

TOWN OF CORTLANDT  
PLANNING AND ZONING BOARDS

BOARD MEETING

Town Hall  
1 Heady Street  
Cortlandt Manor, NY 10567  
February 27, 2025  
6:30 - 7:25 p.m.

February 27, 2025

MEMBERS PRESENT: Michael Fleming, Chairman

Wai Man Chin, Vice-Chairman

Frank Franco, Member

Michelle Piccolo Hill, Member

Benito Martinez, Member

Thomas Walsh, Member

MEMBERS ABSENT:

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 7:00 p.m.)

3 MR. MICHAEL FLEMING: All right. I'd  
4 like to call to order the February 27, 2025  
5 meeting of the town of Cortlandt Zoning Board of  
6 Appeals. Start with Pledge of Allegiance, anybody  
7 who will join me, please, in saying the pledge.

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. Can  
14 we just do a roll call?

15 MR. CHRIS KEHOE: Ms. Piccolo Hill?

16 MS. MICHELLE PICCOLO HILL: Here.

17 MR. KEHOE: Mr. Martinez?

18 MR. BENITO MARTINEZ: Here.

19 MR. KEHOE: Mr. Franco?

20 MR. FRANK FRANCO: Here.

21 MR. KEHOE: Mr. Fleming?

22 MR. FLEMING: Here.

23 MR. KEHOE: Mr. Chin?

24 MR. WAI MAN CHIN: Here.

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2 MR. KEHOE: Mr. Walsh?

3 MR. THOMAS WALSH: Here.

4 MR. KEHOE: Mr. Beloff noted as absent.

5 MR. FLEMING: All right. The meetings  
6 due to a clerical issue weren't available, so  
7 we're not going to be able to approve them this  
8 time. We will see to that at our next meeting.  
9 Also a little bit of housekeeping. I need a  
10 motion to change the date of our March 20th  
11 meeting to March 27th. Can somebody move?

12 MR. FRANCO: So moved.

13 MR. FLEMING: All in favor?

14 MULTIPLE: Aye.

15 MR. FLEMING: Any opposed? No. All  
16 right, so the next meeting will be March 27th at  
17 7:00 p.m.

18 MR. KEHOE: And, and we're 90 percent  
19 sure that's going to work. We just have to  
20 confirm that the room is available.

21 MR. FLEMING: Right.

22 MR. KEHOE: Which we're pretty confident  
23 it is.

24 MR. FLEMING: Subject to room

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2 availability, correct. Okay. Two cases. First  
3 case, I believe that one is yours.

4 MR. CHIN: Oh. Kathryn Breidenbach and  
5 Garrett.

6 MR. FLEMING: Case number 2025-1. Just  
7 say your names and your address for the record  
8 and then feel free to provide any information you  
9 want.

10 MS. KATHRYN BREIDENBACH: Okay. Good  
11 evening, everybody. So, Kathryn Breidenbach.

12 MR. FLEMING: Do me a favor, and just  
13 pull that mic towards you a little bit. I  
14 appreciate it. There.

15 MS. BREIDENBACH: Okay. So I'm Kathryn  
16 Breidenbach and this is Garrett Russo and we are  
17 the owners of 163 Locust Avenue in Cortlandt  
18 Manor.

19 MR. FLEMING: Thank you.

20 MS. BREIDENBACH: Okay, perfect. Okay.  
21 So thank you for hearing us today. So I just want  
22 to go through -- we're obviously here to apply  
23 for a variance for our home that we purchased.  
24 John Lentini is our architect. He did apologize.

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2 He could not make it today because he had an  
3 emergency, so he asked for us to come and he  
4 spoke to us a little bit in advance. So, we are  
5 requesting a variance on this house. You know, as  
6 per John, the house is over a hundred years old,  
7 so he did want us to make note of the fact that  
8 the house, he said predates zoning. But we're  
9 still here requesting the variance. The house,  
10 you know, unfortunately has been in dire need of  
11 repair for quite some time, for many, many years.

12 And what we would like to do is we would  
13 like to restore the house, restore it to a lot of  
14 its original character. We have actually spoken  
15 to our neighbors. We know all of them. We do have  
16 letters from three of them which are in the  
17 direct vicinity of us. And not only are they in  
18 support of our project, but they are actually  
19 very excited because the house unfortunately has  
20 become, you know, a very large eyesore in the  
21 area for quite some time and they are very  
22 excited. We talked to them a little bit about,  
23 you know, what our hopeful plans are and they are  
24 very much looking forward to seeing it restored

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2 and help improve the aesthetics of the  
3 neighborhood.

4 MR. MICHAEL CUNNINGHAM: We can take  
5 copies of The letters if you'd like.

6 MR. FLEMING: Thank you.

7 MS. BREIDENBACH: Yeah, absolutely.  
8 That's the three of them.

9 MR. CHIN: Why don't you have Chris read  
10 them, from who?

11 MR. KEHOE: No, I can, I can just put  
12 them into the record. Arlene Cardwell from 165  
13 Locust, Shimon and Joyce Bendavid from 167 Locust  
14 and Young and Yong Lee from 159 Locust, all  
15 support letters.

16 MR. FLEMING: Thank you. If you have  
17 anything else. If not, we'll open it up for  
18 questions.

19 MS. BREIDENBACH: Sure. Is there  
20 anything else that we should cover at this point  
21 or I didn't know if there would be any questions?

22 MR. CHIN: Well, basically what I see,  
23 I, I came out to the job site and met with you  
24 both and I also talked to John Lentini about this

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2 thing. And showing that the, the areas that you  
3 want to do, also that the, the porch that you  
4 want to put over by the front over there is  
5 actually only the, the first couple feet is  
6 within the property line. the rest is setback  
7 from the property line, if you look at the plan.  
8 And also you want to remove part of a, a  
9 staircase that's not being used no more. And also  
10 fix your bedroom to be square rather than a big  
11 jog in it. And, and that's about what we have  
12 right now.

13 MS. BREIDENBACH: That is.

14 MR. CHIN: Like I say, I went over  
15 everything with you guys and you're taking out  
16 the staircase out from where the property line  
17 was.

18 MS. BREIDENBACH: Correct, on the left  
19 side.

20 MR. CHIN: Because right now, you're  
21 built in front of a right of way, okay. It's --  
22 your property line comes just right to the right  
23 of way over there and goes back in. And what you  
24 want to do is square off that one-story back area

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2 right there is for your bedroom to make it just a  
3 square bedroom rather than a, a crazy jog in it.  
4 All right.

5 MS. BREIDENBACH: That's correct.

6 MR. CHIN: Again, I called up Mr.  
7 Rogers, Martin Rogers and asked him when this  
8 house was built because there's no indication  
9 anywhere when the house was built. And he said it  
10 was about 120 years ago, give or take. And I  
11 says, my god. And he said, yeah, this is prior to  
12 zoning by about 50 something years, give, you  
13 know, or whatever it was. And he says it's all  
14 these houses. He, he tell, he told me that all  
15 these houses over there all need variance  
16 greatly, you know what I mean. They're all within  
17 the setback requirements and so forth.

18 So when I came and looked at it, what  
19 you wanted to do were your front porches. Like I  
20 say, I really, I looked at the, the problem that  
21 you had there and, and the, the thing is in bad  
22 shape and you want to bring it out to the patio  
23 portion of the, the steps right there. And  
24 actually the front lot line goes partially in

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2 front of the last, the corner by where the window  
3 is on the left-hand side of that, that area.

4 Okay. And again, I myself didn't have a problem  
5 of you tearing that down and ripping it up and  
6 making it look better. And also that the grade on  
7 the road over there and you, you fix this up a  
8 little bit and everything else to prevent water  
9 from coming down into your house.

10 MS. BREIDENBACH: That's correct. That's  
11 huge issue.

12 MR. CHIN: And I believe that some of  
13 the next door neighbors also had to do the same  
14 thing.

15 MS. BREIDENBACH: Yes.

16 MR. CHIN: All right. So again, I had no  
17 problem based on what you had indicated and what  
18 I saw, of granting the variance that you had  
19 asked for, you know what I mean. So, I'm going to  
20 leave it up to my associates to see what they  
21 want to say.

22 MR. GARRETT RUSSO: Can I add one thing?

23 MR. FLEMING: Anyone else on the board  
24 have any questions or comments?

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2 MS. PICCOLO HILL: I actually have a  
3 couple of questions.

