish the public hearing. Okay. But  
4 thank you, I appreciate that.

5 MR. PATEL: Sure.

6 MR. FLEMING: And I think it was  
7 discussed that the rain garden was being removed  
8 and infiltrators were being installed? Is that  
9 correct, Chris?

10 MR. KEHOE: Yes. There have been a lot  
11 of back and forth about that, just in the sense  
12 that that's fine, but it's the call of our  
13 engineering department, which actually has to  
14 issue the permit, but I believe they would be  
15 completely fine and especially if the zoning  
16 board conditions their variance to that effect.

17 MR. FLEMING: You know, I'll say, my  
18 understanding is we actually prefer the rain  
19 garden, and, you know, from an engineering  
20 perspective from the town.

21 MR. KEHOE: Well, I wouldn't say  
22 necessarily the engineers prefer the rain garden.  
23 You know, the state and with green infrastructure  
24 and treating storm water more naturally, rain

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2 gardens are very popular. A lot of times, they're  
3 more popular with landscape architects or  
4 regulators. I think our engineers, are sometimes  
5 more comfortable with the more traditional ways  
6 of treating the storm water. So I mean I may be  
7 misspeaking, but I think Mr. Cozzi and his  
8 engineer probably showed the rain garden thinking  
9 that's what the town wanted. I can confirm that  
10 our engineering department would be fine with the  
11 more traditional treatments.

12 MR. FLEMING: My only comment was I'm  
13 hesitant to want to recommend a limitation on our  
14 engineering department's ability to do their job,  
15 to do the code enforcement side of this. He has  
16 to get a steep slope permit, he has to go through  
17 tree removal, retaining walls, I mean he will  
18 have to work with the planning department, and  
19 I'm somewhat hesitant to say I want to put a  
20 condition on, which in any way hamstrings our  
21 planning department from doing their job. So, I  
22 understand what you're saying, and it sounds like  
23 it may work out exactly as you want anyway, but  
24 if that's the only part of your -- I was a little

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2 troubled by that. And so, and that's why.

3 MR. KEHOE: But I think we can get an  
4 answer. I mean I think we can share this request  
5 with the engineering department and see what  
6 their opinions are, and I think that that will be  
7 fine.

8 MR. FLEMING: Okay.

9 MR. MARTINEZ: I just have one question  
10 for Mr. Patel. Most of the neighbors agree with  
11 you, with the request that you had submitted to  
12 us?

13 MR. PATEL: Uh, that's a pretty tricky  
14 question. I think most of the neighbors doesn't  
15 want the house. So --

16 MR. MARTINEZ: Well, the house is out of  
17 the question. So, legally he can build the house.  
18 So that's why we want to concentrate on the part  
19 that you guys want it to be in there or not. So  
20 that's why I wanted to make sure whether some of  
21 the neighbors, if you had spoken with them about  
22 the request that you have submitted to us.

23 MR. PATEL: I think maybe there's  
24 contention on the garage is not a good thing. I'm

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2 not sure.

3 MR. CHIN: Well, Mr. Martinez, I think  
4 Mr. Patel is saying that what he has indicated on  
5 his paper is his, his opinion only.

6 MR. MARTINEZ: Yeah, sure.

7 MR. CHIN: He cannot tell what other  
8 people will say, you know what I mean? That's up  
9 to other people to say.

10 MR. MARTINEZ: Okay. Good enough.

11 MR. CHIN: So he cannot put words in  
12 their mouth, you know what I mean, so you can't  
13 ask him something like that.

14 MR. MARTINEZ: Okay.

15 MR. FLEMING: Do you have an opinion as  
16 to whether or not you would prefer the 612 foot  
17 variance approved or not? Because this is if it  
18 is approved, you have these conditions you'd like  
19 us to consider. But going back to the first  
20 question, I'd like to hear from you on it.

21 MR. PATEL: I feel I don't have any  
22 other way to get these conditions. So, in that  
23 sense, if I get these, then the extra square feet  
24 makes sense.

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2 MR. KEHOE: You know, that's  
3 interesting, just because, you know, this is part  
4 of the complication is I don't issue the building  
5 permits. I'm not the engineer, I'm not the code  
6 enforcement office, so I don't know exactly how  
7 they do it. But when they issue the permits, if,  
8 if the compliant house is built, you as an  
9 adjacent property owner, could request these same  
10 things of the engineering and code enforcement  
11 department. And maybe they would require it, most  
12 likely they would require it, but it's not  
13 necessarily that you can only get it if the  
14 bigger house is constructed. But I can't  
15 guarantee that, because I'm not the permit  
16 issuer.

17 MR. PATEL: You know, the damage to my  
18 property value exists either way, right, with a  
19 1,700 square foot house or a 2,300 square foot  
20 house. So then it's relative, is it worse damage  
21 with a 2,300 or less? And at that point, I would  
22 say it's a coin flip. It's closer, it's longer, I  
23 describe that it's going to be -- I think Mr.  
24 Chin mentioned that the width will be the same,

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2 but then the math says the length is longer.

3 MR. CHIN: A little bit longer, a little  
4 bit higher, but, you know, it's still not going  
5 to be any wider, closer to your house or the  
6 person next door, or so forth, you know what I  
7 mean?

8 MR. PATEL: It'll be long -- it'll be  
9 ten feet, like the --

10 MR. CHIN: A little bit longer.

11 MR. PATEL: Yeah.

12 MR. CHIN: You know what I mean, but  
13 again.

14 MR. PATEL: And then that puts a window  
15 looking into my back yard, so.

16 MR. CHIN: Well, when I was at a site  
17 visit, I looked at the houses next door on this  
18 side and that side, and I didn't see anybody with  
19 windows on either side looking towards that lot.  
20 I mean there was absolutely no windows on your  
21 side of the house looking into that empty lot or  
22 the house on the left hand side looking to that  
23 lot. There was no windows.

24 MR. PATEL: Yeah. There's no windows.

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2 MR. CHIN: Was it designed that way  
3 because you knew that somebody was going to build  
4 a house there eventually?

5 MR. PATEL: I am --

6 MR. CHIN: That you didn't want windows  
7 there? I don't know.

8 MR. PATEL: I think I am younger than  
9 the age of my house. So I'm not sure. But there's  
10 no windows on the side of my house.

11 MR. CHIN: Yeah.

12 MR. PATEL: But there would be a new  
13 window looking into my back yard from the, from  
14 the bedroom.

15 MR. CHIN: Well.

16 MR. PATEL: Which, which is why I think  
17 it's reasonable to ask for a privacy fence.

18 MR. CHIN: Well, I don't mind the  
19 arborvitaes and if the applicant has no problem  
20 with that, you know, we could put that into the  
21 stipulation that as part of the approval of the  
22 zoning board, you know what I mean?

23 MR. PATEL: I think, Mr. Fleming, you  
24 mentioned that you had concerns about the other,

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2 placing too many other requirements? What, uh --

3 MR. CUNNINGHAM: I think he was just  
4 referring to sort of dictating to our department  
5 technical of services how to -- what sort of  
6 drainage to allow specifically. And I think he  
7 wanted to leave them with more discretion about  
8 what would be best to protect your property.

9 MR. FLEMING: Exactly. I mean that  
10 department is our town engineering. They are the  
11 ones that protect all of us from drainage issues.  
12 They protect my house from drainage issues from  
13 other properties which are up elevation from me.  
14 And I don't want to tell them you have to do  
15 this. I would rather let the engineers look at  
16 the plan and say no, what you're proposing isn't  
17 safe, we need you to change it, and let them  
18 handle it through that process. And you actually  
19 will be, can be, at your option, you know, a part  
20 of the process. You're the person next door, and  
21 to the extent if you want to submit anything to  
22 that department when they're looking at the  
23 building permit, you certainly can.

24 MR. PATEL: Okay. I guess most people I



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2 think are pretty against a rain garden. Can you  
3 at least stipulate that?

4 MR. CUNNINGHAM: I think right now, so I  
5 think the board, assuming that, you know, there's  
6 no actual drainage implications is definitely  
7 very open. I think, and tonight the board is not  
8 going to make a decision anyway. The board may  
9 close the public hearing, giving public comment,  
10 but in between now and then, we can speak to our  
11 department of technical services and see if  
12 there's any engineering reason why a rain garden  
13 would protect you better than an alternative  
14 means of drainage protection.

15 MR. PATEL: Okay. Is that all?

16 MR. CHIN: Anybody else? Okay.

17 MR. DOUGLAS: Thank you, Mr. Patel. Name  
18 and address, please.

19 MS. DORIS BRAUN: Name and?

20 MR. DOUGLAS: Address.

21 MS. BRAUN: Doris Braun, 48 East Hill  
22 Road.

23 MR. DOUGLAS: Thank you.

24 MS. BRAUN: So, Mr. Chairman and members

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2 of the board, I've lived on East Hill Road for 30  
3 years. As one of the earlier homes on top of the  
4 hill, I have seen many trees come down and many  
5 homes go up. But with each home that was built, I  
6 knew it would meet the neighborhood's  
7 expectations, similar home size, similar quality  
8 and a similar lot size to provide ample space  
9 between each home. Each large home brought a new  
10 family with children. And I mention this, I know  
11 I'm not supposed to talk about this, but bear  
12 with me, I'll get to it. I mention this, because  
13 during the last town hall, Ms. Johnson so  
14 eloquently said, East Hill is a family community  
15 and the house he is building is not a family  
16 house. I know we're only here to address the  
17 additional square footage, therefore, I would  
18 like to state the reasons the variance should not  
19 be granted.

20 Do not allow the additional 612 square  
21 feet because it is not a necessity to the house.  
22 The builder will have a driveway in which the  
23 cars can be parked. He stated so in his letter.  
24 Do not allow the additional 612 square feet

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2 because if it was such a necessity, the builder  
3 could use the existing square footage to create  
4 the garage space. He has the right to build the  
5 home. If it is such a necessity, he should use  
6 the existing square footage.

7 Do not allow the additional square 612  
8 square feet because whether or not the house has  
9 the extra square feet, it does not belong on East  
10 Hill Road. Therefore, I say keep the house  
11 footprint small, in line with the small size of  
12 the lot, small lot, small house.

13 Do not allow the additional 612 square  
14 feet because the additional space does not add  
15 market value to the neighborhood, it only adds  
16 market value to the builder. Do not allow the  
17 additional 612 square feet because the garage is  
18 never the aesthetically pleasing part of a house.  
19 As the builder stated in his letter, no one goes  
20 house hunting looking for an aesthetically  
21 pleasing garage. As a matter of fact, the builder  
22 states there are approximately 51 homes on East  
23 Hill, but what he neglects to mention is that the  
24 majority of these homes do not have a front

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2 facing garage, hence, making the homes more  
3 aesthetically pleasing.

4 Do not allow the additional 612 square  
5 feet because of the negative impact to our  
6 neighbors just below this house, due to the  
7 runoff, the water, the poor drainage water from  
8 storms, etc. Do not allow the additional 612  
9 square feet because the extra size will  
10 negatively impact the neighbors to either side of  
11 the new house, Mr. Patel being one of them. So  
12 keep it the original foot size. It shouldn't be  
13 any taller, it shouldn't be ten feet longer.

14 Do not allow the additional 612 square  
15 feet because it will negatively impact the look  
16 and the feel of the existing homes on top of East  
17 Hill Road and will not blend in as the builder  
18 stated in his letter.

19 Therefore, I'm requesting that the house  
20 be landscaped in such a way that trees and shrubs  
21 will hide the house from street view so that it  
22 won't be obvious to ill fitting -- that an ill  
23 fitting house was built on our street.

24 We don't just sit in our houses and look

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2 out windows, Mr. Chin, we walk up and down our  
3 street, we drive by, we invite people over, we  
4 don't just look out windows and we will see it  
5 all the time.

6 Do not allow the additional 612 square  
7 feet because we don't know who the next owner  
8 will be and we can already envision them  
9 converting the garage space into livable space.  
10 We do not want that to happen. Actually, I  
11 believe that is what the builder current intent  
12 is, but that's just what I believe.

13 Do not allow the additional 612 square  
14 feet because making a wrong even bigger  
15 definitely does not make it right. At the last  
16 meeting, the builder continuously mentioned that  
17 he's building this house for his son and even  
18 dragged him to the site visit this past weekend.  
19 Well, I want him to know that I have a son too,  
20 and I would like to preserve my home and the  
21 quality of the homes and the neighborhood for my  
22 son and for his future benefit. Thank you for  
23 your attention and if you didn't hear me, do not  
24 allow the additional 612 square feet. Thank you.

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2 MR. DOUGLAS: Thank you. Anybody else  
3 want to be heard?

4 MR. JAMES ABADIE: James Abadie, the  
5 real 47 East Hill Road, owner, over 30 years at  
6 the house, okay. Delores, thank you, I think that  
7 was very eloquent and very well said, okay. We  
8 understand there's going to be a house built  
9 there and as of right, and totally accept that,  
10 okay. But we totally believe that the town is  
11 giving an opportunity to opportunistic developers  
12 to find small lots and increase the size of their  
13 lot, paying a smaller price for the land and  
14 getting increased value for the land. And if you  
15 let this happen here, it'll happen anywhere.

16 And Mr. Chin, you make a few jokes about  
17 the fact this house is being put there. I hope  
18 one goes in front of your house one day, so you  
19 get the feel --

20 MR. CHIN: There is one in front of my  
21 house.

22 MR. ABADIE: Okay.

23 MR. CHIN: Okay.

24 MR. ABADIE: But it was very

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2 lighthearted of you to say to the people that are  
3 taking very personal respect for this, pay taxes  
4 for 30 years.

5 MR. CHIN: Look, I've live in this town  
6 for 40 something years. And I pay a lot more  
7 taxes than you do, okay. Please do not say that  
8 to me, all right.

