



# TOWN OF CORTLANDT

## ZONING BOARD OF APPEALS

Town Hall, 1 Heady Street  
Cortlandt Manor, NY 10567  
914-734-1080

Michael Fleming  
Chairman

Wai Man Chin  
Vice-Chairman

Chris Beloff  
Frank Franco  
Michelle Piccolo Hill  
Benito Martinez  
Thomas Walsh

**Town Supervisor**  
Richard H. Becker, MD

**Town Board**  
James F. Creighton  
Cristin Jacoby  
Robert Mayes  
Joyce C. White

You are invited to a Zoom webinar.  
When: Jan 18, 2024 07:00 PM Eastern Time (US and Canada)  
Topic: 2024 January 18 Zoning Board Meeting

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/89731565832?pwd=TnZuOU1uLy9Cc3VlSnhQTzRiemp1UT09>

Passcode: 379761

Or One tap mobile:

+13052241968, #89731565832#, \*379761# US +16469313860, 89731565832#, \*379761# US

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+1 301 715 8592 US (Washington DC)

Webinar ID: 897 3156 5832

Passcode: 379761

AGENDA.....ZONING BOARD OF APPEALS  
Town Hall – 1 Heady Street  
Cortlandt Manor, NY 10567

### Work Session – Thursday, January 18, 2024 at 6:30 PM

1. Discuss Agenda for the Regular Meeting

### Regular Meeting – Thursday, January 18, 2024 at 7:00 PM

1. Pledge to the Flag and Roll Call
2. Adoption of the Meeting Minutes for December 21, 2023

### 3. New Public Hearings

**A. Case No. 2023-17 Application of Parth Patel** for an interpretation of the Zoning Ordinance appealing the denial of a building permit for a new one-family residence for property located at 41 E. Hill Road.

**B. Case No. 2023-18 Application of Martin Stejskal, R.A. for the property of John and Laura Lea Kennedy**, for an area variance for maximum floor area in a residential district for a proposed addition to an existing residence located at 86 Trolley Road.

**C. Case No. 2023-19 Application of Heike Schneider, R.A. for the property of 3120 Lexington Ave., LLC** for an area variance for a temporary tent structure to be located in the front yard at the Ace Hardware Store located at 3120 Lexington Ave.

**NEXT REGULAR MEETING THURSDAY, FEBRUARY 15, 2024**

TOWN OF CORTLANDT  
PLANNING AND ZONING BOARDS

ZONING BOARD MEETING

Town Hall  
1 Heady Street  
Cortlandt Manor, NY 10567  
December 21, 2023  
6:30 p.m. - 6:39 p.m.

December 21, 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

ALSO PRESENT:

Chris Kehoe, AICP, Director of Planning

Michael Cunningham, Deputy Town Attorney

1 December 21, 2023

2 (The board meeting commenced at 6:30 p.m.)

3 MR. MICHAEL FLEMING: All right, I'd  
4 like to call to order the Thursday, December 21,  
5 2023 meeting of the Zoning Board of Appeals. I'd  
6 like to first invite everyone to join me in  
7 saying the pledge of allegiance.

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

13 MR. FLEMING: All right, do a roll call.

14 MR. CHRIS KEHOE: Ms. Piccolo Hill?

15 MS. MICHELLE PICCOLO HILL: Here.

16 MR. KEHOE: Mr. Martinez?

17 MR. BENITO MARTINEZ: Here.

18 MR. KEHOE: Mr. Franco?

19 MR. FRANK FRANCO: Here.

20 MR. KEHOE: Mr. Fleming?

21 MR. FLEMING: Here.

22 MR. KEHOE: Mr. Chin?

23 MR. WAI MAN CHIN: Here.

24 MR. KEHOE: Mr. Walsh?

1 December 21, 2023

2 MR. THOMAS WALSH: Here.

3 MR. KEHOE: Mr. Beloff?

4 MR. CHRIS BELOFF: Here.

5 MR. FLEMING: All right, We circulated  
6 before this meeting, a proposed -- actually first  
7 let me see if we can get the minutes from the  
8 November 16, 2023 meeting approved.

9 MR. CHIN: I make the motion to approve  
10 the minutes for November of 2023.

11 MR. BELOFF: Second.

12 MR. FLEMING: All in favor?

13 MULTIPLE: Aye.

14 MR. FLEMING: All right, no opposition  
15 so it passes. Next, I'd like to, has everyone had  
16 an opportunity to look at the 2024 meeting  
17 schedule that was circulated? And I'd like to --  
18 I'd like a motion to approve the draft 2024  
19 meeting schedule. If you need time to look at it,  
20 you can look at it now, but otherwise.

21 MR. FRANCO: So moved.

22 MR. CHIN: Second.

23 MR. FLEMING: All right. All in favor of  
24 approving the draft 2024 meeting schedule for the

1 December 21, 2023

2 Zoning Board of Appeals?

3 MULTIPLE: Aye.

4 MR. FLEMING: Any opposition? All right,  
5 that's so passed. All right, and now on to our  
6 first case of the evening.

7 MR. FRANCO: Yeah, this is my case, case  
8 2023-16, for a height variance on a garage.  
9 Before we talk any more about it, I'll open it up  
10 to the applicant, if they want to say anything  
11 about the case.

12 MR. MARTIN STEJSKAL: Good evening, my  
13 name is Marty Stejskal, I'm from Architectural  
14 Visions, representing Mr. David Levin. And  
15 basically, we want to raise the height of the  
16 garage to allow the roof pitch to be a little bit  
17 taller, to be more in keeping with the higher  
18 roof pitches on the house. And the existing code  
19 doesn't allow more than four feet above the wall  
20 plate. So, we're looking to bring it up another  
21 five feet. To make nine feet above the wall plate  
22 on this.

23 So, the property, the way it's situated,  
24 the garage is far away from the side yard and the

1 December 21, 2023

2 rear yard and it's cut into the side of a hill.  
3 So it really won't have much impact on the  
4 neighborhood. And are there any questions?

5 MR. FLEMING: I know it, and I would  
6 like to thank you for submitting your letter,  
7 which was quite descriptive and addressed the  
8 five factors for us to consider, so your December  
9 15th letter is a part of the record, and I very  
10 much appreciate you submitting that to us.

11 MR. STEJSKAL: Thank you.

12 MR. FLEMING: It helped clarify what you  
13 wanted quite a bit.

14 MR. FRANCO: Yeah, I -- from the five  
15 factors, I don't see any environmental impact.  
16 Yes, it's self-created, but that can't be --  
17 doesn't necessarily have to mean we wouldn't  
18 approve it. Is there another way, I guess, you  
19 know, to keep it in character with the  
20 neighborhood, is you're requesting, I don't think  
21 there's another way to do it. I don't think it  
22 affects the character of the neighborhood. And is  
23 it substantial? It is a somewhat substantial  
24 request I think, but, you know, it's not the only



1 December 21, 2023

2 factor that would affect our decision, so I  
3 personally -- does anybody else have any comments  
4 on --

5 MR. FLEMING: I mean look, going through  
6 the five factors, I think, I think Frank hit them  
7 all pretty well. I mean I don't think there's any  
8 undesirable change to the neighborhood, nor does  
9 this adversely impact the environment in any way.  
10 I mean are there other ways you could do it, I  
11 imagine you can, but, I mean the whole point is  
12 you want this to kind of have it --

13 MR. CHIN: You want to match the house -  
14 -

15 MR. STEJSKAL: Right, the roof pitch,  
16 the higher roof pitch.

17 MR. CHIN: -- yeah, the pitch of the  
18 house.

19 MR. STEJSKAL: Right.

20 MR. CHIN: To keep the same pitch.

21 MR. FLEMING: Thank you.

22 MR. CHIN: And basically, I don't have a  
23 problem with that. Is it self-created? Yes, it's  
24 always self-created, so that's, that's, 99

1 December 21, 2023

2 percent of the time, it's always self-created and  
3 that's not a big factor in my thing, so again, I  
4 don't see a problem with approving this as you  
5 have indicated.

6 MR. STEJSKAL: Thank you.

7 MR. FLEMING: I appreciate, don't  
8 interrupt me.

9 MR. CHIN: Oh, okay. You want to say  
10 that, okay.

11 MR. FLEMING: Again, it's fine. Everyone  
12 will have a chance to talk. We shouldn't just  
13 interrupt each other while we're in the middle  
14 of, you know, whatever analysis we're discussing.  
15 So, again, I don't think there's any problem with  
16 this request. In fact, I think it does blend  
17 beautifully with the home and I think it'll  
18 actually be a benefit. So while I do think five  
19 feet is a substantial factor to consider when  
20 you're not looking at the picture as a whole,  
21 when you're just saying as a pure number, is a  
22 five foot increase in height, sure it is.

23 But I think when you're looking at this  
24 application on the whole, it's not. It is -- the

1 December 21, 2023  
2 only issue we had though, the real reason for  
3 that rule is to preclude basically the creation  
4 of the legal living space. So the one suggestion  
5 we had in our meeting prior to, prior to the  
6 public meeting was that we put a condition on  
7 this is that we approve it, but condition it on,  
8 you know, the increase in space not being used as  
9 living space. Our understanding from what you  
10 said earlier, this is actually going to be open,  
11 it's not going to even have a floor, so it's not  
12 like that would be possible. But nonetheless, I  
13 think what the board is going to do is put that  
14 condition on the approval. And since it -- it  
15 doesn't sound like you have an objection to that.

16 MR. STEJSKAL: No, no objection.

17 MR. FLEMING: Okay. All right, in light  
18 of that, I think -- sorry, does anyone else have  
19 anything they want to add?

20 MR. FRANCO: No, I think all the factors  
21 have been covered.

22 MR. WALSH: We should open it up to the  
23 public, if anyone, I don't know if anybody's  
24 online.

1 December 21, 2023

2 MR. FLEMING: There's no one in the  
3 courtroom right now, so obviously, we asked  
4 anyone in the courtroom who wants to speak, to  
5 speak, other than the applicant himself. But --

6 MR. WALSH: There's no one the --

7 MR. KEHOE: No.

8 MR. WALSH: Okay.

9 MR. FLEMING: And there's no one online  
10 who wants to speak. All right, so move to close  
11 the public hearing and then move to, for a motion  
12 to approve it on a condition.

13 MR. FRANCO: So I make a motion to close  
14 the public hearing for case 2023-16.

15 MR. MARTINEZ: Second.

16 MR. FLEMING: All in favor?

17 MULTIPLE: Aye.

18 MR. FLEMING: All right, so moved, and  
19 then I think you need to move with the condition,  
20 so.

21 MR. FRANCO: Yeah, yeah. So, I make a  
22 motion to approve case 2023-16 for the height  
23 variance proposed nine feet, variance of five  
24 feet with the condition that it's not used as

1 December 21, 2023

2 living space above the garage. This is a SEQR  
3 type II, no further compliance is required.

4 MR. CHIN: Second.

5 MR. FLEMING: All in favor?

6 MULTIPLE: Aye.

7 MR. FLEMING: So moved. All right, if  
8 you stick around, I think we're going to have the  
9 order for you shortly.

10 MR. STEJSKAL: Great.

11 MR. KEHOE: Well, we'll take care of  
12 that. I'll still mail it to you.

13 MR. FLEMING: Oh, he'll mail it to you.

14 MR. STEJSKAL: Okay. All right.

15 MR. KEHOE: And then you're working with  
16 Martin, so he'll get this decision and order as  
17 well and that means he can continue whatever  
18 process he's doing.

19 MR. STEJSKAL: All right, thank you,  
20 gentlemen.

21 MR. FLEMING: All right, thank you guys  
22 very much.

23 MR. FRANCO: Good luck.

24 MR. CHIN: Have a nice holiday.

1 December 21, 2023

2 MR. FLEMING: I'd like to thank  
3 everybody on the board. This was my first year  
4 doing this as chair. I want to thank you all for  
5 making this great. I hope 2024 is a fantastic  
6 year as well. I wish everybody happy holidays and  
7 I think we just need to move to close the  
8 hearing.

9 MR. CHIN: So moved, close the hearing  
10 for the year.

11 MR. FLEMING: All in favor?

12 MULTIPLE: Aye.

13 MR. FLEMING: Thank you very much.

14 (The public board meeting concluded at  
15 6:39 p.m.)

CERTIFICATE OF ACCURACY

I, Ryan Manaloto, certify that the foregoing transcript of the board meeting of the Town of Cortlandt on December 21, 2023 was prepared using the required transcription equipment and is a true and accurate record of the proceedings.

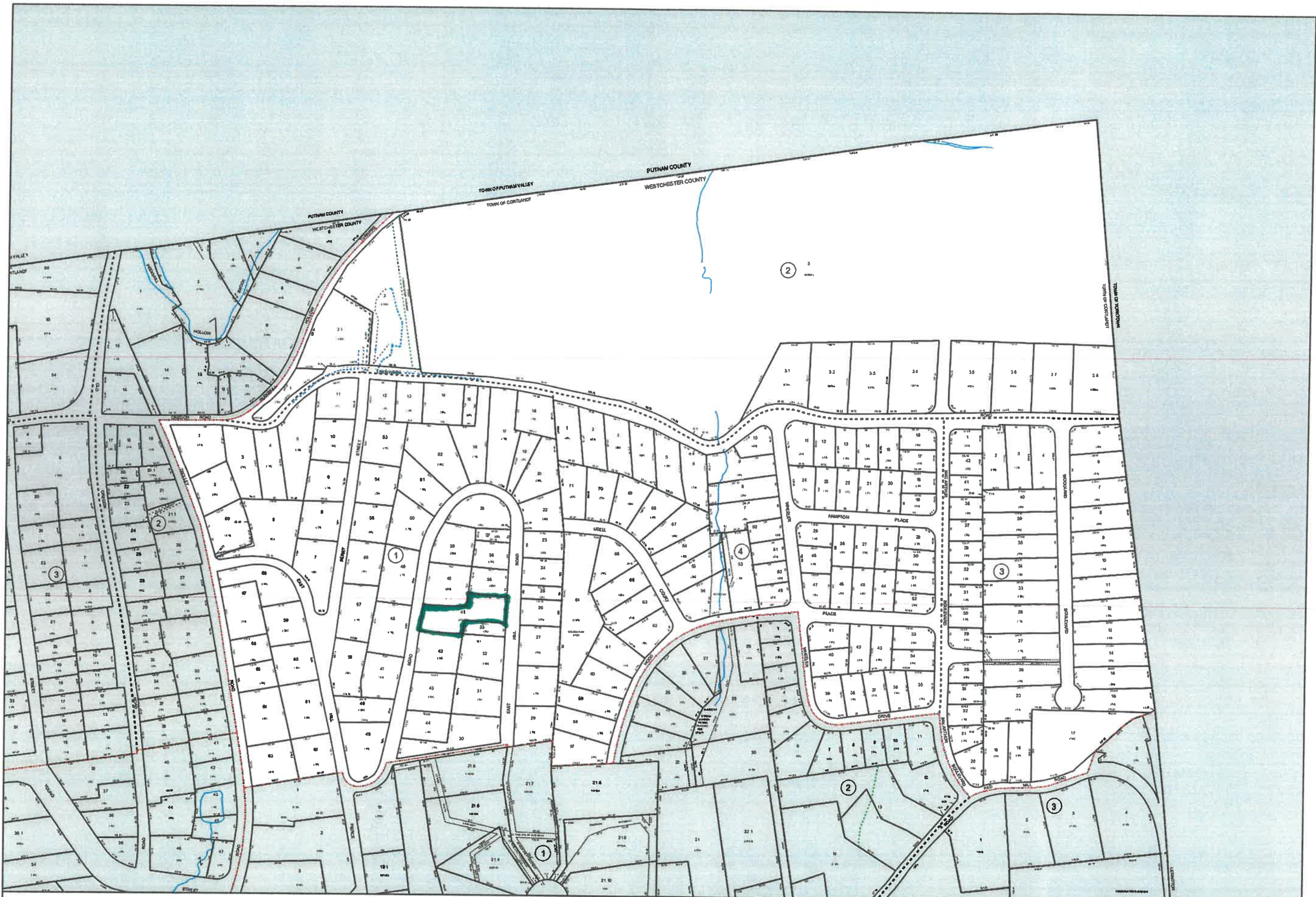
Certified By



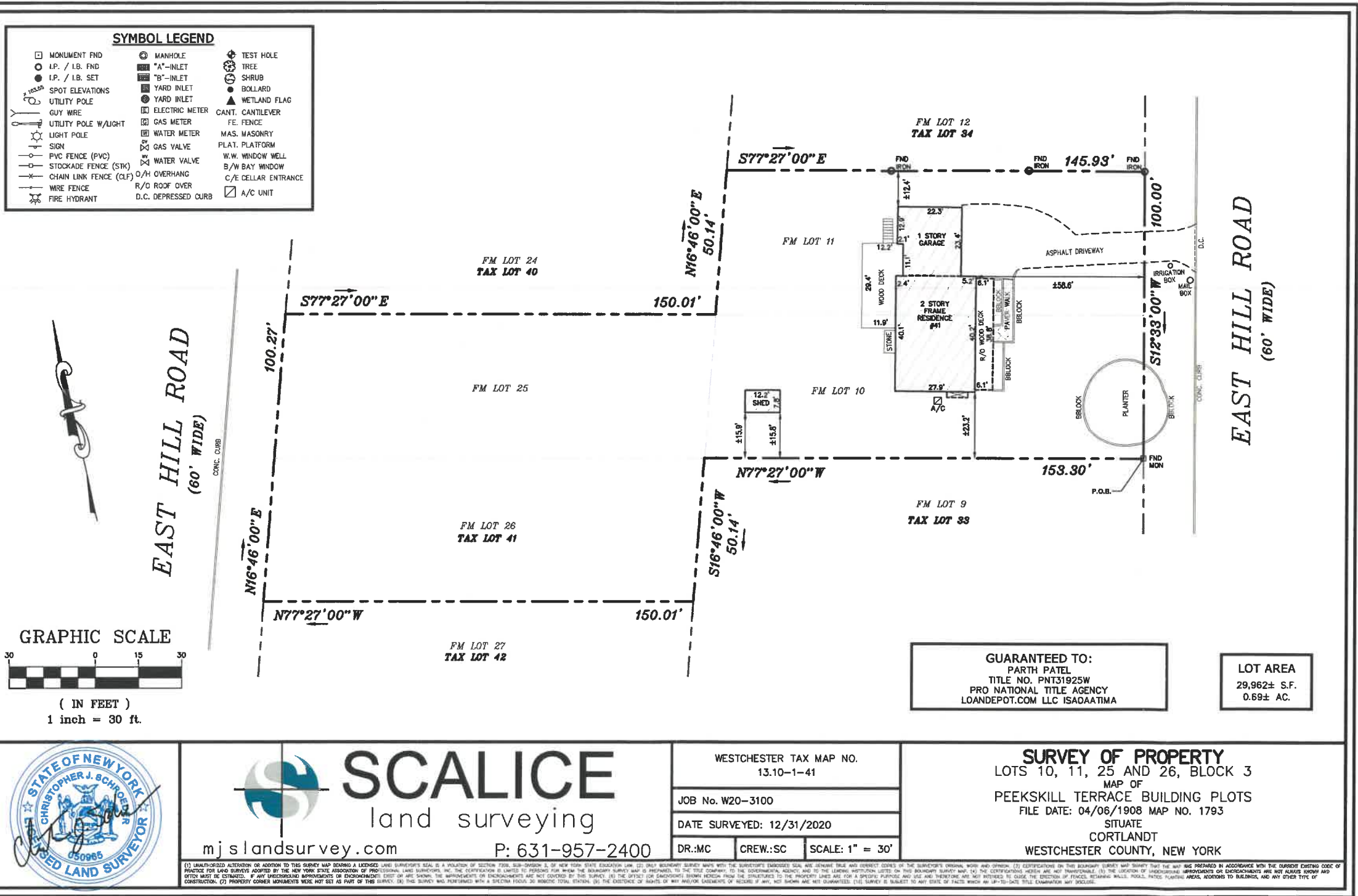
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Date: January 9, 2024

GENEVAWORLDWIDE, INC  
228 Park Ave S - PMB 27669  
New York, NY 10003

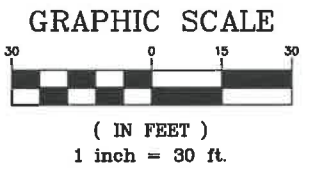






SYMBOL LEGEND		
□ MONUMENT FND	⊙ MANHOLE	⊕ TEST HOLE
○ I.P. / I.B. FND	⊠ "A"-INLET	⊗ TREE
● I.P. / I.B. SET	⊠ "B"-INLET	⊗ SHRUB
○ SPOT ELEVATIONS	⊠ YARD INLET	⊗ BOLLARD
○ UTILITY POLE	⊠ YARD INLET	⊗ WETLAND FLAG
○ GUY WIRE	⊠ ELECTRIC METER	⊗ CANT. CANTILEVER
○ UTILITY POLE W/LIGHT	⊠ GAS METER	⊗ FE. FENCE
○ LIGHT POLE	⊠ WATER METER	⊗ MAS. MASONRY
○ SIGN	⊠ GAS VALVE	⊗ PLAT. PLATFORM
○ PVC FENCE (PVC)	⊠ WATER VALVE	⊗ W.W. WINDOW WELL
○ STOCKADE FENCE (STK)	⊠ O/H OVERHANG	⊗ B/W BAY WINDOW
○ CHAIN LINK FENCE (CLF)	⊠ R/G ROOF OVER	⊗ C/E CELLAR ENTRANCE
○ WIRE FENCE	⊠ D.C. DEPRESSED CURB	⊗ A/C UNIT
○ FIRE HYDRANT		

**EAST HILL ROAD**  
 (60' WIDE)  
 CONC. CURB



**SCALICE**  
 land surveying  
 mjslandsurvey.com      P: 631-957-2400

WESTCHESTER TAX MAP NO. 13.10-1-41		
JOB No. W20-3100		
DATE SURVEYED: 12/31/2020		
DR.:MC	CREW.:SC	SCALE: 1" = 30'

**GUARANTEED TO:**  
 PARTH PATEL  
 TITLE NO. PNT31925W  
 PRO NATIONAL TITLE AGENCY  
 LOANDEPOT.COM LLC ISADAAATMA

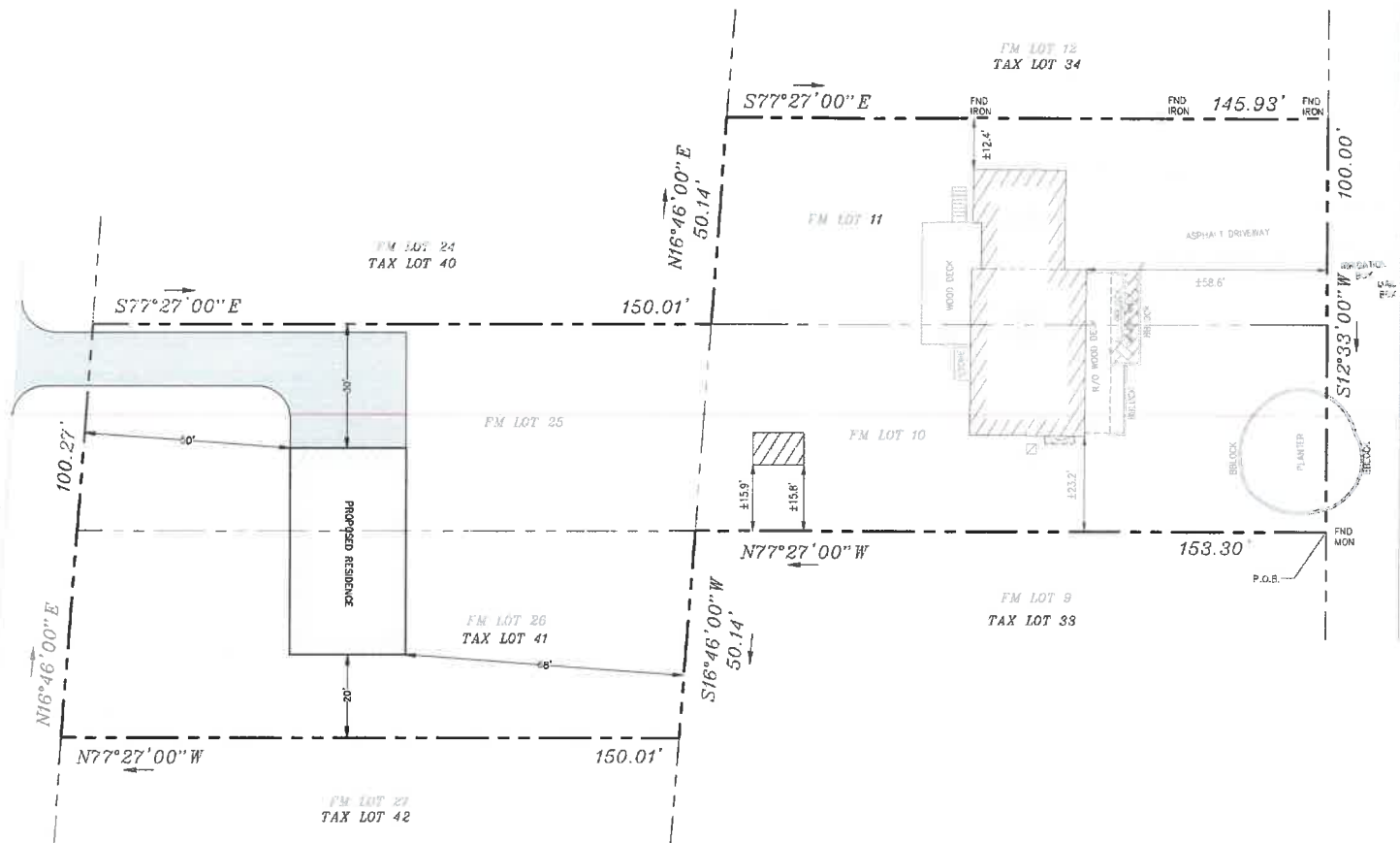
**LOT AREA**  
 29,962± S.F.  
 0.69± AC.

**SURVEY OF PROPERTY**  
 LOTS 10, 11, 25 AND 26, BLOCK 3  
 MAP OF  
 PEEKSKILL TERRACE BUILDING PLOTS  
 FILE DATE: 04/06/1908 MAP NO. 1793  
 SITUATE  
 CORTLANDT  
 WESTCHESTER COUNTY, NEW YORK

(1) UNAUTHORIZED ALTERATION OR ADDITION TO THIS SURVEY MAP BORING A LICENSED LAND SURVEYOR'S SEAL IS A VIOLATION OF SECTION 2008, SUB-DIVISION 3, OF NEW YORK STATE EDUCATION LAW (E) ONLY BOUNDARY SURVEY MAPS WITH THE SURVEYOR'S EMBOSSED SEAL ARE LEGAL TRUE AND CORRECT COPIES OF THE SURVEYOR'S ORIGINAL WORK AND OPINION. (2) CERTIFICATION ON THIS BOUNDARY SURVEY MAP SHOWS THAT THE MAP WAS PREPARED IN ACCORDANCE WITH THE CURRENT EXISTING CODE OF PRACTICE FOR LAND SURVEYS ADOPTED BY THE NEW YORK STATE ASSOCIATION OF PROFESSIONAL LAND SURVEYORS, INC. THE CERTIFICATION IS LIMITED TO PERSONS FOR WHOM THE BOUNDARY SURVEY MAP IS PREPARED, TO THE GOVERNMENTAL AGENCY, AND TO THE LENDING INSTITUTION LISTED ON THIS BOUNDARY SURVEY MAP. (3) THE CERTIFICATION HEREIN IS NOT TRANSFERABLE. (4) THE LOCATION OF UNDERGROUND IMPROVEMENTS OR ENCROACHMENTS ARE NOT ALWAYS KNOWN AND SPOTS MUST BE ESTIMATED. IF ANY UNDERGROUND IMPROVEMENTS OR ENCROACHMENTS EXIST OR ARE KNOWN, THE IMPROVEMENTS OR ENCROACHMENTS ARE NOT COVERED BY THIS SURVEY. (5) THE EFFECT OF ENCROACHMENTS BORING FROM THE STRUCTURES TO THE PROPERTY LINES ARE FOR A GENERAL PURPOSE AND ARE NOT INTENDED TO BE THE BASIS OF FINANCIAL, RETAINING WALLS, POLES, PAVES, PLANTING AREAS, ACCESS TO BUILDINGS, AND ANY OTHER TYPE OF CONSTRUCTION. (6) PROPERTY CORNER MONUMENTS WERE NOT SET AS PART OF THIS SURVEY. (8) THIS SURVEY WAS PERFORMED WITH A SPECTRA FOCUS 200 BOREAS TOTAL STATION. (9) THE EXISTENCE OF RIGHTS OF WAY (HIGHWAY EASEMENTS OR RIGHTS) IF ANY, NOT SHOWN ARE NOT GUARANTEED. (10) THIS SURVEY IS SUBJECT TO ANY STATE OF FACTS WHICH AN UP-TO-DATE TITLE EXAMINATION MAY REVEAL.