4 MR. FLEMING: Yes, please.

5 MS. PICCOLO HILL: My concern is mostly  
6 with the front corner that's basically touching.  
7 I guess my only concern is being so close to the  
8 property line, should that driveway ever need to  
9 be fixed, big trucks coming through, that sort of  
10 thing, did you ever look at alternatives that  
11 wouldn't abut the property line so exactly?

12 MS. BREIDENBACH: It's a great question.  
13 So because the, the porch is already preexisting  
14 there and that's already been taken care of and  
15 even when the bank, you know, took it over, they  
16 had replaced portion of it. We, we're not looking  
17 to extend any past that. We're just looking to  
18 put the porch roof over what's already there. One  
19 of the other big issues that we had, which we  
20 discovered after purchasing, we have tremendous  
21 issues with water mitigation.

22 MR. RUSSO: Really bad.

23 MS. BREIDENBACH: So, because when they  
24 built the new development and they built in the

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2 wall there, on the road coming there, now there's  
3 nowhere for the water to go and everything was  
4 pitched towards the house. So unfortunately, you  
5 know, there has to be this certain distance away  
6 from the house in order to ensure that the water  
7 is properly pitched away.

8 And then, you know, part of what we  
9 would do, and this would be obviously a secondary  
10 stage, we would have to make sure that we have  
11 proper drainage in there and water mitigation so  
12 that it's not just affecting our house, but any  
13 of the surrounding houses either. So the problem  
14 would be is that if we were to, you know, have to  
15 like retract it closer to the house, we may not  
16 have the necessary water mitigation that we need.  
17 And then that would ultimately lead to further  
18 disrepair of the house even after we were to  
19 restore it.

20 MS. PICCOLO HILL: But how does that,  
21 does that impact the sight line of the people  
22 next to you? Like if they're coming out of their  
23 driveway? If they're leaving their house because  
24 you're going from basically a clear view of the

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2 driveway and the street to suddenly just seeing  
3 your porch.

4 MS. BREIDENBACH: I see what you're  
5 saying. So if you look at the, the picture there  
6 from the side --

7 MS. PICCOLO HILL: Mm-hmm.

8 MS. BREIDENBACH: -- we do have that  
9 distance and I, I apologize, I don't know exactly  
10 what that is to their road. And that road is, I  
11 believe about nine feet wide because I know our  
12 neighbor was looking to do something with that.  
13 So it will not necessarily affect their sight  
14 line. Their house is also set back farther than  
15 ours.

16 MS. PICCOLO HILL: Mm-hmm.

17 MS. BREIDENBACH: So the front of our  
18 house, that corner of the actual house not just  
19 where that porch is, but the corner is still  
20 forward compared to where their house is. So it  
21 will not affect their sight line at all because  
22 their house is set back and then the other houses  
23 obviously are up on the hill. So there is no -- I  
24 would say that there's no obstruction in terms of

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2 sight line, if that answers your question.

3 MS. PICCOLO HILL: Yeah. Did you did you  
4 look at all, did you guys explore alternatives  
5 even with the water mitigation?

6 MS. BREIDENBACH: So again.

7 MR. RUSSO: Yes, with our, with the  
8 architect John, we talked about all different  
9 kinds of things. And the main reason was to, like  
10 I said, was the water mitigation. And he actually  
11 showed us from last year, we had a big giant  
12 rainstorm and a house in the area had the same  
13 kind of storm foundation that we have. And the  
14 water actually came in, knocked down the entire  
15 wall and it cost almost a hundred thousand  
16 dollars to have to build it. It was a whole  
17 emergency situation, and he personally went  
18 through that. So we said we really, really want  
19 to take care of this water issue because when we  
20 first bought the house, we went into the basement  
21 and it was a heavy rainstorm. It actually just  
22 flowed in like a waterfall, like right through  
23 all the stone.

24 MS. PICCOLO HILL: Yeah.

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2 MR. RUSSO: So the main thing is trying  
3 to just get that -- and like we said, the patio  
4 is already there. There was a porch, a deck  
5 that's already in that location.

6 MS. PICCOLO HILL: You mean the one on  
7 the, the one on the side?

8 MR. RUSSO: In the front. The front of  
9 the house.

10 MS. PICCOLO HILL: Oh, the stone  
11 walkway?

12 MR. RUSSO: Yes.

13 MS. PICCOLO HILL: The walkway there.

14 MR. RUSSO: Mm-hmm. So basically all  
15 we're doing is getting that, the roof over to the  
16 edge of that, so then we can put drainage in the  
17 front of there and bring it down the side of the  
18 house to the back, so that --

19 MS. PICCOLO HILL: So is your drainage  
20 going to extend into the, into the communal  
21 property? Go over your property line?

22 MR. RUSSO: No, no, no. Right down our  
23 driveway, into the back of the house. So if  
24 you're looking at the front of the house, right

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2 to the right as our driveway, like our parking  
3 area.

4 MS. PICCOLO HILL: Uh-huh.

5 MS. BREIDENBACH: What she's asking I  
6 believe is --

7 MS. PICCOLO HILL: Well, because

8 MS. BREIDENBACH: -- because in the  
9 front of it, in front of the porch is already  
10 past the property line.

11 MS. PICCOLO HILL: Right. Because the  
12 corner of the pathway is actually --

13 MS. BREIDENBACH: Exactly.

14 MS. PICCOLO HILL: -- overextending onto  
15 the communal property.

16 MS. BREIDENBACH: Mm-hmm.

17 MS. PICCOLO HILL: So it's, it's not --  
18 so you're actually already over --

19 MS. BREIDENBACH: We're already over it,  
20 that's exactly. I understand.

21 MS. PICCOLO HILL: So when you do the  
22 water mitigation, are you going to be on --

23 MS. BREIDENBACH: We're not. So in the -  
24 - it's also on an angle, so as you get closer to,

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2           if you're looking at the house, the right side of  
3           it, it's actually not abutting the property line.  
4           It's only that left side that's abutting. So it  
5           is all pitched directly towards what will  
6           eventually be like the driveway area, because  
7           there is no driveway now. So, we will work with  
8           the architect and we'll work with a water  
9           mitigation specialist to ensure that whatever  
10          drainage system that we put in will not actually  
11          approach the property line. It will all be -- the  
12          porch and all that is pitched, so that it will  
13          filter the water towards the right side. So  
14          whatever drainage we put in will be within our  
15          property line boundaries. And then whatever we  
16          need to put in, in terms of drywalls or anything  
17          else will fall underneath what will eventually  
18          become a driveway in that area. Because the whole  
19          property is sloped in that direction because of  
20          the topography.

21                   MS. PICCOLO HILL: It's sloped towards  
22                   your neighbor?

23                   MS. BREIDENBACH: Towards that way,  
24                   exactly.

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2 MS. PICCOLO HILL: To the left?

3 MS. BREIDENBACH: Which is --

4 MR. RUSSO: To the left.

5 MS. BREIDENBACH: -- to the, to the  
6 right when we're standing on the house.

7 MS. PICCOLO HILL: So to, to here?

8 MR. RUSSO: Away from the --

9 MS. BREIDENBACH: The other way.

10 MR. RUSSO: Away from the point of view  
11 of the picture.

12 MS. PICCOLO HILL: Oh, over there.  
13 Exactly. Okay.

14 MR. RUSSO: That's it, yes.

15 MS. BREIDENBACH: So the left hand  
16 corner is what abuts the property line in the  
17 front.

18 MS. PICCOLO HILL: Okay.

19 MS. BREIDENBACH: But the water  
20 mitigation and the topography of the property,  
21 thank goodness --

22 MS. PICCOLO HILL: Is going to be on the  
23 other side.

24 MS. BREIDENBACH: -- is going to the

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2 right side.

3 MS. PICCOLO HILL: Okay.

4 MS. BREIDENBACH: So we'd just be  
5 ensuring, because the house to the right actually  
6 is down the slope, and they have water issues as  
7 well, they had to build quite a bit in front of  
8 their house. We've talked to them too. So there  
9 will be a lot of work that we will do to ensure  
10 that we do not make their water issues worse.

11 MS. PICCOLO HILL: Okay.

12 MS. BREIDENBACH: So, but, and our  
13 property also luckily does in the back slope away  
14 from the house and down. So it may be that we  
15 have to run something very long down in there to  
16 ensure that it stays on our property.

