

TOWN OF CORTLANDT  
PLANNING AND ZONING BOARDS

ZONING BOARD MEETING

1 Heady Street  
Cortlandt Manor, New York 10567

July 20, 2023

7:00 p.m. - 7:26 p.m.

July 20, 2023

MEMBERS PRESENT:

Michael Fleming, Chairman

Wai Man Chin, Vice-Chairman

Chris Beloff, Member

Frank Franco, Member

Benito Martinez, Member

Tom Walsh, Member

Chris Kehoe, Director of Planning

1 July 20, 2023

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

3 MR. MICHAEL FLEMING: I would like to  
4 call to order the meeting of the town of  
5 Cortlandt's Zoning Board of Appeals, for July 20,  
6 2023. And, if you could call the roll, we'll  
7 start with that. Pledge first or roll first?

8 MR. CHRIS KEHOE: Pledge first usually.

9 MR. FLEMING: Okay. If anyone wishes do  
10 you join me? Please do. We're going to say the  
11 Pledge of Allegiance.

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

17 MR. FLEMING: Alright, now the roll,  
18 please.

19 MR. KEHOE: Mr. Martinez.

20 MR. BENITO MARTINEZ: Here.

21 MR. KEHOE: Mr. Franco.

22 MR. FRANK FRANCO: Here.

23 MR. KEHOE: Mr. Chin?

24 MR. WAI MAN CHIN: Here.

1 July 20, 2023

2 MR. KEHOE: Mr. Fleming?

3 MR. FLEMING: Here.

4 MR. KEHOE: Mr. Walsh?

5 MR. THOMAS WALSH: Here.

6 MR. KEHOE: Mr. Beloff?

7 MR. CHRIS BELOFF: Here.

8 MR. KEHOE: Ms. Piccolo Hill noted as  
9 absent.

10 MR. FLEMING: Okay. Alright, so first  
11 just a couple of, kind of, paperwork, bookkeeping  
12 type things. Today's meeting, although we're  
13 holding this meeting, it did not get published by  
14 the publisher of the local newspaper, which is  
15 required to hold a meeting. So what we're going  
16 to do is we're going to have the meeting, listen  
17 to the applicants, have discussion, but we're not  
18 going to take any votes tonight. We're going to  
19 then continue the meeting to next week. None of  
20 the applicants -- to next month -- I'll give you  
21 the date for that in a second. None of the  
22 applicants have to be here for that. You're  
23 welcome to come back if you want to, but you  
24 don't have to appear twice. What we will do then

1 July 20, 2023

2 is open it for public comment, take any public  
3 comment if there is any, then close the public  
4 hearing and take a vote. I'm sorry that you have  
5 to -- you had to come in today and we won't be  
6 able to vote today. Unfortunately, the newspaper  
7 didn't publish it and we're, we're somewhat, you  
8 know, limited in what we can do but you don't  
9 have to come back twice, but you're welcome to if  
10 you want to come back next week -- sorry, next  
11 month. Next month's meeting, the August meeting,  
12 do you have a date for that?

13 MR. FRANCO: August, August 17th.

14 MR. FLEMING: August 17th. So the next  
15 meeting will be August 17th. So that's what we're  
16 going to do for each of our -- thank you -- so  
17 that's what we're going to do for each of our --  
18 thank you, I got it. Thank you. Thank you. So  
19 that's what we're going to do for each of the  
20 hearings. All right, can I have a motion, with  
21 respect to the adoption of last month's meeting  
22 minutes?

