

TOWN OF CORTLANDT
PLANNING AND ZONING BOARDS

ZONING BOARD OF APPEALS
MEETING

1 Heady Street
Cortlandt Manor, New York 10567

June 22, 2023

7:00 p.m. - 7:45 p.m.

June 22, 2023

MEMBERS PRESENT:

Michael Fleming, Chairman

Wai Man Chin, Vice-Chairman

Chris Beloff, Member

Frank Franco, Member

Michelle Piccolo Hill, Member

Benito Martinez, Member

Thomas Walsh, Member

Chris Kehoe, Director of Planning

Michael Cunningham, Deputy Town Attorney

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

3 MR. MICHAEL FLEMING: Alright, I'd like
4 to call to order the town of Cortlandt Zoning
5 Board of Appeals meeting June 22, 2023. I'd like
6 to start the meeting by inviting anyone who wants
7 to join me to join me in saying the Pledge of
8 Allegiance.

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

14 MR. FLEMING: A couple of procedural
15 things to start with. On the agenda today, we
16 have three cases. The third case, which is an
17 adjourned public hearing on case number 2023-4,
18 the application of David Fornelos, we've had a
19 request to adjourn that to the July meeting,
20 which is July 20, 2023. I think we need a motion
21 to do that. So can I have that motion?

22 MR. WAI MAN CHIN: So moved.

23 MR. FLEMING: And seconded?

24 MR. FRANK FRANCO: Yeah. Second.

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2 MR. FLEMING: All in favor?

3 MULTIPLE: Aye. Aye. Opposed? Alright.

4 So that motion is granted. That case will be
5 adjourned until the July 20, 2023 meeting.

6 However, if anybody is present today who wishes
7 to comment on that, you don't have to come back.
8 I will let you speak when the public comment
9 section starts. It doesn't look like it's a full
10 house, but just in case anyone does want to
11 comment on that case, you are all welcome to do
12 so tonight.

13 And now I just, everyone has had a
14 chance to review the minutes and if so, can I get
15 a motion to approve the last meeting's minutes?

16 MR. KEHOE: Should --

17 MR. FLEMING: I need a, need a motion.

18 MR. CHIN: I make a motion to approve
19 the minutes of May, May 23rd.

20 MR. CHRIS BELOFF: Second it.

21 MR. FLEMING: All in favor? Aye.

22 Opposed?

23 MR. KEHOE: I, I, I need to do the role.

24 MR. FLEMING: I'm sorry. You are

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2 absolutely right.

3 MR. KEHOE: Okay. Mr. Martinez?

4 MR. BENITO MARTINEZ: Here.

5 MR. KEHOE: Mr. Franco?

6 MR. FRANCO: Here.

7 MR. KEHOE: Mr. Fleming?

8 MR. FLEMING: Here.

9 MR. KEHOE: Mr. Chin.

10 MR. CHIN: Here.

11 MR. KEHOE: Mr. Behoff?

12 MR. BEHOLFF: Here.

13 MR. KEHOE: Mr. Walsh?

14 MR. THOMAS WALSH: Here.

15 MR. KEHOE: Ms. Piccolo Hill, not
16 present, but we expect her later.

17 MR. FLEMING: That's correct. Thank you,
18 I'm sorry about that. Alright, so again, no, no
19 opposition to the motion to approve the meeting -
20 - the minutes of the May 23rd meeting. So those,
21 those are approved. Alright. We have two cases
22 for new public hearings tonight. The first one is
23 case number 2023-6, the application of Maria
24 Lopez. I think Frank, you're handling this one?

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2 MR. FRANCO: Yep.

3 MR. FLEMING: Okay.

4 MR. FRANCO: So yeah, before we do
5 anything else for that case, anyone the public
6 would like to introduce the case?

7 MS. MARCIA LOPEZ: Good evening. My name
8 is Marcia Lopez.

9 MR. CHIN: You good? You can just pull
10 that down towards you. Okay.

11 MS. LOPEZ: Thank you. Good evening. My
12 name is Marcia Lopez.

13 MR. FLEMING: It's Marcia?

14 MS. LOPEZ: Yes.

15 MR. FLEMING: I apologize for that's.

16 MS. LOPEZ: Okay.

17 MR. FLEMING: It's misprinted on my, on
18 my report here, but it's, it's, it's M-A-R-C-I-A?

19 MS. LOPEZ: Yes.

20 MR. FLEMING: Thank you.

21 MS. LOPEZ: Okay. I'm representing Mr.
22 Santiago Valiente. He would like to extend his
23 garage so they could have an additional storage
24 and also an additional space where they could do

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2 some work, because they work from home. I have
3 Ms. Valiente here if you guys have any questions
4 for her. The extension, they would like to add it
5 to where there is an existing concrete slab
6 that's been there for many years. We are
7 requesting about 480 square footage, additional
8 accessory. I'm not sure if you guys have any
9 other questions.

10 MR. FRANCO: Well, we, we always go
11 through our five factors when we consider these
12 variances, so, you know, after reviewing it, you
13 know, we ask if it produces any undesirable
14 character to the neighborhood.

15 MS. LOPEZ: The, the extension that they
16 would -- well, the addition that would like to do
17 it would not affect none of the neighbors as you,
18 as if you are in the main road, you can't see it.

19 MR. FRANCO: Mm-hmm.

20 MS. LOPEZ: Through the property because
21 there's shrubs, trees green areas that blocks
22 the, the area where they would like to do the
23 addition.

24 MR. FRANCO: Mm-hmm.

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2 MS. LOPEZ: I have, I do have addition
3 pictures if you guys would like to see it. So it
4 would not --

5 MR. FRANCO: Are they the ones that you
6 shared with Mr. Kehoe?

7 MS. LOPEZ: Yes. It's the same pictures
8 that I have shared with him.

9 MR. FRANCO: Yeah, I think we have them,
10 right?

11 MR. FLEMING: Then we have them those.

12 MR. FRANCO: Yeah. Yeah.

13 MS. LOPEZ: You would like to have them,
14 yes.

15 MR. KEHOE: No, I provided them to them
16 already.

17 MS. LOPEZ: Oh, you have them?

18 MR. FLEMING: We have them already,
19 yeah.

20 MS. LOPEZ: Oh, okay.

21 MR. FRANCO: Yeah, we're good.

22 MS. LOPEZ: Alright.

23 MR. FRANCO: Unless if there's any
24 comments you want to make about them, you can,

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2 but --

3 MS. LOPEZ: No, the only thing that they
4 would like to do the extension is where the
5 concrete lab is, currently is.

6 MR. FRANCO: Right.

7 MS. LOPEZ: It's been there for many
8 years. They would like to extend it. It's going
9 to be the same height as the garage that they
10 have at the present.

11 MR. FRANCO: Right. And they're going to
12 be connected afterwards, right?

13 MS. LOPEZ: They're going to be
14 connected, yes.

15 MR. FRANCO: Right. Yeah. And I guess
16 the second one was can it be achieved by some
17 other means? I don't think so, probably, but --

18 MS. LOPEZ: I mean, yeah, It's going to
19 -- what it's going to give them is going to allow
20 the family to have an additional space to do
21 storage and also where they could do a work when
22 they're from home because they do have a young, a
23 young kid.

24 MR. FRANCO: Mm-hmm.

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2 MS. LOPEZ: Where they would like to
3 have a little, you know, a little additional
4 space just to, to do work.

