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TOWN OF CORTLANDT zoning board of appeals

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

Town Supervisor Richard H. Becker, MD

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

You are invited to a Zoom webinar. When: Nov 16, 2023 07:00 PM Eastern Time (US and Canada) Topic: 2023 November 16 Zoning Board Meeting

 $\begin{array}{c} \mbox{Please click the link below to join the webinar:}\\ \mbox{https://us02web.zoom.us/j/88429863163?}\\ \mbox{pwd=Q2phU3AwK1d3WXNkL3JhQ3BwS1hkQT09}\\ \mbox{Passcode: 496881}\\ \mbox{Or One tap mobile :}\\ \mbox{+19292056099,}88429863163\#,,,,*496881\# US (New York)\\ \mbox{+16469313860,}88429863163\#,,,,*496881\# US \\ \mbox{Or Telephone:}\\ \mbox{Dial(for higher quality, dial a number based on your current location):}\\ \mbox{+1 929 205 6099 US (New York)}\\ \mbox{Webinar ID: 884 2986 3163}\\ \mbox{Passcode: 496881}\\ \end{array}$

AGENDA.....ZONING BOARD OF APPEALS

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

Work Session – Thursday, November 16, 2023 at 6:30 PM

1. Discuss Agenda for the Regular Meeting

Regular Meeting - Thursday, November 16, 2023 at 7:00 PM

- 1. Pledge to the Flag and Roll Call
- 2. Adoption of the Meeting Minutes for October 19, 2023
- 3. Old Business

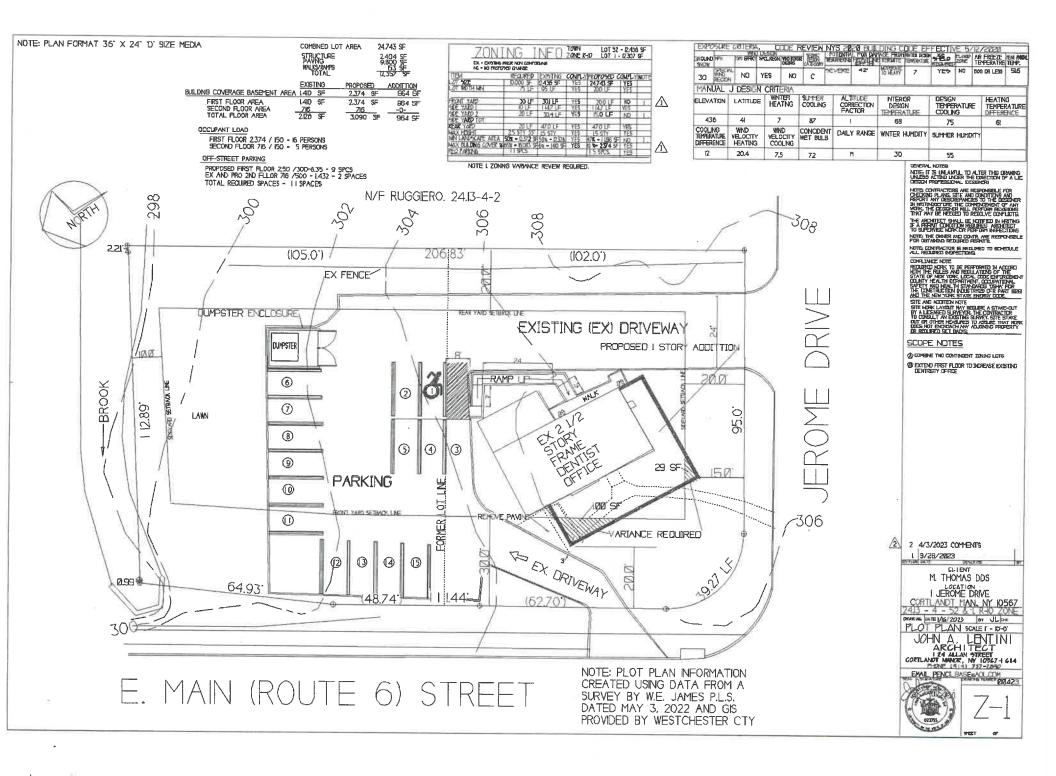
A. Case No. 2023-9 Application of Jennie Thomas of JJM Summit Realty, LLC for area variances for a front yard and side yard setbacks and for minimum landscape coverage for a proposed addition to an existing dental office building for property located at 1 Jerome Dr.

