

TOWN OF CORTLANDT
PLANNING AND ZONING BOARDS

ZONING BOARD MEETING

Town Hall
1 Heady Street
Cortlandt Manor, NY 10567
March 27, 2025
7:00 p.m. - 7:59 p.m.

March 27, 2025

MEMBERS PRESENT:

Michael Fleming, Chairman

Wai Man Chin, Vice-Chairman

Chris Beloff, Member

Frank Franco, Member

Michelle Piccolo Hill, Member

Benito Martinez, Member

Thomas Walsh, Member

ALSO PRESENT:

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: Thank you. I'd
4 like to call to order the March 27, 2025 meeting
5 of the Town of Cortlandt's Zoning Board of
6 Appeals. I'd like to start by asking everyone who
7 wants to join me in saying the Pledge of
8 Allegiance.

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

14 MR. FLEMING: All right. Can we have a
15 roll call, please?

16 MS. HEATHER LAVARNWAY: Chairman
17 Fleming?

18 MR. FLEMING: Here.

19 MS. LAVARNWAY: Michelle Piccolo Hill?

20 MS. MICHELLE PICCOLO HILL: Here.

21 MS. LAVARNWAY: Benito Martinez?

22 MR. BENITO MARTINEZ: Here.

23 MS. LAVARNWAY: Frank Franco?

24 MR. FRANK FRANCO: Here.

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2 MS. LAVARNWAY: Wai Man Chin?

3 MR. WAI MAN CHIN: Here.

4 MS. LAVARNWAY: Tom Walsh?

5 MR. THOMAS WALSH: Here.

6 MS. LAVARNWAY: Chris Beloff?

7 MR. CHRIS BELOFF: Here.

8 MR. FLEMING: Alright, thank you. A
9 couple of quick, oh, I'm sorry, before, we have
10 minutes for two meetings, the January 16th and
11 the February 27th meeting. I need a motion to
12 approve those minutes.

13 MR. WALSH: So moved.

14 MR. CHIN: Second.

15 MR. FLEMING: All in favor?

16 MULTIPLE: Aye.

17 MR. FLEMING: Okay. Meetings for the
18 January 16th and February 27th meetings are
19 approved. We have an adjourned hearing for 163
20 Locust Avenue. We're going to push that back just
21 to give the architect the potential to get here.
22 So, normally we'd start with adjourned hearings,
23 but we're not going to start with that one today,
24 so we're going to move on to some of the other

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2 ones. Also, if anyone here in the public or
3 online is here for the 77 Montrose Station case,
4 we're also adjourning that. The applicant
5 requested an adjournment because of a personal
6 conflict. So we're not, we're not going to be
7 hearing that case today. So if there's anyone
8 here who's wishing to, you know, make a statement
9 on that case, the next hearing will be on April
10 24, 2025, and we'd invite you to come back if
11 you're, if you're here about that particular
12 case. If not, we'll move forward. And the first
13 case we're hearing today is case number 2025-3.
14 Benito, is that one yours?

15 MR. MARTINEZ: Yes, I'm sorry. Yes,
16 Chairman, we have, we have the case number 2025-3
17 for Ralph and Julia Amato for the property owner,
18 Edward and Christina McLaughlin, address is 22
19 Maple Avenue, 2234 Maple Avenue, I'm sorry.

20 MR. FLEMING: If anyone, if anyone from
21 the applicant is present, if you want to come up
22 --

23 MR. MARTINEZ: Yeah.

24 MR. FLEMING: -- you're welcome to come

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2 up, state your name and then please just pull the
3 microphone down lower. Actually, you guys have
4 different heights, so you might have to raise or
5 lower it accordingly.

6 MR. MARTINEZ: And then you can address
7 the board with your project, yeah.

8 MS. JULIA AMATO: So my name is Julia
9 Amato.

10 MR. RALPH AMATO: Ralph Amato, yeah.

11 MR. FLEMING: Okay. Anything you want to
12 say? You're welcome to say.

13 MR. AMATO: So, so 36 years ago when we
14 moved to the town of Cortlandt from the Bronx we
15 decided, you know, we had a family over and, you
16 know, we were having a barbecue and everybody was
17 having a great time. And, you know, we're sitting
18 in the yard and behind us happens to be wetlands.
19 So after a while everybody was kind of like, you
20 know, getting bit --

21 MS. AMATO: Sitting like this, bugs
22 flying.

23 MR. AMATO: So, you know --

24 MS. AMATO: It wasn't pleasant.

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2 MR. AMATO: -- yeah, it wasn't pleasant.
3 So my father says, we got to do, you know, it was
4 an existing back porch there. He says, we got to
5 do something here. So we, we put a roof on it,
6 and at that time we just, we didn't put windows
7 in. We just had one by twos with screens. And I
8 would take them out in the spring -- in the
9 summer, or put them in, in the summer, and put
10 quarter-inch plexiglass in the winter. You know,
11 we just moved up from the Bronx, we're a young
12 couple, we didn't have money for windows. So
13 later on we put the windows in and it was, there
14 was never electric in there or heat or anything
15 like that. And we just used it for --

16 MS. AMATO: Seasonal.

17 MR. AMATO: -- seasonal. And, and, and
18 that was pretty much it with that. And then the
19 front porch, there was an existing front porch.
20 And you know, we got the, the idea from when they
21 did -- who was down Maple?