5 MR. FRANCO: Right. And is, on the
6 property. Is there any other logical place that
7 this could be built?

8 MS. LOPEZ: I'm sorry, what was that?

9 MR. FRANCO: Is there any other place
10 that this structure? The --

11 MS. LOPEZ: I mean, there is a current,
12 the, because there is already a current concrete
13 slab there.

14 MR. FRANCO: Right.

15 MS. LOPEZ: They would like to do it
16 there.

17 MR. FRANCO: Mm-hmm.

18 MS. LOPEZ: Just do the extension.

19 MR. FRANCO: Right.

20 MS. LOPEZ: Attached to their garage.

21 MR. FRANCO: Mm-hmm. Yeah, I agree with
22 you that, that makes the most sense. Is it, is it
23 a substantial request? You know, it's 33 percent
24 over what's allowed, which --

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2 MS. LOPEZ: Yes.

3 MR. FRANCO: -- is something we would
4 consider, so. And then environmental impacts, I
5 don't think there would be an environmental
6 impact.

7 MS. LOPEZ: There is not.

8 MR. FRANCO: The slab is already there.

9 MS. LOPEZ: It's already there, yes.

10 MR. FRANCO: And it is self-created, but
11 we, it's not the only factor that, you know, we,
12 we consider all the factors together, not just
13 that one, but it is a self-created situation. But
14 in general, I -- given that the, it's set back so
15 far and the five factors, I, I don't think it
16 would produce an undesirable character in the
17 neighborhood, because it, it's a flag lot and
18 it's all the way in the back. I don't think you
19 could really even see it back there.

20 MS. LOPEZ: Yes. Again, there is a lot
21 of greenery, trees that around their property.
22 And their property is about 5.5 acres --

23 MR. FRANCO: Mm-hmm.

24 MS. LOPEZ: -- is the property lot. So

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2 it's right in the middle where no one could see
3 no neighbors. It wouldn't, I mean, no, no
4 neighbors or no one could see it.

5 MR. FRANCO: Right. Right. And I think
6 if you were to put this up, this is probably the
7 best spot for it being the slab is already there
8 --

9 MS. LOPEZ: Yes.

10 MR. FRANCO: -- in my opinion. So I'm
11 okay with that. And I think we already talked
12 about the other factors, so that, that's my
13 general feelings about the case. Does anybody
14 else on the board have any questions for the
15 applicant?

16 MR. FLEMING: Any board members? I'll
17 start at the end there. Tom, do you have any, any
18 questions?

19 MR. WALSH: I don't have any comments.
20 Mr. Franco covered all the points.

21 MR. FLEMING: Okay. I agree. Wai?

22 MR. CHIN: Yeah, I have no problem with
23 the variance that you're asking for based on the
24 five factors.

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2 MR. MARTINEZ: I don't have any problem
3 either, so.

4 MR. FRANCO: Okay. So can I have a
5 motion?

6 MR. FRANCO: Yeah. So I, I'll make a
7 motion to approve case 2023- --

8 MR. CHIN: Before we do that --

9 MR. FRANCO: Yeah?

10 MR. CHIN: -- does anybody else in the
11 audience --

12 MR. Franco: Oh. Yes, sorry, yeah.

13 MR. FLEMING: Does anybody else in the
14 public have any comments they want to make on
15 this application?

16 MR. KEHOE: Well, and, and sorry. Thank
17 you for reminding me, there are some people
18 online. Is anyone, and I know, I think the owner
19 is online.

20 MS. LOPEZ: Yes.

21 MR. KEHOE: Right. And then I think
22 there's someone else online as well.

23 MS. LOPEZ: Oh, my husband is probably
24 online.

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2 MR. KEHOE: Right. Just making sure that
3 if you're, if you're on the computer and you want
4 to make a comment, just raise your hand and we
5 can tell.

6 MR. FLEMING: Yeah. There's a button you
7 could hit called raise your hand and we'll be
8 happy to get everybody.

9 MR. KEHOE: Neither, neither of the
10 people have risen -- raised their hands.

11 MR. FRANCO: Okay.

12 MR. FLEMING: Alright. Alright. So
13 thank, thank you, Wai for that. So, in light of
14 that now --

15 MR. FRANCO: Well actually I, I'm going
16 to make a motion to close the public hearing for
17 2023-6.

18 MR. BELOFF: So moved.

19 MR. FLEMING: Do I have a second?

20 MR. CHIN: Second.

21 MR. FRANGELLA: All in favor?

22 MULTIPLE: Aye.

23 MR. FLEMING: Alright. So carried.

24 Public hearing is now closed. Now, do you want to

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2 make a motion to --

3 MR. FRANCO: Yes.

4 MR. FLEMING: Okay.

5 MR. FRANCO: So now we'll make a motion
6 to approve case 2023-6, asking for a variance of
7 it's 1702, which I, I didn't calculate all the
8 different --

9 MR. KEHOE: I think it's a total of --

10 MR. MICHAEL CUNNINGHAM: It's a 36
11 percent variance.

12 MR. KEHOE: And I think it's a total of
13 452 square feet, 33 percent based on my corrected
14 numbers.

15 MR. BELOF: No, It's 36 percent.

16 MR. KEHOE: Sorry, 36 percent.

17 MR. FRANCO: Okay. So 45 percent of
18 variance of -- what'd you say? 445?

19 MR. KEHOE: 452 feet, 36 percent.

20 MR. CHIN: That's the variance.

21 MR. FRANCO: Yeah. So a variance of 452
22 feet, square feet which is 36 percent.

23 MR. CHIN: Right.

24 MR. FRANCO: This is a secret Type two.

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2 No further compliance is required.

3 MR. CHIN: Second.

4 MR. FLEMING: All in favor?

5 MULTIPLE: Aye.

6 MR. FLEMING: Okay. So that's so
7 carried. We'll have --

8 MR. KEHOE: So yeah, just for the
9 record, I have to now prepare what is called the
10 decision in order.

11 MS. LOPEZ: Mm-hmm.

12 MR. KEHOE: And then I have to get the
13 chairman to sign it after I sign it. That will
14 probably be Monday or Tuesday of next week. And
15 then it will be uploaded to OpenGov and also
16 mailed. And then Martin Rogers will get it in the
17 building department.

18 MS. LOPEZ: Okay.

19 MR. KEHOE: He's the critical one that
20 has to have it, because then you can continue
21 getting your permits from him.

22 MS. LOPEZ: Mm-hmm. Okay.

23 MR. FLEMING: Thank you very much.

24 MS. LOPEZ: Thank you. Thank you so

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2 much.

3 MR. FRANCO: Thank you.

4 MS. LOPEZ: Thank you.

5 MR. FLEMING: Alright, so, we're, we're
6 back in session after -- after a brief pause. we
7 are here on case number 2023-7. The applicant is
8 Andrea Colucci, who is present. Right before you
9 got here --well, right before we had contacted
10 you, we actually adjourned this to next month.
11 But, at your request, we're going to cancel that
12 adjournment and we're going to hold your public
13 hearing tonight. So, so I guess what I need is a
14 motion to --

15 MR. CHIN: I'm going to make that
16 motion.

17 MR. FLEMING: I, I need a motion to
18 reopen the public Hearing.

19 MR. CHIN: I'm going to make a motion on
20 case 2023-7, 169, Watch Hill Road, Andrea
21 Colucci, alright, to reopen the public hearing.

