

TOWN OF CORTLANDT
PLANNING AND ZONING BOARDS

ZONING BOARD MEETING

1 Heady Street
Cortlandt Manor, New York 10567

September 28, 2023

7:00 p.m. - 7:15 p.m.

September 28, 2023

MEMBERS PRESENT:

Michael Fleming, Chairman

Wai Man Chin, Vice-Chairman

Chris Beloff, Member

Frank Franco, Member

Michelle Piccolo Hill, Member

Benito Martinez, Member

ALSO PRESENT:

Chris Kehoe, AICP, Director of Planning

Michael Cunningham, Deputy Town Attorney

1 September 28, 2023

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

3 MR. MICHAEL FLEMING: All right, I would
4 like to call to order the meeting of the town of
5 Cortlandt's Zoning Board of Appeals meeting for
6 today, Wednesday (SIC), September 28, 2023. I'd
7 like to start the meeting by inviting everyone to
8 join me doing the Pledge of Allegiance.

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

14 MR. FLEMING: Oh, I'm sorry, it is
15 Thursday, September 28th, I apparently said
16 Wednesday. I'm sorry about that. All right, roll
17 call?

18 MR. CHRIS KEHOE: Ms. Piccolo Hill?

19 MS. PICCOLO HILL: Here.

20 MR. KEHOE: Mr. Martinez.

21 MR. BENITO MARTINEZ: Here.

22 MR. KEHOE: Mr. Fleming?

23 MR. FLEMING: Here.

24 MR. KEHOE: Mr. Chin?

1 September 28, 2023

2 MR. WAI MAN CHIN: Here.

3 MR. KEHOE: Mr. Beloff?

4 MR. CHRIS BELOFF: Here.

5 MR. KEHOE: Oh the Zoom, Mr. Franco?

6 MR. FRANK FRANCO: Here.

7 MR. KEHOE: Noted as absent, Mr. Walsh.

8 MR. FLEMING: Okay. For old -- sorry,
9 first, has everyone had an opportunity to review
10 the minutes that were provided from the August
11 17th meeting?

12 MR. CHIN: I make the motion to adopt
13 the minutes of the meeting of August.

14 MR. FLEMING: I need a second.

15 MR. MARTINEZ: Second.

16 MR. FLEMING: All in favor?

17 MULTIPLE: Aye.

18 MR. FLEMING: Any opposed? Alright. That
19 was opposition -- that was Frank, that was in
20 favor of it, right?

21 MR. FRANCO: Yeah, that was aye.

22 MR. FLEMING: Alright, no opposition,
23 then. So the meetings are -- the minutes for the
24 August 17th meeting are approved. We have an

1 September 28, 2023

2 adjourned public hearing, which is listed number
3 five on the session. Is there anyone here for the
4 2023-4 application of David Fornelos?

5 UNIDENTIFIED FEMALE: Are your mics on?
6 Nobody can hear back here.

7 MR. FLEMING: Can you hear me?

8 UNIDENTIFIED FEMALE: Not really.

9 MR. FLEMING: Can you check and see if
10 there's a problem with the mics?

11 MR. MARTINEZ: One, two, three, can you
12 hear me?

13 UNIDENTIFIED FEMALE: I hear you.

14 MR. KEHOE: Yeah, that's one, just
15 directly, loudly.

16 MR. FLEMING: Okay. Again, so we have a
17 -- oh, that's much better. So the application of
18 David Fornelos, is there anyone here for the
19 application of David Fornelos? Alright, Mr.
20 Fornelos hired an attorney who wrote to us,
21 asking for an adjournment so he could consider
22 his client's case. In light of that request, I'm
23 going to ask that there's a motion to adjourn
24 that.

1 September 28, 2023

2 MR. CHIN: I make a motion to adjourn
3 David, David Fornelos case --

4 MR. FLEMING: It's case number 2023-4.

5 MR. CHIN: Okay, yeah.

6 MR. MARTINEZ: Second it.

7 MR. CHIN: What was that, case number,
8 oh, okay, case number 2023-4 to the October
9 meeting.

10 MR. FLEMING: It's October 19th is the
11 scheduled meeting.

12 MR. CHIN: October 19th meeting.

13 MR. MARTINEZ: Second.

14 MR. FLEMING: All in favor?

15 MULTIPLE: Aye.

16 MR. FLEMING: Any opposed? Alright, the,
17 the case number 2023-4 will be adjourned the, the
18 October 19th meeting. For new business, we have -
19 - and old business, I'm going to hear the new
20 business first, and this is the application of
21 Neepa Biswas for an area variance, I believe this
22 is your case, do you want to present.