9 MR. ABADIE: I'm just --

10 MR. CHIN: Okay.

11 MR. ABADIE: -- commenting on the levity  
12 that you put into these proceedings on the fact  
13 that it was -- it's easy for you to accept, okay.  
14 I think --

15 MR. CHIN: I go by zoning code.

16 MR. ABADIE: -- that the extra 600  
17 square foot, there's two other things, there's  
18 the house, he's increasing the value of his land  
19 by, and if the town lets this happen, the zoning  
20 board lets this happen, everybody is going to go  
21 ask for variances to do this, number one, and  
22 number two is, having a son live there for a  
23 year, you guys are not going to get the taxes  
24 either, because he's going to be able to give the

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2 house to his son, and you won't get the transfer  
3 tax when the house is being built. We all lose.  
4 Okay. We believe that the house should be built  
5 at the original thing, the as of right house, and  
6 would not access the extra 600 square foot,  
7 because it is not as of right, and as you can  
8 tell, this entire neighborhood came in to put up  
9 their opposition to it, and we feel strongly  
10 about it. Okay. So, please do not recommend the  
11 extra 600 square foot, because as Delores said,  
12 in one year's time from now, this house will be  
13 resold and there will be somebody else living in  
14 there, and that'll be a family room for somebody.  
15 Thank you.

16 MR. DOUGLAS: Thank you. Anybody else?  
17 Okay, you want to respond?

18 MR. FLEMING: And if you could also  
19 specifically address my question, which was about  
20 the fence and whether or not you're agreeing to  
21 it as a condition.

22 MR. COZZI: Yes, yes, I spoke to Mr.  
23 Patel, and a fence, absolutely, a privacy fence  
24 between us would be better suited, because of the



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2 proximity of the property lines and correct  
3 plants probably will not grow in the shaded area,  
4 a fence would be a good idea.

5 Also, I'm not the engineer of record  
6 looking at it. But I believe that the town, I  
7 believe -- I've already switched the site plan to  
8 incorporate dry wells, infiltrators, into the  
9 property. And if the town engineer allows it,  
10 we're going to be using those as well.

11 I also want to bring up a couple things.  
12 So this house, okay, I feel it certainly fits  
13 better into the neighborhood than my alternate.  
14 And as far as the neighbors in the neighborhood,  
15 the gentleman who lives directly across the  
16 street, looks at this, will look at this house  
17 from the front view every day. He came over, and  
18 he said, I hope you get the garage. This is a guy  
19 who pulls out of his driveway every day, walks  
20 out his front door, or is on his front porch or  
21 in his front lawn, and we all know when we come  
22 out our front door where we're looking. We  
23 usually look across the street, and he's going to  
24 see the house more than anybody, as far as I'm

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2 concerned. You're only going past that house if  
3 you're going to be walking past it, going into  
4 the cul-de-sac because the house is near the cul-  
5 de-sac. And I'm just trying to think right now if  
6 there's anything else that I can answer for you.

7 MR. DOUGLAS: I don't have any further  
8 questions.

9 MR. FLEMING: Thank you.

10 MR. COZZI: Thank you everybody for  
11 taking the time.

12 MR. DOUGLAS: Thank you. Anybody else  
13 who wants to speak before you get your second  
14 shot? Okay. Go ahead.

15 MS. BRAUN: I just want the board to  
16 know that I also live directly across the street,  
17 so I wanted to make that clear.

18 MR. DOUGLAS: Anybody else? Okay. So  
19 we're going to -- we're not going to vote on this  
20 tonight. What we're going to do is we're going to  
21 close the public hearing, and then under the  
22 rules, the board has 62 days to issue a decision  
23 on the requested variance, which is what we'll  
24 do, we'll probably have -- I assume that we'll

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2 have a vote at the next, at the next meeting. And  
3 if not, it would be the meeting after. But I  
4 assume there will be a vote at the next meeting.  
5 So we are going to close the public hearing.

6 I just want to express my views, just  
7 because I won't have a chance to do so  
8 afterwards. And my views are probably not worth  
9 all that much, because I won't get to vote on  
10 this. So, either my colleagues will find them  
11 persuasive or not find them persuasive. But I do  
12 want to at least get them on the record here.

13 I want to just go through each of the  
14 five factors and say where I think they come out  
15 for me. Let me skip the first factor for a  
16 minute. But the second factor is whether the  
17 benefit sought by the applicant can be achieved  
18 by some method feasible for the applicant to  
19 pursue other than the area variance? I think that  
20 cuts against giving a variance here, because if  
21 the -- what the applicant is trying to achieve is  
22 a garage for the house, they can, you can  
23 reconfigure the plans of the house and shrink it  
24 in other regards and achieve the garage by

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2 shrinking the, you know, other aspects of the  
3 house, or redesigning it. I think there are other  
4 options in there.

5 Another factor is whether the requested  
6 area variance is substantial. I think it's a 35  
7 percent, he's seeking 35 percent over what's  
8 permitted by code. To me, 35 percent is  
9 substantial.

10 Another factor is whether the proposed  
11 variance will have an adverse effect or impact on  
12 the physical or environmental conditions in the  
13 neighborhood. I don't, I don't think that it  
14 would. Whatever change, whatever environmental  
15 impact it will have will presumably be mitigated  
16 by the drainage situation, and also, perhaps more  
17 on point is that I don't think there will be a  
18 greater environmental impact from having a larger  
19 house or not, or having the house that's  
20 permitted. So that I think, that factor to me  
21 cuts in favor of the applicant.

22 Whether the alleged difficulty is self-  
23 created, it is self-created. That's not a  
24 determining factor. That's just, under the law,

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2 that's a factor to be considered. It's not  
3 necessarily determinative.

4 To me, the hardest question is actually  
5 the first factor, is whether an undesirable  
6 change will be produced in the character of the  
7 neighborhood or there be a detriment to nearby  
8 properties by granting him the variance. And,  
9 from what I hear from the people who know the  
10 neighborhood best, it seems to me that it's the  
11 view of the neighborhood, from the concrete  
12 things, this is the generalized community  
13 opposition that courts like to talk about, but to  
14 me, there are concrete reasons given by many of  
15 the neighbors as to why they think it would be  
16 preferable to have a house that conforms with  
17 code as opposed to one that exceeds what code  
18 allows and grants the variance, and I think that  
19 that factor cuts in favor of denying the  
20 variance.

21 And I also, as a matter of, I don't know  
22 whether it's policy or principle, what the right  
23 word is, I think somebody tonight may have made  
24 some reference to this. To me, it seems that when

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2 you've got a small lot, a small house is what  
3 should be on a small lot. That's what the code  
4 envisions and to me that seems appropriate that  
5 one should not take a bad situation and make it  
6 worse by putting a larger house on an exceedingly  
7 small lot. So I think that, to me, that's  
8 convincing.

9 Anyway, those are my views. And it's up  
10 to my colleagues as to whether they're swayed by  
11 them or not, and they can, I can find out next  
12 month.

13 MR. COZZI: [unintelligible] [01:00:13].

14 MR. DOUGLAS: I'm sorry?

15 MR. COZZI: Do you mind if I go up one  
16 more time?

17 MR. DOUGLAS: No, no, we haven't closed  
18 the public hearing yet. In one minute, you would  
19 have been too late, but you made it.

20 MR. COZZI: Okay. Thank you. So there  
21 were alternates, alternate thoughts that that I  
22 had had regarding the garage, how can I achieve  
23 having a garage. And I thought about it. And one  
24 of the neighbors has it. It was not my first

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2 choice. It would be my very last choice. And that  
3 was to bring the driveway all, bring the driveway  
4 along the side of the house and come in from  
5 behind. And that would, in turn, I would have had  
6 blacktop in the backyard, I wouldn't have a back  
7 yard, but I would have a garage under the house  
8 in the back. It was not the effect that I thought  
9 any of my neighbors would want, especially my  
10 neighbors on either side of me. So, I shelved  
11 that idea. I did not want to do that.

12 I would have been able to avoid being  
13 here tonight if I took that approach. One of my  
14 neighbors has it in the neighborhood. So he  
15 brought his driveway in exactly that way and  
16 avoided the, you know, the conflict I guess of  
17 having a variance. I did not want to do that to  
18 my neighbors. I wouldn't want to see it in my  
19 backyard looking into my neighbor's backyard, so  
20 that's the -- this is the approach I took with  
21 the house. Bringing the driveway in from the  
22 front, minimizing the amount of asphalt we're  
23 going to be using and hard surface, and I thought  
24 it was a better idea. That's why I came forward

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2 with this idea. Thank you.

3 MR. DOUGLAS: You want to move to close  
4 the public hearing? Unless anybody else wants to  
5 respond. Anybody else want to say anything?

6 MR. CHIN: I want to make a motion on  
7 case 2023-2 to close the public hearing and  
8 reserve decision.

9 MR. WALSH: Second it.

10 MR. DOUGLAS: Okay. All in favor?

11 MULTIPLE: Aye.

12 MR. DOUGLAS: Any opposed? Okay.

13 MR. KEHOE: So just for process, this  
14 case will be on --

15 MR. DOUGLAS: So the case is, is --

16 MR. KEHOE: -- it'll be on next month as  
17 an old business item.

18 MR. DOUGLAS: Right.

19 MR. KEHOE: There, Michael Cunningham,  
20 there won't be a decision and order prepared  
21 prior to the meeting, based on the discussion at  
22 that meeting.

23 MR. DOUGLAS: Right.

24 MR. KEHOE: What I hear from people, it



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2 will be prepared afterwards.

3 MR. DOUGLAS: Between that meeting and  
4 next meeting, we are going to be able to get some  
5 guidance from the code enforcement?

6 MR. CHIN: Engineering department.

7 MR. DOUGLAS: Okay.

8 MR. KEHOE: So it will definitely be on  
9 next month's agenda.

10 MR. DOUGLAS: Yes.

11 MR. CHIN: But not as an open hearing?

12 MR. KEHOE: Correct.

13 MR. DOUGLAS: Right. So people are  
14 welcome to come. You won't be allowed to say  
15 anything. But if you want to come, you'll get to  
16 hear what people have to say, and if a vote is  
17 taken, you'll get to hear --

18 MR. WALSH: And we'll vote next month  
19 also on it, correct?

20 MR. KEHOE: Yes, because a lot of times  
21 I don't have a decision and order ready. I do it  
22 based on what you say and prepare it after the  
23 fact. So that would be what's going to happen  
24 next month, yes.

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2 MR. DOUGLAS: Oh, I just, as I'm  
3 shuffling my papers, one thing I forgot to say  
4 is, is I agree with each of the conditions that  
5 Mr. Patel has proposed, subject to engineering  
6 doing their thing, so. Okay. So, this case will  
7 be on for next month. Thanks.

8 MR. COZZI: Thank you.

9 MR. DOUGLAS: We have two new public  
10 hearings. The first one is case number 2023-3,  
11 application of Keith Koski for an area variance  
12 for total area of accessory structures exceeding  
13 50 percent of the areas of the principle dwelling  
14 for a proposed garage for a property located at  
15 2025 Maple Avenue. Okay, and --

16 MR. KEITH KOSKI: Good evening, members  
17 of the board. My name is Keith Koski. I'm the  
18 applicant for 20025 Maple Avenue, asking for a  
19 variance to build a garage in my rear property.

20 MR. DOUGLAS: So, Mr. Martinez, this is  
21 your case.

22 MR. MARTINEZ: Hi, how are you?

23 MR. KOSKI: How are you?

24 MR. MARTINEZ: Good. So, can you tell us

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2 a little bit about the project that you have now?

3 MR. KOSKI: About the garage?

4 MR. MARTINEZ: Yes.

5 MR. KOSKI: So I understand the code is  
6 I'm only allowed to build 50 percent outside  
7 structured dwellings from the side of my home. So  
8 with those calculations, I would only be able to  
9 have like a one-car wide garage and my dream  
10 garage is to have a two-car wide garage. So  
11 that's why I'm applying for the variance to get a  
12 larger structure than what town code allows. I  
13 believe I'm asking for 20 percent more.

14 MR. KEHOE: And are those correct images  
15 of what would be removed?

16 MR. KOSKI: That is correct. I have a  
17 storage tent, an old truck body and a portable  
18 garage. We're going to remove all that from the  
19 property and put my, hopefully new garage in that  
20 spot on that footprint.

21 MR. FLEMING: Is that, the existing  
22 structures, is that part of the accessory count  
23 now, or is that going to be removed and then  
24 we're still asking for the 494 variance?

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2 MR. KEHOE: I'd have to double check  
3 with Martin. Maybe you can help. The question is  
4 Martin's calculations in how he came up with the  
5 variance about how much over you are,

6 MR. KOSKI: Right.

7 MR. KEHOE: Did he do a mathematical  
8 formula, he subtracted those and then added what  
9 you wanted?

10 MR. KOSKI: Correct.

11 MR. KEHOE: Correct.

12 MR. CHIN: There's something I'd like to  
13 say, all right, based on the 50 percent. I would  
14 like to find out from Mr. Martin if, did he  
15 include the pool?

16 MR. KOSKI: Yes, he did.

17 MR. KEHOE: Yes.

18 MR. CHIN: He did include the pool?

19 MR. KOSKI: Yeah, the pool eats up a lot  
20 of it. The pool is included in the 50 percent.

21 MR. CHIN: And existing garage also? You  
22 want to build a new garage?

23 MR. KOSKI: Yes.

24 MR. CHIN: And you have another existing

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2 garage?

3 MR. KOSKI: Correct.

4 MR. CHIN: And then you have the pool.

5 MR. FLEMING: The pool is 347 square  
6 feet.

7 MR. CHIN: Huh?

8 MR. FLEMING: The pool is 347 square  
9 feet on the chart here.

10 MR. CHIN: Okay. And then you've got a  
11 framed shed over there, also on the side by the  
12 pool?

13 MR. KOSKI: Behind the pool, there's a  
14 little garden shed, correct.

15 MR. CHIN: That's all got to be included  
16 in the --

17 MR. KOSKI: That is included.

18 MR. CHIN: -- percent?

19 MR. FLEMING: Inside the chart here on  
20 the second page, SP100.

21 MR. KEHOE: Yeah, it's hard to read, but  
22 the chart's up on the screen. That's on the plan  
23 that you submitted, all the mathematical  
24 calculations.

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2 MR. KOSKI: Correct. So after removing  
3 those three structures, with the pool and the  
4 little garden shed that's behind the pool, I'm  
5 short 20 percent of what I'd like to build.