22 MR. MARTINEZ: Seconded.

23 MR. FLEMING: All in favor?

24 MULTIPLE: Aye.

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2 MR. FLEMING: Okay. So moved, so we
3 reopened the public hearing. Applicant if we
4 could hear from you. First of all, my sincerest
5 apologies. I got a babysitter and took a half day
6 for tomorrow because for some reason I put it on
7 my calendar for that day.

8 MR. FLEMING: You can come back. It's
9 nice here.

10 MS. COLUCCI: Hi. Yeah. Sorry I'm a
11 little of breath. I'm Andrea Colucci, at 169,
12 just showing up because about two years ago we
13 put a pool in our backyard. I was here with the
14 zoning board back then for that, because of the
15 51 percent coverage on my property rule. I live
16 in a very old house. It was built in 1777 and the
17 original barn is on the property. And when the
18 property lines were redrawn, the barn fell onto
19 my property rather than my next door neighbor's,
20 where it used to be, making us have a lot of
21 coverage on our just under one acre plot. which I
22 love the barn, it's a wonderful thing to have.
23 But, it makes it very hard to add anything into
24 the house that we bought. I was lucky enough to

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2 get approval on the pool based on the fact that
3 it was very far away from all of my neighbors.
4 and put that in. And we were originally going to
5 do some pavers around it, but structurally it
6 wasn't -- we weren't able to do it because we
7 would've had to do some backfilling that would've
8 set against a retaining wall, and that wouldn't
9 have been a structurally sound option, which is
10 why we had to then decide to go with a deck
11 around the pool. It's kind of just surrounding
12 the pool on three sides. And then there's like a
13 deck patio area for lounge chairs, all within the
14 retaining wall that's in our property. And it's
15 pretty far away from every neighbor. Actually, I,
16 only one neighbor you could even see from there,
17 which is the Chays, that are very good friends of
18 ours next door. They use our pool all the time.
19 and there really isn't other, any other use of
20 that strip of space that's around the pool inside
21 the retaining walls, other than to put a deck on
22 it. So --

23 MR. CHIN: Okay.

24 MS. COLUCCI: -- I think, you know, I

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2 have a son and another one on the way, it would
3 be much safer to have something that they could
4 actually like, get out of the pool onto and not -
5 - because it, it's above, it's partially above
6 ground, that would be level all the way around
7 the pool. And as far as being aesthetically
8 pleasing and upping my property value, it's, if I
9 don't put something around the pool, it's going
10 to look pretty terrible if I ever go to sell. So
11 I'm just asking for you guys to hopefully
12 approve, you know, the, the deck it's really the
13 only, only it's the last plan we have outside of
14 our house that I -- that we have planned anytime
15 in the future. And it just kind of finishes the
16 whole project for us and makes it a nice outdoor
17 space that we can enjoy.

18 MR. CHIN: Okay. Alright. This case is
19 actually assigned to my myself. Alright. And I
20 was here when we gave you the pool variance back
21 then, alright.

22 MS. COLUCCI: Mm-hmm.

23 MR. CHIN: And I was going over the, the
24 pictures and everything you sent us and

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2 everything else, so forth and so on. And based on
3 what you're asking on, you know, on the five
4 factors, basically, the first one is an
5 undesirable change to the neighborhood. Okay, I
6 don't think so, because there's nothing there by
7 you at all. So it's not a detriment to the
8 neighborhood at all, okay.

9 Number two can the benefit be sought by
10 another means of -- the only thing is that you
11 said that you couldn't, you couldn't backfill
12 there because the retaining walls couldn't hold
13 back the, the --

14 MS. COLUCCI: Yeah.

15 MR. CHIN: -- the, that small amount of
16 dirt? I mean your --

17 MS. COLUCCI: Yeah. Kathleen (SIC), the
18 town engineer, yeah, told us that.

19 MR. CHIN: -- from what I see, you
20 retaining walls must be about a foot and a half
21 thick.

22 MS. COLUCCI: Mm-hmm.

23 MR. CHIN: With a, with a metal fence
24 around it sticking in there.

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2 MS. COLUCCI: Mm-hmm.

3 MR. CHIN: I mean another foot and a
4 half of dirt on this side, I can't see how that
5 would knock down that wall. Okay. Number one.

6 MS. COLUCCI: Yeah, I --

7 MR. CHIN: I think --

8 MS. COLUCCI: -- I appreciate that.

9 MR. CHIN: -- to me, putting dirt
10 against a metal pool, a metal, you know, framed
11 pool --

12 MS. COLUCCI: Mm-hmm.

13 MR. CHIN: -- to me, that's more of a
14 detriment to me, to the pool because --

15 MS. COLUCCI: Mm-hmm.

16 MR. CHIN: -- it could create cracks on
17 the pool, it could tear your liner, you know, it
18 depends on how you backfill that thing, you know
19 what I mean?

20 MS. COLUCCI: Mm-hmm.

21 MR. CHIN: It's like almost you have to
22 backfill, you have to build a wall around it,
23 then backfill it, you know what I mean, to keep
24 it from actually getting onto the pool, alright.

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2 MS. COLUCCI: Mm-hmm.

3 MR. CHIN: So that's, I don't think you
4 could, by another way of putting a -- somewhere
5 else that's not going to do anything. So that,
6 that's number two factor. Okay.

7 MS. COLUCCI: Okay.

8 MR. CHIN: And number three is it
9 substantial? Yes. And I find it substantial only
10 because you have a small house.

11 MS. COLUCCI: Mm-hmm.

12 MR. CHIN: On a piece of property with a
13 big barn on it, and which was part of your, your
14 percentage with the pool and everything else,
15 okay.

16 MS. COLUCCI: Mm-hmm.

17 MR. CHIN: So again, that's the only
18 fact that I see that it's making it really
19 stringent. Okay.

20 MS. COLUCCI: Okay.

21 MR. CHIN: Number four, the proposed
22 variance will have any adverse effect or impact
23 on the physical or environmental conditions in
24 the neighborhood or district. I don't see that at

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2 all. Okay. And number five is the self-created.

3 Most variances are always self-created. Okay.

4 MS. COLUCCI: Of course.

5 MR. CHIN: So based on those five
6 factors, what I see, the only one that I really
7 see is the variance is large. It's quite large,
8 okay.

9 MS. COLUCCI: Mm-hmm.

10 MR. CHIN: But there are circumstances.
11 I see that since your house was built back in
12 1777 --

13 MS. COLUCCI: Yeah.

14 MR. CHIN: -- and the barn was there and
15 everything else and so forth, and it kind of
16 hampered you from doing anything else besides put
17 the pool there, which you got the variance and
18 putting the deck around there, I don't see a big
19 problem with that. It's not going to make it any
20 different. I think it'll make it the pool, around
21 the pool nicer. I know you're going to, the front
22 part of the pool right there where you have --
23 you're going to clean that up, put maybe pavers,
24 then you're going to have a small deck that's

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2 going to go around three-quarters of the pool,
3 basically.

4 MS. COLUCCI: Mm-hmm.

5 MR. CHIN: And I think that's a little
6 bit safer to me than having dirt piling up
7 against the pool, especially an above ground type
8 pool, okay.