22 MS. AMATO: Oh, there was a cul-de-sac
23 they were building and they extended --

24 MR. AMATO: Yeah, there was a cul-de-sac

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2 they were building and they were putting gazebos
3 on the end of the front porch. It was --

4 MS. AMATO: So we copied the idea.

5 MR. AMATO: Yeah, we copied the idea.
6 So, you know, it was a 10 by 10 and the only
7 thing is I did, you know, just the shingles to
8 overlap the existing roof shingles, so if you
9 walked from the front porch to the gazebo, you
10 wouldn't get rained on. And then, you know, we
11 made everything six by six, we made everything
12 strong. You know, the architect that we had
13 couldn't believe how we built everything, because
14 my father had a construction company when I was
15 growing up. So whenever we built something, we
16 never planned on taking it apart, you know, so it
17 was always beefy and strong and, you know, and
18 that, and that's what we did. So, I mean, I have
19 the letters from the neighbors, aesthetically
20 everything, you know, they loved everything. And
21 there was never anybody that disputed how
22 everything looked.

23 MR. MARTINEZ: Yeah, I was able to see
24 that and I, I really loved that.

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2 MR. AMATO: Oh.

3 MS. AMATO: Thank you.

4 MR. AMATO: Thank you. You know, we
5 always took good care. You know, I was always
6 involved with the community. I helped build the,
7 the, the, park and you know, the playground in
8 Blue Mountain, you know, I was the foreman there.
9 We did that. My wife was a nurse and she always
10 helped with Furnace Woods and Blue Mountain,
11 dedicate time. So we were always involved with
12 the family, you know, the community.

13 MR. FLEMING: Thank you. As a member of
14 the community, we appreciate that.

15 MS. AMATO: We'll miss Cortlandt.

16 MR. AMATO: Yeah. We still have
17 relatives in Cortlandt.

18 MR. CHIN: What part of the Bronx?

19 MR. AMATO: Morris Park.

20 MR. CHIN: What? Me too.

21 MS. AMATO: And I was Throggs Neck.

22 MR. CHIN: You too?

23 MR. AMATO: Yeah.

24 MR. CHIN: Oh, really?

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2 MR. AMATO: And she was from Throggs
3 Neck.

4 MR. CHIN: [unintelligible] [00:05:21].

5 MS. AMATO: This was upstate when we
6 moved. We, we moved all the way upstate.

7 MR. AMATO: when I, when we were with
8 the real estate, I said, is there a White Castle
9 up there? And she goes, you know what? I think
10 there's a white castle that's on a mountain with,
11 I said, that's not the White Castle I'm thinking
12 of, you know.

13 MR. CHIN: When I was growing up in the
14 Bronx, it was like the woods up here.

15 MS. AMATO: Yes.

16 MR. CHIN: When I was a kid.

17 MR. AMATO: Yeah.

18 MS. AMATO: Yes.

19 MR. CHIN: I may be a little bit older
20 than you then.

21 MS. AMATO: Yeah. But that's what we
22 thought when we moved up.

23 MR. CHIN: I'm talking about 70, 60
24 years ago.

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2 MR. AMATO: We couldn't sleep for a long
3 time because there was no buses running by.

4 MS. AMATO: We didn't hear cars.

5 MR. CHIN: Right, exactly. Very good.

6 MR. FLEMING: Anybody have anything
7 else?

8 MR. MARTINEZ: Yeah, after, after
9 reviewing all the five factors, and also, like I
10 said before, I enjoy really much the letter that
11 was written by your neighbor and how much they
12 admire your property. So I, I really have no
13 problem with, with what you're trying to do right
14 now.

15 MR. AMATO: Thank you.

16 MR. MARTINEZ: I don't know if one of
17 the member has anything to say.

18 MR. FLEMING: Any questions any members
19 have?

20 MR. CHIN: No, actually, I, I think it
21 Looks great.

22 MS. AMATO: Thank you.

23 MR. AMATO: Thank you so much.

24 MR. FLEMING: I, I very much appreciate

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2 you submitting the letters from the neighbors.

3 That actually helps us out quite a bit.

4 MR. CHIN: Yeah.

5 MR. FLEMING: It's one of the first
6 questions I ask is what do the people who live
7 next door or across the street from you.

8 MR. AMATO: And they were directly next
9 to me.

10 MR. FLEMING: So, so getting those, it
11 is helpful.

12 MR. AMATO: Yeah.

13 MR. FLEMING: I, I want to make sure
14 that we're not intruding on somebody else.

15 MS. AMATO: Right. Right.

16 MR. FLEMING: So thank you for providing
17 that. I also, I got to tell you, I, I'll, I'll,
18 I'll echo Mr. Martinez. I, I think it looks
19 beautiful. I like the gazebo.

20 MR. AMATO: Thank you.

21 MR. FLEMING: I think it looks
22 fantastic. It is not a, a significant front yard
23 setback issue. I think it's 10 percent what
24 you're looking to, to -- 10 percent into the

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2 setback, which you know, I, I don't think is, is,
3 is, is significant. On the rear, it's bigger, but
4 again, on the rear, less concerning than the
5 front yard setback for me. I, I have no problem.
6 I don't think you have any issues with the five
7 setbacks and I would absolutely vote in support
8 of you. Anybody else have anything you want to
9 add?

10 MR. AMATO: Thank you so much.

11 MR. WALSH: No, I, I have no, no issues
12 with what's there. The, the rear yard, there's
13 also, there is like a wetlands in the back, so it
14 doesn't -- I don't see that being built or being
15 built on. So I have no, I have no issues with
16 what's there.

17 MR. AMATO: Thank you very much.

18 MR. WALSH: And I wish you, wish you the
19 best of luck.

20 MR. MARTINEZ: Anybody else?

21 MS. PICCOLO HILL: No thank you, sir.

22 MR. MARTINEZ: Anybody in the Zoom?

23 MR. CHIN: Anybody in the audience?

24 MR. FLEMING: Do we have anyone in the

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2 public who wishes to say anything? Sure, please
3 come on up. Please, come on up. You guys can just
4 move out of the way, let the members speak.