6 MR. KEHOE: Yeah, so the garage is  
7 proposed to be 720 square feet.

8 MR. KOSKI: That is correct.

9 MR. WALSH: Is that 550 removing --

10 MR. CHIN: 720 square feet?

11 MR. WALSH: -- I can't -- so everything  
12 they're removing is 550 square feet, and they're  
13 adding 720?

14 MR. KEHOE: Well, I think -- no, I think  
15 it's minus -- they're removing a shed which is  
16 102 square feet and then removing a framed  
17 storage tent and storage container which is 907  
18 square feet. I think that is what Mr. Chin was  
19 saying. There's going to be two garages when  
20 you're done, correct?

21 MR. KOSKI: Yes.

22 MR. KEHOE: A 550 square foot --

23 MR. KOSKI: Yes, from the picture that  
24 you had put up, on the opposite side of that,

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2 there is a small, it's like my tool shed, is what  
3 it is.

4 MR. CHIN: Well, you've got a tool shed,  
5 you've got existing garage to remain. And then  
6 you're taking out that other garage, the tent and  
7 everything else.

8 MR. KOSKI: Correct.

9 MR. CHIN: And you're going to put  
10 another garage there?

11 MR. KOSKI: One garage.

12 MR. CHIN: Okay. And that one garage is  
13 700 and something square feet, that first one  
14 garage?

15 MR. FLEMING: No, 550 square --

16 MR. KEHOE: No, 550.

17 MR. KOSKI: 550.

18 MR. CHIN: 550.

19 MR. FLEMING: 720 is the new.

20 MR. WALSH: I'm sorry, I think I was  
21 confused. And if you could just answer me. So on  
22 the, Chris, can you pull the photograph back up  
23 from the --

24 MR. CHIN: I think, uh --

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2 MR. FRANCO: So we are actually over  
3 existing accessory structures, correct?

4 MR. WALSH: That's what I'm just trying  
5 to make sure I understand. Okay, yeah. So you're  
6 talking about removing the --

7 MR. FRANCO: All those.

8 MR. KOSKI: All of that.

9 MR. WALSH: Everything in this picture  
10 is being removed?

11 MR. KOSKI: Correct.

12 MR. WALSH: Or the brown garage door  
13 building is going to remain?

14 MR. KOSKI: Correct.

15 MR. FLEMING: Gone. All of those are  
16 gone. That's what --

17 MR. KOSKI: All that gone.

18 MR. WALSH: All of that will be gone,  
19 and the new building will be built there?

20 MR. KOSKI: Correct.

21 MR. FRANCO: So he has, those are those  
22 three buildings.

23 MR. MARTINEZ: So basically, it will be  
24 just the two garage?



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2 MR. KOSKI: Yeah, so there's one on the  
3 opposite side that you can't see. It's probably  
4 on the drawings, but it's not in the picture.  
5 It's my tool shed.

6 MR. KEHOE: All right, the site plan  
7 shows the existing garage to remain and then the  
8 proposed garage is behind it, you go further down  
9 the driveway.

10 MR. KOSKI: They're actually opposite  
11 from one another.

12 MR. KEHOE: Yeah.

13 MR. WALSH: So just from the chart,  
14 we're already over, it looks like 2,256 is what's  
15 existing for structures on there. And with the  
16 variance, it's actually going to be lower. It's  
17 only going to be -- we're actually going down to  
18 1,742. Am I correct in my reasoning here? If I'm  
19 looking at the chart --

20 MR. KEHOE: Well, yeah, I mean maybe  
21 Martin didn't calculate -- I mean --

22 MR. WALSH: It shows existing 2,256,  
23 proposed 1,742. So we're actually lowering it by  
24 what's that, 600 square feet almost, with

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2 removing those three, three buildings and the  
3 tent, I guess, whatever is there.

4 MR. KEHOE: Yes.

5 MR. CHIN: The new garage that you're  
6 proposing over there, what's the height of that  
7 garage?

8 MR. KOSKI: Martin in town I'm only  
9 allowed to go ten feet high, that's town code.

10 MR. KEHOE: So that was some confusion  
11 about that too. I think you send me over like a  
12 catalog cut from a potential garage company.

13 MR. KOSKI: Yeah.

14 MR. KEHOE: Maybe just to give an idea  
15 of what it would look like.

16 MR. KOSKI: Right.

17 MR. KEHOE: But I think the height is  
18 shown on that drawing as 17 feet.

19 MR. CHIN: Yeah, it was showing a 14 or  
20 16 foot height. And that's only to the eave, and  
21 that's not to the ridgeline.

22 MR. KOSKI: When I originally submitted,  
23 I had 12 foot high, and then I resubmitted to  
24 Martin because I didn't know that the town code

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2 was ten foot.

3 MR. CHIN: Okay.

4 MR. KOSKI: So then I have a revised  
5 copy here from the garage company, what a ten  
6 foot height, a ten foot side wall height max.

7 MR. CHIN: Yeah, that's up to the eave  
8 and then a slight pitch to the ridgeline.

9 MR. KOSKI: Correct.

10 MR. FRANCO: So the variance is only  
11 asking for the accessory structure, not for --  
12 he's going to be compliant --

13 MR. CHIN: Well, again --

14 MR. FRANCO: -- he's going to be  
15 compliance with height based on building permits.

16 MR. KOSKI: Correct.

17 MR. FRANCO: Yeah.

18 MR. CHIN: Well, we didn't know it based  
19 on the, what we got here on the package.

20 MR. FRANCO: Yeah.

21 MR. CHIN: It says 14 to 16 foot high  
22 garage.

23 MR. KEHOE: You have a catalog cut that  
24 is showing it to Martin's satisfaction?

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2 MR. KOSKI: Yes.

3 MR. KEHOE: Okay.

4 MR. KOSKI: Yeah, I gave him the revised  
5 copy of the new dimensions. For now, it's ten  
6 foot high side height.

7 MR. KEHOE: So that answers the  
8 question.

9 MR. CHIN: We don't, yeah, we don't have  
10 that. I mean that's why, all right. And the  
11 garage is what, what a two-car garage, is that  
12 what it is?

13 MR. KOSKI: Two-car wide, correct.

14 MR. CHIN: So the garage is two foot,  
15 two-car garage wide, and how deep is the garage?

16 MR. KOSKI: I asked for it to be 24 x  
17 30.

18 MR. CHIN: Why 30? Normal car is only  
19 about 18 feet.

20 MR. KOSKI: I know.

21 MR. CHIN: Why the extra 12 feet?

22 MR. KOSKI: I got a lot of toys.

23 MR. CHIN: Well, I'd like to know what  
24 kind of toys, you want, you know --

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2 MR. KEHOE: Well, but along those lines,  
3 code enforcement did go out to your site.

4 MR. KOSKI: Correct.

5 MR. KEHOE: I don't, I don't recall  
6 exactly why they went out to the site, but a  
7 report was submitted by the engineering  
8 department to code enforcement, concerns about  
9 contractor's yard or something like that.

10 MR. KOSKI: Correct.

11 MR. KEHOE: But I believe that that was  
12 remedied.

13 MR. KOSKI: It was. I had an old dump  
14 truck sitting on way back on the property, so  
15 when they did the site visit, they told me to get  
16 it off the property and I had it removed.

17 MR. KEHOE: Right. So, I shared some of  
18 your concerns because the engineering report that  
19 I saw, a lot of pictures, there's a lot of toys,  
20 as you say, out there.

21 MR. KOSKI: Correct.

22 MR. KEHOE: And code enforcement has  
23 determined it is not functioning as a  
24 contractor's yard.

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2 MR. KOSKI: Yeah. I have my own --

3 MR. CHIN: That's one thing we don't  
4 want is a contractor's yard.

5 MR. KOSKI: No, I own my own business.  
6 But my shop is on Kruger Station Road. I have my  
7 own shop. Martin knows that. So I'm not running a  
8 business out of my home.

9 MR. CHIN: Right. No, I've seen, I  
10 understand what you're saying, but I've seen  
11 where other people have also, and they've got a  
12 bit parcel of land and everything else and all of  
13 a sudden, I see a backhoe sitting there for two  
14 years, you know what I mean.

15 MR. KOSKI: Right.

16 MR. CHIN: And why does he have it  
17 there? You know what I mean?

18 MR. KOSKI: Right.

19 MR. KEHOE: But even that, you're  
20 allowed a certain, which I was surprised about.  
21 You can have a truck on your property, can't you?

22 MR. FRANCO: One commercial vehicle.

23 MR. KOSKI: Well, it was a commercial  
24 vehicle, so he told me it was best to remove it,

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2 so I just got rid of it, because it was  
3 abandoned, there was no plates on it. And it was  
4 left there from the previous owner and it was  
5 just forgotten about. But we just, we had it  
6 scrapped, so it's gone.

7 MR. WALSH: And we're actually, it's  
8 lessening the amount of overage. It's going from  
9 2,200 square feet down to 1,700 square feet, so,  
10 accessory structure. So it is getting closer to  
11 compliance. And as I go through our five factors,  
12 I don't believe it's an undesirable change. I  
13 actually think cleaning up the yard, getting rid  
14 of all the other --

15 MR. KEHOE: Don't forget though it's a  
16 public hearing. Do we want to hear --

17 MR. DOUGLAS: Oh, we do want to hear  
18 before we make comments.

19 MR. WALSH: Sorry.

20 MR. MARTINEZ: Anybody in the public  
21 that wanted to --

22 MR. FLEMING: Anybody on the Zoom  
23 hearing have comments, if you'd raise your hand.

24 MR. KEHOE: I did receive a few

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2 inquiries of emails and a phone call and I  
3 explained the application. And you have a big  
4 piece of property without too many neighbors.

5 MR. KOSKI: Yes.

6 MR. KEHOE: So you didn't have to send  
7 too many public hearing notices out. But I did  
8 answer a few residents questions, so, and they  
9 chose not to attend, I guess.

10 MR. KOSKI: Yeah. I mean like even one  
11 of my neighbors, my next door neighbor, Pan, I  
12 don't know if they reached out to you or not.

13 MR. KEHOE: What was the name?

14 MR. KOSKI: Pan, 2029.

15 MR. KEHOE: I don't --

16 MR. KOSKI: She left, she left me a  
17 letter today at my doorstep saying not a problem,  
18 you know, I have the letter here if you want to  
19 see it. She left me the letter. But --

20 MR. DOUGLAS: Yeah, you should give a  
21 copy, just so we have it as part of the record.

22 MR. KOSKI: Okay.

23 MR. DOUGLAS: Okay.

24 MR. KOSKI: I get along with all my



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2 neighbors. This house was originally my parent's  
3 house, so I've only lived off the property for  
4 two years after my father passed away, so I've  
5 basically lived here my whole life. A lot of the  
6 neighbors have been there for over 30 years, and  
7 like I said, I get along with all my neighbors.  
8 Nobody has a problem with me. You know, we help  
9 each other, snowplow or whatever. And this garage  
10 is in the way backyard. You won't even visibly be  
11 able to see it from the street. And it doesn't  
12 encroach any of my neighbors to give them any  
13 reason to be upset about it.

14 MR. FRANCO: Yeah, that, this is Frank  
15 Franco. I, that was my concern if you could see  
16 it from the street.

17 MR. KOSKI: No. You wouldn't realize  
18 driving past my house that between the two  
19 properties, it's over 11 acres, you wouldn't even  
20 know it.

21 MR. FRANCO: Okay. Yeah, from what I  
22 could see from the pictures and online, I  
23 couldn't assess if it was visible or not, so.

24 MR. KOSKI: Yeah, no, it's in the way

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2 backyard.

3 MR. DOUGLAS: Yeah, and I think what you  
4 referred to is an important point, because it  
5 does not appear to have impact on any of your  
6 neighbors. And it's also a large property.

7 MR. KOSKI: Correct.

8 MR. DOUGLAS: And, in the past, we've  
9 taken that sort of situation into account,  
10 because it's different if you're surrounding  
11 immediately by neighborhoods on a smaller piece  
12 of land as opposed to --

13 MR. KOSKI: Yeah, because I bought the  
14 parcel next door. I also own 2023 Maple Avenue,  
15 so I am the next door neighbor that's on top of  
16 myself.

17 MR. FRANCO: And again, I think I was  
18 asking some of these questions about whether it  
19 was visible because, I don't think we know what  
20 the shed's going to look like, based on what's  
21 been submitted, right. If this is just an example  
22 shed, so if it was visible, I'd say maybe it  
23 would be helpful to show an actual rendering of  
24 what the shed looks like, so we can assess it,

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2 but if it's not visible from the street, then I'm  
3 okay with it.

4 MR. DOUGLAS: Yeah, I don't think it is.  
5 I went out to the site. And obviously, I didn't  
6 drive on to your property.

7 MR. KOSKI: That's okay.

8 MR. DOUGLAS: And I, so I stayed on the  
9 edge of Maple, and from what I could tell, it  
10 would not be visible. Of course, while I was  
11 there, half the time I was looking in my rearview  
12 mirror to make sure I didn't get rear-ended. It's  
13 not a smart idea to stop a car on Maple Avenue.

14 MR. KOSKI: Maple Avenue is a little  
15 speedy of a road.

16 MR. CHIN: Well, I mean the new garage  
17 is actually, I would say is probably going to be  
18 better looking than a tent and the other garage.

19 MR. KOSKI: Yeah, my wife will say the  
20 same thing.

21 MR. FLEMING: I think after reviewing  
22 the five factors, the only one that would  
23 probably lean against you in my opinion is that  
24 it's self-created, but again, that's not a

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2 determining factor, determinative factor. I think  
3 at the end of the day, everything else kind of  
4 leans in favor of approval.

5 MR. CHIN: Mike, you're going to have to  
6 get the microphone a little closer to you.

7 MR. FLEMING: Sorry. I think, I think  
8 reviewing the other four factors, they all lean  
9 in favor of approval.

10 MR. WALSH: I agree. And it's coming in  
11 more compliance than what it was in getting rid  
12 of all the other accessory structures. I mean one  
13 structure that's new and non-visible from the  
14 street, you know, as I go through the five  
15 factors, you know, I really can't see any of them  
16 that would lean me towards not granting this  
17 variance.