23 MR. WALSH: Second.

24 MR. CHIN: So Moved.

1 July 20, 2023

2 MR. FLEMING: Did somebody second it?

3 MR. CHIN: No. Somebody make a motion  
4 for you.

5 MR. FLEMING: He moved it.

6 MR. CHIN: Okay.

7 MR. FLEMING: Seconded?

8 MR. CHIN: Second.

9 MR. FLEMING: Okay. All in favor?

10 MULTIPLE: Aye.

11 MR. FLEMING: Any opposed? Okay. So the  
12 meetings are adopted, the meeting minutes are  
13 adopted. We have three cases on for a public  
14 hearing today. We also have an adjourned case,  
15 from the June hearing. The adjourned case is,  
16 case number 2023-4. At the request of the  
17 applicant, actually during the May meeting where  
18 he advised he would be unlikely able to make the,  
19 the June or July meetings, we're going to adjourn  
20 this to the August 17, 2023 meeting. So case  
21 number 2023-4 will not be heard tonight and it  
22 will be adjourned to the August 17, 2023 meeting.  
23 All right, the next case, the first case on for  
24 tonight is case number 2023-8, application for

1 July 20, 2023

2 Building Permit Services. I think that's Mr.  
3 Martinez's case.

4 MR. MARTINEZ: Yeah, Mrs. Sherman, thank  
5 you. We have case number 23 -- 2023-8 for the  
6 applicant name Zola Alexandra Chillogallo and  
7 Andres Quiridumbay. Please, tell us.

8 MR. FLEMING: Again, state your name.

9 MS. NORA HILDINGER: Good evening  
10 Chairman and members of the board. My name is  
11 Nora Hildinger of Building Permit Services and  
12 I'm here representing Zola Chillogallo of 15  
13 Henning Drive. We are here to request a variance  
14 to allow a concrete barbecue grill ten feet by  
15 38, 3.8 feet, or approximately 38 square feet to  
16 be placed in the architectural front. The grill  
17 is approximately 125 feet from the road. The  
18 front yard setback is 30 feet. The grill is in  
19 front of the house, but it is well behind the  
20 front yard setback.

21 Furthermore, the grill is behind a very  
22 large outcropping of rocks, which completely  
23 conceals the grill. The grill is not visible from  
24 any viewpoint on the road. The grill structure is

1 July 20, 2023

2 38 square feet, which is tiny. Because of the  
3 large outcropping of rocks, the house is set back  
4 very far from the road, 140 linear feet. The  
5 backyard is minimal and contains the septic. So  
6 that's the whole, pretty much the layout.

7 And now I'm going to, go into the five  
8 factors. Number one, whether an undesirable  
9 change will be produced in the character of the  
10 neighborhood, or if any detriment to nearby  
11 properties will occur. This will not create an  
12 undesirable change to the neighborhood. It is a  
13 small concrete grill not visible from the road.  
14 Two, whether the benefit sought by the applicant  
15 can be achieved by some method feasible for the  
16 applicant to pursue other than an area of  
17 variance. The most logical place for the concrete  
18 grill is in the architectural front. It is not in  
19 the front yard setback and is at least 125 linear  
20 feet from the road and not visible from the road.  
21 This is the most accessible portion of the yard.  
22 Because of the outcropping, the house is setback  
23 very far and this is really the most flat, usable  
24 portion of the yard.



1 July 20, 2023

2 Three, whether the requested variance is  
3 substantial. It is not substantial. The grill is  
4 only 38 square feet. It will not -- it will have  
5 no effect on other properties. Four, whether the  
6 proposed variance will have an adverse effect or  
7 impact on the physical or environmental  
8 conditions in the neighborhood or district. The  
9 grill will not have adverse effect or impact on  
10 the physical environment or environmental  
11 conditions of the neighborhood. Once again, it's  
12 very small, 38 square feet and not visible from  
13 the surrounding properties.

14 Five, whether the alleged difficulty was  
15 self-created. Because of the topography of the  
16 property, this is the most logical place for the  
17 grill. Because the size of the structure is only  
18 38 square feet, it would not require a building  
19 permit. Placement of the grill in the  
20 architectural front, the logical place for the  
21 grill created the need for the variance.

22 MR. FLEMING: All right, questions?

23 MR. MARTINEZ: Yes. Yes. No. So after  
24 reviewing all the factors that you just

1 July 20, 2023

2 highlighted, I have no problem with this or does  
3 anyone have [unintelligible] [00:06:44] have  
4 anything to add to please? I pretty much agree  
5 with, with you.