23 MR. CHIN: Yes. I want, actually I
24 reviewed the case, I looked over the things, I

1 September 28, 2023

2 actually went site visit. I believe that Mr., Mr.

3 --

4 MR. FLEMING: Das?

5 MR. CHIN: -- Das is here to represent
6 his wife. And you're here for what?

7 MR. KOUSHIK DAS: Yeah, should I talk
8 now?

9 MR. CHIN: Yes.

10 MR. DAS: Okay. So, so first of all,
11 good evening, everyone and thanks for considering
12 our case. Yeah, my wife could not be here today
13 because our older son back to school in
14 [unintelligible] [00:03:39]. So yeah, this is for
15 the proposed, you know, the cover, from existing
16 uncovered porch. We, we have been living in this
17 house for 17 years now, and what is there is our
18 front door, it does not have a cover in front of
19 it. And what happens is, you know, a lot of the
20 neighborhood kids, including my own kids, when
21 they play, in the rain, in the snow, it, it is
22 very inconvenient. And, also, in the winter, or
23 the rainy season, when you open the front door,
24 it, the rain comes. So that's why we want to put

1 September 28, 2023

2 a cover in front of -- in front of the front
3 door, and that's what this application is for.

4 But unfortunately, because the, the,
5 it's not a rectangular plot, the plot is, you
6 know, it's an irregular quadrant shape, so
7 because of that, the proposed cover would cause a
8 minor variance, I think it's 3.4 feet. So I'm
9 requesting all of you to approve that. So in
10 support of our application, I think all of you
11 have seen, we have gotten letters from all of our
12 neighbors. And it's a very friendly neighborhood,
13 none of them have any objection. I am sure you
14 have seen, seen the letters from that.

15 And then some of the questions, I will
16 just go through if, if I may. So the first
17 question was whether an undesirable change would
18 be produced in the character of the neighborhood
19 or if a detriment to the nearby properties
20 [unintelligible] [00:05:07]. So we believe that
21 it is not expected to cause any undesirable
22 change to the character of the neighborhood. And
23 in fact, the letters of support from our
24 neighbors also say the same thing, that it will

1 September 28, 2023

2 all be fine.

3 The second question was whether the
4 benefits sought by the applicant can be achieved
5 by some -- by some other feasible for the
6 applicant to pursue other than the area variance.
7 Unfortunately, just because of the shape of the
8 land, and because we, the cover of the roof --
9 the, in the front roof, there's no other way that
10 we can do this, other than the one that we are
11 requesting.

12 Whether -- the third question is whether
13 the requested variance is substantial. So it's
14 3.4 feet, under four feet so, we believe that the
15 requested variance is, is pretty minor.

16 The fourth question is whether the
17 proposed variance will have an adverse effect or
18 impact on the physical or environmental
19 conditions in the neighborhood or district.
20 Again, we believe that it will not cause any, any
21 adverse impact on the neighborhood. And again, as
22 the letters from the neighbors say, like, you
23 know, they agree with us as well. It, they do not
24 agree -- they don't feel that it will cause any

1 September 28, 2023

2 adverse impact.

3 And the last question was whether the
4 alleged difficulty was self created. I mean, in a
5 way, it's self created, because we want to
6 construct the cover. But, but in a way also,
7 there's no way around it, because, you know, we,
8 we do want the cover and the home was
9 constructed, this is like a 1950s home and --

10 MR. FLEMING: You should know that last,
11 that last question which we consider is almost
12 always self created, because the person is coming
13 for a variance, it's virtually impossible for it
14 not to be. There are some cases where it could be
15 though. We definitely understand, you know, what
16 your position is, and each of the members of the
17 board understand that you're asking for it for a
18 reason. So, although it's self created, that
19 factor will be considered with all the others as
20 well.

21 MR. DAS: Okay. Got it, sure, sure.

22 MR. FLEMINGS: Does anybody on the board
23 have any specific questions?

24 MR. CHIN: Yeah, I agree with Mr. Das

1 September 28, 2023

2 on, on the five factors, basically on the front
3 is it -- I traveled around the area, and it
4 really does not affect anybody. I think the
5 nearest house is like next door may be about 50
6 feet away, or across the street may be 100 feet
7 away, and so forth, and everybody's a little bit
8 different, but they do have covers on their front
9 porches, or let's say front entrance. Okay,
10 that's number one.

11 Number two, can it be achieved any other
12 way? No, because you want to cover your front
13 porch, I mean your front entranceway. Number
14 three is a small variance, I don't see anything
15 about that. Number four, does it impact anybody
16 in the neighborhood, I don't believe it does.
17 Okay, number five, as you say, most variances are
18 self created, because that's the way it works.

