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October 11, 2023

Town of Cortlandt
Chairman Michael Fleming &
The Zoning Board of Appeals
1 Heady Street
Cortlandt Manor, NY 10567

Re: David and Angela Fornelos - Variance Application for 12 Crest View Avenue,
Cortlandt Manor, NY

Chairman Fleming:

This firm represents David and Angela Fornelos in relation to the above-mentioned variance application. As you may recall, David Fornelos is a local contractor and Angela Fornelos is the Director of Reliable Child Care on Oregon Road in Cortlandt Manor. They live with their two school-age daughters in what is currently a 980 sq. ft. house on an 11,984 sq. ft. lot.

In order to reintroduce this application, we are annexing the following plans all prepared by Architect John A. Lentini.

1. The **initial** plot plan, floor plan and elevations plan (originally submitted on February 22nd, 2023); and
2. The **current** revised plot plan (originally submitted – September 20th, 2023); and
3. The **current** revised floor and elevations plan; (originally submitted October 7th, 2023).

We hope that the inclusion of the **initial** or original plans as compared to the **current** plans will help reintroduce this matter to the Board and show the full progression of this application. We know this has been a lengthy process and we apologize for any delays, and our clients wish to express their full commitment to the home they are remodeling for their family and their love for the neighborhood they live in.

Since the original application, the scope and breadth of the variances sought have been dramatically reduced and, in some cases, eliminated entirely. Consequently, when this Board compares the current site plan to what was originally proposed, we hope you will note the following:

- Due to persistent flooding in the basement and in its tuck-under garage, the Applicants originally proposed that the below ground driveway, which connected to the same, be eliminated and replaced with a garage extension sited on the side of the house which fronts on Crestview Avenue and adjoins Edgewood Road. Responding to comments from this Board, we are no longer asking for said extension and are instead siting a 12ft. by 20ft. shed in the rear yard which is permitted as of right, but which substantially adds to the accessory structure calculation.¹
- Due to the need for an expanded kitchen, dining and living area, we continue to request the side yard variance which would put the application about 1 ft. into the setback adjoining 14 Crest View Avenue. Prior comments by this Board seemed to indicate that they were likely to grant said variance as the house's foundation was originally built askew in relation to the property line.
- Due to the need for an expanded kitchen, dining and living area, we continue to request the front yard variance which would put the application about 2.8 ft. into the setback. Prior comments by this Honorable Board seemed to indicate that they were likely to grant said variance as house's foundation was originally built askew in relation to the property line.
- For the same reason we continue to request the variance related to maximum building coverage for dwelling use. Prior comments by this Board seemed to indicate as well that they were likely to grant said variance. Also, it is our understanding that as the Cortlandt Town Code is currently interpreted, any roof-like structure connected to the central dwelling unit adds to this calculation. However, if the covered rear patio (which is not habitable dwelling space) was removed from this calculation, a variance would no longer be required. We are not arguing against that Code interpretation; however we would like this Board to note this differentiation as the actual use of said space mitigates in favor of granting this variance.
- In response to comments from this Board we reviewed "inconstancies of square footage" in relation to some of the plans, and discovered that there was an error related to the plans which has since been corrected.² We thank the Board for its attention to details.

¹ The Applicants still plans on removing the tuck-under garage. With the shed, this application still conforms to all accessory structure requirements. It is the proposed gazebo which puts the application over the required number for the variance.

² This error was a holdover from a prior draft of plans which envisioned decking around the existing pool. Said decking was never proposed to this board.

- In response to comments from this Board the lower left back corner of the rear yard is now proposed as grass, not gravel, and we have reduced the size of the proposed driveway with the result being that a landscape variance is no longer required.
- In response to comments from this Board we are now showing the proposed screening fence adjoining 14 Crest View Avenue.
- Lastly, an accessory structure variance of 141 sq. ft. is required because the proposed gazebo covers an approximate area of 144 sq. ft.

ANALYSIS

In relation to this revised application, we believe the five-factor test for an area variance clearly supports the granting of the variance herein requested as we believe the improvements sought are a benefit to the neighborhood in that they will provide for more onsite parking, more on-site rear-yard storage, more screening and better aesthetics. Furthermore, this application will allow the Applicants to address a persistent flooding problem that has long existed with the Applicants' driveway and basement.

Specifically, we posit that:

1. No "undesirable change" will be produced in the character of the neighborhood, nor will any detriment to nearby properties occur due to this application. In fact, this application will dramatically improve the front facing aesthetics of the home and will provide more screening to the front and rear yards.
2. The benefit sought by the Applicants cannot be achieved by some method more feasible for the Applicants to pursue, other than an area variance, in that the house's foundation, when originally built, was plotted askew as to the adjoining property line in the side yard. This application seeks to compensate for such existing condition while also bringing the front yard setback into conformity with what already exists, while also providing a better aesthetic design. Further, the remaining variances generally flow from the Applicants having a good-sized lot, with a smaller house on it with a reasonably sized existing rear patio. To be clear, the revised application seeks to utilize the property more fully without having to rebuild the entire house and its foundation which would not otherwise be feasible for the Applicants.
3. This application is not substantial as it merely seek a 1 foot variance for the setback adjoining 14 Crest View Avenue and 2.8 ft. into the front yard setback. The maximum accessory building area variance (141 sq. ft.) is entirely comprised of a gazebo which though occupying that surface area is merely to provide shading - more akin to an awning, sunshade or umbrella (items which are far less likely to be counted as accessory

structures). And while the maximum coverage area variance is a request of around 10% (rounded up) over the allowable coverage, this calculation includes the rear patio space which is not truly dwelling space.

4. This application will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. If anything, this application improves onsite drainage while also allowing the property to retain more water on site.
5. Lastly, the alleged difficulty herein was not self-created. As discussed previously, the foundation was placed slightly askew back when the house was built in 1951 due to no fault of the Applicants. Furthermore, the Applicants when purchasing this residential home performed all normative due diligence and was not on notice regarding the basement's propensity to flood. In this regard, the Applicants installed new sump pumps and with the help of the Town had curbing installed to prevent runoff from the street. None of these repairs have remediated this flooding problem. As such, the Applicants need to fill in the existing driveway leading to the tuck-under garage. And given problems with siting a replacement garage along Edgewood Road, our alternative configuration for storage sites a shed in the rear-yard – where the shed adds 320 sq. ft. to the requested accessory structure calculation and directly impacts the siting of the proposed gazebo, thus necessitating the requested relief.

In conclusion, we hope that you see herein Applicants willingness to work with this Board to try to find workable solutions when they are presented with a “Catch-22,” of a small house built askew on a decent sized corner lot, which has increases to required setbacks. We thank you in advance for your consideration of this matter. Please do not hesitate to contact us with any questions or concerns you may have.

Sincerely yours,

McCARTHY FINGAR LLP

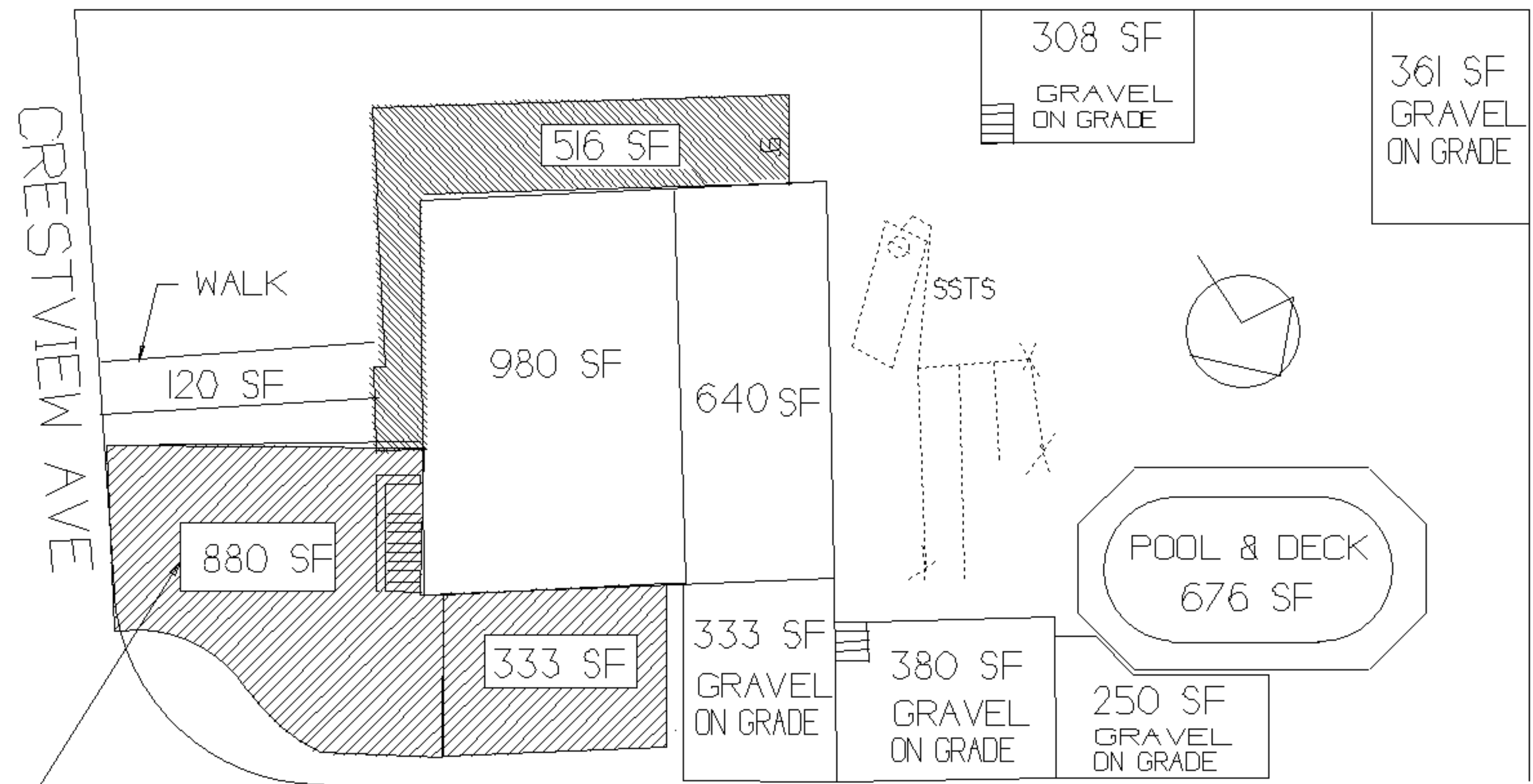


Joshua B. Subin

cc: Chris Kehoe, AICP, Planning Director
Michael J. Cunningham, Esq.