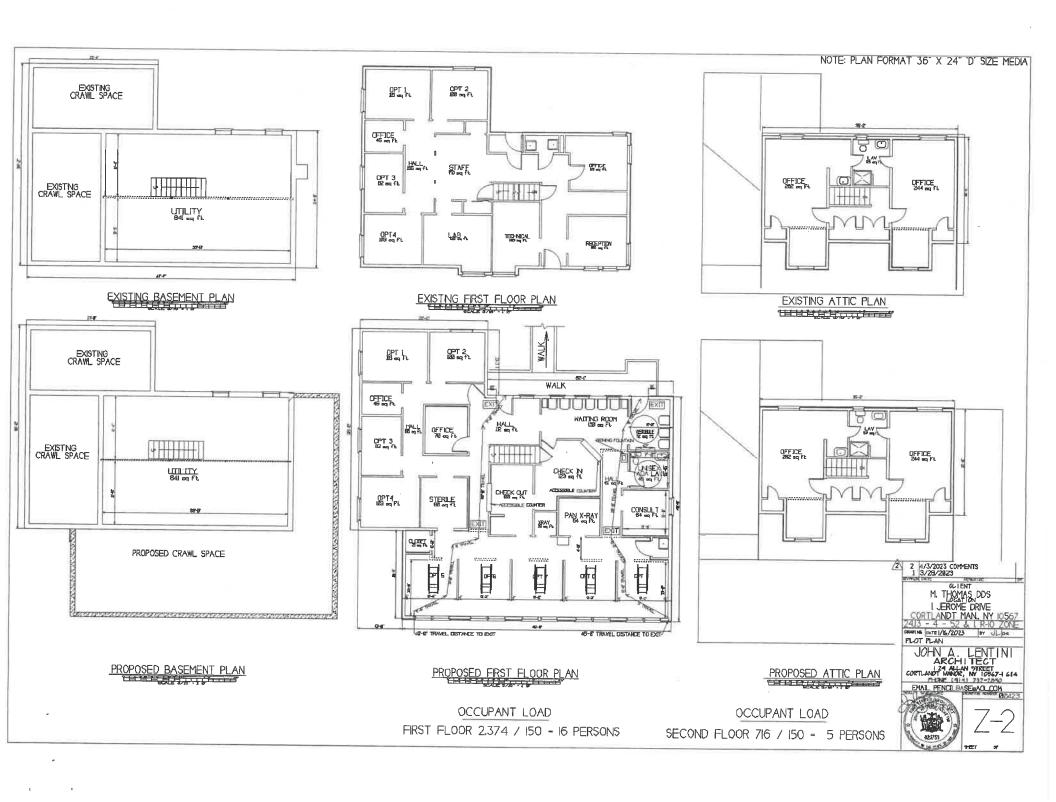
4. <u>New Public Hearings</u>

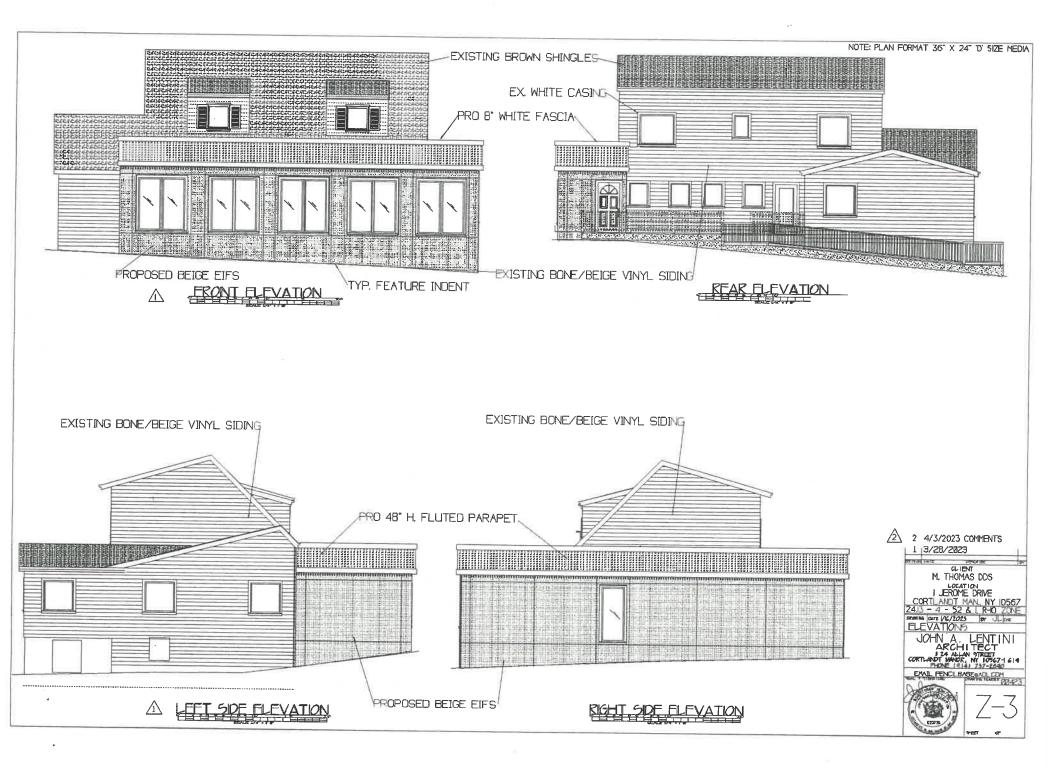
A. Case No. 2023-14 Application of Fabio Nieto and Melanie Butler for an area variance for Maximum Floor Area for a proposed addition to an existing residence located at 249 Kings Ferry Rd.

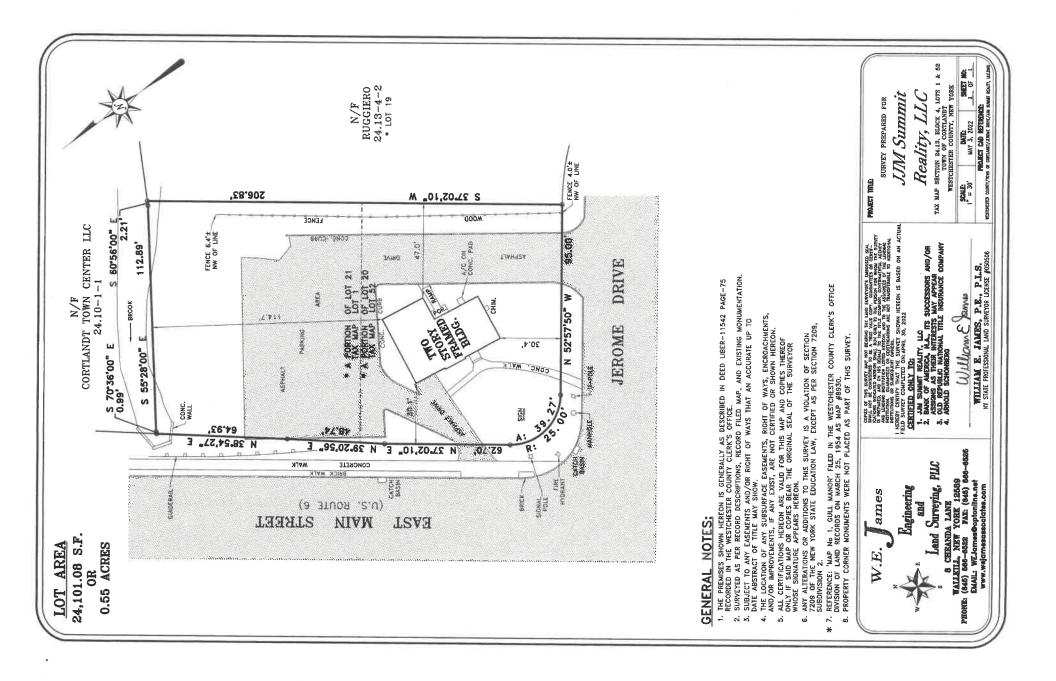
B. Case No. 2023-15 Application of Kim Alpert Popolizio for an area variance for a proposed shed to be located in the front yard at 18 Hollis Lane.