6 MR. FRANCO: So I, I was just wondering,  
7 do you know any of your neighbors or do, does  
8 anybody in the neighborhood oppose, that you know  
9 of at least, have any issues with this barbecue?

10 MS. HILDINGER: I haven't heard  
11 anything. Did anyone call, Chris?

12 MR. KEHOE: Well, no. But I, I believe  
13 in checking with a code enforcement officer, I  
14 always ask why these cases are in front of the  
15 zoning board. I think he did say it was based on  
16 a neighbor complaint. This would've been back,  
17 you know, months ago. I don't know what caused  
18 the owner to know he or she needed a variance.

19 MS. HILDINGER: I think they got a stop  
20 work order.

21 MR. KEHOE: All right. So maybe it was  
22 more so that we caught it than a neighbor caught  
23 it.

24 MS. HILDINGER: Yeah.

1 July 20, 2023

2 MR. FRANCO: Okay.

3 MS. HILDINGER: So, because they, they  
4 also -- I have a, they built a portico or a  
5 carport.

6 MR. FRANCO: That's okay.

7 MS. HILDINGER: So I think that's what  
8 they got the stop work order for. And that  
9 brought up the grill in the front yard.

10 MR. FRANCO: Right.

11 MR. FLEMING The portico wouldn't be  
12 considered an accessory structure? It's attached  
13 house?

14 MR. KEHOE: It's connected.

15 MS. HILDINGER: It is, it's connected.

16 MR. FLEMING: Okay. It's connected.

17 MS. HILDINGER: And I've also, I, we --  
18 they put in a building permit --

19 MR. FLEMING: Oh.

20 MS. HILDINGER: -- for, for a  
21 retroactive building permit for that.

22 MR. CHIN: I'd like to say that what you  
23 said on the first four factors, I agree with you  
24 on that. All -- they're always self-created. But

1 July 20, 2023

2 that's a minor, minor opinion on my part, that it  
3 was, you know, that's it. So I have no problem  
4 with this. It's really hard to not have it be  
5 self-created.

6 MR. CHIN: It is. I always like to say  
7 it's 99 percent self created, you get one percent  
8 that's not.

9 MR. FLEMING: I'd just like to, I  
10 appreciate your presentation. I very much  
11 appreciate when you do these and you lay out the  
12 five factors. It makes our job a lot easier to,  
13 to really focus in on what the issues are. So, so  
14 I want to thank you for that. Yeah, the only, the  
15 only other question I had Chris has addressed  
16 really was, was there a complaint, because I'd  
17 want to know if there was, but it sounds like  
18 there wasn't. So, gentlemen, anything else you  
19 want to add?

20 MR. WALSH: No.

21 MR. FLEMING: Okay. We, we can't vote  
22 tonight on this. I think we otherwise would have.  
23 But if you want to come back, you can.

24 MS. HILDINGER: Okay.

1 July 20, 2023

2 MR. FLEMING: If you don't want to come  
3 back, that's completely okay.

4 MS. HILDINGER: I can't wait.

5 MR. FLEMING: You can listen to it  
6 online, that's fine as well. All we're going to  
7 do is open it up for a public hearing. I don't  
8 know if anyone will be here. If there's not, we  
9 will close it and vote right after that.

10 MS. HILDINGER: Okay.

11 MR. CHIN: I think --

12 MS. HILDINGER: Great.

13 MR. CHIN: -- you hear what we're going  
14 towards.

15 MS. HILDINGER: Right.

16 MR. CHIN: Okay.

17 MR. KEHOE: And, and you heard Chairman  
18 Fleming -- I forgot what I was going to say. Oh,  
19 Zoom, that, you know, you can always just keep an  
20 eye on it in Zoom on the slim chance that someone  
21 does show up.

