

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

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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?

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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

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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

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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

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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

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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

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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.

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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

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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.

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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



Date: January 9, 2024

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