

TOWN OF CORTLANDT  
PLANNING AND ZONING BOARDS

ZONING BOARD MEETING

Town Hall  
1 Heady Street  
Cortlandt Manor, NY 10567  
March 21, 2024  
7:00 p.m. - 7:33 p.m.

March 21, 2024

MEMBERS PRESENT:

Michael Fleming, Chairman

Wai Man Chin, Vice-Chairman

Chris Beloff, Member

Michelle Piccolo Hill, Member

Benito Martinez, Member

Thomas Walsh, Member

ABSENT:

Frank Franco, Member

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

3 MR. MICHAEL FLEMING: I'd like to call  
4 to order the March 21, 2024 meeting of the Town  
5 of Cortlandt Zoning Board of Appeals.

6 MR. WAI MAN CHIN: Pledge of allegiance.

7 MR. FLEMING: Hang on one second. Yeah,  
8 all right. First I'd like to start and invite  
9 anybody who wishes to join me, we're going to say  
10 the pledge of allegiance.

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

16 MR. FLEMING: All right, roll call?

17 MR. MICHAEL CUNNINGHAM: Ms. Piccolo  
18 Hill?

19 MS. MICHELLE PICCOLO HILL: Here.

20 MR. CUNNINGHAM: Mr. Martinez?

21 MR. BENITO MARTINEZ: Here.

22 MR. CUNNINGHAM: Mr. Fleming?

23 MR. FLEMING: Here.

24 MR. CUNNINGHAM: Mr. Chin?

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2 MR. WAI MAN CHIN: Here.

3 MR. CUNNINGHAM: Mr. Walsh?

4 MR. THOMAS WALSH: Here.

5 MR. CUNNINGHAM: Mr. Beloff?

6 MR. CHRIS BELOFF: Here.

7 MR. CUNNINGHAM: And Mr. Franco is noted  
8 as absent.

9 MR. FLEMING: Thank you. Has everyone  
10 had, has everyone had the opportunity to review  
11 the minutes from the February 15th meeting?

12 MR. CHIN: I, I did and I approved the  
13 minutes of meeting of February.

14 MR. FLEMING: Make a motion to --

15 MR. CHIN: I make a motion to approve  
16 the minutes, oh, I'm making the motion.

17 MR. FLEMING: You're making the motion.  
18 Second?

19 MR. MARTINEZ: Second.

20 MR. FLEMING: All in favor?

21 MULTIPLE: Aye.

22 MR. FLEMING: Any opposed? No. Meetings  
23 are approved, so the February 15, 2024 meetings  
24 are approved as written. Today on the agenda we

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2 have two adjourned public hearings. The first is  
3 case number 2023-17. So I think that's yours?

4 MS. PICCOLO HILL: Yes. And that's the  
5 application of Parth Patel for an interpretation  
6 of the zoning ordinance appealing the denial of a  
7 building permit for a new one-family residence  
8 for the property located at 41 East Hill Road.

9 MR. FLEMING: Does the applicant have  
10 anything to share to start with?

11 MR. CLIFFORD DAVIS: Yeah, I'll be  
12 brief.

13 MR. FLEMING: Please.

14 MR. DAVIS: Please be brief you mean?

15 MR. FLEMING: Please be brief, but also  
16 please come to the podium and --

17 MR. DAVIS: Okay, good evening. My name  
18 is Clifford Davis. I represent the applicant, Mr.  
19 Patel. There's not much.

20 MR. FLEMING: Can you pull the mic down  
21 towards you?

22 MR. CHIN: Yeah, towards you.

23 MR. DAVIS: Is that better?

24 MR. FLEMING: It doesn't pick up a lot

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2 if you don't, so sorry about that.

3 MR. DAVIS: Is that working better?

4 MR. FLEMING: That is.

5 MR. CHIN: Yeah, right.

6 MR. DAVIS: Okay. Very good. So the  
7 legal -- the house that Mr. Patel and his wife  
8 live in is lots 10 and 11 and what we're asking  
9 this board to do with reference to the denial  
10 letter is make a determination that lots 25 and  
11 26 did not merge with lots 10 and 11 when the  
12 house was built in 1996.

13 And the legal issue that is before this  
14 board is an interpretation of section 307-8 of  
15 the code and that essentially is what is the lot  
16 depth if you took all of the four lots and you  
17 considered them together. When you look at the  
18 lot depth, it adds up to 98.78 feet while the  
19 required lot depth is 150 feet. So pursuant to  
20 this town's code, it did not merge.

21 The board was concerned that somehow my  
22 client received some benefits from lots 25 and 26  
23 when he built his house on lots 10 and 11. We  
24 submitted an expert Cronin engineering report,

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2 which showed that that was not the case. The  
3 house could have been built to 3,290 square feet  
4 with or without lots 25 and 26 and the house is  
5 smaller than that. The board then essentially  
6 called a timeout and said let's go back and look  
7 at the records. I believe there, it was between  
8 50 and 55 pages of records and nothing in there  
9 indicated that the lots had merged, that you had  
10 got gotten those documents from the building  
11 inspector.