17 MS. PICCOLO HILL: Okay.

18 MS. BREIDENBACH: But we have thought  
19 about this and talked to the neighbors because  
20 it's very simple for us to say that we're going  
21 to just do this at our property. But we wanted to  
22 make sure we're also aware of any water issues  
23 that they're experiencing.

24 MS. PICCOLO HILL: Okay.

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2 MS. BREIDENBACH: So I think that's why  
3 they're also excited about it because hopefully  
4 it'll help solve some of their issues.

5 MS. PICCOLO HILL: Sure.

6 MS. BREIDENBACH: Yeah.

7 MS. PICCOLO HILL: And then my last  
8 question is the neighbor that this most directly  
9 impacts, the one that that is to your --

10 MR. CHIN: Right.

11 MS. PICCOLO HILL: -- right?

12 MS. BREIDENBACH: Yes. The Lees, yep,  
13 mm-hmm.

14 MS. PICCOLO HILL: Did they send a  
15 letter?

16 MR. FLEMING: Yes.

17 MS. PICCOLO HILL: They're in favor?

18 MR. FLEMING: Mm-hmm.

19 MS. BREIDENBACH: Absolutely.

20 MR. MARTINEZ: That was going to be my  
21 question.

22 MS. PICCOLO HILL: Okay.

23 MR. WALSH: That's 165?

24 MS. BREIDENBACH: To the right, to the

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2 left and actually above the hill, straight across  
3 anyone that can actually directly see our house.  
4 So, and we actually have met with them multiple  
5 times and we know them, like pretty well now.

6 MS. PICCOLO HILL: Okay.

7 MR. WALSH: Yeah. Chris has already had  
8 the letters.

9 MS. BREIDENBACH: Yeah. Thanks.

10 MR. CHIN: So all, all three letters  
11 that you sent us, to the right of you, the left  
12 of you and to the --

13 MS. BREIDENBACH: Directly across.

14 MR. CHIN: -- opposite, direct?

15 MS. BREIDENBACH: Exactly.

16 MR. CHIN: Okay.

17 MR. RUSSO: Anyone that can see the  
18 house, we got the letter from their house.

19 MR. CHIN: Right. Yeah, I know. I seen  
20 some of the houses over there and they're in,  
21 they're all in variance states because the house,  
22 they were all built so long ago.

23 MR. RUSSO: Yes.

24 MR. KEHOE: [unintelligible] [00:14:11].

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2 MS. BREIDENBACH: Absolutely.

3 MR. CHIN: And then all these roads, and  
4 easements and everything else.

5 MR. WALSH: 165 too.

6 MR. KEHOE: Yes.

7 MR. CHIN: So it's, it's um --

8 MR. WALSH: And 167. All right, there.  
9 Okay. It's, so --

10 MR. RUSSO: We're also on a private  
11 driveway too, so we're not affecting --

12 MS. BREIDENBACH: Correct, yeah.

13 MR. CHIN: And I know your driveway --

14 MS. BREIDENBACH: Or right of way, I  
15 think.

16 MR. CHIN: -- is a, right now it's kind  
17 of a, almost a dirt driveway, you know, because  
18 it's --

19 MS. BREIDENBACH: It's not even really  
20 parkable because there's also like a log there  
21 and then it kind of has a little bit of a drop  
22 off, only like a foot or so.

23 MR. CHIN: Right.

24 MS. BREIDENBACH: So it's actually not

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2 really functional.

3 MR. CHIN: Right.

4 MS. BREIDENBACH: And if there's any mud  
5 or anything like that, you can't really stop  
6 there. So we do our best to, to stay out of the  
7 way.

8 MR. CHIN: Also is there anybody else  
9 wants to speak on this in the, on the board?

10 MR. WALSH: You know, my biggest  
11 concerns, aren't concerns, I look at it, you  
12 know, your side yard setback, I'm fine with that,  
13 you know, squaring off the bedroom. You know, my  
14 biggest concern is the, the front yard and the  
15 runoff into the water -- into your neighbors,  
16 which you seem to have addressed with the water  
17 mitigation.

18 MS. BREIDENBACH: Yeah. We're going to  
19 be very cautious about.

20 MR. WALSH: So really was my concern is,  
21 you know, them is, you know, what's being run off  
22 directly into their driveway.

23 MS. BREIDENBACH: Absolutely.

24 MR. WALSH: And blocking them. So you've

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2 satisfied, really my contention that I had with  
3 this, so.

4 MR. FLEMING: Any other questions or  
5 comments?

6 MR. MARTINEZ: No, she basically asked  
7 all the questions.

8 MS. PICCOLO HILL: Sorry.

9 MS. BREIDENBACH: No, that's great.

10 MR. CHIN: There's somebody outside in  
11 the audience. Somebody in the audience would like  
12 to speak on this?

13 MS. ELIZABETH PAPP: Yes.

14 MR. MICHAEL CUNNINGHAM: Do you want to  
15 make comments or just want to hand in a letter?

16 MS. PAPP: Well, I would like, so I'm  
17 actual owner with my --

18 MR. FLEMING: Just hang one sec. Hang on  
19 one second. I'm ask you guys to step back.

20 MS. BREIDENBACH: Mm-hmm.

21 MR. FLEMING: Please state your name and  
22 your address.

23 MS. PAPP: Yes. My name is Elizabeth Papp  
24 of [unintelligible] [00:15:58] Realty. I'm an

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2 actual owner of 165 Locust Avenue. Arlene  
3 Cardwell is our renter. And, I also an owner of  
4 the driveway, which is called the right of way on  
5 the survey. We concerned about the front. We are  
6 opposed to the front extension of the porch. But  
7 it's not a porch, it's a sidewalk. And as of just  
8 some part of that sidewalk and a corner of that  
9 pavement that they put down is in the property  
10 line of the driveway. And we, if we have a, I  
11 mean we, ever like to do anything with that  
12 property in the back, we need to disturb all that  
13 work that's actually on, on our driveway, which  
14 is a right of way. They have cobblestones put  
15 down and it was assuming they're going to extend  
16 the pavers up to that point, which is practically  
17 on the middle of the driveway.

18 So we believe that front is already too  
19 close as it is. They have three entrances to the  
20 house. They have a good size of deck close to our  
21 house, 165 Locust Avenue, which they could put a  
22 roof over that if you, they like. I don't,  
23 opposed to anything, even if they  
24 [unintelligible] [00:17:24] on, on our property

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2 line, I, I don't care what they do on the side or  
3 in the back, but a front we, I oppose to the  
4 front extension.

5 MR. KEHOE: So you, you are the owner of  
6 165?

7 MS. ELIZABETH: Yes. I am the -- Yes,  
8 165.

9 MR. KEHOE: All right. So the letter we  
10 got from 165 would've been from the tenant?

11 MS. ELIZABETH: Yes, those are renters.

12 MR. KEHOE: Okay. And, an I can just, I  
13 can briefly read this. It says, I received the  
14 notice. The front of the house with the proposed  
15 front porch pavers are already on my property,  
16 which is marked as right of way on the survey. I  
17 am opposed to the front variance, all other sides  
18 of the house proposals, I don't oppose.

19 MR. FLEMING: Okay. Any, anything else  
20 you wish to state?

21 MS. PAPP: Excuse me?

22 MR. FLEMING: Do you have anything else  
23 you wish to say?

24 MS. PAPP: No, that's all.

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2 MR. CHIN: So the easement is your  
3 easement?

4 MS. PAPP: No, it's not an easement.  
5 It's actually owned by [unintelligible]  
6 [00:18:12] Realty.

7 MR. CHIN: Well it says right of way.

8 MS. ELIZABETH: Right of way. Yes. It  
9 says right away for the first two houses, for 163  
10 and 165. And 165 is belong to [unintelligible]  
11 [00:18:25] Realty and we have a, a big parcel of  
12 property in our rear, in the woods.

13 MR. CHIN: Yeah. Okay. I'm just saying,  
14 because it says right of way, you know what I  
15 mean, on the front of their house.

16 MS. PAPP: Yes. I put it into, yes.  
17 That's called right of way on their survey.  
18 That's actually owned by [unintelligible]  
19 [00:18:45] Realty with a big parcel of land in  
20 the back of the --

21 MR. CHIN: The only thing I'm saying is  
22 that where the front of the property line goes  
23 over their porch or underneath where the, if you  
24 look at --

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2 MS. PAPP: The pavers, yes.