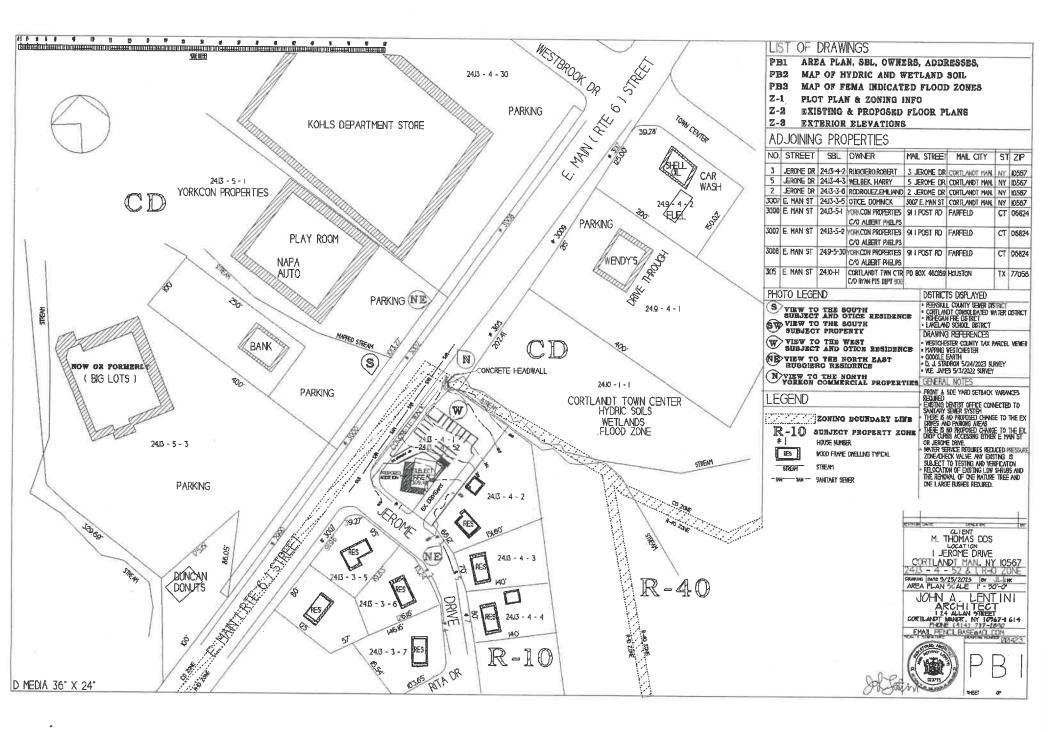
NEXT REGULAR MEETING THURSDAY, DECEMBER 21, 2023