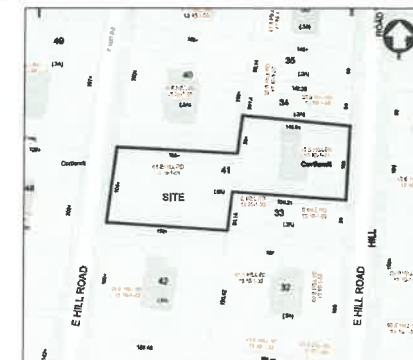


EAST HILL ROAD  
(60' WIDE)



SITE DEVELOPMENT PLAN  
SCALE: 1"=20'

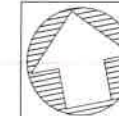
EAST HILL ROAD  
(60' WIDE)



LOCATION MAP SCALE: 1" = 150'

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- Wait The Required Time
- Confirm Utility Response
- Respect the Marks
- Dig With Care



SCALE: 1" = 20 FT.

OWNER/DEVELOPER

PARTH PATEL  
41 EAST HILL ROAD  
CORTLANDT MANOR, NY 10567

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REVISIONS

#	REASON	DATE

MUNICIPAL TAX IDENTIFICATION:	
SECTION:	13.10
BLOCK:	1
LOT:	41
SUBLOT:	---
DRAWN BY:	AD
CHECKED:	KCB
PROJECT:	PATEL
DATE:	AUGUST 11, 2023
JOB #:	230705
PATRICK M. BELL, PE LICENSE #087679	



39 Arlo Lane  
Cortlandt Manor, New York 10567

SITE PLAN

SITE DEVELOPMENT PLAN  
FOR  
PATEL

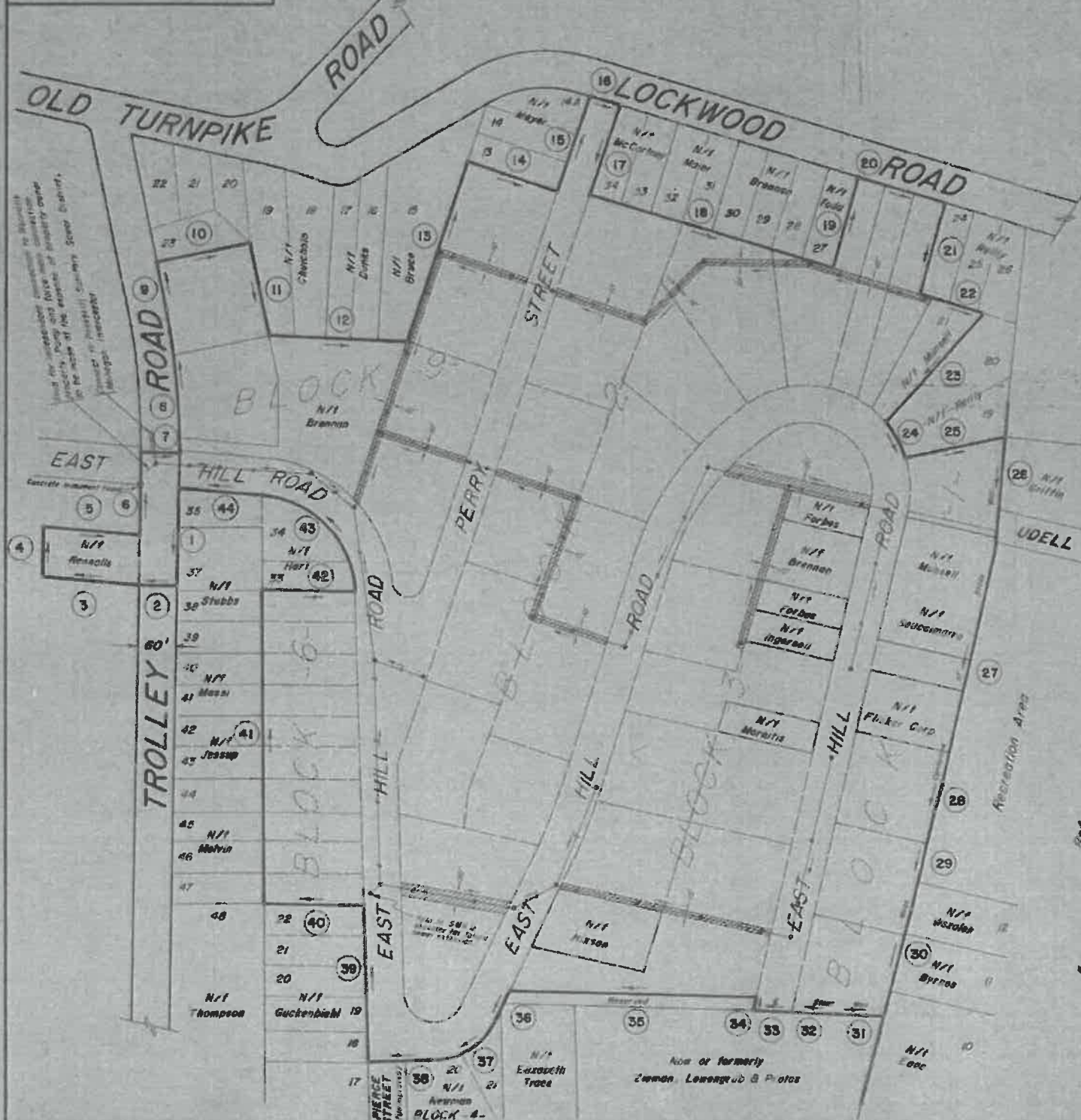
LOCATION:  
41 EAST HILL ROAD  
CORTLANDT MANOR, NEW YORK 10567

SHEET 1 OF 1

SP-1.1

**LEGEND**

- ⑤ District Course and Distances
- ▭ Easement Area
- Proposed Sanitary Sewer / Manhole



Refer to  
"Subdivision  
Map of Center Hill"  
(Filed in the Erie County Clerk's Office on Jan. 19, 1987 as Map No. 10847)

**DISTRICT AREA = 1,375,010 SQ. FT.  
31.566 ACRES**



1. To all persons who may be interested in the above described property, notice is hereby given that the undersigned, being duly qualified, has been appointed by the Erie County Board of Supervisors as the Engineer in Charge of the above described project.

2. The project consists of the following:

- (a) A sanitary sewer main, 12" diameter, from the existing manhole at the intersection of Hill Road and East Hill Road to the existing manhole at the intersection of Hill Road and East Hill Road.
- (b) A sanitary sewer main, 12" diameter, from the existing manhole at the intersection of Hill Road and East Hill Road to the existing manhole at the intersection of Hill Road and East Hill Road.
- (c) A sanitary sewer main, 12" diameter, from the existing manhole at the intersection of Hill Road and East Hill Road to the existing manhole at the intersection of Hill Road and East Hill Road.
- (d) A sanitary sewer main, 12" diameter, from the existing manhole at the intersection of Hill Road and East Hill Road to the existing manhole at the intersection of Hill Road and East Hill Road.
- (e) A sanitary sewer main, 12" diameter, from the existing manhole at the intersection of Hill Road and East Hill Road to the existing manhole at the intersection of Hill Road and East Hill Road.
- (f) A sanitary sewer main, 12" diameter, from the existing manhole at the intersection of Hill Road and East Hill Road to the existing manhole at the intersection of Hill Road and East Hill Road.
- (g) A sanitary sewer main, 12" diameter, from the existing manhole at the intersection of Hill Road and East Hill Road to the existing manhole at the intersection of Hill Road and East Hill Road.
- (h) A sanitary sewer main, 12" diameter, from the existing manhole at the intersection of Hill Road and East Hill Road to the existing manhole at the intersection of Hill Road and East Hill Road.
- (i) A sanitary sewer main, 12" diameter, from the existing manhole at the intersection of Hill Road and East Hill Road to the existing manhole at the intersection of Hill Road and East Hill Road.
- (j) A sanitary sewer main, 12" diameter, from the existing manhole at the intersection of Hill Road and East Hill Road to the existing manhole at the intersection of Hill Road and East Hill Road.
- (k) A sanitary sewer main, 12" diameter, from the existing manhole at the intersection of Hill Road and East Hill Road to the existing manhole at the intersection of Hill Road and East Hill Road.
- (l) A sanitary sewer main, 12" diameter, from the existing manhole at the intersection of Hill Road and East Hill Road to the existing manhole at the intersection of Hill Road and East Hill Road.
- (m) A sanitary sewer main, 12" diameter, from the existing manhole at the intersection of Hill Road and East Hill Road to the existing manhole at the intersection of Hill Road and East Hill Road.
- (n) A sanitary sewer main, 12" diameter, from the existing manhole at the intersection of Hill Road and East Hill Road to the existing manhole at the intersection of Hill Road and East Hill Road.
- (o) A sanitary sewer main, 12" diameter, from the existing manhole at the intersection of Hill Road and East Hill Road to the existing manhole at the intersection of Hill Road and East Hill Road.
- (p) A sanitary sewer main, 12" diameter, from the existing manhole at the intersection of Hill Road and East Hill Road to the existing manhole at the intersection of Hill Road and East Hill Road.
- (q) A sanitary sewer main, 12" diameter, from the existing manhole at the intersection of Hill Road and East Hill Road to the existing manhole at the intersection of Hill Road and East Hill Road.
- (r) A sanitary sewer main, 12" diameter, from the existing manhole at the intersection of Hill Road and East Hill Road to the existing manhole at the intersection of Hill Road and East Hill Road.
- (s) A sanitary sewer main, 12" diameter, from the existing manhole at the intersection of Hill Road and East Hill Road to the existing manhole at the intersection of Hill Road and East Hill Road.
- (t) A sanitary sewer main, 12" diameter, from the existing manhole at the intersection of Hill Road and East Hill Road to the existing manhole at the intersection of Hill Road and East Hill Road.
- (u) A sanitary sewer main, 12" diameter, from the existing manhole at the intersection of Hill Road and East Hill Road to the existing manhole at the intersection of Hill Road and East Hill Road.
- (v) A sanitary sewer main, 12" diameter, from the existing manhole at the intersection of Hill Road and East Hill Road to the existing manhole at the intersection of Hill Road and East Hill Road.
- (w) A sanitary sewer main, 12" diameter, from the existing manhole at the intersection of Hill Road and East Hill Road to the existing manhole at the intersection of Hill Road and East Hill Road.
- (x) A sanitary sewer main, 12" diameter, from the existing manhole at the intersection of Hill Road and East Hill Road to the existing manhole at the intersection of Hill Road and East Hill Road.
- (y) A sanitary sewer main, 12" diameter, from the existing manhole at the intersection of Hill Road and East Hill Road to the existing manhole at the intersection of Hill Road and East Hill Road.
- (z) A sanitary sewer main, 12" diameter, from the existing manhole at the intersection of Hill Road and East Hill Road to the existing manhole at the intersection of Hill Road and East Hill Road.

3/21/88 Course and Flow Arrows  
 7/24/88 Revised Course and Flow Arrows for 16, 17 & 18  
 7/27/88 Show Sewer Line from Pierce Street to Future Extension  
 7/28/88 Add Remarks to District  
 8/15/88 Revised Course and Distances for 22 & 23

NO. DATE DESCRIPTION REVISION

Bobby B. Watson, P.E.  
SURVEYOR

1	3/21/88	Course and Flow Arrows
2	7/24/88	Revised Course and Flow Arrows for 16, 17 & 18
3	7/27/88	Show Sewer Line from Pierce Street to Future Extension
4	7/28/88	Add Remarks to District
5	8/15/88	Revised Course and Distances for 22 & 23

PREPARED BY THE TOWN OF CORTLANDT ENGINEERING DEPARTMENT 32 ALBANY POST ROAD MONTROSE, N.Y. 10548

PROJECT: COUNTRY WOODS SEWER DISTRICT

DATE: 5/2/88

SCALE: 1" = 60'

SHEET NO. 1

## **ZONING BOARD OF APPEALS FACT SHEET**

**ZBA Member Assigned:** Piccolo-Hill

**CASE NO.:** 2023-17

**Name of Applicant:** Parth Patel

**Owner:** Same

**Address of property:** 41 East Hill Road

**Section, Block, Lot:** 13.10-1-41

**Prior ZBA Case No.:** NA

**Zone:** R-40

**Lot Size:** 29,962 square feet

**Request:** An interpretation of the Zoning Ordinance appealing the denial of a building permit for a new one-family residence for property located at 41 E. Hill Road.

**Staff Comments:** The Code Enforcement office received an application to construct a new one-family residence on a portion of the applicant's property at 41 East Hill Road. The Building Inspector denied the application. Mr. Patel is claiming that the 4 underlying lots making up his parcel never merged as per Town Code and the building permit should be issued.

The applicant currently lives in a house on 41 East Hill Rd. The house fronts on East Hill Rd. The subject parcel also has frontage on the lower portion of East Hill Road. The parcel is made up of several small lots from the Peekskill Terrace Subdivision from 1907. Lots 10 & 11, on which Mr. Patel's house is located, and Lots 25 & 26, located diagonally behind Mr. Patel's residence. (see Cronin plan). The total area of the Patel lot is approximately 29,962 sq. ft.

One of the small parcels from the Peekskill Terrace Subdivision, immediately adjacent to 41 East Hill was the subject of a Zoning Board Case 2023-2, MJD Contracting. Mr. Cozzi, the applicant, was permitted to build a house, subject to receiving a variance from the Zoning Board, for maximum floor area. In that case the subject parcel, Lot 33 on the Peekskill Terrace Subdivision was a legal, non-conforming 7,758 sq. ft. vacant lot.

**SEQR: TYPE II – No further compliance required**



**TOWN OF CORTLANDT**  
**DEPARTMENT OF TECHNICAL SERVICES**  
**CODE ENFORCEMENT DIVISION**

**Michael Preziosi, P.E.**  
*Director - D.O.T.S*

**Martin G. Rogers, P.E.**  
*Director of Code  
Enforcement / D.O.T.S.*

**Holly Haight**  
*Assistant Director of Code  
Enforcement / D.O.T.S.*

Town Hall, 1 Heady Street  
Cortlandt Manor, NY 10567  
Main #: 914-734-1010  
Fax #: 914-293-0991

**Town Supervisor**  
Richard H. Becker

**Town Board**  
James F. Creighton  
Francis X. Farrell  
Cristin Jacoby  
Robert Mayes

Parth Patel  
41 E Hill Rd  
Cortlandt Manor, NY 10567

November 7, 2023  
Revised 11/8/2023

Re: Application A-23-748  
41 E Hill Road  
Tax ID 13.10-1-41

Mr. Patel:

Your application to construct a new one family residence on a portion of your property at 41 E Hill Road is denied. A Building Permit was issued on 4/4/1996 and a Certificate of Occupancy on 3/26/1997 for a one family residence on the entirety of the subject parcel. Lots 10, 11, 25, and 26 submitted as Lot 41 on application dated 3/23/1996. This Lot is also shown on the "District Map, Description, Plan" for the Country Woods Sewer District Dated 5/2/88. The Map was included as part of the petitioner's submission to establish the Sewer District. Resolution No, 358-88.

If you have any questions or comments please feel free to contact me at 914-734-1010.

Sincerely,

Martin G. Rogers, P.E.  
Director of Code Enforcement  
Department of Technical Services



### ZBA-23-17

Zoning Board of Appeals  
Application

Status: Active

Submitted On: 12/11/2023

### Primary Location

41 E HILL RD  
CORTLANDT MANOR, NY  
10567

### Owner

PATEL PARTH  
E HILL RD 41 CORTLANDT  
MANOR, NY 10567

### Applicant

Parth Patel  
 732-937-3728  
 parthpatel1001@gmail.com  
 41 E Hill Rd  
Cortlandt Manor, NY  
10567

## Site Data

### Variance Type Requested\*

Interpretation

### Project Description\*

New Single Family House

### Circumstances of Particular Application\*

We are asking for an interpretation of 307-8 to confirm the lots in question have not merged.

Application is hereby made for the following Variance, Interpretation, and/or Special Permit under the Town Code:

Chapter*	Section*
307	8

Chapter	Section
---------	---------

**Is adjacent property in the same ownership?\***

Yes

**Does any officer/employee of the Town of Cortlandt  
have any interest in this application as defined in the  
General Municipal Law Section 809?\***

No

---

## Lessee Information

**Name**

**Address**

**City**

**State**

---

**Zip**

**Phone**

**Mobile**

**Email**

---

## Architect/Engineer/Surveyor Information

**Name**

Keith Staudohar

**Address**

39 Arlo Lane

**City**

Cortlandt Manor

**State**

NY

**Zip**

10567

**Phone**

914-736-3664

**Mobile****Email**

keith@croninengineering.net

---

## Attorney Information

**Name**

Clifford L. Davis

**Address**200 MAMARONECK AVENUE, SUITE  
602**City**

White Plains

**State**

NY

**Zip**

10601-5304

**Phone**

(914) 548-7422

**Mobile****Email**

cdavis@clifforddavis.com



## Applicant Signature

**Signature of Applicant/Sponsor\***

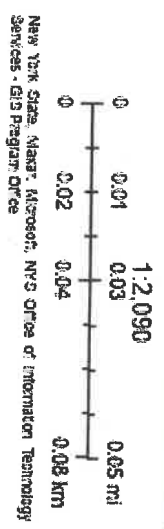
Parth Patel

Dec 11, 2023

# Cortlandt



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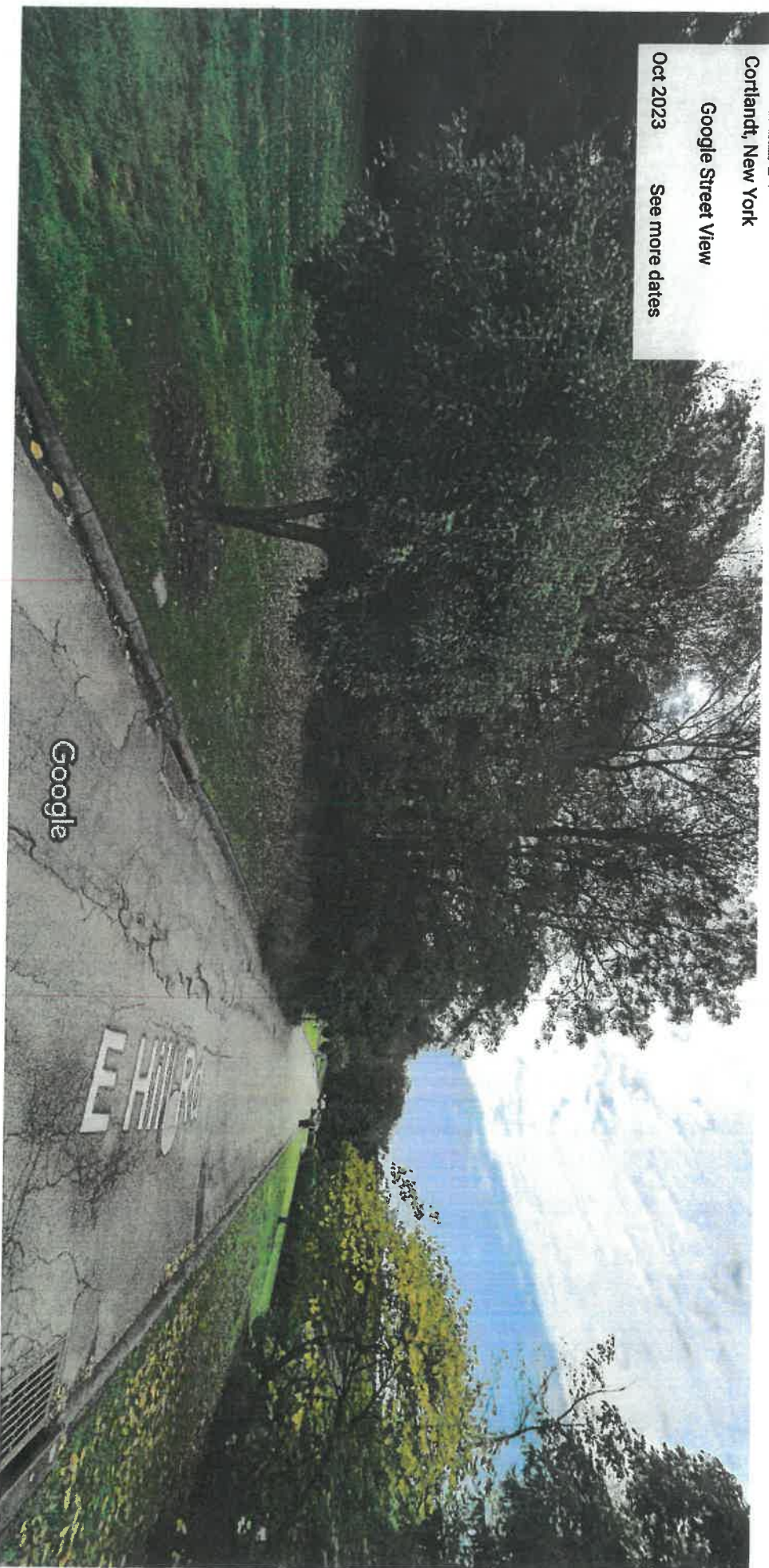


Cortlandt, New York

Google Street View

Oct 2023

See more dates



Cortlandt, New York

Google Street View

Oct 2023

See more dates



Google Maps 48 E Hill Rd

Cortlandt, New York

Google Street View

Oct 2023

See more dates



Image capture: Oct 2023 © 2024 Google

**CLIFFORD L. DAVIS**  
**ATTORNEY AT LAW**

200 MAMARONECK AVENUE  
SUITE 602  
WHITE PLAINS, NEW YORK 10601-5304

(914) 548-7422  
cdavis@clifforddavis.com  
www.clifforddavis.com

December 11, 2023

Honorable Members of the Town of Cortlandt  
Zoning Board of Appeals  
1 Heady Street  
Cortlandt, New York 10567

Dear Honorable Members of the Town of Cortlandt Zoning Board of Appeals:

I am counsel for Parth Patel, who resides at 41 East Hill Road, Cortlandt, NY 10573.

A. Mr. Patel's 4 Lots Were Created Pursuant To a 1907 Map Permitting A House On Each Of the 4 Lots

Mr. Patel's property consists of 4 lots: Lots 10, 11, 25 and 26. Mr. Patel's house is situated, however, on only two of those lots, Lots 10 and 11. All four of those lots were created pursuant to the "Map of Peekskill Terrace Building Plots, Westchester-Putnam Trolley and Land Improvement Company, Town of Cortlandt, Westchester County, N.Y., made by I.W. Reynolds, C.E., dated May 14, 1907 and filed in the Westchester County Clerk's Office, Division of Land Records on April 6, 1908 as map no. 1793. See Exhibit "A" attached. That 1907 Map actually permitted a house to be built on all four of those lots. Also, as part of Exhibit "A" is a zoomed in image of those four separate lots.

B. There Is No History of Merger

By way of background the house on Lots 10 and 11 received a

certificate of occupancy on March 26, 1997. See Exhibit "B". Mr. Patel, thereafter, purchased the house on Lots 10 and 11 in 2021. Mr. Patel also purchased lots 25 and 26, as to which no house is situated.

Nowhere in the Certificate of Occupancy does it state there was a merger of all four lots. Indeed, a Certificate of Occupancy is only for the structure, not the 4 lots, and the house and garage were only on Lots 10 and 11. The Certificate of Occupancy on its face states it only applies to the "New Building" and that it permits occupancy for that "New Building". The fact that there is a tax map designation is entirely different than a finding that there was a merger of lots. As will be demonstrated below there can only be a merger pursuant to a statutory authority and the merger clause set forth at Town Code § 307-8 does not create a merger here.

C. The Patel Site Plan For Lots 25 and 26  
Reflect Houses Facing A Separate Road

Mr. Patel submitted a site plan application through Cronin Engineering to the Town Building Department to build a house on Lots 25 and 26. Significantly, lots 25 and 26 face a road, East Hill Road, and Lots 10 and 11, as to which Mr. Patel's house is situated, also faces a road, East Hill Road. While the roads are named the same as set forth on the 1907 Map Lots 25 and 26 are not adjoining lots, but are diagonal to Lots 10 and 11. East Hill Road is a circular drive. The site plan is attached hereto as Exhibit "C". Notably, while Lots 25 and 26 do not meet lot area and lot width requirements they do meet all setbacks and are complying pursuant to the 1907 Map above and Town Code § 307-89. The same as to the house existing on Lots 10 and 11.

D. The Rogers Denial Letter Fails  
To Address The Merger Statute

On November 8, 2023 Martin Rogers, Director of Code Enforcement issued a Denial Letter with regard to Mr. Patel's application to build a house on Lots 25 and 26, as to which this appeal is from. See Exhibit "D" attached hereto. The thrust of the Denial Letter is that all four lots had merged and therefore required a subdivision. All that Mr. Rogers can point to are documents which appear to label all four lots together for purposes of a Tax lot and a sewer district. Nowhere does Mr. Rogers address Town Code § 307-8 and how it should be interpreted. Nowhere does Mr. Rogers explain that a merger can only occur when there is a merger statute if the criteria of the merger statute are complied with, which as demonstrated below they are not.

Nowhere in his letter does Mr. Rodgers demonstrate that all of the lots merged pursuant to Town Code § 307-8. He fails to even mention that statute. There can only be a merger of lots pursuant to Town Code § 307-8.

E. The Town's Merger Statute Requires That For There To Be A Merger That The Lots When Combined Comply With The Lot Width Requirements

The Town of Cortlandt's merger provision is set forth at Section 307-8, which we understand was in existence at the time the Certificate of Occupancy was granted.

The statute provides as follows:

A. Except as provided herein, no structure shall be erected, moved, altered, rebuilt or enlarged, nor shall any land or structure be used, designed or arranged to be used, for any purpose or in any manner except in conformity with all regulations, requirements and restrictions specified in this chapter for the district in which such structure or land is located.

B. Notwithstanding the provisions of Subsection A, any lot with an area or width less than that prescribed for a lot in the district in which such lot is situated, provided that the owner of said lot owned no adjoining land on or after the effective date of this chapter or any subsequent amendment which increases the required lot area or width for such parcel, may be used for any purpose as permitted in the district. All other regulations prescribed for the district in which such lot is situated shall be complied with; however, if the yard requirements cannot be met, the location of any structure upon such parcel shall be subject to the approval of the Zoning Board of Appeals pursuant to Article X of this chapter. See § 307-89.

C. Any lot with an area or width less than that prescribed for a lot in the district in which such lot is situated, when the owner thereof owned adjoining land on or after the effective date of this chapter or any subsequent amendment which increases the required lot area or width for such parcel, shall be deemed to have merged with said adjoining land to form a single parcel; provided, however, that such merger will not create a nonconforming use. **Further, if the adjoining land has**



been divided into several substandard lots, merger shall occur only to the extent that the minimum lot width requirements of this chapter are met, but not necessarily the minimum lot area requirements. See § 307-89. (Emphasis supplied).

The applicable section is paragraph C. What it means is that all of the lots will be deemed to have merged when all of the lots together are nonconforming as to size or lot width, but "only to the extent that the minimum lot width requirements of this chapter are met, but not necessarily the minimum lot area requirements."

The lot width requirement in this R-40 zone is 150 feet.

F. The Lot Width Of All 4 Lots  
Combined Is Only 98.78 Feet

Town Code §307-4 provides the definition of lot width: "The mean width of a lot, computed by dividing the lot area by the lot depth."

The lot width under the Code as to all four lots is set forth in Exhibit "E", which is 98.78 feet. The analysis was performed by New York State Professional Engineer, Eliot Senor of Gabriel E. Senor, P.C. In other words, the minimum lot width requirements are never met. Accordingly, under the Town of Cortlandt's statute there can be no merger. As set forth above, the Lots, 10, 11, 25 and 26 were all created as substandard lots pursuant to the 1907 Map, but never meet the minimum lot width requirements if treated together: the 98.78 feet lot width does not meet the minimum lot width requirements of 150 feet.

G. The 1907 Map Contemplated Houses  
On All 4 Lots

There simply is no merger. Mr. Patel owns the house on Lots 10 and 11, and the property he seeks to build a new house are on Lots 25 and 26, which is at a diagonal to the house property. And this makes sense as when the houses were laid out in 1907 under the 1907 filed Map Lots 10 and 11 as to which the house sits faces the road, while Lots 25 and 26, as to which there presently exists no house, also faces the road, with backyards of each touching each other. It is clear that the community was mapped out so that there would be a separate house on Lots 10 and 11, and a separate house on Lots 25 and 26. Indeed, there could have been 4 houses, one for each lot, as will be demonstrated below in the Cozzi application, which was before this Board.