3 MR. CHIN: -- that diagonal line coming  
4 down is going over about maybe five or six  
5 inches.

6 MS. PAPP: Which I don't concern about,  
7 I don't concern about that little piece of a  
8 paver they have. But I, I really don't want to  
9 see a roof extend out to there. If ever in the  
10 future, we have to work there with heavy  
11 machinery that would be difficult for us.

12 MR. CHIN: Okay. I, I don't see that.  
13 Okay. Thank you.

14 MS. PAPP: Thank you.

15 MR. FLEMING: Thank you. Any further  
16 public comment?

17 MR. FRANCO: You know, before we switch  
18 to other stuff, the one thing I wanted to ask the  
19 --

20 MR. FLEMING: The applicants again?

21 MR. FRANCO: -- the applicants again is  
22 I, I know we covered a lot of stuff, but one  
23 thing I don't think we asked was, is there a way  
24 we could architect the roof so that maybe we

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2 create a little bit more of a setback? I mean, it  
3 may not be ideal, but maybe it would get us out  
4 of this, you know, zero situation for the, the  
5 setback?

6 MS. BREIDENBACH: You're saying to like  
7 extend it, but within like, like a foot back or  
8 half a foot back, so it's within that --

9 MR. FRANCO: Something and, and maybe  
10 that would satisfy the --

11 MS. BREIDENBACH: I don't see a problem  
12 with that.

13 MR. RUSSO: Yeah, we're not opposed to  
14 that at all.

15 MS. BREIDENBACH: Yeah.

16 MR. RUSSO: It's just --

17 MS. BREIDENBACH: As long as there's  
18 just something so that the water does pour off  
19 towards the front and then it's not --

20 MR. FRANCO: Right. Yeah, I mean I think  
21 it will still --

22 MS. BREIDENBACH: That's really our  
23 biggest issue is just the water mitigation from  
24 it.

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2 MR. FRANCO: Right, because you'll still  
3 maybe accomplish your goals of improving the  
4 drainage and everything, but also --

5 MS. BREIDENBACH: Correct.

6 MR. FRANCO: -- it's not such an extreme  
7 setback situation.

8 MR. RUSSO: But also as far as the  
9 cobblestones that she was speaking about, that we  
10 put in the front of the, the front next to the  
11 road itself, the access road.

12 MR. FRANCO: Mm-hmm.

13 MR. RUSSO: There was actually an old  
14 concrete curb that was already there, but it was  
15 broken up in many sections. So all the water,  
16 every time it rained, it was just flowing  
17 through, between. So we just ripped out the  
18 concrete curb that was there.

19 MR. FRANCO: Mm-hmm.

20 MR. RUSSO: And just replaced it with  
21 cobblestones to create, try to get that little  
22 barrier to get the water to go off to the side  
23 more.

24 MR. FRANCO: Right.

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2 MR. RUSSO: So we didn't actually build  
3 anything new, we just replaced a curb that was  
4 already previously there.

5 MS. BREIDENBACH: And to just one more  
6 time, to reinforce what you said about the porch  
7 roof, one of the reasons that it was drawn out to  
8 this length is because on the right side of the  
9 house, there is, as she commented, there is an  
10 entrance on the side. There is already a porch  
11 roof there that extends the same distance that  
12 this proposed one is. So the idea was that it  
13 would be a beautiful, just kind of wrap around  
14 and it would just be continual going all the way  
15 around.

16 So we are not opposed to pulling it back  
17 within that, you know, up to a foot or whatever  
18 we need. It would just be that we would just plan  
19 then that we'd have to take off the whole side on  
20 that, that as well and maybe rebuild that, which  
21 again, we're not opposed to.

22 MR. FRANCO: Mm-hmm.

23 MR. CHIND: Well, what I'm looking at  
24 also the, the existing roof line of that sloped

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2 roof right there is four foot nine off the face  
3 of the building. Okay. And --

4 MR. FLEMING: No, the existing is not  
5 four foot nine.

6 MR. CHIN: Yeah? No?

7 MR. KEHOE: The proposed.

8 MR. FLEMING: No, that's proposed.

9 MR. WALSH: That's the proposed.

10 MR. CHIN: Oh, that's proposed.

11 MR. FLEMING: Yeah.

12 MR. CHIN: Okay. What's existing?

13 MS. BREIDENBACH: It's probably about  
14 two feet.

15 MR. FLEMING: What is existing, do you  
16 know what --

17 MS. BREIDENBACH: We don't know exactly,  
18 but I would say it's about two feet with the one  
19 that's there.

20 MR. CHIN: Oh.

21 MR. RUSSO: The existing one?

22 MS. BREIDENBACH: Yeah. The one that you  
23 see right now, that's just, you're talking about  
24 coming off the front.

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2 MS. PICCOLO HILL: Mm-hmm.

3 MR. CHIN: Okay. So this is, so it's  
4 four foot nine from the, so the canopy is  
5 actually, or the roof would be four foot nine  
6 away from the house, from the face of the house,  
7 okay.

8 MR. FLEMING: That's the proposed.

9 MR. CHIN: Okay. That's the proposed,  
10 okay.

11 MR. RUSSO: Yeah, we tried to not -- we  
12 didn't want to go too far.

13 MR. CHIN: It's a little confusing.

14 MR. RUSSO: We wanted to just try to go  
15 the minimum distance to get the water away from -  
16 -

17 MR. FLEMING: Do, do you know if -- I  
18 just heard your previous comment about the roof  
19 extending over the side, the secondary entrance  
20 which is on the right of the pictures.

21 MR. CHIN: Yeah.

22 MR. FLEMING: Or away from the point of  
23 view of the picture that's on the screen right  
24 now.

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2 MS. BREIDENBACH: Mm-hmm.

3 MR. FLEMING: That, just, just looking  
4 at it, I'm wondering how, how long but how far  
5 away that roof extends. It looks like it's  
6 significantly more than four foot nine. But I'm  
7 just curious if that's just an optical issue. How  
8 far is that roof? The, the existing one on the  
9 side of your house?

10 MR. WALSH: This line right there.

11 MR. RUSSO: I don't know the exact  
12 measurements, but I believe John just matched  
13 that to -- the architect, matched it to be able  
14 to wrap around. Once again, we're also not  
15 opposed to modifying the side. So it, you know,  
16 it, it matches what's four foot nine.

17 MR. CHIN: Well again, the only area  
18 that you're going beyond the property line is in  
19 that back corner. You know it's cutting through  
20 that portion of it, you know what I mean?  
21 Otherwise I would say almost 60, 70 percent of  
22 the, that new roof that they were indicating is  
23 not, is beyond, back beyond the property line.  
24 It's only that last little corner. And if Mr.

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2 Lentini wants to make a change on that, that --

3 MR. WALSH: The existing setback is 3.7  
4 feet. The one corner, can they make the porch  
5 roof back to the 3.7 feet and that'd be the same  
6 existing non-conforming, you know, issue --

7 MR. CHIN: Just a corner.

8 MR. WALSH: Right. And then I would have  
9 no problem with that. That would satisfy --

10 MR. FRANCO: Exactly.

11 MR. WALSH: That, that back corner is  
12 always going to be -- the back corner of the  
13 house is always going to be 3.7 feet.

14 MS. BREIDENBACH: Mm-hmm.

15 MR. WALSH: So, I mean, if they can cut  
16 the porch, that corner of the porch, and maintain  
17 that 3.7 feet.

18 MR. FLEMING: Maintain that angle --

19 MS. BREIDENBACH: That's what we were  
20 just saying. Get an angle. That's what we were, I  
21 was just asking if that could be done and that  
22 would absolute satisfy.

23 MR. WALSH: And that would be the same  
24 nonconforming, you know, condition, so that would

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2 be --

3 MS. BREIDENBACH: Yeah.

4 MR. FRANCO: Yeah, yeah, that, that's  
5 kind of where I was suggesting, you know, either  
6 --

7 MS. BREIDENBACH: Yeah, understood.

8 MR. FRANCO: -- cut it.

9 MR. MARTINEZ: I have no problem with  
10 that.

11 MR. FLEMING: It might be a good idea --

12 MS. BREIDENBACH: As long as  
13 aesthetically it looks nice and it takes care of  
14 the water issues, we have absolutely no problem.