19 MR. DAS: And thanks for visiting, I
20 know you visited, I think two days back, so I
21 appreciate you visiting the neighborhood. I know
22 we chatted when you --

23 MR. CHIN: Like I say, it also, based on
24 what you're asking for, your front door is right

1 September 28, 2023

2 there, okay, basically. As soon as you walk out
3 the door, if it has bad weather, you're going to
4 be rained on, snowed on and everything else. So
5 that you want to do is built something that just
6 covers the front entrance a little bit by about
7 three and a half feet.

8 MR. DAS: Yeah.

9 MR. CHIN: Give or take, just to cover
10 the entrance so that you won't put a key in the
11 door, somebody comes to visit you, they can stay
12 out of the rain, out of the snow, whatever, at
13 least they're covered. And it's a small variance
14 and I don't see any problem with that.

15 MR. DAS: Thank you very much, thank
16 you.

17 MR. FLEMING: I'll say, I also drove
18 past your property. I drive past your property
19 quite a bit, because when there's traffic on
20 Route 6, your block is one of the cut-throughs to
21 avoid --

22 MR. DAS: That's right.

23 MR. FLEMING: -- traffic on Route 6, so
24 I have driven past your property several times.

1 September 28, 2023

2 But I did drive -- drove past it this week and
3 looked at it as well. I mirror the board members'
4 comments. I think all five of the factors are
5 well satisfied here. Anyone else have any
6 comments?

7 MR. MARTINEZ: I just love the fact that
8 you went over the five factors and I think I have
9 no problem with it.

10 MR. FLEMING: Yeah, thank you for that.

11 MS. PICCOLO HILL: Yeah, I appreciate
12 that too.

13 MR. DAS: Thank you.

14 MR. FLEMING: Alright, so then we need a
15 motion.

16 MR. CHIN: Anybody in the audience?

17 MR. FLEMING: Oh, that's right.

18 MR. CHIN: No? Okay.

19 MR. KEHOE: I --

20 MR. CHIN: I'm going to make a motion on
21 --

22 MR. KEHOE: Just, just for the record,
23 someone commented on the Zoom in support of the
24 application.

1 September 28, 2023

2 MR. FLEMING: Okay. Hang on one second.
3 We do have a support, 29 Laurie Road also
4 supports our neighbor. We have homes in different
5 shapes and different styles, some with front
6 porches as well. Thank you for that, Caroline.

7 MR. CHIN: That's from Caroline
8 [unintelligible] [00:09:37]. Thank you.

9 MR. FLEMING: Alright, I'm going to ask
10 for a vote, but I'm going to have Mr. Kehoe poll
11 the panel once we get a motion.

12 MR. KEHOE: You need --

13 MR. CHIN: Well, I'm going to make a
14 motion first, alright.

15 MR. KEHOE: Yeah.

16 MR. CHIN: I'm going to make a motion on
17 case 2023-13 to grant the, the variance from 40
18 feet down to 36.4 feet. It's 8.5 percent. It's
19 type two under SEQOR, no further compliance is
20 required.

21 MR. FLEMING: Second?

22 MR. MARTINEZ: I'll second the motion.

23 MR. FLEMING: Okay. I'm going to poll
24 the --

1 September 28, 2023

2 MR. KEHOE: Okay. So given the fact that
3 we have Mr. Franco on Zoom, I'm going to poll the
4 board. So Ms. Piccolo Hill?

5 MS. PICCOLO HILL: I approve?

6 MR. KEHOE: Mr. Martinez?

7 MR. MARTINEZ: Approve.

8 MR. KEHOE: Mr. Chin.

9 MR. CHIN: Approve.

10 MR. KEHOE: Mr. Beloff?

11 MR. BELOFF: Approve.

12 MR. KEHOE: Mr. Franco?

13 MR. FRANCO: Approve.

14 MR. KEHOE: Mr. Fleming?

15 MR. FLEMING: There's five votes, I
16 don't have --

17 MR. KEHOE: Okay. So the motion carries
18 unanimously.

19 MR. CHIN: Okay.

20 MR. KEHOE: So, just for the record, I
21 have to put this together in what's called the
22 decision and order, and I will mail it to you and
23 I will give a copy to Martin Rogers in the
24 building department and once he has that, you can

1 September 28, 2023

2 continue on with getting your building permit.

3 MR. DAS: Okay. And what is roughly the
4 timeframe?

5 MR. KEHOE: You'll be getting this
6 probably, I have to do it, the chairman has to
7 review it and sign it. It'll probably come on
8 Monday or Tuesday.

