

THE REGULAR MEETING of the ZONING BOARD OF APPEALS of the Town of Cortlandt was conducted at the Town Hall, 1 Heady St., Cortlandt Manor, NY on *Wednesday, April 15<sup>th</sup>, 2015*. The meeting was called to order, and began with the Pledge of Allegiance.

David S. Douglas, Chairman presided and other members of the Board were in attendance as follows:

Wai Man Chin, Vice Chairman  
Charles P. Heady, Jr.  
James Seirmarco  
John Mattis  
Adrian C. Hunte  
Raymond Reber

Also Present

Ken Hoch, Clerk of the Zoning Board  
John Klarl, Deputy Town attorney

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**ADOPTION OF MEETING MINUTES FOR MARCH 18, 2015**

So moved, seconded with all in favor saying "aye."

Mr. David Douglas stated the March minutes are adopted.

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**ADJOURNED PUBLIC HEARING:**

**A. CASE No. 2015-05                      David Woods** for a Special Permit and Area Variance for an accessory apartment on property located at **5 Winthrop Dr., Cortlandt Manor.**

Ms. Michelle Woods stated I'm here for the 5 Winthrop Drive.

Mr. James Seirmarco stated we were there Saturday for our site visit and we also received new drawings showing a reduction in the total square feet of the apartment. We made some suggestions. It is now under 600 square feet and it's about 26%, 26.3% of the total area of the house so I have no problem with this.

Mr. David Douglas asked does anybody else have any comments?

Mr. Raymond Reber responded yes, I have a problem with this application. To me, this is an oversized accessory apartment and I do not agree with the liberal interpretation of the code that is being used to eliminate one of the original Variances being the size of 600 square feet or minimize the ratio Variance down to 26.3%. That's my opinion.

Ms. Adrian Hunte stated I don't have a problem with the application.

Mr. Wai Man Chin stated I was at the site visit also and I saw what the new plan was going to be based on eliminating certain areas to get it down below the 600 square feet and I do not have a problem with what they are trying to do.

Mr. Charles Heady stated I also was at the site inspection Saturday and they changed partition to put a closet there and I have no problem with what they're doing, to convert so they have less than 600 square feet.

Mr. James Seirmarco stated I just want to make a comment here. The history behind this is the applicant came in for a Building Permit for an addition to the house. They were unaware of the requirement of an accessory apartment. There was nothing on the map that says there's going to be a kitchen and there's going to be this and that. In the course of our inspection, the town inspected the framing inspection and was determined that it was going to be an accessory apartment and that's the time that he recommended that you come to the Zoning Board for an application for the accessory apartment. At that particular time, we noticed that it was quite large, as Mr. Reber said, and we suggested you go back to your architect and modify the square footage of the apartment to reduce it as much as possible and you accommodate us for a reduction to less than 600 because we have never approved anything in general more than 600. That's where we are right now and if there are no further comments I would make a motion to close the public hearing on case# 2015-05.

Seconded with all in favor saying "aye."

Mr. David Douglas stated the public hearing is closed.

Mr. James Seirmarco stated Mr. Chairman I make a motion we approve case #2015-05, a Variance requires a Special Permit for an Accessory Apartment with the increase of the size of the apartment from the allowed 25% of the inhabitable space up to 26.3% and this is a type II SEQRA ,no further compliance is required.

Seconded.

Mr. David Douglas asked can you poll the board Mr. Hoch?

Mr. Ken Hoch responded Mr. Reber; opposed, Mr. Mattis; yes, Ms. Hunte; yes – approved, Mr. Seirmarco; yes, Chairman Douglas; yes, Vice Chairman Chin; yes, Mr. Heady; yes. Motion carries 6 to 1.

Mr. David Douglas stated thank you very much.

Ms. Michelle Woods stated thank you.

Mr. James Seirmarco stated you have to wait until Tuesday to get your paperwork.

Ms. Michelle Woods stated thank you very much. [inaudible]

Mr. Ken Hoch stated I'll send it to you and I also have to talk to your architect.

Ms. Michelle Woods asked should I have him call you?

Mr. Ken Hoch responded I'll call him.

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**NEW PUBLIC HEARING:**

**A. CASE No. 2015-06 Michelle and Mark Brady for an Area Variance for an Accessory Structure, a 30' x 28' shed, in the front yard on property located at 16 Arlo Lane, Cortlandt Manor.**

Mr. Ken Hoch stated I spoke to Ms. Brady yesterday and she gave me no indication that she wasn't going to be here.

Ms. Adrian Hunte stated this is my case. This is a request for an Area Variance for an Accessory Structure, 30' x 28' shed in the front yard. Ordinarily we have issues with structures in the front yard, however, on observing this property the two front yards: one is basically facing the Bear Mountain Parkway and the other is facing Route 202, Crompond Road. Otherwise I would have no issue with granting this Variance, however I would like to have, on the record, that the reason that the shed could not be placed elsewhere is that the property owner claims that there are stone walls and septic and other impediments to having the shed placed further back on the property so that it would not be as a front yard structure.

Mr. David Douglas stated I agree with Ms. Hunte. I think we need to have those facts established on the record and the applicant's not here so what I propose we do is we adjourn it until next month, send the letter to them and tell them despite the leanings of the board, if they don't come next month it will be deemed abandoned, if that's okay with everybody.

Mr. Wai Man Chin responded yes, they should be here on time.

Ms. Adrian Hunte stated I'll make a motion on case #2015-06, applicants Michelle and Mark Brady for the Area Variance for an Accessory Structure 30' x 28' in the front yard at 16 Arlo Lane, Cortlandt Manor, NY that we adjourn the matter until the May 2015 Zoning Board of Appeals meeting to allow the applicant an opportunity to tell the board the reasons for the placement of the shed and the non-feasibility of placing it elsewhere.

Seconded with all in favor saying "aye."

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**ADJOURNMENT**

Mr. Wai Man Chin stated I make a motion to close the meeting.

Seconded with all in favor saying "aye."

Mr. David Douglas stated the meeting is adjourned.

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**NEXT MEETING DATE:  
WEDNESDAY, MAY 20, 2015**