15 MR. FLEMING: It might be a good idea  
16 for us to adjourn this.

17 MS. BREIDENBACH: Mm-hmm.

18 MR. FLEMING: And give you an  
19 opportunity to have your architect, John --

20 MS. BREIDENBACH: Definitely.

21 MR. FLEMING: -- give us a, a drawing  
22 before the next meeting, which does exactly what  
23 we're discussing because I think you'd get  
24 universal approval if that was done.

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2 MS. BREIDENBACH: Yeah, absolutely.

3 MR. FLEMING: I can't promise that, but  
4 I think that's what it sounds like to me.

5 MS. BREIDENBACH: Yeah. So if that's  
6 something that'd be interesting --

7 MR. CHIN: I mean, I can see her point  
8 on that. I could see definitely both points.  
9 Okay. to me, looking at it the way it is from,  
10 from that point of the house, you got another low  
11 portion before and then there's about another ten  
12 feet before the next house, which is 165, that's,  
13 you know, so, yeah.

14 MR. FLEMING: And what it does then is  
15 it follows the existing, you know, nonconforming  
16 use that you have in your house.

17 MR. CHIN: Yep.

18 MR. FLEMING: But that's fine. It's, so  
19 --

20 MR. CHIN: It's very little.

21 MS. BREIDENBACH: Right.

22 MR. CHIN: It's very little.

23 MR. FLEMING: And, and the house next  
24 door you, you know, the viewpoint at that corner

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2 really wouldn't change then.

3 MS. BREIDENBACH: Correct.

4 MR. FLEMING: So I think you'd satisfy a  
5 lot of the, you know, concerns if you were to do  
6 that. So --

7 MS. BREIDENBACH: Yeah.

8 MR. FLEMING: Certainly don't have to,  
9 we can take a vote now, but if you ask for an  
10 adjournment, we would give it to you and that's  
11 something you might want to think about doing.

12 MS. BREIDENBACH: Well also too, I  
13 think, you know we haven't met, I think Elizabeth  
14 was her name, we met her husband once before. And  
15 what we want to do is we want to maintain the  
16 relationship too with all of our neighbors. So I  
17 think that what I would like to do actually is  
18 have John redraw it, right?

19 MR. RUSSO: Yeah. We got --

20 MS. BREIDENBACH: And then come back  
21 next month.

22 MR. CHIN: Come back next month.

23 MR. FLEMING: If you can come back next  
24 month --

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2 MS. BREIDENBACH: Yeah, this way it  
3 satisfies everything and everyone in the  
4 neighborhood and then I think that would be the  
5 better option.

6 MR. FLEMING: Alright.

7 MR. CHIN: So is anybody on Zoom by  
8 chance? No. Okay.

9 MS. BREIDENBACH: I Can't make it. You  
10 can come?

11 MR. RUSSO: Mm-hmm.

12 MR. CHIN: So --

13 MR. FLEMING: All right. No one else in  
14 the public wants to speak? All right, so --

15 Mr. CHIN: So I'm going to make a motion  
16 on case, I forgot the number again, 2025-1, we're  
17 going to adjourn to March meeting, which is  
18 actually now March 27th instead of March 20th,  
19 just to make that change that you we indicated  
20 and just that slight angle right there on the  
21 corner of the roof.

22 MS. BREIDENBACH: And if I could just  
23 reiterate, just so that I know for my own  
24 knowledge, so right now I think you said it was

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2 four foot nine and what's existing right now is  
3 three foot seven. Is that correct?

4 MR. CHIN: Yes. Three point --

5 MS. BREIDENBACH: Just so that I can  
6 make sure that the new --

7 MR. CHIN: -- 3.07.

8 MS. BREIDENBACH: -- plans are --

9 MR. WALSH: 3.07 is the one on the  
10 drawings.

11 MR. CHIN: 3.07.

12 MS. BREIDENBACH: 3.07.

13 MR. CHIN: Yeah, it's, it's on --

14 MS. BREIDENBACH: Thank you.

15 MR. CHIN: -- the drawings. Okay.

16 MS. BREIDENBACH: Okay. This way I'll  
17 just --

18 MR. CHIN: Which John has.

19 MS. BREIDENBACH: Make a mental note.  
20 Okay.

21 MR. FLEMING: If you guys could call  
22 town hall, Chris Kehoe, actually. We're going to  
23 confirm that the meeting is the 27th probably  
24 tomorrow.

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2 MS. BREIDENBACH: Okay.

3 MR. FLEMING: It looks like the room is  
4 available. We had to change it because we had to  
5 take care of a learning opportunity for the  
6 board. So, as long as that's the case, it's the  
7 27th. But we need you to just confirm that  
8 because I don't want you to show up on the wrong  
9 day.

10 MS. BREIDENBACH: Absolutely.

11 MR. FLEMING: It'll, it'll be on the  
12 town website as well, but if you just call  
13 tomorrow, they'll, they'll tell you. Chris can  
14 tell you exactly what day it's going to be.

15 MS. BREIDENBACH: Absolutely.

16 MR. FLEMING: Okay.

17 MR. CHIN: So I have a motion to -- I'm  
18 going to make a motion on case 2025 to adjourn to  
19 March, like I said, is there a second?

20 MR. MARTINEZ: So moved.

21 MR. FLEMING: All in favor?

22 MULTIPLE: Aye.

23 MR. FLEMING: Any opposed? No.

24 MR. CHIN: Okay.

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2 MR. FLEMING: All right, so you're  
3 adjourned and we look forward to hearing from you  
4 at the next meeting.

5 MR. CHIN: See you then.

6 MS. BREIDENBACH: Thank you very much  
7 everyone.

8 MR. RUSSO: Thank you for your time.

9 MR. CHIN: Yeah.

10 MR. FLEMING: That was a very good idea.

11 MS. PICCOLO HILL: That's exactly what I  
12 said to everybody. I know, well because --

13 MR. CHIN: No, I'm just saying.

14 MR. WALSH: All right next case is case  
15 number 2025-2, applicant is Wilvan Van Campen on  
16 behalf of Victor Pena Gomez for 60 Waterbury  
17 Parkway, requesting an area variance under  
18 section Zoning Code 30-45 for an accessory  
19 apartment, minimum size of principal dwelling and  
20 maximum size of a proposed accessory apartment.

21 MR. FLEMING: It looks like the  
22 applicant is here. If you just state your name  
23 and address.

24 MR. WILVAN VAN CAMPEN: Good evening.

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2 I'm Wilvan Van Campen. You can call me Will, I'm  
3 the architect. My client, the owner is behind me,  
4 Victor Pena. I don't necessarily want to --

5 MR. CHIN: Okay. Excuse me, can you move  
6 the microphone up towards your mouth a little  
7 bit? Or, or try speak into it, because it's being  
8 recorded and I can hardly hear you from here.

9 MR. VAN CAMPEN: Okay.

10 MR. FLEMING: You're just a little  
11 taller than our previous applicants.

12 MR. VAN CAMPEN: I'll try.

13 MR. FLEMING: Yeah.

14 MR. VAN CAMPEN: I don't necessarily  
15 want to recap everything that I overheard you --  
16 I think you're pretty familiar with the issues  
17 here. I'm obviously happy to answer. I will, I  
18 will say that just a little bit of fleshing out  
19 this --

20 MR. WASLH: Could you, just to -- we do  
21 want to put it in the record though.

22 MR. VAN CAMPEN: Okay.

23 MR. WALSH: What we did back there  
24 wasn't on record, so now we want to put it on

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2 record.

3 MR. VAN CAMPEN: Okay.

4 MR. WALSH: So if you could just explain  
5 what you're proposing and we -- about the project  
6 just for it is officially on record.

7 MR. VAN CAMPEN: I'm an architect. I am  
8 working on behalf of Victor Pena to create a  
9 accessory dwelling unit apartment in the basement  
10 of his existing single family house at 60  
11 Waterbury Parkway. Mr. Pena applied for the New  
12 York State Plus One Program that gives grants to  
13 people that qualify to help them create accessory  
14 dwellings. And then he came to me to help him  
15 design it. And then when we got into the problem,  
16 we realized that it doesn't meet two criteria of  
17 that section of the zoning code. The minimum size  
18 of an applicable single family dwelling is 1,600  
19 square feet. His is 1,296 feet. The second point  
20 is that we're limited to 25 percent of the  
21 habitable area of the house.

