

TOWN OF CORTLANDT  
PLANNING AND ZONING BOARDS

BOARD MEETING

Town Hall  
1 Heady Street  
Cortlandt Manor, NY 10567  
November 28, 2022  
7:00 p.m. - 7:17 p.m.

November 28, 2022

MEMBERS PRESENT:

David S. Douglas, Chairman

Wai Man Chin, Vice-Chairman

Chris Beloff, Member

Michael Fleming, Member

Frank Franco, Member

Tom Walsh, Member

ALSO PRESENT:

Chris Kehoe, Director of Town Planner

Michael J. Cunningham, Deputy Town Attorney

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

3 MR. DAVID DOUGLAS: Begin with the  
4 pledge of allegiance.

5 MULTIPLE: I pledge allegiance to the  
6 flag of the United States of America and to the  
7 Republic for which it stands, one nation under  
8 God, indivisible, with liberty and justice for  
9 all.

10 MR. DOUGLAS: Mr. Kehoe, can you call  
11 the roll?

12 MR. CHRIS KEHOE: Mr. Franco?

13 MR. FRANK FRANCO: Here.

14 MR. KEHOE: Mr. Chin?

15 MR. WAI MAN CHIN: Here.

16 MR. KEHOE: Mr. Douglas?

17 MR. DOUGLAS: Here.

18 MR. KEHOE: Mr. Walsh?

19 MR. THOMAS WALSH: Here.

20 MR. KEHOE: Mr. Beloff?

21 MR. CHRIS BELOFF: Here.

22 MR. KEHOE: Mr. Fleming?

23 MR. MICHAEL FLEMING: Here.

24 MR. KEHOE: Mr. Martinez is noted as

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2 absent.

3 MR. DOUGLAS: Okay. The first item on  
4 the agenda is the adoption of the minutes for the  
5 August and September meetings. Do I have a  
6 motion?

7 MR. CHIN: So moved.

8 MR. WALSH: Second.

9 MR. KEHOE: Sorry, Just on the question,  
10 Wai, we'll make sure that there's a change made,  
11 I believe it's in the September meeting, where  
12 you made the motion, you wanted me to make sure  
13 it was corrected. I think it was the Hudson  
14 Wellness case.

15 MR. CHIN: Oh, on the Hudson Wellness  
16 case.

17 MR. KEHOE: Yes.

18 MR. CHIN: Yeah, I was the one who,  
19 after the motion was spoken, I was the one who  
20 indicated to adopt the motion.

21 MR. KEHOE: Okay. And that was  
22 incorrect. You had called me about that.

23 MR. CHIN: Yes.

24 MR. KEHOE: We'll make sure that's

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2 changed.

3 MR. CHIN: It showed as somebody else.

4 MR. DOUGLAS: Okay. With that  
5 correction, does somebody want to second the  
6 motion?

7 MR. BELOFF: Second.

8 MR. FRANCO: Second.

9 MR. DOUGLAS: Okay. And all in favor?

10 MULTIPLE: Aye.

11 MR. DOUGLAS: Any opposed? Okay. The  
12 minutes for both August and September are  
13 adopted. We have one other procedural item that's  
14 not listed on the agenda, but we'll do that.  
15 That's the, it is a schedule for the 2023  
16 meetings. In general, they're going to be for the  
17 most part, be on Thursday, the third Thursday on  
18 each month, except with two exceptions, in June,  
19 it'll be on June 22nd and in September, it'll be  
20 on the 28th. The 28th is not a Thursday, but like  
21 I said, that would be the fourth Thursday?

22 MR. KEHOE: September?

23 MR. DOUGLAS: Yeah.

24 MR. KEHOE: September 28 is the fourth

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2 Thursday.

3 MR. DOUGLAS: Okay. So I'll be on the  
4 third Thursday with those two exceptions, so if  
5 somebody wants to make a motion to adopt that  
6 schedule.

7 MR. WALSH: So moved.

8 MR. CHIN: Second.

9 MR. DOUGLAS: Okay. All in favor.

10 MULTIPLE: Aye.

11 MR. DOUGLAS: Any opposed? Okay. So that  
12 will be the meeting schedule for next year. And  
13 we have one public hearing today. It's case  
14 number 2022-6, application of Michael and Anthony  
15 LiCalsi, trustees of the Mary LiCalsi Irrevocable  
16 Trust, for an area variance to permit parking in  
17 the front yard for property located at 1 Andre  
18 Lane. Okay. If you want to come up, and I'm going  
19 to turn this over to Mr. Franco, who's case it  
20 is.