18 MR. FLEMING: I think we can close the  
19 public hearing and --

20 MR. MARTINEZ: I agree with --

21 MR. FLEMING: -- [unintelligible]

22 [01:18:57] we could vote tonight.

23 MR. DOUGLAS: Yeah, we can take it to a  
24 vote.

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2 MR. FLEMING: Yeah, okay.

3 MR. MARTINEZ: Yeah, I agree with my  
4 colleagues, so.

5 MR. KOSKI: Okay. Thank you.

6 MR. MARTINEZ: So I --

7 MR. DOUGLAS: Anybody else in the  
8 audience?

9 MR. MARTINEZ: Anybody else in the  
10 audience want to say anything?

11 MR. DOUGLAS: No, okay.

12 MR. MARTINEZ: Then I propose to close  
13 the case 2023-3.

14 MR. DOUGLAS: Close the public hearing,  
15 you have to close the public hearing first.

16 MR. MARTINEZ: Oh.

17 MR. DOUGLAS: We need a motion first to  
18 close the public hearing.

19 MR. MARTINEZ: Motion to close the  
20 public hearing?

21 MR. WALSH: Second.

22 MR. DOUGLAS: Okay. All in favor?

23 MULTIPLE: Aye.

24 MR. DOUGLAS: Any opposed? Okay, the

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2 public hearing is closed.

3 MR. MARTINEZ: The public hearing is  
4 closed, and now the case number 2023-3 --

5 MR. CHIN: Grant the variance.

6 MR. MARTINEZ: I grant the variance for  
7 allowing the 50 percent --

8 MR. CHIN: To 70.

9 MR. MARTINEZ: -- to 70.

10 MR. KOSKI: Thank you.

11 MR. CHIN: And this is type 2 under  
12 SEQRA, no further compliance is required.

13 MR. MARTINEZ: No further compliance is  
14 required.

15 MR. DOUGLAS: Great. Okay. Anyone want  
16 to second that motion?

17 MR. CHIN: I'll second it.

18 MR. DOUGLAS: Okay. All in favor?

19 MULTIPLE: Aye.

20 MR. DOUGLAS: Any opposed? Okay, the  
21 variance is granted. Good luck.

22 MR. KOSKI: Thank you very much.

23 MR. KEHOE: So I'll prepare a decision  
24 and order. It might not be until Monday.

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2 MR. KOSKI: Okay.

3 MR. KEHOE: And then that will get sent  
4 to you and over to Martin and then once he has  
5 that, he can progress any required permits.

6 MR. KOSKI: Okay. Thank you very much  
7 everybody.

8 MR. MARTINEZ: Good luck.

9 MR. DOUGLAS: Good luck to you. Thank  
10 you. And now we'll move to the last case of the  
11 night is 2023-4, application of David Fornelos  
12 for area variances for proposed additions,  
13 including a garage to an existing residence  
14 located at 12 Crestview Avenue. And Mr. Fleming,  
15 this is yours, right?

16 MR. FLEMING: No, no, I think Tom's.

17 MR. WALSH: Mine, it's mine.

18 MR. DOUGLAS: Oh, I'm sorry, my notes  
19 say Tom.

20 MS. ANGELA FORNELOS: Hi.

21 MR. WALSH: How are you tonight, can you  
22 just state your name and your address.

23 MS. FORNELOS: Thank you. Angela and  
24 this is my husband David, we're at 12 Crestview

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2 Avenue in Cortland. So this is my first time  
3 being at a board meeting, so please let me know  
4 if you have questions, any additional information  
5 that you need as well. So, if you have any  
6 questions, obviously, based off of square  
7 footage, David will be able to answer that. I'm  
8 just going to go over a little bit of what we're  
9 looking to do.

10 So our driveway currently slopes, so  
11 we're getting water into our garage currently. We  
12 do have a sump pump. We have replaced it quite a  
13 few times, we're still getting water, we also  
14 have had the town put in a curb, which usually  
15 gets destroyed during plowing season. They are  
16 nice enough to come back and redo that for us.  
17 But we do have an issue with that, along with the  
18 fact that both cars don't fit in the driveway, so  
19 we have to park on the street. So what we're  
20 intending to do is just improve the neighborhood,  
21 get the cars off the street, fix that slope for  
22 that driveway and just really have a better  
23 overall appearance, a safer appearance.  
24 Additionally, I have a daughter that's going to



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2 be driving in probably about a year, so that  
3 could be another potential car that we need to  
4 find space for.

5 We have strived to look at different  
6 options. At the time we've been working with a  
7 local architect. I believe the laws have changed  
8 in regards to corner lots. And what's considered  
9 front yard. So that is one of the other issues  
10 that's making the variance a little bit more on  
11 that side. We have looked at other options like I  
12 said. In our backyard, that would not only make  
13 the entrance go out into Edgewood, but also we do  
14 have draining issues in our backyard as well. It  
15 also would make it like a longer walking distance  
16 to the house. I do have a degenerate joint  
17 disease as well, so that comes into play when  
18 you're making a longer driveway from the backyard  
19 as well. So again, when we were initially  
20 planning this with the architect, a lot of these  
21 factors weren't coming into play because the size  
22 that we had was a little different.

23 As for the other side, for the addition,  
24 it's just a minimum of six inches that we're

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2 looking for. I believe that's mainly because the  
3 house, when it was previously built is skewed. So  
4 that's where that six inches come into play. And  
5 I guess that's it in a nutshell. I know there's  
6 probably a few other things.

7 MR. DAVID FORNELOS: So ultimately, I'll  
8 go through those five factors again, briefly. So  
9 the undesirable change in the neighborhood, you  
10 know, again, we are trying to make our house the  
11 best that we can possibly make it. You know, I am  
12 a contractor, I'm a construction professional. So  
13 we don't like having cars on the street.  
14 Ultimately, there's a stop sign right at the  
15 corner. We weren't aware of the drainage issues  
16 and the flooding into our basement and into our  
17 garage previously to buying the house, which is a  
18 common problem to houses that have sloping  
19 driveways. In the winter, it is difficult, we  
20 can't park on the street because of the ice  
21 building, salt. I mean I can't tell you how many  
22 times I've already, you know, hit my retaining  
23 wall with the back end of my truck because it's,  
24 there's no grip, there's no way to get it out.

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2 You know, until I got rid of my Jeep, that was  
3 the only way I could pull it out. But  
4 unfortunately, there's nothing that we can do  
5 about it.

6 We just want the overall appearance, you  
7 know, our kids are constantly running across the  
8 neighbor's street, the neighbor's house, to go  
9 play with them. I don't want them darting out in  
10 front of a car. I have to watch from the street  
11 to make sure they're looking both ways. It's a  
12 nuisance, you know, especially for anybody that's  
13 at the stop sign.

14 Otherwise feasible, there's no otherwise  
15 feasible. When we, we've been working, like I  
16 said, with the architect, my wife has said, with  
17 the architect and we've been working with the  
18 planning board. I've sat down with Martin many  
19 times because I just want to do it right the  
20 first time. And back when we were planning  
21 everything, last, not last December, but the  
22 December prior, the side yard, the corner lot  
23 laws changed. The code had changed where now we  
24 have one front yard, not two front yards. So when

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2 we went through all the planning and planning the  
3 backyard and what we were going to do and make  
4 the backyard as best as we can for my family, the  
5 setbacks were different for the side yard for  
6 what we were proposing to do for the garage.

7 Unfortunately, because the choice was we  
8 only have X amount of money, we're not going to  
9 open permits and go for variances, we're going to  
10 do things in stages. The garage then was, the  
11 code changed in July. So we applied for permits,  
12 I believe it was in early, early spring. I want  
13 to say about March. So we applied for permits in  
14 March for the backyard, and then code changed in  
15 July, last July. And was, I wasn't even aware of  
16 that until we started with zoning for the  
17 variance.

18 Again, you know, going to, what does  
19 that say? You don't know what this says? She  
20 can't read her own handwriting. Substantial? So  
21 we've been working with a local architect on the  
22 other side of the house, unfortunately because  
23 our house is not -- it's skewed from the property  
24 lines. On the backend, there is a six inch

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2 difference, six inch to a foot and on the  
3 frontend, it's further up. Again, going back to  
4 the backyard, I did the best that I could. We put  
5 up a privacy fence all around the backyard. We've  
6 gotten plenty of compliments from a large amount  
7 of the neighbors, where they love the work that  
8 we're doing and if anything, all it's doing is  
9 raising property value to the neighborhood.

10 MR. DOUGLAS: Can I ask a question, just  
11 to make sure I understand what you said. The  
12 house is skewed a little. So as it exists right  
13 now, you need the variance, or for what you're  
14 proposing? You only need a variance --

15 MR. FORNELOS: For what we're proposing,  
16 for what we're proposing, to build it out.

17 MR. DOUGLAS: No, what I'm saying is  
18 that as it is now, because of it being skewed, is  
19 it --

20 MR. FORNELOS: It's to code as it sits  
21 now.

22 MR. DOUGLAS: It's within code as --

23 MR. FORNELOS: It's within code.

24 MR. WALSH: But it's not square, I think

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2 to --

3 MR. FORNELOS: It's not square to the  
4 property line, so when we're doing the addition,  
5 when we're looking to do the addition to our  
6 neighbor's side, not to the street side --

7 MR. DOUGLAS: Oh, okay.

8 MR. FORNELOS: -- there's going to be a  
9 slight difference of --

10 MR. DOUGLAS: Oh, because the house is  
11 skewed, that's correct?

12 MR. FORNELOS: Correct. Uh --

13 MR. KEHOE: So I guess what you're  
14 saying is the front of the house on the side  
15 doesn't need a variance, but the back corner  
16 needs a foot variance.

17 MR. FORNELOS: On the left side of the  
18 house, correct.

19 MR. KEHOE: Yes.

20 MR. FORNELOS: Of what we're proposing.  
21 Going back to what Mr. Douglas said, the house  
22 was not to code prior to, because our setbacks  
23 for the front yard were 30 feet, but then when  
24 they changed the code to now I have one front

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2 yard. That other front yard is now a side yard. I  
3 don't need, I didn't need that 30 foot setback.  
4 So the house was not compliance prior to, as  
5 well. But now it is.

6 Self-created, again, we were unaware of  
7 the water issues. The town has been great with,  
8 you know, coming in, and every spring, they put  
9 in a curb, you know. They put in a curb, and  
10 we're like oh, it looks great. And then the plow  
11 trucks come and, you know, I try to put some  
12 markers out or something, but they just get taken  
13 out as well. I understand storms, you can't see,  
14 visibility, it happens, curbs get ripped up. And  
15 unfortunately, come spring, during the thaw,  
16 during the heavy rains, all that water just comes  
17 down.

18 I do have photos. Unfortunately, I  
19 didn't submit them to Chris Kehoe. This has been  
20 kind of crazy trying to get things organized and  
21 done, but and then, as far as adverse environment  
22 impact, there's really nothing. We've been as  
23 compliant as we can be, even with the previous  
24 construction of the backyard, trying to alleviate

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2 drainage issues to our rear neighbor. There was  
3 always a puddle, just tons of water. We've  
4 alleviate that issue somewhat, but we can't build  
5 a garage in the backyard. I can't have my wife,  
6 unfortunately, you know, as great as it would be  
7 for me, so I can lose some weight, but I don't  
8 want her walking up and down a sloped backyard  
9 with the condition that she has.

10 So that being said, I know that the, we  
11 have a lot of people here that are going to want  
12 to have something to say regarding the matter.  
13 There is some false recognition of what  
14 encroachment is. I would like the board if they  
15 could, you know, help educate of what exactly  
16 encroachment is. There's quite a bit of  
17 confusion, especially with the driveway,  
18 apparently. People have thought that we're  
19 building the driveway out to Edgewood. We're not  
20 doing an entrance out to Edgewood. We're keeping  
21 the driveway exactly where it is. We just want to  
22 widen it. The garage, the intended purpose for  
23 the garage is storage. Unfortunately, she knows  
24 that I am a motorcycle enthusiast, she's not



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2 happy that I'm a motorcycle enthusiast. She does  
3 not want cars, a ton of cars, especially  
4 motorcycles in the driveway, so that's what the  
5 intended purpose for the garage is.

6 There's been some talk about commercial  
7 use. I have built things at my home, like  
8 everybody else does, you know, building a table,  
9 building a bed. Recently, this week, she wants to  
10 kill me for buying my daughter a 20, uh, 56-  
11 gallon, a 65-gallon fish tank, so I built a stand  
12 for her bedroom. Where are we going to build  
13 this? We're going to build it in the driveway,  
14 we're going to build it in the front yard. She  
15 would have my head if I'm cutting wood in the  
16 living room. The house isn't that huge. So I  
17 think what's proposed and what we're doing,  
18 again, it's not intended for commercial use. It's  
19 just to help build a better life, quality of life  
20 for my family. That's why we put in the pool.  
21 That's why we fixed the backyard. She's from  
22 Rhode Island and she's used to a lot of land. You  
23 know, chickens and rabbits. That doesn't happen  
24 here. So we bought the best house that we

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2 possibly could in the best neighborhood that we  
3 felt that we can raise our children and we're  
4 doing the best that we can with it.

5 So I do know that there's some people  
6 probably on Zoom that might want to chime in.  
7 While we haven't received a lot of support from  
8 our, some of our neighbors, I'm sure Chris  
9 already included emails and such of support. I  
10 did make copies if you guys needed them,  
11 nonetheless --

12 MR. DOUGLAS: We've got copies of the  
13 various emails, both in support and opposed.

14 MR. FORNELOS: Okay. And I mean I've  
15 been as compliant as I could be. There were  
16 trailers on the property, in regards to the  
17 previous construction that we were doing. Those  
18 trailers have been removed. We are done with the  
19 backyard, for the most part, as far as  
20 construction goes there. And there was a  
21 temporary tent, a popup garage so to speak, which  
22 was put there specifically for reference on the  
23 side yard parallel to the street of where the  
24 current garage is proposed to be put in place,

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2 just to see if what we're trying to do is  
3 actually going to work and solve the issue, if  
4 that's enough space needed, which it was. So we  
5 kept it pretty much right where it's supposed to  
6 go. So if there's any other questions or anything  
7 that I can answer now, or I can always answer  
8 them later.