22 MR. FLEMING: Sure.

23 MR. KEHOE: You, you could respond.

24 MS. HILDINGER: Okay.

1 July 20, 2023

2 MR. KEHOE: But there's no need to have  
3 to come back to the town hall if you don't want  
4 to.

5 MS. HILDINGER: I'll do that.

6 MR. FLEMING: I'm just trying to save  
7 you time and money, there's no reason for you to  
8 have to --

9 MS. HILDINGER: Okay.

10 MR. FLEMING: -- to be here twice, so.

11 MS. HILDINGER: Okay. All right, great.

12 MR. FLEMING: Thank you.

13 MS. HILDINGER: Thank you. Thank you.

14 MR. FLEMING: I do, I do want to open it  
15 up to the public if there is anyone here who knew  
16 about this and is here. Again, because it wasn't  
17 published in the newspaper, we, we can't close  
18 public hearing, but --

19 MR. WALSH: Well, we adjourn it,  
20 correct?

21 MR. FLEMING: We, we will. Does any,  
22 does anyone have any comments on this they want  
23 to make, members of the public or, or online on  
24 Zoom? No. Okay.

1 July 20, 2023

2 MR. KEHOE: Okay.

3 MR. FLEMING: So what I'm going to do is  
4 I need a motion to adjourn this till, I don't  
5 need a motion for that, actually, no. I can just  
6 adjourn this. We're going to adjourn the public  
7 hearing until the August meeting and, we'll --

8 MS. HILDINGER: Okay.

9 MR. FLEMING: -- have information for  
10 you after that. All right, going back to the next  
11 case, our next case now is, case number 2023-9,  
12 the application of Jennie Thomas of JJ and Summit  
13 Realty. And I believe this is yours. No, no?  
14 Who's is this one?

15 MR. FRANCO: Chris.

16 MR. KEHOE: Mr. Lentini is in the room,  
17 or in the building. He's actually at another  
18 meeting. I just went over to call him. He's  
19 walking down the hall now.

20 MR. FLEMING: Okay.

21 MR. KEHOE: He'll be here in a couple  
22 seconds. But you, you can start if you want,  
23 Chris.

24 MR. BELOFF: Okay. So I'm assigned case

1 July 20, 2023

2 2023-9. The applicant is JJM Summit Realty,  
3 address is 1 Jerome Avenue. It's zoned R10 with  
4 transitional location and they're requesting a  
5 variance, front yard, side yard and minimum  
6 landscape coverage for proposed addition to an  
7 existing dental office.

8 MR. FLEMING: We just called the case.  
9 You're welcome to --

10 MR. JOHN LENTINI: Oh, sorry for the  
11 delay.

12 MR. FLEMING: No problem.

13 MR. LENTINI: I'm John Lentini,  
14 architect for, Dr. Marcos and Jennie Thomas.  
15 Excuse me. I have a -- had a conflict with  
16 another hearing in town. Good evening, Mr.  
17 Chairman, members of the board. The, the property  
18 located on Jerome and Route 6 has been used for a  
19 dentist office for a certain amount of -- a long  
20 time, I, I'm not sure exactly how long, and it  
21 became very rundown. It's a small practice, one  
22 dentist. There was an apartment upstairs, I'm not  
23 sure if it was used by the dentist, but there was  
24 an actual dwelling unit. And our proposal is to



1 July 20, 2023

2 eliminate that and make that a private office for  
3 the doctor and then expand it so that they could  
4 put operatories in the -- in, in the, the space,  
5 surrounding all this technical equipment, x-rays  
6 and other, you know, devices required for working  
7 on teeth. And, they would -- they already have a  
8 couple of dentists working for them, but I don't  
9 believe it's going to be full-time staffed by  
10 many dentists. And if you've been to a dentist  
11 recently, one dentist bounces around to three or  
12 four operatories and keeps people waiting there.

13 When they bought the property, they  
14 hired another architect. I'm the second  
15 architect. And they came up -- they didn't want  
16 to go through the chance of getting refused or  
17 they didn't want to go through the time, which  
18 now they have, to need a variance. So they  
19 created a complying situation which didn't meet  
20 their needs, but they were ready to go with it  
21 until they met me. A neighbor right next door had  
22 introduced me and I said, well, if it doesn't  
23 meet your needs, why would you even pursue it? So  
24 I sat with them and made a smaller configuration,

1 July 20, 2023

2 however, requiring an easement of two -- excuse  
3 me, a variance of two corners.