H. The Lots On The 1907 Map  
Permit The Development Of  
The House Here

I further note Town Code § 307-89 which provides that if a map is presented, as here, from 1907, that is proof that the lot was established in compliance with all laws: "The applicant for any building permit shall have the burden of documenting that the lot upon which the building is proposed to be constructed was established in compliance with all laws and ordinances at the time of establishment. Copies of all applicable deeds, filed maps, surveys and any other necessary legal instruments shall be supplied by the applicant."

I. There Can Only Be A Merger If  
There Is Compliance With A Merger Statute

As this Board well knows a merger of lots can only happen if there is a merger statute and if there is compliance with that merger statute. This was made clear by New York's Court of Appeals, its highest Court. See Allen v. Adami, 39 N.Y.2d 275, 278 383 N.Y.S.2d 565 (1976) ("A merger is not effected merely because adjoining parcels come into common ownership. The contrary view would undermine the many cases which have held there to be no merger in the absence of a specific merger clause."); Matter of Edelman v. Village of Westhampton Beach Zoning Board of Appeals, 2016 Misc. LEXIS 3577 (Supreme Court, Suffolk County 2016) ("It is well established that in the absence of an express statutory provision setting forth the conditions under which adjoining parcels may be deemed to have merged, there can be no merger.").

And of course "zoning regulations must be strictly construed in favor of the property owner" (see, e.g., Matter of Off Shore Rest. Corp. v Linden, 30 NY2d 160). Farrell v Bd. of Zoning & Appeals, 77 AD2d 875, 877 (2d Dept 1980). See also Sposato v. Zoning Board of Appeals, 287 A.D.2d 639, 732 N.Y.S.2d 19 (2d Dept. 2001) ("zoning codes, being in derogation of the common law, must be strictly construed against the enacting municipality (see, Matter of E & B Realty v Zoning Bd. of Appeals, 275 AD2d 779; Matter of Tartan Oil Corp. v Bohrer, 249 AD2d 481). Ambiguities in a zoning ordinance must be resolved in favor of the property owner (see, Matter of Hogg v Cianciulli, 247 AD2d 474).

Here, there can only be a merger of the lots in question pursuant to Town Code §307-8. However, that statute specifically provides that where adjoining land has been subdivided into several substandard lots, as is the case here, that there can only be a merger that if the lots were treated together the minimum lot width

requirements are met. As set forth above, the Town cannot demonstrate that such minimum lot width requirements are met if Lots 10, 11, 25, and 26 are all treated as one lot. When that is done the lot width is only 98.78 feet and is not in compliance with the minimum lot requirements of 150 feet.

J. This Board's Decision In Cozzi  
Reflects That A House Can Be Built  
On A Single Lot From The 1907 Map

Thus, there is no merger and pursuant to Town Code § 307-89 Lots 25 and 26 can be developed with a house. See Exhibit "F" attached hereto, which is a decision of this Board. Notably, the Applicant therein, Cozzi, a neighbor of Mr. Patel, only had **one** lot on the 1907 Map with a width of only 50 feet, when 150 feet was required. Also attached hereto is Mr. Patel's email to Chris Kehoe and Mr. Kehoe's response that the property of Cozzi can be developed notwithstanding that it cannot meet the R-40 requirements because the single lot is on a filed map of Peekskill Terrace from 1907. Mr. Patel's lots are from that same map.

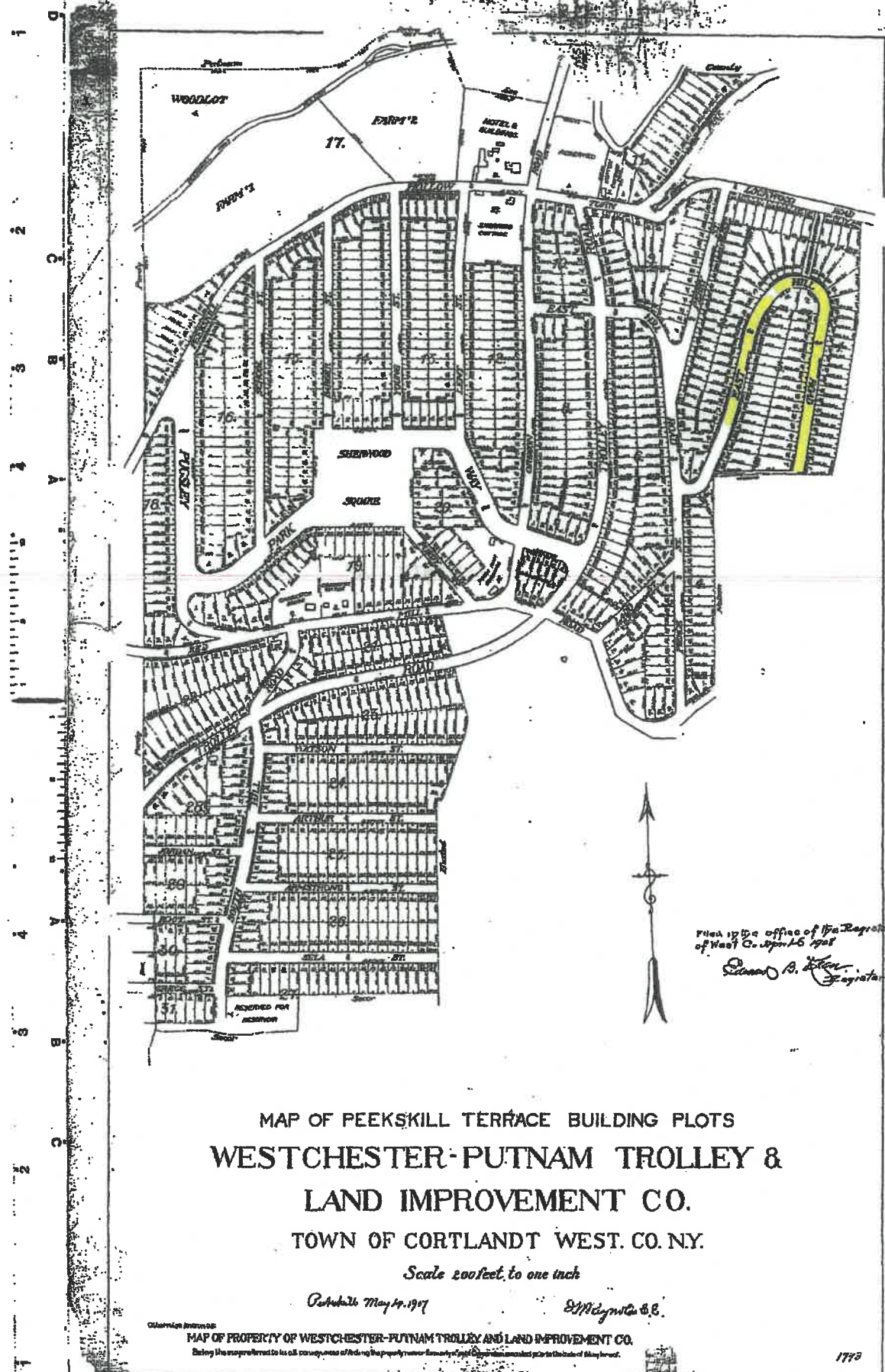
Accordingly, it is respectfully submitted that the Denial Letter is wrongly interpreting the merger analysis, that there should be a declaration that Lots 10 and 11 did not merge with Lots 25 and 26, there is no merger, and that Mr. Patel is able to to build a house on Lots 25 and 26 pursuant to his Building Permit application.

Respectfully,

  
Clifford L. Davis

Encl.

EXHIBIT "A"



MAP OF PEEKSKILL TERRACE BUILDING PLOTS  
 WESTCHESTER-PUTNAM TROLLEY &  
 LAND IMPROVEMENT CO.  
 TOWN OF CORTLANDT WEST. CO. N.Y.

Scale 200 feet to one inch

October 17, 1917

Edgewood C.C.

MAP OF PROPERTY OF WESTCHESTER-PUTNAM TROLLEY AND LAND IMPROVEMENT CO.  
 Being the map prepared to its application of Act of the property under authority of the State of New York, and the same is to be filed in the office of the Registrar of Deeds for the County of Westchester, New York.

1778

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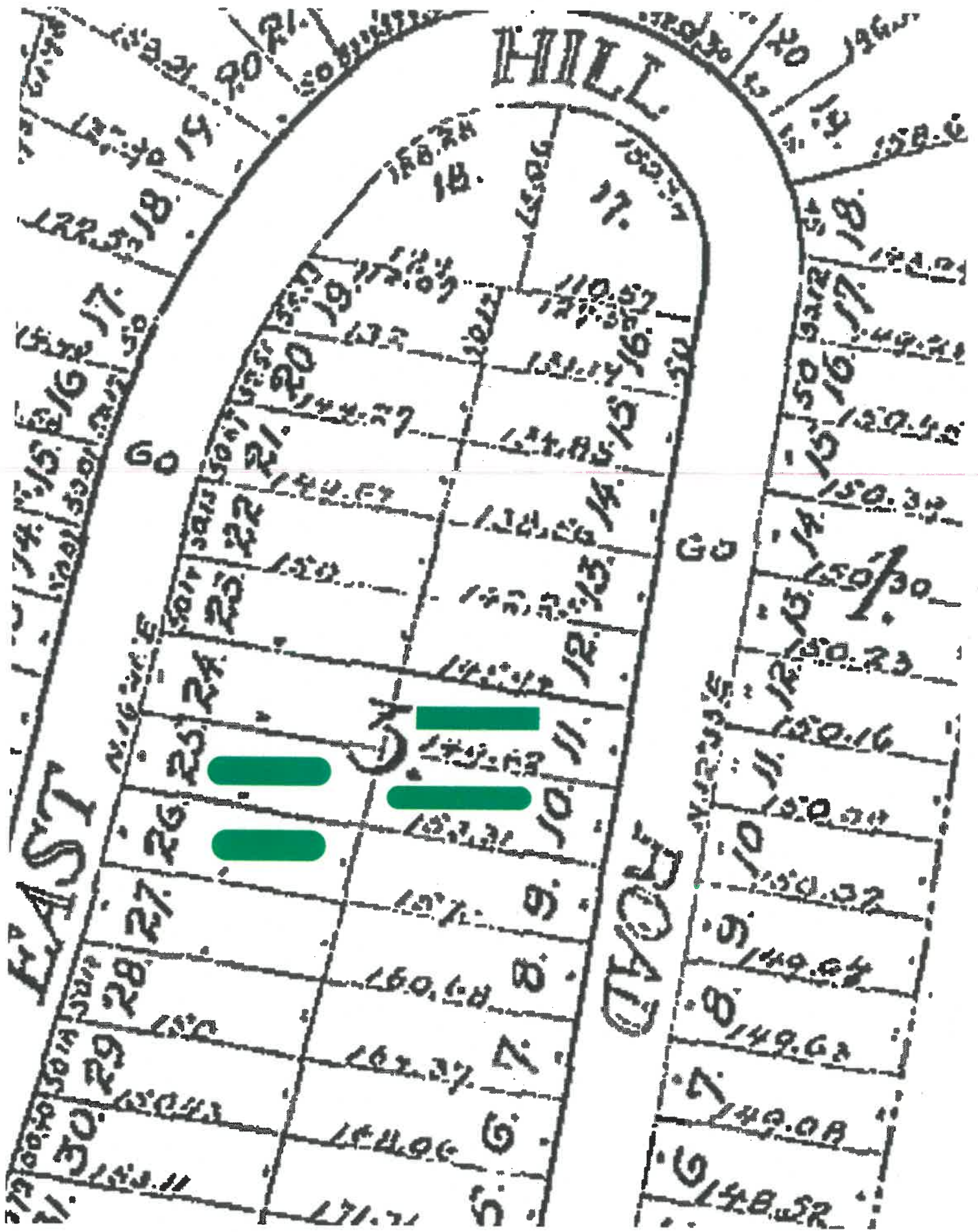


EXHIBIT "B"

Date of Issue 3/26/97

13420

# Town of Cortlandt

Westchester County, N.Y.

## CERTIFICATE OF OCCUPANCY and Zoning Compliance

Tax Map Designation: Section 13.10 Block 1 Lot 41

Owner of premises LPL BUILDERS INC

Address 11 SUN HILL RD  
HATONAH, N.Y. 10526

Location 41 EAST HILL RD.

Proposed Use and Occupancy CDF FAM RES.

Building Permit No. 21122 Date Issued 4/4/96

W.C.D.H. File No. N/A PUBLIC SEWER No. of Bedrooms \_\_\_\_\_

This certifies that the New Building  Addition  Alteration  Existing Bldg.

CDF FAM RES.  
W/ ATTACHED GARAGE  
(Description of Work)

conforms substantially to the New York State Building Construction Code, the Code of the Town of Cortlandt, and any other laws, rules, or regulations of the State of New York and the County of Westchester, and permission is hereby granted for its occupancy.

[Signature]  
SIGNATURE

\_\_\_\_\_  
TITLE



EXHIBIT "C"



**Big Safety**  
New York  
888-882-7862  
100 West 10th Street  
New York, NY 10011

**OWNER/DEVELOPER**  
PARTH PATEL  
41 EAST HILL ROAD  
CORTLANDT MANOR, NY 10567

**REVISIONS**

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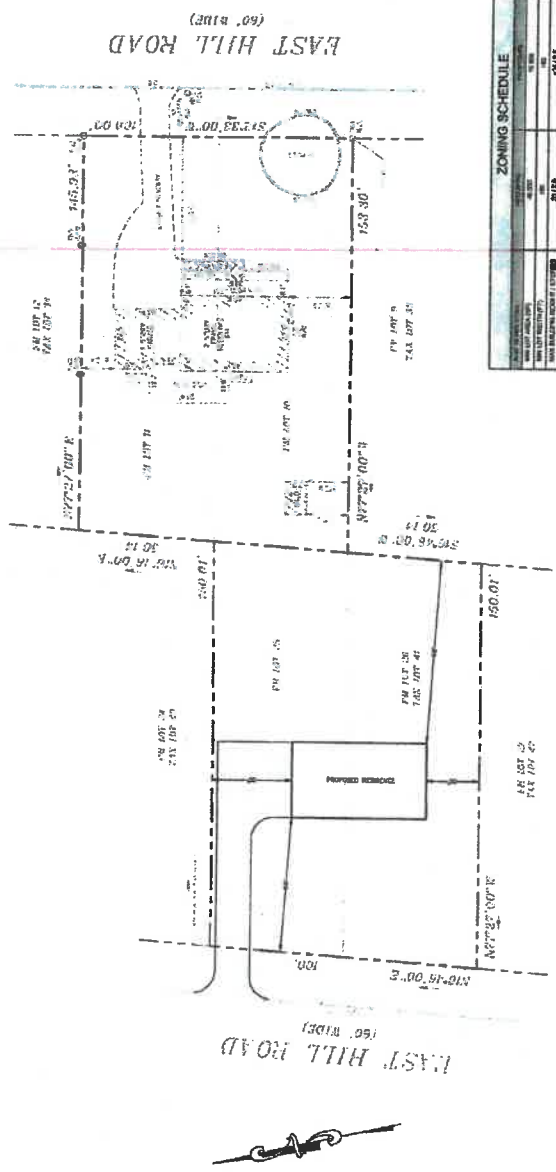


**SITE PLAN**

**SITE DEVELOPMENT PLAN FOR PATEL**

LOCATION:  
41 EAST HILL ROAD  
CORTLANDT MANOR, NEW YORK 10567

SHEET 1 OF 1  
SP-1.1



**ZONING SCHEDULE**

SECTION	AREA (SQ. FT.)	ZONING DISTRICT	PERMITTED USES
1	15,000	R-1	Single-Family Detached
2	15,000	R-2	Single-Family Detached
3	15,000	R-3	Single-Family Detached
4	15,000	R-4	Single-Family Detached
5	15,000	R-5	Single-Family Detached
6	15,000	R-6	Single-Family Detached
7	15,000	R-7	Single-Family Detached
8	15,000	R-8	Single-Family Detached
9	15,000	R-9	Single-Family Detached
10	15,000	R-10	Single-Family Detached
11	15,000	R-11	Single-Family Detached
12	15,000	R-12	Single-Family Detached
13	15,000	R-13	Single-Family Detached
14	15,000	R-14	Single-Family Detached
15	15,000	R-15	Single-Family Detached
16	15,000	R-16	Single-Family Detached
17	15,000	R-17	Single-Family Detached
18	15,000	R-18	Single-Family Detached
19	15,000	R-19	Single-Family Detached
20	15,000	R-20	Single-Family Detached
21	15,000	R-21	Single-Family Detached
22	15,000	R-22	Single-Family Detached
23	15,000	R-23	Single-Family Detached
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25	15,000	R-25	Single-Family Detached
26	15,000	R-26	Single-Family Detached
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30	15,000	R-30	Single-Family Detached
31	15,000	R-31	Single-Family Detached
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37	15,000	R-37	Single-Family Detached
38	15,000	R-38	Single-Family Detached
39	15,000	R-39	Single-Family Detached
40	15,000	R-40	Single-Family Detached
41	15,000	R-41	Single-Family Detached
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96	15,000	R-96	Single-Family Detached
97	15,000	R-97	Single-Family Detached
98	15,000	R-98	Single-Family Detached
99	15,000	R-99	Single-Family Detached
100	15,000	R-100	Single-Family Detached

**SITE PLAN**  
SCALE: 1"=30'

EXHIBIT "D"



**TOWN OF CORTLANDT**  
**DEPARTMENT OF TECHNICAL SERVICES**  
**CODE ENFORCEMENT DIVISION**

**Michael Preziosi, P.E.**  
*Director – D.O.T.S*

**Martin G. Rogers, P.E.**  
*Director of Code  
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Town Hall, 1 Heady Street  
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**Town Supervisor**  
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Robert Mayes

Parth Patel  
41 E Hill Rd  
Cortlandt Manor, NY 10567

November 7, 2023  
Revised 11/8/2023

Re: Application A-23-748  
41 E Hill Road  
Tax ID 13.10-1-41

Mr. Patel:

Your application to construct a new one family residence on a portion of your property at 41 E Hill Road is denied. A Building Permit was issued on 4/4/1996 and a Certificate of Occupancy on 3/26/1997 for a one family residence on the entirety of the subject parcel. Lots 10, 11, 25, and 26 submitted as Lot 41 on application dated 3/23/1996. This Lot is also shown on the "District Map, Description, Plan" for the Country Woods Sewer District Dated 5/2/88. The Map was included as part of the petitioner's submission to establish the Sewer District. Resolution No, 358-88.

If you have any questions or comments please feel free to contact me at 914-734-1010.

Sincerely,

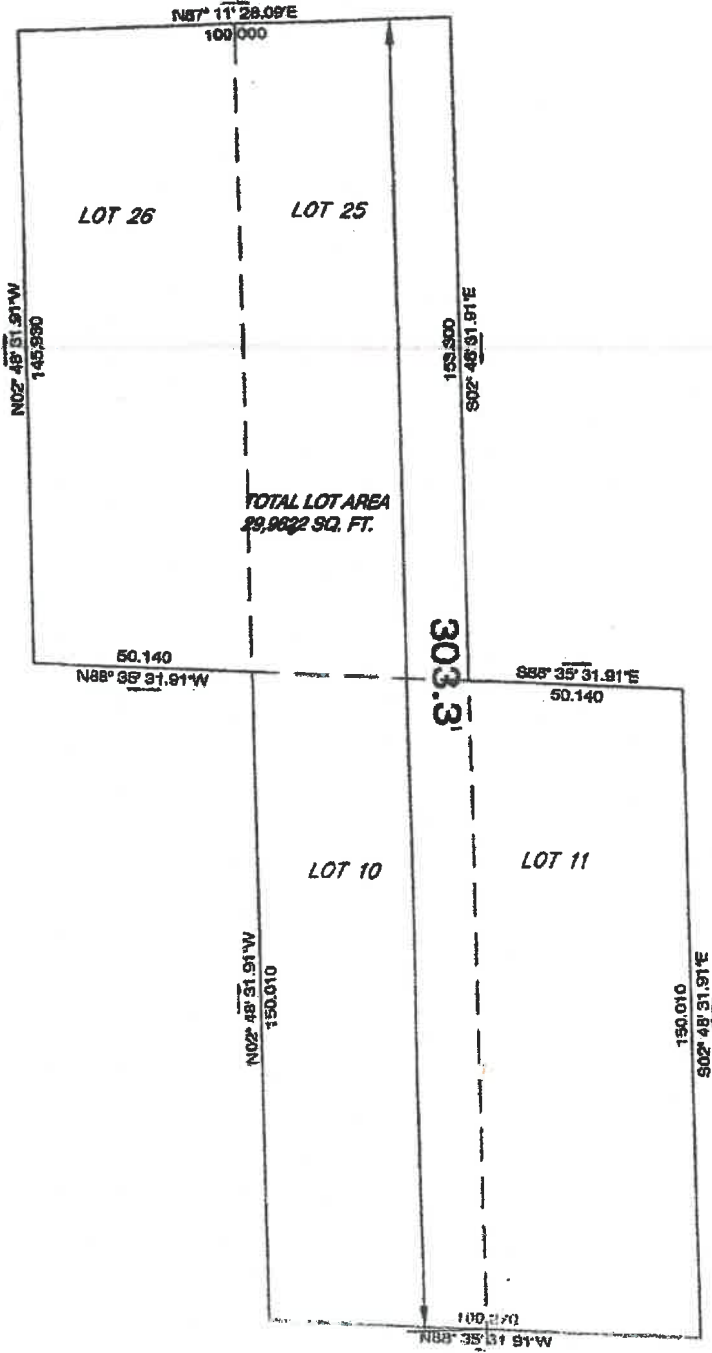
Martin G. Rogers, P.E.  
Director of Code Enforcement  
Department of Technical Services

EXHIBIT "E"

**GABRIEL E. SENOR, P.C.**  
 Consulting Engineer & Land Surveyor  
 90 N. CENTRAL AVENUE  
 HARTSDALE, NEW YORK  
 (914) 422-0070 • FAX (914) 422-3009

JOB R01793-11  
 STREET 41 EAST Hill Rd  
 TOWN Cortlandt  
 CREW \_\_\_\_\_ DATE 5/1/23  
 SCALE 1" = 40'

LOT WIDTH IS THE TOTAL =  $\frac{29,962.2}{303.3} = 98.78'$   
 LOT AREA DIVIDED BY DEPTH



---

EXHIBIT "F"

# ZONING BOARD OF APPEALS

Town of Cortlandt  
Westchester, New York

## DECISION & ORDER

Petitioner: **BEN COZZI**  
Address: **0 E HILL RD**  
Location of  
Property: **SAME**  
Tax Map  
Designation: **13.10-1-33**  
Present Zoning: **R-40**  
Nature of Petition: **Area Variance**

Case No. **ZBA-23-1**

**Describe Specific Request:** The applicant is requesting an additional 612.75 sq. ft. of floor area for a proposed single-family residence. Based on the lot size a 1,750 sq. ft. house is permitted. The applicant is seeking a 2,362.75 sq. ft. house.

### Board Members in Attendance:

- Wai Man Chin
- Michael Fleming
- Chris Beloff
- Frank Franco
- Tom Walsh
- Benito Martinez
- Michelle Piccolo Hill

The above-referred to Petition, having been duly advertised in The Croton Gazette, the official newspaper of the Town of Cortlandt in the issue published the week of **February 9, 2023 – February 15, 2023**, Town Board Resolution No. 153-88 having been complied with and the matter having duly come to be heard before a duly convened meeting of the Board on the following date, **February 16, 2023** at the Town Hall, 1 Heady Street, Cortlandt Manor, New York, and all of the facts, matters and evidence produced by the Petitioner, by the administrative official and by interested parties having been duly heard, received and considered, and due deliberation having been had, the following Decision and Order is hereby made:

**The Zoning Board of Appeals has taken into consideration the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination, the Board makes the following findings:**

- 1. No undesirable change will be produced in the character of the neighborhood and no detriment to nearby properties will be created by the granting of the area variance. The applicant is proposing to construct a house on an existing buildable lot that exceeds the permitted maximum floor area by 612.75 sq. ft. The larger house will be in keeping with the character of the neighborhood which is made up of larger houses on larger lots. The new house should not be a detriment to the adjacent properties as a landscape buffer and fencing will be required. The proposed house is otherwise dimensionally conforming with respect to front, rear and side yard setbacks.**
- 2. The benefit sought by the applicant cannot be achieved by some method, feasible for the applicant to pursue, other than an area variance. The applicant is seeking 612.75 additional sq. ft. to construct a larger house on the lot than is permitted by Town Code with respect to maximum floor area. The proposed house is otherwise dimensionally conforming in all respects. There is no other feasible way to build the larger house than requesting the floor area**



variance.

3. The requested variance is not substantial. A 1,750 sq. ft. house is permitted to be constructed on a lot of this size. The request for an additional 612.75 sq. ft., a 35% increase, is not considered substantial given the size of the immediately adjacent homes in the subdivision. A 2,362.75 sq. ft. house is in keeping with the character of the neighborhood. The house requires no additional setback variances.
4. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The proposed house is subject to the issuance of a building permit from the Department of Technical Services. A replanting plan will be required as well as the design of a detailed stormwater control system. In addition the Zoning Board is conditioning the granting of the variance on the development of a landscape plan with fencing and screening to buffer an adjacent property. The vacant lot has houses located on both sides so the construction of an additional residence with proper site plan controls should not have an adverse impact on the neighborhood.
5. The alleged difficulty is self-created but it is mitigated by the other factors.

Applicant is hereby GRANTED a(n) Area Variance of 612.75 sq. ft. of additional floor area for a proposed house. The subject area variance is granted subject to the following conditions:

- 1) The subject plan will be revised to eliminate the proposed rain garden. Mitigate storm water runoff to the satisfaction of the Dept. of Technical Services – Engineering Division. Best management practices shall follow the NYSDEC Storm Water Manual. Any best management practice other than a rain garden may be used.
- 2) A detailed grading plan, to the satisfaction of the Department of Technical Services, is required. Complete the steep slope findings statement to the satisfaction of the Dept. of Technical Services – Engineering Division.
- 3) Complete a reforestation plan incorporating landscaped buffer to adjacent properties shall be as set forth in Town Code Chapter 259 – Steep Slopes and Chapter 283 – Trees, to the satisfaction of the Dept. of Technical Services – Engineering Division. A row of 6 ft. green giant arborvitae, or comparable landscape buffer, with a privacy fence will be required to buffer the house located at 41 E. Hill Rd.

The applicant is required to obtain all required permits, building and environmental, from the Department of Technical Services, Engineering and Code Enforcement Divisions.

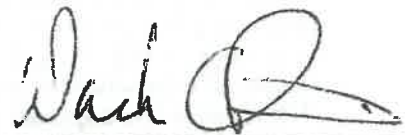
This is a Type II application under SEQRA. Therefore, no further compliance is required.

NOW THEREFORE, Petition is granted and it is further ordered that in all other respects Petitioner comply with all of the rules, regulations and ordinances of the Town of Cortlandt and all other agencies having jurisdiction.

Adopted: April 13, 2023  
Cortlandt Manor, New York  
Date Filed: April 17, 2023



Chris Kehoe, AICP  
Clerk, Zoning Board



Wai Man Chin  
Vice Chair, Zoning Board

**From:** Parth Patel <[parthpatel1001@gmail.com](mailto:parthpatel1001@gmail.com)>  
**Sent:** Wednesday, February 1, 2023 1:30 PM  
**To:** Chris Kehoe <[ChrisK@townofcortlandt.com](mailto:ChrisK@townofcortlandt.com)>  
**Subject:** Re: Zoning Board Case - Proposed New House

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Chris,

I spoke with my attorney and we had a question about how the plans submitted as is (1.17.23 Site Plan.pdf) do not require a variance:

ZONING SCHEDULE				
	REQUIRED	PROPOSED	VARIANCE	
R-40 - RESIDENTIAL				
MIN LOT AREA (SF)	40,000	2,750	N	
MIN LOT WIDTH (FT)	120	30	N	
MAX BUILDING HEIGHT (FT)	25	35	N	
STORIES	2.5	2	N	
MIN YARD DIMENSIONS (FT)				
FRONT	50	30	N	
SIDE (EXCEPT FOR LASS)	7.5	7.5	N	
REAR	30	52.5	N	
MAX BUILDING COVERAGE (SF)	1190	1,750.75	N	
MAX FLOOR AREA (SF)	1770	2,882.75	N	5,622.75 SF
MIN LANDSCAPE COVERAGE (SF) ACCESSORY BUILDINGS	480	NOT APPLICABLE	N	

First Floor: 250.75 sf  
 Second Floor: 7,312 sf  
 Garage: 800 sf  
 Building coverage: ~1,750 SF

The Min Lot Area and the Min Lot Width do not meet the R-40 Residential zoning requirements - is there a document or other piece of support being used by the developer to assert the proposal does not need a variance?

Thank you so much for your time and help so far.