9 MR. WALSH: I think we'll hear from the  
10 public and then we can ask, bring you back up if  
11 we have any further questions.

12 MR. FORNELOS: Was there anything on the  
13 five factors that maybe we didn't answer?

14 MR. WALSH: No, I think you went through  
15 all of them, and then if we have any follow up  
16 questions, then we'll bring you back.

17 MR. FORNELOS: We probably did it twice  
18 almost.

19 MR. WALSH: Does anybody from the public  
20 want to speak? Would you please state your name  
21 and address, please.

22 MR. ED DRENGA: Sure. My name is Ed  
23 Drenga and I live at 8 Crestview Avenue, which is  
24 about two doors down. I appreciate his, his

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2           attempt to, you know, improve his property and  
3           house. Our, my concern and some of my neighbor's  
4           concerns is this. He's been living at the  
5           property for over six years. During that time,  
6           he's had two work trailers there with his  
7           business advertised on it, and, you know, in the,  
8           on the road, on the side part of their property,  
9           on the front lawn. And basically it's like having  
10          two billboards on the street. And one of our  
11          concerns, my concern, and I'll speak just for  
12          myself, is that even though he's doing work to  
13          this property, he's also had for the past six  
14          years, continually workers working on his front  
15          lawn with power tools and everything, and it's a  
16          continual thing.

17                   And I improved my property too. I've  
18                   built out the kitchen, I've built upstairs. A lot  
19                   of people have built out the property. It hasn't  
20                   ever gone to the extent of work, what they're  
21                   doing. And one of the concerns that I have is  
22                   that with his two trailers that have been  
23                   constantly, except for the past month, they're  
24                   not there now, coincidentally, but for the past

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2 six years, they've been on his property and we're  
3 concerned that he's going to, with the garage,  
4 with the extra driveway, he could put his  
5 trailers not on his lawn or the side of his  
6 house, he actually had them where he intends to  
7 extend his house. But he could put them on his  
8 driveway and block sightline for people who are  
9 coming up Edgewood and are going to that stop  
10 sign When you look right, you have, generally  
11 speaking, two trailers, two cars and three  
12 motorcycles, which blocks the sightline. And it  
13 would be great if he uses the garage to get rid  
14 of some of the vehicles, but it's only a one car  
15 garage. I'm not sure what he's going to be able  
16 to do in addition to keeping the trailers on his  
17 property. And this is what our concern is, is  
18 that it does affect the type of residential  
19 neighborhood we have. It's not residential  
20 because it looks like a construction yard.

21 So, you know, and a little bit of an  
22 aside, about two and a half years ago, at 4  
23 Crestview, we had Universal Healing Arts who  
24 wanted to have a variance because they wanted to

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2 change their property from where the lawyers were  
3 to their business and we were concerned as a  
4 neighborhood that they were going to have a  
5 business that was going to encroach in our  
6 neighborhood, even though they're zoned for  
7 business, we were concerned it was going to  
8 affect our neighborhood. They told us it wasn't  
9 going to, they could keep all their business on  
10 their property, on their drive, on their parking  
11 lot. Well, it hasn't happened. They come and park  
12 in front of my house, they park in front of other  
13 neighbors' house and they come halfway down the  
14 street. So we're getting it from both sides. We  
15 have trailers with advertisements on one side and  
16 I have this business encroaching on my property  
17 on another side. So it is impacting my quality of  
18 life. So, that's it.

19 MR. WALSH: Thank you.

20 MR. DOUGLAS: Thank you. [applause]

21 MR. WALSH: Anybody else from the public  
22 like to speak? Just step up, you can step up.  
23 Name and address, please.

24 MS. ROMANO: Good evening, my name is

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2 [unintelligible] [01:38:34] Ramano. I live at 14  
3 Crestview Avenue, next to Mr. Fornelos. I lived  
4 in my house 32 years. I apologize if my English  
5 is not correct, it's my second language. I'm an  
6 immigrant from Poland and a U.S. citizen. I am  
7 classical pianist, background in classical music  
8 and I am a church musician. I'm a widow, my  
9 husband passed away eight years ago of brain  
10 disease and I have two grown up sons who live  
11 somewhere else, in different states.

12 I just would like to state that I don't  
13 take any pleasure complaining because I never  
14 complain, we always had wonderful neighbors and  
15 we lived all in peace and harmony. But since Mr.  
16 Fornelos moved in, my life hasn't been the same.  
17 And I have to -- you have to know it, because  
18 it's crucial that I have been treated with utmost  
19 disrespect, intimidation and in the most  
20 demeaning way. I believe it's been happening  
21 because I'm a woman, I'm immigrant and a widow.  
22 And if he knew that somebody could speak for me,  
23 it wouldn't have happened.

24 Here are examples. Several years ago, we

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2 had very, very few interactions, very few. But on  
3 occasion I would ask how long is this project  
4 going to take? Because as my neighbor mentioned,  
5 Mr. Drenga, it's been ongoing. The front lawn  
6 looks very often like a construction site, heavy  
7 machines, power sawing, drilling, workers, bunch  
8 of workers urinating on the lawn in front of my  
9 eyes. Filth, dust from it in my house, I cannot  
10 describe to you what kind of dust, what kind of  
11 pollution.

12 I pay taxes for the residential area,  
13 not for some permanent construction site. So when  
14 I asked several years ago about certain  
15 situation, how long is it going to take the  
16 answer was the inspectors in the town hall are my  
17 buddies and I can do whatever I want. And this is  
18 the basic reason I am so concerned, because you  
19 can refer to any zoning rights and regulations  
20 you want, but this is what I'm dealing with on  
21 daily basis, this kind of language and this kind,  
22 that I'm nothing as a neighbor, I don't  
23 [unintelligible] [01:41:39]. I am reduced to I  
24 don't know what.



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2 The other day, in August, I asked about  
3 this project in the backyard, which is the  
4 swimming pool, I think something like the outdoor  
5 kitchen, fine, everybody is entitled to make  
6 improvements. But since I believe he, he does a  
7 lot of things himself because he's qualified to  
8 do that, it takes tremendously long. This lasted  
9 I think ten months, constant ongoing noise, even  
10 on weekends, after dark. So I asked in August how  
11 long is it going to take? I, the reply was the  
12 day is beautiful is shining and I see that you  
13 woke up unhappy again.

14 I'm asking you if we live in a civil  
15 society, or am I going to be treated like this?  
16 This is why I don't want even an inch, the  
17 distance between our houses, an inch closer,  
18 because I'm being intimidated, demeaned, I'm not  
19 treated like an equal. And I have absolutely  
20 nobody to speak for me.

21 The other day last week, I was walking  
22 and Mr. Drenga was talking to Mr. Fornelos. I  
23 approached, I thought that he would give me some  
24 information because he never spoke to me about

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2 it. I learned from the yellow sign. I'm the next  
3 door neighbor and he didn't inform me that there  
4 would be such a thing. So I approached him, he  
5 turned to me and said, I'm not talking to you,  
6 I'm talking to Mr. Drenga, when I want to talk to  
7 you, I will tell you, and besides you are a very  
8 rude person. I left, I had another appointment, I  
9 couldn't.

10 But, but there is no, he controls the  
11 conversations, he manipulates, all of a sudden,  
12 miraculously, those trailers disappear, because  
13 probably of this meeting. The trailers have been  
14 there for all those years, an eyesore for  
15 everybody, people complained. They'd say what is  
16 that, this is supposed to be residential area. We  
17 pay taxes for the residential area. When I bought  
18 this house, I thought I was entitled to a certain  
19 standard of living, which has been taken away  
20 from me and now more of my privacy will be taken  
21 away.

22 One time, Mr. Fornelos told me about  
23 these piles of wood construction materials, he  
24 told me this is my business, this is what I do

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2 for a living. But I would like to bring my part.  
3 I'm a musician, part of my work, a big part, is  
4 working at home. I have to rearrange choral music  
5 for two choirs. It's a highly intellectual and  
6 creative work. And I don't know how I'm going to  
7 live because now there will be another year of  
8 this noise ongoing, as I said, that the hours are  
9 not even controlled. It goes on and on and on.  
10 And thus, a lack of privacy in everything. I mean  
11 can one neighbor be entitled to all those changes  
12 and the other neighbor has to suffer the  
13 consequences. I've been through suffering enough.

14 The other thing is many neighbors  
15 complained about this enormous, this tremendously  
16 loud truck. I don't know something has been  
17 changed in the engine, I, I'm not familiar, but  
18 the truck is, I don't know, three times louder  
19 than a regular truck. He conducts, I guess,  
20 business, he talks on the phone, from the truck  
21 for 30 minutes, 40 minutes, with this noise  
22 almost in front of my windows, and fumes going to  
23 my, to my windows, right. I cannot open the  
24 windows. Many times he will obstruct, how to say

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2 block the entrance to my --

3 MR. DOUGLAS: Ma'am?

4 MS. ROMANO: -- house.

5 MR. DOUGLAS: Yeah, excuse me, ma'am.

6 I'm reluctant to interrupt, but we all need to

7 focus on the specifics --

8 MS. ROMANO: I know.

9 MR. DOUGLAS: -- of, the specifics of  
10 his application.

11 MS. ROMANO: I apologize.

12 MR. DOUGLAS: And I, I understand that  
13 you've had issues with him in the past, and maybe  
14 there are ongoing issues. But if you could just,  
15 if you have anything to say about the specifics  
16 of what he's proposing now, that would be, that  
17 would be more helpful.

18 MS. ROMANO: So I can, I wish I could be  
19 more eloquent, because I don't know the exact  
20 regulations. I can only say that if there will be  
21 the addition on my side of the house, it will  
22 take more privacy and it will lower the quality  
23 of my life in a significant way.

24 MR. DOUGLAS: I appreciate that. And in

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2 the future, if you think that he is violating  
3 some sort of town, you know, by noise or work  
4 he's doing, feel free to contact the town, you  
5 know, contact code enforcement and they'll,  
6 they'll look into it.

7 MS. ROMANO: It's just that, you know,  
8 it's hard for me, I'm not this kind of person to  
9 complain about other people, but --

10 MR. DOUGLAS: Okay. Well, I'm just  
11 saying that if a lot of what you were talking  
12 about and the things that happened in the past.  
13 And if there's future complaints you have, feel  
14 free to contact the town. I don't know the number  
15 for code enforcement off the top of my head, but  
16 just contact code enforcement and they'll look  
17 into the situation and determine if what he's  
18 doing is within his rights to do or if it's not.  
19 And maybe that can resolve things going forward.  
20 Okay.

21 MS. ROMANO: Thank you very much.

22 MR. WALSH: The town also has a new  
23 feature. You can file complaints online, right  
24 Chris? So that's part, you know, you don't even

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2 have to call the town, you can open up a  
3 complaint online without actually calling Martin  
4 or anybody in the code enforcement office.

5 MR. CHIN: If she doesn't know how to do  
6 that, the best thing is to just make a phone  
7 call. All right.

8 MS. ROMANO: Thank you very much.

9 MR. WALSH: Thank you.

10 MR. DOUGLAS: Thank you. Anybody else?

11 MR. WALSH: Anybody else?

12 MR. PEDRO BAEZ: Good afternoon, Mr.  
13 Chairman, board members, fellow neighbors.

14 MR. DOUGLAS: You can pull the  
15 microphone out if that's easier for you.

16 MR. BAEZ: So I live on 3 Edgewood Road  
17 with my fiancé Gelane Warren [phonetic]. The  
18 Fornelos are my fellow neighbors.

19 MR. DOUGLAS: What's your name?

20 MR. WALSH: What's your name?

21 MR. BAEZ: Pedro Baez, sir. I don't  
22 agree with the plan, specifically with the  
23 extension of the garage because that will impede  
24 my view of Crestview Avenue. There is a school

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2 bus that stops up there. There are children that  
3 come on and off. Me and my wife have two small  
4 children, we have a three-year old and a four-  
5 month old.

6 In terms of the closing of the existing  
7 garage, I'm just a little concerned of where the  
8 water will be going. I live at the bottom of the  
9 slope, so I do get a lot of runoff, so I do deal  
10 with water issues myself. Those are just my  
11 general concerns for 3 Edgewood Road. Thank you.

12 MR. WALSH: Thank you so much.

13 MR. DOUGLAS: Thank you.

14 MR. WALSH: Anybody else have any  
15 comments from the public? Anybody from Zoom?

16 MR. KEHOE: Well, I may not have the  
17 numbers exactly right, but roughly 13 or 14  
18 emails in opposition and roughly seven or eight  
19 in support. One of the emails in support was from  
20 Mr. Yun, and he has commented a couple of times  
21 on Zoom, reiterating his support of the  
22 applicant, but I don't believe he wishes to  
23 speak, he's been putting it in the chat.

24 MR. DOUGLAS: What is his address? Do

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2 you know?

3 MR. KEHOE: I don't -- Mr. Yun?

4 MR. FORNELOS: He's 11?

5 MR. KEHOE: I can find it.

6 MR. DOUGLAS: Is he directly across the  
7 street from you?

8 MR. JOHN YUN: Can you hear me?

9 MR. KEHOE: Yeah, he's on now, yeah. Go  
10 ahead.

11 MR. YUN: I live across, right across  
12 the street at 11 Crestview.

13 MR. KEHOE: Thank you.

14 MR. YUN: Yeah, can I speak or do you  
15 want me to --

16 MR. KEHOE: Sure.

17 MR. WALSH: Yeah, you can give your  
18 comments.

19 MR. CHIN: Yeah, we hear you.

20 MR. YUN: Sure, yeah, no, I just wanted  
21 to voice my support for all the neighbors,  
22 specifically Mr. Fornelos. He's been a very, I  
23 mean at least to me, courteous and amicable, and  
24 you know, just nice enough to sort of share his



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2 plans and just the understanding of it. And from  
3 what I understand, it's only to really improve  
4 the -- he has a one-floor Cape house and, you  
5 know, he's trying to make improvements for his  
6 family and his driveway, the flooding issues. I  
7 didn't see any type of impeding or impediment of  
8 other property or developing onto other property.  
9 So I guess the concern was that the neighbor  
10 doesn't want it, even if it's not on their  
11 property, just anywhere inches closer. I didn't  
12 really get a chance to speak to other neighbors.  
13 But from what I see and what I saw, I really  
14 didn't see an issue with it. So that's just where  
15 I stand, and you know, I mean if there's anything  
16 more specific that you want me to shed light onto  
17 or insight, but if he's just trying to build a  
18 garage next to, you know, attached to his place,  
19 because his current garage or driveway is not  
20 working.