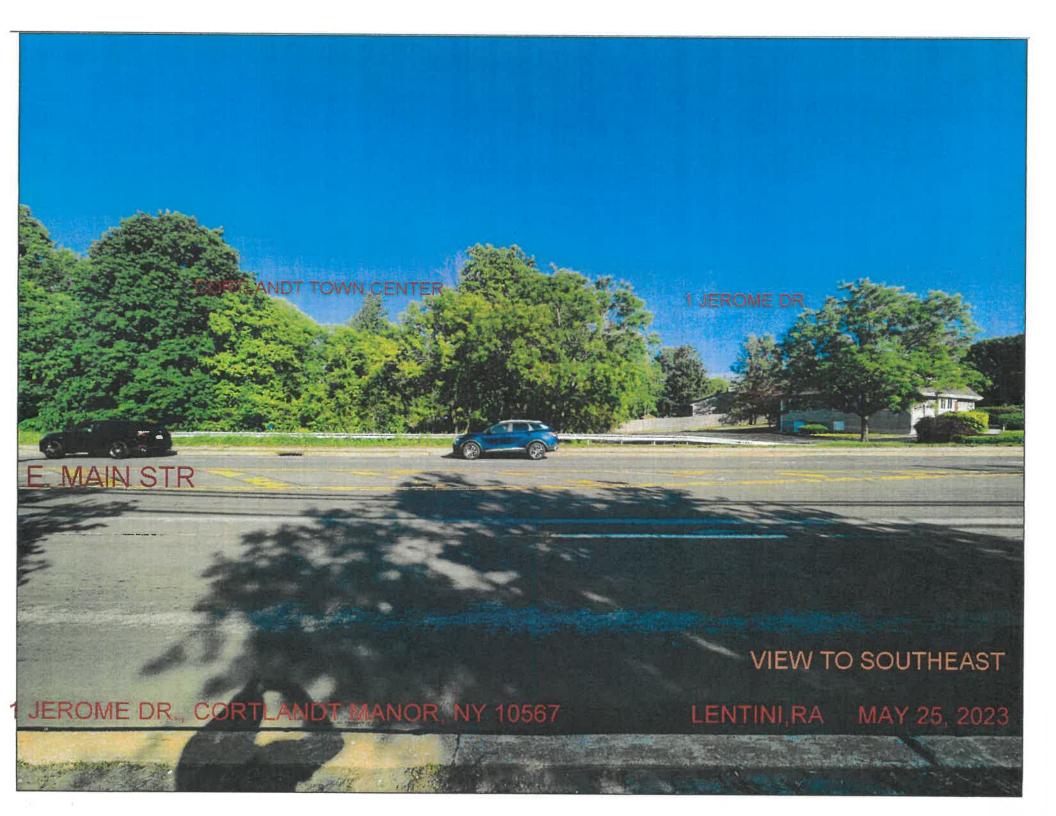






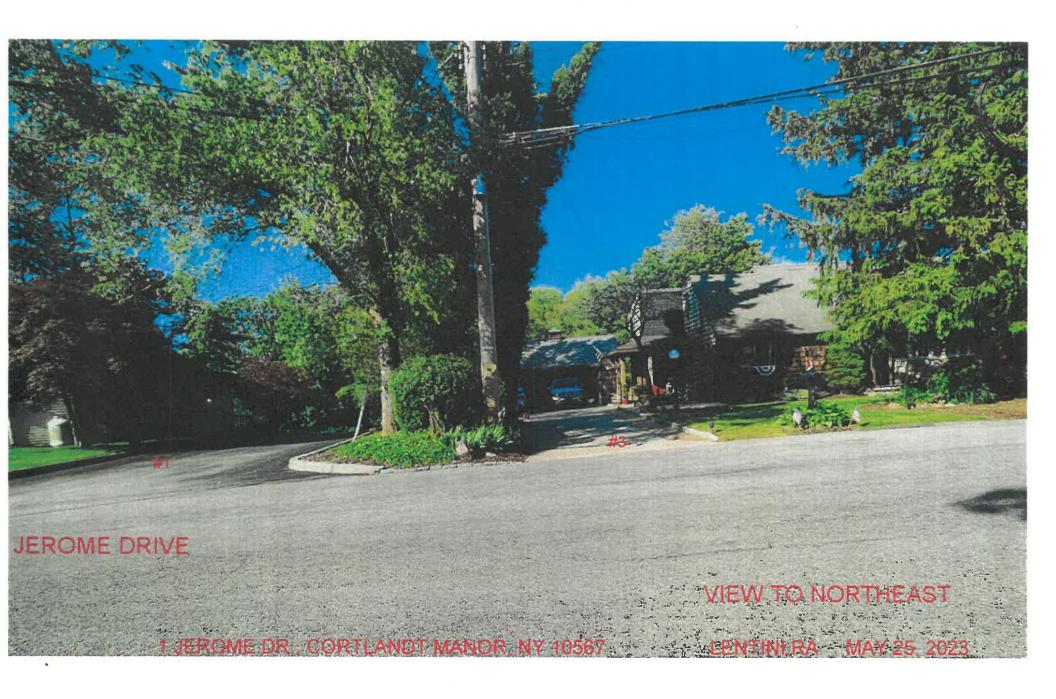


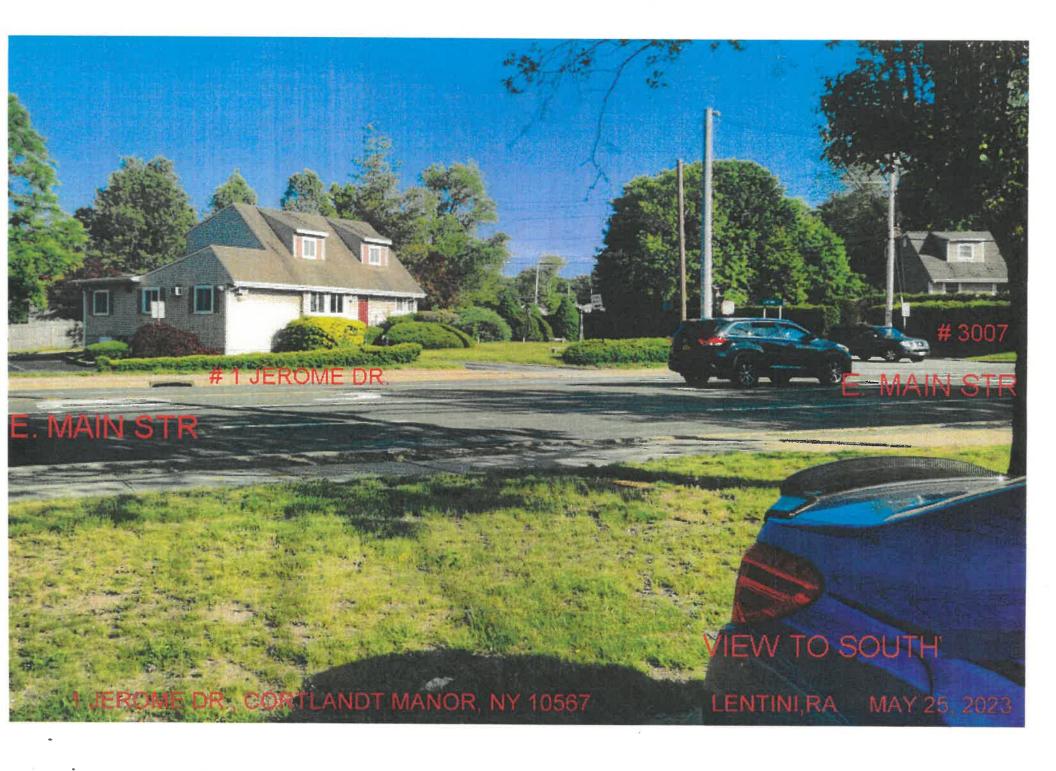












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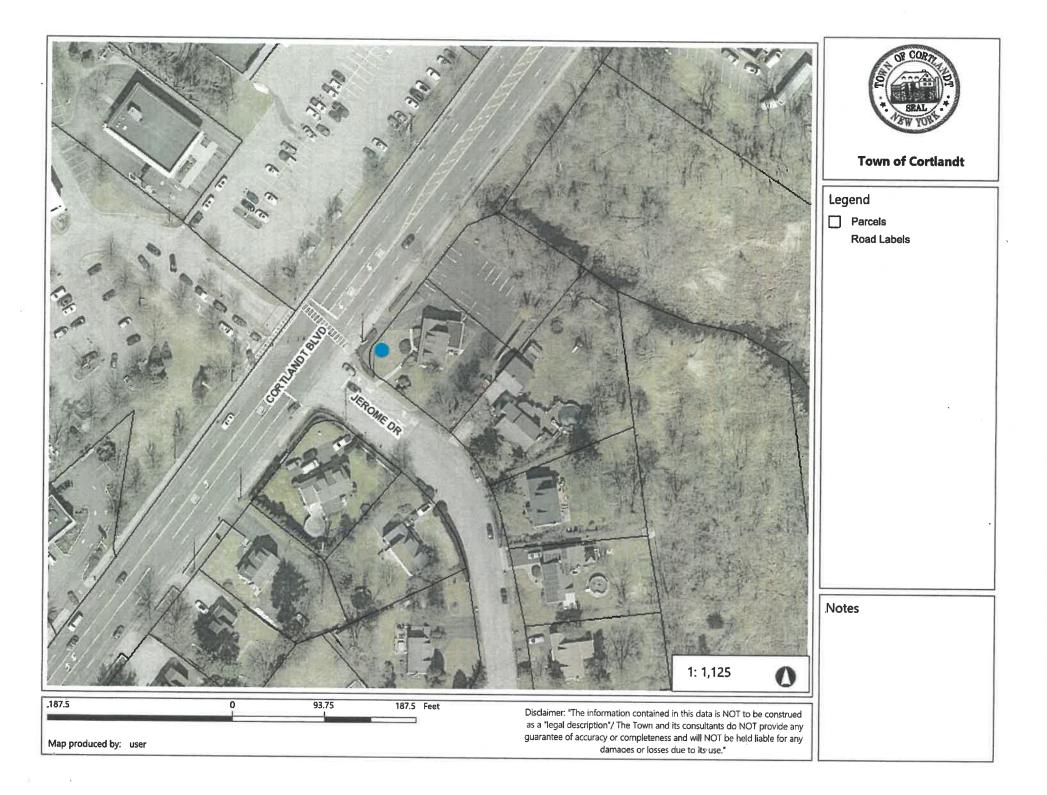