5 MS. AMATO: This is our new neighbor.

6 MR. EDWARD MCLAUGHLIN: Hi, I am Edward
7 McLaughlin, one of the --

8 MR. FLEMING: What's your address?

9 MR. MCLAUGHLIN: Sorry?

10 MR. FLEMING: What's your address?

11 MR. MCLAUGHLIN: 2234 Maple Avenue.

12 MR. FLEMING: Okay.

13 MR. MCLAUGHLIN: I'm the, one of the new
14 owners of this beautiful house that we love and
15 we're so grateful for the Amatos for making these
16 improvements and keeping it in the condition that
17 they did, because we've been here about six weeks
18 and we love everything about it.

19 MR. FLEMING: Oh, that's nice to hear.

20 MR. MARTINEZ: One of the letters we
21 have was from you?

22 MR. MCLAUGHLIN: No, you know, I'm the,
23 the, the current owner now.

24 MR. MARTINEZ: Oh, okay.

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2 MR. MCLAUGHLIN: But we've met the, all
3 the, the neighbors in those letters and --

4 MR. MARTINEZ: Got you.

5 MR. MCLAUGHLIN: -- feel wonderful too.

6 MR. MARTINEZ: Very good.

7 MR. FLEMING: Thank you.

8 MR. AMATO: We're so happy for his --

9 MS. AMATO: Yes. Him and his wife.

10 MR. AMATO: [unintelligible] [00:08:22].

11 MS. AMATO: Yes.

12 MR. MCLAUGHLIN: Yeah, my, my wife
13 Christina is not here, she's 36 weeks pregnant,
14 so she's a little tired this evening.

15 MR. FLEMING: I understand why she's not
16 here and good luck to you and her. That's, that's
17 good news.

18 MR. MCLAUGHLIN: Thank you.

19 MR. FLEMING: And, and that's a great
20 story, having the next generation come in. So I
21 do, I do like to hear that as well.

22 MS. AMATO: I didn't know he was going
23 to be here. It's really nice.

24 MR. FLEMING: Alright. Anybody else?

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2 MR. CHIN: No.

3 MR. FLEMING: Alright. I think we need a
4 motion.

5 MR. MARTINEZ: I make a motion to close
6 the public hearing.

7 MR. WALSH: Second.

8 MR. FLEMING: All in favor?

9 MR. CHIN: That's on case 25-3.

10 MR. FLEMING: All in favor?

11 MULTIPLE: Aye.

12 MR. FLEMING: Alright. Public hearing is
13 closed and we need a motion to approve.

14 MR. MARTINEZ: I make a motion to
15 approve the variance, for the front yard setback
16 the request is 50 feet, proposed 45.2 feet,
17 variance is 4.8 square feet, 10 percent, and the
18 minimal rear yard setback for 30 feet, request
19 and propose 11.1 feet, and variance is 18.9 which
20 is 63 percent. I make a motion to approve --

21 MR. FLEMING: It's a SEQR type II.

22 MR. MARTINEZ: SEQR type II, no further
23 compliance is required.

24 MR. FLEMING: Thank you.

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2 MR. CHIN: Second.

3 MR. FLEMING: All in favor?

4 MULTIPLE: Aye.

5 MR. FLEMING: Okay. It's granted.

6 Listen, thank you and good luck to you both.

7 MS. AMATO: Thank you.

8 MR. FLEMING: And also good luck to,
9 yeah --

10 MR. AMATO: When does the co, like, how
11 does that work?

12 MR. FLEMING: So you will, you'll be
13 getting contact from the planning board. You'll
14 be getting something from them. It's anywhere
15 from five to seven days, something like that.

16 MR. CHIN: Usually we have the signing
17 of the, the ZBA on this probably sometime next
18 week.

19 MR. AMATO: Okay.

20 MR. CHIN: And they'll let you know to
21 pick it up and everything else. And then you go
22 to the building department and do what you got to
23 do.

24 MR. AMATO: Okay.

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2 MR. CHIN: Okay.

3 MS. AMATO: Well thank you very much. We
4 appreciate it.

5 MR. WALSH: Well, best of luck. Enjoy
6 retirement.

7 MS. AMATO: Thank you. Thank you.

8 MR. AMATO: Now, now we can eat
9 something.

10 MR. FLEMING: Alright, thank you.
11 Alright, our next case, Franco, I think that
12 one's yours.

13 MR. FRANCO: Yeah. So this is case 2025-
14 4, 12 Francis Drive looking for an area variance
15 for a new garage and a side yard setback for a
16 shed. So I invite the applicant to discuss the
17 case.

18 MR. ROBERT KEELER: Good evening, board.
19 My name is --

20 MR. FLEMING: Do me a favor, just pull
21 that mic a little closer to you.

22 MR. KEELER: That a little better?

23 MR. FLEMING: That's better.

24 MR. KEELER: Good evening. My name is

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2 Robert Keeler, a registered architect. I'm
3 representing Lisa and Jason Gotay for the
4 proposed garage reconstruction. They purchased
5 the house in 2013. All the structures that you
6 guys have been reviewing were existing upon when
7 they bought the house, including the pool and the
8 deck that's in the rear yard and the detached
9 garage, which was built, I assume around the same
10 time of the original dwelling, which was in like
11 the 1950s or so. The garage is decaying. There's
12 been some repairs, maybe band-aid here or there,
13 but the garage does need to be replaced. There is
14 a, an existing attached storage shed on the back
15 of the garage. So what we're proposing to do is
16 to remove the entire garage, put in a new
17 foundation, square off the backside of it and
18 extend it about four or five feet. It's a total
19 of 117 square foot addition to the existing
20 footprint of that garage.

21 MR. FRANCO: Mm-hmm.

22 MR. KEELER: In addition to that,
23 there's a side yard shed, which is listed as shed
24 number two on the plans. It was also preexisting

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2 to when they purchased the house, but we do
3 realize that it does still need to be in
4 compliance with the zoning code. Even though it
5 doesn't require a permit, we are just going to
6 try to legalize that issue while we're here for
7 the garage.