12 So we believe we have addressed all of  
13 the board's concerns. It's a legal issue before  
14 this board. If the board grants our application,  
15 all that means is that my client would then make  
16 an application administratively through the town  
17 to build his single family house. So we ask that  
18 there be a determination that lots -- so any new  
19 house that would be built would be on lots 25 and  
20 26, so there should be no confusion that we're  
21 seeking two houses. And what we're asking the  
22 board to do is make a determination that lots 25  
23 and 26 didn't merge with lots 10 and 11. So if  
24 you have any questions.

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2 MR. FLEMING: I just want to make sure  
3 and that's, that's the, the specific finding  
4 you're asking for, that lots 25 and 26 did not  
5 merge pursuant to the town code with lots 10 and  
6 11.

7 MR. DAVIS: That's correct, with lots 10  
8 and 11. And that if we receive your approval,  
9 there's only going to be one house and that's  
10 going to be on lots 25 and 26.

11 MR. FLEMING: Understood.

12 MR. DAVIS: Okay. Thank you.

13 MR. FLEMING: Thank you. Before the  
14 applicant sit down, does anyone have any  
15 questions for the applicant?

16 MS. PICCOLO HILL: Nope.

17 MR. FLEMING: All right. I think we  
18 should open it up for public hearing.

19 MS. PICCOLO HILL: Yeah.

20 MR. FLEMING: All right, so any members  
21 of the public who wish to speak on this, please  
22 come forward. Just the same information I gave  
23 the applicant, can you just make sure the  
24 microphone is pointed towards your mouth and then

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2 I ask you to give us your name and your address  
3 before you give us any information you want to  
4 give us.

5 MR. NICHOLAS MALGERI: Okay. My name is  
6 Nicholas Maucieri. I'm here with my wife Karen  
7 Maucieri and we live at 29 East Hill Road,  
8 Cortlandt Manor, New York.

9 MR. FLEMING: Thank you.

10 MR. MAUCIERI: In 1988 we were  
11 interested in buying a house in Cortlandt Manor.  
12 We found Country Woods Development. It was all  
13 woods, not even a road was there at the time. We  
14 were able to pick the style house we wanted and  
15 the lot that we, it would be built on. That's  
16 where our house is right now on that particular  
17 lot, next to the piece of land that's in  
18 question. So we chose that lot because the  
19 salesperson explained to us that there will never  
20 be a house built next to our house on the left  
21 hand side of our house. There will always be a  
22 buffer of property due to the fact that the house  
23 will be built on top, not to the side, behind our  
24 house, and the property next to us will be their

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2 yard. He also stated that when the property was  
3 subdivided for development, Country Woods needed  
4 to meet the required square footage to build on,  
5 which I believe was the minimum of a half-acre as  
6 per town of Cortlandt zoning code laws.

7 So I did not take the salesperson's word  
8 for it. I went to the Cortlandt Town Hall, which  
9 was in Croton at the time, we're talking 35 years  
10 ago. And, I don't recall who I spoke to, but they  
11 confirmed what the salesperson was telling me.

12 So lots 10 and 11 did benefit from lots  
13 25 and 26 to meet the requirements for the town  
14 of Cortlandt. In Mr. Patel's letter, he states  
15 that the lots do not touch each other. They do.  
16 Lots 10 and 25 are back to back.

17 The property was advertised for sale  
18 when Mr. Patel purchased the property, and in the  
19 ad for the property said it had 25 square foot  
20 house on 0.70 acres, which is just less than  
21 three-quarters of an acre. So to me, that means  
22 that the entire property was what was sold. So  
23 Phoenix Construction built seven houses on East  
24 Hill Road and was required by the town of

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2 Cortlandt to meet the minimum square footage of  
3 property to be built. Phoenix Construction  
4 purchased the property from his father-in-law,  
5 Mr. Cronin, who owned Cronin Engineering, and Mr.  
6 Monsell, who is the owner of Phoenix  
7 Construction, told me that he needed to build on  
8 three sections, three lots from the old map.

9 So my research shows that when a  
10 subdivision is approved, it supersedes the map of  
11 1980 -- 1907. To refer to the map of 1907 is a  
12 moot point unless the property was grandfathered,  
13 in as the case with Mr. Cozzi. Referring to Mr.  
14 Cozzi in any case or any other properties  
15 grandfathered in is a moot point. It doesn't  
16 pertain to the case because of the subdivision.

17 As far as the dumping ground stated by  
18 Mr. Davis, yes, there are lawn grass clippings,  
19 which are probably mine. My landscaper, we have a  
20 decorative grass along the property, my  
21 landscaper cut the grass, dropped it there. I  
22 mean it's biodegradable and it happens to be the  
23 same landscaper as Mr. Patel. And if Mr. Patel  
24 had an issue with that, I wish he had come to me

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2 and, you know, stated that.