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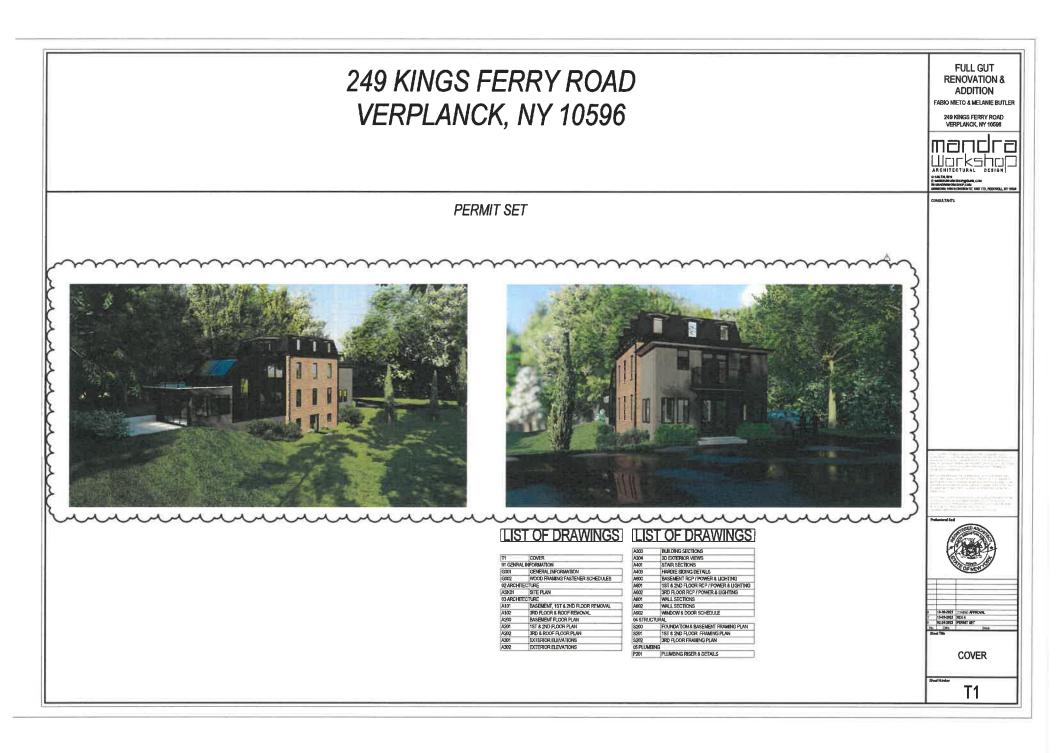
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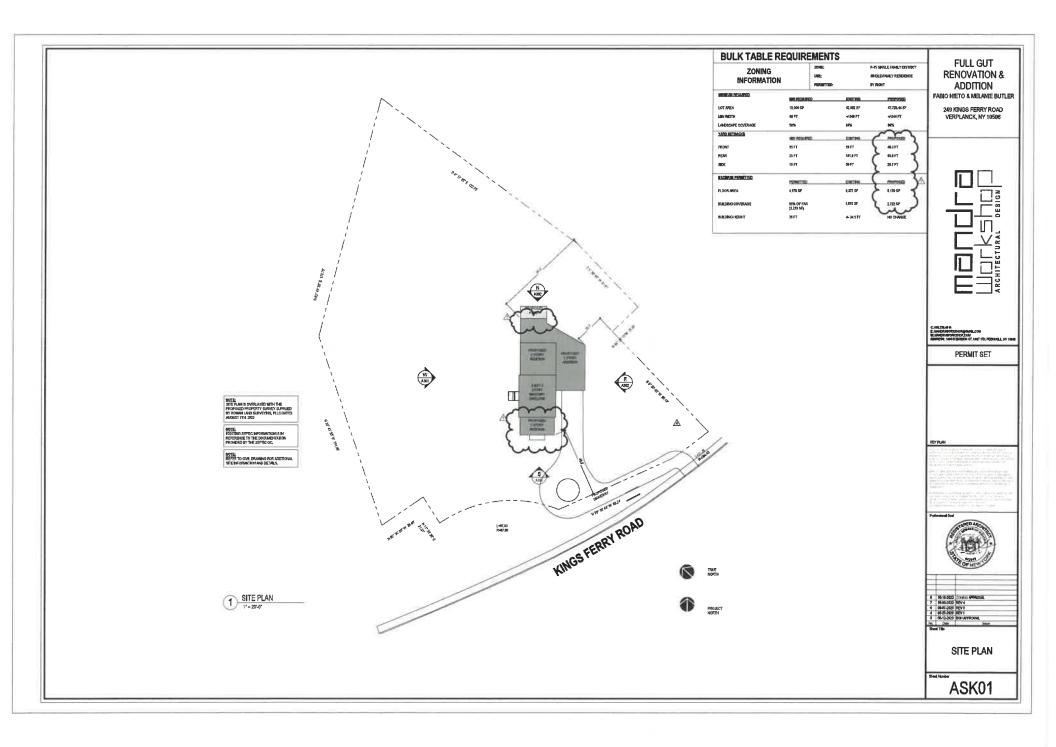
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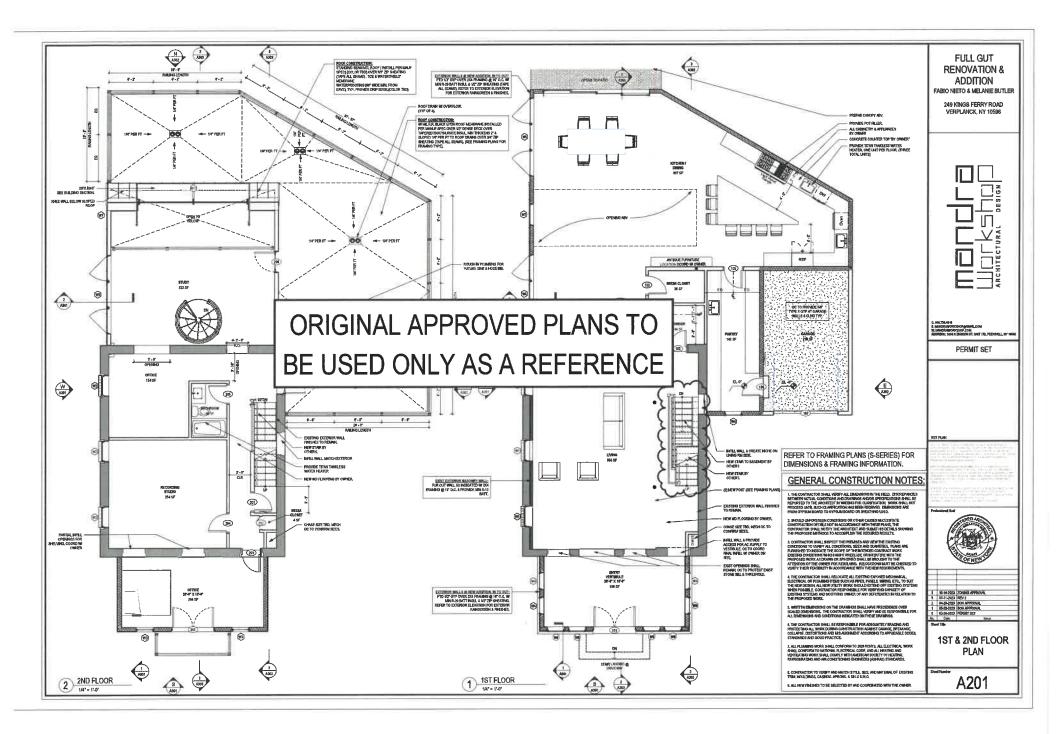