8 MR. FRANCO: Mm-hmm.

9 MR. KEELER: That is a, we're
10 requesting, it's 1.6 feet off the property line
11 for a 2.4 foot variance. In addition to that,
12 with all the structures added together as far as
13 the accessory allowable square footage is limited
14 to 50 percent of the overall living area of the
15 main dwelling, the principle structure. So, it is
16 already existing noncompliant, even if we didn't
17 add the 117 square feet that we're proposing
18 here, it would still theoretically need a
19 variance even if we were just to do it exactly in
20 kind as far as the footprint is concerned.

21 MR. FRANCO: Mm-hmm.

22 MR. KEELER: So with that said, we are
23 requesting a 80.5 percent variance on the
24 coverage of, the allowable coverage for the

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2 accessory structure.

3 MR. FRANCO: Is it 80 percent or it's 60
4 percent, right, 61 percent I have? For the --

5 MR. FLEMING: Yeah, we have, we have you
6 at --

7 MR. KEELER: Oh I'm sorry, 60 percent --

8 MR. FRANCO: Yeah.

9 MR. KEELER: -- 61 percent.

10 MR. FRANCO: Yeah.

11 MR. KEELER: For, the accessory --

12 MR. FRANCO: Yeah, I just want to make
13 sure --

14 MR. KEELER: -- structures.

15 MR. FRANCO: -- we're talking about the
16 same thing.

17 MR. KEELER: And then it's a 60 percent
18 for the side yard setback, which is a four-foot
19 setback initially.

20 MR. FLEMING: I had one quick question,
21 and I think I did my math right. But you're
22 essentially, the total increase from the existing
23 in terms of square footage of accessory
24 structures, about 112 square feet. I'm asking

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2 that because, you know, again, with the required
3 being 107, right now you're at something around a
4 thousand, so you're a, something in the
5 neighborhood of 300 square feet above that 320
6 something, so you're almost 50 percent above it
7 right now. You're asking for essentially a 10
8 percent increase in --

9 MR. KEELER: Correct. Exactly. It's
10 existing nonconforming. And there, I know the
11 owners didn't achieve -- get them when they sold
12 the house, but I guess the previous owner did, as
13 far as some COCs for those other structures. So
14 they were obviously under the impression that
15 everything was legal. There was no zoning issues
16 until we started to do our plans, our bulk zoning
17 analysis and speaking with Martin it came to our
18 attention, so.

19 MR. FLEMING: Understood. Thank you, Mr.
20 Keeler. Any, any other questions?

21 MR. CHIN: Yeah. Do you know when the
22 existing building was actually built?

23 MR. KEELER: It was, I don't know the
24 exact year, I know it was in the 1950s.

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2 MR. CHIN: 1950s. So the zoning came
3 about in 1951. So it's close to --

4 MR. KEELER: It could be --

5 MR. CHIN: -- about the same time.

6 MR. KEELER: -- pre zoning.

7 MR. CHIN: So, at that time it was
8 probably, maybe pre zoning or something like
9 that. So that's why the, the amount of accessory
10 structure, nobody really knew about it until,
11 until you brought it up now, really.

12 MR. KEELER: Yeah. And it's a modest
13 home. It's, it's not a very large home. It's an
14 old cape, you know, one and a half stories
15 basically.

16 MR. CHIN: Yeah. So basically there's
17 already 50 percent or thereabouts because, you
18 know, the back structure, the finished, the in-
19 ground pool, that's all part of structure.

20 MR. KEELER: It's an above ground pool
21 there.

22 MR. CHIN: Oh, above ground, it doesn't
23 matter. It's, it's a pool that's, it's built
24 there. You know what I mean?

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2 MR. KEELER: Yeah. And I'd just like to
3 note that we are under the allowable total
4 coverage as far as impervious surface is
5 concerned, including the driveway and all the
6 those services.

7 MR. CHIN: Okay.

8 MR. FRANCO: Just, just curious did any
9 of the neighbors make any comments for or against
10 that you know of?

11 MR. KEELER: So it just so happens I'm
12 actually working for one of the adjacent
13 neighbors at 14 --

14 MR. FRANCO: Mm-hmm.

15 MR. KEELER: -- Francis Drive. Very
16 supportive of it obviously, and that's the one
17 that basically is just adjacent to where the
18 garage is going to be built.

19 MR. FRANCO: Mm-hmm.

20 MR. KEELER: I haven't spoken to any of
21 the other neighbors, but my clients have, and
22 they said that there's been no objections.
23 Everybody is, you know, obviously happy for them
24 to rebuild the garage.

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2 MR. FRANCO: Mm-hmm.

3 MR. CHIN: Okay. Anybody else from the
4 audience?

5 MR. KEELER: And make it aesthetically,
6 yeah, pleasing.

7 MR. MARTINEZ: Do you know if they're
8 willing to write any letters to the board?

9 MR. KEELER: I mean, as long as -- I
10 didn't know it was a requirement, but --

11 MR. FLEMING: It's certainly not, though
12 and again, as we said in the last hearing --

13 MR. KEELER: If it's, you know, would
14 help or, you know, be the cause of not voting
15 here tonight, I'm sure it wouldn't be a problem.

16 MR. MARTINEZ: And if we don't have
17 anybody here protest --

18 MR. KEELER: Yeah. I don't think
19 anybody's opposing it. I think you would've
20 received those letters.

21 MR. FLEMING: Yeah, it's certainly, it's
22 certainly not something we require. Again, it is
23 nice when you get it though, because it --

24 MR. KEELER: Absolutely.

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2 MR. FLEMING: -- it answers questions
3 for us that we may otherwise have, but, it's
4 certainly nothing that you have to do. Anyone
5 else on the board? I'm sorry, go ahead.