SUPERSEDED

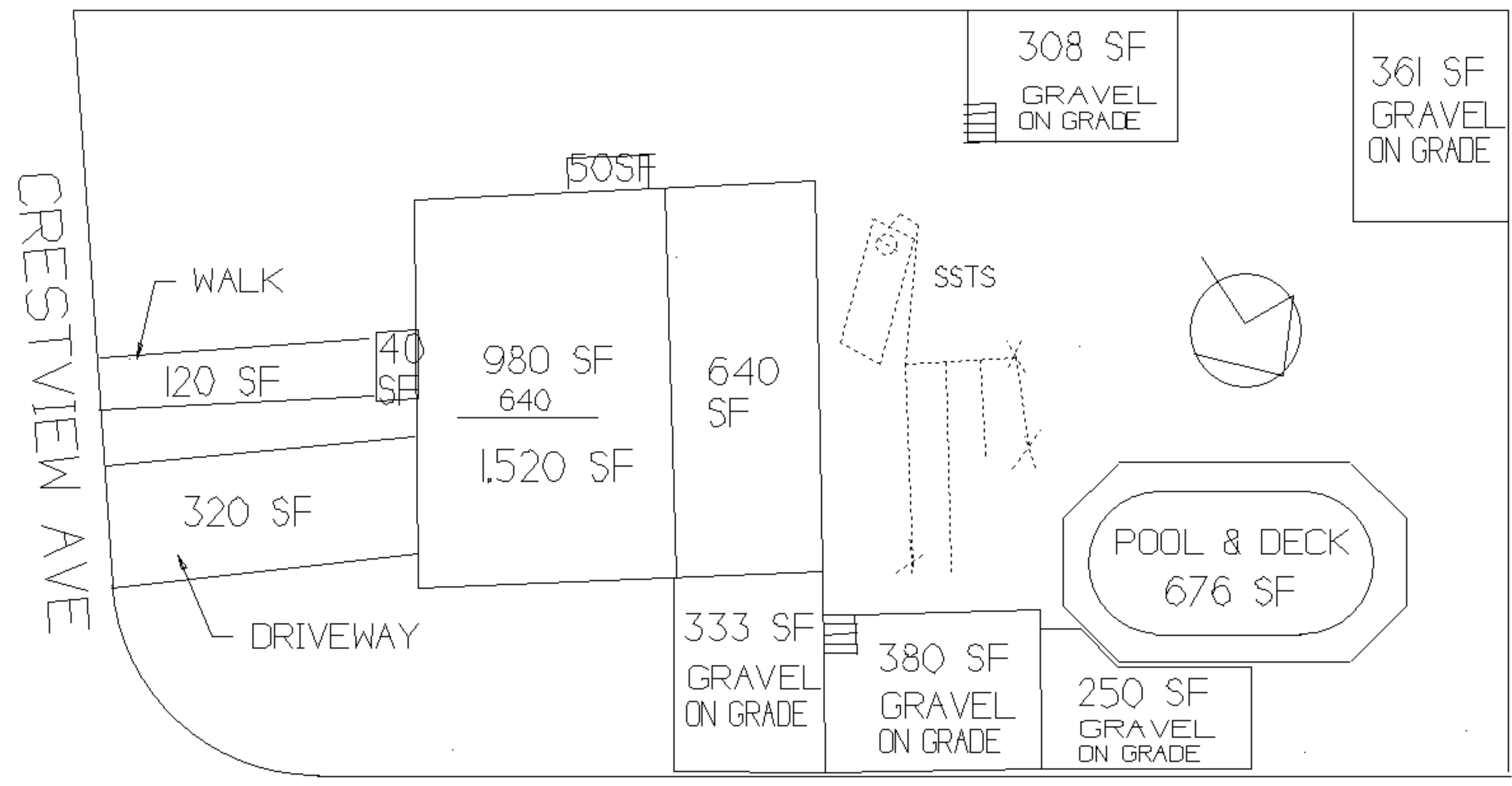
**INITIAL PLOT PLAN, FLOOR PLAN AND ELEVATIONS
PLAN
(ORIGINALLY SUBMITTED ON FEBRUARY 22, 2023)**



| | | |
|---------------------|-----------|---------|
| DRV | STRUCTURE | 980 SF |
| 120 | 640 | 676 |
| 308 | 516 | 333 |
| 361 | 880 | 516 |
| 333 | 120 | 2469 SF |
| 380 | 308 | |
| 250 | 361 | |
| | 333 | |
| | 380 | |
| | 250 | |
| | 5,777 SF | |
| 11,984 SF LOT | | |
| -5,777 | | |
| 6,207 SF LS) | | |
| 11,984 X .5 = 5,992 | | |

| | |
|-------------------|----------|
| DWELLING COVERAGE | 980 SF |
| | 640 |
| | 333 |
| | 516 |
| | 2,469 SF |
| FLOOR AREA | 980 SF |
| STRUCT | 640 |
| | 333 |
| | 516 |
| | 2,469 SF |

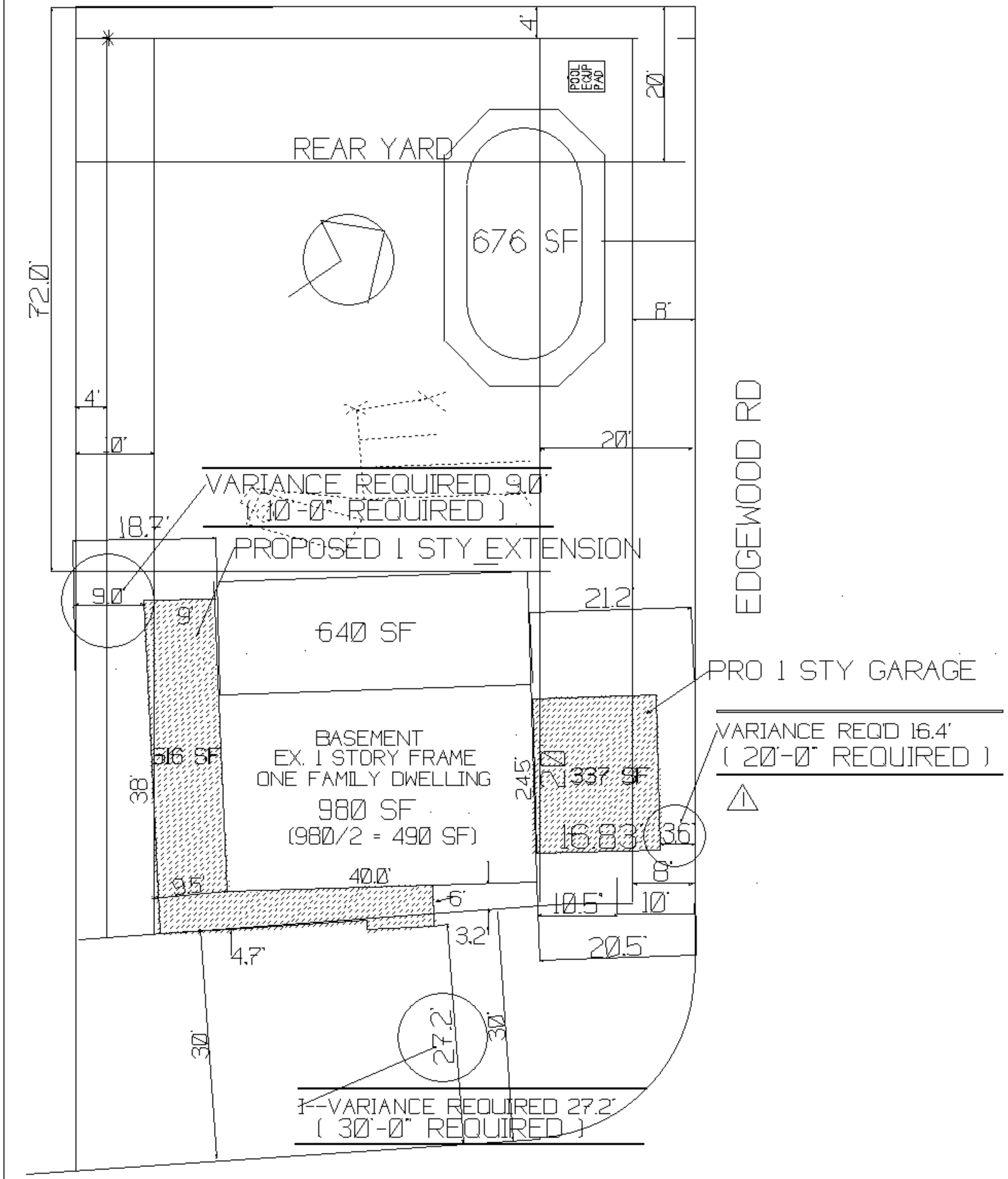
EDGEWOOD RD
PLOT PLAN
PROPOSED AREA ANALYSIS



| | | |
|---------------------|-----------|--------|
| DRV | STRUCTURE | 980 SF |
| 320 | 640 | 676 |
| 120 | 50 | 40 |
| 308 | 40 | |
| 361 | 320 | |
| 333 | 120 | |
| 380 | 308 | |
| 250 | 361 | |
| | 333 | |
| | 380 | |
| | 250 | |
| | 4,280 SF | |
| 11,984 SF LOT | | |
| -4,208 | | |
| 7,776 SF LS) | | |
| 11,984 X .5 = 5,992 | | |

| | |
|-------------------|----------|
| DWELLING COVERAGE | 980 SF |
| | 640 |
| | 50 |
| | 40 |
| | 1,710 SF |
| FLOOR AREA | 980 SF |
| STRUCT | 640 |
| | 50 |
| | 40 |
| | 1,710 SF |