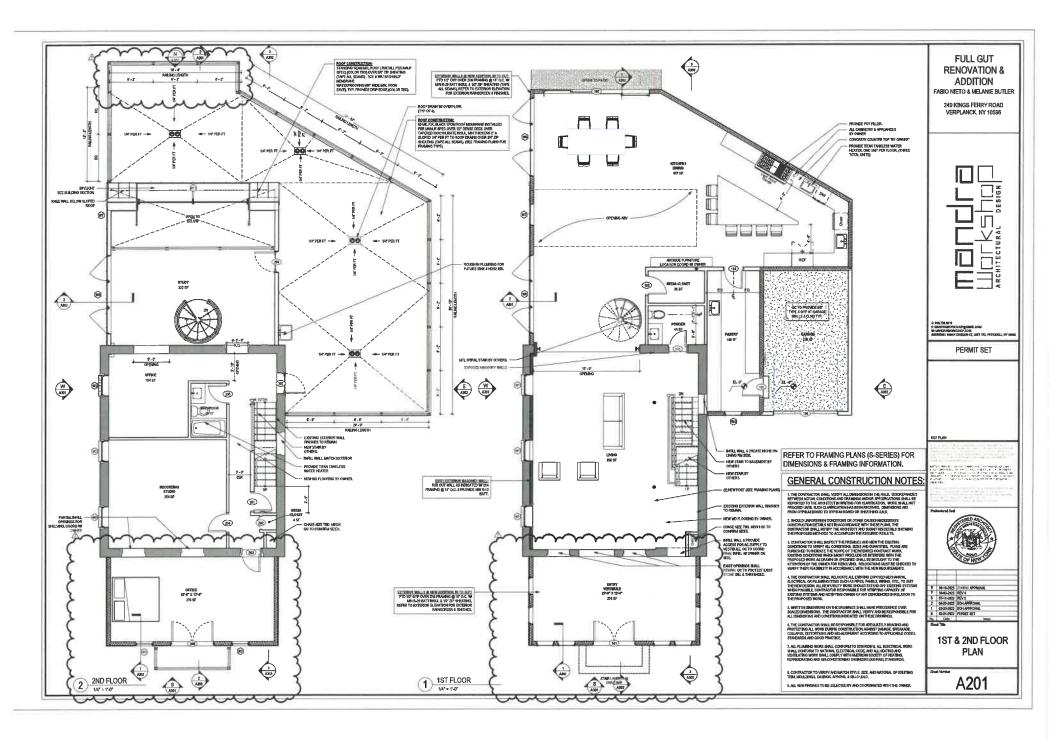
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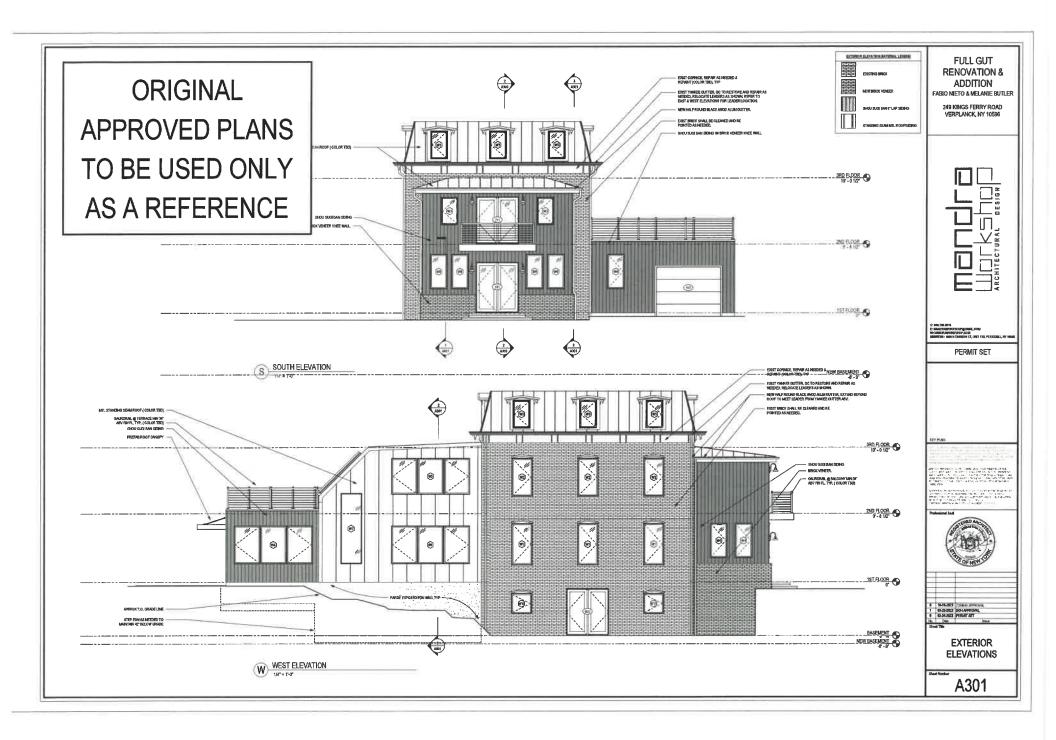