3 So in the records here of the Cortlandt  
4 Manor Town Hall here, there's a property record  
5 card. So here it shows Mr. Patel who purchased,  
6 who purchased the house from Mr. Mocker, who  
7 purchased the house from LPL Custom Builders  
8 Inc., who purchased the house from Country Woods  
9 at Cortlandt Associates. So you have four  
10 different purchases and there was never a  
11 questioning whether those lots were part of the  
12 purchase or not. So it is, it is part of -- part,  
13 you know, the whole, the whole lot. It's part,  
14 it's part of all one and the same.

15 So, you know, referring to Mr. Patel's  
16 house that was built by LPL Builders, the square  
17 footage of the house that was built, as Mr. Davis  
18 had said, 25 -- 2,758 square feet. The house was  
19 built by LPL builders to a size that would be  
20 most profitable for them at the time. Just  
21 because it didn't meet the 3,290 square feet  
22 shouldn't be an issue. So it really should have  
23 no bearing on any of your decisions in my  
24 opinion.

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2 There are a number of houses that have  
3 front of the house and the back of the house on  
4 East Hill Road, like Mr. Davis is talking about.  
5 12 East Hill Road, 47 East Hill Road and some of  
6 the properties go from East Hill Road to  
7 Lockwood. And there's also one property at the  
8 cul-de-sac that goes to Stonefield Court. So to  
9 say that the front and back is on East Hill Road,  
10 again, I don't believe that should be an issue.

11 I just want to thank you for your time  
12 and I think if you decide to allow this, I think  
13 you're setting a terrible precedent for not only  
14 Country Woods, East Hill Road, but the rest of  
15 Cortlandt Manor. Thank you for your time.

16 MR. FLEMING: Thank you.

17 MS. PICCOLO HILL: Thank you.

18 MR. FLEMING: Any other members of the  
19 public? I'm sorry, if any other members of the  
20 public want to be heard, please step forward.  
21 Same instruction. If you can just state your name  
22 and address and make sure that mic is by your  
23 face there.

24 MR. ROBERT GROSS: Sure. That, that

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2 should be fine. Good evening, Mr. Chairman,  
3 members of the board. My name is Robert Gross and  
4 I reside at 25 East Hill Road, which is adjacent  
5 to Lot 26 along with my wife and family. And  
6 we've been there since December, 2022. Contrary  
7 to the, to the petition that 1907 map submitted  
8 in support of the application does not indicate  
9 to the community that that it was mapped in such  
10 a way that there would be a separate house on  
11 lots 25 and 26, as what was said by Nicholas.  
12 That is a four-lot house. That's how it was  
13 designed. It's been that way for, and now I found  
14 that out, this is now, he's now the fourth owner  
15 of that house. And that's just how that, that  
16 house, that particular house is. And the builder  
17 intentionally determined that 41 East Hill Road  
18 was to include lots 10, 11, 25 and 26; 26 is  
19 right adjacent to my house. And no documentation  
20 has been submitted to the contrary.

21 The real, the salient issue here is the  
22 intent. What was the intent of that builder when  
23 they did this? And the town code section 307-8,  
24 subdivision C that the town that the town code

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2 has here is that's what you have to look at. It's  
3 the intent here of that actual builder. Because  
4 at that time, if they didn't want to have these  
5 other lots part of it, they wouldn't have had  
6 that. And the issue also is, is that the, that  
7 it's common sense is that these two particular  
8 lots, you know, they, here 25 and 26 even  
9 combined with 10 and 11 and it's the 98.7 feet or  
10 it's seven, eight feet, it's not big enough.  
11 It's, it's going to be a smaller house that's  
12 going to be put adjacent to two houses, Nick and  
13 Karen's house and my house. It's not going to be  
14 at all along with the character of that  
15 neighborhood.

16 And the other issue is this is a 30 some  
17 odd year development, where you have mature  
18 landscaping. It's all set. This is not like all  
19 these homes are going in at the same time. This  
20 is now they would, if you were to go up there,  
21 you'd see that there is a, a lot, it's got mature  
22 trees there, you know, wildlife goes through  
23 there. It's a nice area. And to rip it all down  
24 and to stick a small house that's not in --

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2 that's not consistent with the neighborhood would  
3 not be proper.

4 What's also interesting as noted by  
5 Martin Rogers, director of code enforcement, the  
6 building permit and the certificate occupancy  
7 were for a one-family residence for 10, 11 and 25  
8 and 26. And it's been vacant now for the past,  
9 you know, 30, almost 40 years now. And it would  
10 totally destroy the whole area of that of East  
11 Hill Road to have that ripped out. And as far as  
12 the Cozzi house, if we're going bring that up, I  
13 encourage the board to go up there and look at  
14 it, because if you want to see what the front of  
15 that house looks like right now, there's a house  
16 that's up, there's a, there's a backhoe on a pile  
17 of rocks. It's all ripped up and they still  
18 haven't finished it. It would be a total eyesore  
19 from the whole front of East Hill Road. You know,  
20 right now there's a home for sale up there. I can  
21 only imagine people coming up and seeing another  
22 backhoe, you know, propped up on rocks and say  
23 what kind of place is this? It's not at all in  
24 the character of the neighborhood. And, you know,

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2 and we would implore you as residents, you'll  
3 hear from more people to deny the application.  
4 Thank you for your consideration.