21 MR. WALSH: Thank you.

22 MR. CHIN: Okay, thank you.

23 MR. WALSH: Anybody else have any  
24 comments, want to speak from the public? Alright,

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2 do you have any follow up response? Please.

3 MR. FORNELOS: I don't really want to  
4 get into the neighbor [unintelligible]  
5 [01:51:48]. I am very sad that --

6 MR. WALSH: The mic is off.

7 MR. FLEMING: You may have hit a button  
8 on it.

9 MR. KEHOE: Is it on? He'll yell at us  
10 if he can't hear.

11 MR. FORNELOS: I was really saddened  
12 that, you know --

13 MR. KEHOE: Is the green light on?

14 MR. WALSH: Now we're good. I think  
15 we're good. The green light is on.

16 MR. FORNELOS: No, the green light is  
17 on.

18 MR. KEHOE: Alright. Talk directly to --

19 MR. FORNELOS: So I am upset, I am  
20 saddened that she has, my neighbors collectively,  
21 nobody likes to hear getting bashed. I'm not  
22 going to go down that avenue or down that road.  
23 We are here for a zoning issue. Now, I do want to  
24 reiterate towards a couple of concerns or a

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2 couple of comments if that's okay. Nothing,  
3 again, speaking against anyone, but I do  
4 apologize for my truck. That's how I bought it.  
5 It gets cold. I start my truck, you know, in the  
6 morning, get the juices flowing so that my  
7 transmission doesn't fail a couple of years down  
8 the road. It's not intentional. I do speak on my  
9 phone outside, I apologize, but when you have  
10 kids running around screaming and dogs barking, I  
11 don't have a place where I can talk on the phone.  
12 Now, I have a backyard. So that's good, I can go  
13 into the backyard. I did put up a fence for  
14 privacy reasons to Ms. Romano, so she does have a  
15 six-foot fence along our property.

16 MR. WALSH: So there is, there is a  
17 fence between your property --

18 MR. FORNELOS: I did put up a fence.

19 MR. WALSH: -- and, and her property  
20 [unintelligible] [01:53:28].

21 MR. FORNELOS: I'm not sure if anybody  
22 came for a site visit, but --

23 MR. WALSH: I did, but I don't know if I  
24 took a picture of that side.

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2 MR. KEHOE: But the fence doesn't go all  
3 the way out to Crestwood?

4 MR. FORNELOS: Not yet. Not yet. There  
5 will be a fence continuing through.

6 Unfortunately, I can't continue that fence past  
7 the front of my house. It has to drop down to  
8 three feet, which is our intention, to fence in  
9 for our dogs, because we do have two dogs, yeah.  
10 We don't run them running out. In regards to the  
11 trailers, yes, my trailers have been onsite. I  
12 haven't been compliance with code. Code has, you  
13 know, sent letters, they have called me in  
14 regards to what's going on with the trailer  
15 situation. Again, because of the front yard, I  
16 was told that one trailer can be on the side of  
17 the house once that code has changed. Once we  
18 started construction back in March, April of last  
19 year, yes, there has been construction ongoing at  
20 the house. We have had two trailers there. My  
21 trailers are on job sites, so wherever I'm doing  
22 work, that's where the trailer goes. The trailers  
23 currently are not there because they are on a job  
24 site at 2495 Bound Brook Lane in Yorktown, right

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2 behind the McDonald's, adjacent to 202.

3 The garage is not proposed. I feel that  
4 it's not going to be obstructing Crestview in my  
5 opinion. It is not coming out any further than  
6 the front of the house. It is only going over  
7 towards Edgewood. What we are trying to do by  
8 putting the garage there and not coming out any  
9 further, it's actually going to be set two feet  
10 in from where the house is currently, is to  
11 again, get the cars -- right now, the cars, the  
12 trucks, the bikes, all of that, and it's four  
13 bikes, not three.

14 MR. DOUGLAS: How -- the garage as  
15 you're proposing it, how close to the existing  
16 fence on --

17 MR. FORNELOS: It's not even -- oh, it  
18 will be two feet away from the existing fence.  
19 But we are going to remove that section of fence  
20 --

21 MR. DOUGLAS: Okay.

22 MR. FORNELOS: To connect to the side of  
23 the garage.

24 MR. DOUGLAS: Okay. So it's two fee

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2 closer to, to the existing house than the, than  
3 the current fence?

4 MR. FORNELOS: Correct.

5 MR. DOUGLAS: I'm just trying to get --  
6 I've been out to the site, I'm trying to get a  
7 visual.

8 MR. FORNELOS: The current fence is now,  
9 this is my house, this is the backyard, the  
10 current fence comes along my property line and it  
11 abuts to the corner of the house. The garage will  
12 be two feet in further than the fence, but we  
13 will be removing that section of fence and  
14 connecting the fence to the garage from the side  
15 corner.

16 MR. DOUGLAS: Okay.

17 MR. FORNELOS: To continue to the front.

18 MR. WALSH: Is that where the gate is?

19 MR. FORNELOS: Where the gate is,  
20 correct. Now the gates were put there  
21 specifically because that was the intention and  
22 that was what was planned with planning. So I  
23 just feel that maybe there's not a good  
24 understanding of what's going on with the plans

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2 as far as reading them. Oh, my wife had a comment  
3 about the bus.

4 MS. FORNELOS: Oh, yeah, well, I was  
5 just saying what he's stating with the garage, it  
6 wouldn't, it wouldn't impede into where that  
7 cross is, where Edgewood and Crestview, because  
8 my children get the bus as well. So even down  
9 that street on Edgewood, you would still be able  
10 to see the bus. We're actually trying to limit  
11 any cars on the street which would make it harder  
12 to see. That's what we're trying to do is make it  
13 a little bit easier.

14 MR. FORNELOS: I'm also working with  
15 code trying to figure out even with our, even  
16 with the property line, because our front yard,  
17 you know, our fence can only be on our property  
18 line, it can't come out past what the town owns.  
19 So what I'm proposing is trying to do some type  
20 of a rock garden, something, on the front of the  
21 house where it is the town's property, just to be  
22 able, if we do have visitors, because there is  
23 limited parking, they can park on that gravel, on  
24 that rock garden in front of the house. You know,

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2 as far as the trailers going back to that, you  
3 know, I am within my right to have a trailer  
4 attached to my vehicle behind parked on the  
5 street during the right time of year. Obviously,  
6 not through April, nobody can park on the street  
7 from I believe it's November to April.

8 And in regards to 4 Crestview, I do  
9 understand my neighbor Ed's point of view. You  
10 know, yes, I mean, unfortunately, there's a lot  
11 of cars there, but they're parked legally.  
12 They're on a street. It's public parking. Now, if  
13 it's during the winter hours, no, then they're  
14 not in compliance with code. However, I am doing  
15 my best to be compliant 100 percent. Again, we're  
16 done with the work in the backyard. The trailers  
17 are now off the property. That's how it works.  
18 Now we did move the trailer from one side, where  
19 the garage is proposed to be, to put it on the  
20 other side, so that it wouldn't be as much of an  
21 eyesore.

22 I hear it every day from her, from my  
23 wife. Every day, she doesn't want -- clean up the  
24 house, she doesn't want it looking cluttered, why



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2 do you have to have another bike, you know. I'm  
3 getting rid of it. Neighbors have been generous  
4 in giving me their garage space to store bikes  
5 during the winter, and you know, on the off  
6 season so that it's not outside so that there's  
7 room to clear for snow. I didn't create the  
8 issue. Maybe with the bikes, I did. But the house  
9 is what the house is. I'm just trying to make it  
10 better.

11 MR. DOUGLAS: Okay. Understood.

12 MR. FORNELOS: And then there was --

13 MS. FONRELOS: Could I just say  
14 something really quick? I just wanted to state  
15 really quickly that there have been -- I don't  
16 know the department, but like when you do call  
17 the town for, for them to check, people have come  
18 to the house and we have not received a  
19 violation. I do have two young children of my own  
20 at home. I am very strict at my children bedtime.  
21 We, I'm not allowing that noise at my house. That  
22 may not have nothing to do with it, but in  
23 regards to violations, we do not have any at this  
24 point.

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2 MR. DOUGLAS: Okay, as I said to your,  
3 your neighbor --

4 MR. FORNELOS: My dogs --

5 MR. DOUGLAS: -- I'd prefer we focus on  
6 the variance issues rather than on  
7 [unintelligible] [01:59:36].

8 MR. FORNELOS: No, well, I just wanted  
9 to answer another question as far as the storm  
10 water, the drainage for the water, you know, the  
11 plan is to have it pitched back towards the  
12 street so that it doesn't go towards the house.  
13 You know, that's the biggest concern. You know,  
14 we will be adding some soil to the front yard.  
15 Again, if we have to make a mound, that rock  
16 garden should help alleviate some type of water  
17 coming into my property, but the driveway will be  
18 pitched away from the house. That's the  
19 intention. And there's a storm drain right there  
20 on the corner to catch any additional water. And  
21 so it should not be going into anyone's yard.

22 Again, backyard, I did the best that I  
23 could. I feel that I, we extremely alleviated any  
24 type of water from our backyard, because it is

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2 pitched towards our neighbor in the back and we  
3 alleviated all of that, going back to his, to his  
4 comment.

5 MR. DOUGLAS: Let me ask you a question  
6 on a different aspect and you may not know the  
7 answer to this. One of the variances you're  
8 seeking is for the maximum coverage. You're  
9 asking for a 30 percent variance over -- if you  
10 build what you're proposing to, you'll be 30  
11 percent over what you're allowed under the code.

12 MR. FORNELOS: Thirty percent on  
13 landscaping?

14 MR. DOUGLAS: On the square footage.

15 MR. WALSH: Yes.

16 MR. FORNELOS: Thirty percent of square  
17 footage?

18 MR. WALSH: So the garage is 333 square  
19 foot.

20 MR. DOUGLAS: Right, you're allowed,  
21 right, you're allowed to have roughly 1,900 feet,  
22 or 2,000 feet, and you're seeking an additional  
23 540 square feet.

24 MR. FORNELOS: Are we speaking accessory

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2 structure?

3 MR. FLEMING: The ratio of your lot size  
4 to the amount of square footage you're allowed to  
5 have. You're allowed to have legally 1,933 square  
6 feet. Your proposal before the town will  
7 encompass 2,473 square feet, a variance of 540  
8 square feet, which 30 percent more than you're  
9 allowed to have as of right. And I think the  
10 question is can you address that?

11 MR. DOUGLAS: Right. But what I was  
12 specifically going to ask because if you know,  
13 maybe, you know, like I can figure it out the  
14 math myself, but I haven't, is putting, how much  
15 of that is -- how many square feet is the  
16 proposed garage?

17 MR. FORNELOS: It's 320 square feet.

18 MR. DOUGLAS: Three hundred and?

19 MR. FORNELOS: Twenty.

20 MR. DOUGLAS: 320, so --

21 MR. WALSH: Yeah, the filed plan is  
22 showing 333, but --

23 MR. DOUGLAS: -- so you would, you would  
24 still be -- with the other proposal, you'll be

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2 220 --

3 MR. WALSH: Two hundred, yeah.

4 MR. DOUGLAS: -- square feet over what,  
5 what's allowed by code.

6 MR. FLEMING: Which is about ten  
7 percent.

8 MR. DOUGLAS: So it would be around ten  
9 --

10 MR. FORNELOS: The, the, the other  
11 addition --

12 MR. DOUGLAS: -- en or 15 percent. I'm  
13 bad at math. I can't do it right.

14 MR. FORNELOS: -- the other addition to  
15 the side of the house is proposed because we  
16 don't have an adequate kitchen space and we don't  
17 have a dining area, so there's really nowhere for  
18 us to sit and have family meals.

19 MR. DOUGLAS: Right. But I'm just trying  
20 to get a sense of the numbers at how substantial  
21 the variance is that you're seeking.

22 MR. FORNELOS: The only reason why I'm  
23 looking for a 16 x 20, I'd love to go bigger, I  
24 really would, aesthetically, I don't think that

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2 it's going to look good and number two, in order  
3 to have a space where you can actually pull a car  
4 into a garage, not my truck, but at least a car,  
5 16 x 12, I'm saying 16 x 20 is what the standard  
6 size is.

7 MR. DOUGLAS: Mm-hmm.

8 MR. WALSH: You know, as I go through  
9 our five factors, you know, I look at the front  
10 yard and the south side yard, what you're looking  
11 at, you already said six inches, you're asking  
12 for a foot. As I go through the five factors,  
13 looking at those two variance requests, I can  
14 justify granting those two requests. The second  
15 side yard for a 16.4 foot variance, I do find it  
16 an undesirable change to the neighborhood. I  
17 don't know if it can be achieved in some other  
18 method. I don't know if the garage can fit  
19 somewhere else in the, in the yard, in the  
20 backyard behind the pool, between the pool and  
21 the south side.

22 MR. FORNELOS: So that's part of the  
23 reason for the drainage issue. In the backyard,  
24 we were able to alleviate a good amount, but by

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2 putting a driveway in the backyard or a garage in  
3 the backyard, again, it's, you know, my wife  
4 medical condition, to have her park in the back  
5 and have her come up. We don't have an entrance  
6 from the backyard into the house.

