

THE REGULAR MEETING of the ZONING BOARD OF APPEALS of the Town of Cortlandt was conducted at the Town Hall, 1 Heady St., Cortlandt Manor, NY on *Wednesday, April 20<sup>th</sup>, 2016*. The meeting was called to order, and began with the Pledge of Allegiance.

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

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

Also Present

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

Mr. David Douglas stated and I hope they're both feeling better soon.

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**ADOPTION OF MEETING MINUTES FOR MAR. 16, 2016**

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

Mr. David Douglas stated the minutes are adopted.

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**ADJOURNED PUBLIC HEARING TO MAY 18.:**

- A. CASE NO. 2015-23                      Acadia Cortlandt Crossing, LLC** for Area Variances for the Minimum Buffer Requirement along a residential district boundary and the Minimum Landscape Coverage requirement, and a Variance from the required number of parking spaces on property located at **3144 E Main St. (Cortlandt Boulevard), Mohegan Lake, NY.**

Mr. David Douglas stated we'll hear that next month.

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**ADJOURNED PUBLIC HEARING:**

- A. CASE NO. 2015-20 Emily Fehlbaum** for an Area Variance for an Accessory Structure, a 12' x 24' garage, in the front yard on property located at **100 Laurel Rd., Croton-on-Hudson.**

Mr. Ky Felbaum stated I'm not Emily. Good evening Mr. Chairman, lady and gentlemen of the board. My name is Ky Felbaum. I'm Emily's husband. [Inaudible 1:37] here. I've never been to a board meeting before so I'm not exactly sure how this works but I'm a Captain in the Army. I teach French at West Point. Glad to be here. I live at 100 Laurel Hill Road there in Croton-on-Hudson and I apologize for my disheveled appearance and I may be coughing. I had to come straight from work and my last duty was our physical fitness test. I ran a bunch of miles along the Hudson.

Mr. John Mattis asked did you pass?

Mr. David Douglas stated you ran from West Point to here?

Mr. Ky Felbaum stated that's the new Army fitness test around from West Point to...

Mr. John Mattis stated to the Zoning Board.

Mr. Wai Man Chin stated I remember those days.

Mr. Ky Felbaum stated here in the packets that you have before you, you'll see a proposed sketch of the garage on a recent site survey of our property as well as the estimate of the garage itself and a four-page document – the page of interest is actually page 3 and it is the demarcation of the septic tank and leech pit which is on the far side of the property from where we would propose to build the garage. It's 14' x 40 foot garage, or excuse me, 14 feet high, two-car tandem garage.

Mr. David Douglas stated this is Mr. Heady's case but he's not here. Does somebody want to take the lead?

Mr. Wai Man Chin responded I'll take it. The only question I'd like to ask is that you haven't marked this 25 feet from a line but that's not the property line.

Mr. Ky Felbaum responded that's right. When I was doing my sketch I was not briefed on what

the distance was that was the important distance but that will be 17 ½ feet from the...

Mr. John Mattis asked property line?

Mr. Ky Felbaum responded from the property line.

Mr. Raymond Reber asked any reason why it can't be 25?

Mr. Ky Felbaum responded there's a grove of trees that covers about 15ish feet from the edge of the road and it would just situate nicely on the property and provide some esthetic benefit to have that just a few feet from that grove of trees.

Mr. Raymond Reber stated the other you've done is you've enlarged the request. Originally it was a 12' x 24' and now you've gone to...

Mr. Ky Felbaum stated yes sir. That is correct. I am the primary automotively-focused person in the Felbaum household and Emily originally submitted the request before she had really discussed with me what, you know, my garage desires would be and we have two cars. Our daily driver cars I'd really like to put in the garage, tandem fashion and so, in order to do that we do have a bit of a longer structure.

Mr. Raymond Reber stated it's a little non-typical. Typical is the 12' x 24' side-by-side cars that's why we were curious when you went to the tandem. That's usually when somebody's got a convertible sports car that he only takes out occasionally or something like that.