5 MR. FLEMING: Thank you. Any other  
6 members of the public wish to step forward,  
7 please do so.

8 MR. CHIN: Anybody on Zoom?

9 MR. FLEMING: Alright. Is there anybody  
10 on Zoom who wishes to participate? You could  
11 raise your hand. Nope. Okay, so --

12 MR. DAVIS: If I can just one point.

13 MR. FLEMING: You're welcome to do so.

14 MR. DAVIS: Okay. Thank you Mr.  
15 Chairman. The board has to stay on point, which  
16 is the legal issue, and that is 307-8C. It's not  
17 an intent, it's a simple mathematical, it's  
18 looking at the 1907 map. And, you know, the  
19 applicant has to go, has to meet all the setback  
20 requirements and all that other stuff, but he  
21 doesn't have to meet the issue of property  
22 acreage, just like every house there is, is under  
23 the requirement. So I, I, you know, I just don't  
24 want the board to get sidetracked by hearsay

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2 statements about what a salesperson said, what  
3 somebody said, but they can't remember the  
4 person's name where there's not documentation.  
5 The code says what this board has to analyze. I  
6 think it was vetted by Mr. Kehoe and Mr.  
7 Cunningham and, and by this board. Thank you.

8 MR. FLEMING: Yeah, absolutely. I'll  
9 allow you to -- please come forward.

10 MR. MAUCIERI: I'd like to correct Mr.  
11 Davis. Yes, I did speak to the salesperson, but I  
12 didn't take his word for it.

13 MR. FLEMING: I appreciate -- we don't  
14 like that people start --

15 MR. MAUCIERI: I'm sorry.

16 MR. FLEMING: Any of your comments,  
17 you're welcome to direct them towards me and, and  
18 --

19 MR. MAUCIERI: I apologize.

20 MR. FLEMING: -- to your benefit, I, I  
21 listen to every -- all of us listen to every  
22 single person's comments and we decide what the  
23 issues are and what we should focus on.

24 MR. MAUCIERI: Okay.

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2 MR. FLEMING: It doesn't make a  
3 difference if you, or if an applicant's attorney  
4 or architect says it. We listen to everybody and  
5 we take everything you say.

6 MR. MAUCIERI: So my rebuttal is not  
7 necessary.

8 MR. FLEMING: You, you're absolutely,  
9 you're welcome to give any, any further statement  
10 you want to give. I just want to let you know  
11 that, you know, we, we, we don't --

12 MR. MAUCIERI: Yeah.

13 MR. FLEMING: We listened to everything,  
14 I just wanted to say.

15 MR. MAUCIERI: I just want to clear the  
16 fact up that yes, I did speak to the salesperson,  
17 but I went to the town hall, which was in Croton  
18 at the time, and I got the word from the, I'm not  
19 sure if it was the planning department or the  
20 zoning department, but they, they confirmed that.

21 MR. FLEMING: I appreciate it.

22 MS. PICCOLO HILL: Can you actually  
23 just, I have a question. So can you clarify for  
24 me, you said something about, a subdivision

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2 supersedes the 1907 map?

3 MR. MAUCIERI: That's correct.

4 MS. PICCOLO HILL: So the town said that  
5 to you? So can you just clarify a little more  
6 about what that, what happened with that  
7 conversation?

8 MR. MAUCIERI: So, my research with a  
9 number of builders I do work for and their  
10 lawyers. And they told me that when there's a  
11 approved subdivision, any map that is existing is  
12 superseded by the subdivision. So going back to  
13 the map of 1907 doesn't make any sense because  
14 it's superseded by the approved subdivision of  
15 Cortlandt Manor.

16 MS. PICCOLO HILL: Thank you. Is there,  
17 I mean --

18 MR. MICHAEL CUNNINGHAM: So I'm not, I  
19 mean I'm, I'm sure you were told that. I, I don't  
20 know specifically, and, and I don't know if there  
21 was necessarily a further subdivision map. I  
22 think it was just the original map and then the  
23 builders built on the parcels based on the  
24 original map.

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2 MR. MAUCIERI: That was Country Woods,  
3 Cortlandt Associates, that was the subdivision  
4 for Country Woods, which is East Hill Road, Perry  
5 Street.

6 MR. FLEMING: Yeah, but I think what Mr.  
7 Cunningham is saying they didn't actually form a  
8 new neighborhood plat, for lack of a better word  
9 when the houses were built, they'd literally  
10 built on lots one and two and lots three and four  
11 and lots five and six, again, for example, not  
12 specifying those lot numbers.