EDGEWOOD RD
PLOT PLAN
EXISTING/PERMITTED AREA ANALYSIS

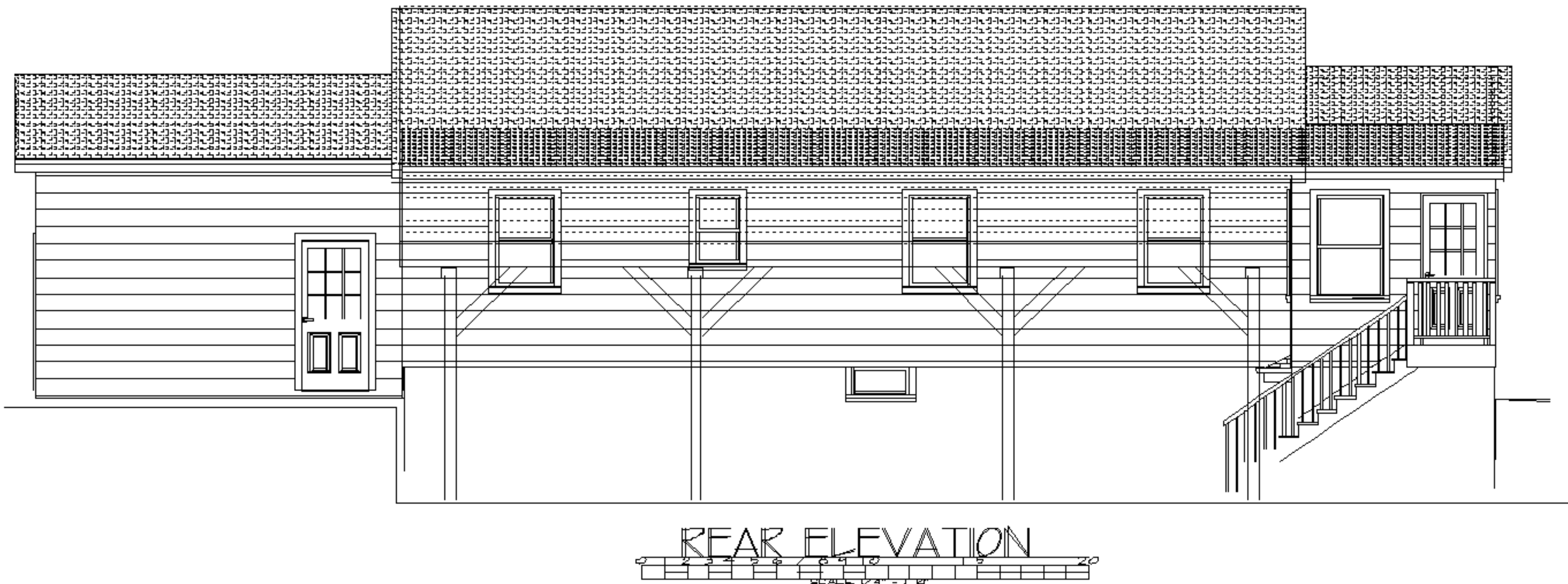


EDGEWOOD RD
PLOT PLAN
SCALE 1" = 10'-0"

| ZONING INFO ZONE R-10 | | | | | |
|-----------------------|-----------|-----------|--------|-----------|---------------|
| ITEM | REQUIRED | EXISTING | COMPLY | PROPOSED | COMPLY |
| LOT SIZE | 12,000 SF | 11,984 SF | OK | 11,984 SF | OK |
| LOT WIDTH MN | 75 LF | 80 LF | OK | 80 LF | OK |
| FRONT YARD | 30 LF | 32.2 LF | OK | 27.2 LF | VARIANCE REQD |
| SIDE YARD 2 | 20 LF | 20.5 LF | OK | 3.6 LF | VARIANCE REQD |
| SIDE YARD 1 | 10 LF | 15.5 LF | OK | 9.0 LF | VARIANCE REQD |
| REAR YARD | 20 LF | 72.0 LF | OK | 72.0 LF | OK |
| MAX HEIGHT | 35 LF | (35.0 LF) | OK | (35.0 LF) | OK |
| MIN LS AREA | 50% 5,947 | 7,776 SF | OK | 6,207 SF | OK |
| MAX COVER PVLG% | 19.93 SF | 1,710 SF | OK | 2,469 SF | VARIANCE REQD |
| MAX FLR AREA | 2,469 SF | 1,710 SF | OK | 2,469 SF | OK |
| MAX ACC AREA 50% | | | | | |
| HOUSE 980 SF | | | | | |
| ACCESSORY STRUCT | | | | | |
| SIDE YARD 1 | | | | | |
| REAR YARD | | | | | |
| MAX HEIGHT | | | | | |

| | | |
|-----------------------------------|-----------|---------------|
| 2 | 2/17/2023 | TOWN COMMENTS |
| 1 | 2/14/2023 | TOWN COMMENTS |
| CLIENT | | |
| MR. DAVID FORNELLOS | | |
| LOCATION | | |
| 12 CREST VIEW AVENUE | | |
| CORTLAND MANOR, NY 10567 | | |
| 3409 - 1 - 37, R-10 ZONE, 11894SF | | |
| DRAWING DATE 2/9/2023 BY JL/OK | | |
| PROPOSED ADDITIONS | | |
| JOHN A. LENTINI | | |
| ARCHITECT | | |
| 124 ALLAN STREET | | |
| CORTLAND MANOR, NY 10567-1614 | | |
| PHONE (914) 737-2890 FAX -1915 | | |
| DRAWING NUMBER 05221 | | |



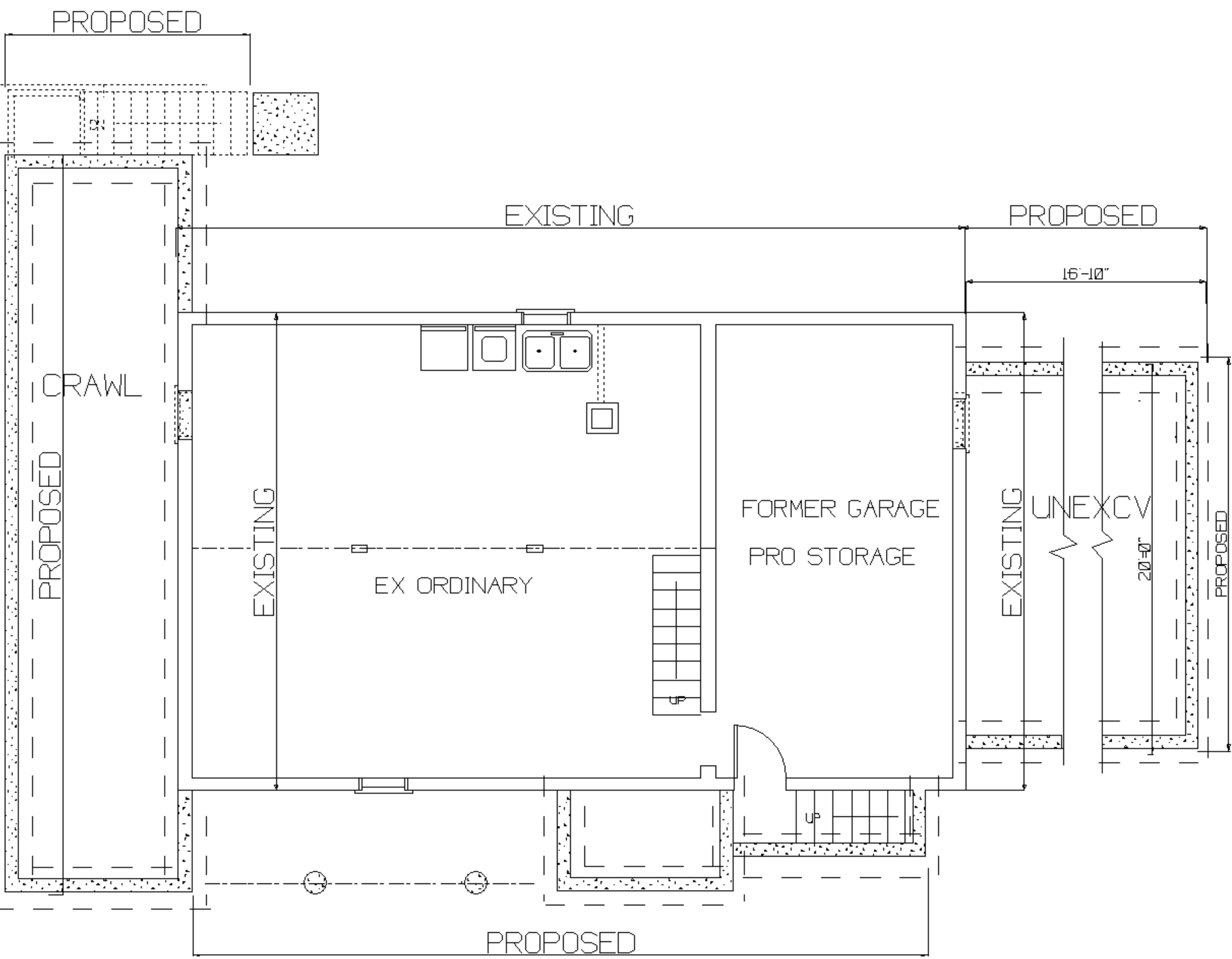


| REVISION | DATE | DESCRIBE | BY |
|--|------|----------|----------------------|
| CLIENT MR. DAVID FORNELOS LOCATION 12 CREST VIEW AVENUE CORTLANDT MANOR, NY 10567 3409 - 1 - 37, R-10 ZONE, U8945F | | | |
| DRAWING DATE 2/9/2023 BY JL/gk | | | |
| PROPOSED ADDITIONS JOHN A. LENTINI ARCHITECT 124 ALLAN STREET CORTLANDT MANOR, NY 10567-1614 PHONE (914) 737-2690 EMAIL PENCILBASE@AOL.COM | | | |
| SEAL & SIGNATURE | | | DRAWING NUMBER 05221 |

