

TOWN OF CORTLANDT
PLANNING AND ZONING BOARDS

ZONING BOARD MEETING

Town Hall
1 Heady Street
Cortlandt Manor, NY 10567

April 24, 2025

6:30 p.m. - 6:47 p.m.

April 24, 2025

MEMBERS PRESENT:

Michael Fleming, Chairman

Wai Man Chin, Vice-Chairman

Frank Franco, Member

Benito Martinez, Member

Thomas Walsh, Member

MEMBERS ABSENT:

Michelle Piccolo Hill, Member

Chris Beloff, Member

ALSO PRESENT:

Chris Kehoe, AICP, Director of Planning

Michael Cunningham, Esq., Deputy Town Attorney

Heather LaVarnway, CNU-A, Planner

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2 (The board meeting commenced at 6:30 p.m.)

3 MR. MICHAEL FLEMING: All right, I'd
4 like to call to order the April 24, 2025 meeting
5 of the Town of Cortlandt Zoning Board of Appeals.
6 I'd like to start by inviting everybody present
7 to join me in saying the Pledge of Allegiance.

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

13 MR. FLEMING: All right, thank you. All
14 right, first, I'd like to address the meeting
15 minutes for the March 27th meeting.

16 MR. CHRIS KEHOE: Roll? Sorry.

17 MR. FLEMING: Oh, I apologize. Yes, do
18 the roll call, first.

19 MR. KEHOE: Mr. Martinez?

20 MR. BENITO MARTINEZ: Here.

21 MR. KEHOE: Mr. Franco?

22 MR. FRANK FRANCO: Here.

23 MR. KEHOE: Mr. Fleming?

24 MR. FLEMING: Here.

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2 MR. KEHOE: Mr. Chin?

3 MR. WAI MAN CHIN: Here.

4 MR. KEHOE: Mr. Walsh?

5 MR. THOMAS WALSH: Here.

6 MR. KEHOE: Ms. Piccolo Hill and Mr.
7 Beloff noted as absent.

8 MR. FLEMING: Thank you. All right, now,
9 I'd like to talk about the adoption of the
10 meeting minutes from the March 27th meeting. If
11 everyone's had a chance to review them, is there
12 a motion to approve the meeting minutes?

13 MR. WALSH: So moved.

14 MR. FLEMING: Second?

15 MR. FRANCO: Second.

16 MR. FLEMING: All in favor?

17 MULTIPLE: Aye.

18 MR. FLEMING: All right, those minutes
19 are approved. We now have a new public hearing,
20 and I believe Mr. Chin, this is your case?

21 MR. CHIN: Yeah, it was appointed -- I
22 was appointed to this case because some of the
23 other people couldn't make it today. This is for
24 77 Montrose Station LLC, at 77 Montrose Station

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2 Road. Okay, this is case number 2025-5. And is
3 there somebody to speak to this on the applicant?

4 MR. JOSEPH THOMPSON: Good evening,
5 board. Joseph Thompson, architect. I'm here with
6 the property owner, Justin Giordano.

7 MR. CHIN: Thank you. Okay, will you
8 please indicate what you want to do.

9 MR. THOMPSON: The application that
10 we're here before you with tonight is for an
11 accessory structure on a single family
12 residential property that the owner has been
13 rehabilitating. There was an older structure,
14 probably 1930s or '40s, vintage, that was in a
15 pretty distressed state. They significantly
16 invested in rehabilitating that structure and
17 improving it. So that's undergoing renovations.
18 And they'd like to construct, alongside of it, a
19 two-car garage with some storage above.

20 The variance request, it's twofold.
21 Initially, we approached to seek a variance for
22 the height. We also came to find out that the
23 variance would also need to entail a front yard
24 setback as well. And so the site plan, if you

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2 look at it, it's a unique geometry. It's a large
3 parcel, it's close to ten acres. The house is at
4 the very back of the property. It's over a 550
5 foot setback from the road. And so the proposed
6 location for that garage is in plane with the
7 front of the house. So if you look at a parallel
8 plane of the house, as you perceive the house, it
9 feels like it's in plane with it. But
10 technically, based on the geometry of the
11 property, that structure is within the front
12 yard.