**Fwd: Zoning Board Case - Proposed New House**

Parth Patel <parthpatel1001@gmail.com>

Thu 2/2/2023 12:52 PM

To: Clifford Davis <cdavis@clifforddavis.com>

1 attachments (222 KB)

Peekskill Terrace.PDF;

----- Forwarded message -----

From: **Chris Kehoe** <[ChrisK@townofcortlandt.com](mailto:ChrisK@townofcortlandt.com)>

Date: Thu, Feb 2, 2023 at 12:35 PM

Subject: RE: Zoning Board Case - Proposed New House

To: Parth Patel <[parthpatel1001@gmail.com](mailto:parthpatel1001@gmail.com)>

Please see attached. The lot is on a filed map. In this case it is the map of Peekskill Terrace from 1907. It is Lot 9. As you know from your neighborhood there a few other undersized lots in the subdivision, [35 E. Hill Rd.](#) and [36 E. Hill Rd.](#) are examples.

Chris Kehoe, AICP, Director

Department of Planning & Community Development

[Town of Cortlandt](#)

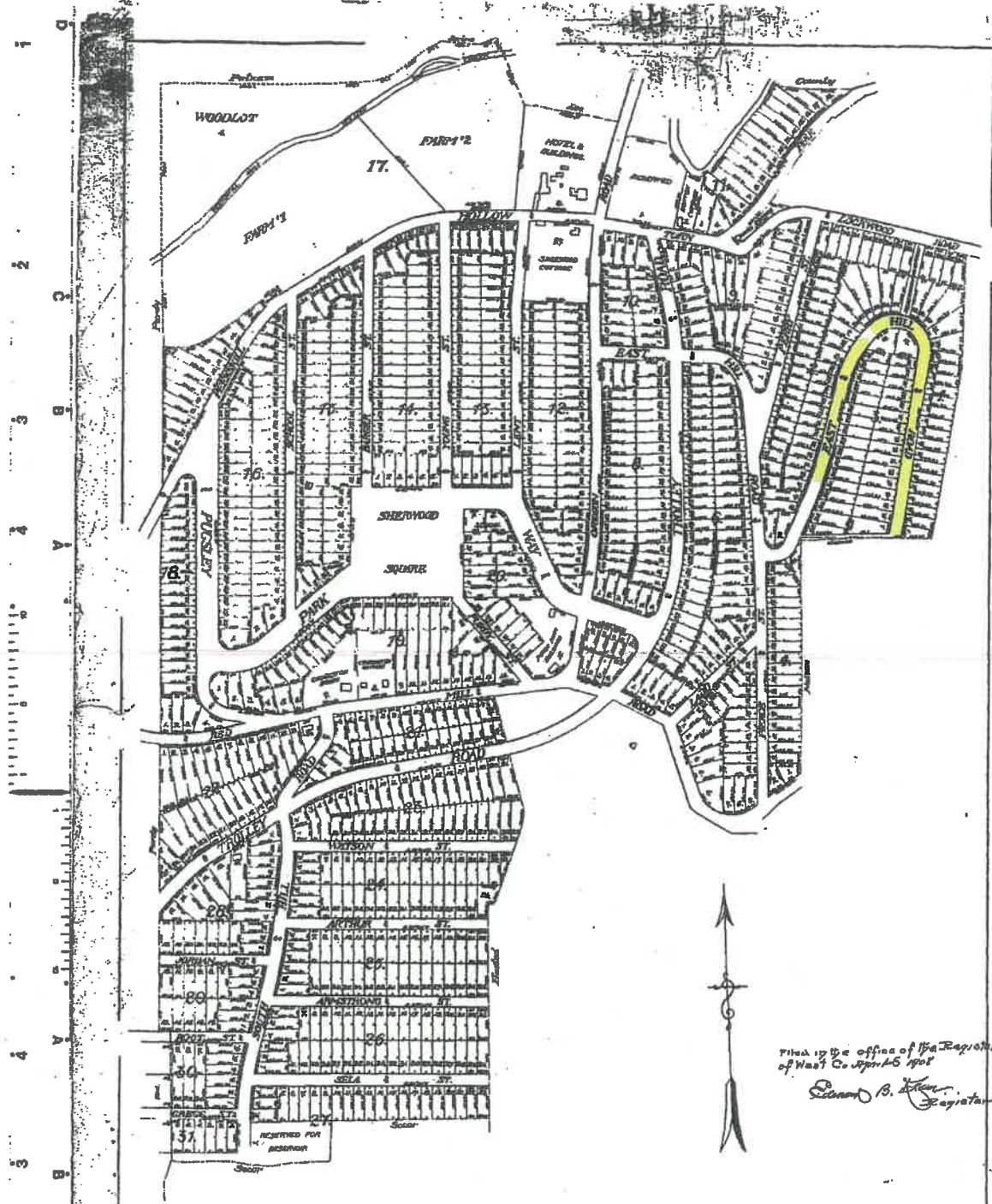
[1 Heady Street](#)

[Cortlandt Manor, New York 10567](#)

914-734-1081



<https://wherelifeworkscortlandt.com/>



Filed in the office of the Registrar  
of West Co. N.Y. April 15 1908  
Edward B. Linn  
Registrar

MAP OF PEEKSKILL TERRACE BUILDING PLOTS  
WESTCHESTER-PUTNAM TROLLEY &  
LAND IMPROVEMENT CO.  
TOWN OF CORTLANDT WEST. CO. N.Y.

Scale 200 feet to one inch

Cortlandt May 19 1907

D. J. Dwyer & Co.

MAP OF PROPERTY OF WESTCHESTER-PUTNAM TROLLEY AND LAND IMPROVEMENT CO.  
Being the map prepared to its old survey and showing the property owned by it and the lots of the same.

1772

D  
241

The Office of the Westchester County Clerk: This page is part of the instrument; the County Clerk will rely on the information provided on this page for purposes of indexing this instrument. To the best of submitter's knowledge, the information contained on this Recording and Endorsement Cover Page is consistent with the information contained in the attached document.



\*610414024DED001M\*

### Westchester County Recording & Endorsement Page

#### Submitter Information

Name:	CSC Ingeo	Phone:	855-200-1150
Address 1:	919 North 1000 West	Fax:	435-755-7025
Address 2:		Email:	csc-help@cscinfo.com
City/State/Zip:	Logan UT 84321	Reference for Submitter:	11971919-CSC Ingeo

#### Document Details

Control Number:	<b>610414024</b>	Document Type:	<b>Deed (DED)</b>
Package ID:	2021040900130001000	Document Page Count:	<b>3</b>
		Total Page Count:	<b>4</b>

#### Parties

Additional Parties on Continuation page

<b>1st PARTY</b>		<b>2nd PARTY</b>	
1: MACHER GREGORY S	- Individual	1: PATEL PARTH	- Individual
2: MACHER JOYCE C	- Individual	2:	

#### Property

Additional Properties on Continuation page

Street Address:	41 EAST HILL ROAD	Tax Designation:	13.10-1-41
City/Town:	CORTLANDT	Village:	

#### Cross-References

Additional Cross-Refs on Continuation page

1:	2:	3:	4:
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#### Supporting Documents

1: RP-5217	2: TP-584
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#### Recording Fees

Statutory Recording Fee:	\$40.00
Page Fee:	\$20.00
Cross-Reference Fee:	\$0.00
Mortgage Affidavit Filing Fee:	\$0.00
RP-5217 Filing Fee:	\$125.00
TP-584 Filing Fee:	\$5.00
RPL 291 Notice Fee:	\$10.00
<b>Total Recording Fees Paid:</b>	<b>\$200.00</b>

#### Mortgage Taxes

Document Date:	
Mortgage Amount:	
Basic:	\$0.00
Westchester:	\$0.00
Additional:	\$0.00
MTA:	\$0.00
Special:	\$0.00
Yonkers:	\$0.00
<b>Total Mortgage Tax:</b>	<b>\$0.00</b>

#### Transfer Taxes

Consideration:	\$633,000.00
Transfer Tax:	\$2,532.00
Mansion Tax:	\$0.00
Transfer Tax Number:	27583

Dwelling Type:	Exempt: <input type="checkbox"/>
Serial #:	

RECORDED IN THE OFFICE OF THE WESTCHESTER COUNTY CLERK



Recorded: 04/09/2021 at 01:49 PM

Control Number: **610414024**

Witness my hand and official seal

Timothy C. Idoni  
Westchester County Clerk

#### Record and Return To

Pick-up at County Clerk's office

**MATTHEW P. METZ, ESQ.**  
**3535 HILL BLVD, SUITE M**

**YORKTOWN HEIGHTS, NY 10598**

THIS INDENTURE, made the <sup>20th</sup> day of February, 2021

**BETWEEN**

Gregory S. Macher and Joyce C. Macher, husband and wife, both residing at 41 East Hill Road, Cortlandt Manor, NY 10567

party of the first part, and

Parth Patel, residing at 390 Prospect Avenue, Unit 3L, Brooklyn, NY 11215

party of the second part,

**WITNESSETH**, that the party of the first part, in consideration of (\$10.00.) Ten dollars paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever, all their right, title and interest in the premises hereinafter described and situate in the Town of Cortlandt, County of Westchester and State of New York and located at 41 East Hill Road, Cortlandt Manor, New York, as more particularly described on Schedule A annexed hereto.

S- 13.10  
B- 1  
L- 41


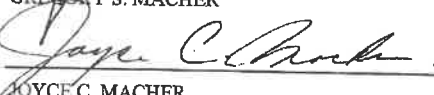
Being the same premises conveyed to the grantors herein by deed dated April 30, 1997 and recorded in the Westchester County Clerk's Office on May 8, 1997, in Liber 11798 at Page 236.

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof; TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises; TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose. The word "party" shall be construed as if it read "parties" when ever the sense of this indenture so requires.

**IN WITNESS WHEREOF**, the party of the first part has duly executed this deed the day and year first above written.

  
\_\_\_\_\_  
GREGORY S. MACHER  
  
\_\_\_\_\_  
JOYCE C. MACHER  
\_\_\_\_\_

IN PRESENCE OF:

**TO BE USED ONLY WHEN THE ACKNOWLEDGMENT IS MADE IN NEW YORK STATE**

State of New York  
County of Westchester

ss:

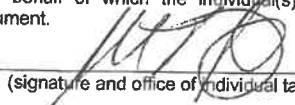
State of New York, County of

ss:

On the <sup>2nd</sup> day of February, in the year 2021  
Before me, the undersigned, personally appeared Gregory S. Macher and Joyce C. Macher, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

On the      day of      , in the year  
before me, the undersigned, personally appeared

personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

  
(signature and office of individual taking acknowledgment)

\_\_\_\_\_  
(signature and office of individual taking acknowledgment)

\*  
ALFRED T. RENAUTO  
Notary Public, State of New York  
02RE4803614  
Qualified in Cortland County  
Commission Expires Jan 31, 2023

\* ALFRED T. RENAUTO  
02RE4803614  
Commission Expires JAN 31, 2023

**BARGAIN AND SALE DEED  
WITH COVENANT AGAINST GRANTOR'S ACTS**

Title No.  
Gregory S. Macher and Joyce C. Macher  
TO  
Parth Patel

SECTION 13.10  
BLOCK 1  
LOT 41  
COUNTY OR TOWN Cortlandt  
STREET ADDRESS 41 East Hill Road

Recorded at Request of  
Pro National Title Agency

RETURN BY MAIL TO:

STANDARD FORM OF NEW YORK BOARD OF TITLE UNDERWRITERS  
Distributed by

Law Office of Matthew P. Metz  
Matthew P. Metz, Esq.  
3535 Hill Blvd., Suite M  
Yorktown Heights, NY 10598

[Large empty rectangular box]

**Title Resources Guaranty Company**

**SCHEDULE A  
DESCRIPTION OF PREMISES**

Title No. PNT31925W

**AMENDED 1/12/2021**

ALL that certain plot piece or parcel of land, situate, lying and being in the Town of Cortlandt, County of Westchester and State of New York, being known and designated as lot nos. 10, 11, 25 and 26 in Block 3 of map entitled, "Map of Peekskill Terrace Building Plots, Westchester-Putnam Trolley and Land Improvement Company, Town of Cortlandt, Westchester County, N.Y." made by I.W. Reynolds, C.E. dated May 14, 1907 and filed in the Westchester County Clerk's Office, Division of Land Records on April 6, 1908 as map no. 1793, being more particularly bounded and described as follows:

BEGINNING at a point on the westerly side of East Hill Road at the division line between lots 9 and 10 in said block;

RUNNING THENCE along said division line, North 77 degrees 27 minutes 00 seconds West 153.30 feet and along lots 9 and 26 in said block, South 16 degrees 46 minutes 00 seconds West 50.14 feet and along lots 26 and 27 in said block, North 77 degrees 27 minutes 00 seconds West 150.01 feet to East Hill Road;

THENCE along the same, North 16 degrees 46 minutes 00 seconds East 100.27 feet to lot 24 in said block;

THENCE along the division line between lots 24 and 25 in said block, South 77 degrees 27 minutes 00 seconds East 150.01 feet, and along lots 11 and 24 in said block, North 16 degrees 46 minutes 00 seconds East 50.14 feet and along lots 11 and 12 in said block, South 77 degrees 27 minutes 00 seconds East 145.93 feet to East Hill Road;

THENCE along said, South 12 degrees 33 minutes West 100.00 feet to the point of BEGINNING.



Building Permit No.: 21122  
Date Issued: 4-4-96

C.O. No.: \_\_\_\_\_  
Date Issued: \_\_\_\_\_

**TOWN OF CORTLANDT**  
WESTCHESTER COUNTY

**APPLICATION FOR BUILDING PERMIT AND CERTIFICATE OF OCCUPANCY  
WETLANDS AND/OR STEEP SLOPES PERMIT & ZONING BOARD OF APPEALS**

TAX MAP DESIGNATION: SECTION 3.10 BLOCK 1 LOT 41

APPLICATION IS HEREBY MADE for the issuance of a Building Permit pursuant to the New York State Uniform Fire Prevention & Building Code and the code of the Town of Cortlandt for the construction of buildings, additions or alterations, or for demolition, as herein described. The applicant agrees to comply with all applicable laws, ordinances, and regulations.

Name of owner of premises: LPL BUILDERS, INC  
address: 11 SUN HILL Rd Katona Tel. No. 962-1617

Street and number of proposed work: 41 EAST HILL Rd NY 10536  
Existing  Other  Open Deck

Nature of Work: New Building  Addition  Alteration  Demolition  Swimming Pool

Description of Work: 2 STOREY COLONIAL MODULAR ATTACHED GARAGE

Approximate dimension of new construction: Front 40' Rear 40' Depth 27' 7/8" Height 20'

Number of Stories: 2 Garage: No. of Cars 1 Under  Attached  Detached

Name of Contractor: LPL BUILDERS W.C. Lic. No. 7129-1195 Tel. No. 962-1617

Existing use and occupancy \_\_\_\_\_ Proposed use and occupancy \_\_\_\_\_

Zoning district R-40 Lot acre (sq.ft.) 2,464 Average lot width 100'

Subdivision name PEEKSKILL TERRACE Filed map no. 1193 Date filed \_\_\_\_\_

If not a subdivision lot, date lot was established \_\_\_\_\_ PB File no. \_\_\_\_\_ Z.B.A. Case No. \_\_\_\_\_

Survey Submitted  Individual Site Dev. Plan  App. By Town Engineer: (date) \_\_\_\_\_

W.C.D.H. File # N/A No. of Bedrooms Approved: 4

PLUMBING Yes  No

Plumbing Contractor To Be Selected Cortlandt Lic. No. \_\_\_\_\_

Address \_\_\_\_\_ Telephone No. \_\_\_\_\_

ELECTRICAL Yes  No

Electrical Contractor To Be Selected Cortlandt Lic. No. \_\_\_\_\_

Address \_\_\_\_\_ Telephone No. \_\_\_\_\_

**WETLANDS / STEEP SLOPES**

Adjoining Owners Name	Address	SEC	BLK	LOT

I, Peter J. Metzger the Owner (owner, contractor, architect, engineer, etc. \*)

acknowledge that all statements contained in this application are true to the best of my knowledge and belief, and that the work will be performed in the manner set forth in this application and in the plans and specifications filed herewith. NOTE: False statements made herein are punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.

Date: 3-23-96 Signature: Peter J Metzger

\*Applicants other than the owner must submit a letter of authorization from the owner.

FEES (to be submitted with the application)  
Estimated cost of construction (including labor and material)

\$ 230,000  
Wetlands Insp \$ 25  
Building Permit \$ 564  
Plumbing Permit \$ 50  
C.O. Fee \$ 25  
TOTAL \$ 664

BUILDING PERMIT DENIED \_\_\_\_\_ Per Sec: \_\_\_\_\_ By \_\_\_\_\_

REFERRED TO ZBA AS CASE NO. \_\_\_\_\_ date APPLICATION TO ZBA FOR THE FOLLOWING:  
 AREA VARIANCE  SPECIAL PERMIT  280A EXEMPTION  USE VARIANCE  INTERPRETATION  OTHER  
EXPLANATION OF CIRCUMSTANCES: \_\_\_\_\_

SEQR:  EXEMPT/EXCLUDED-NO FURTHER REQUIREMENTS  TYPE 2-NO FURTHER REQUIREMENTS  TYPE 1-EAF FORM REQUIRED  
 UNLISTED-EAF REQUIRED  CEA - FULL EAF REQUIRED  
VARIANCE GRANTED  VARIANCE DENIED  FEE \$ \_\_\_\_\_ date \_\_\_\_\_

WETLANDS PERMIT: REQUIRED  NOT REQUIRED   
WETLANDS INSPECTION By CAC: Name: W. Adams Date: 4/3/96  
WORK TO CONSIST OF: \_\_\_\_\_

COMMENTS: \_\_\_\_\_

INFORMATION SUBMITTED:  
 Environmental assessment form  Site topography  
 Wetlands Delinsation  Deed  
 Survey  Approved WCHD SSDS plan and or permit  
 Plan of Improvements  
 Adjoining owners notified  Other \_\_\_\_\_

**STANDARDS SET FORTH IN L.I. 3-87, SECT. 8C & 8B HAVE BEEN CONSIDERED AND MET.  
FINDINGS REQUIRED UNDER L.I. 3-87 SECT. 8C HAVE BEEN MADE.**

**CONDITIONS/RESTRICTIONS OF PERMIT:**  
1. Erosion Control Facilities are to be installed prior to commencement of construction in accordance with accompanying plan and in compliance with Westchester County Standards. Erosion Control Facilities are to be maintained until permanent ground cover is established.  
**NOTE: SILT FENCE AND HAY BALES SHALL BE USED IN TANDEM, WITH HAY BALES PLACED UPSLOPE, TO THE SATISFACTION OF THE DIRECTOR OF CODE ENFORCEMENT.**  
2. No Certificated of Occupancy shall be issued until all conditions of this permit have been complied with to the satisfaction of the Director of Code Enforcement.  
3. No change in any approved plan shall be permitted without prior written consent all approving authorities.  
4. This permit expires two years from the date of issuance unless otherwise indicated, suspended or revoked.  
5.

**STEEP SLOPES PERMIT:** REQUIRED  NOT REQUIRED   
STEEP SLOPES INSPECTION By CAC: Name: W. Adams Date: 4/3/96  
WORK TO CONSIST OF: \_\_\_\_\_

INFORMATION SUBMITTED:  
 Environmental Assessment Form  Site Topography  
 Survey  Approved WCHD SSDS plan and or permit  
 Retaining Wall Details  
 Plan of Improvements  Other \_\_\_\_\_

**CONDITIONS/RESTRICTIONS OF PERMIT:**

PERMIT ISSUED  PERMIT DENIED   
DATE: \_\_\_\_\_ PERMIT NO. \_\_\_\_\_ By: \_\_\_\_\_  
WETLANDS  STEEP SLOPES  Title: \_\_\_\_\_

Date of Issue 3/20/97

13420

# Town of Cortlandt

Westchester County, N.Y.

## CERTIFICATE OF OCCUPANCY and Zoning Compliance

Tax Map Designation: Section 13.10 Block 1 Lot 41

Owner of premises LPL BUILDERS INC.

Address 11 SUN HILL RD  
KATONAH, N.Y. 10536

Location 41 EAST HILL RD.

Proposed Use and Occupancy ONE FAM. RES.

Building Permit No. 21122 Date Issued 4/4/96

W.C.D.H. File No. N/A PUBLIC SEWER No. of Bedrooms \_\_\_\_\_

This certifies that the New Building  Addition  Alteration  Existing Bldg.

ONE FAM. RES.  
W/ ATTACHED GARAGE

(Description of Work)

conforms substantially to the New York State Building Construction Code, the Code of the Town of Cortlandt, and any other laws, rules, or regulations of the State of New York and the County of Westchester, and permission is hereby granted for its occupancy.

[Signature]

SIGNATURE

DEPUTY DIRECTOR OF CODE ENFORCEMENT

TITLE

**ZONING BOARD OF APPEALS FACT SHEET**

**ZBA Member Assigned:** Chin

**CASE NO.:** 2023-18

**Name of Applicant:** Martin Stejskal on behalf of John & Laura Lea Kennedy

**Owner:** Same

**Address of property:** 86 Trolley Road

**Section, Block, Lot:** 13.9-2-21.1

**Prior ZBA Case No.:** NA

**Zone:** R-10

**Lot Size:** 14,719 sq. ft.

**Request:** Area Variance for Maximum Floor Area in Residential Districts

**Staff Comments:** The applicant submitted a request on December 27, 2023 for an addition and building renovations to an existing house. The request was denied on the same day. The subject property is zoned R-10 and has a lot area of 14,719 sq. ft. As per 307 *Attachment 4, Table of Dimensional Regulations, Maximum Floor Area in Residential Districts*, the Maximum Floor Area for a house in an R-10 Zone with a lot of 14,719 sq. ft. (rounded down to 14,000 sq. ft.) is 3,150 sq. ft. The applicant is proposing a house of 4,160 sq. ft. requiring a variance of 1,010 sq. ft. The applicant is proposing a new master bedroom suite on the first floor and a new playroom in the lower level due to an increase in family size.

<b>Permitted</b>	<b>Requested</b>	<b>Sq. Ft.</b>	<b>Percentage</b>
3,150 sq. ft.	4,160 sq. ft.	1010 sq. ft.	32%

**Variance Requested:** An Area Variance for Maximum Floor Area in Residential Districts

**SEQR: TYPE II – No further compliance required**



**TOWN OF CORTLANDT**  
DEPARTMENT OF TECHNICAL SERVICES  
CODE ENFORCEMENT DIVISION

**Michael Preziosi, P.E.**  
*Director – D.O.T.S*

**Martin G. Rogers, P.E.**  
*Director of Code  
Enforcement / D.O.T.S.*

**Holly Haight**  
*Assistant Director of Code  
Enforcement / D.O.T.S.*

Town Hall, 1 Heady Street  
Cortlandt Manor, NY 10567  
Main #: 914-734-1010  
Fax #: 914-293-0991

**Town Supervisor**  
Richard H. Becker

**Town Board**  
James F. Creighton  
Francis X. Farrell  
Cristin Jacoby  
Robert Mayes

Architectural Visions  
2 Muscoot Rd N.  
Mahopac, NY 10541  
Attn: Martin Stejskal, RA, AIA

December 27, 2023

Re: Kennedy Residence Proposed Addition  
86 Trolley Road  
Tax ID 13.9-2-21.1

Mr. Stejskal:

I am in receipt of your Building Permit Application received December 27, 2023 for Addition and renovations.

I must deny this request under the following, Town of Cortlandt Zoning Code: 307-17 Table of Dimensional Regulations, Maximum Floor Area in Residential Districts. Maximum Allowable Floor area is 3,150 Square Feet and 4,160 Square Feet is proposed requiring a variance for 1,010 Square Feet (32% increase). Request for a variance from the Code is required.

The Zoning Board of Appeals application shall be completed online. If the application is deemed complete additional instructions will follow and then the project will then be placed on the agenda for the next available Zoning Board of Appeals meeting.

Additional information may be required upon subsequent reviews. Technical comments for the submission may be issued separately. If you have any questions or comments please feel free to contact me by email or at 914-734-1010.

Sincerely,

Martin G. Rogers, P.E.  
Director of Code Enforcement  
Department of Technical Services

Cc: Chris Kehoe, Town Planner



## ZBA-23-18

Zoning Board of Appeals

Application

Status: Active

Submitted On: 12/27/2023

### Primary Location

86 TROLLEY RD  
CORTLANDT MANOR, NY  
10567

### Owner

KENNEDY JOHNLAMA-  
KENNEDY LAURALEA  
TROLLEY RD 86 CORTLANDT  
MANOR, NY 10567

### Applicant

Martin Stejskal  
 845-628-6613  
 martin@arch-visions.com  
 2 Muscoot Rd N  
Mahopac, NY 10541

---

## Site Data

### Variance Type Requested\*

Area Variance

### Project Description\*

Existing Raised Ranch House - Addition and renovations. New Master Bedroom Suite at First Floor and new Playroom at Lower Level. Renovate Existing Master Bedroom to create Hallway to new Master Suite. Proposed Addition would put the Floor Area at 4,160 SF. The Maximum Allowable Floor area is 3,150 Square Feet and 4,160 Square Feet is proposed requiring a variance for 1,010 Square Feet (32% increase).

### Circumstances of Particular Application\*

The Family has increased and they need additional space. The new Master Suite in the Addition will allow for Four Bedrooms total and the New Playroom will give extra family and storage space. Requesting Variance from Town of Cortlandt Zoning Code: 307-17 Table of Dimensional Regulations, Maximum Floor Area in Residential Districts. The Addition is in the rear, and will not be out of character with the neighborhood. The overall size of the House will be in keeping with surrounding Houses in the neighborhood.