Mr. Ky Felbaum stated it's not a convertible, it's a hard-top sports car but I actually due to the unfortunate untimely passing of my father-in-law inherited a convertible '72 Triumph TR6 and that's going to be its primary home. Right now it's in storage all the way up in New Windsor so I haven't been able to care for it as I would like and that is the, in fact, the primary motivation for the garage. As far as it being tandem, the lot is rather oddly shaped and so the front yard, I think, is suited a little bit better for a tandem garage if you do want to store two cars because side-by-side, the building would stick way out into the front part of the yard where we like to play ball or whatever so...

Mr. Raymond Reber asked have you staked this out and marked it?

Mr. Ky Felbaum responded I have not.

Mr. Raymond Reber stated because if you do that, personally, I'd probably like to go by and just take a look and see how it sits on the property.

Mr. Ky Felbaum responded can do.

Mr. Wai Man Chin stated with indicating that 17 foot 6 inches to the nearest corner of the

garage, which I guess is the front of the garage...

Mr. Ky Felbaum stated by the front left corner.

Mr. Wai Man Chin asked can you do that for our next meeting? You're not in a rush to put this up right away but we want to be able to make sure that what we're looking at is suitable for the area and so forth.

Mr. Ky Felbaum responded can do.

Mr. Raymond Reber stated one of the problems we always have to consider is if we're going to give these Variances, particularly since you're on a corner and you're approaching both roads is: what's the unique and exceptional reason why we would do this, otherwise every other neighbor that goes by "ah see, you can put it wherever you want in the yard" and then all the way down the street we've got people wanting garages in their front lawn or something. That's why we're a little nervous when we talk about making these changes.

Mr. Wai Man Chin asked anybody in the audience would like to speak on this case? We should make a site visit?

Mr. David Douglas stated you'll stake – do we need a formal site visit or if he stakes out you can just individually – you prefer an actual site visit or just stake it so we can see it?

Mr. John Mattis stated I live in that area. I can just drive by it.

Mr. Raymond Reber stated once we know the stakes are there...

Mr. John Mattis asked how long would it take you to get it staked out?

Mr. Ky Felbaum responded I can do it this weekend sir.

Mr. John Mattis stated oh ok.

Mr. Raymond Reber stated so anytime next week or thereafter I guess we can go take a look.

Mr. John Mattis stated that would be great.

Mr. Wai Man Chin stated so we don't really have to make a site visit, we just go by and take a look at the stakes, four corners or something like that, maybe take some yellow caution – just go like that, square it out or angle it out and that way we have an idea.

Mr. Ky Felbaum stated will do sir.

Mr. David Douglas stated if you do that in the next week we'll just individually – sometimes we

have formal site visits where we set up a time and we give the property owner and we go through it but in this case, if you do that in the next week we'll just come by and see what it looks like.

Mr. Ky Felbaum stated sounds like a plan.

Mr. Wai Man Chin asked Captain huh?

Mr. Ky Felbaum responded yes.

Mr. Wai Man Chin stated we call you sir.

Mr. David Douglas stated I didn't notice that. Thanks for picking up on that.

Mr. Wai Man Chin stated I'm going to make a motion on this case 2015-20 to adjourn to the next meeting for a staking of the garage site so the board members can take a look at it.

Seconded with all in favor saying "aye."

Mr. Ky Felbaum asked if I might ask one last question? I'm going to the field in May so I may not be able to attend and Emily is a pastry chef and manager at Blue Hill and Stone Barns and so she works in the evenings all week. My training though doesn't start until the 18<sup>th</sup> of May...

Mr. Wai Man Chin stated well next meeting is May 18<sup>th</sup>.

Mr. David Douglas stated it's the day of the meeting.

Mr. John Mattis stated they're always the third Wednesday.

Mr. David Douglas asked you'll be back in June or...

Mr. Ky Felbaum stated yes, I'll get with...

Mr. Wai Man Chin stated you can always send somebody, a relative or somebody. Anybody could come.

Mr. Raymond Reber stated you could have a representative.

Mr. John Mattis stated if you have something signed from you that says they can represent you -- because I think you'll get an indication from Ken.

Mr. Ky Felbaum stated I will work on trying to be here. The Felbaum clan is two only, here in the North East but I'll work with Ken and hopefully be able to work something out.

Mr. Raymond Reber stated we have a work session on the 16<sup>th</sup> if you're still around you can

come on the 16<sup>th</sup> then and we can discuss issues.