21 MR. FRANCO: Yeah, I think before I say  
22 anything, it's for a permit, the request is for a  
23 permit parking in the front yard as stated, yeah,  
24 I, introduce yourself and tell us a little bit

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2 about your case and anything applying I guess to  
3 the five factors for approval.

4 MR. MIKE LACALSI: Okay. I'm Mike  
5 LaCalsi, I'm one of the trustees for the  
6 property. My mother, Mary is in the audience. So  
7 this is originally started as a driveway permit,  
8 we were redoing the entire driveway. The, the  
9 side that's in question is in the front of the  
10 property, and I don't want to say that this is an  
11 afterthought. I think it was just neglect. The  
12 people we had to put in the permit, they  
13 neglected to put in that they were going to do  
14 this little section, big section. So that's where  
15 we are. I think that's the issue.

16 Maybe I should give you, we presented a  
17 few pictures of what it looked like prior to,  
18 prior to the blacktopping. These pictures came  
19 from Google maps and they were from October 23rd.  
20 They are --

21 MR. KEHOE: I think we have one of them  
22 up on the screen.

23 MR. LACALSI: Oh, perfect. Yeah, that's  
24 perfect. So from there you can see that in 2013,

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2 there's, there was kind of construction on there.  
3 You see that's patch that's going along, that was  
4 for a new water line. Where that car is parked  
5 right there, you can see that it's an all dirt  
6 path. This is 2013, but it goes back, it's always  
7 been like this, that little area.

8 To give you a little more history, on  
9 the left, there's a house that was built in the  
10 1980s. On the right, all the way up, you can see  
11 that house, that's our house. That's the 1 Andre  
12 Lane House. In the beginning, back in the 1970s,  
13 when our house was put in, right where that white  
14 car is, there used to be a, uh, I guess just  
15 something -- it wasn't a well or anything, but it  
16 was something to take the water out of that part  
17 and put it across the street. You can kind of see  
18 where it goes across the street there. But that  
19 was back in 1989, 1990, something like that.

20 The town came by and further down the  
21 street, what they did is they put in actual, I  
22 don't know what you call it, but catch basins.  
23 They put in about five of them, all over Andre  
24 Lane and Heath Terrace over in the end, and you



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2 can see on the left side, they put in a curb, so  
3 the water actually runs nicely down there and  
4 gets all picked up.

5 The problem though is because now that  
6 we lost that little drainage, this section  
7 usually gets all muddy and stuff. I'm just, you  
8 know, just trying to give you a little history of  
9 what it is. I would usually have to come down if  
10 somebody parked there, you know, during wet  
11 weather and just sweep the road a little bit and  
12 stamp down and whatever.

13 So that's really what it is. The town  
14 kind of left that like that. I didn't think much  
15 of it, but then when we decided to do the  
16 driveway, I figured, okay, just tell the guys  
17 just blacktop all the way down so that it's nice  
18 and flat. I wasn't thinking much about it. I  
19 thought okay, you know, and there you go. I got  
20 to tell you. This is one of the best things I've  
21 done. I hope I get to keep it. I don't have to  
22 sweep the, the road or do anything. It's actually  
23 been great. It actually, uh, you know, it keeps  
24 all the mud off, off of the road and everything

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2 is fine.

3 Now, we said for parking. It's really  
4 not for us to park. We have two cars, our  
5 driveway is nice and big and we can park, no  
6 problems. This is actually for our neighbors  
7 around. Like on Heath Terrace, when you come up  
8 into Heath Terrace and you make a turn either on,  
9 on Andre Lane, Heath Terrace is actually narrow,  
10 so when people park their cars on there, it's  
11 actually, you know, if people park across the  
12 street, it's kind of hard to get around. So a lot  
13 of people, they always just park there during the  
14 day, which we don't care. And, you know, just on  
15 wet days, I would have to go down there and sweep  
16 up.