13 MR. FLEMING: I have a quick question
14 for you on that, and I'm not sure if you
15 discussed this with, with the town before. There
16 are actually two garages on this property.
17 There's an existing, you know, framed garage. And
18 then there's the, you know, proposed garage,
19 which the foundations have been poured for.

20 MR. THOMPSON: That's correct, yes.

21 MR. FLEMING: And several of us were
22 somewhat confused. If both of those garages are
23 in the front of the house, and if they are, are
24 you looking for a variance for both of those

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2 garages, which would fall within the front of the
3 house then require a variance.

4 MR. THOMPSON: Well, they're preexisting
5 garages. I don't know the vintage, but they're
6 quite old. One is in the rear.

7 MR. CHIN: Yeah, one's in the rear and
8 one's in the front.

9 MR. FLEMING: Yeah. It's not the, it's
10 not the one in the rear we're talking about.
11 We're talking about the one which, uh --

12 MR. CHIN: Is in the front.

13 MR. FLEMING: Yeah. it's, yeah. It's --

14 MR. THOMPSON: It's alongside the
15 driveway here.

16 MR. FLEMING: Right.

17 MR. THOMPSON: Yeah. Probably over 300
18 feet from the road, but again technically in the
19 front yard setback, it's a preexisting condition.
20 The plan is to keep that. Those two structures
21 are older, but they still serve utility, maybe
22 not for personal storage like the new garage
23 which will be insulated and climate controlled.
24 But those garages are still useful for yard

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2 tools, for equipment, tractors and such.

3 MR. KEHOE: But that clears up a
4 question.

5 MR. CHIN: Yeah.

6 MR. KEHOE: That the denial letter that
7 we got from Martin Rogers, at least wasn't clear
8 to me, and I should have checked with Martin. But
9 I wonder if your discussions with Martin, if he
10 mentioned that both garages were in the front
11 yard. I was only focusing on the proposed new
12 garage. Did you ever have a discussion about the
13 other garage? Was it your understanding that you
14 were seeking a variance for both?

15 MR. THOMPSON: No, no, correct me if I'm
16 wrong, but that's, it's preexisting so there's no
17 action proposed to that structure. It's been
18 there probably 40 or 50 years.

19 MR. CHIN: It doesn't matter. It's still
20 in the front yard, and it doesn't have approval
21 for that.

22 MR. KEHOE: Well, well we'll look into
23 that.

24 MR. FLEMING: I mean if we have a

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2 question about that, we may wind up asking Martin
3 and the town about that. It would make sense.

4 MR. MICHAEL CUNNINGHAM: And either way
5 too, it was advertised as needing front yard
6 variance for an accessory structure. So, to me, I
7 don't, I don't see an issue if it's one or two.

8 MR. CHIN: There's that too.

9 MR. THOMPSON: As opposed if it's
10 determined that that is -- that needs to be part
11 of the application and the request? The owner
12 would like to retain the structure. When they
13 purchased the property, it had again been there
14 probably 40, 50 plus years, I don't know the
15 exact vintage.

16 MR. CHIN: Also, one of our board
17 members over here mentioned there's also a shed
18 or way in the front yard, way at the front of the
19 road or so.

20 MR. WALSH: Right at the corner it looks
21 like it's a --

22 MR. CHIN: Right in the corner.

23 MR. WALSH: -- frame shed.

24 MR. CHIN: It's like a frame shed right

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2 in the corner right there. See, whatever is in
3 the front of the house, you need a variance for
4 front yard accessory structures.