13 MR. MAUCIERI: Right.

14 MR. FLEMING: So the 1907 map certainly  
15 was, you know, relevant to see what this, you  
16 know, building looked like when it was originally  
17 honestly designed to have homes put there at all.  
18 Before, before that it was, it was nothing. They  
19 didn't all get built. And I understand that 1907  
20 development didn't happen as it was intended. But  
21 what, what I think we're saying is I'm not aware  
22 and I haven't seen anything that there was a  
23 second --

24 MS. PICCOLO HILL: Map.

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2 MR. FLEMING: -- development map --

3 MR. MAUCIERI: Okay.

4 MR. FLEMING: -- created when the  
5 developing did actually start.

6 MR. MAUCIERI: Okay.

7 MR. FLEMING: Many, many years later.

8 But it did --

9 MR. MAUCIERI: Well we, we did see a map  
10 and that could have been a sales map from Country  
11 Woods, but it showed the different lots and the  
12 lot that we purchased next to Mr. Patel's lot,  
13 showed it as one lot. And, again, I did go and  
14 confirm that -- I confirmed that with the town 35  
15 years ago. And each house that's built there  
16 that's not grandfathered in is at, on a minimum  
17 of three lots from 1907.

18 MR. FLEMING: Okay.

19 MR. MAUCIERI: Thank you.

20 MR. FLEMING: Thank you.

21 MS. PICCOLO HILL: And the town has no  
22 new subdivision map?

23 MR. CUNNINGHAM: Not that I'm aware of.  
24 Something that the board, because we're getting

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2 to that stage obviously, where the boards can  
3 determine, you know, whether or not it's going to  
4 close the public hearing and it seems like verbal  
5 comments done, what you could always do --

6 UNIDENTIFIED FEMALE: Excuse me, could  
7 you please speak up? We can't hear. Okay.

8 MR. CUNNINGHAM: Sure.

9 UNIDENTIFIED FEMALE: Thank you.

10 MR. CUNNINGHAM: Sure. So what, what I  
11 was saying is we're getting to the point now  
12 where it looks like the town -- because all the  
13 verbal comment has, it seems to have been placed  
14 before the board. So what the board will probably  
15 consider doing is closing the verbal part of the  
16 public hearing. They could consider keeping a  
17 written comment period open and it would allow  
18 residents to further written comments. But, you  
19 know, it's up, it's in the board's discretion.

20 MR. FLEMING: All right. With, with that  
21 being said, is there any further public comment?

22 UNIDENTIFIED FEMALE: Yeah, I do.

23 MR. FLEMING: Please come forward. Just,  
24 Just state your name and address and make sure

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2 you pull that mic down to you so we could hear  
3 You.

4 MS. BERNICE KRANZ: Hi, Bernice Kranz,  
5 26 East Hill Road.

6 MR. FLEMING: Thank you.

7 MS. KRANZ: Cortlandt Manor. I'm not an  
8 attorney, but I do live in a really nice house in  
9 a really lovely neighborhood. And I'm concerned  
10 that these houses, which in my opinion, they  
11 don't belong there, they don't fit in with the  
12 other homes. And as a widow, I'm concerned that  
13 they will lower the aesthetic beauty of the  
14 development, my property and I'm paying taxes.  
15 And if these houses are going to bring down the  
16 desirability of the development then I think I  
17 ought to get a tax break. I do. That, well, you  
18 wanted me to express how I feel.

19 MR. FLEMING: You're welcome to it.

20 MS. KRANZ: That's how I feel. I feel  
21 that these houses do not belong. They don't fit  
22 in and that they would lower the desirability of  
23 people maybe looking to purchase my house. That's  
24 it. Thank you very much.

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2 MR. FLEMING: Thank you.

3 MR. CHIN: What's her address?

4 MR. FLEMING: She did tell us, but sure.  
5 She, she did tell us.

6 MR. CHIN: Oh, she did?

7 MR. FLEMING: Yeah. Ma'am, I'm sorry.  
8 Some of the board members didn't hear it. Could  
9 you just tell me your address real quick so I can  
10 make sure it's on the record? You can tell me  
11 from there. I'll just repeat it.

12 MS. KRANZ: 26 East Hill Road.

13 MR. FLEMING: 26 East Hill Road. Thank  
14 you ma'am.

15 MS. KRANZ: Okay.

16 MR. FLEMING: It's 26 East.

17 MR. CHIN: How could that be?

18 MR. FLEMING: All right, anybody else?  
19 No. Okay. So let's have a motion to close the  
20 public hearing.

21 MS. PICCOLO HILL: I motion to close the  
22 public hearing.

23 MR. MARTINEZ: I second it.

24 MR. FLEMING: All in favor?

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2 MULTIPLE: Aye.

3 MR. FLEMING: All right, public hearing  
4 is now closed. I'll take a thumb vote. Do you  
5 want to vote or do you want to leave --

6 MS. PICCOLO HILL: Well --

7 MR. FLEMING: -- one at a time, the  
8 question is, do you want to take a vote right now  
9 or do you want to adjourn this to have written  
10 comment and then we'll take a vote without  
11 further public hearing at the next meeting?