22 And I, I'll just interject that I  
23 noticed on the fact sheet, there is an error  
24 where it says the maximum size of the permitted

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2 accessory apartment is 25 percent of the house  
3 size. That should be 25 percent of the habitable  
4 size. So the habitable, the, the gross area of  
5 the existing house is 1,296 square feet. The  
6 habitable is, as far as I calculated, according  
7 to Martin Roger's criteria, 1,044. So if you take  
8 25 percent of that, we are, the maximum according  
9 to the code is 261 square feet, which is  
10 obviously not very large. That's why we're asking  
11 for a variance for 600 square feet gross.

12 I think that the overarching intent is  
13 that I hope we're, we're -- we just want to  
14 create a reasonable one-bedroom apartment. And as  
15 I mentioned in my letter, if you put it into  
16 perspective, I think it's six inches square feet  
17 gross is less than a typical one, you know, New  
18 York City one-bedroom, which is usually not very  
19 large and probably quite a bit smaller than a  
20 one-bedroom in Westchester.

21 One thing I want to add to the, looking  
22 at that plan, and actually I did bring my, I have  
23 a infrared thermostat. That's fine. Because I  
24 can't use a pointer, because they always tell me

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2 I --

3 MR. VAN CAMPEN: Which actually comes in  
4 very handy as, as a -- well maybe it doesn't.  
5 Anyway, the -- one of the limitations of this  
6 design is the existing plumbing runs along the,  
7 from above, runs along the bottom edge of the  
8 basement. And so our proposed kitchen and  
9 bathroom have to be in that location. We've tried  
10 to make it as small as possible, but that's a,  
11 that's a limitation.

12 The other criteria, one other important  
13 criteria, is we have to create a separate entry  
14 into this unit, which you can see that door at  
15 the bottom. And so those are kind of inviolate  
16 parameters. In other words, let me put it another  
17 way. If, if we made the apartments smaller than  
18 600 square feet gross, I think it would become a  
19 very inefficient apartment. Not only because it'd  
20 be smaller, it'd just be kind of convoluted to  
21 get into. So again, I think that in my opinion,  
22 600 square feet, hopefully, and, and I hope you  
23 feel the same way as not unreasonable.

24 And also I think, which is perhaps

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2 obvious, we're not doing -- we're not expanding  
3 the footprint of the house. We're doing quite  
4 minor modifications to the exterior basically to  
5 meet building code criteria for light ventilate,  
6 you know, making windows bigger, expanding the,  
7 the driveway to meet zoning requirements for  
8 another parking space for this unit and extending  
9 the exterior pavement to that new entrance. So I  
10 think it's certainly not in my opinion affecting  
11 the character of the neighborhood.

12 MR. WALSH: Yeah. You know, I have, you  
13 know, a number of reservations about ADUs  
14 personally. You know, the, the law that we were  
15 have to interpret right now is the minimum size  
16 is 1,600 square feet. So that's my, my biggest  
17 contention. I know parking, you guys have made  
18 the driveway bigger. You guys are actually on  
19 this little side street, you have the side street  
20 for any overflow parking is not going out onto  
21 the street.

22 The, you know, I go through the five  
23 factors that we have to go through and  
24 undesirable change to the neighborhood. This

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2 possibly could, depending on, you know, how this  
3 is, you know, any other, I guess under the, you  
4 know, adding a dwelling unit into a small zoning  
5 lot that's undersized right now for the minimum  
6 size allowed.

7 Benefit sought by the applicant, they  
8 could not put it in. Whether it is substantial,  
9 yes, it is substantial and could have provide an  
10 adverse effect on the conditions of the  
11 neighborhood, I believe it can.

12 Taking that into effect, into  
13 consideration, you know, I'm personally not in  
14 favor of approving this. I know the town board is  
15 considering changes, but we have to go by what we  
16 have in front of us right now. So that's, you  
17 know, that's kind of where I stand on just  
18 overall for any accessory dwelling units that  
19 don't meet the requirements of the current zoning  
20 laws that we have to enforce. So I don't know if  
21 anybody else has any questions on the board or --

22 MR. FLEMING: Any questions or comments?

23 MS. PICCOLO HILL: Actually, I have one  
24 question. So is your client, I mean, I'm

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2 assuming, and I know I heard when we were talking  
3 before that your client's not willing to wait a  
4 little bit knowing that this is going through the  
5 planning board and that they're looking at  
6 reworking accessory apartments. He's not willing  
7 to wait.

8 MR. VAN CAMPEN: Oh, I'm, you know, we  
9 just hopefully want to get it approved and if it  
10 means waiting, sure. We, you know, as was  
11 mentioned, we just weren't sure what the, the  
12 timeline is.

13 MS. PICCOLO HILL: Sure.

14 MR. VAN CAMPEN: So --

15 MR. CUNNINGHAM: And, and right now too,  
16 just for clarity, the town board would have to  
17 amend the code and right now there's no date set  
18 for when or if they're going to do it.

19 MS. PICCOLO HILL: Right.

20 MR. VAN CAMPEN: Can I ask a question  
21 that I think I overheard. The discussion so far,  
22 of these proposed changes, would this scheme pass  
23 under those new --

24 MR. FLEMING: If, if the proposed

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2 changes were adopted --

3 MR. VAN CAMPEN: Yeah.

4 MR. FLEMING: -- would, would this --

5 MR. VAN CAMPEN: Is it going in that --

6 MR. CUNNINGHAM: We're not going to be  
7 able to answer that off the top right now.

8 MR. VAN CAMPEN: Okay.

9 MR. CUNNINGHAM: And then, and also too,  
10 there's nothing that's been -- there's nothing  
11 that the town board's even said is ready to go to  
12 public hearing.

13 MR. VAN CAMPEN: Mm-hmm.

14 MR. CUNNINGHAM: So it, it's a  
15 hypothetical we just can't answer right now.

16 MS. PICCOLO HILL: Okay.

17 MR. CUNNINGHAM: You're still -- you can  
18 still, you can still ask for a vote tonight on  
19 what you proposed and you can see how the vote  
20 goes.

21 MR. FLEMING: Yeah. And if the vote  
22 doesn't go your way, that doesn't preclude you  
23 from waiting.

24 MR. VAN CAMPEN: Mm-hmm.

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2 MR. FLEMING: And if the law is changed,  
3 starting the, you know, the application process -  
4 - and actually you wouldn't even start the  
5 application process if it would fit under the new  
6 law, you know. Should that be approved, you,  
7 you'd just be able to proceed. So I'm, I'm not  
8 saying that you shouldn't ask for a vote tonight,  
9 no matter what.

10 MR. VAN CAMPEN: Well, it would be nice  
11 to hear what --

12 MR. CHIN: There's one question I want  
13 to ask is downstairs in the, that lower level,  
14 you have an area that's coming down the steps  
15 from the upper level and you have a washer dryer  
16 and maybe a water heater or something like that  
17 over there. What is that room besides just a,  
18 those couple things in there?

19 MR. VAN CAMPEN: It's currently used as  
20 storage.

21 MR. CHIN: Storage. But can it be a  
22 family room or can it be -- why was that not that  
23 not added into the calculation of the, the, the  
24 overall dwelling of 1,296?

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2 MR. VAN CAMPEN: Mainly because Martin  
3 Rogers, I am going by his determination of  
4 what's, what gross square footage is.

5 MR. CHIN: I understand that. But I'm --

6 MR. VAN CAMPEN: Although, well go  
7 ahead.

8 MR. CHIN: To me, I think that should  
9 been added as part of -- it's not really a  
10 mechanical room. It's a, it's another area,  
11 you're coming down the steps, you have a separate  
12 entrance from the, from the, from the side of it  
13 also. And also, I also, the 600 square foot, I  
14 mean the, that little area right there is almost  
15 close to 400 square feet, you know, right there.

16 MR. VAN CAMPEN: You mean the, the part  
17 that's --

18 MR. CHIN: Right.

19 MR. VAN CAMPEN: -- not being used.

20 MR. CHIN: If you had that 1,400 square  
21 feet to 1,296, that's almost 1,700 square feet.  
22 But then also I, when you say the accessory  
23 apartment is at 600 square feet, as according to  
24 Martin Rogers, but to me, I always take out the

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2 closet, bathroom and kitchen because those are  
3 nonhabitable space, you know, and according to  
4 your, your calculation, 400 square feet.