Mr. Ky Felbaum stated that would be perfect.

Mr. John Mattis stated yeah we can informally work it all out then.

Mr. Ky Felbaum stated that would be perfect thank you.

Mr. David Douglas stated so on the 16<sup>th</sup> you'll come and we'll talk it through with you and then we'll tell you if there are any other issues or work it out and then you don't have to be here.

Mr. Wai Man Chin stated the 16<sup>th</sup> is not in this room – down the hall.

Mr. Raymond Reber stated down the hall by the Supervisor's office.

Mr. Ky Felbaum stated I will recon the site in advance and see you all on the 16<sup>th</sup>.

Mr. Wai Man Chin stated thank you sir.

Ms. Adrian Hunte stated good luck to you.

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**NEW PUBLIC HEARINGS:**

- A. CASE NO. 2016-05 Sunrise Solar Solutions LLC on behalf of Luis Lopez** for an Interpretation of whether the installation of a solar energy system on a pre-existing, non-conforming structure is an expansion of the non-conforming use on property located at **69 Briar Lane, Crompond, NY.**

Mr. Lee Streisfield-Leitner stated representing Sunrise Solutions.

Mr. David Douglas stated tell us what you're seeking.

Mr. Lee Streisfield-Leitner stated we're seeking an Interpretation of law about the expansion of a non-conforming structure. I did want to mention, first of all that I have served on the Solar taskforce for the Town of Cortlandt under Seth Freach. I'm also that my principal Dough Hertz for Sunrise Solar serves on the Planning Board of Mount Kisco has been for over a decade including some time as Chair. We're very familiar with the issue. Our opinion in this case is that nothing that we are doing is expanding the use of that non-conforming structure. We, in the solar industry, our job is to find the most appropriate roof for the solar panels and use them. The

fact that it's on this particular area of roof is really somewhat immaterial to what we do and the power that we are providing is being fed into the overall home's electrical system. All we are doing is providing savings on electricity for the home, totally. The fact that it's on the non-conforming area is not really relevant to what we're doing and again, we're not expanding the use of that part of the house nor are we facilitating the expansion of that use. That's what we have to say about it.

Mr. David Douglas stated Mr. Reber this is you.

Mr. Raymond Reber stated this is my case. One of the problems we have, of course, is that the Town has not yet gotten to the point of addressing the issue of solar panels and its installation and we're waiting for them to give us some guidelines which we've been asking for. However, and we know that they have been proposing and promoting the idea of solar panels so...

Mr. Lee Streisfield-Leitner stated yes, we were one of the selected vendors for the [Solarize 11:04] program and we know that the Town has stated goals as New York State.

Mr. John Mattis stated [inaudible 11:10] when they were recruiting to be...

Mr. Raymond Reber stated given that, you would have thought they would put a little time upfront and talk about how we would go about it so it's up to us to kind of do a little interpreting. That's what you're asking for right here.

Mr. Lee Streisfield-Leitner stated I would mention that I don't think anybody had planned for it to be installed in any kind of general sense on non-conforming structures and nor was it our plan – we didn't learn of this issue until after we had been in contract with the customer.

Mr. Raymond Reber stated we've been having problems with conforming structures where there's no guidelines but we're dealing with it. The issue here why this is non-conforming is that there is a prior to zoning three-family house with a one-family cottage on the property. None of our codes approve that nowadays, that type of facility, so that's the issue of why this is non-conforming. We did discuss it Monday night. I believe the consensus, but obviously my colleagues can add or detract from what I summarize but our feeling is similar to what you expressed. If the panels are being placed on a roof, they're not interfering in any way with the yard, with accessory structures, fundamentally they're not changing anything. It's like putting shingles on a roof. These are just big shingles and they're a few inches off the roof. The general feeling is since we all think going solar is a good idea, the Town certainly wants to promote it. It seems to us that why would we not assume that this is acceptable. As you state, it doesn't change the living conditions. It doesn't expand the facility. It doesn't really impact to a greater sense on the neighborhood or the property so as long as it's on a roof. It's different if – now if you came in and said "hey we want to put a solar array in the yard" that's a totally different subject.

Mr. Lee Streisfield-Leitner responded yes, I understand.