4 This is a lot neater and  
5 straightforward. It's not a large variance. In  
6 terms of the tests, it wasn't self-created. By,  
7 by the definition, they didn't do the work yet  
8 and they didn't do anything that got to where  
9 they are except for buy the building. And if in  
10 fact they had to, they would probably either use  
11 it the way it is or go back to the other  
12 scenario, which wouldn't work.

13 As far as the effect on the  
14 neighborhood, it is bound to affect the  
15 neighborhood because there'll be a more, a little  
16 more traffic exiting right by the light. But it  
17 wouldn't be traveling through the neighborhood  
18 because that -- the neighborhood is kind of a  
19 loopy dead end. So this is at the very end.

20 I discovered now that I'm spending time  
21 there that the light is triggered by people, like  
22 whenever you pull up to the light, it changes for  
23 you on Jerome. I was talking to one of the  
24 residents there who said, well, that's only

1 July 20, 2023

2 during the day. At night, you could be sitting  
3 there forever because it's timed. So we wouldn't  
4 be affecting that one way or the other because  
5 the business will be closed at night.

6 As far as the -- and any, any other way  
7 of doing it, frankly, I can't see another way of  
8 getting what they want in, in that space. And as  
9 far as the minimum amount of disturbance, because  
10 of my dealings with the code enforcement and  
11 other things we might have found ourselves into,  
12 we're essentially not touching the site. We're  
13 not going to disturb the driveways. The  
14 landscaping that's there, only a few bushes, will  
15 be relocated in the front. And otherwise it's not  
16 going to be a lot of construction vehicles. It's  
17 not like you're going to have dirt coming,  
18 tracking back and forth on the street. It should  
19 be very quick and very neat, a very neat, job.  
20 So, we're, we're, open for any questions. I am  
21 open. I just want to say the doctor didn't think  
22 the hearing would be tonight, so they rescheduled  
23 something else. They may be on Zoom. I, I called  
24 them and said that they're -- are they?

1 July 20, 2023

2 MR. KEHOE: They're not.

3 MR. LENTINI: Okay. Well perhaps they  
4 didn't get that connection. But, I'm here to  
5 answer any questions that you might have.

6 MR. BELOFF: So, I mean, I don't see  
7 this variance as being a substantial variance. I,  
8 I don't see any other issues except, I, I guess,  
9 for public, does anybody in the public have  
10 anything to say? I'm curious --

11 MR. FLEMING: Let's finish up here  
12 first.

13 MR. BELOFF: -- if any of the  
14 surrounding neighbors --

15 MR. FLEMING: We'll finish up here first  
16 and then we'll ask for, for public comment. So  
17 I'll go through the rest of the members of the  
18 board. Anybody else have comment you want to  
19 make?

20 MR. CHIN: Yeah. Actually based on the  
21 variance that you need is, like a 29 square foot  
22 that, or a corner, a little corner on Jerome  
23 Drive and, and a hundred square feet on Route 6?

24 MR. LENTINI: That's about it, yeah.

1 July 20, 2023

2 MR. CHIN: And that's it. And again, you  
3 got a handicap ramp coming in from the parking  
4 lot going up in through there. Otherwise, you're  
5 not asking much of a variance on from the zoning  
6 board.

7 MR. LENTINI: Right. We're improving the  
8 handicap ramp because the one that's there is too  
9 steep. So that's going to be, but it's on the  
10 landscaping and it's not going to --

11 MR. CHIN: Well, that, that's, that,  
12 that's in front of the, the planning board and  
13 they're the lead agency right now on that. So,  
14 you know, we're going to have to follow them on  
15 this thing.