5 MR. VAN CAMPEN: Right. Again, I'm going  
6 by that --

7 MR. CHIN: Yeah.

8 MR. VAN CAMPEN: -- definition.

9 MR. CHIN: Okay.

10 MR. VAN CAMPEN: Gross is, you know, the  
11 exterior walls.

12 MR. CHIN: Right.

13 MR. VAN CAMPEN: Habitable.

14 MR. CHIN: Right. But I'm just saying  
15 the 400 square feet, as compared to 600 square  
16 feet from -- let's say 400 square feet to 1,296,  
17 the percentage is a lot less to me than if it was  
18 600 square feet to 1,296. You know what I mean?  
19 You know what I'm saying? That's what I'm getting  
20 to.

21 MR. VAN CAMPEN: Sure. I actually oh,  
22 sorry.

23 MR. CHIN: Yeah, well on the zoning code  
24 where I go by the zoning code that those areas

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2 you got to delete as non-habitable spaces, you  
3 know what I mean? So this is something that has  
4 to be straightened out somehow.

5 MR. FLEMING: So the, the matter before  
6 us is not looking for an interpretation of, of  
7 Martin's interpretation of what is, you know,  
8 living space versus what is not. So we're not,  
9 we're not going to be addressing that.

10 MR. CHIN: I, I understand what you're  
11 saying Mr. Chairman.

12 MR. FLEMING: There is --

13 MR. CHIN: But what I'm saying, I've  
14 been in front of this board so long that I've  
15 known the code where those have always been taken  
16 out.

17 MR. FLEMING: That's not before the  
18 board.

19 MR. CHIN: Well --

20 MR. FLEMING: It is simply not before  
21 the board.

22 MR. CHIN: -- that's what I'm saying in  
23 front of me. Okay.

24 MR. FLEMING: Well, If he wishes to

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2 change his application, he certainly can. But  
3 right now we're not taking a vote or --

4 MR. CHIN: Okay.

5 MR. FLEMING: -- or having a hearing on  
6 whether or not that interpretation's correct.

7 MR. CHIN: All right.

8 MR. FLEMING: Thank you.

9 MR. CHIN: Whatever you say.

10 MR. VAN CAMPEN: Oh, I was just going to  
11 interject and it's --

12 MR. FLEMING: Please do.

13 MR. VAN CAMPEN: -- maybe not  
14 necessarily a point, but I was thinking, you  
15 know, if you, if you did interpret the basement  
16 as habitable space and again, it comes down to  
17 whether a basement, you know, what's a basement  
18 versus a non-basement, we would probably come  
19 pretty close to you know, 25 percent of, you  
20 know, 2,400 square feet habitable is 600. But,  
21 but again, I just was going by what Mr. Rogers  
22 told me to go by, so.

23 MR. FLEMING: You, you certainly have  
24 the right, if you want to submit another

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2 application asking us for an interpretation of  
3 Mr. Rogers' opinion and we certainly could do  
4 that. Or you could continue with the application  
5 you have presently before the board.

6 MR. VAN CAMPEN: I, I would prefer to go  
7 by what he -- he's the expert and go by what he  
8 says is gross inhabitable and --

9 MR. FLEMING: Okay. Thank you. Sorry, I  
10 cut you off. Do you have anything else?

11 MR. VAN CAMPEN: No, no, no.

12 MR. FLEMING: All right. Does anyone  
13 else on the board have any questions or comments?  
14 Alright. I'm sorry?

15 MR. FRANCO: Yeah, no, I, I guess I just  
16 wanted to agree that with the 16, with the  
17 numbers that are stated here, I am also sort of  
18 leaning not in favor of it, just because it's not  
19 -- it's, it's such an extreme request. You know,  
20 if the numbers were different, like we were  
21 saying maybe I think differently about it, but  
22 based on what's in here now, I, I feel it's a  
23 little bit much.

24 MR. VAN CAMPEN: Although I will, as I

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2 mentioned in my letter, if we, if we don't use  
3 that space in the basement, it'll, I don't want  
4 to say it's unused, but it'll basically --

5 MS. PICCOLO HILL: Be wasted.

6 MR. VAN CAMPEN: -- be storage.

7 MR. FRANCO: Yeah.

8 MR. VAN CAMPEN: And so we think that  
9 that, using it for an apartment is a more  
10 productive use of the space.

11 MR. FLEMING: I mean, for what it's  
12 worth, I, I don't have any issues with your  
13 proposed use. I you know, I do understand that,  
14 you know, the size of the house and the, you  
15 know, the calculations that were made to require  
16 you to get a variance. But I, I don't have a  
17 problem considering the five factors with  
18 granting this variance. so just for what it's  
19 worth. Any other comments, questions? No?

20 MR. CHIN: I agree on that.

21 MS. PICCOLO HILL: I don't know, I think  
22 it's a very -- how I'm looking at it is that I  
23 feel like there are, could be a number of  
24 interpretations when looking at, at what's being

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2 proposed. I see your point about the habitable  
3 space with the, you know, with the laundry room.  
4 Could that be included in the square footage? I  
5 also see, I mean honestly, if you're doing a one-  
6 bedroom apartment to make it smaller just to fit  
7 within code seems sort of silly. You know, you  
8 could make a bigger kitchen and then the habit  
9 space would be habitable space would be, you  
10 know, smaller. My only concern is that right now  
11 the numbers are so far off from what the town  
12 approves, so that is, is a concern for me. Yeah,  
13 so that's, that's my concern. It's just that the  
14 numbers and the percentage is large and with --

15 MR. FLEMING: Just if I can --

16 MS. PICCOLO HILL: -- yeah, I mean, you  
17 know, --

18 MR. FLEMING: -- if I can just get a  
19 point of clarification from you, Michelle. So  
20 there's two variances before us. One is for the  
21 minimum size of the dwelling, you know, the  
22 minimum is 1,600 and we're at 1,296 using the  
23 calculations that Martin has used. So that's a 19  
24 percent --

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2 MS. PICCOLO HILL: Right.

3 MR. FLEMING: -- you know, variance. The  
4 second variance is for the maximum size of the  
5 dwelling apartment. And the required would --  
6 what they need is 261, they're proposing 600, so  
7 it's a 57 percent, 339 square foot variance. And  
8 is it both that you're concerned about or is it  
9 just that latter one that's, that's such a  
10 significant increase?

11 MS. PICCOLO HILL: Well, I mean, I guess  
12 what I'm thinking is when they initially made the  
13 requirements, I think there were, there was some  
14 rationale to why there was a minimum space  
15 allocation for how large the house had to be to  
16 have a second accessory apartment. That's  
17 probably my biggest hiccup. But at the same time,  
18 you know, I admit, I know Westchester in general  
19 is, is looking at these things. So I do think  
20 thinking is changing a little bit. I think, you  
21 know people live in spaces that are a lot smaller  
22 than that. So, I think I would probably honestly  
23 be in favor of granting.

24 MR. VAN CAMPEN: Or let me, maybe I'm

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2 repeating myself, but I would argue I think the  
3 proposed apartment is quite reasonable, modest.  
4 And maybe it's the, the code that's a little out  
5 of whack and, and therefore, you know, as, as  
6 there are discussions to modify it.

7 MS. PICCOLO HILL: Oh no, that's --

8 MR. WALSH: That may be true. We've got  
9 to follow what's the law in front of us now.

10 MR. FLEMING: Yeah, and have, we have to  
11 approve. It's a 57 percent increase on the  
12 maximum size of the apartment, because that's  
13 what the current zoning is without question. I, I  
14 agree with Michelle. I think there is a, a desire  
15 in Westchester County specifically to increase  
16 the, you know, available units and, and this is  
17 one, one, you know, very good way of going about  
18 doing that. So I certainly understand why that's  
19 something someone would consider, you know, in  
20 looking at this application.

21 MS. PICCOLO HILL: I mean, I think also,  
22 you know, it's not a, a question of if your  
23 area's allowed to have accessory apartments. It's  
24 not a question of, you know, if, if the house

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2 were a little larger, then he'd be within his  
3 right to have the accessory apartment. So it's  
4 not an issue of, you know, is having an accessory  
5 apartment the issue. It's just the issue of the  
6 size of the house and the size of the apartment.  
7 So that's probably why I'd be in favor of  
8 granting it.

9 MR. FLEMING: Any other questions? Any  
10 other comments? All right. So we, we will need a  
11 --

12 MR. WALSH: Anybody from the public?

13 MR. FLEMING: Oh yes, absolutely. Any --  
14 there's no one in the public here. The owner is  
15 here. And if you have anything you want to say,  
16 you're welcome to. Come on up, please.