7 MR. CHIN: Is that an above ground pool  
8 or an in-ground pool?

9 MR. FORNELOS: It's an above ground  
10 pool.

11 MR. CHIN: Above ground pool with a deck  
12 around?

13 MR. FORNELOS: No, no deck.

14 MR. CHIN: It says a deck.

15 MR. WALSH: Yeah, an above ground pool  
16 and deck, the plans say, that's --

17 MR. CHIN: No deck around it?

18 MR. FORNELOS: No, there's no deck  
19 around it.

20 MR. CHIN: Deck all the way around the  
21 pool?

22 MR. FORNELOS: No. There's, there's  
23 gravel. It's just gravel pads. We had to build  
24 retaining walls to deal with the --

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2 MR. CHIN: Okay. When you say it says  
3 pool and deck, in other words, that's --

4 MR. KEHOE: Yeah, you can check with  
5 John Lentini, his plan says pool and deck.

6 MS. FORNELOS: Okay.

7 MR. FORNELOS: Yeah, no, it's supposed  
8 to say pool.

9 MR. WALSH: A lot of them are on the  
10 gravel, we don't have any pictures of the  
11 backyard, so we can't really, there were no  
12 pictures provided, so --

13 MR. FORNELOS: Yeah, no, I mean my  
14 neighbors can attest that there's no deck in the  
15 backyard.

16 MR. CHIN: It doesn't matter.

17 MR. WALSH: Yeah, you know, and so going  
18 through the other factors, you know, whether  
19 this, the variance is substantial for the garage,  
20 yes, it's probably the most substantial variance  
21 that I've seen since I've been on this board --

22 MR. FORNESLOS: Unfortunately --

23 MR. WALSH: -- for the last five years.

24 MR. FORNELOS: -- yeah, unfortunately,



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2 when we were planning, if code didn't change in  
3 July --

4 MR. DOUGLAS: Well, it did.

5 MR. FORNELOS: -- then the request  
6 wouldn't have been so substantial. We would have  
7 been talking about four feet.

8 MR. DOUGLAS: Okay. But we have to go  
9 under what the code says.

10 MR. FORNELOS: Currently, yeah.

11 MR. DOUGLAS: Okay. Yeah, my concern,  
12 sorry --

13 MR. WALSH: Yeah, I'm, and then whether  
14 it's the variance has an adverse impact on the  
15 neighborhood, you know, we've had six neighbors  
16 that have been in favor for it, we have 12 that  
17 have been against it. I've looked at it, it does,  
18 you know, it does, it's pretty large right there  
19 on the road. I know it's not, you know, we're  
20 three feet, six in, you probably have another  
21 four feet from your property line to the actual  
22 edge of the road.

23 MR. FORNELOS: The property line from  
24 the curb is I believe seven foot.

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2 MR. WALSH: Alright. so we're nine feet  
3 off, so that is substantially close to the actual  
4 edge of the road. So I had gray here, I have a  
5 hard time my own self approving the garage based  
6 on the five factors. The other, the other two  
7 request, I think we can work with those.

8 MR. FORNELOS: So the front, the front  
9 and the side yard --

10 MR. WALSH: The front and the side.

11 MR. FORNELOS: -- for Ms. Romano, you  
12 guys were --

13 MR. WALSH: I think if we propose, you  
14 know, a larger screening, which we can write into  
15 our decision and order, you know, greater  
16 screening in between your two neighbor -- the  
17 neighbor and yourself, so that maybe we could  
18 grant that, or I would be comfortable granting  
19 that.

20 MR. FORNELOS: Yeah, and again, there's  
21 going to be a fence that we're going to put up  
22 for privacy purposes. And we're not going to have  
23 any windows on the side of that house. My wife  
24 did propose for us to build up. We can't afford

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2 that. That's way too much for our budget. So we  
3 just wanted to keep it as low as we possibly can.

4 MR. DOUGLAS: Yeah, I share Mr. Walsh's  
5 view. I'm concerned about the, about the garage.  
6 I was out at the site yesterday, and that's why I  
7 was asking you about, you know, how far in from  
8 the fence, so I could visualize what it's going  
9 to be like. And it concerns me to build a  
10 structure that close to the road. I think it will  
11 impede vision, and I think it also is somewhat  
12 out of character with driving around the  
13 neighborhood. I mean I saw all the other houses,  
14 and, you know, they seemed basically to conform  
15 to what's required and you're asking for, you  
16 know, a very substantial variance in terms of the  
17 area, the maximum floor area, which we, you know,  
18 you're entitled to ask for, but that's, that's  
19 more than we're generally inclined to give. So I  
20 have serious concerns about the garage, which is  
21 why I asked you what the numbers were in terms of  
22 the other, the other variances, the other side,  
23 the other work you're proposing towards your  
24 neighbor, I'm less concerned about.

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2 MR. FORNELOS: Right.

3 MR. DOUGLAS: Especially, if you have  
4 some privacy screening.

5 MR. FORNELOS: So, I did, actually do a  
6 survey on other neighbor's properties. I went on  
7 the website, and checked to see what other houses  
8 are conforming to something that I'm doing.  
9 Unfortunately, because I'm a corner lot --

10 MR. DOUGLAS: Right. But that's why  
11 different properties are different. You are on  
12 the corner and that makes things different.

13 MR. FORNELOS: Yeah.

14 MR. DOUGLAS: I mean it's not the same,  
15 it's just not the same. It's not like a side yard  
16 of a house that's on the, in the middle of the  
17 street. It's just it has different, different  
18 concerns and that's why the code is different for  
19 those sorts of properties, corner lots.

20 MR. FLEMING: David's comment was the  
21 very first thing that struck me and I actually  
22 thought about this a lot this past week driving  
23 around our town. I don't think I've ever seen a  
24 property in the town of Cortlandt residential

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2 property on a corner lot where there's a  
3 structure as large as the structure you're  
4 talking about in terms of height with only a  
5 three-and-a-half foot setback from the property  
6 line on the corner lot.

7 I echo what Tom Walsh had said. It is  
8 troubling to me to have a structure that size  
9 that close to the street. I know it will impact  
10 vision coming down that block. I know how I drive  
11 it would impact my vision.

12 And moreover, it doesn't fit in with any  
13 neighborhood I've ever seen in Cortlandt, where  
14 there's a corner lot with a garage with that  
15 small a setback. I don't think you'd be able to  
16 find one. If you would, I'd like to look at it.

17 MR. FORNELOS: Mr. Fleming, are you  
18 talking about your line of sight from Crestview  
19 to Edgewood?

20 MR. FLEMING: As I'm driving down  
21 Edgewood towards Crestview, there's going to be a  
22 giant building there now.

23 MR. FORNELOS: Well, it's going to be  
24 the, the height of the roofline is actually lower

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2 than the height of the proposed --

3 MR. FLEMING: There's nothing there now.

4 MR. FORNELOS: -- roof.

5 MR. FLEMING: So it's not lower. There's  
6 just --

7 MR. FORNELOS: Well, it's proposed to be  
8 lower.

9 MR. FLEMING: There's nothing there now  
10 though, so it's going to be roofline where  
11 there's nothing. So it's not, it can be lower  
12 than your house, but the house isn't there now.  
13 the house --

14 MR. CHIN: This is a ten or 12 foot high  
15 garage over there, give or take. By the time you  
16 pitch the roof and everything else, you know.

17 MS. FORNELOS: I'm sorry, I'm just  
18 confused, because if you're driving from  
19 Edgewood, towards Crestview where the stop sign  
20 is, there's no street until you get further  
21 towards the stop sign where you would need to be  
22 looking. So as you're driving where the garage  
23 is, I'm confused on how that's impeding on, on  
24 what you're looking? Do you know what I mean?

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2 Like I'm hearing what you're saying, I'm just  
3 confused.

4 MR. FLEMING: When I'm driving, I don't  
5 start looking at the street when I get to the  
6 corner.

7 MS. FORNELOS: Yes.

8 MR. FLEMING: I start looking at the  
9 street I'm coming to when I'm like 200 feet away.

10 MS. FORNELOS: Yeah, but before you get  
11 to that corner, there's no garage anymore. That's  
12 what I'm saying that's why I'm confused.

13 MR. DOUGLAS: No, but there is, as  
14 you're coming up.

15 MR. FLEMING: But you're proposing that  
16 there's going to be a garage there and when I'm  
17 100 feet down the block, right now I may be able  
18 to see an angle and see 30 feet of that block. I  
19 will not be able to see that now until I pass  
20 your garage.

21 MR. FORNELOS: I think my wife's  
22 question or her confusion is because the fence is  
23 currently there, and the garage will not be  
24 exceeding the fence line. It's going to be, you

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2 know, set back from the fence line, which is our  
3 property line. And since the garage won't be  
4 coming out, protruding our house, I think that's  
5 her confusion.

6 MR. DOUGLAS: I can certainly, I mean I  
7 had a problem with the fence. Now, you may be  
8 allowed to have that fence, but I was, I didn't  
9 think the fence was great for safety purposes, as  
10 I was driving up there. You may have the right to  
11 have it there, but this would make, this would  
12 make things worse, allowing a structure. And I, I  
13 don't see any reason to grant that variance for  
14 that structure. I mean --

15 MR. FORNELOS: Is it possible for me to  
16 push this back to next month?

17 MR. DOUGLAS: Why, so that may vote  
18 won't count? [laughter]

19 MR. FORNELOS: No, no not at all. I mean  
20 you could put it on the record.

21 MR. DOUGLAS: I'll leave that up to the  
22 other people.

23 MR. FORNELOS: Oh no, not at all, no.  
24 That's funny. No, no, that wasn't the intention.



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2 No, no, just so that --

3 MR. FLEMING: Those two guys will be  
4 here.

5 MR. FORNELOS: No, and that's fine, and  
6 I do want to hear what the rest of the board has  
7 to say as well. But I do feel that maybe proper  
8 representation of the matter to explain it maybe  
9 a little bit better than I can, if that's  
10 possible. But I would love to hear what Mr. Chin  
11 --

12 MR. DOUGLAS: I'll see what people  
13 think, I mean --

14 MR. FORNELOS: And Mr. Franco and Mr.  
15 Martinez have to say as well.

16 MR. DOUGLAS: -- I don't think the facts  
17 are going to change.

18 MR. FORNELOS: Right.

19 MR. FRANCO: Yeah, I echo my colleagues'  
20 opinions. I feel like the garage is too close to  
21 that property line also and the visibility, you  
22 know, again it depends on the angle as you're  
23 coming across, but at some point, it's going to  
24 affect your visibility down the street.

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2 MR. FORNELOS: Mr. Franco, Mr. Douglas,  
3 Mr. Fleming, Mr. Walsh, so my concern and my  
4 confusion is if I have cars parked where they are  
5 currently parked now, which are in front of the  
6 stop sign, and a car parks and stops at that stop  
7 sign and wants a line of sight of Crestview,  
8 those cars are in -- the motorcycles and  
9 everything, which is what we're trying to do is  
10 by building the garage, we're getting them into  
11 the garage, closer to the house so that we're  
12 allowing that line of sight.

13 MR. WALSH: But we don't control the  
14 parking on the street at all.

15 MR. DOUGLAS: If you're allowed to park  
16 something on your property in that place, then  
17 you've got the right to do it. You're asking us  
18 to give you, give you the right to something that  
19 you don't have under the code, and looking at the  
20 five factors, I don't think that you've met them.

21 MR. FRANCO: And the visibility through  
22 a car parked in your driveway versus a big garage  
23 is a very different thing, you know. I could see  
24 over your motorcycle pretty easily probably

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2 compared to --

3 MR. FORNELOS: Well, the line of sight  
4 because of the way that road dips down.

5 MR. DOUGLAS: Look, and I sat, I was  
6 there yesterday and actually I stopped my car  
7 right there, and I was sitting there for quite a  
8 while, partly because I got a phone call. But,  
9 you know, so I mean I understand exactly what the  
10 sightline is and I was parked on, near your  
11 fence, and I --

12 MR. FORNELOS: Oh, I see, so you're  
13 saying from the corner of the fence, the  
14 sightline.

15 MR. DOUGLAS: Yeah.

16 MR. FORNELOS: Okay.

17 MR. DOUGLAS: So, not from the corner of  
18 the fence, I was before your fence ended, but.  
19 But the point being, looking at the factors here,  
20 I personally don't think that you've met the  
21 factors for the garage for us to give you the 30  
22 percent variance to have a garage on a corner  
23 lot, which is, as pointed out, is not something  
24 that's throughout the town. I'm now aware of any

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2 properties that have it either. Maybe there is  
3 one or two. But, and you're asking for a 30  
4 percent variance of what you're allowed, and  
5 that's substantially higher than we generally  
6 grant.

7 MR. CHIN: That's just on the dwelling  
8 coverage, but --

9 MR. KEHOE: Yeah, it's a much larger  
10 variance.

11 MR. WALSH: It's 82 percent actually  
12 setback.

13 MR. CHIN: I'm more concerned with the  
14 clearance for the side yard is 82 percent.

15 MR. DOUGLAS: Eighty-two percent, right.  
16 No, that's a good point.

17 [CROSSTALK]

18 MR. FORNELOS: On the Edgewood side,  
19 yeah.

20 MR. CHIN: [unintelligible] [02:15:04]  
21 percent, you know, that's what Tom said. That's  
22 the big factor right now. It's not so much the  
23 coverage of the lot, so it's not that you're 82  
24 percent or three feet away from the lot line,

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2 which is 82 percent.

3 MR. DOUGLAS: So I think you can see if  
4 we -- if we vote, I think you can see where it's,  
5 where this is going. I think that people, if we  
6 vote now, that we'll give you the variance  
7 insofar as you're seeking to build on the other  
8 side, but not for the garage.

9 MR. FORNELOS: Okay.

10 MR. DOUGLAS: Did you want us to vote or  
11 do you --

12 MR. FORNELOS: No, I would rather hold  
13 off to, to next month if that's okay. I do, I  
14 appreciate all your feedback.

15 MR. CHIN: You want us to adjourn until  
16 next month?

17 MR. FORNELOS: Please, yes.

18 MR. FLEMING: We could adjourn and  
19 that's something we could do. I mean I just don't  
20 want to give you the impression that you're going  
21 to be able to hire like an attorney to come here  
22 and talk to us and --

23 MR. FORNELOS: Oh no, I just feel that  
24 maybe --

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2 MR. FLEMING: If you're changing what  
3 you're proposing, that's one thing. But if you're  
4 just going to come back in a month with the same  
5 facts and say I'm going to argue it better, the  
6 concerns I don't think will change.