6 MR. FRANCO: I don't have any additional
7 questions, but before I do an overall assessment,
8 I wanted to ask also, if do, do you have anything
9 more to say?

10 MR. KEELER: No, just to respond.

11 MR. FRANCO: I, I was just curious, does
12 the public have any comments they want to make on
13 12 Francis Drive regarding --

14 MR. CHIN: Anybody on Zoom? No. Okay.

15 MR. FRANCO: I, I just wanted to go
16 through the sort of the five factors. The
17 benefit, can it be achieved by some other means?
18 I, I don't really see to, you know, it is
19 preexisting this garage, it's being extended a
20 little bit. It, it is a substantial variance, but
21 relative to what was already there, it's not a
22 drastic, you know, increase in the area. I don't
23 think it would create an undesirable
24 characteristics in the neighborhood or to nearby

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2 properties. It doesn't sound like neighbors have
3 had any, you know, complaints as far as we know.
4 And it, it relative again to what's there, I
5 don't think it would create a adverse physical
6 and environmental effects. And it is self-
7 created, but that's not determinative on our
8 decision. So, I mean, overall, I, I don't feel I
9 have an issue with this. I don't know. Does
10 anybody else on the board have any comments?

11 MR. FLEMING: Anyone on the board have
12 anything else to say?

13 MR. MARTINEZ: No.

14 MR. FLEMING: Alright. I, I agree. I
15 have no problem with this, with this proposal.
16 Normally I would have a question about the
17 existing small shed, shed number two, but its
18 height seems to be pretty much at the privacy
19 fence that's right next to it, which alleviates a
20 lot of that concern. And the fact that no, no, no
21 neighbor is really objected you know, makes me
22 feel a little bit better about it too. So in, in
23 light of those things, I, I don't really have any
24 problems whatsoever. I think we need to move to

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2 close the public hearing. Oh, sorry.

3 MS. PICCOLO HILL: I do have one
4 comment.

5 MR. FLEMING: Oh, go ahead, Michelle,
6 please.

7 MS. PICCOLO HILL: I guess my, my
8 biggest concern is the, the shed, the second shed
9 because it's so close to the property line. But
10 it seems like it's been there for so long. If
11 they ever needed to replace it, I, you know, I
12 think it would be wise to look for another space
13 so that it's not right --

14 MR. KEELER: Absolutely. If it wasn't
15 preexisting, it probably wouldn't have been put
16 there.

17 MS. PICCOLO HILL: Right.

18 MR. KEELER: And in all due time, things
19 do need to be replaced, and we would address that
20 or they would address that at that time.

21 MS. PICCOLO HILL: Yeah.

22 MR. FLEMING: We, I mean, one of our
23 board members when we were having our public
24 session actually mentioned, and this is just the

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2 message to the owners, one of the reasons for
3 those setbacks is just basic fire and safety too.
4 That there's no way to get around the house on
5 the left hand side right now if the, if an
6 emergency services like a fire department needed
7 to for something. So if that does come down, it's
8 probably not a good idea to replace it in that
9 spot.

10 MR. KEELER: Oh no. Exactly. That would
11 be relocated.

12 MR. FLEMING: And that's something they
13 should think about they're, when they're dealing
14 with that issue. But, but again, otherwise I
15 don't have any problems.

16 MR. WALSH: I think we've written this
17 into other DNOs where it's that shed only, and
18 cannot be replaced.

19 MR. KEELER: That's fine.

20 MR. WALSH: I know we did that --

21 MR. FLEMING: Does anyone have a problem
22 with a condition that it's that shed only?

23 MS. PICCOLO HILL: No, I like that idea.

24 MR. FLEMING: Anybody else?

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2 MR. WALSH: No.

3 MR. FLEMING: Okay, so what we would do
4 then --

5 MR. KEELER: There would be no objection
6 to that.

7 MR. CUNNINGHAM: Right.

8 MR. FLEMING: -- yes, what we do is we
9 put in our order that it's the condition that
10 only that shed is approved for this variance and
11 that if that shed ever comes down, a new shed
12 could not be placed in that area. And Heather,
13 we'll just make sure that we have that in the
14 order.

15 MR. KEELER: Yeah, I think that's great.
16 Thank you.

17 MR. FLEMING: Okay.

18 MR. FRANCO: Yeah, we can put that in.

19 MR. FLEMING: Alright. Thank you.

20 Alright, so then we need a motion.

21 MR. FRANCO: Alright. So I make a motion
22 --

23 MR. FLEMING: First Close -- first,
24 close the public hearing and then --

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2 MR. FRANCO: Yeah. Yeah.

3 MR. FLEMING: Okay.

4 MR. FRANCO: I make a motion to close
5 the public hearing for 2025-4.

6 MR. WALSH: So moved.

7 MR. FLEMING: Need a second.

8 MR. CHIN: Second.

9 MR. FLEMING: All in favor?

10 MULTIPLE: Aye.

11 MR. FLEMING: Alright. Public hearing is
12 closed.

13 MR. FRANCO: Okay. So I'll make a motion
14 to approve case 2025-4 for a max area accessory
15 structures. It's required for 707 square feet,
16 proposed 1,137 square feet, variance of 430
17 square feet, 61 percent. And then the minimum
18 side yard setback which requires four, but we're
19 proposing 1.6 for the shed, a variance of 2.4, 60
20 percent we're saying we're approving the side
21 yard setback for this shed and only this shed.
22 Should it ever need to be taken down, it
23 shouldn't be reconstructed in that location. This
24 is a SEQR type II, no further compliance is

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2 required. Second, somebody.