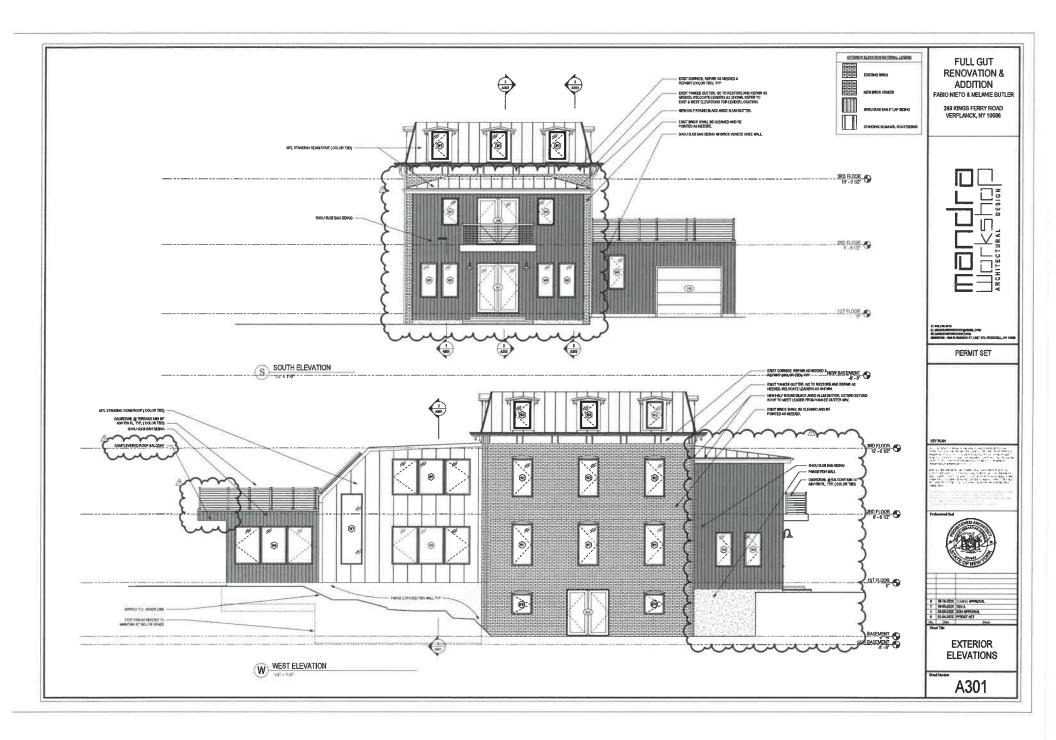


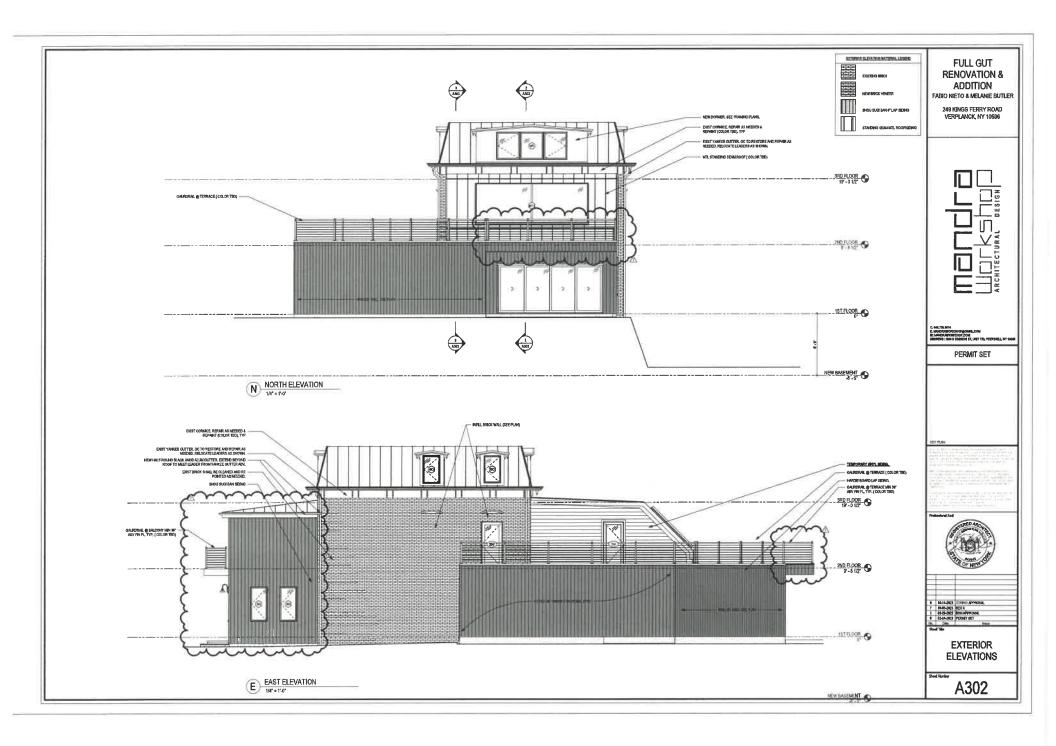




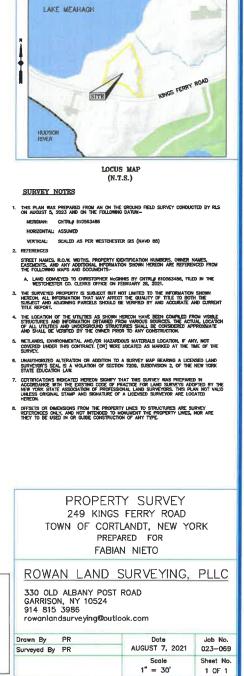












AREA VARIANCE REQUEST

Explanation and overview, of the matter before the ZBA:

Requesting an additional 145 sq ft in order to build our home according to design. The resulting change will have a multi-faceted positive impact to both the local community and the environment overall. Key improvements include an Increase to solar capacity to offset carbon footprint and reduce strain on the electric grid, an Increase to the visual appeal of the home, an Increase to capacity to future proof for family growth, an Increase to maneuverability for the mobility compromised, and an overall Increase to property values in the surrounding area.

ZBA Consideration Factors:

(1) Whether an undesirable change will be produced in the character of the neighborhood, or if a detriment to nearby properties will occur;

No undesirable change will be produced in the character of the neighborhood, or be a detriment to nearby properties. Rather the change will <u>improve</u> visual appeal of the home and ultimately increase property values in the surrounding area.