5 MR. THOMPSON: Understood.

6 MR. CHIN: Okay. And those things were
7 never done for that first one or second one or
8 whatever, from way back when, you know what I
9 mean? Okay. But now that you're doing this,
10 that's got to be added into it. And also on the
11 accessory structures, you have the accessory
12 structure in the back, the new one on the side
13 right there, to the house, the one over there and
14 the one over there. The square footage cannot be
15 more than 50 percent of the house.

16 MR. THOMPSON: We're aware of that. Our
17 engineer provided calculations which were
18 significantly within that allowance. So I don't
19 think we're in any danger.

20 MR. WALSH: And even that other shed
21 isn't going to bring you close to it.

22 MR. FLEMING: No, no, no.

23 MR. FRANCO: Yeah, but as you just
24 mentioned --

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2 MR. THOMPSON: There's several hundred
3 square foot of additional capacity.

4 MR. FLEMING: Let's just request not to
5 talk over each other --

6 MR. THOMPSON: I'm sorry.

7 MR. FLEMING: When one person is
8 talking, just let them finish and feel free to
9 address to your heart's content the comments, but
10 often we don't get recorded properly when we're
11 talking over each other.

12 MR. THOMPSON: Understood.

13 MR. FLEMING: Alright. I'm sorry. I
14 interrupted you only because that was a question,
15 but please continue.

16 MR. THOMPSON: So the request is for the
17 new garage, both for the setback, due to the
18 geometry of the site. Again, as, as you approach
19 the house and approach the structure, it wouldn't
20 feel like it's front of that house because it's
21 in plane with it, but technically is. And the
22 second part of it is for the height. And so what
23 we're trying to accomplish is a space that can be
24 used for storage. The ceiling height would be

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2 limited at a height that's not legal to finish as
3 habitable space, so I think we detail it as six
4 foot ten in height, so we would never be able to,
5 you know, we'd have to reconstruct the whole
6 garage to be able to make it have a future
7 application, inhabit it. That's not the intent.
8 There's no intent for any water or sewer hookup
9 or anything like that. It's really just to have
10 storage space above. If we're going through the
11 effort to construct this two-car garage, it would
12 be useful to the applicant, primarily because of
13 the vintage of the construction of the existing
14 structures. Again, the two other storage
15 accessory units, they, as an older vintage, you
16 know, would be susceptible to having older
17 foundations, even vermin and such, you wouldn't
18 be able to store valuable belongings there.

19 And the same for the house, there's a
20 significant amount of sub-surface rot. That house
21 doesn't have a basement in it of any substance.
22 There's a small mechanical room. But even if we
23 were to have an addition on this house, the
24 amount of rock removal, the blasting that would

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2 be required would be prohibitive to ever
3 construct any type of basement. And again, the
4 construction of the house, it's like a vintage
5 Craftsman style home, a story and a half almost
6 with a roof dormer coming out of it. There's no
7 useable attic in this house.

8 So if it were new construction, they'd
9 probably have an attic for storage, they'd have a
10 basement for storage. But in this case, we don't
11 have that available to us, so that's why it would
12 be valuable to the applicant to seek the variance
13 for the height.

14 MR. FLEMING: All right? Are you finish?
15 Any questions from the board members?

16 MR. CHIN: I want to ask you one quick
17 question. You just said something about it's
18 going to be climate control in this garage?

19 MR. THOMPSON: So I think that we --

20 MR. CHIN: What do you mean by climate
21 control?

22 MR. THOMPSON: -- we plan to insulate
23 it, so at least it's air sealed, so at least that
24 way, if we wanted to put a small split system

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2 unit. It's not going to be like an un-insulated
3 attic in an older home where the temperature can
4 get up over 100 degrees and we're melting things.
5 So it's just a basic level of conditioning where
6 we're not going to allow that temperature to
7 swing higher than 80 degrees or lower into
8 freezing temperatures in the wintertime.

9 MR. CHIN: Okay. Is there any water
10 being in this --

11 MR. THOMPSON: No.

12 MR. CHIN: None, no water at all?

13 MR. THOMPSON: No water.

14 MR. CHIN: Okay. I would like -- I see
15 your elevations, okay. I've been in the field of
16 architecture for 60 years myself. I'd like to see
17 a cross section also.