Mr. Raymond Reber stated once it's on a roof, I think the consensus is it's not an expansion of use and I leave it to my colleagues to add their comments.

Ms. Adrian Hunte stated I concur.

Mr. Wai Man Chin stated I agree.

Mr. John Mattis stated I agree also.

Mr. David Douglas stated so do I.

Mr. Raymond Reber stated so with that; do we have any input from the audience? They seemed satisfied so I guess we can move forward then. On case #2016-05, application by Sunrise Solar Solutions for an Interpretation as to whether installation of solar systems on the roof of a pre-existing non-conforming structure is an expansion, I close the public hearing.

Seconded with all in favor saying "aye."

Mr. David Douglas stated public hearing is closed.

Mr. Raymond Reber stated on this case #2016-05 the specific wording for the Interpretation of whether an installation of a solar system on a pre-existing non-conforming structure, and the key here is 'on', is not an expansion of the non-conforming use. This is a SEQRA Type II, no further compliance required.

Seconded with all in favor saying "aye."

Mr. David Douglas stated that's our Interpretation.

Mr. Lee Streisfield-Leitner stated thank you very much.

Mr. David Douglas asked does he need any approvals or any paperwork from you Ken?

Mr. Ken Hoch responded no, we'll just process the application.

**B. CASE NO. 2016-06 J & R Nails Spa for an Area Variance for the size of a business wall sign on property located at 3571 E Main St., Mohegan Lake, NY.**

Mr. Cheung Lam stated I'm from J & R Nails. We want to change the sign.

Ms. Adrian Hunte stated this is my case. Members of the board here usually have some issues



with signage, however, when we have a development such as the Cortlandt Town Center where there are issues of visibility from the roads and also the size of the signs on the other neighboring edifices, it appears as though this particular signage would not be any larger than what is next door with Five Guys and your existing signage is smaller than what's next door on both sides, including Marshall's. I don't think we have a problem with your particular signage. At least I don't. Hear from my board members.

Mr. John Mattis stated no. I concur.

Mr. David Douglas stated I agree. I'm usually one of the people that is opposed to signs but it seems only fair that if Five Guys is right next to you and you want it to be the same size as Five Guys, that sounds perfectly right to me.

Mr. Wai Man Chin stated looking at the signage on the prints that we have over here when it was Beach Nails II, it looked so awkward compared to Five Guys. It makes it more uniform totally throughout the whole area. I agree. No problem.

Mr. Lam stated [inaudible 16:19] a new one from a different owner.

Mr. Wai Man Chin stated the new sign 'J & R Nail Spa' will at least look similar to the rest of the signs across, next door and so forth, instead of being that small, little one that's there now, just the Beach Nail.

Ms. Adrian Hunte asked will the J & R itself be illuminated?

Mr. Wai Man Chin asked it has lights?

Mr. Lam responded yes, I think we have lights.

Ms. Adrian Hunte asked anyone else on the board? Anyone else in the audience wish to comment? Hearing none, on case #2016-06 for J & R Nails Spa is the lessee, the Cortlandt Town Center 3157 E Main Street, Mohegan Lake, 10547 for an Area Variance for the size of a business wall sign from an allowed 20 square feet up to 39.6 square feet I make a motion that we first close the public hearing.

Seconded with all in favor saying "aye."

Ms. Adrian Hunte stated on case #2016-06 I make a motion that we grant the Variance for the size of the wall sign from 20 square feet up to 39.6 square feet. This is a SEQRA Type II action, no further compliance required.

Seconded with all in favor saying "aye."

Mr. Lam asked I can change tomorrow?

Mr. David Douglas responded let me ask Mr. Hoch.

Mr. Ken Hoch stated first we have to do some paperwork and then I have to issue the Permit so it would probably be early next week.

Mr. asked okay, so I will receive a permit and then...

Mr. Wai Man Chin stated you have to get a permit first and then before they put the sign up, Code Enforcement has to measure to make sure it's the same size and so forth. You don't just put up a sign and all of a sudden something's wrong.

Mr. Lam stated thank you.

Mr. David Douglas stated if you speak to Mr. Hoch, he'll explain.

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Mr. asked did you said that the Acadia thing was put off until May?

Mr. Wai Man Chin responded yes. Is that what you were here for?

Mr. responded yes.