Application is hereby made for the following Variance, Interpretation, and/or Special Permit under the Town Code:

<b>Chapter*</b>	<b>Section*</b>
307	17

<b>Chapter</b>	<b>Section</b>
----------------	----------------

**Is adjacent property in the same ownership?\***

No

**Does any officer/employee of the Town of Cortlandt have any interest in this application as defined in the General Municipal Law Section 809?\***

No

---

## Lessee Information

<b>Name</b>	<b>Address</b>
-------------	----------------

<b>City</b>	<b>State</b>
-------------	--------------

<b>Zip</b>	<b>Phone</b>
------------	--------------

<b>Mobile</b>	<b>Email</b>
---------------	--------------

---

## Architect/Engineer/Surveyor Information

<b>Name</b>	<b>Address</b>
-------------	----------------

Martin Stejskal, RA - Architectural Visions, PLLC	2 Muscoot Rd N
---	----------------

**City**

Mahopac

**State**

NY

**Zip**

10541

**Phone**

845-628-6613

**Mobile**

203-733-3435

**Email**

martin@arch-visions.com

---

## Attorney Information

**Name**

**Address**

**City**

**State**

**Zip**

**Phone**

**Mobile**

**Email**

---

## Applicant Signature

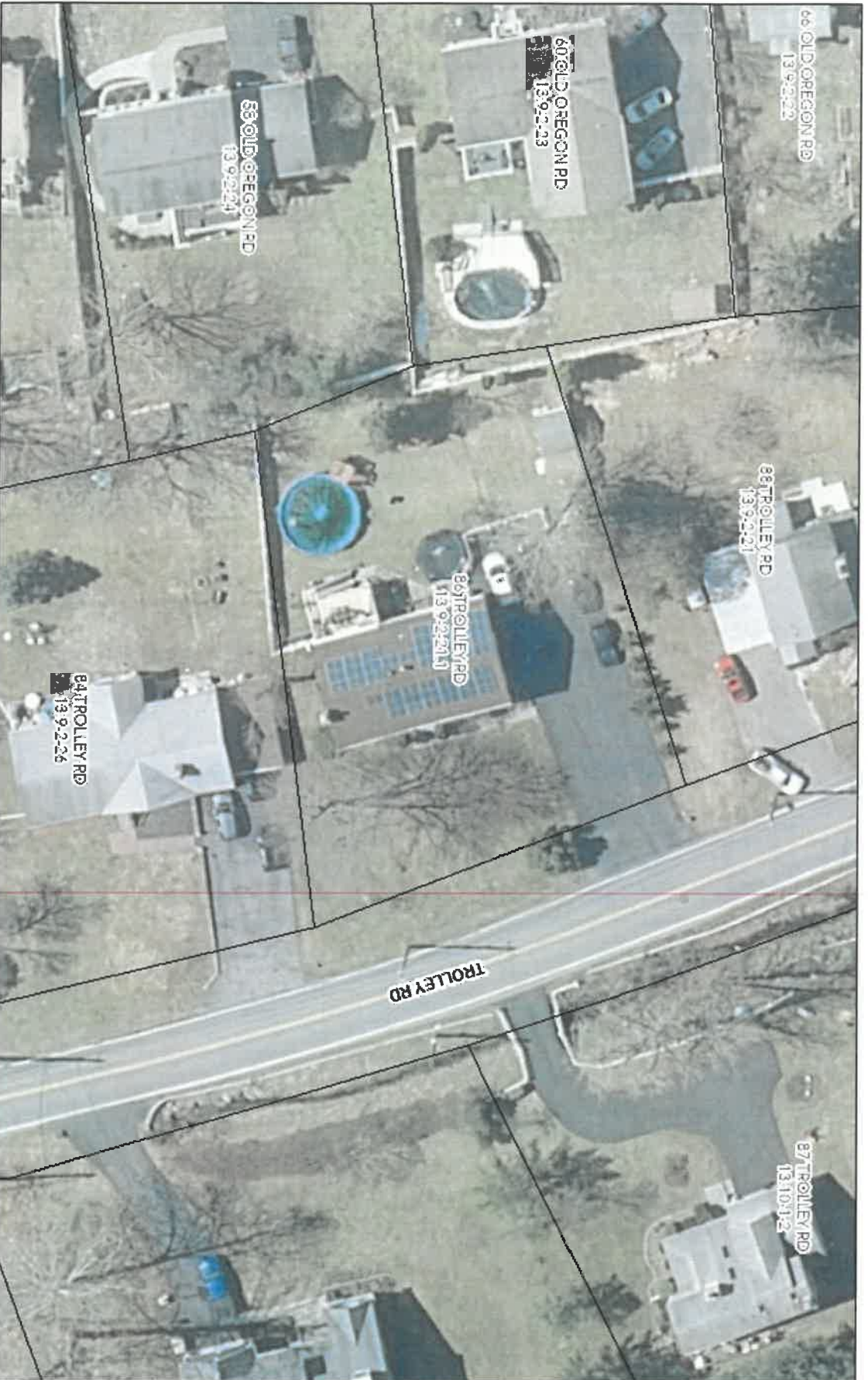
**Signature of Applicant/Sponsor\***

Martin Stejskal

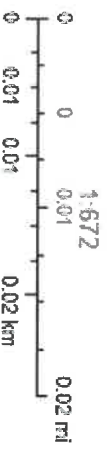
Dec 27, 2023



# Cortlandt



1/8/2024, 1:18:50 PM

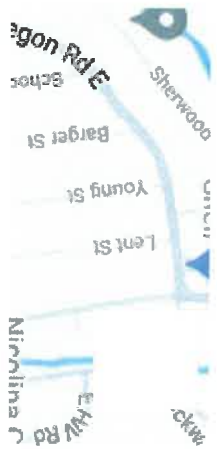


New York State, Westchester County GIS, Mayor, Microsoft, NY's Office of Information Technology Services - GIS Program Office

Cortlandt, New York  
Google Street View  
Aug 2021



Image capture: Aug 2021 © 2024 Google



# KENNEDY RESIDENCE NEW 2 STORY ADDITION

86 TROLLEY RD,  
CORTLANDT MANOR,  
NY 10567



## LOCATION PLAN

NO SCALE

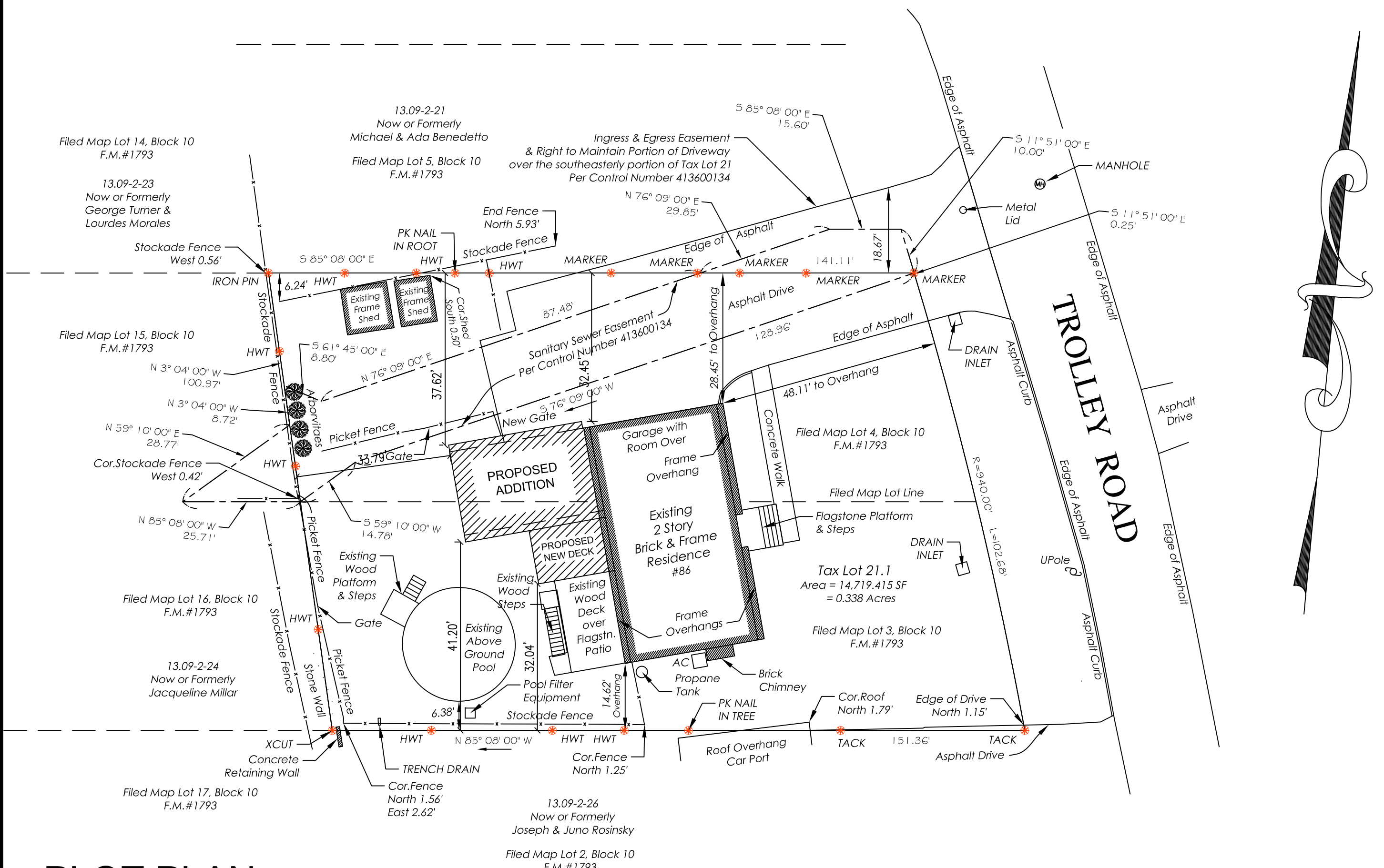
TOWN OF CORTLANDT ZONING REQUIREMENTS			
<b>Basic Data:</b>			
Owner:	John Kennedy	86 Trolley Rd, Cortlandt Manor, NY 10567	
Address:	86 Trolley Rd	Section: 13.9 Block: 2 Lot(s): 21.1	
Sheet:	R-10	Proposed Use: Addition	
Zoning District:	R-10		
Bulk Regulations:	Required/ Allowable:	Existing/ Proposed	Variance Required
Lot Area:	10,000 SF	14,719.4 SF	NONE
Lot Width:	75 FT	100.97 FT	NONE
Building Height:	35 FT	25 FT EXISTING	NONE
Front Yard Setback:	30 FT	48.11 EXISTING (NC)	NONE
Rear Yard Setback:	20 FT	33.79 FT PROPOSED	NONE
Side Yard Setback: (20% x lot width/ 10 FT Max)	10 FT	32.45 FT PROPOSED	NONE
Max. Building Coverage: (Footprint) (.65 x 3150)	2,048 SF	1,978 SF	NONE
Max. Building Floor Area: (Based on 14,000 SF)	3,150 SF	4,160 SF	1010 SF / 32% increase
Min. Landscape Coverage: (% of Lot Area)	7,359.7 SF	8,929 SF PROPOSED	NONE

Calculations:	Footprint SF	Total SF
Primary Structure:	1,404	B: 1,404 + 1st: 1,548 = 2,952 SF
Addition:	574	B: 574 + 1st: 634 = 1,208 SF
<b>Subtotal:</b>	<b>1,978 SF</b>	<b>4,160 SF</b>
Accessory Structures:	719	
<b>Subtotal:</b>	<b>719 SF</b>	
Impervious Surfaces:		
Driveway (Existing)	2326	
Walkways (Existing)	233	
Deck (Existing)	335	
Deck (New)	199	
<b>Subtotal:</b>	<b>3,093 SF</b>	
<b>Total Impervious Surface:</b>	<b>5,790 SF</b>	
<b>Landscaping:</b>	<b>14,719.4 x .50 = 7,359.7</b>	<b>8,929 SF</b>

PAGE NUMBER	TITLE
Architectural: Plans	
C-100	COVERSHEET, LOCATION PLAN & PLOT PLAN
A-100	EXISTING FLOOR PLAN
A-101	PROPOSED PLAN
A-102	PROPOSED PLAN
A-200	PROPOSED ELEVATIONS
A-201	PROPOSED ELEVATIONS
A-300	SECTIONS
A-301	DETAILS
E-100	PROPOSED ELECTRICAL PLAN

- PLAN NOTES:**
- SEE ARCHITECTURAL DRAWINGS FOR DIMENSIONED OVERALL LAYOUT AND DIMENSIONED LOCATIONS OF PARTITIONS. DO NOT SCALE DRAWINGS.
  - ALL CONCRETE TO BE 3,500 PSI.
  - MINIMUM 3'-6" FROST DEPTH TO BE MAINTAINED FOR ALL FOOTINGS. FOOTINGS SHALL BEAR ON NATURAL, NON-DISTURBED, COMPACT NON-ORGANIC SOILS.
  - CONTRACTOR TO COORDINATE EMBEDMENT OF ANCHOR BOLTS, ETC. INTO CONCRETE.
  - 4" CONCRETE SLAB ON GRADE.  
REINF. SLAB W/6X6-W2.0XW2.0 WWF. PLACE SLAB ON 6MIL VAPOR BARRIER OVER 6" MIN COMPACTED COARSE GRANULAR FILL.
  - ALL POSTS AND JAMBS TO BE FULLY SPIKED. PROVIDE DOUBLE JACK STUDS AND A FULL HEIGHT STUD UNDER ALL BEAMS SPANNING 6'-0" AND GREATER AND UNDER ALL LVL BEAMS UNLESS NOTED OTHERWISE.
  - PROVIDE 2X4 BLOCKING UNDER ALL POSTS AND JAMBS OF WINDOW AND DOOR OPENINGS EXCEEDING 6'-0" IN WIDTH.
  - ALL FRAMING LUMBER SHALL BE DRY (19% MAXIMUM MOISTURE CONTENT) DOUGLAS FIR.
  - A.P.A. RATED SHEATHING SYSTEM 3/4" T&G PLYWOOD DECKING GLUED WITH PL400 ADHESIVE AND SCREWED AT 12" O.C. INTERMEDIATE SUPPORTS, 6" O.C. ABOUT PERIMETER.
  - ALL OPENINGS SHALL BE FRAMED WITH DOUBLE MEMBERS UNLESS SHOWN OTHERWISE.
  - ALL LAMINATED VENEER LUMBER AND COMPOSITE LUMBER SHALL BE MICROLAMS, TRUSS JOISTS OR PARALLAMS AS PRODUCED BY TRUSS JOIST MACMILLAN, OR AN APPROVED EQUIVALENT. BOLT ALL LVL BEAMS PER MANUFACTURER'S SPECIFICATIONS.
  - ALL METAL FRAMING CONNECTIONS SHALL BE FULLY NAILED AS PER MANUFACTURER'S RECOMMENDATIONS.
  - CONTRACTOR TO SUBMIT FOR REVIEW EXACT CONNECTION MANUFACTURER'S DATA SHEETS FOR EACH TYPE OF CONNECTION SPECIFIED.
  - ALL NAILED CONNECTIONS SHALL BE SECURED IN ACCORDANCE WITH THE 2020 RESIDENTIAL CODE OF NEW YORK STATE NAILING SCHEDULE.

**PROJECT BUILDING CODE:** 2020 RESIDENTIAL CODE OF NEW YORK STATE



## PLOT PLAN

1"=20'-0"

THE INFORMATION FOR THE PLOT PLAN WAS OBTAINED FROM A SURVEY BY TC MERRITTS, LAND SURVEYORS, DATED 5/14/2020. THE ARCHITECT ASSUMES NO RESPONSIBILITY FOR ITS ACCURACY.

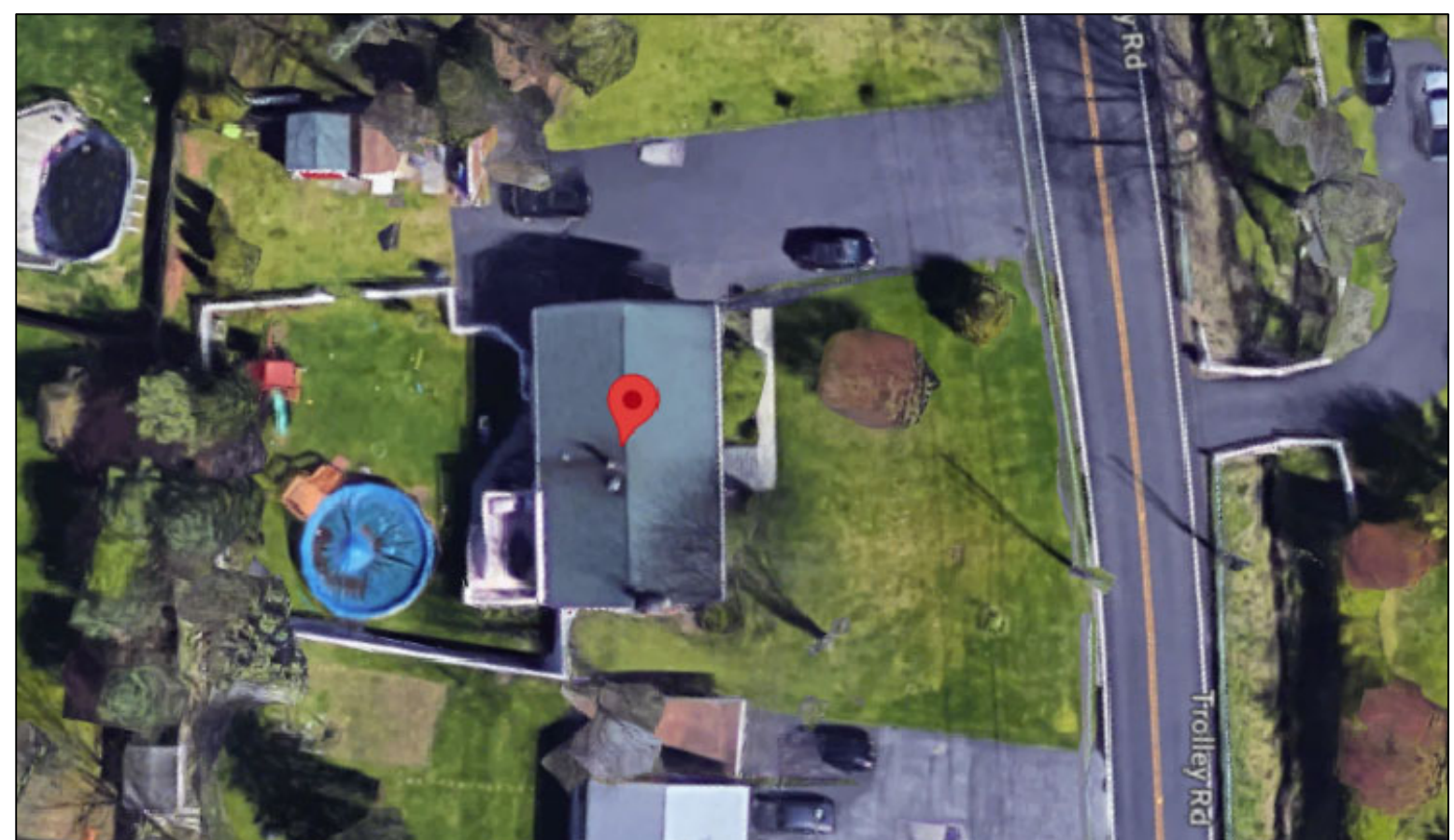
Town of Cortlandt  
CODE ENFORCEMENT DIVISION  
1 HEADY STREET, CORTLANDT MANOR, NY 10567  
(914) 734-1010

CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA (Effective 5/12/2020)												
Location: Town of Cortlandt										Zip Code: 10567		
Wind Design		Subject to Damage From										
Ground Snow Load	Speed (mph)	Topo Effects	Special Wind Region	Wind-borne Debris Zone	Seismic Design Category (RCNY Only)	Weathering	Frost Line Depth	Winter Design Temp	Ice Barrier Underlayment Road	Flood Hazards	Air Freezing Index	Mean Annual Temp
30	Special Wind Region	No	Yes	No	C	Severe	42"	Moderate to Heavy	7	YES	1500 or less	51.8

MANUAL J DESIGN CRITERIA						
Elevation	Latitude	Winter heating	Summer cooling	Altitude correction factor	Indoor design temperature	Design temperature difference
436	41	7	87	1	68	75
61						
Cooling temperature difference	Wind velocity heating	Wind velocity cooling	Coincident wet bulb	Daily range	Winter humidity	Summer humidity
12	20.4	7.5	72	M	30	55

\* 115 MPH to 120 MPH. The special wind region should serve as a warning to design professionals in evaluating wind loading conditions. Wind speeds higher than the derived values taken from Chapter 16 of the Building Code and Chapter 3 of the Residential Code are likely to occur and should be considered in the design.  
\*\* State if applicable. For Flood Hazards the Design Professional shall state if they are applicable, Y/N. Verify with FIRM Maps. Maps are available in the Engineering Department for review. If any additional information is required.



## AERIAL VIEW

NO SCALE



## FRONT VIEW OF HOUSE

NO SCALE



## AERIAL VIEW OF HOUSE

NO SCALE

## MATERIALS

- EARTH
- DRAINAGE GRAVEL
- CAST-IN-PLACE CONCRETE
- CONCRETE MASONRY UNIT
- SAND OR MORTAR
- WOOD (ROUGH)
- WOOD (FINISH)
- GYPSUM WALL BOARD
- PLYWOOD
- METAL
- BATT INSULATION
- RIGID INSULATION
- SPRAYED IN FOAM INSULATION
- CENTER LINE
- HIDDEN LINE

**ARCHITECTURAL VISIONS, LLC**  
A GREENBERG DESIGN GROUP

2 MUSCOOT ROAD NORTH MAHOEAC NY 10541  
TEL: 845-628-6613 FAX: 845-628-2807  
JULIE.GREENBERG@ARCHVISIONS.COM

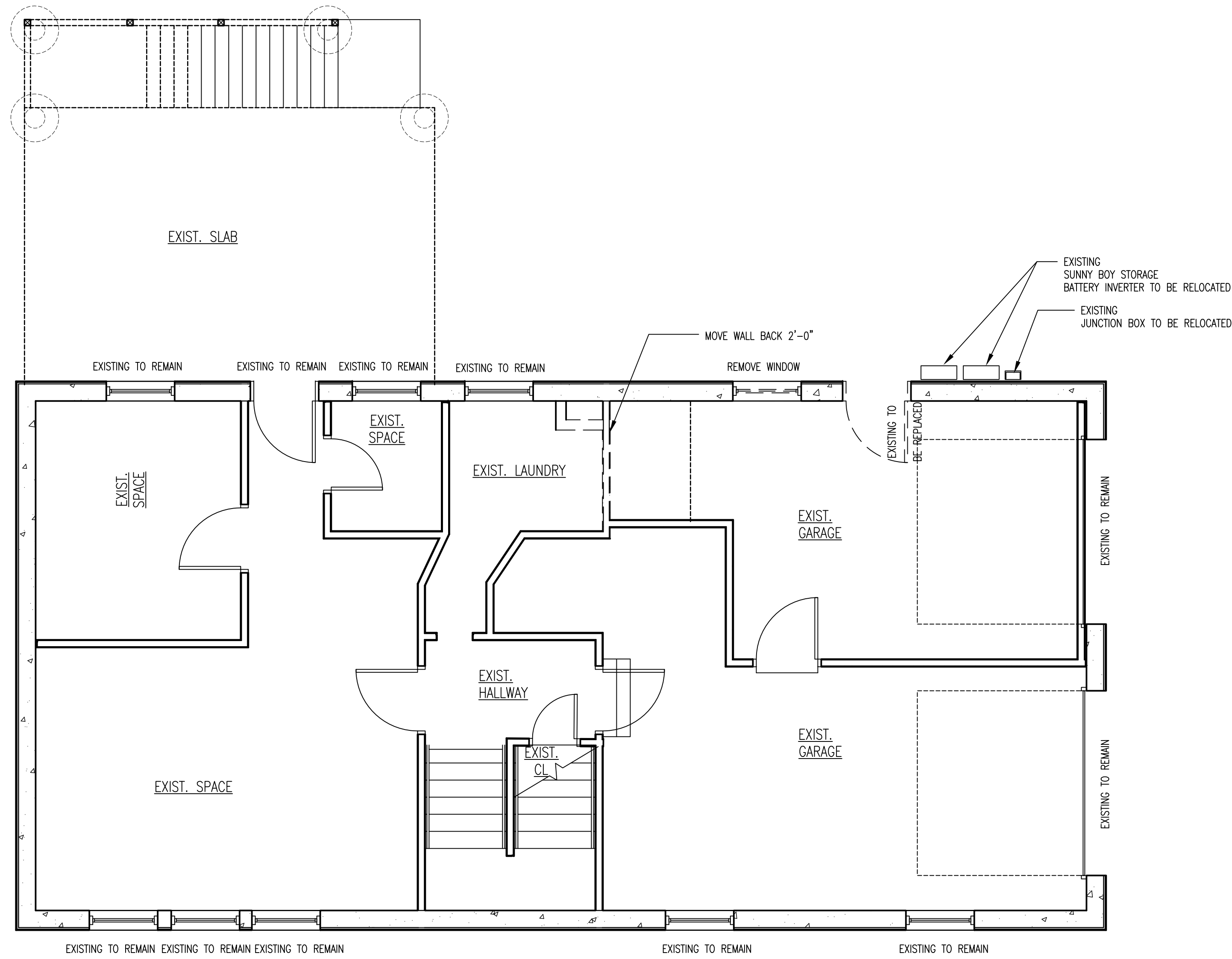
**PROJECT: JOHN & LAURLEA KENNEDY**  
PROJECT ADDRESS: 86 TROLLEY RD, CORTLANDT MANOR, NY 10567  
MAILING ADDRESS: SAME AS PROJECT ADDRESS  
TAX MAP NO. 13.9-2-21.1

**COVER PAGE**

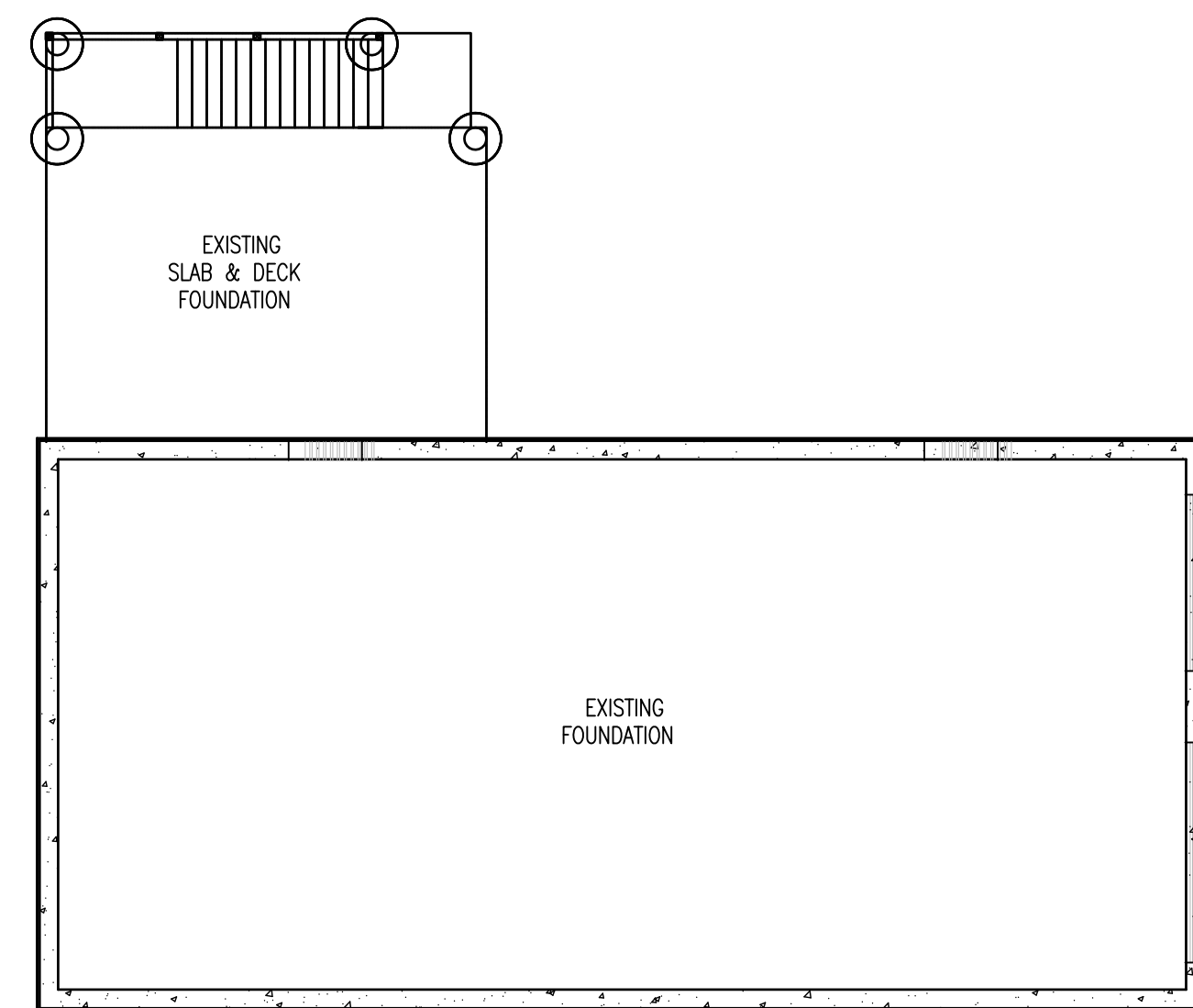
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FOR PERMIT	10/12/2023
FOR REVIEW	10/12/2023
FOR REVIEW	10/12/2023
FOR REVIEW	10/12/2023
FOR REVIEW	10/12/2023
FOR REVIEW	10/12/2023