16 MR. FLEMING: Yeah. And, I'm sorry, you  
17 actually, since you were late, you missed my  
18 initial comment. So, for tonight's hearing,  
19 unfortunately the local paper of record did not  
20 publish in time for the hearing, the notice. So  
21 we -- not on your case, we actually weren't going  
22 to take a vote anyway tonight because --

23 MR. LENTINI: Understood.

24 MR. FLEMING: -- the planning board is

1 July 20, 2023

2 actually the lead agency, so we would follow  
3 their decision. But, but regardless of that, we  
4 can't take a vote because we didn't, we didn't  
5 get the published, the meeting published. So what  
6 we're going to do at the end of this, we're going  
7 to invite public comment, but at the end of, of  
8 this presentation, we're going to adjourn this  
9 until next month's hearing, which is August 17,  
10 2023.

11 MR. LENTINI: Okay.

12 MR. FLEMING: You don't have to come  
13 back. No one has to come back. What we're all  
14 we're going to do is open it up for further  
15 public comments since that will meet the open  
16 meetings law, so with the publication in the  
17 newspaper before the meeting.

18 MR. LENTINI: Understood.

19 MR. FLEMING: And then, and then  
20 certainly if you want to come, you can, if you  
21 want to be available on Zoom, you can, to the  
22 extent someone has a question, I don't know if  
23 there's going to be public questions.

24 MR. LENTINI: I'll, I'll be here.

1 July 20, 2023

2 MR. FLEMING: Okay. And then after that  
3 we'll close it and then, but we won't be voting  
4 on this because of the planning board has to, has  
5 to, has to finish their work first.

6 MR. LENTINI: I'm just delighted it  
7 wasn't my fault.

8 MR. FLEMING: No problem. All right.  
9 Anybody else have any, questions or comments? All  
10 right. So I would like to open it up to the  
11 public. If anyone from the public does have a  
12 comment they want to make, we're happy to listen  
13 to it. And if anyone on Zoom has a comment to  
14 make, you can raise your hand. Oh, and there's no  
15 comments on Zoom. Okay. So what we're going to do  
16 is we're going to adjourn this to allow, a public  
17 hearing in the August 17, 2023 meeting.

18 MR. LENTINI: Okay.

19 MR. FLEMING: So you'll have to wait a  
20 month for that.

21 MR. LENTINI: We've been waiting. Fine.

22 MR. CHIN: At least a month. We have to  
23 stand back [unintelligible] [00:17:56].

24 MR. LENTINI: Oh, for, I have to finish

1 July 20, 2023

2 the plans too. These are, I didn't do the  
3 construction drawings yet pending the results of  
4 this.

5 MR. KEHOE: And, And you're going to be  
6 in front of the planning board on Tuesday night.

7 MR. LENTINI: Tuesday night.

8 MR. KEHOE: For more discussion anyway.

9 MR. LENTINI: Right. And I'll answer  
10 your memo. I've looked at it, but.

11 MR. FLEMING: I do appreciate your  
12 letter, by the way, though. Your last letter was  
13 very clear and helped us out quite a bit.

14 MR. LENTINI: Well, thank you.

15 MR. FLEMING: And [unintelligible]  
16 [00:18:14] all the issues. So I appreciate that  
17 very much.

18 MR. LENTINI: We're all set.

19 MR. FLEMING: Okay. Okay.

20 MR. LENTINI: Thank you. Thank you,  
21 thank you very much. Back to the other one.

22 MR. FLEMING: All right. And now we have  
23 one last, this is case number 2023-10, the  
24 application of Ravi Raj for the property of Derek



1 July 20, 2023

2 Kilner and Claire Benoit. Tom, this is yours?

3 MR. WALSH: Yeah, this is my case.

4 MR. FLEMING: Okay.

5 MR. WALSH: Is somebody here from the  
6 applicant to explain what's happening?

7 MS. CLAIRE BENOIST: Hi.

8 MR. WALSH: How are you today?

9 MS. BENOIST: Good evening. I apologize  
10 if my presentation will not be as professional as  
11 the --

12 MR. FLEMING: That's all right.

13 MR. KEHOE: I have -- I have your notes.

14 MS. BENOIST: I have them as well.

15 MR. KEHOE: Okay. And they have it as  
16 well. So that's --

17 MS. BENOIST: Okay.

18 MR. WALSH: So, if you just want to tell  
19 us what you, you know, how you got to us here and  
20 what you're doing and what, what, you know, what  
21 happened and brought you here.