9 MS. COLUCCI: Mm-hmm.

10 MR. CHIN: So, again, I don't think I
11 have a problem with giving you the variance,
12 based on those factors.

13 MS. COLUCCI: Thank you, sir. I really
14 appreciate That.

15 MR. FLEMING: I'm going to ask other
16 members of the board, if anyone has any questions
17 or comments, I'll just ask again, don't talk over
18 each other. You, you're just guilty of it again,
19 and we have to make sure we watch this. If you
20 ask a question of the applicant or a comment for
21 her to respond to let, her respond and then
22 continue to ask questions. When we talk over each
23 other, it becomes difficult. So, so I'll start at
24 the end, Michelle, if you have any questions or

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2 comments.

3 MS. PICCOLO HILL: You know, honestly, I
4 think my biggest concern is that the variance is
5 so large.

6 MS. COLUCCI: Mm-hmm.

7 MS. PICCOLO HILL: But I do think that
8 it really is a unique situation, and I think
9 there is something to be said for the fact that
10 the house is so old and that the barn, which at
11 one point historically was so necessary for home,
12 really does take up such a significant amount of
13 your allowable square footage. Other than that, I
14 really don't have any concerns. I see the
15 necessity for some sort of decking around the
16 pool, not only from safety, but aesthetically, it
17 will add to property value, it makes it less of
18 an eyesore for your neighbors and yourselves. It
19 does make it more livable. Rather than detract
20 from your lifestyle, it will probably add to it.
21 So, I mean, that's just my biggest concern is
22 just the, the percent that you're asking for. But
23 I, you know, nothing else really concerns me.

24 MS. COLUCCI: Thank you.

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2 MR. MARTINEZ: Well, I just have to say
3 that it is huge.

4 MS. COLUCCI: Mm-hmm.

5 MR. MARTINEZ: There's no doubt about
6 that, but I like the fact that you're doing that
7 for safety reasons.

8 MS. COLUCCI: Thank you.

9 MR. MARTINEZ: So I have no problem with
10 that,

11 MR. FLEMING: Frank.

12 MR. FRANCO: Yeah. Similar to what
13 everyone else has said so far. I guess, you know,
14 the, the one point that I wanted to make, I guess
15 in favor of it is that the, the barn was there
16 prior to zoning. So I think that's a key point
17 also, because even, even the existing property I
18 think we're already over the area calculation for
19 what's allowable, you know. But because it was
20 all prior to zoning, you know, it, it changes the
21 situation. So again just reflecting what everyone
22 else said, I, I think I'm all right with it.

23 MR. FRANCO: Thank you.

24 MR. CUNNINGHAM: Right. The, and just to

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2 follow up on Mr. Franco's point, the, the
3 existing barn alone is already over the threshold
4 of what would be required for a -- what would be
5 permitted for an accessory structure square
6 footage.

7 MR. FRANCO: Yeah. That, that's kind of,
8 I didn't know the exact numbers, but I, I had a
9 feeling it was already over.

10 MR. CUNNINGHAM: The existing barn is
11 1,347 square feet and only 1,093 square feet
12 permitted it to begin with.

13 MR. FRANCO: Right. So just the fact
14 that the barn is there and it is prior to zoning,
15 so --

16 MR. CUNNINGHAM: It's a mitigating
17 condition. I think that's what --

18 MR. FRANCO: Yeah.

19 MR. FLEMING: Tom, do you have anything
20 you want to add?

21 MR. WALSH: As you say, you can't
22 backfill. Who's telling you? You have an
23 engineer? Yeah, it's Kathleen (SIC) from the
24 town. She came and looked when, when we, when we

1 June 22, 2023

2 put in the -- what we had to put in, like a --

3 MR. KEHOE: It would be Catherine.

4 MS. COLUCCI: Catherine.

5 MR. KEHOE: From the engineering
6 department.

7 MS. COLUCCI: Yes, I'm sorry.

8 MR. WALSH: You mean Catherine Brosman?

9 MS. COLUCCI: Yes. I'm sorry, I thought
10 it was Kathleen. Yes, yes.

11 MR. WALSH: Catherine Brosman. That's,
12 that's --

13 MS. COLUCCI: When we put in the, the
14 things in the ground to hold the groundwater, the
15 run over and all the things that we had to do to
16 stay in code with the town, she came and checked
17 every step. And she said at, at the time, what
18 are you going to do for around the pool? And I
19 said, well, we plan is to do some backfilling and
20 put in pavers. And she said that that wall is too
21 old. You cannot do it. You have to do a deck.
22 It's the only way, because then you can do the
23 deck on footers and it puts no pressure on the
24 wall. And she actually, my pool permit is

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2 technically still open because until I show her
3 that there is no backfill and that there is
4 nothing pressurizing that wall, she won't close
5 the permit. So I'm waiting to get the deck
6 approved so that then I can also close the pool
7 permit and show her that structurally everything
8 is sound and the deck was the only option.

9 MR. FRANCO: Mm-hmm.

10 MR. WALSH: How -- did you have to dig
11 out for the pool? Or did you backfill in around
12 the pool? Is that --

13 MS. COLUCCI: We had to dig out for the
14 pool.

15 MR. WALSH: You did dig out --

16 MS. COLUCCI: Just like, on the one side
17 where it's almost level with the ground that,
18 that, because it was on a slope, so we had to dig
19 out the most right there. And then it was like
20 four foot on one side, or like three-and-a-half
21 feet on one side, and then just two feet on the
22 far end, where it's kind of sticking out of the
23 ground more. And most of that backfill was just
24 kind of spread across our yard and grass

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2 replanted.

3 MR. WALSH: I don't have any other
4 questions.

5 MS. COLUCCI: Thank you.

6 MR. BELOFF: I, I'm just to piggyback
7 off of what Tom was bringing up. It, it, it's
8 with the, of the five factors here, number two,
9 can it be a desirable change will be produced --
10 no, sought by the applicant to achieve to by some
11 other method. Most, most of the concerns, I, I
12 would think -- is the pool designed for an in-
13 ground pool?

14 MS. COLUCCI: Yes.

15 MR. BELOFF: It is?

16 MS. COLUCCI: Mm-hmm.

17 MR. BELOFF: I, I, I'm just, I, I don't
18 understand. You have a rubble foundation there,
19 the CMU block, I mean, is it 8, 10, 12 inches?

20 MS. COLUCCI: I don't know what the CMU
21 block is.

22 MR. BELOFF: It's probably a pretty
23 decent footing. I, I just don't understand where
24 the pressure -- we were concerned about the

1 June 22, 2023

2 pressure. What Wai was saying was, I mean --

3 MS. COLUCCI: Mm-hmm.

4 MR. BELOFF: -- even the pool length.

5 MS. COLUCCI: Yeah.

6 MR. BELOFF: But if it's an in-ground
7 pool, it's 80 percent, it seems, if not more
8 below ground,

9 MS. COLUCCI: It's considered a sunken
10 above ground. So it's like it's, but it was
11 something that was approved by the, you know,
12 know to go in. And this is, it's one of the ones
13 that they do is sunk-, the pool company does, is
14 sunken above ground. I mean, the town took, got
15 all the plans for it and yes, sir. Oh, and, when
16 by having, I mean it's the, it's not the pool
17 that is the problem with the pressure. It's the
18 wall around it, the retaining wall around it
19 that, that, that Catherine told me she did not
20 want me to have any --

21 MR. FLEMING: When you say that there's
22 a distinction with the retaining walls.

23 MS. COLUCCI: Sure.

24 Mr. FLEMING: You have block walls that

1 June 22, 2023

2 look like they were put in --

3 MS. COLUCCI: Mm-hmm.

4 MR. FLEMING: -- more recently than the
5 stone wall, which presently is on the right hand
6 side of --

7 MS. COLUCCI: Right.

8 MR. FLEMING: -- the picture we're
9 looking at. Are you, are you talking about all
10 the retaining walls?

11 MS. COLUCCI: The ones that you see on
12 the right side of the photo are the, the very old
13 ones that have been on the property for a long,
14 long, long time.