17 MR. CUNNINGHAM: You Just have to come  
18 up to the mic.

19 MR. FLEMING: Pull that mic down to you.  
20 We're having a lot of height shifting here  
21 tonight, so.

22 MR. VICTOR PENA: Okay. Um --

23 MR. FLEMING: Say your name please.

24 MR. PENA: My name is Victor Pena, 60

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2 Waterbury Parkway. I've been reading the, the  
3 code since we got involved in this project. And  
4 what I thought was that the minimum and maximum  
5 requirements were for the space that is available  
6 for the house, like the 1,600. If you divide  
7 that, you are going to have a really, a small  
8 space for the actual apartment and then the  
9 dwelling unit. But in this case, we are not using  
10 any space of the 1,296. It's only, it was in the  
11 basement. Additionally there is no boiler, no  
12 gas, no oil because we use the clean heat system  
13 now. And, and that's why -- that's my idea of why  
14 we could do the, the apartment.

15 MR. FLEMING: If I could, if I could  
16 paraphrase, let me know if I understand what  
17 you're saying. I mean, the concept of there being  
18 a 1,600 foot minimum is because you're going to  
19 be taking part of that 1,600 and using it for the  
20 unit. But you're saying you're not doing that at  
21 all. The 1,296 that you have for the existing  
22 living area isn't going to change. You're only  
23 changing what's non-living area now.

24 MR. PENA: Mm-hmm.

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2 MR. FLEMING: Is that, is that really  
3 what you're saying?

4 MR. PENA: Yes.

5 MR. FLEMING: Okay. I thought so. I just  
6 wanted to make sure I understood you right.

7 MR. VAN CAMPEN: So what I was saying  
8 before, if we don't use that space, it'll, I  
9 don't want to say it's, it's not going to be  
10 used, but it'll be, just be stored.

11 MR. FLEMING: It's just the basement  
12 storage area. Okay.

13 MR. WALSH: And they can still make a  
14 family room down there too. I mean, it could be -  
15 -

16 MR. VAN CAMPEN: Sure. Absolutely.

17 MR. WALSH: You don't have to, you don't  
18 have to create a dwelling unit. You can use it  
19 for a family room, another no bedroom room from  
20 the house. I mean, that's -- there, there are  
21 other options of just not being vacant.

22 MR. VAN CAMPEN: Absolutely.

23 MS. PICCOLO HILL: Are there any, I  
24 mean, did we get, receive any letters or anyone

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2 opposed?

3 MR. FLEMING: Was there any public  
4 comment?

5 MR. KEHOE: I got, I had a phone call  
6 today from a woman across the street and she had  
7 no opposition. She didn't leave me her name, but  
8 she -- and all the neighbors have received both a  
9 public hearing notice from the planning board and  
10 a public hearing notice from the zoning board and  
11 they hit the trifecta, they had all three of our  
12 signs, orange planning board sign, orange public  
13 hearing sign, and yellow zoning board sign and so  
14 one comment in favor, no comments in opposition.

15 MR. FLEMING: Okay. Thank you.

16 MS. PICCOLO HILL: I mean, I guess  
17 because I was mumbling so much before, because I  
18 was processing it in my head. But ultimately, you  
19 know, not using the space upstairs, so that  
20 dwelling stays the same size, so they're not  
21 dividing it to make a minimum apartment space. So  
22 you know, it seems to me like it's a pretty good  
23 use of the space below. You're asking for more  
24 space. But again, you know, I think it, it is a

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2 good use of this space and if you're going to  
3 have an apartment there anyway and it, no one's  
4 opposed and it doesn't, I mean, they're allowed  
5 to. I'm, you know, I'm inclined to approve the  
6 variance in size.

7 MR. MARTINEZ: And I agree with  
8 Michelle.

9 MR. FLEMING: Alright. Well, let's,  
10 let's do, do you want to separate the two  
11 variances and then have a motion on each or do  
12 you want to just call for a motion on the whole -  
13 -

14 MR. CHIN: On the whole case.

15 MR. WALSH: Probably the whole case.

16 MR. FLEMING: Okay.

17 MR. CUNNINGHAM: I, I think, I think the  
18 whole case and maybe we'll call roll on it just  
19 to begin with.

20 MR. KEHOE: Okay. Okay.

21 MR. CUNNINGHAM: So, and the chairman  
22 will go last.

23 MR. KEHOE: Have you, sorry, have you  
24 motioned the hearing --

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2 MR. FLEMING: No, we haven't done  
3 anything yet. So --

4 MR. WALSH: All right, we Good? Anybody  
5 have any other comments?

6 MR. CHIN: No.

7 MR. WALSH: All right. Let me put my  
8 glasses on before I can read this here.

9 MR. CHIN: We're waiting for your  
10 motion.

11 MR. WALSH: Can I have a, a motion to  
12 close the public hearing for case number 2025-2?

13 MR. FLEMING: And second?

14 MR. FRANCO: Second.

15 MR. FLEMING: All in favor?

16 MULTIPLE: Aye.

17 MR. FLEMING: So approved, motion --  
18 public hearing is closed.

19 MR. WALSH: All right, make a motion to  
20 approve case number 2025-2 for Victor Pena Gomez,  
21 60 Waterbury Parkway requesting a area variance  
22 for minimum size of dwelling and maximum size of  
23 accessory apartment, minimum size required is  
24 1,200 square feet for the dwelling, proposed is -

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2 - what's existing is 1,296, where variance  
3 required of 304 square feet, which is 19 percent.  
4 Next variance requested is the maximum size of  
5 the apartment required is 261 square feet,  
6 proposed is 600 square feet for a variance of 339  
7 square feet, which is a 57 percent variance. This  
8 is a SEQR type 2, no further action required.

9 MR. FLEMING: Just one quick  
10 modification. What you said was the required on  
11 the minimum size, you said 1,200 feet. It's  
12 actually required is 1,600 square feet. Just --

13 MR. KEHOE: Yeah, you just misspoke.

14 MR. WALSH: Oh, I'm sorry.

15 MR. FLEMING: Yeah, you just misspoke.

16 MR. CUNNINGHAM: So we'll need a second.

17 MR. CHIN: Second.

18 MR. KEHOE: All right. So, but --

19 MR. CUNNINGHAM: So, and then we're  
20 going to poll the board and this will count as  
21 the official vote.

22 MR. FLEMING: Okay.

23 MR. CUNNINGHAM: And then the chairman  
24 will be, will go last.

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2 MR. KEHOE: Ms. Piccolo Hill?

3 MS. PICCOLO HILL: Approve.

4 MR. KEHOE: Mr. Martinez?

5 MR. MARTINEZ: Approve.

6 MR. KEHOE: Mr. Franco?

7 MR. FRANCO: I'm going to disapprove.

8 MR. KEHOE: Mr. Chin?

9 MR. CHIN: Approve.

10 MR. KEHOE: Mr. Walsh?

11 MR. WALSH: Disapprove.

12 MR. KEHOE: Mr. Fleming?

13 MR. FLEMING: I'm going to approve.

14 MR. KEHOE: All right, so motion carries  
15 four to two.

16 MR. FLEMING: Congratulations.

17 MR. KEHOE: All right.

18 MR. VAN CAMPEN: Thank you.

19 MR. WALSH: Thank you Very much.

20 MR. KEHOE: So, normal, you, you will  
21 get a decision and order from the zoning board,  
22 but as you know, you're going to be in front of  
23 the planning board on Tuesday night to continue  
24 on, so thank you.

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MR. FLEMING: Thank you. Good luck.

MR. CHIN: Good luck.

MR. VAN CAMPEN: Thank you. Thank you.

MR. MARTINEZ: Good luck.

MR. FLEMING: All right, can I have a motion to close today's session?

MR. WALSH: So moved.

MR. FLEMING: All in favor?

MULTIPLE: Aye.

MR. FLEMING: We are adjourned.

(The public board meeting concluded at 7:55 p.m.)

CERTIFICATE OF ACCURACY

I, Ryan Manaloto, certify that the foregoing transcript of the Zoning Board of Appeals meeting of the Town of Cortlandt on February 25, 2025 was prepared using the required transcription equipment and is a true and accurate record of the proceedings.

Certified By



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Date: March 12, 2025

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