3 MR. FLEMING: Any second?

4 MR. MARTINEZ: Seconded.

5 MR. FLEMING: All in favor?

6 MULTIPLE: Aye.

7 MR. FLEMING: Any opposed? Alright.

8 Congratulations. Motion is granted.

9 MR. KEELER: Thank you very much. Have a
10 good evening.

11 MR. FLEMING: Good luck.

12 MR. MARTINEZ: You too.

13 MR. FRANCO: Thanks.

14 MR. FLEMING: Alright, I'm going to call
15 the last case, although I, I don't see the
16 architect here. I was hoping giving him a little
17 more time might have allowed it to, that might
18 have allowed him to get here. But anyway, we are
19 on case number 2025-1. This is 163 Locust Avenue,
20 LLC. Is the applicant here? You guys want to come
21 forward. We're here on an adjourned public
22 hearing. You know, we had some, some questions
23 and comments last time. And we got some feedback
24 that there were may have been some confusion as

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2 to what some various proposals were being
3 submitted to us. And that was the real reason. I
4 was hoping that maybe your architect would, would
5 be able to pop in --

6 MS. KATHRYN BREIDENBACH: Yes.

7 MR. CHIN: Do you know, if John Lentini
8 is coming or not coming? Do you have any idea?

9 MS. BREIDENBACH: He, he said that he
10 had a conflict.

11 MR. CHIN: Again?

12 MS. BREIDENBACH: He would try, but we
13 said that we would present if necessary.

14 MR. CHIN: Alright.

15 MR. FLEMING: So I, I hate to do this to
16 you, but it, it, it may be significantly in your
17 interest to adjourn it again and get him here
18 specifically so he could hear because I was --
19 again, I can't confirm this, but I was under the
20 impression that you didn't have four votes in
21 your favor at the end of the last meeting. But
22 there was some ideas on, on how that could be
23 swayed to, to get you those votes. But there was
24 some confusion. I'm happy to have the board

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2 answer any questions you have about that. And if
3 you want us to vote now, we certainly can, but if
4 you guys want to adjourn for another month, I
5 would have no problem whatsoever allowing it and
6 if John could make it. So I'll leave that up to
7 you, but also if before that you have anything
8 else you want to say to us, ask us, talk to us,
9 we are absolutely welcome welcoming to those
10 comments and questions.

11 MR. GARRETT BREIDENBACH: Sure. Why
12 don't, go ahead.

13 MS. BREIDENBACH: So there was -- I know
14 Garrett was going to talk, but then of course I
15 can't help myself, so thank you. Okay. So there
16 was a little confusion and we did meet with John
17 based on the feedback that we received here. You
18 know, per the meeting minutes that we reviewed,
19 it did talk about a 3.7 foot setback, it seems
20 like that wasn't exactly clear. We weren't sure
21 if that was referring to a 3.07 or 3.7, I think
22 is the first question.

23 MR. FLEMING: No, and I'll tell you
24 please, there were four of us asking questions at

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2 the last meeting in comments. So there wasn't
3 even like one uniform all of us have this comment
4 for you, so it did come from different board
5 members. And that does happen frequently of
6 course. With respect to that 3.07, Michelle and
7 Tom were the two that were --

8 MS. PICCOLO HILL: Yes.

9 MR. FLEMING: -- talking directly about
10 that issue. And, and I would ask Michelle and Tom
11 if you guys could speak a little bit about that.

12 MS. PICCOLO HILL: Sure. I think I have
13 a little bit of a different opinion than some of
14 the others on the board. I guess my concern is
15 just that it, it abuts the property line so
16 directly. So I'm open to seeing the
17 interpretation of your architect. Maybe he has
18 some ideas on how to cut off the angle a little
19 bit or to angle it so that it's not so close to
20 the property line. That's, that's what I would
21 love to see. Again, I don't know if that means
22 that you pull it in a little further so that it's
23 closer to the door, so it doesn't go all the way
24 to the end, so that -- yes, right, so that, it

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2 saves you that angle right there. So I don't know
3 if you want to pull it closer to the door or cut
4 it a little bit so it's angled, diagonally, or
5 just pull the whole thing in a little bit so it's
6 not so closely to the line. I, I don't have any
7 numbers or restrictions that right now I'm going
8 to make you adhere to. I'm curious to see if he
9 has any ideas that maybe I don't have.

10 MR. FLEMING: If I could add a little
11 bit before you guys speak on, on what Michelle
12 just said.

13 MS. BREIDENBACH: Yes, please.

14 MR. FLEMING: I'll tell you, I, I'm, and
15 I'm very much on board with, with Michelle. I,
16 I'm not an architect and I'm certainly not
17 someone who is in any way artistic. And, you
18 know, making this a presentable and, and really
19 nice looking home is certainly the goal that
20 everybody would have for this. I share the
21 concern that although this property line is, it
22 is a legal property line, but it is an unusual
23 situation where, where you are, where that, I'll
24 call it a road, a driveway or --

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2 MS. BREIDENBACH: Yeah, right of away,
3 yeah.

4 MR. FLEMING: -- right of way is, it, it
5 does concern me having a, a corner of a -- and
6 especially if there's a post or, or something
7 right on it, it does concern me and I, I worry
8 about it. What I thought was being suggested last
9 time was that the angle from the corner of the
10 house where the 3.07 is on the left hand side of
11 the drawing that was presented, if that angle
12 with it being 3.07, was to essentially carry
13 through on the corner. I don't know if there's a
14 way for an architect to literally just slice the
15 corner in half or some other way to make it look
16 quite beautiful, but nonetheless not have that
17 extend all the way to the property line. You
18 know, there are other parts of that existing
19 porch which right now are too close to the
20 property line but we're fine with them because
21 they're existing. So I wanted to more hear what
22 your architect, you know, could let us look at
23 and give us some ideas for --

24 MS. BREIDENBACH: Absolutely.

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2 MR. FLEMING: -- hey look, I could do
3 this and it'll alleviate your concerns. And, and
4 that might flip two people in your favor just
5 from hearing what he has to say. So I don't have
6 like a, it must be 3.07 or --

7 MS. BREIDENBACH: Understood.

8 MR. FLEMING: -- it must be 20 feet
9 or -- I, I want to see something that
10 looks nice, but I also want to see something that
11 alleviates my concern and I think Ms. Piccolo
12 Hill's concern that you are on the line.