22 MS. BENOIST: Yes. So we've been under  
23 renovation on this property since June 2022. We  
24 purchased the property in October 2021. It was a

1 July 20, 2023

2 big project. We had an open permit with, the  
3 building department. And there was a shed there  
4 in the exact location where we were -- where we  
5 have now put a new shed in that we replaced  
6 because it was crumbling. The roof was caved in  
7 and it was missing a door. There was lots of  
8 problems with it. So we went to replace it. I did  
9 check the town code as best as I knew how to, and  
10 determined -- here's the old shed -- determined  
11 that the, it had to be under a hundred square  
12 feet to not require a permit. And I called the  
13 office also to sort of verify that, and was told  
14 that I just couldn't go under the -- over the  
15 septic, or within ten feet of the septic. And so  
16 I just thought that that would be okay. So we  
17 went ahead and purchased it. It's there now.  
18 That's it now. It's in the exact same location.  
19 It is 40 feet from the road, on the side of our  
20 house, which is, I guess the architectural front,  
21 because it's what faces the road.

22 And I, I do think that it was put in  
23 this situation, in this position, you know, 40  
24 years ago or however many years, it's been there

1 July 20, 2023

2 because we have a very large pond on the  
3 property. So our wetlands setback encompasses a  
4 large area of the property where we, where we  
5 would not be able to put any structure on. The  
6 back of the house, we're also extremely close to  
7 the property line. We're only 11 feet from the  
8 property line. So, and, and it's boulders back  
9 there. So there wouldn't be any areas back there.  
10 And then on the, sort of, on the other side of  
11 the house, the northeast side, we have -- it's  
12 just a hilly lawn and a tree line that separates  
13 us from the property at 135 Colabaugh Pond Road.  
14 And those neighbors were very worried during our  
15 construction that we would tear down trees or  
16 sort of put anything in their section. I was  
17 happy to reassure them that we weren't planning  
18 on it. So I, I -- yeah, that's, you know, if we  
19 had to put it back there, we'd probably have to  
20 cut down some trees, because the tree line does  
21 come -- our lawn isn't very big on that side.

22 So in terms of the five factors, whether  
23 it's an undesirable change in the neighborhood,  
24 we just -- we replaced a shed. And I do have a

1 July 20, 2023

2 letter from one of our neighbors that, you know,  
3 states that they do not find it to be an  
4 undesirable effect, that we've only been, we've  
5 only received positive feedback from most of the  
6 neighbors or that we've met so far, as to the  
7 construction in general and certainly the shed.

8 That the request, the variance is  
9 substantial, it's 96 square feet. So I don't  
10 believe it is. That the benefits can be achieved  
11 by another method, again, because of the wetland  
12 setback, we just don't have very many other  
13 places to put it. And, but the difficulty was  
14 self-created, I just don't know how to answer  
15 that.

16 MR. WALSH: Yeah.

17 MR. FLEMING: That's okay. No worries.

18 MR. WALSH: No, no one can answer that.

19 MR. FLEMING: It almost always is. And,  
20 and, and it almost always doesn't, doesn't play a  
21 huge role in our decision.

22 MS. BENOIST: Yeah. I mean, we have a  
23 survey from 1984, 1985. I think it's in the  
24 packet as well, and the shed is already there. So

1 July 20, 2023

2 it's been created, we created it again.

3 MR. WALSH: All right. So yeah, as I go  
4 through the five factors that we have, you know,  
5 is an undesirable change being produced? No. I  
6 mean there was an existing shed there, the one  
7 you replace it with is a lot nicer and smaller.  
8 The benefits sought by the applicant can be  
9 achieved by some the method or feasible, just the  
10 topography of your land, the, the, the, wetland  
11 setback, your septic has got to be in there  
12 somewhere too is this was probably the logical  
13 choice they picked years ago with the original  
14 shed.