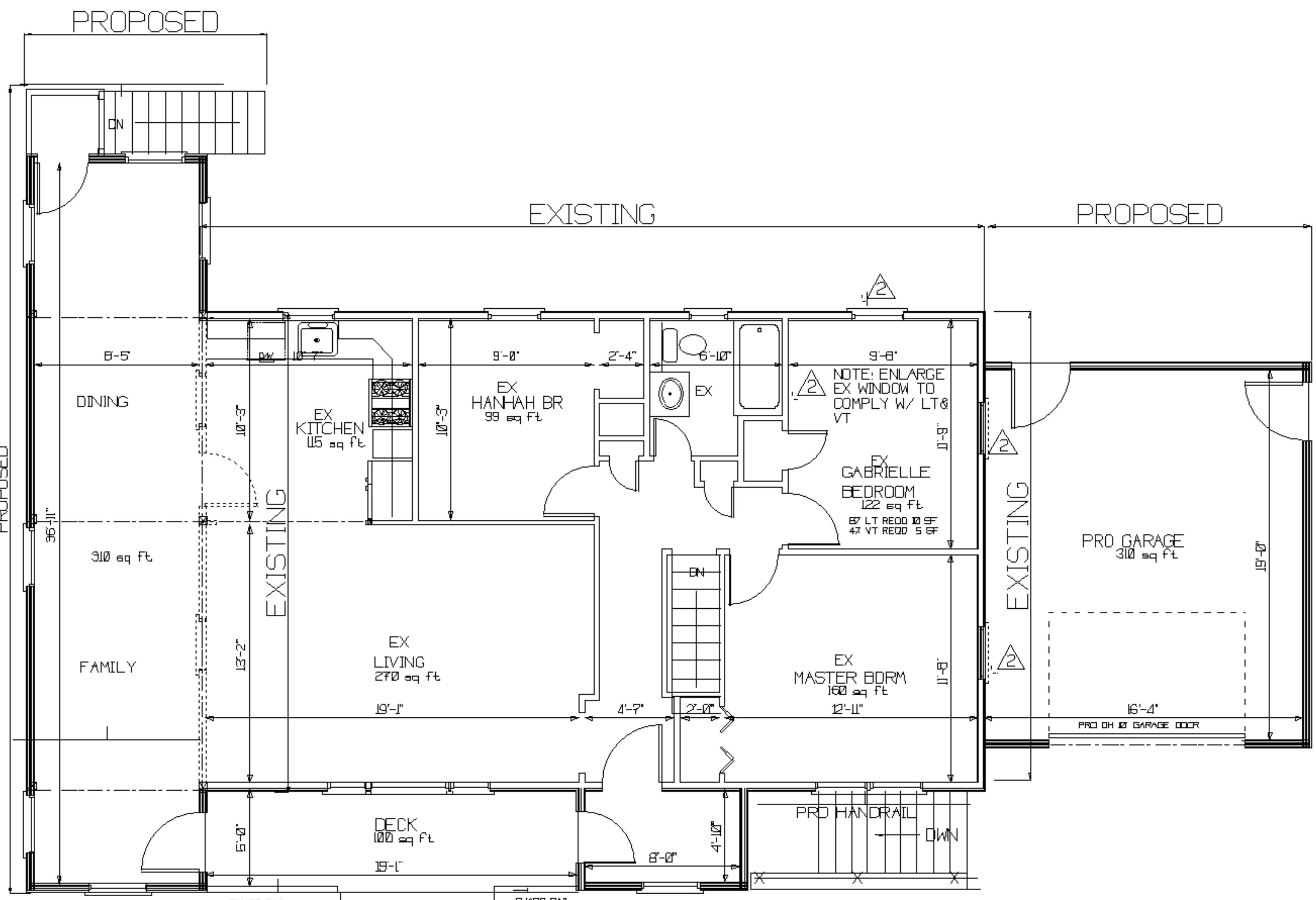


John A. Lentini

A-2



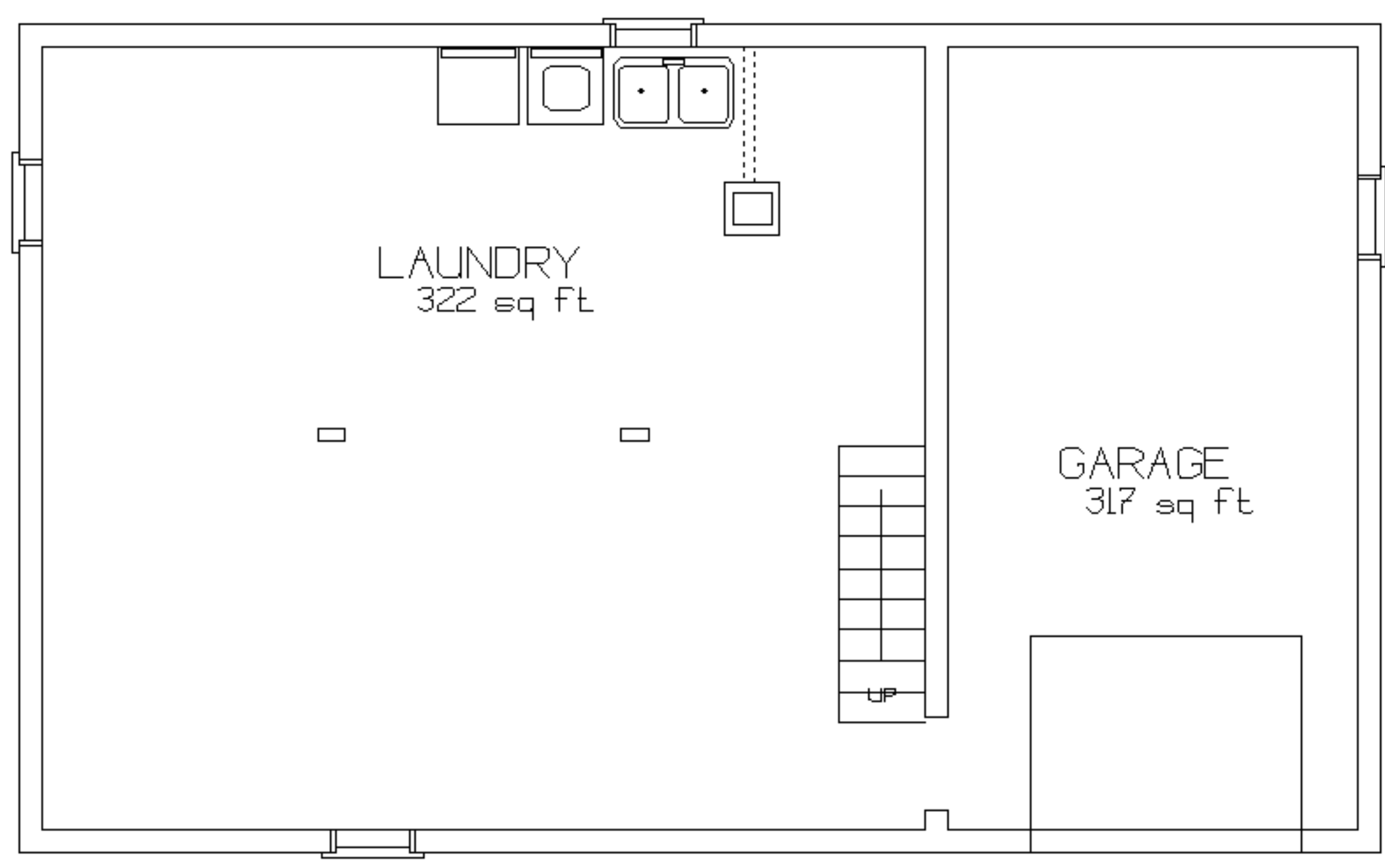
BASEMENT PLAN
SCALE 1/4" = 1'-0"