(2) Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;

The current footprint of the home is limited by:

A.) East facade - by a 15' rock hill that spans the length of the existing footprint

B.) North facade - by a 9' rock hill that is already having to be minimally disturbed to achieve rear expansion. Further push on this hill could compromise the stability of the hill

C.) West facade - by septic system and applicable setbacks

D.) South facade - is the only remaining facade where we can expand to create the applicable bedroom.

(3) Whether the requested variance is substantial;

The 145 square feet request is not substantial, especially when taking into consideration the 725.44 square feet that is being discounted off of our lot area as the practice is to round down to the allotted 47,000 coverage limitation despite being closer to the 48,000 square feet allowance.

(4) Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district;

The requested variance will not have a negative environmental impact, rather it will have a <u>positive</u> environmental impact by providing a larger front roof area that increases our solar panel capacity. As a result of adding additional solar panels we will reduce our electric supply consumption, add back to the grid through increased solar gains, and improve overall carbon footprint on the environment

(5) Whether the alleged difficulty was self-created;

The difficulty was not self created.

Intent is to allow for full solar panel capacity as designed along the roof, to future proof the front bedroom for a growing family that would allow for a full adult size bed, and leave enough room for standard access around the bed.

Additionally, Fabio Nieto has a history of spinal surgeries that have lead to, albeit brief, periods of time where he was wheelchair bound. With this condition being congenital, there is a possibility that another such surgery could be necessary in the future. Having the added space through the garage entryway, the living space on the first floor, and if confined to the second floor, the ability to maneuver around the bed and other furniture - would be necessary.

Regarding use variances and "unnecessary hardship" to the applicant:

In order to prove such unnecessary hardship, the applicant must demonstrate, for each and every permitted use under the zoning regulations for the particular district where the property is located, that:

(1) The applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;

N/A

(2) The alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood;

The hardship is unique to this property due to the rock formations and location of the septic tank and field setback requirements.

(3) The requested use variance, if granted, will not alter the essential character of the neighborhood; and

The current approved expansion design plans are almost identical to the proposed variance request.

The variance request quite simply establishes a more uniform and visually appealing frontage by creating equal width construction to the rear and fronts of the home.

(4) The alleged hardship has not been self-created.

The hardship is not self-created, but rather the result of natural obstructions from all sides except the front facade.

The request is simply based on a desire to establish a comfortable living and bedroom space that simultaneously provides for greater solar capacity and environmental impact offsets.

FIELDWORK COMPLETED: May 11, 2022

DEED_REFERENCE: Liber Control No. 523563341 Recorded: December 31, 2012 Grantor: Ira Alpert Grantee: Kim Alpert Popolizio

PREMISES NOTE

Premises shown hereon being Parcel A and Parcel B, recorded in Control Number 523563341 filed in the Westchester County Clerk's Office on December 31, 2012.

Parcels A and B were combined to form one Tar Lot designated as Section 57.8, Block 1, Lot 7, as filed in the Town Of Cortlandt Assessor's Office On May 27, 2011.

<u>GENERAL NOTES:</u> To date, no Title Report or Abstract of Title has been provided. This survey is subject to a current, up to date Title Report.

This map may not be used in connection with a "Survey Affidavit" or similar document, statement or mechanism to obtain title insurance for any subsequent or future grantees.

Unauthorized alteration or addition to this survey is a violation of Section 7209, subdivision 2 of the New York State Education Law

The alteration of survey maps by anyone other than the original preparer is misleading, confusing and not in the general welfare and benefit of the public. Licensed Land Surveyors shall not after survey maps, survey plans, or survey plats prepared by others.

Underground structures, if any exist, are not shown hereon, except as noted. The location of underground Improvements or encroachments are not diways known and often must be estimated. If underground improvements, easements, or encroachments exist and are neither visible during normal field survey operations nor described in instruments provided to this surveyor, they may not be shown on this map and are not certified.

Cartifications indicated hereon signify that this survey was prepared in accordance with the existing Code of Practice for Land Surveys adopted by the New York State Association of Professional Land Surveyors, Inc. State and second of procession a Later surveyor me Said cartifications shall run only to the person or entity for whom this survey was prepared and on their behalf to the life company, governmental agency and/or lending institution listed hereon, and to the assignees thereo.

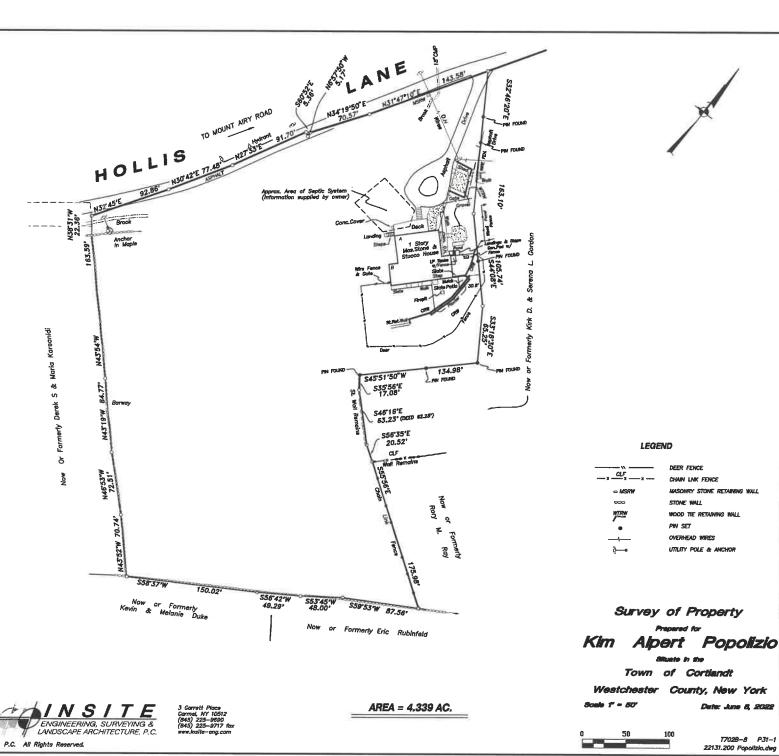
Certifications are not transferable to additional lending Institutions or subsequent owners.

This property may be affected by instruments which have not been provided to this surveyor. Users of this map should verify title with their attorney or a qualified title exami

Only copies from the original of this survey marked with the surveyor's embossed seal are genuine, true and correct copies of the surveyor's original work and opinion. A copy of this document without a proper application of the surveyor's embassed seal should be assumed to be an unauthorized copy.



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