SCALE: AS NOTED  
DRAWN BY/CHKD BY: VTP/MLS/JLG  
PROJECT NO.: 05-23-070

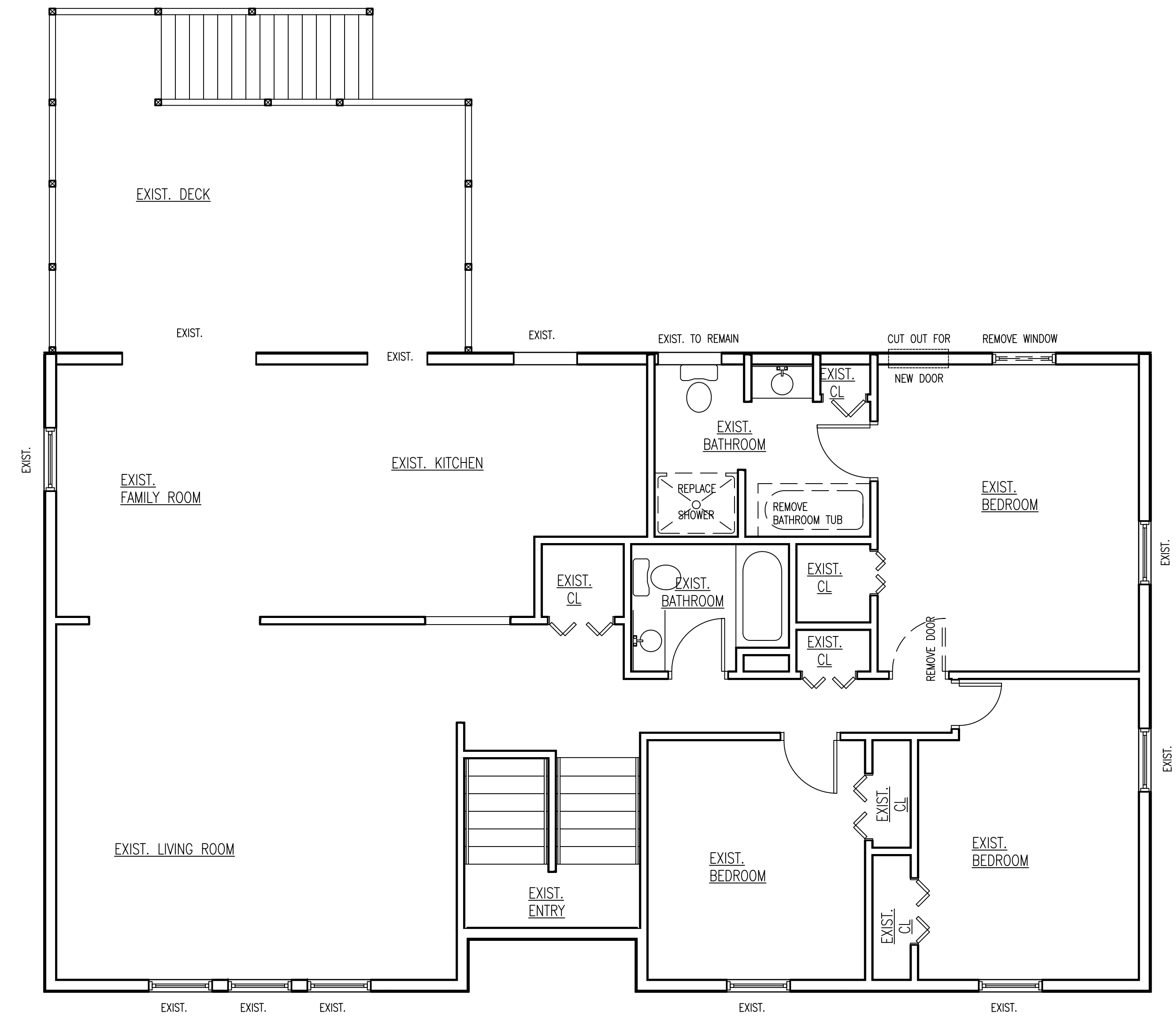
**C-100**



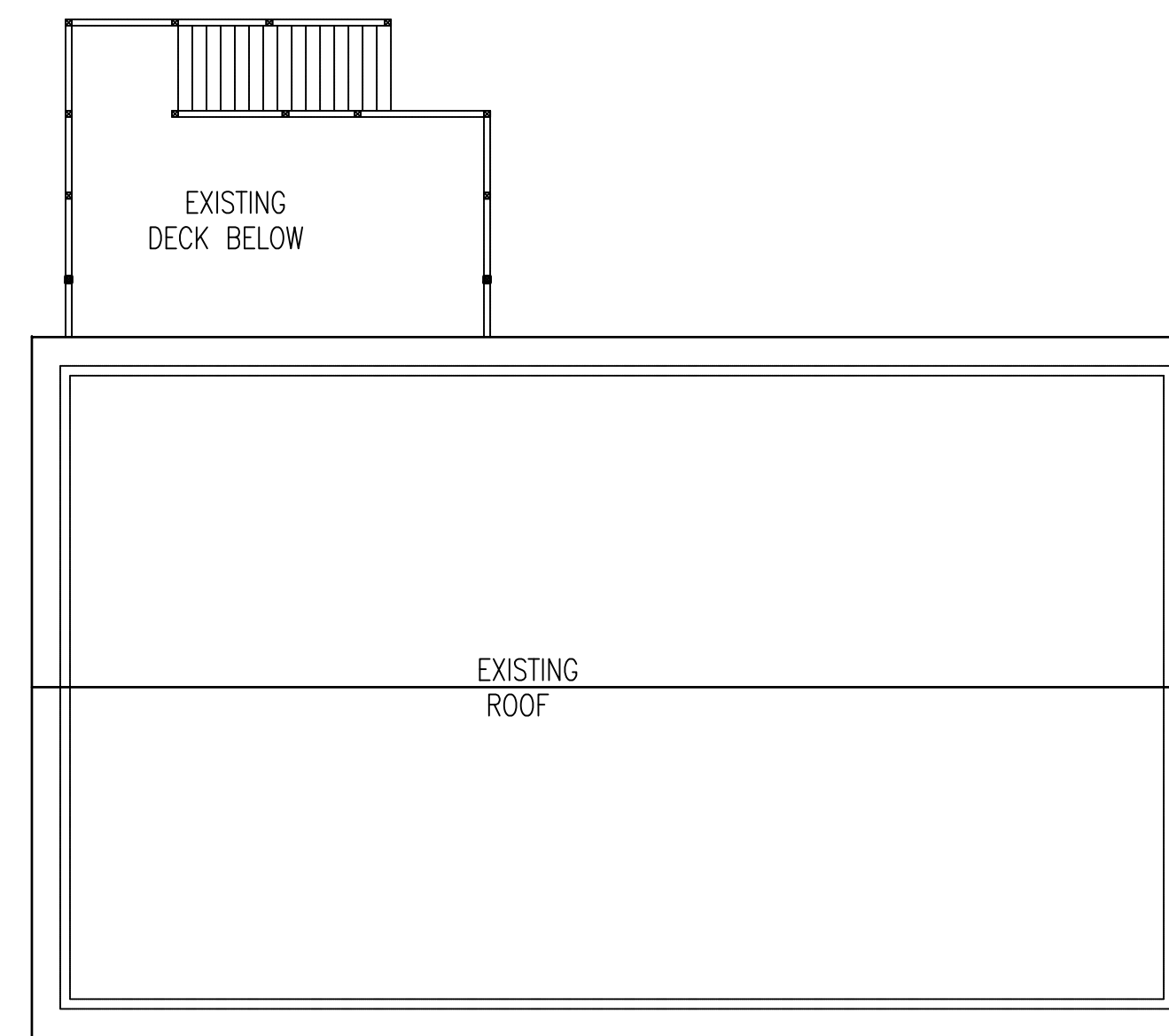
1 EXISTING BASEMENT FLOOR PLAN/ DEMOLITION PLAN  
1/4"=1'-0"



3 EXISTING FOUNDATION PLAN  
1/8"=1'-0"



2 EXISTING FIRST FLOOR PLAN/ DEMOLITION PLAN  
1/4"=1'-0"

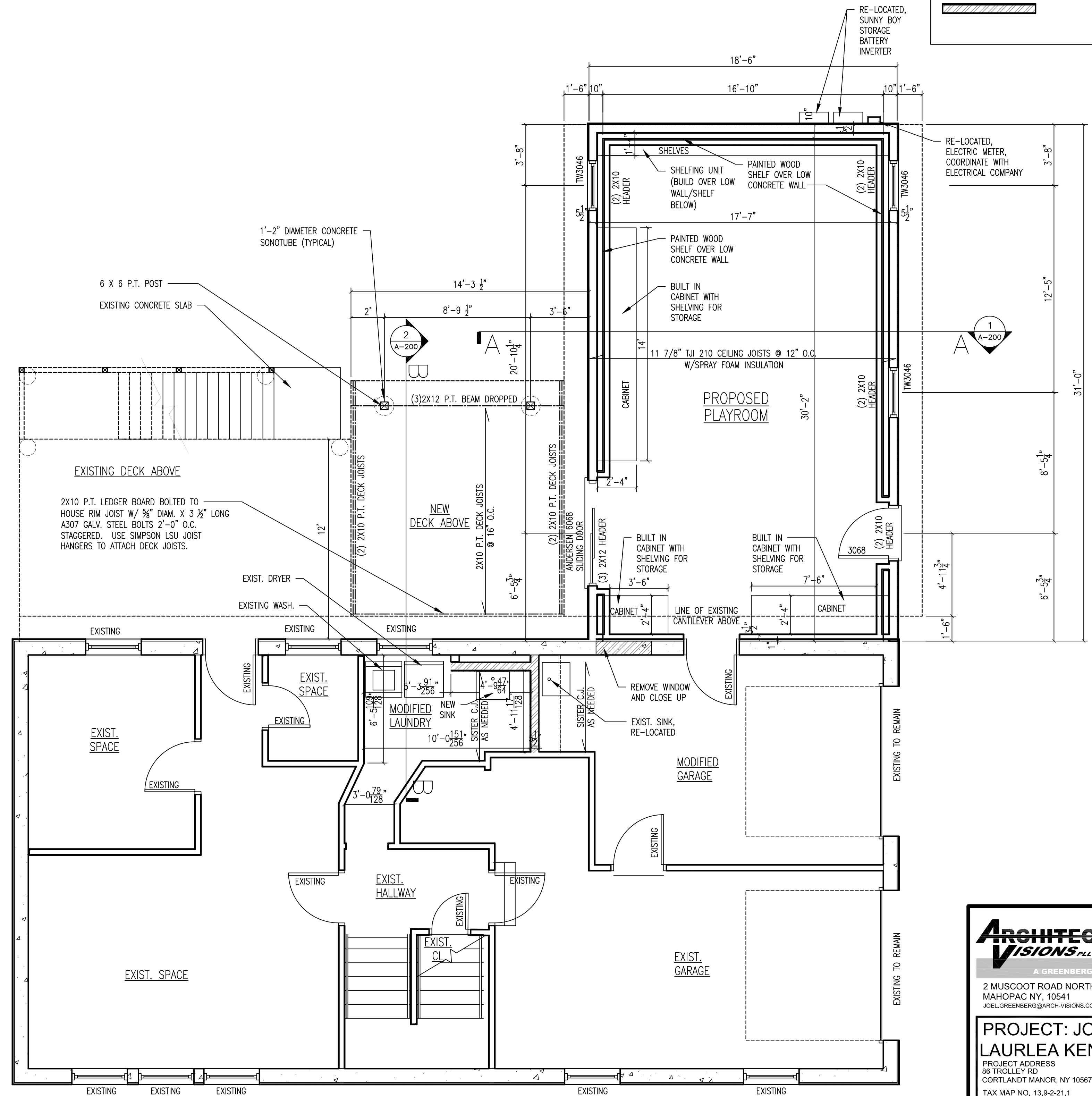
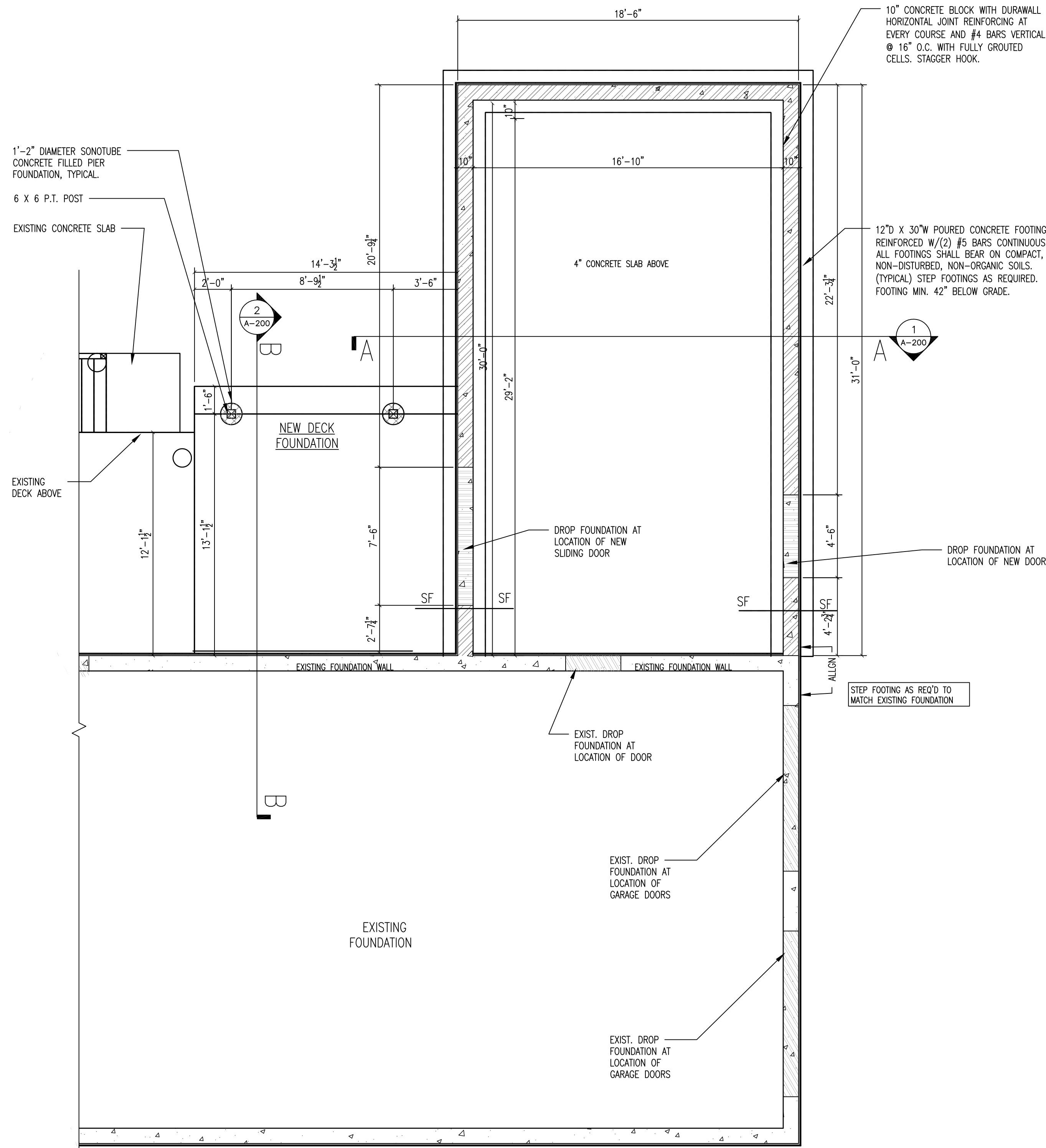


4 EXISTING ROOF PLAN  
1/8"=1'-0"

ISSUANCE	DATE
FOR REVIEW	08/02/2011
FOR REVIEW	08/22/2011
FOR REVIEW	10/12/2011
FOR REVIEW	10/20/2011
FOR REVIEW	12/14/2011
FOR REVIEW	1/28/2012



LEGEND	
	EXISTING CONSTRUCTION
	NEW CONSTRUCTION



1 PROPOSED FOUNDATION PLAN  
1/4"=1'-0"

2 PROPOSED BASEMENT FLOOR PLAN  
1/4"=1'-0"

**ARCHITECTURAL VISIONS, LLC**  
A GREENBERG DESIGN GROUP

2 MUSCOOT ROAD NORTH P: 845-628-6613  
MAHOEPAQ NY, 10541 F: 845-628-2807  
JGEL.GREENBERG@ARCH-VISIONS.COM

**PROJECT: JOHN & LAURLEA KENNEDY**

PROJECT ADDRESS MAILING ADDRESS  
88 TROLLEY RD SAME AS PROJECT ADDRESS  
CORTLANDT MANOR, NY 10567  
TAX MAP NO. 13.9-2-21.1

PROPOSED FLOOR PLANS

ISSUANCE	DATE
FOR REVIEW	09/26/2011
FOR REVIEW	09/14/2011
FOR REVIEW	08/27/2011
FOR REVIEW	10/17/2010
FOR REVIEW	12/21/2010
FOR REVIEW	12/14/2010
FOR REVIEW	12/10/2010
FOR REVIEW	12/28/2010

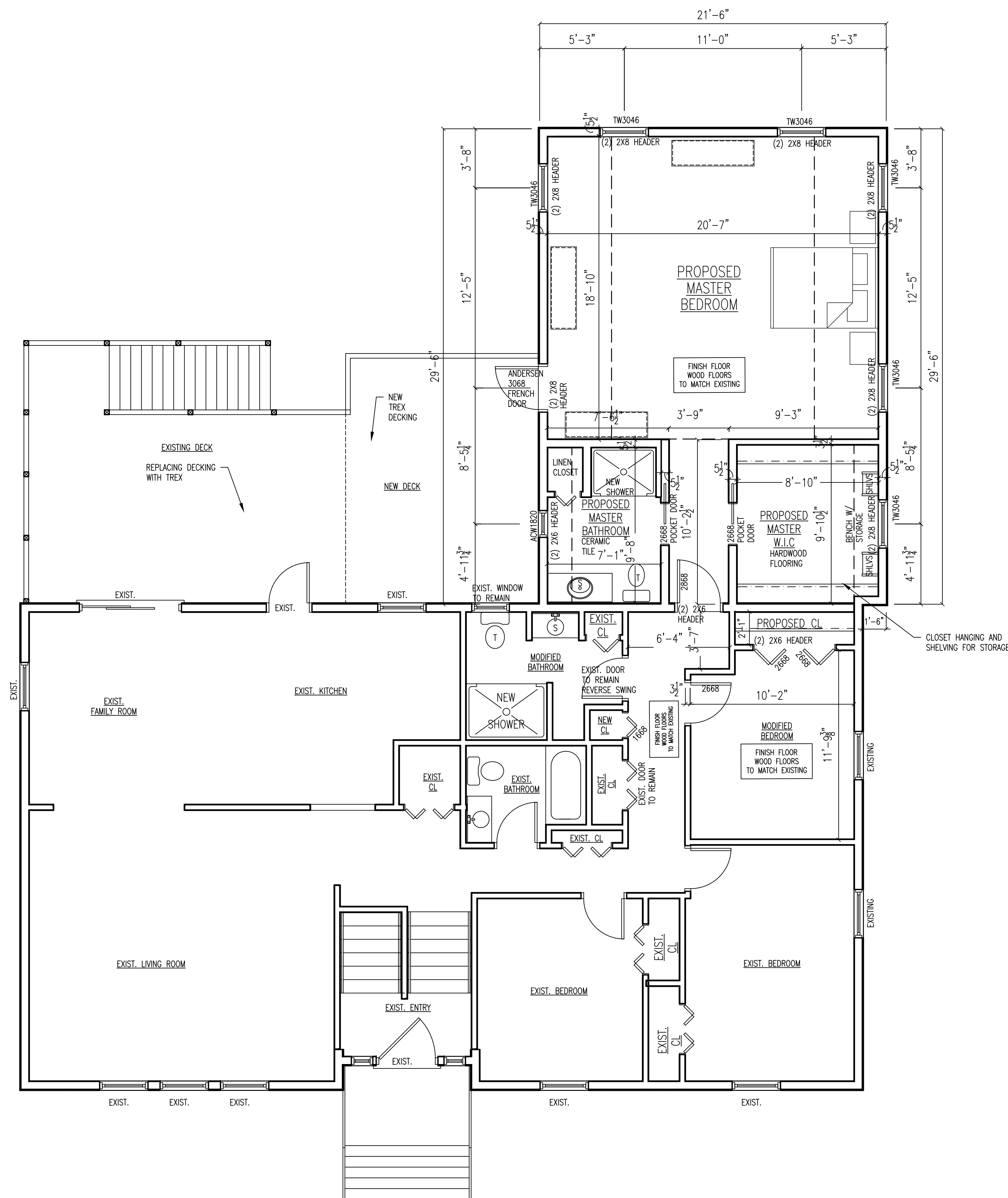
REGISTERED ARCHITECT  
Jael Greenberg  
STATE OF NEW YORK  
011058

SCALE AS NOTED  
DRAWN BY/CHKD BY VTP/MLS/JLG  
PROJECT NO. 105-23-070

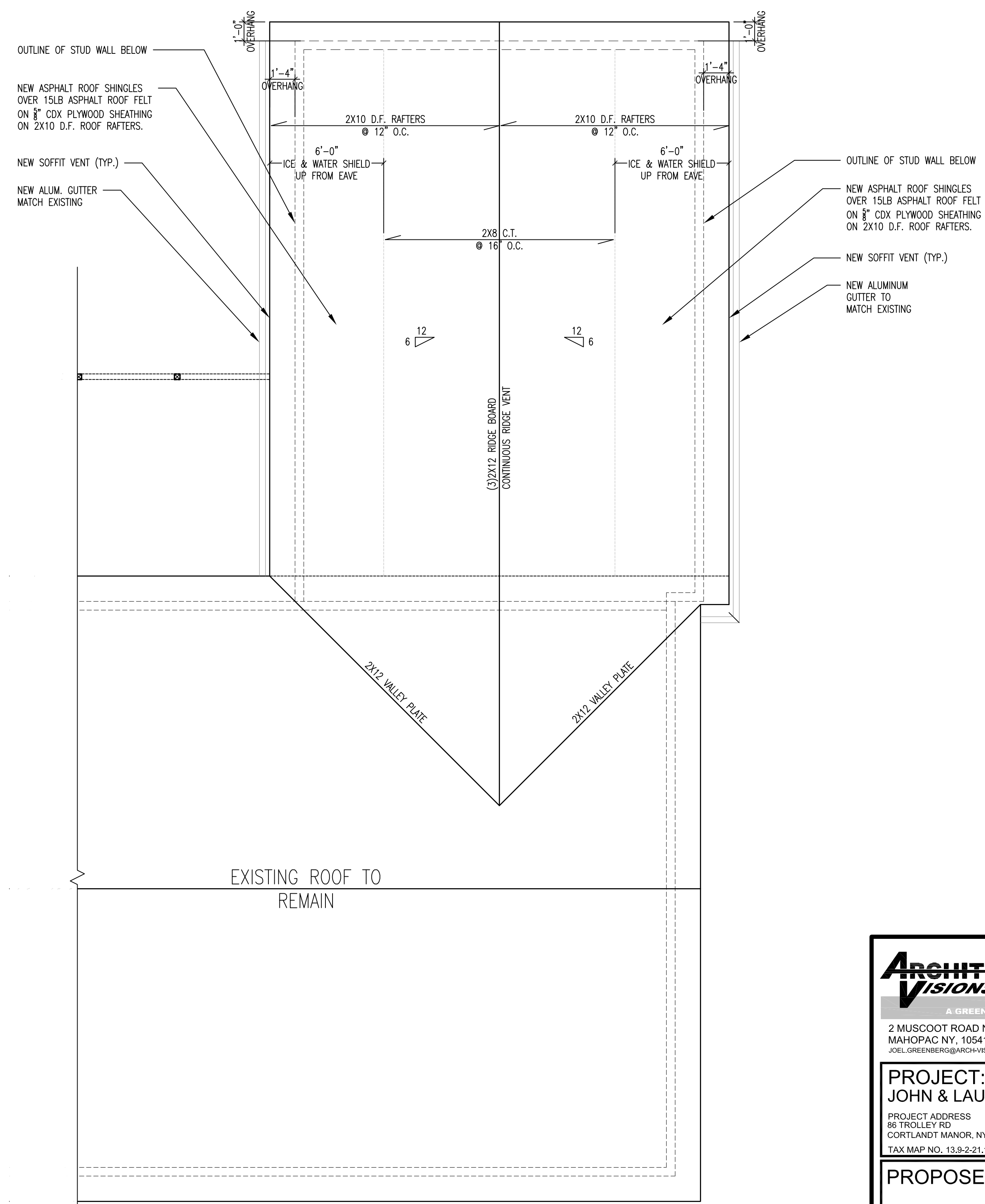
**A-101**

**LEGEND**

	EXISTING CONSTRUCTION
	NEW CONSTRUCTION



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



2 PROPOSED ROOF PLAN  
1/4"=1'-0"

**ARCHITECTURAL VISIONS, LLC**  
A GREENBERG DESIGN GROUP

2 MUSCOOT ROAD NORTH MAHOEAC NY, 10541 P: 845-628-6613 F: 845-628-2807  
JGEL.GREENBERG@ARCHVISIONS.COM

**PROJECT: JOHN & LAURLEA KENNEDY**

PROJECT ADDRESS: 88 TROLLEY RD, CORTLANDT MANOR, NY 10567  
MAILING ADDRESS: SAME AS PROJECT ADDRESS  
TAX MAP NO. 13.9-2-21.1

**PROPOSED FLOOR PLANS**

ISSUANCE	DATE
FOR REVIEW	09/27/2011
FOR REVIEW	10/12/2011
FOR REVIEW	10/20/2011
FOR REVIEW	10/26/2011
FOR REVIEW	10/26/2011
FOR REVIEW	10/26/2011

SCALE AS NOTED:  
DRAWN BY/CHKD BY: VTP/MLS/JLG  
PROJECT NO.: 05-23-070

**A-102**

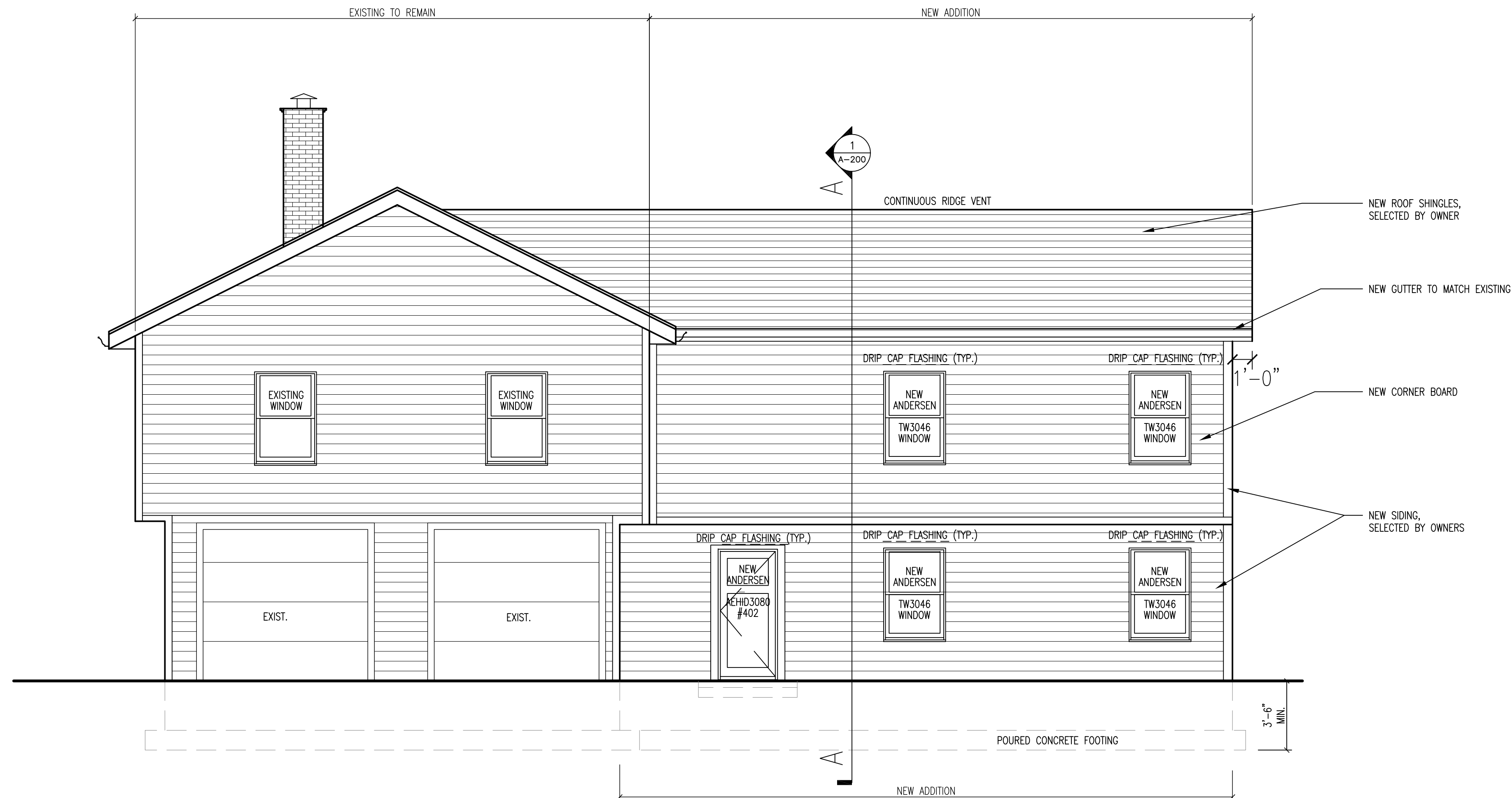
TOP OF 1ST CEILING PLATE  
 TOP OF WINDOW HEADER  
 TOP OF 1ST FLOOR SHEATHING  
 TOP OF BASEMENT CEILING PLATE  
 TOP OF WINDOW HEADER  
 APPROX. GRADE



1 FRONT ELEVATION - NO CHANGE  
 1/4"=1'-0"

TOP OF 1ST CEILING PLATE  
 TOP OF WINDOW HEADER  
 TOP OF 1ST FLOOR SHEATHING  
 TOP OF BASEMENT CEILING PLATE  
 TOP OF WINDOW HEADER  
 APPROX. GRADE  
 BOTTOM OF FOOTING

8'-11"  
 6'-8"  
 8'-11"  
 6'-8"  
 3'-6" MIN.