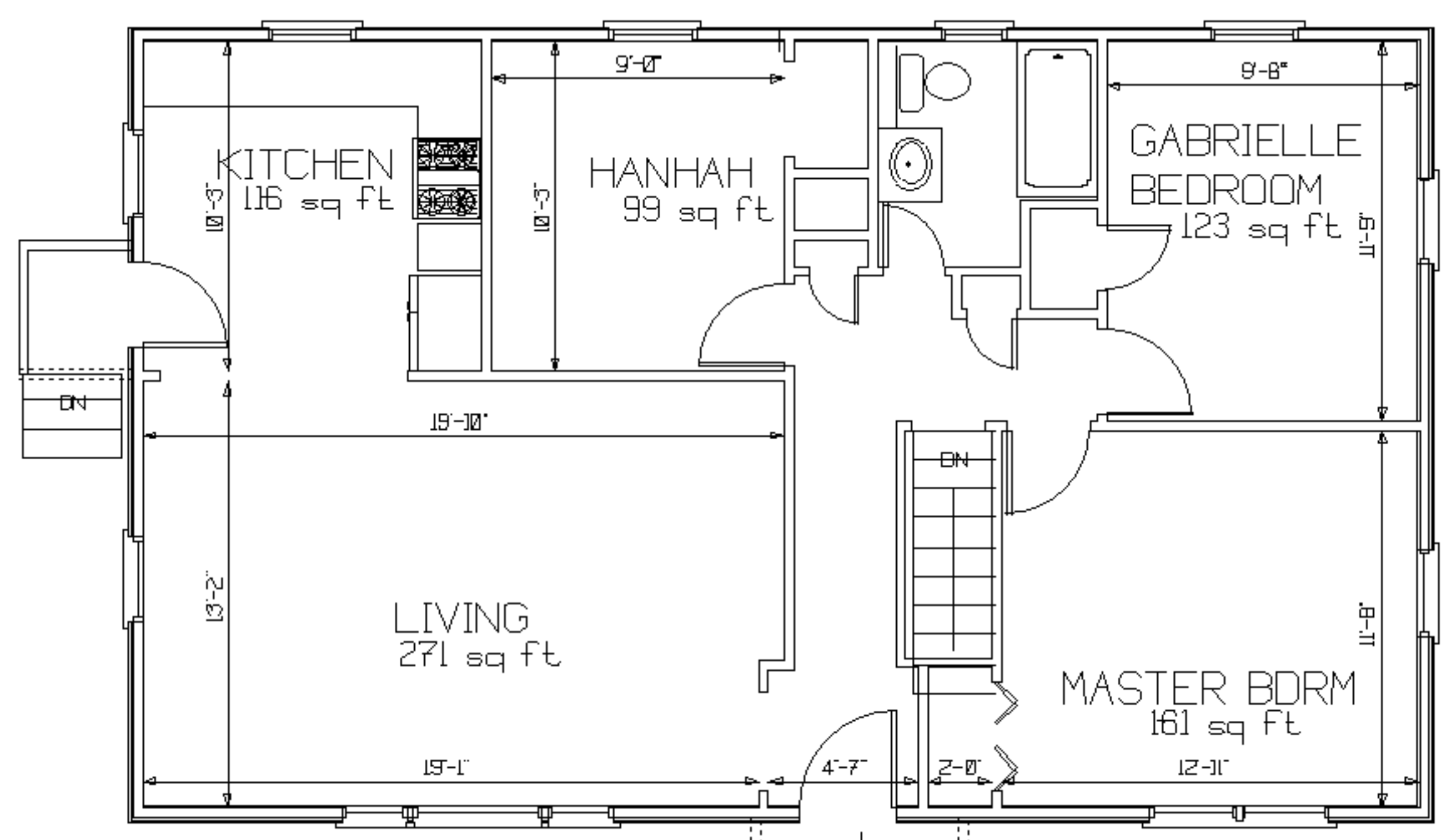
FIRST FLOOR PLAN
SCALE 1/4" = 1'-0"

LEGEND

- PROPOSED MASONRY
- PROPOSED FOOTING
- PROPOSED HEADER
- PROPOSE
- EXISTING
- EXISTING FRAMING
- PROPOSED FRAMING



EXISTING BASEMENT PLAN



EXISTING FIRST FLOOR PLAN

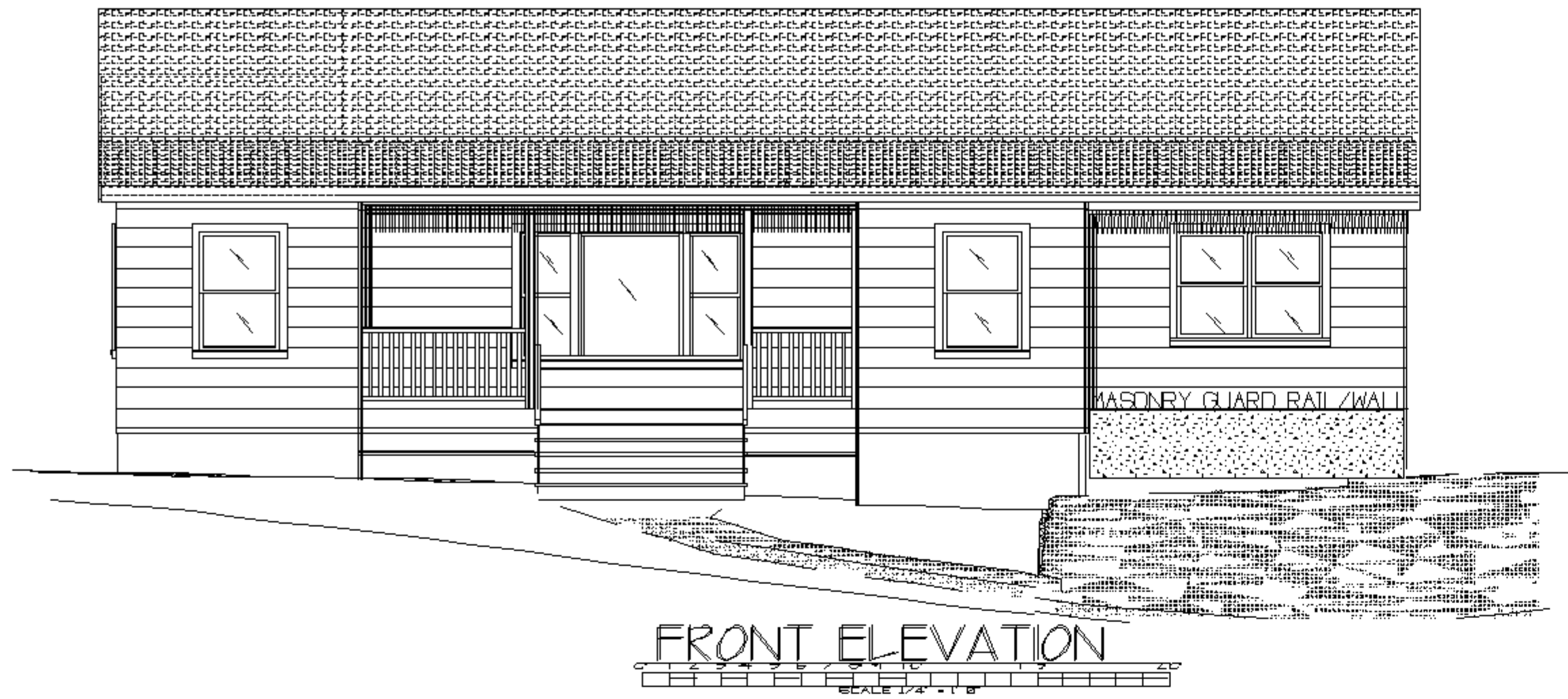
| 2 | 2/17/2023 | TOWN COMMENTS | |
|--|-----------|----------------------|----|
| REVISION | DATE | DESCRIBE | BY |
| CLIENT MR. DAVID FORNELOS LOCATION 12 CREST VIEW AVENUE CORTLANDT MANOR, NY 10567 3409 - 1 - 37, R-10 ZONE, U8945F | | | |
| DRAWING DATE 2/14/2023 BY JL/gkr | | | |
| PROPOSED ADDITIONS | | | |
| JOHN A. LENTINI ARCHITECT 124 ALLAN STREET CORTLANDT MANOR, NY 10567-1614 PHONE (914) 737-2690 EMAIL PENCILBASE@AOL.COM | | | |
| SEAL & SIGNATURE | | DRAWING NUMBER 05221 | |