17 Further down, a little bit, you can kind  
18 of see, our neighbor over there also has a  
19 similar problem because that, where that pole is,  
20 again, that's where the runoff used to be and it  
21 used to be caught and put into the other  
22 property, but we can't do that anymore. Now,  
23 everything flows, flows nicely into those catch  
24 basins. So, as far as anyone, any of the

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2 neighbors, when, when you go up Heath Terrace and  
3 you made a right onto Andre Lane, we're the only  
4 driveway on Andre Lane on that side of the road.  
5 There's a house across the street, but their  
6 driveway isn't on there, their driveway is on  
7 Heath Terrace, and it's supposed to go into a  
8 circle at the top. Again, it's on the, on the  
9 plans it shows a circle, but there's never been a  
10 circle in that area.

11 The, our property is also half  
12 Westchest- well, most Westchester and maybe a  
13 quarter of Putnam, so we lean up against I  
14 believe it's the fire department, the firehouse  
15 in Continental Village owns up to that. And our  
16 property then goes down to the pond.

17 So, just, yeah, a couple of things. I  
18 don't think this is affecting anyone, it's just  
19 our property. One of the notes was there being a  
20 curb there, or there was a bigger curb cut. I  
21 don't know if it makes a difference or, or  
22 whatever, there was never a curb on this side. So  
23 it's not that we cut any curbs. We just filled in  
24 the dirt. I think that's really it. It's really

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2 that simple. We're just asking if we can keep  
3 this blacktop all the way.

4 And actually, if you could see where the  
5 blacktop ends, we're about, our house is about 30  
6 feet above that. And, I think the town actually  
7 owns about maybe six to eight feet into that  
8 little hill over there as well, just, just as a  
9 note. I think that's really it. Is there, is  
10 there more questions that you might have for me  
11 to answer?

12 MR. FRANCO: You know, as you pointed  
13 out, I think it is pretty straightforward with  
14 what it is. I, I just to be, go through the usual  
15 list of stuff we usually look at is, you know,  
16 the situation, I mean it's not like, I guess it's  
17 solving the runoff from the hill, but it's, it's,  
18 you know, the question whether it's self-created,  
19 I guess it's a self-created situation. You know,  
20 it doesn't impact the environment, it doesn't  
21 seem like any neighbors, although we didn't open  
22 it to the public yet, but I don't think we've  
23 gotten any notes from neighbors --

24 MR. KEHOE: No.

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2 MR. FRANCO: Saying they don't like the  
3 situation. Could it be done another way? There  
4 probably are other ways this could be solved,  
5 but, you know, being it's already paved, I don't  
6 know if it makes sense to rip it all up to do it  
7 a different way which may involve the town to do  
8 something as well. So, does anyone else on the  
9 board have any questions they'd like to bring up?

10 MR. CHIN: Well, like you say, that  
11 before you did this, there was a lot of mud there  
12 and everything else, and so forth, and they took  
13 out the supposedly catch basin by where that car  
14 was parked and they moved it all the way down  
15 further.

16 MR. LICALSI: Correct.

17 MR. CHIN: And so what you did was you  
18 kind of smoothed it out, now you created a nice  
19 smooth watering, now it goes down to the next  
20 catch basin without this being all being a  
21 flooded area.

22 MR. LICALSI: Correct.

23 MR. CHIN: So, I really don't see a  
24 problem on what you did there, but I think you

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2 might have to go through a little bit of a  
3 different channel so you get this approved or,  
4 not approved, but let's say to get this fixed.

5 MR. LICALSI: Okay.

6 MR. FRANCO: Does anyone else have any  
7 questions?

8 MR. DOUGLAS: Well, I just want to say I  
9 drove up there earlier today and it doesn't seem  
10 to me that there's any impact on the neighborhood  
11 from what you did. It seems actually, it seems  
12 like it would benefit the neighborhood just in  
13 the sense of you know, less of the water is going  
14 to, you know, and less of the rock and mud will  
15 come down in the rain. There's already, as you  
16 said, there's already catch basins on the road,  
17 so it doesn't seem that this will cause -- I'm  
18 not an engineer, but this doesn't seem this would  
19 cause any sort of engineering or flooding  
20 difficulties, so there's not a negative thing. I  
21 mean ideally, it's better not to do these things  
22 without finding a through proper route, but so be  
23 it. And so going through our five factors, and as  
24 you, I think you pointed out, you're on the dead-