9 MR. DAS: Okay.

10 MR. CHIN: I think three or four days or
11 something like that before you get that, the
12 variance.

13 MR. DAS: Perfect. Thank you all very
14 much, have a great evening.

15 MR. FLEMING: Thank you.

16 MR. CHIN: You too.

17 MR. MARTINEZ: You too, bye.

18 MR. FLEMING: Alright, and now, on old
19 business, case number 2023-1, the application of
20 Bilal Ahmad for the property of Ace Sports Realty
21 Holding Corp., for several area variances for a
22 proposed hotel at 2054 East Main Street in
23 Cortlandt Boulevard, I'm going to stop you for a
24 second. This case was before the planning board,

1 September 28, 2023

2 before the zoning board in February and March. At
3 that point, we closed public hearing and sent the
4 matter for a SEQR to the planning board. The
5 planning board had a public hearing and made that
6 decision and now the matter is back before us for
7 a vote. At this time, we don't need to take any
8 more -- we don't need to take any more
9 information from, from the applicant, and we're
10 just, we're just scheduled for a vote at this
11 time. Mr. Kehoe, do you want to take the same
12 steps you just did to poll the, the board members
13 for a vote? And we just need a motion, sorry.

14 MR. MICHAEL CUNNINGHAM: Motion, second,
15 right.

16 MR. FLEMING: I need a motion. So there
17 are five variances.

18 MR. KEHOE: Oh, but, but, also, you may
19 want to mention for the record, do you want to
20 mention about Ms. Piccolo Hill?

21 MR. FLEMING: Oh, Ms. Piccolo Hill,
22 you're -- you, you weren't on the board when this
23 came before us.

24 MS. PICCOLO HILL: Right.

1 September 28, 2023

2 MR. FLEMING: So you were --

3 MS. PICCOLO HILL: So I'm going to
4 abstain.

5 MR. FLEMING: You're going to abstain.
6 That's fine. Alright, so hang on one second.
7 There are five area variances before us. There is
8 a setback -- I'm sorry, side yard area variance
9 requested which, which fronts along the Bear
10 Mountain Parkway of six feet. There's also a rear
11 setback, which fronts Jacobs Road of 30 feet.
12 There is a height variance for 55 feet. There is
13 a parking lot landscaping variance for 2.5
14 percent and a parking space variance for seven
15 spaces more. The proposed was for --

16 MR. BELOFF: 93.

17 MR. FLEMING: -- 93, which is a seven, a
18 seven space variance. Alright. We need a motion.

19 MR. CHIN: Alright. I'm going to make a
20 motion on case 2023-1 to grant the variances as
21 indicated.

22 MR. FLEMING: Do I have a second?

23 MR. MARTINEZ: Second.

24 MR. FLEMING: Alright, can you poll the

1 September 28, 2023

2 board?

3 MR. KEHOE: Mr. Martinez?

4 MR. MARTINEZ: Approve.

5 MR. KEHOE: Mr. Franco?

6 MR. FRANCO: Approve.

7 MR. KEHOE: Mr. Chin?

8 MR. CHIN: Approve.

9 MR. KEHOE: Mr. Beloff?

10 MR. BELOFF: Approve.

11 MR. KEHOE: Mr. Fleming?

12 MR. FLEMING: Alright, that's four, so I
13 don't need to vote. Alright, so that, that, those
14 five variances have been approved. Again, you
15 will receive in the mail sometime in the next
16 week, but you can follow up with the planning
17 department, I think will probably have it done by
18 Monday or Tuesday.

19 MR. KEHOE: Yeah, so this -- this will
20 be put in the form of a decision and order that
21 will be mailed to the applicant.

22 MR. FLEMING: Okay.

23 UNIDENTIFIED MALE: Thank you. Thank you
24 very much and effort in going through this. I

1 September 28, 2023

2 know it's been a long time and we do appreciate
3 it.

4 MR. FLEMING: Okay. Motion to adjourn
5 the meeting.

6 MR. CHIN: I make a motion to adjourn
7 the meeting.

8 MR. FLEMING: All in favor?

9 MULTIPLE: Aye.

10 MR. FLEMING: The meeting is adjourned.
11 Frank, thank you for participating. I hope you're
12 feeling better, you look great.

13 MR. FRANCO: Thank you, yeah, the camera
14 does wonders.

15 MR. FLEMING: I'll talk to you soon.

16 (The public board meeting concluded at 7:15 p.m.)

CERTIFICATE OF ACCURACY

I, Ryan Manaloto, certify that the foregoing transcript of the zoning board meeting of the Town of Cortlandt on September 28, 2023 was prepared using the required transcription equipment and is a true and accurate record of the proceedings.

Certified By



Date: October 12, 2023

GENEVAWORLDWIDE, INC
228 Park Ave S - PMB27669
New York NY 10003