18 MR. THOMPSON: We have that. We prepared
19 it for the building department, we're happy to
20 share that with the board.

21 MR. CHIN: Yeah, because I like to see
22 that, what the cross section looks like, what the
23 cross beams are and everything else to actually
24 see what the heights are, visualize them. I

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2 understand what you're trying to do where you
3 want to try to match the, the house, the angles
4 of the roof and everything else. But I still like
5 to see those things, and myself, I like to do a
6 site visit myself on the site, to look at the
7 property and look at what's adjacent, what's
8 nearby and if possible, if possible, can you give
9 us any kind of idea how the subdivision is going
10 to be?

11 MR. THOMPSON: I actually have no
12 working knowledge of it. I'm aware that there's
13 an application.

14 MR. CHIN: Okay.

15 MR. THOMPSON: But our, our involvement
16 has really only been on the primary structures.

17 MR. CHIN: Only that, okay.

18 MR. THOMPSON: So I can't speak
19 accurately to it.

20 MR. CUNNINGHAM: And, and just so
21 everyone who is here is aware too, there will be
22 -- there's a separate subdivision application and
23 that'll have its own public hearings as well.

24 MR. FLEMING: Thank you.

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2 MR. CUNNINGHAM: Before the planning
3 board, just to be clear.

4 MR. FLEMING: Two members of the board
5 did actually request a site visit and, with two
6 members of the board asking for it, I think
7 that's, it's a good idea for us to make a formal
8 request to you to --

9 MR. THOMPSON: We're happy to
10 accommodate.

11 MR. FLEMING: -- before we consider, you
12 know, voting on this, that we actually arrange a
13 site visit. Mr. Kehoe usually handles all the
14 arrangements and he'll be happy to work with you
15 or your client directly. What we usually do is we
16 come, Chris, are we Saturdays or Sunday, I can't
17 remember.

18 MR. KEHOE: Saturdays I think.

19 MR. FLEMING: Saturdays, so we usually
20 come on a Saturday morning. You know, we have
21 some openness, but Chris does need to publish
22 that we're doing it, so there is some time
23 constraints on it. We don't have to pick the date
24 right now, but --

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2 MR. CHIN: Well, we should pick the date
3 now.

4 MR. FLEMING: -- let me finish. But, but
5 Chris is probably going to tell us a couple of
6 dates that would give him enough time to do that,
7 and if that does work for you, we can do so.

8 MR. KEHOE: Well, there's only two --
9 this meeting is late and the next one is early.
10 So there's only two Saturdays and I'm only
11 available one of the two Saturdays, so that would
12 be Saturday, May 3rd.

13 MR. MARTINEZ: But Chris, we can do it
14 on Sunday too. We did it, the last time we did
15 it, we did it on a Sunday.

16 MR. KEHOE: Well --

17 MR. CHIN: The Sunday before is Mother's
18 Day, so we're not doing it on that, Mother's Day,
19 okay. All right.

20 MR. FLEMING: So Saturday, May 3rd, is
21 that something that would work for everyone on
22 the board?

23 MR. WALSH: I'm away that weekend.

24 MR. FLEMING: You're away that weekend,

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2 Tom?

3 MR. WALSH: Yes.

4 MR. MARTINEZ: Saturday, May 3rd?

5 MR. WALSH: Yes.

6 MR. CHIN: How about Sunday, the 4th?

7 MR. WALSH: Again, I'm away that
8 weekend.

9 MR. CHIN: You -- oh, you're away that
10 weekend.

11 MR. KEHOE: Well, it's up to Tom, but
12 there's never a requirement that every member of
13 the board. Usually what happens is --

14 MR. WALSH: Yeah, I don't need to be
15 there.

16 MR. KEHOE: -- the board members who do
17 go can --

18 MR. FLEMING: If you don't think you
19 need to be there, Tom, I'm happy to continue it
20 without you.

21 MR. WALSH: Yeah.

22 MR. KEHOE: As long as, as long as two,
23 three, four are there, they can report back to
24 the other members.

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2 MR. FLEMING: Sure. Is everybody else
3 available on the 3rd?