A-3

John A. Lentini

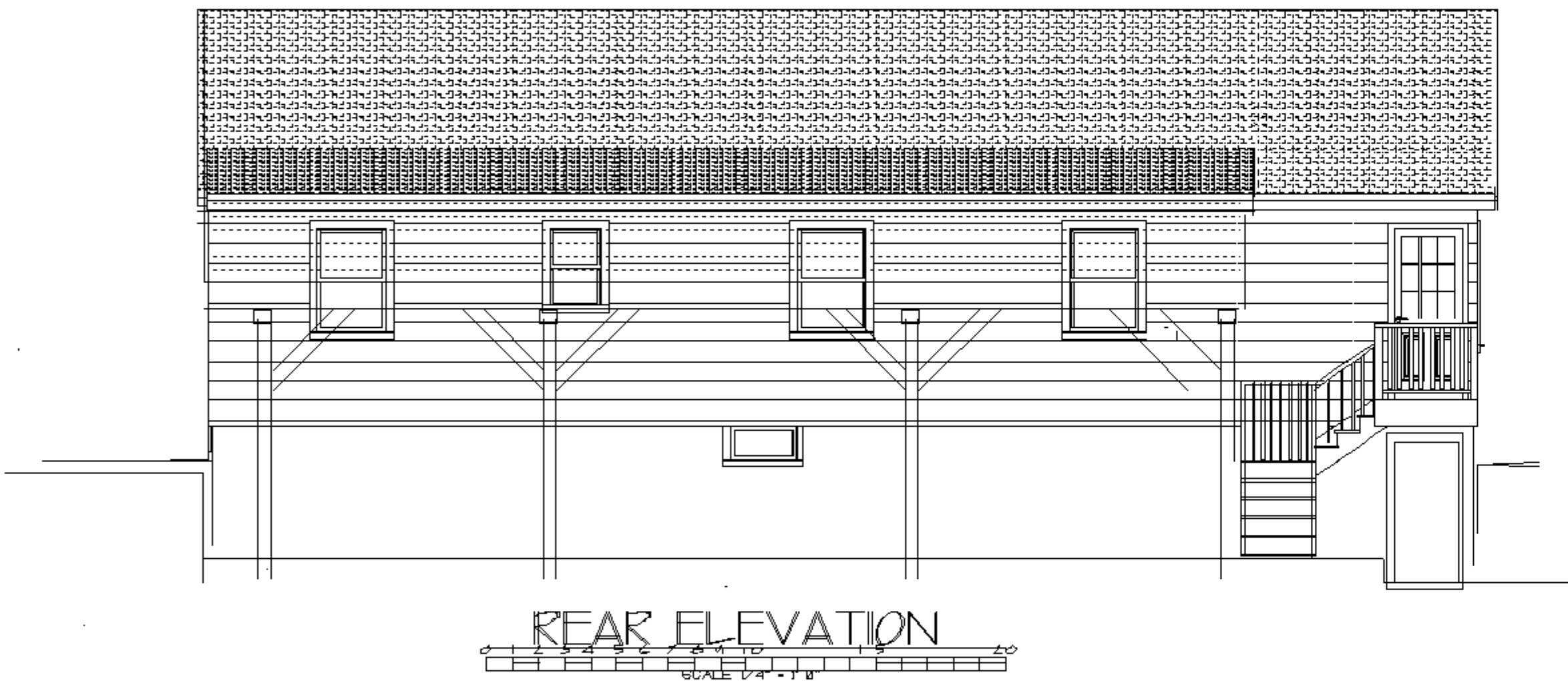
**CURRENT REVISED FLOOR AND ELEVATIONS
PLAN
(ORIGINALLY SUBMITTED OCTOBER 7, 2023)**