15 MR. BELOFF: Rubble block.

16 MS. COLUCCI: The other ones, we, we
17 brought them up and kind of reinforced them.
18 Those, those along the back. So those are newer.
19 she did not want the ones along the back because
20 they were higher, like the ones along the side
21 are only about two feet high and the ones along
22 the back are like three-and-a-half feet or so.
23 She did not want to have them to have any dirt
24 against them.

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2 MR. BELOFF: Okay.

3 MS. COLUCCI: And the deck on the
4 footers would have no pressure on the pool nor on
5 the walls because they would all be on the
6 footers that our engineer plotted out.

7 MR. BELOFF: Understood. Okay. Okay.

8 MR. CHIN: No, I was just saying that so
9 you say this, this pool is actually built, but
10 it's not a concrete pool. It's a, it's a metal
11 line metal with rubber lined pool? It's not
12 really a --

13 MS. COLUCCI: There's concrete around
14 the part that's in the ground. So like --

15 MR. CHIN: In the ground?

16 MS. COLUCCI: Yeah. Mm-hmm.

17 MR. CHIN: But around the rest of it,
18 it's all just metal with -- and it's all a liner
19 though, still --

20 MS. COLUCCI: Correct.

21 MR. CHIN: -- in that portion.

22 MS. COLUCCI: Mm-hmm. Yes, sir.

23 MR. CHIN: All right.

24 MR. BELOFF: I, the pool is designed to

1 June 22, 2023

2 be in ground. Your initial --

3 MS. COLUCCI: It's my husband, I'm
4 sorry.

5 MR. BELOFF: -- was to put the pavers,
6 right? That was your initial --

7 MS. COLUCCI: It was designed --

8 MR. BELOFF: -- and the only reason it
9 stopped you is the outward pressures on, on the,
10 on, on the block wall that you see there. Now if
11 that block wall is designed the way normal block
12 walls are, right, with the proper footings with,
13 rebar, vertical uprights with the cavities filled
14 with concrete. I, I can't understand why that
15 would not --

16 MR. CHIN: Hold the --

17 MR. BELOFF: -- hold back, you know what
18 I mean, the pressures that would be up against
19 it.

20 MS. COLUCCI: Yeah. I, I'm not really --
21 I don't understand that necessarily either.

22 MR. BELOFF: That's where I'm stuck with
23 this. I'm not, I don't --

24 MS. COLUCCI: A hundred percent. I

1 June 22, 2023

2 don't, I don't --

3 MR. BELOFF: Maybe have a, an engineer
4 look at it and do some investigation of, of
5 that's why, how it was built.

6 MS. COLUCCI: Yeah.

7 MR. BELOFF: I mean, if you've got the
8 proper rebar and footing and everything, I can't
9 --

10 MS. COLUCCI: It's got all the rebar and
11 everything that in it. And Kathleen (SIC) said
12 the wall is fine. It's not, it's, there's, it's
13 not, the wall is not over code.

14 MR. BELOFF: That's where I'm stuck. I
15 think that -- I, I think your initial plan of
16 putting pavers and --

17 MS. COLUCCI: Yeah.

18 MR. BELOFF: -- backfill and --

19 MS. COLUCCI: Yeah.

20 MR. BELOFF: -- might be a better option
21 than, than, than putting down deck. But I'm not,
22 not --

23 MR. KEHOE: I think just for the record,
24 the you need a variance because it's a deck which

1 June 22, 2023

2 is raised up from the ground.

3 MS. COLUCCI: Right.

4 MR. KEHOE: And I think everyone knows
5 this, but if you did pavers, you wouldn't need an
6 additional -- you've already gotten a variance.
7 You wouldn't need an additional variance for the
8 coverage.

9 MS. COLUCCI: Correct. But the, oh, I'm
10 sorry.

11 MR. FLEMING: But the town won't close
12 the pool permit out with additional --

13 MR. CHIN: Backfill.

14 MR. FLEMING: -- backfill. So --

15 MR. KEHOE: Yes. That's, when she's
16 referencing Catherine, that's the town employee.
17 Now I'm not exactly sure, that doesn't sound like
18 Catherine to say you cannot do that.

19 MR. FRANCO: You would need an
20 engineering report.

21 MR. KEHOE: She would be deferring to
22 your engineer, I would think.

23 MS. COLUCCI: Yes.

24 MR. KEHOE: But if, if you're --

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2 MS. COLUICC: Yes.

3 MR. KEHOE: -- relaying that Catherine
4 doesn't think it's a good idea, I, I don't
5 question.

6 MR. BELOFF: Was it an engineer that
7 that made that decision?

8 MS. COLUCCI: Yes. Paul, yes, our
9 engineer is Paul Gdinski. He is the one who's
10 been, working with us since the beginning. And it
11 -- the other part was that if we chose to do
12 pavers and not a deck, we were, because she
13 didn't want us to backfill it, we would have to
14 do pavers that were in the back of the pool, like
15 three feet down on the ground and then build
16 another wall around the pool to like not have the
17 metal sticking out, which is why. And then our,
18 engineer that designed [unintelligible]
19 [00:27:38] who engineered our deck, put in extra
20 footers to make sure there would be no pressure
21 on that, on the wall or on the pool as well. So I
22 think there's 30, how many, footers are on our
23 deck plan, 34 footers on our deck plan to make
24 sure it's well supported.

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2 MR. BELOFF: Did the engineer review the
3 wall also?

4 MS. COLUCCI: Yeah. Yeah. He's been out
5 to our house probably ten times.

6 MR. CHIN: Well, again, I think --

7 MS. COLUCCI: It's okay babe, just take
8 him out. Sorry.

9 MR. CHIN: -- again, I think that --

10 MR. FLEMING: It's okay, he can stay,
11 it's really okay.

12 MR. CHIN: I don't have a problem with
13 the deck overall, based on what you want to do to
14 the paver, you know, that was the alternate or
15 whatever the heck. But I'm just saying I do not
16 have a problem with just decking around three
17 quarters of the pool just to cover that area. And
18 the rest of it's going to be pavers, which is
19 mostly on grade, basically already now.

20 MS. COLUCCI: Just to add in one of the
21 reasons to why, when we started doing the
22 research on the deck after Catherine told us not
23 to put in pavers, not to backfill, one of the
24 other reasons why we wanted to do this sun deck

1 June 22, 2023

2 area of the deck is because we wanted to get the
3 performance vision decking, which stays cool to
4 the touch up to 365 degrees. Again, that's for my
5 sons more than it is for me. And once we started
6 doing that research, we just thought it would be
7 safer for them to not have anything that was
8 going to be hot in the sun on their feet. So
9 that's why we wanted to do both the lounge area
10 and the area around the deck. And, after we were
11 doing the research for the deck realized that was
12 probably a safer option in the long run. Even
13 though it's actually more expensive, it's, it's
14 better for the boys.