4 MR. MARTINEZ: I'd be fine, yeah.

5 MR. FRANCO: I think I'm free.

6 MR. CHIN: Okay, and we'll let the other
7 two board members know that's absent today also.

8 MR. KEHOE: And I can't remember, the
9 planning board always goes at 9:00 in the
10 morning. Do you want to go at 9:00 or 10:00 or --
11 9:00, get it over with?

12 MR. CHIN: Yeah.

13 MR. FLEMING: I'll ask the applicant, is
14 9:00 o'clock in the morning okay with you guys?

15 MR. THOMPSON: So I'm sure we'll be able
16 to have somebody represent it. I'm not sure that
17 I can.

18 MR. FLEMING: Sure.

19 MR. THOMPSON: But somebody, I certainly
20 can arrange for that and confirm prior.

21 MR. FLEMING: Okay. All right, so we're
22 going to do it on May 3rd at 9:00 a.m.

23 MR. MARTINEZ: Is there a better time
24 for you to be there for that day or no?

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2 MR. THOMPSON: I have four small
3 children, so probably only business hours Monday
4 through Friday.

5 MR. FRANCO: Okay. Understood.

6 MR. THOMPSON: If I commit to anything
7 else, I might jeopardize my welfare right now.

8 MR. FLEMING: Understood, that's fine.
9 All right, so Saturday, May 3rd, at 9:00 a.m.
10 we're going to do a site visit, Chris, and Chris
11 you'll take care of? Okay. Thank you.

12 MR. CHIN: Anybody else on the board
13 would like to say anything?

14 MR. KEHOE: You have to have the public.

15 MR. FLEMING: I know.

16 MR. FRANCO: I just wanted to ask one
17 question. You mentioned the height in the attic
18 with, you know, the proposed, uh, roof height.
19 But what was the standing height in there that
20 you were saying, because it's obviously pitched,
21 so it's going to be different.

22 MR. THOMPSON: No, we would construct a
23 flat ceiling within that.

24 MR. FRANCO: Oh, okay.

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2 MR. THOMPSON: So it's part of tying
3 back the structure so the roof doesn't spread,
4 but I'll submit a cross section --

5 MR. CHIN: Well, that's why we saw a
6 cross section.

7 MR. THOMPSON: -- as vice chair
8 requested. But the height I believe it's 6'10"
9 would be below a height where we'd have
10 structural members that could not be removed to
11 alter it into finished space. That was a
12 discussion we had with code enforcement.
13 Obviously, we don't want this to, you know,
14 perceived as something that would be turned into
15 like an accessory dwelling unit or anything like
16 that in the future.

17 MR. CHIN: Right.

18 MR. THOMPSON: And that's not the
19 intent. So that the height really isn't needed.

20 MR. FLEMING: Okay.

21 MR. CHIN: Alright. Anybody in the
22 audience?

23 MR. FLEMING: Please relax.

24 MR. CHIN: Oh.

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2 MR. FLEMING: I was going to ask you if
3 you have anything further to add. But it sounds
4 like you don't.

5 MR. THOMPSON: No, I don't.

6 MR. FLEMING: Okay. Thank you. We'd now
7 like to invite any members of the public who wish
8 to make a comment on this, we ask you to come
9 forward on this, please state your name, and your
10 address in the town of Cortlandt. And if you're
11 outside the town of Cortlandt, that's fine,
12 you're welcome to address us, but please also let
13 us know your address. Anybody is welcome to come
14 up.