FRONT ELEVATION



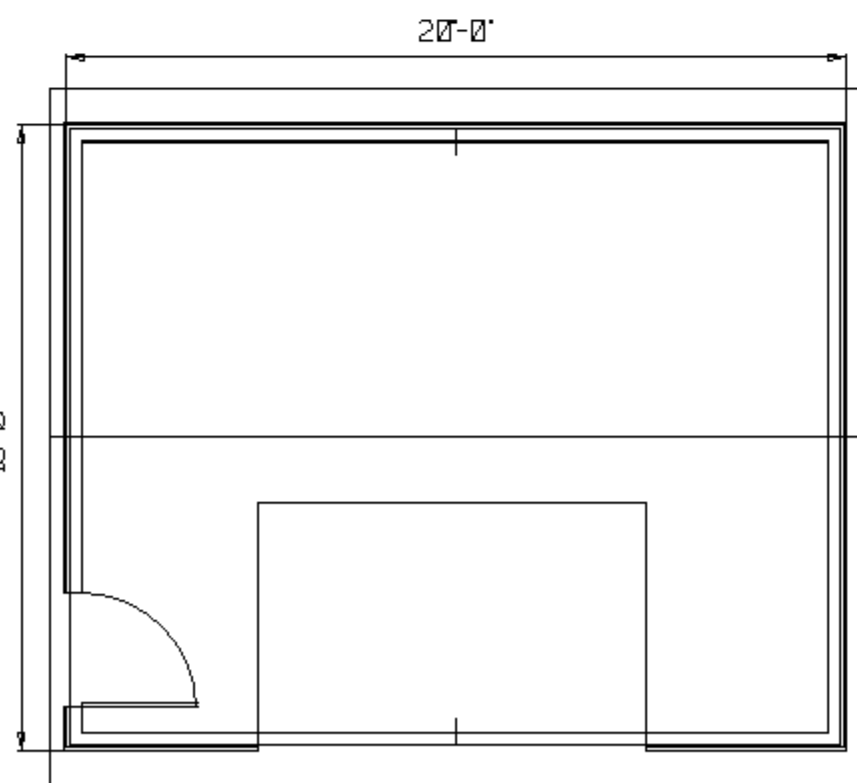
RIGHT SIDE ELEVATION



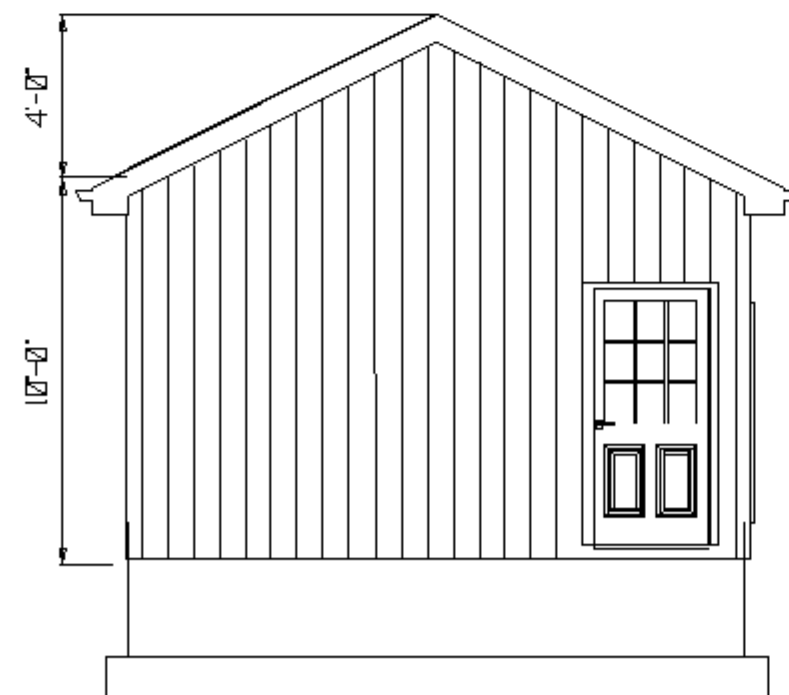
REAR ELEVATION



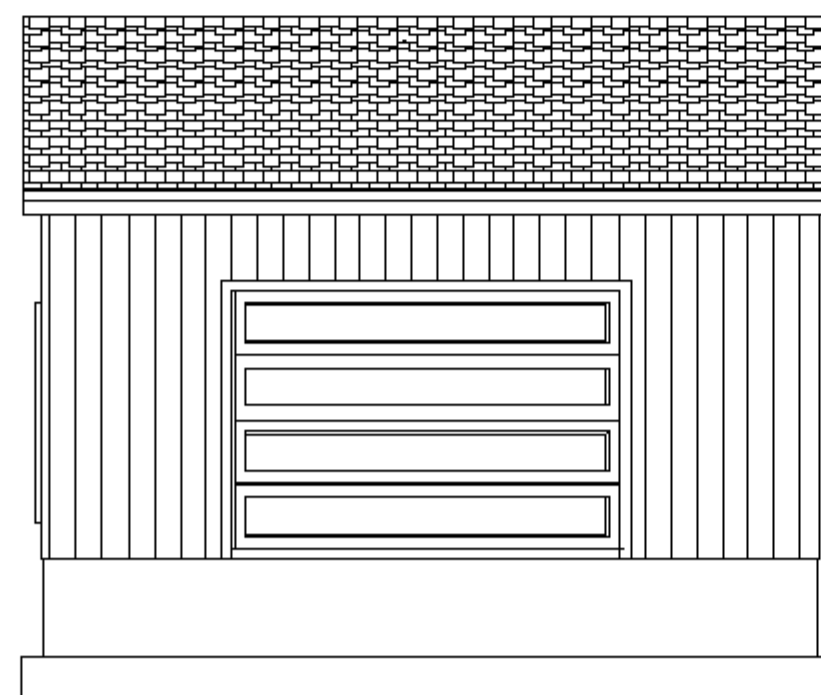
LEFT SIDE ELEVATION



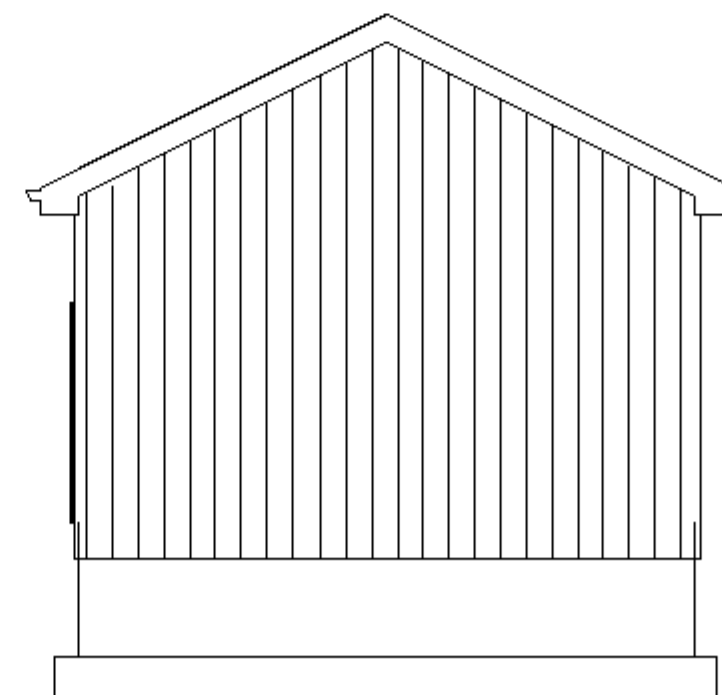
SHED FLOOR PLAN



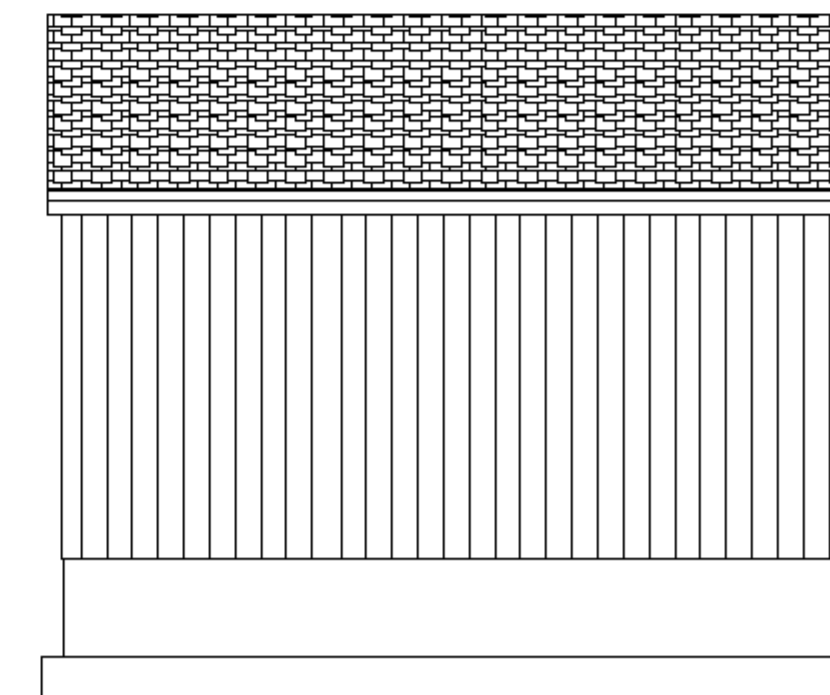
LEFT ELEVATION



FRONT ELEVATION



RIGHT ELEVATION



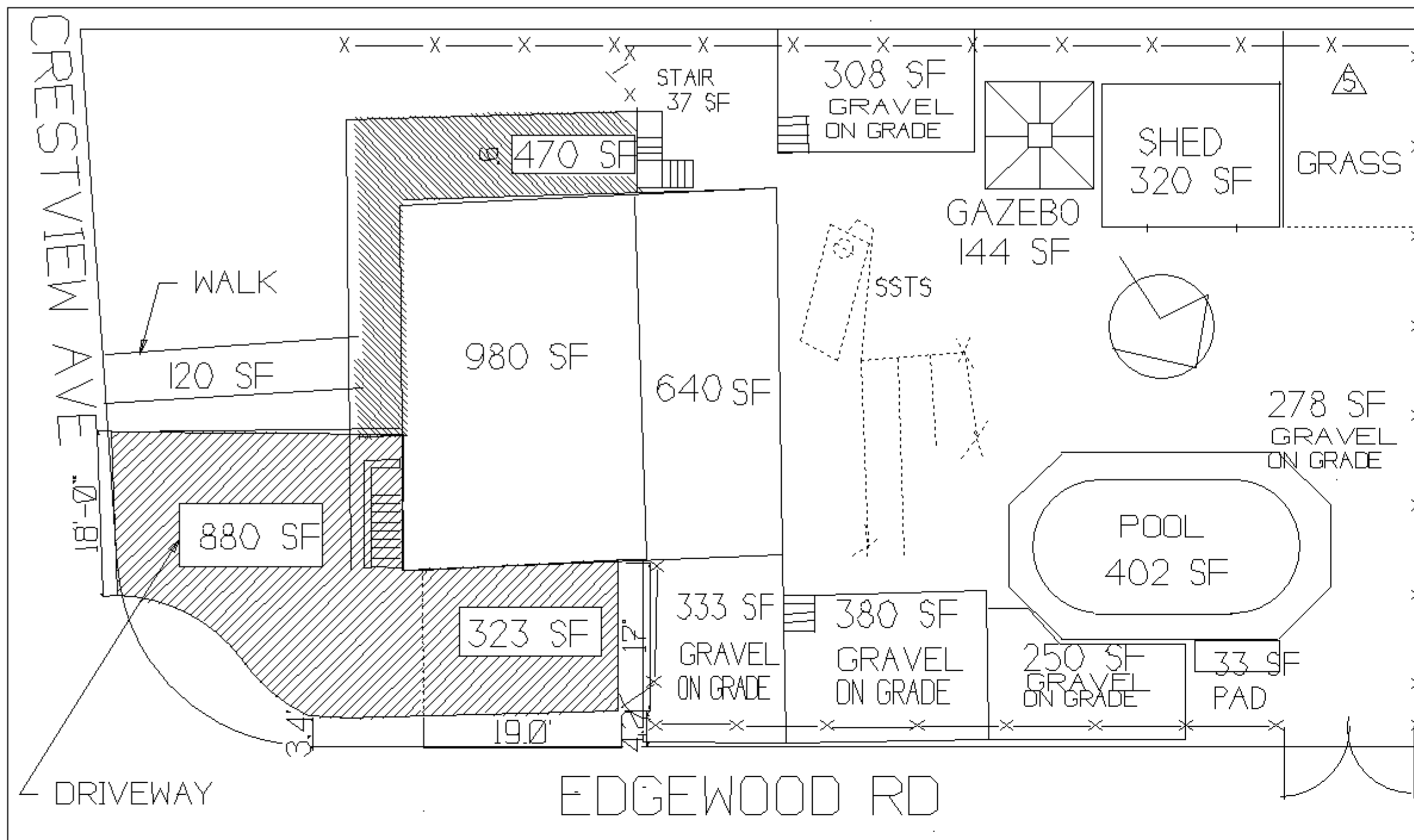
REAR ELEVATION

| | | | |
|------------------------------------|----------------------|---------------|-------|
| 2 | 5/11/2023 | OWNER CHANGES | BY |
| REVISION | DATE | DESCRIPTION | |
| CLIENT | | | |
| MR. DAVID FORNELOS | | | |
| LOCATION | | | |
| 12 CREST VIEW AVENUE | | | |
| CORTLANDT MANOR, NY 10567 | | | |
| 3409 - 1 - 37, R-10 ZONE, 11,894SF | | | |
| DATE | 2/9/2023 | BY | JL/DK |
| DRAWING | | | |
| PROPOSED ADDITIONS | | | |
| JOHN A. LENTINI | | | |
| ARCHITECT | | | |
| 124 ALLANI STREET | | | |
| CORTLANDT MANOR, NY 10567-1614 | | | |
| PHONE (914) 737-2890 | | | |
| EMAIL PENCILBASE@AOL.COM | | | |
| SEAL & SIGNATURE | DRAWING NUMBER 05221 | | |



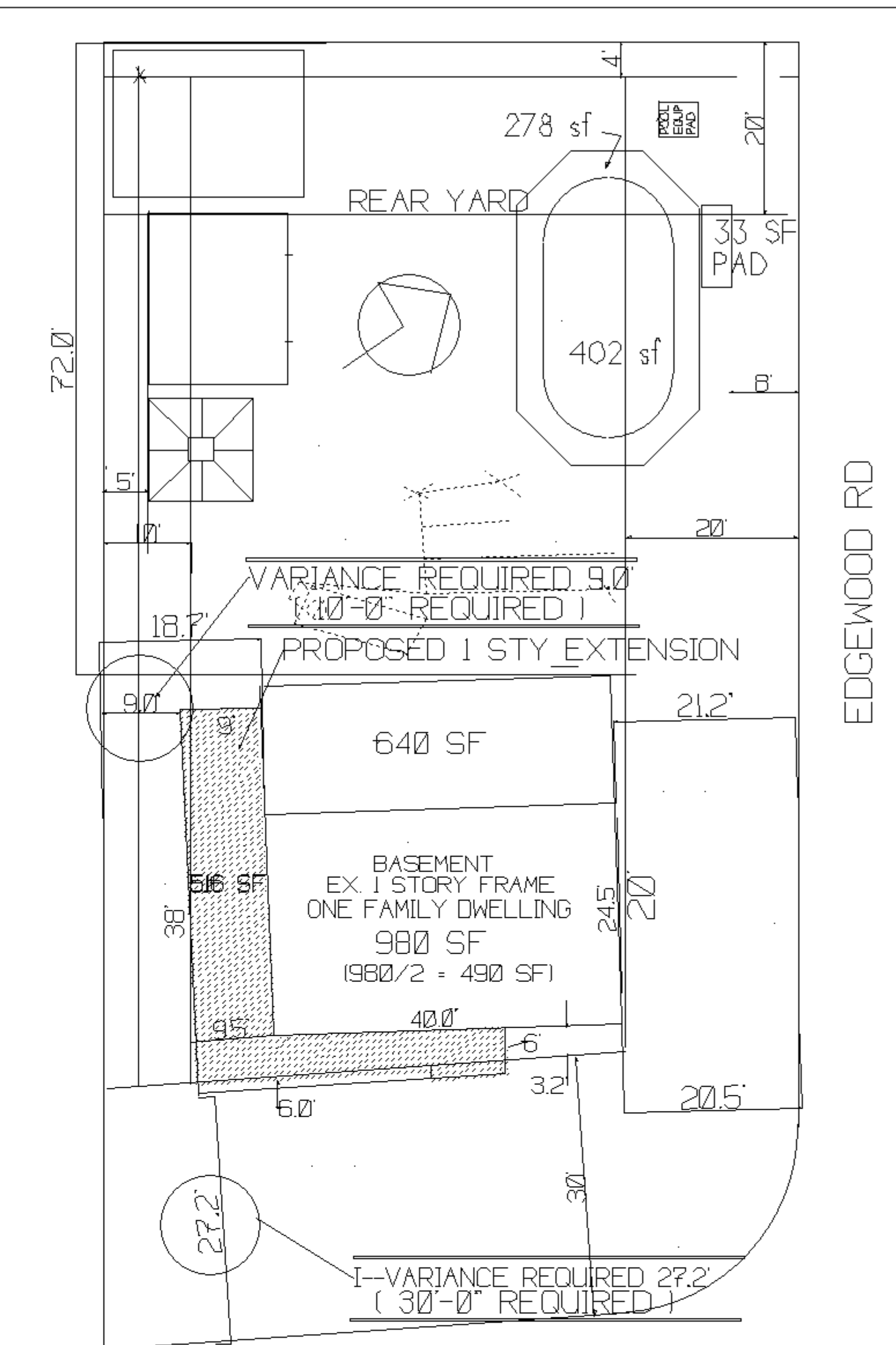
A-2

CURRENT REVISED PLOT PLAN
(ORIGINALLY SUBMITTED – SEPTEMBER 20TH 2023)