2 RIGHT ELEVATION  
 1/4"=1'-0"

**ARCHITECTURAL VISIONS, LLC**  
 A GREENBERG DESIGN GROUP

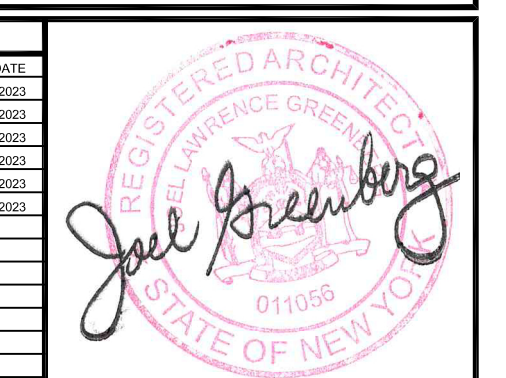
2 MUSCOOT ROAD NORTH MAHOPAC NY, 10541 P: 845-628-6613  
 JGEL.GREENBERG@ARCHVISIONS.COM F: 845-628-2807

**PROJECT:**  
**JOHN & LAURLEA KENNEDY**  
 PROJECT ADDRESS: 88 TROLLEY RD, CORTLANDT MANOR, NY 10567  
 MAILING ADDRESS: SAME AS PROJECT ADDRESS  
 TAX MAP NO. 13.9-2-21.1

**ELEVATIONS**

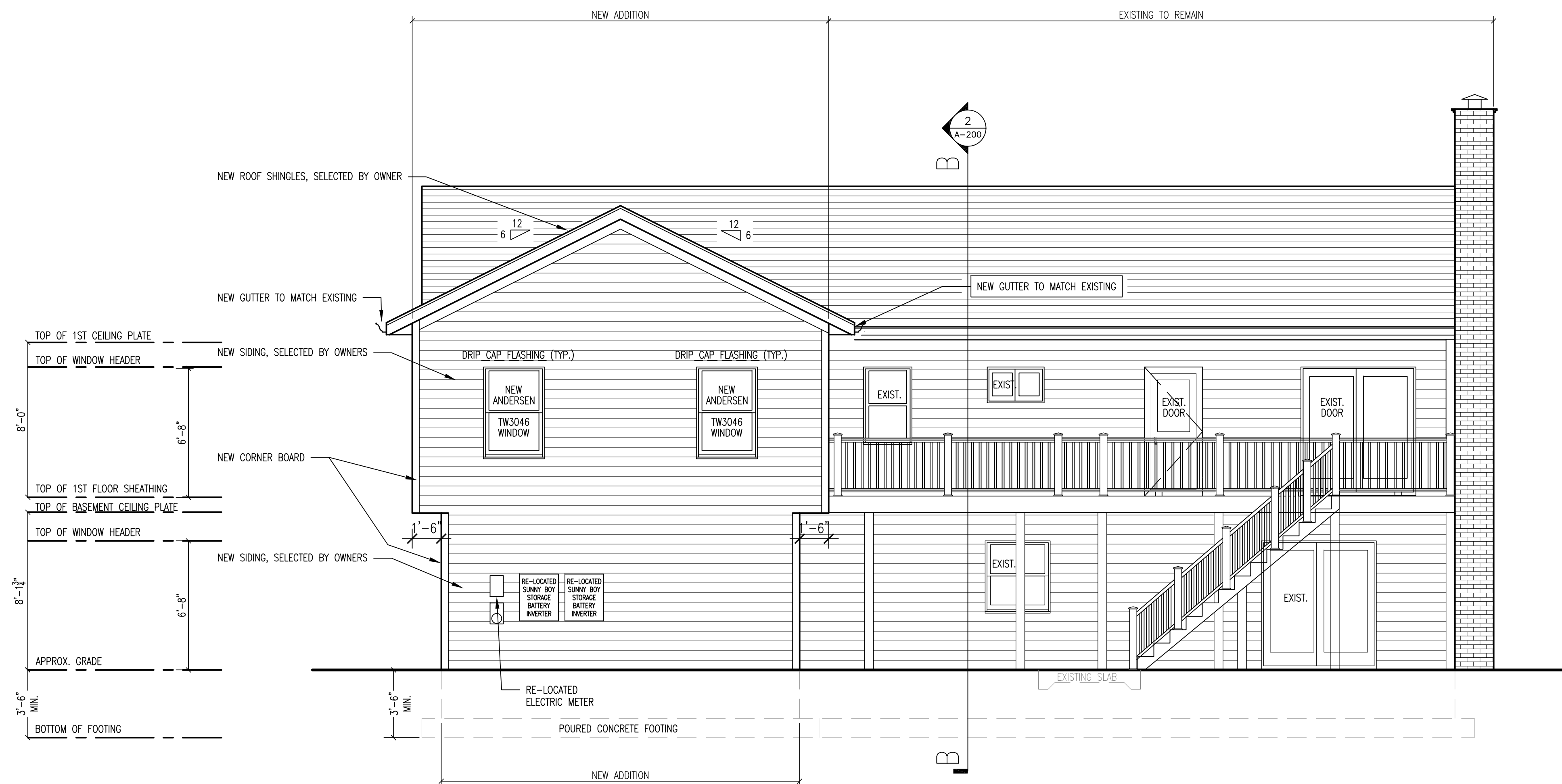
ISSUANCE

ISSUANCE	DATE
FOR REVIEW	09/14/2011
FOR REVIEW	09/27/2011
FOR REVIEW	10/17/2011
FOR REVIEW	10/20/2011
FOR REVIEW	10/14/2011
FOR REVIEW	10/20/2011

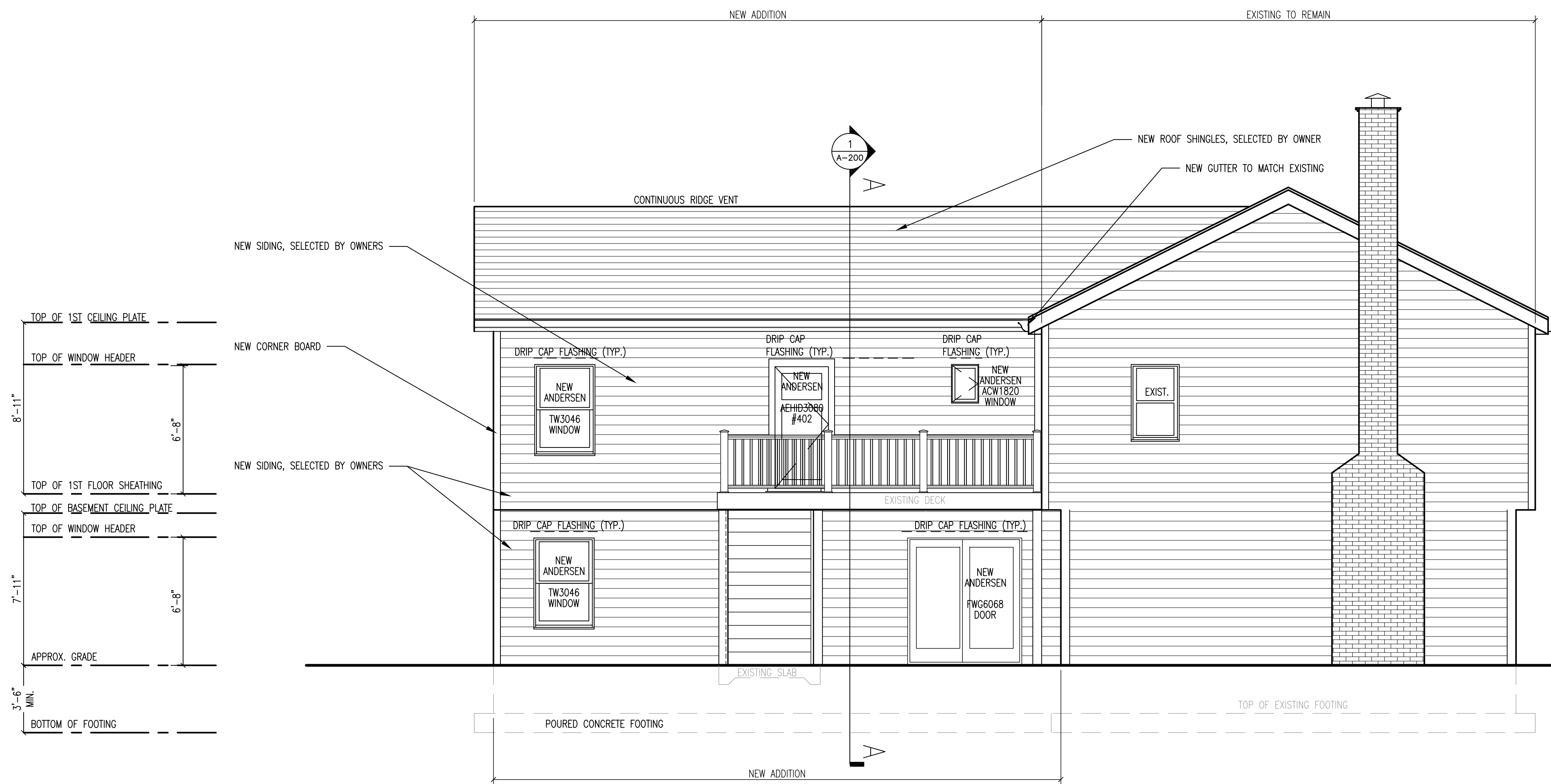


SCALE AS NOTED  
 DRAWN BY/CHKD BY VTP/MLS/JLG  
 PROJECT NO. 05-23-070

**A-200**



1 REAR ELEVATION  
1/4"=1'-0"



2 LEFT ELEVATION  
1/4"=1'-0"

**ARCHITECTURAL VISIONS, LLC**  
A GREENBERG DESIGN GROUP  
2 MUSCOOT ROAD NORTH MAHOPAC NY, 10541 P: 845-628-6613  
88 TROLLEY RD CORTLANDT MANOR, NY 10567 F: 845-628-2807  
JGEL.GREENBERG@ARCHVISIONS.COM

**PROJECT: JOHN & LAURLEA KENNEDY**  
PROJECT ADDRESS: 88 TROLLEY RD, CORTLANDT MANOR, NY 10567  
MAILING ADDRESS: SAME AS PROJECT ADDRESS  
TAX MAP NO. 13.9-2-21.1

**ELEVATIONS**

ISSUANCE	
DATE	DESCRIPTION
09/14/2013	FOR REVIEW
09/27/2013	FOR REVIEW
10/17/2013	FOR REVIEW
10/29/2013	FOR REVIEW
12/16/2013	FOR REVIEW
1/28/2014	FOR REVIEW

SCALE: AS NOTED  
DRAWN BY/CHKD BY: VTP/MLS/JLG  
PROJECT NO.: 05-23-070

**A-201**



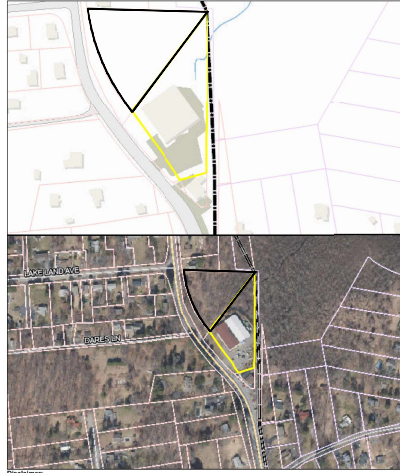


**General Notes**

- Contractors shall visit the site and be responsible for having recorded all conditions within the scope of the project. No claims for extra compensation, based on ignorance of the visible or implied existing condition, will be considered.
- All work is to conform to all applicable requirements of local governing Codes, State construction and Energy Conservation Codes, Health Codes, Fire Department Regulations, NBFU, FHA Framing Standards, OSHA Codes and best Trade practices.
- All dimensions and conditions shown and assumed on the drawings must be verified at the site by the contractor before ordering any material or doing any work. Any discrepancies or errors in the plans, specifications, and/or details must be reported to the architect at once. No change in plans, details, or dimensions is permissible without the consent of the architect. Should the contractor fail to notify the architect within a reasonable time, he shall be responsible for the cost of rectifying such errors. 4.The drawings have indicated and estimated certain conditions, either not shown or not considered reliable on older drawings, or not measurable due to total absence of any drawings, or too inaccessible to verify in the field prior to preparing the drawings. The architect therefore takes no responsibility for the accuracy to the estimated conditions, has shown work requirements on the drawings for bidding scope only, and will furnish more detailed information later when areas are actually accessible and measurable by the contractors. Any work that must be done additionally in areas where information or indications on the drawings are found to differ from actual field conditions where work is laid out, shall be billed to the owner as an Extra Charge, subject to the owner approval of an itemized cost breakdown.
- Minor details not usually shown or specified, but necessary for proper and acceptable construction, installation, or operation of any part of the work, as determined by the owner, shall be included in the work the same as if herein specified or indicated.
- Contractors are to file Insurance Certificates and obtain and pay for all permits, schedule all required inspections with notifications to inspectors and obtain Certificate of Occupancy. No work to start prior to obtaining the permits.
- Contractors shall coordinate all work procedures and working hours with local authorities, Neighborhood Associations and any other governing authority.
- Due to the inaccessibility of certain framing and construction conditions, the architect has indicated assumed structural relationships. The contractor will be expected to perform the necessary work to complete the indicated details where, in the sole opinion of the architect, uncovered conditions are normal or reasonably standard. Where conditions when uncovered are not anticipated or not considered normal by architect, the contractor will be entitled to an extra sum of money commensurate with the work entailed, after submission of a detailed breakdown of costs and approval by the architect.
- All indicated survey material is for general reference only. The architect assumes no responsibility for the accuracy or correctness of any of the indicated material.
- Contractor shall be responsible for protection of all existing and new conditions and materials within and adjacent to the construction area. Any damage caused by the execution of the work indicated or implied herein shall be repaired or replaced to the owner's satisfaction as the Contractor's sole expense.
- Contractor shall keep work site free from debris and accumulated refuse, and shall have sole responsibility for protecting all dangerous areas from entry by unauthorized parties.
- Drawing may be rough scaled for estimating and general purposes, but are not to be scaled for construction locations, dimensions, or any other purposes. Consult with the owner for the final sizes, dimensions, and locations.
- Contractors shall lay out his work and be responsible for its correctness and safety, shall give necessary dimensions to all parties.
- By starting any work, contractor signifies acceptance of the previously installed back-up materials and framing, and waives any right to blame prior work for any defects in his own work.
- All patching shall be done in new matching, or approved salvaged materials. Finish to match nearest break in plane or direction. Store unused material where requested by the owner/client. All salvaged materials are the property of the owner/client.
- Contractor to order specific materials indicated herein immediately after being authorized to proceed. No substitutions permitted without the prior approval of architect. Contractor will be held liable for delays caused by the contractor's failure to order materials promptly.
- Contractor to design and install adequate and Code approved shoring and bracing where need to safely complete structural work. Contractor to assume full and sole responsibility for structural adequacy of the shoring, and for any injuries, damage, cracks, or defects caused by shoring or bracing, and shall repair all such damage at his sole expense.
- All work shall be guaranteed for one year after Final Payment. General contractor to furnish written guarantee on his work and all subcontractor's work, against defects resulting from the use of inferior material, equipment, or workmanship, as determined solely by the owner.
- Substitutions of equipment or materials other than those shown on the drawings or in the specifications shall be made only upon the approval of the architect or owner as noted on the drawings or in the specifications. The contractor shall submit his substitution for approval before releasing any order for fabrication and/or shipment. The owner reserves the right to disapprove such substitution, provided in his sole opinion, the item offered is not equal to the item specified. Where a contractor proposes to use an item other than that specified or detailed on the drawings, which requires any redesign of the structure, partitions, piping, wiring, or any other part of the mechanical, electrical or architectural layout, all such redesign, and all new drawings and detailing required shall, with the approval of the owner, be prepared by the contractor at his own expense.
- All work shall be installed so that all the parts required are readily accessible for inspection, operation, and maintenance and repair. Minor deviations from the drawings may be made to accomplish this, but changes of magnitude shall not be made without the prior written approval from the owner.
- Upon the completion of the work, the entire project is to be completely cleaned and the site restored to existing condition, including, but not limited to the following:
  - \* Complete sweeping of all areas, and removal of all rubbish and debris, except that caused by owner or others doing N.J.C. work. All wet mopping not in this contract.
  - \* Removal of all temporary enclosures and barricades, all temporary offices, telephone, sanitary facilities, etc.
  - \* Removal of all labels from glass, fixtures and equipment, etc., and spray cleaning of all glass/mirrors. \*Final cleaning of all chrome and aluminum metal work. \*Replacement for furniture and furnishings to original locations.
  - \* Removal of stains and paint from glass, hardware, finished flooring, cabinets,etc.

**Tax Parcel Maps**

Address: 3120 LEXINGTON AVE  
 Print Key: 24.15-1-8 SBL: 0240150001008000000



Disclaimer:  
 This tax parcel map is provided as a public service to Westchester County residents for general information and planning purposes only and should not be relied upon as a sole informational source. The County of Westchester hereby disclaims any liability from the use of the GIS mapping system by any person or entity. The parcel boundaries represent approximate property line location and should NOT be interpreted as or used in lieu of a survey or property boundary description. Property descriptions must be obtained from surveys or deeds. For more information please contact the assessor's office of the municipality.

PROPERTY DATA	
PROPERTY OWNER	JA MOHEGAN REALTY CORP. - (917) 699 9500
APPLICANT	HEIKE A. SCHNEIDER, R.A.
LOCATION	3120 LEXINGTON AVE. MOHEGAN LAKE, NY 10547
TAX MAP DATA	SECTION 24.15 BLOCK 1 LOT 8 & LOT 24
ZONING DISTRICT	CC

ZONING DISTRICT: CC - CORTLANDT			
	REQUIRED	EXISTING	PROPOSED
MINIMUM LOT AREA (S.F.)	15,000 SF	124,360 SF	NO CHANGE
MINIMUM LOT WIDTH: (FEET)	100 FT.	300 FT.	NO CHANGE
MINIMUM SETBACKS: ACCESSORY STRUCTURE			
FRONT YARD	30'	36.30'	9'-2"
SIDE YARD SETBACK:	10'	10'	NO CHANGE
REAR YARD SETBACK (MAIN BUILD.):	10'	10'	NO CHANGE
MIN. LOT AREA PER DWELLING UNIT (SF)	7,500 SF	NOT APPLICABLE	NO CHANGE
MAX. BUILDING COVERAGE (PERCENT OF LOT AREA)	25%	13.53 %	13.94 %
MINIMUM LANDSCAPE COVERAGE (PERCENT OF LOT AREA)	30%	51.5%	51 %



# PROP. TEMPORARY GREENHOUSE STORAGE

## FOR THE ACE HARDWARE STORE

3120 LEXINGTON AVE  
 MOHEGAN LAKE, NY 10547

REVISION: 12-17-23  
 DATE: 10-03-23

PLAN SET:	
A0	TITLE SHEET- GENERAL NOTES, PROJECT LOCATION
S1	SITE PLANS AND DETAILS
A1	PROPOSED GREENHOUSE DETAILS & SPECS

**HEIKE A. SCHNEIDER, LLC**  
 HS-ARCHITECTURE  
 Architect, AIA, LEED AP

515 CROTON HEIGHTS ROAD  
 YORKTOWN HEIGHTS, NY 10598  
 914-962-2119

HEIKE@HS-ARCHITECTURE.COM



HEIKE A. SCHNEIDER  
 ARCHITECT, AIA, LEED AP  
 515 CROTON HEIGHTS ROAD  
 YORKTOWN HTS, NY 10598  
 914 962-2119

FABRIC BUILDING for the  
 ACE HARDWARE STORE  
 3120 LEXINGTON AVE  
 MOHEGAN LAKE, NY 10547

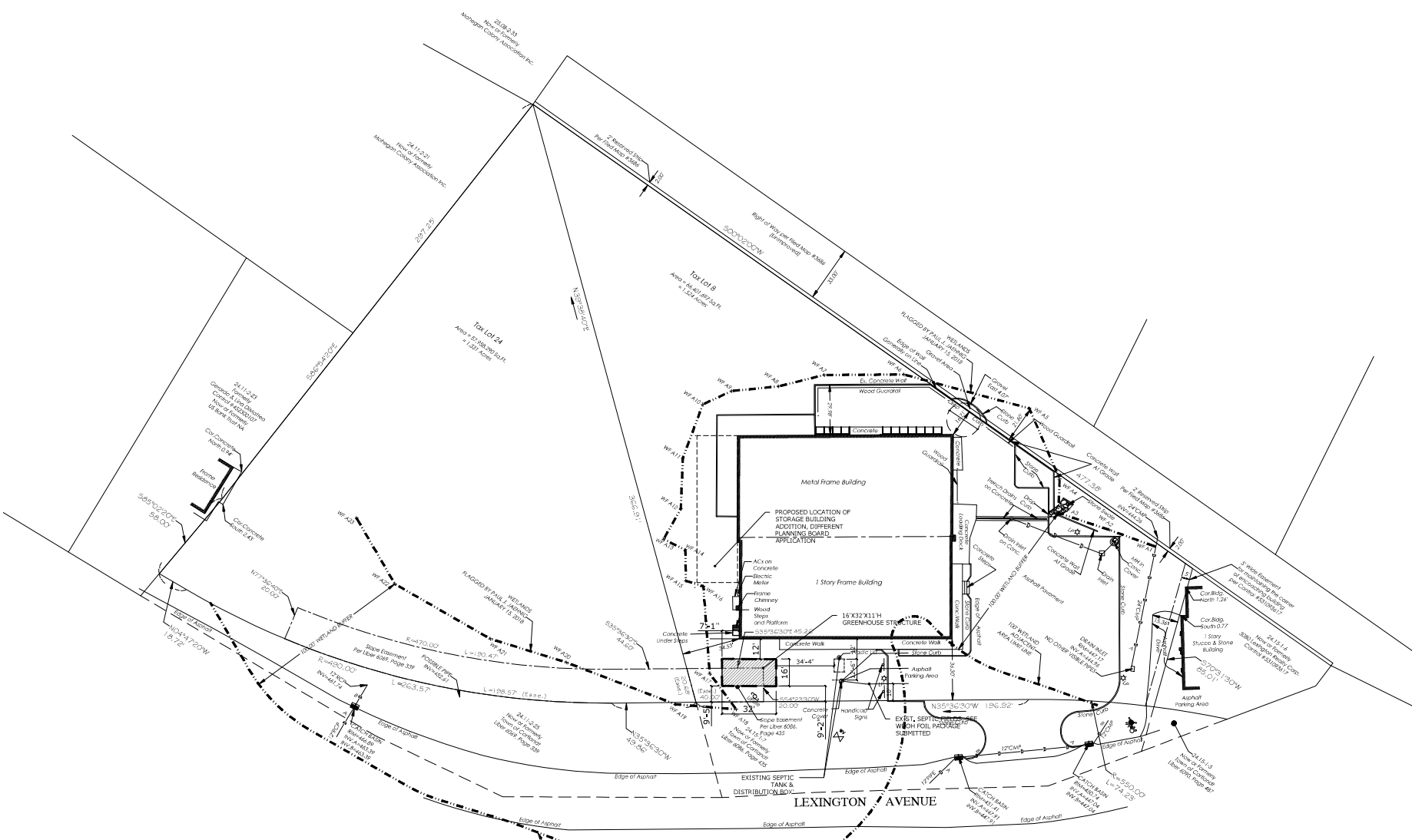
Plan Title  
**PROPOSED SITE PLAN**

Title/Owner

Date: 08-25-23  
 Revision:

Bidding:

**S** 1



**SITE PLAN**

SCALE: 1" = 40' -0"

**ZONING BOARD OF APPEALS FACT SHEET**

**ZBA Member Assigned: Beloff**

**CASE NO.: 2023-19**

**Name of Applicant: Heike Schneider on behalf of 3120 Lexington, LLC**

**Owner: Same**

**Address of property: 3120 Lexington Avenue**

**Section, Block, Lot: 24.15-1-8**

**Prior ZBA Case No.: NA**

**Zone: CC, Community Commercial**

**Lot Size: 124,360 (2.85 acres)**

**Request:** Area Variance, front yard setback for a temporary structure, a tent, located at the existing hardware store.

**Staff Comments:** The applicant submitted a request on December 28, 2023 for a temporary tent structure to be located in the front yard of the existing Ace Hardware store located at 3120 Lexington Ave. The request was denied on December 29, 2023. An accessory structure is permitted in the front yard of a commercially zoned parcel but must meet the required setbacks. The tent is proposed to be 9' from the front property line, 30' is required.

The applicant is currently pending before the Planning Board for an addition to the existing Ace Hardware building (PB 2023-6). During the discussion of that application the applicant requested the temporary tent. The Planning Board discussed the current location as well as other locations. The Planning Board indicated they had no opposition to the tent in the front yard subject to satisfying all building code issues and any required variances at their 10/3/2023 meeting (minutes attached).

<b><u>REQUIRED</u></b>	<b><u>PROPOSED</u></b>	<b><u>VARIANCE</u></b>	<b><u>%</u></b>
30 ft.	9 ft.	21 ft.	70%

**Variance Requested: An Area Variance for Maximum Floor Area in Residential Districts**

**SEQR: TYPE II – No further compliance required**



**TOWN OF CORTLANDT**  
DEPARTMENT OF TECHNICAL SERVICES  
CODE ENFORCEMENT DIVISION

**Michael Preziosi, P.E.**  
*Director – D.O.T.S*

**Martin G. Rogers, P.E.**  
*Director of Code  
Enforcement / D.O.T.S.*

**Holly Haight**  
*Assistant Director of Code  
Enforcement / D.O.T.S.*

Town Hall, 1 Heady Street  
Cortlandt Manor, NY 10567  
Main #: 914-734-1010  
Fax #: 914-293-0991

**Town Supervisor**  
Richard H. Becker

**Town Board**  
James F. Creighton  
Francis X. Farrell  
Cristin Jacoby  
Robert Mayes

**Heike Schneider**  
515 Croton Heights Rd,  
Yorktown Heights, NY 10598

December 29, 2023

Re: Ace Hardware  
3120 Lexington Ave  
Tax ID 24.15-1-8

Ms. Schneider:

I am in receipt of your Amendment for Building Permit A-23-387 received December 28, 2023 for Temporary Tent Structure at the above referenced premises.

I must deny this request under the following chapter of the Town of Cortlandt Zoning Code: 307-17 Table of Dimensional Regulations, Nonresidential Districts, Front Yard Setback. The proposed is not compliant. Request for a variance from the Code is required. 30.0' required, approximately 9.0' proposed requiring a variance for 21.0'. Erection of Temporary Structures as regulated in Section 3103 of the Building Code of NYS is limited to a period of less than 180 days.

The Zoning Board of Appeals application shall be completed online. If the application is deemed complete additional instructions will follow and then the project will then be placed on the agenda for the next available Zoning Board of Appeals meeting.

Additional information may be required upon subsequent reviews. Technical comments for the submission may be issued separately. If you have any questions or comments please feel free to contact me by email or at 914-734-1010.

Sincerely,

Martin G. Rogers, P.E.  
Director of Code Enforcement  
Department of Technical Services

Cc: Chris Kehoe, Town Planner



ZBA-~~241~~<sup>23-19</sup>

Zoning Board of Appeals

Application

Status: Active

Submitted On: 1/3/2024

**Primary Location**

3120 LEXINGTON AVE

MOHEGAN LAKE, NY 10547

**Owner**

3120 LEXINGTON LLC

Dobbe Ferry Rd 625

Greenburgh, NY 10607

**Applicant**

Heike Schneider

914-299-9677

heike@hs-  
architecture.com

515 Croton Heights Rd  
Yorktown Heights, New  
York 10598

---

## Site Data

### Variance Type Requested\*

Area Variance

### Project Description\*

Proposed temporary structure, 16' x 32' in front of the existing Ace Hardware retail building

### Circumstances of Particular Application\*

As per section 307-17 of the Dimensional Regulations for Non-Residential districts, the required front yard setback is 30'. We are proposing a 9' setback for our temporary structure and are requesting a 21' variance.