13 MS. BREIDENBACH: So I think I have some
14 additional information to add to that and your
15 concerns. Okay.

16 MR. FLEMING: Please do.

17 MS. BREIDENBACH: So when you're looking
18 at it, I, I do understand because you want to
19 continue that 3.07 consistent setback on that
20 portion of the front of the house there. What I
21 can say is if you go back to the actual photo of
22 the front of the house, you will see an existing
23 porch overhang, not really a roof. So that
24 extends already 30 inches from the face of the

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2 house.

3 MR. FLEMING: Yeah.

4 MS. BREIDENBACH: So if we were to
5 maintain that 3.07 setback, we essentially can't
6 add any additional distance forward.

7 MR. FLEMING: Right.

8 MS. BREIDENBACH: Right. So, and then we
9 did talk about if we were going to try to cut
10 that and maintain that same angle that the
11 property line follows and the unfortunate part
12 with that is, and the quick mockup that was done
13 is that the angle then would have to start at the
14 right side of the front door.

15 MR. FLEMING: Oh.

16 MS. BREIDENBACH: So it would have to,
17 it couldn't be just cutting off the corner. It
18 would be about, because the door is three feet
19 wide and it's six and a half feet to the left of
20 the door. So we're starting at approximately nine
21 feet, and so it actually changes the entire
22 aesthetic.

23 MR. FLEMING: Understood. Understood.

24 MS. BREIDENBACH: So what we talked

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2 about was and maybe this is where the confusion
3 was because we were focusing on 3.7 instead of
4 3.07, what we talked about is on the right side
5 of the house, and you actually, Mr. Fleming,
6 brought this up last time is that it did look
7 that that porch roof extended further. And it
8 does. It actually extends almost a foot further.
9 So we talked about reducing the size all the way
10 around so that we could keep that so it would be
11 symmetrical and that would also reduce it from
12 the property line. John, on his new drawing,
13 pulled it back about a half a foot, so to 4.4 so
14 that it is at least a little bit further back.
15 And then we've reduced it on the right side. And
16 then also just to -- I know we are already
17 nonconforming and it's true and we want to, we
18 don't want to add to the, to the extent that
19 we're nonconforming, but we are already abutting
20 the property line by 2.21 feet on the left hand
21 side. And we are removing that entire, you know,
22 steps and structure. So we're actually, we're
23 reducing that now, so it'll be back to 7.5 feet,
24 which is still nonconforming, but it's, it'll at

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2 least trying to improve that on the side there.
3 But go ahead Garrett, what were you going to say?

4 MR. BREIDENBACH: Also, this is the old
5 drawing.

6 MR. FLEMING: Yeah.

7 MR. BREIDENBACH: He did submit a new
8 drawing, so I don't know where that one is.

9 MR. FLEMING: Well --

10 MS. BREIDENBACH: At 4.4 feet.

11 MR. BREIDENBACH: Yeah, so we actually
12 redrew it so the posts are further back at 4.4
13 feet and the roof ends at 4.7 feet. And then we
14 actually had our surveyor come out and he gave us
15 the exact measurement from where that corner,
16 where that 3.07 is at the edge of the roofline
17 for the porch --

18 MS. BREIDENBACH: To the property line.

19 MR. BREIDENBACH: -- to the property
20 line is actually exactly five feet. So we're
21 about a half a foot away from the edge of the
22 property line. And by reducing that much
23 distance, we also had him redraw the other side
24 porch, and we're going to have to rip off that

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2 entire roof and match it at the four, whatever it
3 was, 4.7 feet, or whatever he said, so that you
4 have an actual 45 degree angle, you don't have
5 two weird roofs trying to meet together, because
6 that's going to be a strange --

7 MR. CHIN: Can I make a suggestion,
8 okay?

9 MR. BREIDENBACH: Mm-hmm.

10 MR. CHIN: Okay.

11 MS. LAVARNWAY: I just want to point out
12 we did not get any updated drawings from him that
13 show a different design.

14 MR. BREIDENBACH: Really?

15 MR. CHIN: Okay. Can I make a
16 suggestion? Can we go back to the -- that's the
17 plan right now, the one that was the original
18 plan. You see the 3.07 from the property line to
19 the corner of that bedroom, okay, that's a, I
20 would say that's a bedroom because there's a bed
21 there, right there, okay. Now if you took that
22 line straight down, that property line at that
23 point where the zero is right now to the top of
24 the roof, okay, of the new roof. If that roof

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2 went back 3.07 --

3 MS. BREIDENBACH: That's essentially
4 what's existing.

5 MR. CHIN: Exactly. What I'm saying is
6 that corner of that roof will be cut off on an
7 angle, like almost like a kind of a 60 degree
8 angle like that and it would be still 3.07 to the
9 face of the roof and the rest of it could stay
10 the way it is.

11 MS. BREIDENBACH: Well --

12 MR. CHIN: That's what I was suggesting
13 and that's why I thought we suggested last month,
14 you know what I mean? I guess that didn't get
15 back --

16 MS. BREIDENBACH: It is.

17 MR. CHIN: -- to John somehow or --

18 MS. BREIDENBACH: It was a little
19 confusing to John, you're right.

20 MR. CHIN: So that's what I'm
21 suggesting.

22 MS. BREIDENBACH: The problem that we
23 have with, and to be honest, the problem we have
24 with maintaining that is the water issues in the

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2 house resulted in significant structural damage
3 to the house. It, that porch roof that it is
4 extending now, that 30 inches or so, which
5 essentially if we kept it back at that 3.07
6 setback, it would keep it the same. The water was
7 pouring into the basement on the electrical
8 panel, which we would already move that up. We
9 had massive seal plate rot. Literally the
10 structure around the windows, the windows were
11 actually sagging.