15 MR. FLEMING: All right. So I'm going
16 to, I'm going to chime in on this myself now.

17 MS. COLUCCI: Sure.

18 MR. FLEMING: You know, we talked a
19 little bit about, and you might have heard them
20 mention, but there are five factors. And really
21 what this board does is, is has to really apply
22 these five factors to every application.

23 MS. COLUCCI: Mm-hmm.

24 MR. FLEMING: And we've walked through

1 June 22, 2023

2 them all. And the two that seem to be causing
3 some, some discussion here, one is, is the, is
4 the variance substantial? And I'll tell you
5 that's the one that's actually giving me a little
6 bit of trouble. This is the biggest area of
7 variance I've seen. There may have been other
8 ones that are larger than this, you know, before
9 I got on this board, but, but it's pretty
10 substantial. It's an over 150 percent. So it's
11 large. And you know, the things that you think
12 about when you look at those are one, you bought
13 the house, you knew the barn was there, so you
14 knew kind of what you were dealing with. It's
15 unfortunate, but it is what it is. The other
16 question which people are kind of tossing around
17 in their heads is whether or not there's another
18 way to do this. And if the other way to do this
19 is to, is to backfill, put down pavers, I know it
20 might not look as nice and you may have to do
21 another wall, but I think the answer to that
22 question is there is a way to do it without
23 adding stress to the wall. And, you know, putting
24 down pavers and not having to actually request

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2 this area variance. So, so those are the two
3 factors that I think is, are kind of get tossed
4 around in people's heads here. I think we have
5 enough information to, to take a vote on this.

6 MR. WALSH: I, sorry, one more question?

7 MR. FLEMING: Absolutely.

8 MR. WALSH: I just need to, you talk
9 about, it looks like that the deck is going all
10 the way. It only shows the pavers in front of
11 like the stairs going in, but the deck is showing
12 Trex deck all the way the entire --

13 MS. COLUCCI: Yeah.

14 MR. WALSH: -- thing. It's not, just as
15 Mr. Chin said, just half of the deck.

16 MR. CHIN: Yeah. But the deck, when you,
17 when you go on top of the dirt over there, that's
18 a deck on grade.

19 MR. WALSH: Okay. Is that still
20 considered part of the calculation?

21 MR. CHIN: There's a difference between
22 a deck on grade, which is not considered --

23 MR. WALSH: Yeah, but is that part of
24 the calculation is what I'm asking?

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2 MR. CHIN: Well, I, I don't think so. It
3 shouldn't be.

4 MR. KEHOE: If you're talking about --

5 MR. CHIN: Yeah.

6 MR. BELOFF: This is all -- this is all
7 decking too.

8 MR. CHIN: Now if, you put --

9 MR. WALSH: Okay.

10 MR. BELOFF: See, that's all decking in
11 front of the stairs.

12 MR. BELOFF: This is all decking.

13 MR. KEHOE: Are you talking about this
14 space here?

15 MR. BELOFF: No. Right from the, there's
16 only paver by the stairs. But where your cursor
17 is now is all, is all, is all decking.

18 MR. CHIN: Wood decking.

19 MR. BELOFF: It's all the Trex decking.

20 MS. COLUCCI: Yeah. That would be on
21 flat ground, decking on flat ground.

22 MR. BELOFF: I know, but is that part of
23 the calculation that we're at, that they're
24 asking for variance? If that, if it's not

1 June 22, 2023

2 required, that's going to lower the percentage of
3 the variance.

4 MR. CHIN: It's decking on grade.

5 MR. FLEMING: It's not decking on grade
6 though. Because he has, he has --

7 MR. CHIN: That's still on grade.

8 MR. FLEMING: If he's, if he's, if he's
9 mounting it to footers --

10 MR. CHIN: Yeah, it's on grade. The, the
11 everything's right below there. It's right on it.
12 Your, your base, your base beams, everything is
13 on grade. Not your deck is not on grade, that's
14 all part of on grade. Okay. I mean, you know,
15 really that, I think I we should clarify that
16 more so, but, you know --

17 MR. BELOFF: You were calling it 900 --

18 MR. CHIN: -- that's how I, that's how I
19 see it myself. So I think the calculation would
20 be a lot smaller based on that [unintelligible]
21 [00:32:27].

22 MR. KEHOE: That question is --

23 MR. FLEMING: Well, yeah, but based,
24 based on, I mean, look, I'm only looking at what

1 June 22, 2023

2 was given to us and although I know I understand
3 what you're saying --

4 MR. CHIN: He just brought this up right
5 now.

6 MR. FLEMING: No, no, I understand what
7 you're saying though. But based on what we're
8 given, it's not on grade it. It is placed on
9 footers, that look like they're going to be
10 anywhere from two to four inches off the ground.
11 That's considered on grade.

12 MR. CUNNINGHAM: So, So I, I think
13 something that the board considers taking a vote
14 on is just the 921 square feet of the post deck
15 and whatever that was in, you know, so that's all
16 that was in the write up and that's all. So the
17 applicant could theoretically, if the board votes
18 in favor could get 921 square feet of proposed
19 deck however far that takes her.

20 MR. FLEMING: Okay. I understand.

21 MR. KEHOE: Right. And that could be
22 clarified that if some of that, if Martin Reed
23 looks at that then and only 250 is actually, then
24 that brings the variance down instead of 162

1 June 22, 2023

2 percent, it might bring it down to --

3 MR. KEHOE: Right.

4 MR. FLEMING: -- you know, under a
5 hundred percent.

6 MR. KEHOE: So I guess --

7 MR. FRANCO: And that's a huge --

8 MR. CHIN: There's a big difference.

9 MR. FRANCO: Yes.

10 MR. KEHOE: But I guess what you, you --

11 MR. CHIN: I'm glad you brought that up.

12 I didn't realize that, looking at that.

13 MR. KEHOE: You, you can decide to, I
14 think Michael Cunningham saying it's 921 would be
15 the maximum obviously, because that's what we
16 have in the chart, but the ultimate one might be
17 less than that.

18 MR. FLEMING: Yes, you're right.

19 MR. CUNNINGHAM: So it would be, it
20 would still be the same percentage variance, but
21 it would be, based on a proposed deck not to
22 exceed 921 square feet.

23 MS. COLUCCI: So that means I could only
24 have half of the deck as I'm -- and I understand

1 June 22, 2023

2 --

3 MR. FLEMING: No, no.

4 MS. COLUCCI: Okay. I'm sorry, I'm
5 trying to follow.

6 MR. FLEMING: So if we grant the, zoning
7 variance request as requested, what you're asking
8 for is 921 square feet of deck.

9 MS. COLUCCI: Got it.

10 MR. FLEMING: What's been suggested is
11 it's possible that some portion of what you're
12 asking for doesn't actually need a variance
13 because it's actually going to be on grade
14 decking versus not on grade decking.

15 MS. COLUCCI: Okay.

16 MR. FLEMING: Now, I'm not actually sure
17 that's true. And I would default to our town,
18 and, and Martin who, who would be the one to
19 actually make that decision. But if it was all
20 not on grade decking, we would approve the 921
21 feet you're asking for if, if that's what the
22 board votes on.