12 MS. PICCOLO HILL: I personally would  
13 like to hear written public comment.

14 MR. FLEMING: Okay, that's fine.

15 MS. PICCOLO HILL: Just because that I  
16 just want to make sure there's no subdivision  
17 map.

18 MR. FLEMING: Okay, that's fine.

19 MR. WALSH: Yeah, I agree.

20 MR. FLEMING: Benito, do you have an  
21 opinion on it?

22 MR. MARTINEZ: I, I agree.

23 MR. CHIN: Adjourn.

24 MR. FLEMING: So the question is, do you

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2 want to adjourn this or do you want to hold the  
3 vote right now?

4 MR. CHIN: Well, let's close the public  
5 hearing, but what --

6 MR. FLEMING: Again, it's vote right now  
7 or do you want to adjourn this to allow for  
8 written comment?

9 MR. CHIN: I'd rather have the written  
10 comments --

11 MR. FLEMING: Okay.

12 MR. CHIN: -- so we got to get it right.

13 MR. FLEMING: Tom?

14 MR. WALSH: Adjourn and I would like to  
15 know about the subdivision matter, so --

16 MR. BELOFF: And I agree.

17 MR. FLEMING: All right, so what we're  
18 going to do is we're going to -- the public  
19 hearing is closed, so we won't take any more  
20 public comments. We will allow written comments  
21 for the next 21 days. I think our next hearing is  
22 set for April, sorry --

23 MR. WALSH: 18th.

24 MR. FLEMING: -- April 18th. So we'll

1 March 21, 2024

2 have all public, all, all comments will have to  
3 be in by the latest of April 11th, a week before  
4 that hearing so we'll have an opportunity to  
5 review them. Anyone has any additional  
6 information, if you, you know, for example you do  
7 have a map that you want to show us, we'll, we're  
8 absolutely happy to look at any other  
9 information. Applicant, I'm sorry, I'm going to  
10 have to ask you to come back for the April 18th  
11 hearing. We won't have public comment. What we'll  
12 do is at that point vote based on the written  
13 information that we receive. You also are invited  
14 to provide any further written information you  
15 you'd like to provide before we vote for our  
16 consideration as well. Alright, thank you. And  
17 that closes that closes this matter.

18 MR. CUNNINGHAM: And please submit all  
19 written comments to Chris Kehoe, who's our town  
20 planner.

21 MR. FLEMING: Oh, I'm sorry. Yeah,  
22 submit written comments to Chris Kehoe and if  
23 you, if you don't have his email address --

24 MR. CUNNINGHAM: It's on the website

1 March 21, 2024

2 too.

3 MR. FLEMING: Okay. And, and you're  
4 welcome to submit any attachments or other  
5 documents that you want, in addition to your  
6 Comments. And if you can't find it on the  
7 website, just call Town Hall and they will make  
8 sure they get you in contact with Mr. Kehoe.

9 MR. CHIN: Yeah, as long as it's by  
10 April 11th.

11 MR. FLEMING: April 11th, yeah, thank  
12 you

13 MR. CHIN: At the latest.

14 MR. FLEMING: Thank you.

15 [OFF-MIC CONVERSATION]

16 MR. FLEMING: Well, this is  
17 specifically, we're not going to vote until we  
18 get the public comments in written form, so  
19 that's fine.

20 [OFF-MIC CONVERSATION]

21 MR. FLEMING: I do understand. All  
22 right. I moved off my agenda, so give me one  
23 second to move back to it. All right. All right.  
24 The next case is adjourned from our prior

1 March 21, 2024

2 hearing. This is case number 2024-2, application  
3 of Beth Cofini and this is, I'm sorry, Benito's  
4 case?

5 MR. MARTINEZ: Yes.

6 MR. FLEMING: Mr. Martinez, go ahead.

7 MR. MARTINEZ: Yeah, Mr. Chairman, we  
8 have the case number 2024-2 in which they're  
9 requesting a, a variance for to have five dogs  
10 with the town only permitted to have three. This  
11 is and that's for the address actually, I'm  
12 sorry, 23 Willow Place, Ms. Beth Cofini. Ms.  
13 Cofini.

14 MR. FLEMING: Ms. Cofini, if you want to  
15 come forward as the applicant, if you have  
16 anything to say.

17 MS. BETH COFINI: Yes.

18 MR. FLEMING: Same thing as in the prior  
19 hearing too, just state your name and your  
20 address for the record.

21 MS. COFINI: Yep. Beth Cofini, 23 Willow  
22 Place, Lake Peekskill, New York.

23 MR. JOHN TENAGLIA: John Tenaglia, 23  
24 Willow Place, Lake Peekskill, New York.

1 March 21, 2024

2 MR. FLEMING: Thank you.

3 MR. MARTINEZ: You can --

4 MR. FLEMING: If you have anything you  
5 want to start with, you have a statement,  
6 anything you want to say, you're welcome to.