15 Ms. BENOIST: That's what I assume.

16 MR. WALSH: Yeah, the area is  
17 substantial, you know, it's under a hundred  
18 square feet. It's not a substantial request.  
19 Proposed variance would adversely effect on the  
20 neighborhood. It's not, you know, I don't think  
21 it's seen by the street. I mean, you're on a, a  
22 side street or a private road.

23 MS. BENOIST: It is a private road.

24 MR. WALSH: I did have a, you know, a

1 July 20, 2023

2 question that I put back to code enforcement.  
3 You're within the 50 foot setback requirement,  
4 you're at 40 feet. And I'd asked if we needed a  
5 separate variance for that, but they said, no,  
6 we're just issuing a one variance for your  
7 accessory structure in the front yard. So that  
8 was really my, my one question that I had and it  
9 was answered by code enforcement. So, I have no,  
10 no issues with any of the factors. I'm, I'm in  
11 favor of it.

12 MR. FLEMING: Any other members of the  
13 board have any comments they want to make? No?

14 MR. FRANCO: No.

15 MR. FLEMING: Alright. So the same, same  
16 goes for you. Unfortunately, we can't vote for  
17 you tonight.

18 MS. BENOIST: I understand.

19 MR. FLEMING: I, I think, as you're  
20 hearing, none of us have any objection to it. But  
21 what we're going to do is, I mean, I'm going to  
22 ask if there's any members of the public -- the  
23 room is empty, so there's no one present.

24 MR. KEHOE: Her architect, your

1 July 20, 2023

2 architect is on the Zoom call. He's been  
3 listening, in case there are any technical  
4 questions, but I don't think there are, so.

5 MR. FLEMING: I don't think we have any  
6 technical questions. If there's anything you want  
7 to add, you're welcome to do so, sir or ma'am.

8 MR. WALSH: No, nothing to add.

9 MR. KEHOE: Nothing to add.

10 MR. FLEMING: Nothing to add, Okay. All  
11 right. So that's fine. So what we'll do is we're  
12 going to adjourn this until the August 17, 2023  
13 meeting. What we'll do at that time is open it up  
14 for public comment. If there is no public  
15 comment, we'll immediately close it and take a  
16 vote. So, I'm sorry, you, you do have to wait  
17 until next month.

18 MS. BENOIST: That's alright.

19 MR. FLEMING: But that's --

20 MS. BENOIST: Our, all of our  
21 inspections have been passed, so this is the only  
22 thing.

23 MR. KEHOE: Yeah, so, we didn't mention  
24 it with the other ones. There are no more

1 July 20, 2023

2 mailings or anything required. I just have to get  
3 it in the newspaper. So you already did the  
4 mailings. You have no more responsibilities. I'll  
5 just get it in the paper.

6 MR. FLEMING: Yeah.

7 MS. BENOIST: Okay. All right.

8 MR. FLEMING: Thank you.

9 MS. BENOIST: All right, sounds good.

10 Thank you. Have a good night.

11 MR. CHIN: Have a nice night.

12 MR. FLEMING: All right. Is there  
13 anything else? Can I have a motion?

14 MR. CHIN: I make a motion to close the  
15 hearing.

16 MR. FRANCO: Second.

17 MR. FLEMING: All in favor?

18 MULTIPLE: Aye.

19 MR. FLEMING: All opposed? None. So  
20 moved.

21 (The public board meeting concluded at  
22 7:26 p.m.)

23

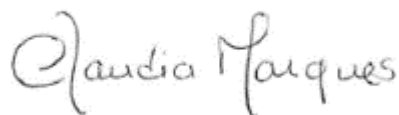
24



CERTIFICATE OF ACCURACY

I, Claudia Marques, certify that the foregoing transcript of the Zoning Board of Appeals meeting of the Town of Cortlandt on July 20, 2023 was prepared using the required transcription equipment and is a true and accurate record of the proceedings.

Certified By

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

Date: August 22, 2023

GENEVAWORLDWIDE, INC

256 West 38th Street - 10th Floor

New York, NY 10018