23 MS. COLUCCI: Okay.

24 MR. FLEMING: You couldn't exceed that,

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2 but you're not looking to exceed that. If in
3 fact, 200 feet is on grade and doesn't count
4 towards that, what at the end, the area variance
5 of 163 percent that you're asking for might
6 actually only be 148 percent.

7 MS. COLUCCI: Understood. Thank you.

8 MR. FLEMING: You'd still need the
9 variance, but what we'd be doing is capping the
10 maximum amount of decking at what you've asked
11 for.

12 MS. COLUCCI: Thank you. Okay. I
13 understand. Thank you for the explanation.

14 MR. FLEMING: Sure. Anyone else have any
15 questions or comments before I call for a vote?
16 No?

17 MR. CHIN: Well, before you vote, make a
18 --

19 MR. BELOFF: Do we need, do we need
20 clarification on that?

21 MR. FLEMING: Well, I guess that's --
22 well that's, I guess that's a question. I mean,
23 do we need clarification from someone or if --
24 honestly, if you don't and you want to approve it

1 June 22, 2023

2 as it is without clarification, that's okay to
3 say. And if it's somebody else does want it, we
4 can talk about it.

5 MR. CUNNINGHAM: So, so the way I see it
6 too, you know, no matter what, the variance is
7 not going to be more than 162 percent.

8 MR. FLEMING: Yes.

9 MR. CUNNINGHAM: It could theoretically
10 be less, but based on even if it's at the maximum
11 that we're thinking, it will not be more than 162
12 percent. So you don't have to wait another
13 meeting to vote.

14 MR. FLEMING: No.

15 MR. CHIN: And the 921 square foot
16 proposed deck is what we should go by?

17 MR. CUNNINGHAM: Exactly. And not, not
18 to exceed the 921 square foot proposed deck,
19 which is what, which is what the applicant
20 proposed. Right.

21 MS. COLUCCI: Thank you.

22 MS. PICCOLO HILL: Actually, I just have
23 a, a quick question.

24 MS. COLUCCI: Sure.

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2 MS. PICCOLO HILL: So on your, right on
3 the plan, this is all the deck and then in the
4 middle here it says pavers. So that is where
5 you're saying it would be on grade and would be?

6 MR. CHIN: No, no, no, it's back where
7 the staircase is.

8 MS. PICCOLO HILL: Oh, okay.

9 MR. CHIN: The other way.

10 MS. PICCOLO HILL: Okay.

11 MR. CHIN: I mean, the pavers is going
12 towards the house and going towards that way.

13 MS. PICCOLO HILL: Right.

14 MR. CHIN: Those are all on grade.

15 MS. PICCOLO HILL: Okay.

16 MS. COLUCCI: Yeah.

17 MR. CHIN: The deck that they want to
18 do, it's like kind of around the pool and where
19 it kind of tapers in that way --

20 MS. PICCOLO HILL: Right.

21 MR. CHIN: They want --

22 MS. PICCOLO HILL: So that it meets at
23 that wall.

24 MR. CHIN: That would be all on grade, I

1 June 22, 2023

2 mean almost right to the pool, that corner curved
3 edge --

4 MS. PICCOLO HILL: Right.

5 MR. CHIN: -- is almost on grade.

6 MS. COLUCCI: We're actually going to
7 have to probably dig some of it down because of
8 the slope so where the -- where you see the
9 stairs end to the barn is level ground.

10 MR. CHIN: Right.

11 MS. COLUCCI: To the point where it
12 actually slopes up, we'll have to kind of even
13 that out to even make the deck flat with the rest
14 of the deck around the pool.

15 MS. PICCOLO HILL: Okay.

16 MS. COLUCCI: So.

17 MR. CHIN: I understand.

18 MS. COLUCCI: Yeah.

19 MR. CHIN: Okay.

20 MR. FLEMING: Alright.

21 MR. CHIN: Well then, you know what I'm
22 going to do. I want to make a motion to close the
23 public hearing on case 2023-7.

24 MR. FLEMING: Not Yet. Is there anyone

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2 else in the public who would like to be heard on
3 this topic?

4 MR. CHIN: Oh, okay.

5 MR. FLEMING: Is there anyone online who
6 would like to be heard on this topic, please
7 click the raise your hand button.

8 UNIDENTIFIED FEMAL: It's just Chris and
9 I.

10 MR. FLEMING: You guys are having a fun
11 time over there. Okay. Since there's no no, no,
12 no people who wish to be heard --

13 MR. CHIN: I'll make a case -- a motion
14 on case 2023-7 to close the public hearing.

15 MR. MARTINEZ: Second.

16 MR. FLEMING: All in favor?

17 MULTIPLE: Aye.

18 MR. FLEMING: Opposed? Alright. So
19 carried.

20 MR. CHIN: Okay. I make a motion on case
21 2023-7 to grant the proposed accessory structure
22 from required 1,093 square feet to 2,870 square
23 feet. Variance is 1,777 square feet, 162 percent,
24 which is included is a 920 square foot proposed

1 June 22, 2023

2 deck.

3 MR. FLEMING: 921 square feet.

4 MR. CHIN: Okay. And also the pool, the
5 equipment pads, and the existing barn.

6 MR. FLEMING: And I'd just like to
7 clarify that the, the, the order if it's granted
8 will be to allow maximum of --

9 MR. CHIN: Of 921 --

10 MR. FLEMING: of 921 square foot deck.

11 MR. CUNNINGHAM: Correct, yes, not to
12 exceed 921 square foot.

13 MR. CHIN: Maximum.

14 MS. COLUCCI: Got it.

15 MR. FLEMING: I need a second.

16 MR. BELOFF: Second.

17 MR. FRANCO: Well, you've got to say the
18 SEQRA

19 MR. CHIN: This is a SEQRA type two, no
20 further compliance to required.

21 MR. FLEMING: Okay. I need a second on
22 the motion.

23 MR. FRANCO: Second.

24 MR. FLEMING: All in favor?

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2 MULTIPLE: Aye. Is there any opposed?

3 Okay. Motion is granted.

4 MS. COLUCCI: Thank You so much.

5 MR. KEHOE: You've been through this
6 before, but I have to put this in a decision and
7 order.

8 MS. COLUCCI: Mm-hmm.

9 MR. KEHOE: It'll probably be Monday or
10 Tuesday. I'll get that to Martin and then he can
11 continue with his permit review.

12 MS. COLUCCI: Thank you. Thank you very
13 much guys. And again, I apologize for my
14 tardiness. Thank you for sticking around. I
15 appreciate it.

16 MR. FLEMING: It's okay. Thank you very
17 much. So I need a motion to close --

18 MR. KEHOE: Well -- it's the same. You,
19 you have to announce what happened with the
20 Fornelos case.

21 MR. FLEMING: Oh, I'm sorry. Alright. So
22 earlier in the hearing, we, we had announced that
23 -- we announced that, that a case that was on for
24 today, which is -- hang on a second, I'm just

1 June 22, 2023

2 moving slowly here through this.