7 MS. COFINI: I, I think we, we sent two  
8 suggestions. I don't, I don't know what to tell  
9 you. I guess I'm here to find out what the fate  
10 is of my five dogs and what your plan is for  
11 them.

12 MR. FLEMING: Okay. So with that in  
13 mind, we had a meeting before this. There is a  
14 public meeting prior to this hearing at 6:30. We  
15 talked about the case. And what the board is  
16 prepared to do is to vote on granting your  
17 variance conditioned upon three conditions. The  
18 first condition is the construction of a fence  
19 fully enclosing the yard that the dogs will be  
20 allowed to go into.

21 MS. COFINI: Mm-hmm.

22 MR. FLEMING: So, there's a condition on  
23 that. Once we grant the variance, the variance is  
24 for the existing five dogs. These five dogs must

1 March 21, 2024

2 get licensed. And the variance for five dogs,  
3 again is limited to the five dogs that you'll  
4 have to license as part of this condition. It's  
5 not a variance to have five dogs. It's a variance  
6 for you to have these five dogs.

7 MS. COFINI: Understood.

8 MR. FLEMING: Was there another one I'm  
9 missing?

10 MR. CHIN: Sixty days from the --

11 MR. FLEMING: And, and that the fence,  
12 to the extent possible, needs to be built within  
13 60 days and if it can't be built within 60 days,  
14 you need to come back to us and ask us to give  
15 you an extension. For example, if you have a  
16 contract that says they can't build it until June  
17 15th, come back to us with that and then we would  
18 extend it to June 15th. But, if you could do it  
19 within the next 60 days, you don't have to come  
20 back. Just, just do it within the next 60 days.  
21 All right. So that, that, that's what we're going  
22 to put before vote and I will ask --

23 MS. PICCOLO HILL: And did you touch  
24 base on where the fence has to go?

1 March 21, 2024

2 MR. FLEMING: It has to have fully  
3 enclose the yard that the dogs will be allowed  
4 into. So if the dogs are going be allowed into  
5 the yard, that entire yard has to be fully  
6 enclosed by the fence.

7 MR. MARTINEZ: And that was your  
8 intention to do the whole.

9 MS. COFINI: Okay.

10 MR. TENAGLIA: We're only going to do  
11 the back.

12 MS. COFINI: I'm, I'm a little confused  
13 because my neighbor on this side is completely  
14 fenced in, so there's no way my dogs are going to  
15 get onto her property. I also have a fence that  
16 runs up along the side of the other people that  
17 you contacted that had notified and had no  
18 concerns about my dogs.

19 MR. CUNNINGHAM: You just have to speak  
20 in the microphone for the record.

21 MR. FLEMING: You have to speak in the  
22 microphone. We can't hear you.

23 MS. COFINI: All right. The people that  
24 live on the, the woman who was here last time,

1 March 21, 2024

2 excuse me, she's completely fenced in.

3 MR. CHIN: If you want, take the  
4 microphone, put it in, put it by you so you're  
5 speaking to it. Otherwise it's not being  
6 recorded, okay.

7 MS. COFINI: Sure. The woman to my left,  
8 facing my house, the one who complained, she is  
9 completely fenced in, in her backyard. There is  
10 no possible way for my dogs to get into her yard  
11 if I put the fence up where it comes from my  
12 house to her fence. And then on the other side, I  
13 come from my pool fence to my other fence that is  
14 a stockade.

15 MR. FLEMING: So again, you're  
16 responsible for building and maintaining a fence  
17 that fully encloses your yard. This isn't you  
18 allowed to build up to someone else's fence  
19 because they can choose to take down.

20 MS. COFINI: They're my fences.

21 MR. FLEMING: Okay. Your neighbor can  
22 take down her fence if she wants to. She doesn't  
23 have to. So what we're telling you is the  
24 condition we're placing on this. And again, you,

1 March 21, 2024

2 you could reject it and just comply without, you  
3 know, and comply with the existing zoning law.  
4 But if you want to, we're telling you if you want  
5 to have five dogs, you have to have a fence that  
6 fully encloses your yard that you will build and  
7 maintain. Okay.

8 MS. COFINI: All I hear is a threat.  
9 That's what I hear.

10 MR. MARTINEZ: It's not a threat.

11 MS. COFINI: It is a threat.

12 MR. MARTINEZ: It's not a threat.

13 MS. COFINI: It is a threat --

14 MR. FLEMING: You know, we're done.  
15 Stop.

16 MS. COFINI: -- because I told --

17 MR. FLEMING: Stop. We're done.

18 MS. COFINI: -- you --

19 MR. FLEMING: That's it.

20 MR. CHIN: That's it.

21 MS. COFINI: I told you that I didn't  
22 have the money to put up a fence.

23 MR. CHIN: Okay. That's it.

24 MS. COFINI: The part of the fence that

1 March 21, 2024

2 we're putting up \$7,000. Now you want me to  
3 enclose the entire yard. Do you have any idea  
4 what that's going to cost?