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2 end of a dead-end I think is how you phrased it.  
3 There's only you and that one house, I don't see  
4 how that one house would be, is going to be  
5 impacted and none of your other neighbors are  
6 going to be impacted in any way. So there's not  
7 going to be any undesirable change in the  
8 neighborhood, the method you used seems to, you  
9 know -- you can't do what you did without an area  
10 variance. I don't know whether this is -- I don't  
11 know if you call this substantial or not. I'm  
12 looking -- there's five factors we look at. You  
13 know, I wouldn't really, in my mind, it's not a  
14 substantial variance you're seeking. As I said,  
15 it doesn't have the adverse impact on the, on the  
16 physical, environmental conditions in the  
17 neighborhood and yes, the situation was self-  
18 created, but that's not, that's not necessarily,  
19 you know, a factor that, that precludes us  
20 granting a variance. So I don't, I don't have any  
21 problem with this. I think the variance would  
22 need to be subject to a license agreement with  
23 the town. Is that correct?

24 MR. CUNNINGHAM: That's correct. So

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2 whenever somebody makes some sort of improvements  
3 in the town's right of way, it requires a license  
4 agreement. But that's very simple. It requires  
5 just a town board approve the agreement and I'll  
6 draft the agreement so you won't incur any legal  
7 fees and I'll send it over and we can speak if  
8 you have any questions about it.

9 MR. LICALSI: Very good.

10 MR. DOUGLAS: Is anybody, anybody else -  
11 - keep going. We were both going to say the same.

12 MR. FRANCO: Besides yourself, does  
13 anybody in the audience or on the call want to  
14 make any comments?

15 MR. KEHOE: No one in the Zoom call.

16 MR. FRANCO: Okay. Alright. I guess, I  
17 make a motion to close the public hearing.

18 MR. CHIN: I second, yeah.

19 MR. DOUGLAS: All in favor?

20 MULTIPLE: Aye.

21 MR. DOUGLAS: Any opposed? Okay. The  
22 public hearing is closed.

23 MR. FRANCO: I make a motion to approve  
24 case 2022-6 to put a, for a area variance for a



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2 license agreement that will allow this, permit  
3 parking in the front yard, this is a SECRA Type  
4 2, no further compliance required.

5 MR. DOUGLAS: And with the condition of  
6 getting a license agreement.

7 MR. FRANCO: Yeah, I did mention that.

8 MR. DOUGLAS: Oh, you did?

9 MR. FRANCO: Yeah.

10 MR. DOUGLAS: I didn't hear you say  
11 that. [laughter]

12 MR. CUNNINGHAM: Subject to.

13 MR. CHIN: He said subject.

14 MR. CUNNINGHAM: Subject to and approved  
15 [unintelligible] [00:15:36].

16 MR. DOUGLAS: Okay. It went over my head  
17 for some reason. Okay. So do you want to second  
18 that motion?

19 MR. CHIN: Second.

20 MR. DOUGLAS: All in favor?

21 MULTIPLE: Aye.

22 MR. DOUGLAS: Any opposed? Okay. Your  
23 variance is granted.

24 MR. LICALSI: Alright. Thank you.

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2 MR. KEHOE: So you'll be receiving from  
3 me a copy of a decision and order. You'll get it  
4 in the mail in a couple of days. One of the  
5 conditions will be to get that license agreement  
6 and then I'll make sure your information is given  
7 to Mr. Cunningham. He'll work with you, because  
8 that actually has to get on a town board agenda  
9 for them to approve that license agreement, but  
10 you'll be hearing from us.

11 MR. LICALSI: Very good. Thank you.

12 MR. DOUGLAS: Thank you. Anybody else  
13 want to make a very important motion?

14 MR. CHIN: I make a motion that we  
15 adjourn.

16 MR. WALSH: Second.

17 MR. DOUGLAS: All in favor?

18 MULTIPLE: Aye.

19 MR. DOUGLAS: Any opposed? Okay, the  
20 meeting is adjourned.

21 (The public board meeting concluded at  
22 7:17 p.m.)

23

24

CERTIFICATE OF ACCURACY

I, Ryan Manaloto, certify that the foregoing transcript of the zoning board meeting of the Town of Cortlandt on November 28, 2022 was prepared using the required transcription equipment and is a true and accurate record of the proceedings.

Certified By



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Date: December 8, 2022

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