3 MR. CHIN: 2023-4.

4 MR. FLEMING: Yeah, so case number 2023-
5 4, the application of David Fornelos, was
6 requested by the applicant to adjourn until the
7 July 20th hearing. We did grant that adjournment,
8 but we will welcome public comment today for
9 anyone who wants to make a public comment on that
10 application. You don't have to come back in July.
11 If you have something you want to say on it now,
12 you're welcome to come to the board and address
13 the -- just when you get up here, please just
14 state your name, and your address and then, we'll
15 be happy to hear anything you have to say on it.

16 MR. ED DRENGA: Sure.

17 MR. FLEMING: You're also welcome to
18 come back in July. You don't have to though if
19 you want to have your public hearing --

20 MR. DRENGER: My name is Ed Drenga and I
21 live at 8 Crest View Avenue. I don't know
22 anything that's been happening, any of, you know,
23 adjustments to his plan since the last time that
24 he submitted a plan. So I was here just to see

1 June 22, 2023

2 what the new proposal is.

3 MR. FLEMING: Chris, is that available?

4 MR. KEHOE: Well, I, I, I don't think --
5 you were here in a similar circumstance once
6 before and Mr. Fornelos was not here.

7 MR. DRENGA: Yes.

8 MR. KEHOE: Then the last meeting, Mr.
9 Fornelos was here and made a lengthy, detailed
10 presentation and there's a lot of back and forth
11 with the zoning board and he has to make
12 significant changes to the plan. And we expected
13 those significant changes tonight. But, you know,
14 with, with -- he made a timely request and said
15 he couldn't make all of those changes in time.

16 MR. DRENGA: Okay.

17 MR. KEHOE: So he asked the board to
18 adjourn the hearing to the July meeting. You
19 could always watch the June meeting if you wanted
20 to, to hear some of that back and forth. But the
21 zoning board did raise several concerns and he's
22 aware of them and he'll need to revise his
23 drawings.

24 MR. FLEMING: He made some changes, at

1 June 22, 2023

2 the hearing or before the hearing. Like he, he
3 deleted one component, which was the garage,
4 which was adjacent to the road, and he removed
5 that entirely from his application.

6 MR. KEHOE: Yeah, that was the biggest
7 change. He removed the entire garage, but that
8 opened up another issue because he turned it into
9 a parking area.

10 MR. FLEMING: He did. And then in the
11 back of the property, he added another, I think
12 shed.

13 MR. CHIN: Shed.

14 MR. FLEMING: So he, so he has made
15 changes to what is -- the proposal that was
16 before us at the meeting you were last at.

17 MR. DRENGA: Mm-hmm.

18 MR. FLEMING: I would encourage you to
19 go to the June hearing online. You could watch
20 it, you could hear the exchange.

21 MR. CHIN: Actually, it's the May.

22 MR. FLEMING: Sorry. It's, yes, you're
23 right. This is -- today's June. This was, it was
24 the May hearing of the zoning board.

1 June 22, 2023

2 MR. DRENGA: May.

3 MR. FLEMING: You could watch the
4 exchange with Mr. Fornelos and the board. We did
5 ask a lot of questions. We actually spent quite
6 a, quite a bit of time with him. So you could
7 understand where it's at. The documentation he
8 submitted before that hearing, is that still
9 available online?

10 MR. KEHOE: Yes.

11 MR. FLEMING: So there's a link when you
12 go to the town calendar and you look at the date
13 for that meeting, you click on the link to view
14 the actual video.

15 MR. DRENGA: Mm-hmm.

16 MR. FLEMING: You can also click on that
17 link for the documentation that was submitted.
18 And there is some documentation --

19 MR. DRENGA: I saw your documentation,
20 your letter to him, saying that you still had
21 concerns. It was still above the, you know,
22 allowable square footage.

23 MR. FLEMING: Yeah. There's -- he
24 submitted some more information for us as well.

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2 MR. DRENGA: Okay

3 MR. FLEMING: And you should watch that
4 video. That may answer a lot of the questions you
5 currently have. You're welcome to come back to
6 the next meeting as well. After he makes his
7 presentation --

8 MR. DRENGA: Okay.

9 MR. FLEMING: -- you're welcome to, to
10 give us your thoughts. We always welcome
11 comments.

12 MR. DRENGA: Okay. Well, I'll, I'll look
13 at the meeting, but just if, if you could at the
14 top of your head, turning that area for the
15 garage into a, a parking area, would that be
16 acceptable to, to the board?

17 MR. FLEMING: We have, we have not voted
18 or considered it.

19 MR. DRENGA: Oh, okay.

20 MR. FLEMING: We adjourned it after he -
21 - we had a lot of questions for him, so we
22 haven't actually made a decision on that. That's
23 something that's before us. If you have comments
24 on whether or not you think that's a good idea,

1 June 22, 2023

2 again, you can make them now, if you want to come
3 back in July, you can make them at that time.

4 MR. DRENGA: I have a concern that if he
5 has that parking area where the garage was
6 proposed, his, his trailers are back. And I'm
7 concerned that he parks his trailers in that
8 area, which is going to still block visibility
9 for the sign.

10 MR. CHIN: Okay. Let me say this. All
11 right. If he has trailers there, parked there
12 illegally and this, you cannot park any kind of
13 commercial stuff there. Okay. Then just call code
14 enforcement and [unintelligible] [00:43:14] --

15 MR. DRENGA: Okay.

16 MR. CHIN: -- get a ticket or whatever
17 the hell, because that is against the code.

18 MR. DRENGA: Okay.

19 MR. CHIN: He cannot park any of those
20 vehicles on his property or, or, or even on the
21 street, anywhere along there.

22 MR. DRENGA: And those vehicles, that,
23 that's our biggest concern in the neighborhood is
24 those vehicles.

1 June 22, 2023

2 MR. CHIN: Call code enforcement --

3 MR. DRENGA: Okay.

4 MR. CHIN: -- if it's there, whatever
5 you've got to do, you know what I mean?

6 MR. DRENGA: Okay.

7 MR. CHIN: You call the police
8 department, you know, because they'll give him a
9 ticket because that's against the code.

10 MR. DRENGA: Okay. All right.

11 MR. KEHOE: I, I just urge you because
12 I, I feel bad this is the second time. There's a
13 chance he may not be ready at July's meeting
14 either.

15 MR. CHIN: Yeah, right. We don't know.

16 MR. KEHOE: So you could always call me
17 or shoot me an email in the town and I would let
18 you know, because I feel bad that you come two
19 times and he hasn't been here. We're not
20 guaranteed he's going to be here in July.

21 MR. DRENGA: Okay.

22 MR. KEHOE: So, if you want, kind of mark
23 it to come --

24 MR. DRENGA: I will.

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MR. KEHOE: -- but just check with me.

MR. DRENGA: That would be easier. Thank
you.

MR. KEHOE: Yeah.

MR. CHIN: You're welcome.

MR. FLEMING: Alright. Anyone else have
any comments? Okay.

MR. CHIN: So I'll make a motion to
adjourn the meeting.

MR. BELOFF: Second.

MR. FLEMING: All in favor?

MULTIPLE: Aye.

MR. FLEMING: Okay. We're good. Thank
you everybody. Have a good night.

CERTIFICATE OF ACCURACY

I, Claudia Marques, certify that the foregoing transcript of the Zoning Board meeting of the Town of Cortlandt on June 22, 2023 was prepared using the required transcription equipment and is a true and accurate record of the proceedings.

Certified By

Handwritten signature of Claudia Marques in cursive script.

Date: July 10, 2023

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