15 MR. CHIN: I guess we answered their
16 questions.

17 MR. MARTINEZ: Anybody in Zoom?

18 MR. FLEMING: Alright. Is there anybody
19 on Zoom that wishes to make any comments? There's
20 no one on Zoom at all I don't think. Alright. So
21 in light of the site visit, what we'll do is
22 we'll adjourn this public hearing until our next
23 meeting, and then continue the public hearing at
24 that point and then -- we don't have to close the

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2 public hearing tonight?

3 MR. KEHOE: No, don't close it.

4 MR. FLEMING: Yeah. And then, and then
5 we'll continue after the next meeting. So --

6 MR. KEHOE: And just procedurally, just
7 so the public knows that a site inspection is for
8 the zoning board members to go out and look at
9 things. Since a quorum of them will be there,
10 it's a meeting, I have to notify the press. But
11 residents are not allowed on the property unless
12 the property owner gives permission, just to be
13 clear.

14 MR. FLEMING: Sure, right.

15 MR. KEHOE: Yeah, okay.

16 MR. FLEMING: And if the property owner
17 does give permission, that's fine. We also just,
18 we can't answer questions during the site visit
19 to the public where, where -- that's limited to a
20 venue like this where it can be recorded and we
21 can take everything and put it on the record. But
22 we do again, you know, welcome any comments you
23 would have while we're there. The next meeting is
24 Thursday, May 15th, so I need a motion to adjourn

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2 our public hearing until, Thursday, May 15th.

3 MR. CHIN: Okay, I'm going to, so I make
4 a motion to adjourn case 2025-5 to the May 15th
5 meeting, and we'll have a site visit on May 3rd
6 at 9:00 a.m. at the site.

7 MR. FRANCO: Second.

8 MR. KEHOE: On the question. Can I say
9 something on the question just before you vote?

10 MR. FLEMING: Yes.

11 MR. KEHOE: So just so I'm clear, I
12 believe all of the accessory structure
13 calculation is fine. But I'll confirm that with
14 Martin. You may have to add that little frame
15 shed to your chart. We'll do the math to make
16 sure that it's less than 50 percent. I'll get
17 clarity from Martin about the frame shed at the
18 entrance and the other garage that might be in
19 the front yard. And then the applicant has agreed
20 to provide you a cross section.

21 MR. CHIN: If we approve or don't
22 approve, they have to be on the agenda.

23 MR. KEHOE: Yeah, I'll ask Martin that,
24 I'll get that cleared up.

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2 MR. CHIN: Okay.

3 MR. KEHOE: Okay.

4 MR. FLEMING: Alright. So we have a
5 motion pending.

6 MR. CHIN: Seconded.

7 MR. FLEMING: And seconded, so I need an
8 all in favor?

9 MULTIPLE: Aye.

10 MR. FLEMING: Opposed? Alright. So
11 moved, so this matter is continued until our next
12 hearing and the site visit. Thank you.

13 MR. THOMPSON: Thank you very much.

14 MR. FLEMING: Thank you very much.

15 MR. THOMPSON: Yeah, have a good
16 evening, all.

17 MR. WALSH: You too.

18 MR. FLEMING: Alright. Now we need a
19 motion to close our hearing tonight.

20 MR. CHIN: So moved.

21 MR. WALSH: Second.

22 MR. FLEMING: All in favor?

23 MULTIPLE: Aye.

24 MR. CHIN: That was fast.

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2 MR. FLEMING: Alright. Thank you very
3 much.

4 (The public board meeting concluded at
5 6:47 p.m.)

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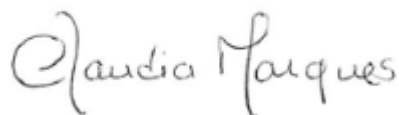
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CERTIFICATE OF ACCURACY

I, Claudia Marques, certify that the foregoing transcript of the Zoning Board of Appeals meeting of the Town of Cortlandt on April 24, 2025 was prepared using the required transcription equipment and is a true and accurate record of the proceedings.

Certified By

A handwritten signature in cursive script that reads "Claudia Marques".

Date: May 14, 2025

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