Mr. David Douglas stated we'll see you in May.

Mr. asked when is it?

Mr. John Klarl responded 18.

**C. CASE NO. 2016-07 Joseph Flick for a Special Permit for an Accessory Apartment on property located at 18 Sunset Ave., Montrose, NY.**

Mr. John Lentini stated good evening Mr. Chairman, ladies and gentlemen of the board. I'm John Lentini, architect. Mr. Joseph Flick is here tonight appealing to the board to be able to get an existing accessory apartment approved. He purchased this home in 1971 with the expressed purpose of moving his in-laws into the apartment who lived for a certain amount of time, and then his son lived in the apartment for a certain amount of time. Recently, he wanted to rent the apartment and his realtor discovered that the town had no record of this ever being an apartment. So, I filed plans as being considered a two-family house by Code Enforcement because New York State Code apparently doesn't have any rules for accessory apartments. It's either a one-family or a two-family. In any event, the house has the Board of Health approval for only three bedrooms yet, they're effectively five bedrooms existing. We have proposed and the way the

house is being used by Mr. Flick and his wife, that two of the bedrooms upstairs would be decommissioned. In fact, they already are because they only use one bedroom and there's an office and a den and the two bedrooms downstairs he would like to maintain for now to increase the rentability of the apartment. The other issue is that we are exceeding the amount of square area allowed. I believe that this board is able to rule on that. I'm not certain if it would be considered a Variance. If it was considered a Variance I would venture to make certain cases involving his not being – he didn't create this situation, that he didn't by buying the house but he did by being in front of you. The financial hardship is pretty obvious that he would have to do construction work to alter this into anything else or put expanded septic system in. Although his lot is three times what is required for that zone, the cost of putting a septic system would be prohibitive. As far as what this would look like, it wouldn't change the appearance of anything in the neighborhood because it's existed, as it has since 1971, 50 years. I have affidavits from the realtor who sold him the house and the lady that's living in the neighborhood that I supplied Mr. Hoch with an email attesting to what I'm saying in terms of it being there for that long. It's your decision on where we can go from here.

Mr. David Douglas stated Mr. Mattis this is your case.

Mr. John Mattis stated yes. First of all this is a Special Permit so some of the things you stated refer to Variances. There is no Building Permit for this?

Mr. John Lentini responded there's a Building Permit required according to this.

Mr. John Mattis stated there's a Building Permit required. There's no CO for this? It's for the building but not for this apartment.

Mr. John Lentini stated the CO was issued after the apartment was issued. I have proof of that too but apparently, at the time, there wasn't a walk-through by the town. All COs just say 'one-family' house. It doesn't say how many bedrooms or whether there was an accessory apartment but he has a CO for what he wants.

Mr. Raymond Reber stated but they usually have on file some print or something – I know I put an addition on my house in the '70s and to get the Building Permit and all and get the CO they wanted the plans and they had them on file. There was nothing put on file?

Mr. John Lentini responded nothing. This skipped all the record keeping. It even skipped the tax department.

Mr. Raymond Reber stated I was going to say, what's in the tax department?

Mr. John Lentini responded one-family.

Mr. Raymond Reber asked so it doesn't exist then?

Mr. John Lentini responded yes, it doesn't exist. It's on a dead end street. Apparently, everybody went by it.

Mr. Raymond Reber stated I know where the house is. So we're supposed to rule on something that doesn't exist?

Mr. John Lentini responded I'm trying to create that existence by the merits of my drawings.

Mr. John Mattis stated and the affidavits just say an 'accessory apartment'. We have no idea what size, what it was like then, has it been taken out and put back in? There's no description so they don't really say very much. So we have to look at this as if it wasn't there, okay? You're only allowed three bedrooms. You're proposing two for the accessory apartment which is allowable as long as you only have one. It does raise a concern though with the family room and a den that still have closets and everything else because it's very difficult for the town to ever find out, and it's happened, that the day after you get the CO all of a sudden they become bedrooms again. Putting all of those things aside, we would look at this as if it's not there because legally it's not there, okay? And we have to look at that: would we approve it? Based on the fact that these are new plans for something that you would be building as an accessory apartment and you're requesting a 41% Variance. We've never gone as far as 20%. We've gone to 15 or 16% under some extenuating circumstances so this is way beyond what we've ever done and it would create a precedent that everybody would come in and say "you're giving 40% Variances. That's what we want." The intention of the town was to have a very small apartment relative to the size of the house and this flies in the face of that.