Application is hereby made for the following Variance, Interpretation, and/or Special Permit under the Town Code:

Chapter*	Section*
307	17

Chapter	Section
---------	---------

Is adjacent property in the same ownership?\*

Yes

Does any officer/employee of the Town of Cortlandt have any interest in this application as defined in the General Municipal Law Section 809?\*

No

---

## Lessee Information

Name

Address

City

State

---

Zip

Phone

Mobile

Email

---

## Architect/Engineer/Surveyor Information

Name

Address

Heike Schneider

515 Croton heights Rd

City

State

Yorktown Heights

NY

Zip

Phone

10598

19142999677

**Mobile**

19142999677

**Email**

heike@hs-architecture.com

---

## Attorney Information

**Name**

**Address**

**City**

**State**

**Zip**

**Phone**

---

**Mobile**

**Email**

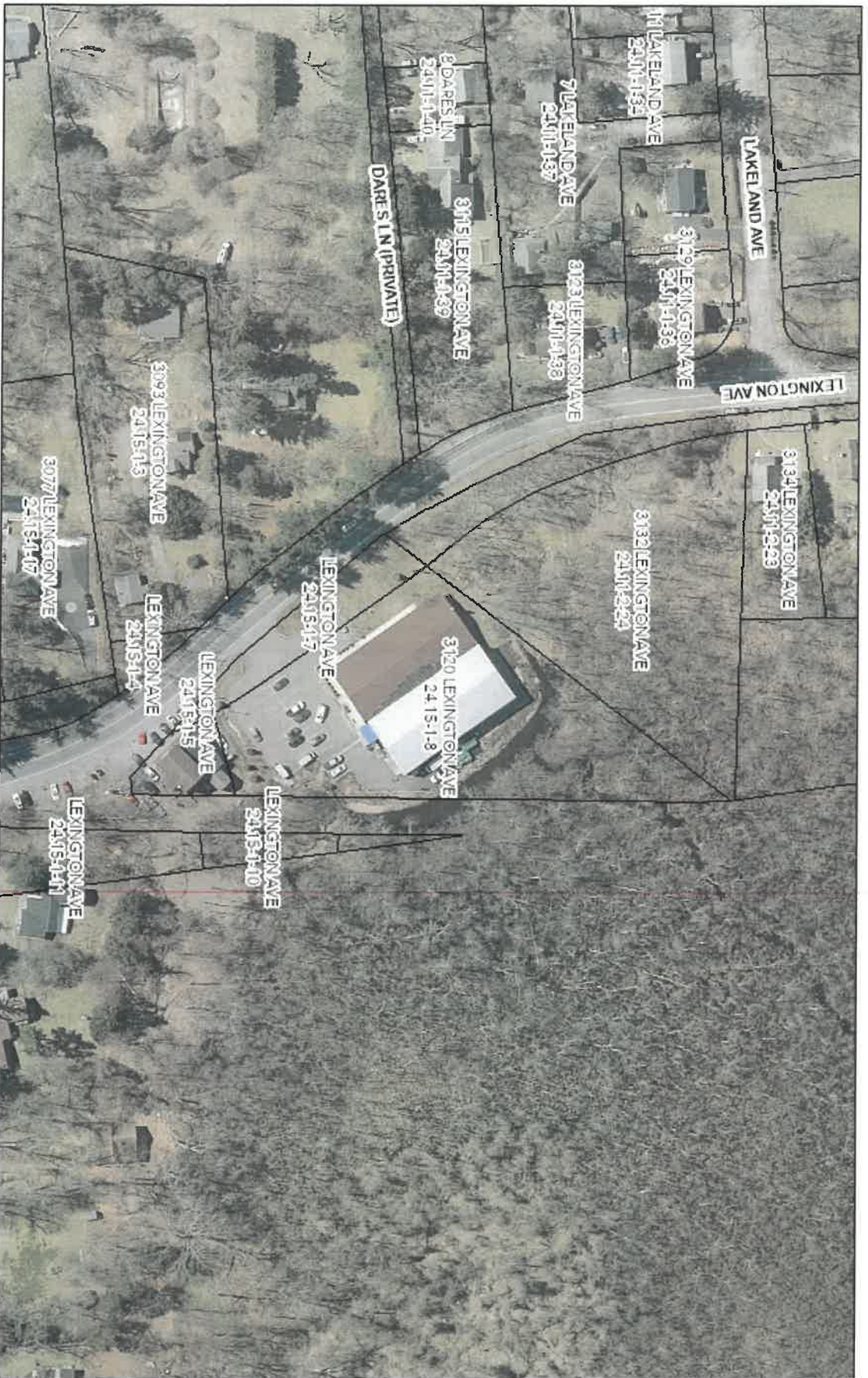
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## Applicant Signature

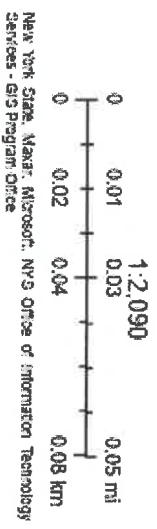
**Signature of Applicant/Sponsor\***

Heike A Schneider  
Jan 3, 2024

# Cortlandt



3/10/2024, 1:46:46 PM





Google Maps 3093 Lexington Ave

Mohegan Lake, New York

Google Street View

Oct 2023

See more dates



Image capture: Oct 2023 © 2024 Google



January 3, 2024

Zoning Board of Appeals  
Town of Cortlandt  
Department of Technical Services  
Code Enforcement Division  
Town Hall, 1 Heady Street  
Cortlandt Manor, NY 10567

Re: Ace Hardware  
3120 Lexington Ave  
Tax ID 24.15-1-8

Amendment for Building Permit A-23-387 received December 28, 2023  
for Temporary Tent Structure at the above referenced premises.

Dear Mr. Chairman and the Honorable Members of the Zoning Board of Appeals,

1. Introduction:

The applicant is seeking to install a Greenhouse storage unit in the front yard setback.

The Applicant requires the following variance:

- Request for a variance from the Code is required. 30.0' required front yard setback, Proposed Greenhouse storage structure requiring a variance of 21.0'.
- Erection of Temporary Structures as regulated in Section 3103 of the Building Code of NYS is limited to a period of less than 180 days. Client would like to maintain the temporary structure beyond 180 days while obtaining the CO for an addition being built onto the main structure.

2. Discussion:

The greenhouse storage unit will be a rectangular structure measuring 16 feet by 32 feet. The greenhouse storage unit is intended to provide a secure and climate-controlled environment for storing gardening equipment. It will be constructed of aluminum framing and polycarbonate panels, which will provide excellent insulation and durability. The unit will have a sloped roof to allow rainwater runoff and will be equipped with a locking door for security. The unit will be situated on a level area of the yard to ensure stability. The greenhouse storage unit will have a minimal environmental impact. The polycarbonate panels used in the construction of the unit are recyclable and will not release any harmful chemicals into the environment.

We respectfully ask that the variance be granted.



# Bobcat Greenhouse Assembly Instruction Manual

40 Londonderry Tpk., Hooksett, NH 03106 • Phone: 1-877-746-6544  
Email: [customerservice@rimol.com](mailto:customerservice@rimol.com) • Web Site: <https://www.rimolgreenhouses.com/>



## Materials Included

Refer to the separate “pick” list for details on part numbers and quantities.

### Additional Tools Recommended

- Cordless drill or impact driver
- 8' step ladders
- Utility knife
- Clamps
- 4' level
- 100' or longer tape measure
- Deep socket set with an adaptor for your drill
- Sledgehammer
- Sharpie markers
- Circular saw with wood blade if wood framed ends
- Jigsaw or reciprocating saw with metal blade for polycarbonate or steel framing
- Extension cords

*RGS provides a care kit with a ground post driver, a 5/16" magnetic driver for TEK screws and wood-mate screws, a line level, a 3/8" drill bit and mason line.*

***Always refer to your pick lists for parts to be used in each step of the construction process.***

***READ THROUGH EACH SECTION OF THE MANUAL FIRST BEFORE YOU ENGAGE IN THE ASSEMBLY PROCESS. THIS WILL HELP YOU FULLY UNDERSTAND THE CONSTRUCTION PROCESS.***

1                   October 3, 2023

2                   MR. ROTHFEDER:   Second.

3                   MR. KESSLER:   On the question. All in  
4 favor?

5                   MULTIPLE:   Aye.

6                   MR. KESSLER:   Opposed? Alright.

7                   MR. LENTINI:   Okay. Thank you very much.

8                   MR. KESSLER:   Thank you. All right,  
9 final item this evening under old business is the  
10 application of Heike Schneider on behalf of 3120  
11 Lexington, LLC for amended site plan approval and  
12 a wetland permit for a proposed 2,700-square foot  
13 building addition to the existing ACE Hardware  
14 store and for an approximately 800 square foot  
15 temporary fabric building located at 3120  
16 Lexington Avenue, drawings a revised September  
17 27th and 28, 2023. Ms. Schneider, good to see you  
18 again.

19                   MS. HEIKE SCHNEIDER:   Good evening, yes.  
20 Now, all of a sudden, it's going really fast.

21                   MR. KEHOE:   Yes. Oh you got to use the  
22 mic. He's yelling at you from behind.

23                   MS. SCHNEIDER:   Yes, I will. My name is  
24 Heike Schneider and I'm the architect for 3120

1           October 3, 2023

2           Lexington Avenue, the Ace Hardware store.

3                   MR. KEHOE: Can, can we go backwards for  
4           a second? Maybe to take care of the tent, the  
5           temporary structure, I think Martin Rogers had  
6           reached out to you that you needed to provide him  
7           a zoning table for him to review because he  
8           thinks that needs a variance. Have you had that  
9           discussion yet?

10                   MS. SCHNEIDER: I saw his comment and I  
11           actually put it on the latest plans. I don't know  
12           if you have it on your plan set, but the tent,  
13           the only place we can put it means it's going to  
14           be five foot one inches from the property line.  
15           So yes, we will need a variance.

16                   MR. KEHOE: Right. So I think you had  
17           mostly satisfied Mr. Rogers with all the building  
18           code issues --

19                   MS. SCHNEIDER: Yes.

20                   MR. KEHOE: -- with the underlying  
21           easement. Everything was good and then at the  
22           last minute --

23                   MS. SCHNEIDER: I know.

24                   MR. KEHOE: -- it was decided that you

1           October 3, 2023

2           might need to go to the zoning board.

3                   MS. SCHNEIDER: Yes.

4                   MR. KEHOE: So I would think that -- I  
5           mean, it'd be up to the planning board, but they  
6           can't decide on the tent tonight. But you can at  
7           least give some comments, I guess. But whatever  
8           you say, you should go to the zoning board.

9                   MS. SCHNEIDER: So, but the way I  
10          understand it, why can't the -- couldn't the  
11          planning board approve our application and then  
12          we move to the zoning board? How or how does it -  
13          - that's how I thought the process is.

14                  MR. KESSLER: And so, to be clear, the  
15          tent is going to only exist until such time as  
16          the other structure is built?

17                  MS. SCHNEIDER: Yes. I mean, I would  
18          like to have an overlap, so basically built and  
19          usable, that's, yeah, yeah, mm-hmm.

20                  MR. KESSLER: I don't know if that's a  
21          CO or what would that be?

22                  MS. SCHNEIDER: The CO I would think,  
23          yes.

24                  MR. KESSLER: So once the CO is issued,

1           October 3, 2023

2           the tent comes down?

3                       MS. SCHNEIDER: Yes, we are definitely,  
4           I mean, I'm sure my client would like to keep the  
5           tent as long as it's standing, but I would say  
6           that's definitely something we could agree on.

7                       MR. KEHOE: No, that would be a  
8           condition.

9                       MR. KESSLER: Yes.

10                      MS. SCHENIDER: Yes.

11                      MR. KEHOE: Yes. I mean, if, if you're  
12           treating it as a temporary structure, you would  
13           condition when it needed to come down.

14                      MR. KESSLER: Okay.

15                      MR. KEHOE: But I guess for coordinated  
16           review purposes, Mike, what, what's your opinion?

17                      MR. CUNNINGHAM: I, I think generally  
18           speaking, it would probably advantageous for you  
19           to go to the zoning board sooner rather than  
20           later. If this is part of one SEQR action,  
21           they're going to be an involved agency because  
22           they're going to have to issue a variance. So I  
23           think you would make an application there sooner  
24           rather than later.

1           October 3, 2023

2           MS. SCHNEIDER: Right. But, so then  
3           could we get the approval already of the planning  
4           board? For, for --

5           MR. CUNNINGHAM: You could, yeah. You  
6           get --

7           MS. SCHNEIDER: Okay.

8           MR. CUNNINGHAM: Yeah, you could get it  
9           subject to the zoning board granting a variance.

10          MS. SCHNEIDER: Okay, sure, mm-hmm.

11          MR. KEHOE: That's okay with -- I, I  
12          didn't really have too many issues with it.  
13          Martin Rogers had a lot, but you straightened  
14          Martin out.

15          MS. SCHNEIDER: Yes, yes.

16          MR. KEHOE: Or he straightened you out?  
17          I don't know.

18          MR. KESSLER: So as far as --

19          MS. SCHNEIDER: Yeah, I guess.

20          MR. KESSLER: -- the tent goes, so we  
21          can direct staff to write the ZBA to -- that we  
22          have no issue with the tent for them to then  
23          proceed with their variance?

24          MR. CUNNINGHAM: Right. So that could be



1           October 3, 2023

2           noted in the record. Chris can issue some sort of  
3           memorandum and then --

4                     MR. KEHOE: Well --

5                     MR. KESSLER: We'll make motion --

6                     MR. CUNNINGHAM: -- and then you could,  
7           you would also get a denial letter from Martin.

8                     MR. KEHOE: Yeah. But, but hang on.

9                     MS. SCHNEIDER: Yes.

10                    MR. KEHOE: Hang on, hang on.

11                    MR. KESSLER: Okay.

12                    MR. KEHOE: The zoning board meeting is  
13           too soon. You can't meet the public notification  
14           requirements. I think the zoning board meeting's  
15           October 19th.

16                    MS. SCHNEIDER: Oh, Okay.

17                    MR. KEHOE: And you've, you've got to  
18           have the sign up 20 days beforehand and it's  
19           already 16 days beforehand, so you can't get to  
20           the zoning board meeting in October anyway, so  
21           that's sort of moot.

22                    MS. SCHNEIDER: Okay. So, then November?

23                    MR. KEHOE: Yes.

24                    MS. SCHNEIDER: Is it.

1           October 3, 2023

2           MR. KEHOE: They can still do what you  
3 want them to do, but it doesn't help you getting  
4 to the October zoning board meeting.

5           MS. SCHNEIDER: Right. Yeah, yeah.

6           MR. KEHOE: So , sorry, that was just  
7 having to do with the tent.

8           MS. SCHNEIDER: Sure, yeah. No, no,  
9 absolutely, yes.

10          MR. KESSLER: Okay. So let's move on to  
11 the proposed structure.

12          MS. SCHNEIDER: Okay.

13          MR. KESSLER: Well take, you can take  
14 the microphone with you if, if you want to take,  
15 pull the microphone out.

16          MS. SCHNEIDER: Yeah, I guess I could do  
17 that, yes, mm-hmm. So would you like me to yeah,  
18 you know what, let me just introduce the new  
19 revised footprint here. So I'm just going to  
20 read, I think what I wrote you kind of just to  
21 reiterate and maybe fill in with some extra  
22 comments.

23                        So based on the last planning board  
24 meeting on September 5th, we have revised the

1           October 3, 2023

2           site plan and the architectural plan application.  
3           The members of the planning board had asked for a  
4           smaller footprint and to possibly go higher to  
5           get the same storage space. Therefore, so now we  
6           are proposing a building that is --

7                       MR. KEHOE: You've got to keep the mic  
8           close to your mouth or he is going to yell again.  
9           Sorry.

10                      MS. SCHNEIDER: Sorry. So now we're  
11           proposing a building that is 25 foot deep and 90  
12           feet long and is the highest part of it will be,  
13           I believe, 22 feet, but I need to check my plans  
14           here. So, we came up with that dimension in using  
15           the, basically the, the reach of a forklift and  
16           also the turning radius of a forklift so that we  
17           would have really just kind of the minimum space  
18           to have storage on both sides and to still be  
19           able to turn the forklift and have a most  
20           economical way of storing, you know, all the, the  
21           extra equipment and storage for, for that area.

22                      So what I would like to emphasize here  
23           is that now that we moved it forward, we can  
24           completely avoid the wetlands and that's really

1           October 3, 2023

2           what I think is the biggest achievement. And, so  
3           yeah, so the, let's see, what else.

4                       So yeah, so we are hoping that with  
5           having moved it forward and being completely out  
6           of the wetlands, that we now have basically an  
7           ideal solution and that you agree with me and  
8           that we could move forward.

9                       So there is also one more comment that I  
10          would like to make, and that is because it's  
11          really just a storage addition, we don't need  
12          extra parking because we will not need additional  
13          employees or, you know, staff for the Ace  
14          Hardware store and therefore it's really just  
15          this footprint that we're looking at. And we were  
16          also thinking we could put it on piers, the  
17          building, meaning this way basically we are  
18          minimizing the footprint even more. So that's --

19                      MR. KEHOE: Well, that, that's subject  
20          to review and confirmation with Martin.

21                      MS. SCHNEIDER: Of course. And also,  
22          yeah, and also --

23                      MR. KEHOE: Well be, because if you're  
24          going to go to the zoning board, I, I'd have to

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2           confirm, I know with like restaurants, we don't  
3           count dead space. We don't count coolers or  
4           spaces behind counters. There's a formula about  
5           how we determine how many parking spaces you  
6           need.

7                        MS. SCHNEIDER: Oh, I already talked to  
8           Martin about that.

9                        MR. KEHOE: So he's saying that, that --

10                      MS. SCHNEIDER: So he, he agreed. Yeah.

11                      MR. KEHOE: So that's fine.

12                      MS. SCHNEIDER: Yeah.

13                      MR. KEHOE: Okay.

14                      MS. SCHNEIDER: Yeah. So I already did,  
15           yeah.

16                      MR. KEHOE: Okay.

17                      MS. SCHNEIDER: Mm-hmm. Thanks for  
18           bringing it up. So, and also we would like to  
19           propose a green roof for that addition. And I  
20           think that, you know, would be very advantageous  
21           for the wetlands because we have less water  
22           runoff so --

23                      MR. KEHOE: Meaning a grass roof more or  
24           less for lack --

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2                   MS. SCHNEIDER: Yeah. I mean, only  
3           extensive, not intensive, meaning it's sedum,  
4           it's basically -- it low maintenance, a low  
5           maintenance.

6                   MR. KEHOE: It would, we would soak up  
7           the water and stop it from just going into a  
8           downspout?

9                   MS. SCHNEIDER: Exactly. It would, yes,  
10          it reduce, yeah, and also clean it.

11                  MR. KEHOE: Okay.

12                  MS. SCHNEIDER: Yeah. So do you have any  
13          questions for me?

14                  MR. KEHOE: Well, the biggest question  
15          is did you get the email? I, I sent you the email  
16          from the DEC. Now the DEC saw your original plan  
17          and she didn't like it.

18                  MS. SCHNEIDER: I, I know that, yes.

19                  MR. KEHOE: Right. So what we're going  
20          to need to do, and then we have to get Paul  
21          Jaehnig out there. And I've contacted him, but he  
22          hasn't contacted me back yet.

23                  MS. SCHNEIDER: Right.

24                  MR. KEHOE: But what I would prefer to

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2           do is that typically we're the agency referring  
3           this to the DEC and then they're interacting with  
4           us. And I know that you got ahead of the game and  
5           you sent it directly to them, but as you could  
6           see, some of her questions back were, you know,  
7           is the town aware of what's going on with.

8                       MS. SCHNEIDER: Right.

9                       MR. KEHOE: So I'd like to sort of take  
10           over responding back to her. I'll keep you  
11           informed and I'll send the new plans.

12                      MS. SCHNEIDER: Sure.

13                      MR. KEHOE: And the revised plans to  
14           her.

15                      MS. SCHNEIDER: I would like that. Thank  
16           you, mm-hmm, sure.

17                      MR. KESSLER: Are, are there any  
18           questions? As Chris said, so we'll probably  
19           declare ourselves lead agency and we'll refer  
20           this back to staff.

21                      MR. KEHOE: Yes, because that was  
22           another one of her comments. She needs -- she  
23           wanted to know if they declared their intent to  
24           be lead agent because she wants to be involved in

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2           the SECR process.

3                   MS. SCHNEIDER: Right. Right.

4                   MR. KESSLER: So we'll Refer this back  
5           to review with the staff and we'll also get that,  
6           uh, memo over to ZBA.

7                   MR. KEHOE: Okay. So -- I'm sorry?

8                   MS. SCHNEIDER: Just for me to, to  
9           understand what the, the order of things is. So  
10          when, so once the DEC sees the revised --  
11          revision, I mean the revision and they approve of  
12          it or would like to move forward, so does that  
13          mean we can then get your approval for it and --

14                   MR. KEHOE: Well --

15                   MS. SCHNEIDER: -- how, what's, what's  
16          coming next?

17                   MR. KEHOE: Well, we'll have to talk  
18          because when I say I want take over the process,  
19          I want take over the mailing and, and that. She  
20          asked specific questions that you have to answer.

21                   MS. SCHNEIDER: I saw that.

22                   MR. KEHOE: Such as, you know,  
23          justifying --

24                   MS. SCHNEIDER: Yeah. We'll take care of



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2           that, yes.

3                   MR. KEHOE: Right. So you provide me  
4           those answers and I'll send. Then our wetland  
5           consultant would concur with the DEC.

6                   MS. SCHNEIDER: Okay.

7                   MR. KEHOE: but, but I think to be  
8           honest, I mean it may, it may not seem like a big  
9           addition and a green roof is definitely a good  
10          idea. But this is probably going to take a couple  
11          months to wind its way through our wetland  
12          process and the DEC wetland process and then it  
13          would be up to the planning board. I think  
14          Yorktown might have an interest in it. I've got  
15          to refer it to them. Then it would be up to the  
16          board whether you wanted to have a public hearing  
17          or not. I know it's just an addition to an  
18          existing building, but I just want to put it on  
19          the record that this may take --

20                   MR. KESSLER: Is it required?

21                   MR. KEHOE: I don't think a public  
22          hearing is required. It's required on special  
23          permits, which I forget sometimes, that's why NK  
24          Electric had to have the public hearing. I don't

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2           think it's required on this one, but I sort of  
3           want to see if DEC has an opinion or it really  
4           touches Yorktown's border. I'm going to refer it  
5           to Yorktown. I don't think they're going to  
6           require a public hearing per se, but --

7                     MR. KESSLER: Okay. Well, we're going to  
8           refer this back anyway. We'll bring it back next  
9           time under old business again and we'll see where  
10          we are.

11                    MR. KEHOE: With Paul and with the DEC.

12                    MR. KESSLER: And to see whether we need  
13          a public hearing or not.

14                    MR. KEHOE: Okay.

15                    MR. KESSLER: We can decide that at the  
16          next meeting, I guess, right.

17                    MR. KEHOE: Okay. But you want me to  
18          draft a memo to the ZBA that you are okay with  
19          the proposed location of the temporary tent?

20                    MR. KESSLER: Are we going to prepare a  
21          resolution for that, for the tent for the next  
22          meeting, or how do we do that?

23                    MR. KEHOE: Yes, I think it might be  
24          good to have a resolution tracking that.

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2                   MR. KESSLER:   Okay.

3                   MR. KEHOE:    Because we'd want to put in  
4                   there that this tent has to come down when the CO  
5                   is issued for the addition. And the best way to  
6                   track that is in the resolution.

7                   MR. KESSLER:   Okay.

8                   MR. KEHOE:    So we're going to send it to  
9                   the ZBA without a resolution.

10                  MR. KESSLER:   We don't have one.

11                  MR. KEHOE:    But we don't --

12                  MR. KESSLER:   But even so, yes, because  
13                  that way we can make sure it gets on the agenda  
14                  for the November meeting?

15                  MR. KEHOE:    Yeah, because your November  
16                  meeting might be too late to get on the November  
17                  agenda for the ZBA. So we'll take care of that  
18                  now.

19                  MR. KESSLER:   Okay.

20                  MS. SCHNEIDER:  Okay.

21                  MR. KEHOE:    And I'll, I'll draft  
22                  something up and send it back.

23                  MR. KESSLER:   Okay.

24                  MR. KEHOE:    So you can take a look at

1           October 3, 2023

2           it.

3                   MS. SCHNEIDER: Thank you.

4                   MR. KESSLER: Alright. You got to be --  
5           you got all that Nora?

6                   MS. HILDINGER: I'd like to make a  
7           motion to, to declare intent to be the lead  
8           agency and refer back to staff.

9                   MR. KESSLER: And second?

10                  MR. KOBASA: Second.

11                  MR. KESSLER: And I guess on the  
12           question, and also as we said, Chris will write  
13           to ZBA telling that our intent to approve the  
14           tent. And I think that's everything. So, we're on  
15           the question. All in favor?

16                  MULTIPLE: Aye.

17                  MR. KESSLER: Opposed? Who's got the  
18           honors --

19                  MS. SCHNEIDER: Thank you and good  
20           evening.

21                  MR. KOBASA: You too.

22                  MS. SCHNEIDER: Bye.

23                  MR. KOBASA: That's it?

24                  MR. KESSLER: -- to adjourn. Who's got

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2           the honor to adjourn?

3                   MR. KOBASA: Oh, I don't, I have the  
4           honors to adjourn?

5                   MR. KESSLER: No, no.

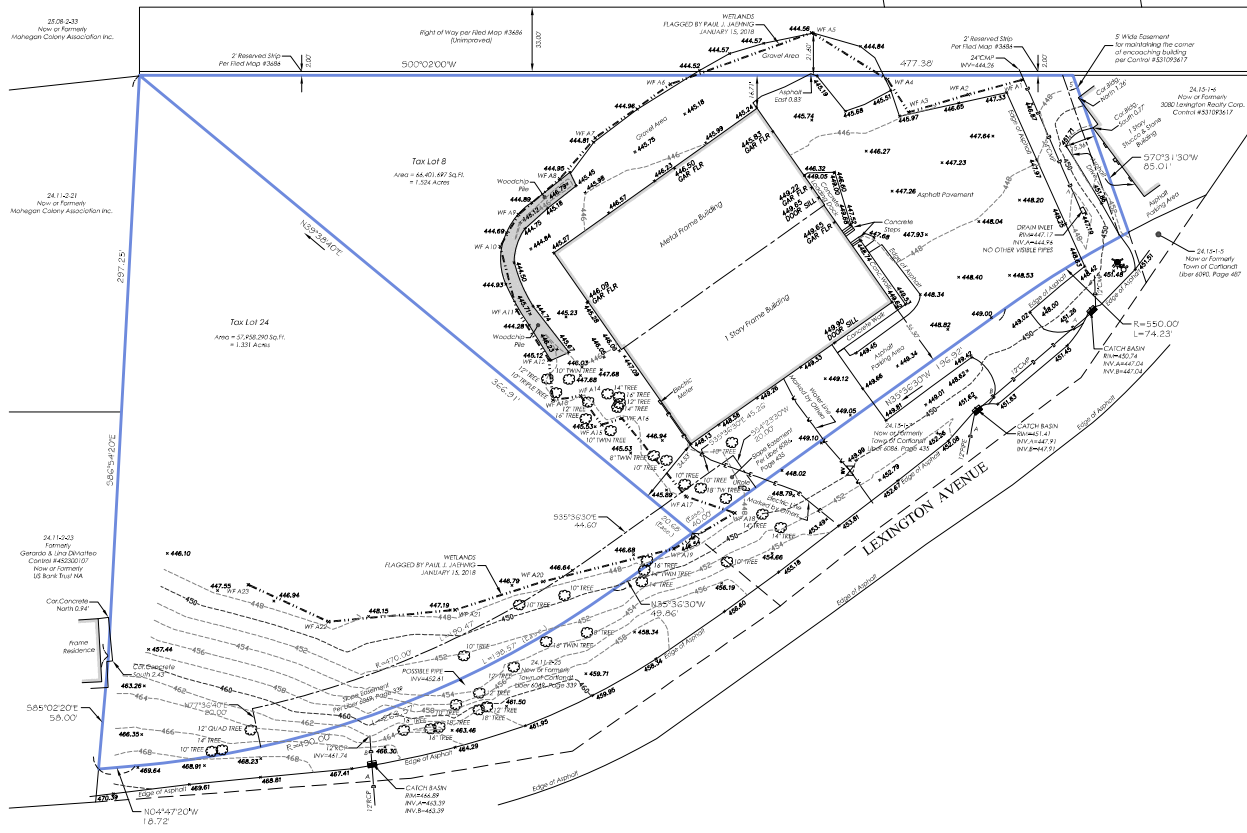
6                   MR. KEHOE: I think David would have the  
7           honors.

8                   MR. KESSLER: Oh, David has the honors.

9                   MR. DOUGLAS: I have the honors? Okay.  
10          Sorry, I didn't, I didn't know that it was my  
11          honors. Okay. I moved to adjourn the meeting.

12                   MR. KESSLER: All right.

13                           (The public board meeting concluded at  
14          7:45 p.m.)



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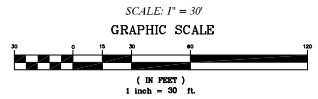
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Property Address: 3120 Lexington Avenue  
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**TOPOGRAPHY OF PROPERTY  
PREPARED FOR  
3120 LEXINGTON LLC**  
SITUATE IN THE  
TOWN OF CORTLANDT  
WESTCHESTER COUNTY, NEW YORK



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Surveyed: January 29, 2018  
Map Prepared: January 30, 2018

By: \_\_\_\_\_  
New York State Licensed Land Surveyor No. 0550604

Project: Ref 17-330 18-030	Field Survey By: BCJK
Drawn By: DA	Checked By: DM