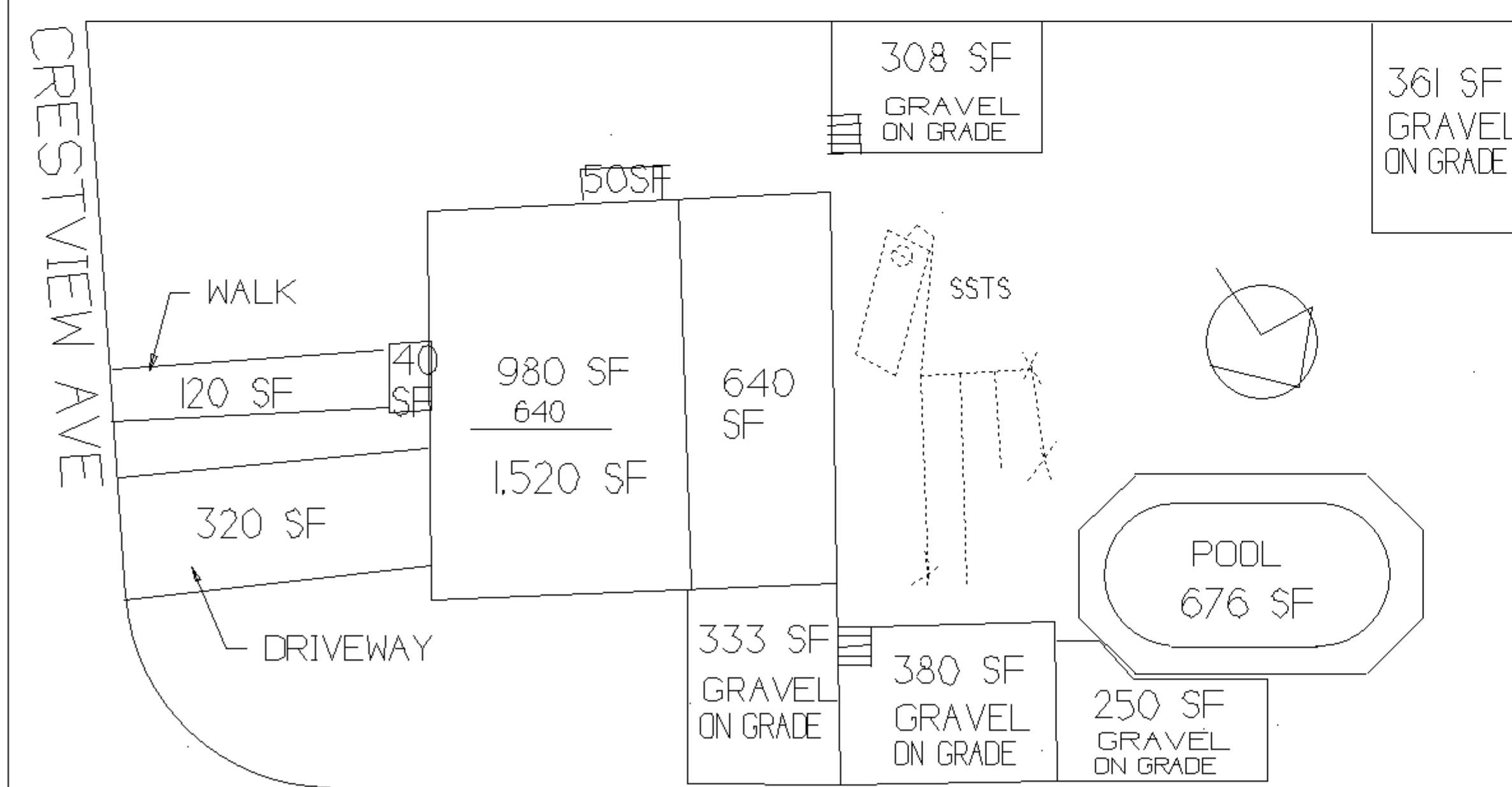


| | | | | | |
|----------------|--------------------------------|-----------|--|--------------------|--------------------|
| STRUCTURE | 980 SF | HOUSE | | DWELLING COVERAGE | 980 SF |
| | 640 | ROOF | | | 540 |
| | 402 | POOL | | | 470 SF |
| | 320 | SHED PR | | | |
| | 470 | EXTEND PR | | | |
| | 144 | GAZEBO | | | |
| 2,956 SF TOTAL | | | | | 2,090 SF |
| DRV | 1203' | | | FLOOR AREA | 980 SF |
| WALK | 120 | | | | 470 SF |
| PAD | 33 | | | | 1,450 SF |
| STAIR | 37 | | | | 50% 1,450 - 725 SF |
| 1,393 SF TOTAL | | | | ACCESSORY COVERAGE | |
| GRAVEL | 308 SF | | | POOL | 402 SF |
| | 333 | | | SHED | 320 SF |
| | 380 | | | GAZEBO | 144 SF |
| | 250 | | | | 866 SF |
| | 278 SF | | | | |
| 1,549 SF TOTAL | | | | | |
| STRUCTURE | 2,956 SF | | | | |
| DRIVE/WALK | 1,393 SF | | | | |
| GRAVEL | 1,549 SF | | | | |
| TOTAL | 5,898 SF | | | | |
| LOT | 11,894 SF | | | | |
| | 5,898 - 5,996 SF | | | | |
| | 5,996/11,894 = 50% LANDSCAPING | | | | |

EDGEWOOD RD
PLOT PLAN
PROPOSED AREA ANALYSIS



PLOT PLAN
SCALE 1" = 10'-0"



| | | | |
|---------------------|--------|-------------------|----------|
| STRUCTURE | 980 SF | DWELLING COVERAGE | 980 SF |
| | 640 | | 640 |
| | 50 | | 50 |
| | 40 | | 40 |
| DRV | 320 | | |
| WALK | 120 | | |
| PAD | 308 | | |
| GRAVEL | 361 | | |
| | 333 | | |
| | 380 | | |
| | 250 | | |
| 4,280 SF | | FLOOR AREA | 980 SF |
| 11,984 SF LOT | | | 640 |
| -4,208 | | | 50 |
| 7,776 SF LS | | | 40 |
| 11,984 X .5 = 5,992 | | | 1,710 SF |

EDGEWOOD RD
PLOT PLAN
EXISTING/PERMITTED AREA ANALYSIS

| ZONING INFO ZONE R-10 | | | | | |
|--------------------------------------|-----------|-------------------|-------------------|----|---------------|
| ITEM | REQUIRED | EXISTING (COMPLY) | PROPOSED (COMPLY) | | |
| LOT SIZE | 10,000 SF | 11,894 SF | 11,894 SF | OK | |
| LOT WIDTH MIN | 75 LF | 80 LF | 80 LF | OK | |
| FRONT YARD | 30 LF | 32.2 LF | 27.2 LF | NO | VARIANCE REQD |
| SIDE YARD RIGHT | 20 LF | 20.5 LF | 20.5 LF | OK | |
| SIDE YARD LEFT | 10 LF | 15.5 LF | 9.0 LF | NO | VARIANCE REQD |
| REAR YARD | 20 LF | 72.0 LF | 72.0 LF | OK | |
| MAX HEIGHT | 35 LF | < 35.0 LF | < 35.0 LF | OK | |
| MIN LANDSCAPE AREA | 50% 5,947 | 7,776 SF | 50% 5,996 SF | OK | |
| MAX FLR AREA | 2,924 SF | 980 SF | 1,450 SF | OK | |
| NOTE: 8) 65% OF 2,924 = 1,901 SF | | | | | |
| MAX COVER DWELLG % | 190 SF | 1,620 SF | 2,090 SF | NO | VARIANCE REQD |
| HOUSE 980 SF + PRG 470 SF = 1,450 SF | | | | | |
| ACC STRUCT AREA 50% | 725 SF | | 866 SF | NO | VARIANCE REQD |
| ACC STRUCTS YARD SB | 5 LF | | 5 LF | OK | |

5 8/31/2023 CORRECTION/COMMENTS

4 5/17/2023 OWNER & COMMENTS

3 5/15/2023 OWNER & COMMENTS

2 5/11/2023 OWNER CHANGES

1 2/14/2023 TOWN COMMENTS

CLIENT: MR. DAVID FORNELOS

LOCATION: 12 CREST VIEW AVENUE, CORTLAND MANOR, NY 10567

3409 - 1 - 3P, R-10 ZONE, 11894SF

DRAWING DATE: 2/9/2023 BY: JL/GHK

PROPOSED ADDITIONS

JOHN A. LENTINI ARCHITECT

124 ALLAN STREET, CORTLAND MANOR, NY 10567-614

PHONE (914) 737-2890 FAX -1915

REGISTERED ARCHITECT

STATE OF NEW YORK

023755

DRAWING NUMBER: 05221

A-1

SHEET OF