7 MR. DOUGLAS: Right.

8 MR. WALSH: And it will be the same  
9 members voting, it won't.

10 MR. DOUGLAS: Mr. Fleming is saying  
11 something that is a very good point.

12 Mr. FORNELOS: No, no, because --

13 MR. DOUGLAS: Often, what we've done in  
14 a situation like this where the applicant one,  
15 has heard our views on something, they'll say,  
16 okay, I hear what you're saying, let me try and  
17 tweak this and jigger this and --

18 MR. FORNELOS: No, absolutely.

19 MR. DOUGLAS: -- and come back with a  
20 revised plan.

21 MR. FORNELOS: Yeah.

22 MR. DOUGLAS: So if you're coming back  
23 with something that's revised, that meets the  
24 concerns that we've expressed, then, then I think

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2 maybe it makes sense to adjourn this and come  
3 back.

4 MR. FORNELOS: Oh, absolutely.

5 MR. DOUGLAS: But, if you're going to  
6 come back with the same thing and think that  
7 you're going to sway the people.

8 MR. FORNELOS: No, no, no.

9 MR. DOUGLAS: You know.

10 MR. FORNELOS: I'm not looking to sway  
11 anyone, what I'm trying to figure out is then  
12 what size can I do, what would be somewhat  
13 acceptable for that garage. Again, if it, if 16  
14 feet is too much --

15 MR. DOUGLAS: Okay. Well, if you can, if  
16 you can --

17 MR. FORNELOS: -- what would be  
18 acceptable?

19 MR. DOUGLAS: -- if you come back with a  
20 proposal that's reduced and addresses the  
21 concerns, then I agree with you, it makes sense  
22 for us to adjourn the case and adjourn the public  
23 hearing and you can come back next month with a  
24 modified plan.

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2 MR. FORNELOS: Yeah.

3 MR. DOUGLAS: I'm just saying that  
4 please, for your own sake, don't come back with  
5 the same plan.

6 MR. FORNELOS: No, no, no, no, no.

7 MR. DOUGLAS: Because you're just going  
8 to get the same --

9 MR. FORNELOS: It's, it's, again, you  
10 know, I'm trying to understand and based off of  
11 what you said, I get it, I understand a little  
12 bit better.

13 MR. DOUGLAS: And don't assume also that  
14 if you come back with a revised plan that we're  
15 saying we would agree to that then.

16 MR. FORNELOS: Oh, no, no, no.

17 MR. DOUGLAS: No, I just want to make  
18 sure, because sometimes, you know, I'm -- I'll  
19 speak for myself. Sometimes I think I'm being  
20 really clear about something, and I obviously  
21 wasn't making myself clear and the applicant  
22 comes back the next month and says, oh, I didn't  
23 realize. Okay. So I wasn't as clear, so I'm  
24 trying to be clear.



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2 MR. FORNELOS: Right.

3 MR. DOUGLAS: I'm not, there's no,  
4 there's no implicit promise that if you come back  
5 with a reduced plan that that's going to be  
6 acceptable to the board either.

7 MR. FORNELOS: Right.

8 MR. WALSH: And it will be the five  
9 members that we left here. The new member won't  
10 be sitting on the case, correct, and Mr. Beloff,  
11 who is not here, won't be sitting on the case, or  
12 will he have to be?

13 MR. KEHOE: Well, no, I think with  
14 zoning board cases, they can bring themselves up  
15 to speed pretty quickly.

16 MR. MICHAEL CUNNINGHAM: If they feel --  
17 if they don't feel comfortable and they don't  
18 feel like they don't understand the facts they  
19 can abstain from voting, but if they feel  
20 comfortable voting and they understand the case,  
21 they can vote.

22 MR. CHIN: He's not going to recuse  
23 himself. [unintelligible] [02:18:25] the thing  
24 and figure out what they've got to do.

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2 MR. DOUGLAS: Yeah, they usually, unless  
3 it's for the bigger cases.

4 MR. MARTINEZ: Mr. Fornelos,  
5 [unintelligible] [02:18:28] you plan on making  
6 some adjustments and that's why you want to --

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

8 MR. MARTINEZ: You plan on making some  
9 adjustments on it?

10 MR. FORNELOS: Yeah, I mean I don't want  
11 to completely lose the opportunity to make an  
12 adjustment to, for example, if I can get the, you  
13 know, I'm sure when Mr. Douglas got there, you  
14 know, the motorcycles aren't out on the lawn, in  
15 the parking, my truck probably, I don't know if  
16 my truck was parked there, I don't know if my  
17 wife's car was parked there.

18 MR. DOUGLAS: Nothing was parked there.

19 MR. FORNELOS: So the line of sight, if  
20 I could park the vehicles there to show you  
21 exactly what we're working with, to give you guys  
22 an understanding, but with the cars there, based  
23 off the slope of Edgewood, I do feel that having  
24 the cars there is not good and I think that

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2 everybody here would also agree that --

3 MR. DOUGLAS: Okay. So why don't we --

4 MR. FORNELOS: -- that that wouldn't  
5 suffice.

6 MR. DOUGLAS: -- we adjourn it to next  
7 month, come back with a modified alternative.

8 MR. FORNELOS: So I can't work with Mr.  
9 Douglas to try and figure out what his thoughts  
10 might be on, on --

11 MR. DOUGLAS: Right.

12 MR. FORNELOS: So you're not going to be  
13 here moving forward?

14 MR. DOUGLAS: I am -- no, I won't, I  
15 don't have the right to be on both the zoning and  
16 planning boards at the same time. I can't, as  
17 much as I would love to be here next month.

18 MR. FORNELOS: I'll try and work with  
19 Chris and Martin and try and figure out what I  
20 can do and my architects.

21 MR. WALSH: I think somebody else had  
22 another comment?

23 MR. FLEMING: Before that, you keep  
24 hearing us talk about the five factors and I

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2 would encourage you and ask anyone in the  
3 audience who does want to comment on this, all  
4 the other comments are great and they are helpful  
5 for background. But we're, those are the five  
6 legal factors we have to consider when we approve  
7 variance or deny a variance. So when you come  
8 back if you do, address the five factors, and  
9 again, anyone who is opposed to it wants to say  
10 why they don't meet the five factors. That, those  
11 are the comments that are the most helpful for  
12 us, because those are really what we are  
13 considering.

14           Somebody just saying well, I don't like  
15 it because of this, or I think it's worse to have  
16 a car parked on the street than here, actually  
17 isn't even -- it's something I'll consider, but  
18 it's not really the legal factors we go through  
19 in our analysis. So if you do come back, I would  
20 be more prepared to address -- you can find them  
21 online, just Google five factors, zoning board of  
22 appeals New York and there's 150 websites that'll  
23 tell you about it.

24           MR. WALSH: Chris should be able to

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2 provide it to you. I mean --

3 MR. KEHOE: No I think, I mean he has  
4 the five factors. But what the zoning board and I  
5 think you tried to touch upon them, but what the  
6 zoning board really liked is, you know, factor  
7 number one says this.

8 MR. FLEMING: And this is how I've met  
9 it.

10 MR. KEHOE: I meet factor number one  
11 because of this. You've got to be real orderly  
12 going through them.

13 MR. FORNELOS: Yeah, unfortunately, we  
14 haven't, even being a construction professional,  
15 haven't really done any zoning board meetings.

16 MR. FLEMING: Understandable and that's  
17 fine. Just if you're coming back, I just wanted  
18 to tell you that I think that would be helpful  
19 for us to consider your views and the views of  
20 anybody else.

21 MR. FORNELOS: Absolutely.

22 MR. WALSH: I've been doing this five  
23 years and I have the five factors still printed.

24 MR. FORNELOS: You probably have them

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2 memorized.

3 MR. DOUGLAS: So do I. I've been doing  
4 this for much longer than that.

5 MR. FORNELOS: Oh, you have them in  
6 front of you.

7 MR. DOUGLAS: My cheat sheet is still  
8 here.

9 MR. FORNELOS: Alright. Thank you.

10 MR. DOUGLAS: So we have somebody that  
11 wants to make a motion?

12 MR. FLEMING: We have somebody --

13 MR. DOUGLAS: Oh, oh, somebody wanted to  
14 comment. I'm sorry.

15 MR. CHIN: Just state your name again.

16 MR. DRENGA: Sure, it's Ed Drenga from 9  
17 Crestview Avenue. Just one observation, what  
18 they're trying to do is they have most of their  
19 property in the back of their house.

20 Unfortunately, they did their backyard and they  
21 took up most of their property. The garage that  
22 they're talking about, if they had it further  
23 back, to the back of the house, it doesn't block  
24 the sightlines. And the other thing, aside from

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2 the garage, is even if they were to put the  
3 garage there, sightlines could be affected by  
4 their two trailers and two cars with possibly a  
5 third when their daughter gets her license in  
6 another year.

7 MR. CHIN: Yeah, they --

8 MR. DRENGA: So these are all the  
9 things, so if he could utilize his backyard and  
10 make it level or, you know, so he could use the  
11 driveway on the side of his house, like I have a  
12 driveway on the side of my house and that works,  
13 and just, you know, my house dips down, so, you  
14 know, it's, it's higher in the back than in the  
15 front. Maybe if he could utilize that, he could  
16 get his garage.

17 MR. CHIN: Again, you know, sometimes  
18 with trailers and things like that, I mean you're  
19 not supposed to park in a residential area or  
20 against a house, you know what I mean?

21 MR. DRENGA: Well, the trailers, I wish  
22 they would just disappear, but I don't think they  
23 will.

24 MR. CHIN: But, no, again, this is

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2 something you call code enforcement and say look,  
3 the trailer is there, then they come and see why  
4 is it there, you know.

5 MR. DRENGA: I'm not sure what the rules  
6 are on trailers. But --

7 MR. CHIN: Yeah, you know what I mean.

8 MR. DRENGA: -- they're commercial  
9 trailers --

10 MR. CHIN: So commercial is not  
11 permitted.

12 MR. DRENGA: -- in a residential  
13 neighborhood.

14 MR. CHIN: It's not permitted in  
15 residential houses.

16 MR. DRENGA: Yeah.

17 MR. CHIN: You know, you can't park them  
18 in your driveway.

19 [CROSSTALK]

20 MR. PATRICK GUIDA: My name is Patrick  
21 Guida, I live at 38 Edgewood Road. I have a  
22 degree in civil engineering, so I have a little  
23 thought on, hindsight on plans and building  
24 department things. I worked for the town of



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2 Greenberg assessment department as a draftsman,  
3 so I've looked at a lot of building plans in my  
4 past. I don't know what's going to change in a  
5 month when it comes to a garage. The gentleman  
6 mentioned about the average size of a garage is  
7 16 x about 20 to be useful. But the height of the  
8 garage is not going to change. It's still going  
9 to be close to the road. The houses were built in  
10 the '50s. It's R10 zoning, which is very  
11 restrictive. But someone mentioned before that  
12 was sitting over there, small property, small  
13 house. Unfortunately, those neighborhoods are  
14 built that way. They're built close to the roads,  
15 because back then, they only had one car per  
16 family. I have the same situation, where I can't  
17 get my car into the garage also because of the  
18 pitch of the driveway. I feel bad for the person  
19 that lives behind him when it comes to water  
20 problems. You could throw a lot of money at water  
21 problems to remedy it, but it's going to be a lot  
22 of money if you do really get that fixed. So I  
23 feel bad for the gentleman behind him.

24 But I just think 30 days is kind of

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2 wasting your time. The height of the building is  
3 going to be the height of the building. You can't  
4 shrink it. You know, you can make it skinny but  
5 then what kind of garage door are going to get.  
6 It's going to be an odd sized garage door, you  
7 can fit two motorcycles in there. So  
8 unfortunately, I think you're just going to be  
9 wasting your time.

10 MR. CHIN: It doesn't matter if it's a  
11 waste of our time. If he asks for -- you know  
12 what I mean?

13 MR. GUIDA: Oh, he has his legal right,  
14 yes, I understand, sir.

15 MR. CHIN: He has a legal right to had  
16 an adjournment --

17 MR. GUIDA: Yeah.

18 MR. CHIN: -- and give us something  
19 else.

20 MR. GUIDA: Yes, yes, I understand.  
21 But, you know, I would just like to leave you  
22 with the small property, small house. I can't  
23 extend my property either and I hate to beat  
24 anybody up about wanting to better their

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2 property, but I wish my house was a foot bigger  
3 in each direction. But it was 1950s, and I just  
4 have to live with that.

5 MR. CHIN: Each lot, each parcel is a  
6 different thing.

7 MR. GUIDA: Oh, sure, yeah, the building  
8 envelope is there, I'm stuck, yeah, my house is  
9 off center, but, I don't know, that's what I'd  
10 like to just speak my mind. Hopefully, you take  
11 that away.

12 MR. WALSH: Thank you.

13 MR. DOUGLAS: Thank you.

14 MR. GUIDA: Thank you for your time.

15 MR. WALSH: Anybody else from the  
16 public?

17 MR. FLEMING: Anybody else on Zoom?

18 MR. WALSH: Alright. I make a motion for  
19 case number 2023-4 to adjourn until the April --

20 MR. KEHOE: Whenever --

21 MR. WALSH: -- undetermined date  
22 hearing.

23 MR. CHIN: Second.

24 MR. MARTINEZ: I second.

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MR. DOUGLAS: All in favor?

MULTIPLE: Aye.

MR. DOUGLAS: Any opposed? Okay, the case is adjourned to the April meeting. Thank you.

MR. CHIN: I make a motion to adjourn the meeting to next month.

MR. FLEMING: Seconded.

MR. DOUGLAS: All in favor?

MULTIPLE: Aye.

MR. DOUGLAS: Okay, our meeting is adjourned. Thank you.

MR. CHIN: Last one for you.

MR. DOUGLAS: That's it.

(The public board meeting concluded at 9:27 p.m.)

CERTIFICATE OF ACCURACY

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

Certified By

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

Date: April 3, 2023

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