Mr. Raymond Reber stated even though there's nothing in the code that defines how the accessory apartment is to be divided, all accessory apartments that we've seen, because of the limited square footage which was intentional, usually has one bedroom because it's either for parents, as you say, to take care of them or for the children, come home and they have an apartment. The intent is to avoid getting families because you get families, now you have an issue with the school. You've got to file for the kids to be picked up and the town didn't want to get involved with that with accessories. Even though, like I said, there's nothing that says you can't have two bedrooms, it's kind of shied upon and so here, we look at it and say: wow you're 40% over, maybe that's why you got two bedrooms. If you didn't have the 40% you'd never have the room for the two bedrooms and we'd be conforming with what we thought the intent was. So, again, I think there's a reason why the square footage has been limited as it has and as Mr. Mattis says, we've never gone this far. The question is: is there anything that can be done here to cut down on that to be within the limitation or at least closer to the limitation to make this more conforming? The other issue of the number of bedrooms overall without the apartment, I mean that's really a Health Department issue but normally, again, what the town tries to do in those situations and what I know I've seen the town do with a couple of other places where there have been too many bedrooms to meet the Health Department is they've made them take out walls between two bedrooms to kind of destroy the two and make it one. They've insisted that the doors be opened up and widened where they can so that you don't have a normal bedroom door coming in. You remove closets so it's just an alcove. Again, that's not for us to decide per

se, we look the other way because it's not a zoning issue but that's typically what I've seen the town insist on now to say you can't just call it a den and leave the closets and the door and everything else there. But, from our point-of-view I think the key is the square footage. That's really the key is there's something that can be done to cut down on the square footage?

Mr. John Lentini responded there's a couple of ways of doing that. What I'd like to ask the board, I thought at one time the accessory apartment was allowed to be 50%. Has it always been 25%?

Mr. John Mattis responded 21 years on the board, it's been 25...

Mr. John Lentini stated the State Code requires that there's one living room and a dwelling unit would be considered a dwelling unit, I think it's 160 square feet and if you go look at all the other minimums, it would seem that a raised ranch would hardly ever be able to have anything more than a 300 square foot apartment.

Mr. John Mattis stated whether we agree or not we don't write the code, the Town Board does. You said one additional thing though to make it more attractive to rent. The purpose of these really is to not create two-bedroom rentals. The purpose is to accommodate aging parents, children so we can keep young people in the town that they can find something to live maybe with their parents but separately.

Mr. John Lentini stated notwithstanding the town's intention, which I understand, there are also kids that their marriage is failing and they come back...

Mr. Raymond Reber stated we agree. Renting is not against the law, I think we understand that but...

Mr. John Lentini stated the two bedrooms as they exist have closets between them and to make it one would be a lot of disruption. Today the definition of a bedroom is only privacy. It was closets in the back, years ago, the closets don't matter, it's privacy and then by removing the door people took advantage of that and after everybody left I've seen people with the hinge pins in their pocket waving goodbye...

Mr. Raymond Reber stated yeah right. That's why sometimes they say take out the frame.

Mr. John Lentini stated then they say to make it wider but the fact is you can make any combination of doors fit any – but I don't know if the state has a definition of what has to be called a bedroom which is just unfortunate.

Mr. John Mattis stated the three bedrooms is the issue with the Board of Health. That's really not our issue. The issue is the size, the size of the apartment.

Mr. Raymond Reber stated my general definition, particularly from the Health Department, is if

it's a privacy room that's big enough to hold a bed and a dresser or whatever, they say it's a bedroom.

Mr. John Lentini stated has an egress window and has smoke alarms. I've been asked to take smoke alarms out of rooms so they wouldn't be considered bedrooms.

Mr. Raymond Reber stated but the Health Department, they're getting tighter and tighter on that stuff because they understand.

Mr. John Lentini stated but that's the other problem that the Health Department now has initiated that it's not only bedrooms with accessory apartments, they add a flow rate of 25% which then absolutely requires that he would need a re-engineered septic system and while he might have, you see the lot is up on there, he owns practically everything you see between 10 o'clock and noon. That he has the room it's just cost-prohibitive [inaudible 20:52].