5 MR. FLEMING: I want you to enclose the  
6 portion of the yard that you want your dogs to be  
7 able to go into. If you want to make a 20 foot by  
8 20 foot section for them, that's up to you. If  
9 you want to have five dogs and you want to have  
10 them be able to go outside your house, you're  
11 going to have to put a fence up that encloses the  
12 area they're allowed to go into. I'm not telling  
13 you to fence your entire property, that's up to  
14 you. This is what, this is the condition we're  
15 putting on your request to have a variance from  
16 the existing zoning that everyone else in the  
17 town has to comply with. Okay. So I'd like you to  
18 get a vote from the board on --

19 MR. CUNNINGHAM: So, we have the motion  
20 to close the public hearing.

21 MR. FLEMING: Oh, you're right. I am  
22 sorry. First, I need a motion to close the public  
23 hearing.

24 MR. MARTINEZ: I make a motion to close

1 March 21, 2024

2 the public hearing.

3 MR. CHIN: Second.

4 MR. FLEMING: All in favor?

5 MULTIPLE: Aye.

6 MR. FLEMING: Against? Okay, the public  
7 hearing is now closed. Now I need a motion to  
8 approve a conditional variance conditioned on the  
9 three conditions I mentioned, which is the  
10 construction of a fence fully enclosing the yard  
11 that the dogs will be allowed into within 60  
12 days. That the, once the variance is granted, the  
13 five dogs will be licensed and that the variance  
14 is only -- is limited to those five licensed  
15 dogs.

16 MR. MARTINEZ: I make a motion for that  
17 too.

18 MR. FLEMING: So moved. All right.

19 MR. CUNNINGHAM: We'll need a second.

20 MR. FLEMING: Sorry. Mr. Cunningham, can  
21 you pull the board?

22 MR. CUNNINGHAM: Sure. And we'll need,  
23 we'll need a second on the motion.

24 MR. CHIN: Second.

1 March 21, 2024

2 MR. FLEMING: Oh.

3 MR. CUNNINGHAM: All right. So, Ms.  
4 Piccolo Hill?

5 MS. PICCOLO HILL: Approve.

6 MR. CUNNINGHAM: Mr. Martinez?

7 MR. MARTINEZ: Approve.

8 MR. CUNNINGHAM: Mr. Chin?

9 MR. CHIN: Approve.

10 MR. CUNNINGHAM: Mr. Walsh?

11 MR. WALSH: Approve.

12 MR. CUNNINGHAM: Mr. Beloff?

13 MR. BELOFF: Approve.

14 MR. CUNNINGHAM: And Chairman Fleming.

15 MR. FLEMING: Approved.

16 MR. CHIN: Six to nothing.

17 MR. FLEMING: All right, so, a letter  
18 will be sent. You'll be copied on it. A letter  
19 will be sent to the town enforcement division  
20 with which, which, which has that holding. After  
21 that, it's up to you to comply with it.

22 MS. COFINI: Thank you.

23 MR. TENAGLIA: Have a good night.

24 MR. FLEMING: Thank you. Have a good

1 March 21, 2024

2 night.

3 MR. MARTINEZ: Good night.

4 MR. FLEMING: And with that I need a  
5 motion to close --

6 MS. COFINI: Oh, Excuse me, just one  
7 thing I'd like in writing, why you decided  
8 against the collars, because now you're making me  
9 spend 20,000 as opposed to 5,000.

10 MR. CUNNINGHAM: That'll be in the  
11 decision.

12 MS. COFINI: To me, that is a threat.

13 MR. CHIN: That will be in the decision  
14 and order.

15 MR. CUNNINGHAM: That'll be in the  
16 decision and order as well.

17 MS. COFINI: And I will put it in  
18 writing and I will send it to animal welfare.

19 MR. CHIN: Fine.

20 MR. FLEMING: Thank you.

21 MS. COFINI: Make sure animal welfare  
22 knows how we treat animals in Cortlandt Manor.

23 MR. CHIN: I make a motion to close the  
24 hearing.

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MR. WALSH: Second.

MR. FLEMING: Second, Tom Walsh  
seconded. All favor of closing the hearing?

MULTIPLE: Aye.

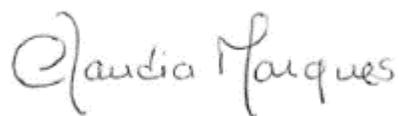
MR. FLEMING: All right. Our next  
hearing is 18th, the April 18th hearing. See  
y'all then.

(The public board meeting concluded at  
7:33 p.m.)

CERTIFICATE OF ACCURACY

I, Claudia Marques, certify that the foregoing transcript of the board meeting of the Town of Cortlandt on March 21, 2024 was prepared using the required transcription equipment and is a true and accurate record of the proceedings.

Certified By

Handwritten signature of Claudia Marques in cursive script.

Date: April 8, 2024

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