Mr. Raymond Reber stated but with the accessory apartment, normally we don't design things and Mr. Lentini we know you're very capable of figuring these things out but you've got the one bedroom that's next to the hall...

Mr. John Lentini stated that's what I was thinking of...

Mr. Raymond Reber stated what you can do is you put another wall up in there, you make the bedroom part with the closet small enough that you really can't put a bed in there, it becomes like a little office of something and then the other part you put a door and it's really part of the main – and you get rid of the square footage. Those are the kinds of things we usually expect in terms of looking at it to get more in conformance.

Mr. John Lentini responded right. The one thing I was going to suggest is that they – that room only goes into the hall and the doors in the apartment's closed. That would add to the habitable square footage of the whole house and would increase the allowability for the apartment but then still give you a room that could be printed out as an SRO.

Mr. David Douglas stated we didn't hear you say that though the video did.

Mr. Raymond Reber stated what we need are plans that conform and make sense and then what happens after that, good old Code Enforcement will take care of.

Ms. Adrian Hunte stated or if we could decrease the size within the 25%.

Mr. John Lentini stated I can do that by putting that area somewhere else that could be examined for being non-conforming and one of the way is to completely decommission the room and take the finishes off to return it to a completely unfinished state so it wouldn't possibly be considered a finished...

Mr. John Mattis stated it would not be able to be part of where the door goes into that apartment either. It would have to be totally separate.

Mr. John Lentini stated it would be a storage room for the whole house.

Mr. John Mattis stated part of the left side as we look at it, it would have to become part of that.

Mr. John Lentini stated I don't think there's a problem. I don't know if Mr. Flick would understand this and I'm going to consult with him after the meeting but I think I should ask for an adjournment.

Mr. David Douglas stated it sounds like there are different possibilities and ways to approach it and if you talk it over with Mr. Flick and come back next month.

Mr. John Lentini stated okay.

Mr. John Mattis asked does Mr. Flick want to say anything? He's the only one in the audience.

Mr. Joseph Flick stated I don't know what to say.

Mr. John Mattis stated you don't have to say anything.

Mr. David Douglas stated we're not forcing you to say anything. It's only if you want to.

Mr. John Mattis stated we're not forcing you. It's a courtesy that we ask anybody in the audience and you're the only one here.

Mr. Joseph Flick stated it's just that when we bought the house we bought it with the apartment downstairs. We had our in-laws and my wife's aunt also lived down there. Then after that my son had it when they passed away and then he passed away. We're just looking to try and stay in Westchester if we possibly can and this would be a great step forward. I had big expenses this past year with replacing the burner, replacing the roof. We had all kinds of problems with that so I had to refinance the house and now I've got a bigger mortgage. It's all like a snowball and that's why we're looking to rent. My wife doesn't even want to rent it but it's a matter of having the income to be able to survive there and stay in Westchester.

Mr. John Mattis stated well we know Mr. Lentini and he's a good architect and I think he can sit down with you and look at cost and alternatives and probably find a good solution for you.

Mr. Raymond Reber stated and to be honest, that is one of the conditions that the town looks to favor these accessory apartments because they realize that senior citizens get into a financial bind and having a little extra revenue helps. Our intent is not to not have it. We just want to hope that we can get it conforming. That's all.

Ms. Adrian Hunte stated and this is something with the Sustainable Master Plan that the town has just adopted looking at aging in place and changing the code to accommodate certain situations.

Mr. Joseph Flick stated thank you very much.

Mr. David Douglas stated see you next month then.

Mr. John Mattis stated on case #2016-07 I move that we adjourn the meeting to the May 18<sup>th</sup> meeting.

Seconded with all in favor saying "aye."

Mr. David Douglas stated that case is adjourned. It will be on for next month.

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### **ADJOURNMENT**

Mr. John Mattis stated being that there is no new business, no other business this month, I move that we adjourn the meeting.

Seconded with all in favor saying "aye."

Mr. David Douglas stated the meeting is adjourned.

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**NEXT MEETING DATE:  
WEDNESDAY, MAY 18, 2016**