12 MR. CHIN: Excuse me.

13 MS. BREIDENBACH: So all of that, that's
14 why our water mitigation is --

15 MR. CHIN: Okay. Excuse me, I don't
16 think you got my point.

17 MS. BREIDENBACH: Oh.

18 MR. CHIN: When I say 3.07 back from the
19 property line at the corner of the roof, it's
20 only that part of the roof going back 3.07. The
21 rest could stay straight and then angle slightly
22 towards the right, the left hand side of the
23 roof. Can you --

24 MS. BREIDENBACH: I think I'm, yeah, I'm

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2 having issues understanding.

3 MR. CUNNINGHAM: Do you have this
4 updated plan that you can send that you can
5 send, right now?

6 MS. BREIDENBACH: I do, yeah,
7 absolutely.

8 MR. CUNNINGHAM: Okay. So let's share,
9 let's share the updated plan.

10 MS. BREIDENBACH: But it's --

11 MR. CUNNINGHAM: That's fine. We, we
12 could still share it if you can get it to Heather
13 or my email address.

14 MS. BREIDENBACH: Yeah.

15 MR. FLEMING: You don't have to get, you
16 don't have to do it right now. You can get it to
17 us --

18 MR. CUNNINGHAM: Or, but if there, if
19 it's the same plan and they want to get a vote
20 tonight, would that --

21 MR. FLEMING: Oh, oh, I'm sorry. Okay.
22 Yeah.

23 MS. BREIDENBACH: I can upload it. Or I
24 can forward the email.

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2 MR. CHIN: Who had that red pen before?
3 Who was circling that before?

4 MS. LAVARNWAY: That was me, but I don't
5 totally understand what you're saying.

6 MR. CHIN: Okay. Can I come --

7 MS. LAVARNWAY: So I don't want to draw
8 something --

9 MR. CHIN: Can I come over there?

10 MS. LAVARNWAY: I'm looking, I'm looking
11 to see, I'm just double checking.

12 MR. CHIN: Let me show you what I meant.

13 MS. LAVARNWAY: Hang on a minute.

14 MR. CHIN: I can come over there.

15 MS. LAVARNWAY: Hang on a second.

16 MR. CHIN: Same dimensions as that.

17 MS. LAVARNWAY: Okay.

18 MR. CHIN: Just cut that roof and keep
19 it 3.07 from the property line.

20 MR. BREIDENBACH: We also uploaded
21 photos. I don't know if those came through or
22 not. Because we actually show we, we were holding
23 a two by four of where the roof would be from the
24 neighbors, so to show that doesn't involve

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2 anyone's sight line or changing --

3 MR. CHIN: Disaster.

4 MR. BREIDENBACH: -- anything.

5 MR. CUNNINGHAM: Are you uploading the
6 plans or are you trying to email the plans?

7 MS. BREIDENBACH: I'm going to email
8 them, because -- I'm just making sure that they
9 are --

10 MS. LAVARNWAY: I have them.

11 MR. CUNNINGHAM: You have them?

12 MS. LAVARNWAY: So I, I didn't get
13 notification because it probably went to Chris.

14 MR. CUNNINGHAM: That's fine. So we'll
15 show, we'll show the plans now.

16 MS. LAVARNWAY: So I think maybe you
17 tell me, it looks like John uploaded this. Is
18 this the new one? Can you -- oh, I'm sorry, I'm
19 not sharing. Hang on a minute. I stopped sharing
20 to look. Hang on a minute. Does that look like
21 the new one five feet over here --

22 MS. BREIDENBACH: Yes.

23 MS. LAVARNWAY: -- 4.7.

24 MR. BREIDENBACH: Yes. That's the new

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2 one.

3 MS. BREIDENBACH: Okay.

4 MR. CHIN: See again what Michelle was
5 talking about that 3.07, the roof is still very
6 close to the property line.

7 MR. BREIDENBACH: Mm-hmm.

8 MR. CHIN: What I was suggesting that
9 3.07 from the property line, you draw a parallel
10 line 3.07 on that roof, keep the four foot nine
11 that you had before and all you do is cut --

12 MS. BREIDENBACH: That's --

13 MR. CHIN: -- exactly like that.

14 MS. BREIDENBACH: Yes.

15 MR. BREIDENBACH: Mm-hmm.

16 MS. BREIDENBACH: And that's what John
17 did a mockup of, and then in order to --

18 MR. CHIN: And that is no problem as far
19 as a structural or anything like that, you know
20 what I mean? And still your, this is, the water
21 will still fall off that roof easily from most of
22 the whole section. You know what I mean? Only
23 that corner would stay in that 3.07 like the --
24 that where the bedroom was. You're keeping that

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2 parallel line next to the property line so it
3 stays straight. You don't have to bring the 3.07,
4 then cut it straight back along the wall. You
5 know what I'm saying? That way you'll keep that
6 roofline still at four foot nine inches until you
7 hit that 3.7 and you're just cutting off that
8 little piece and the structure of that is no
9 problem to do.

10 MR. BREIDENBACH: So --

11 MS. BREIDENBACH: What -- sorry.

12 MR. BREIDENBACH: -- it would move that
13 end post though also very close to the door
14 entrance itself.

15 MR. CHIN: No. The end post is not --

16 MR. FLEMING: Please, please let him
17 talk, please don't interrupt him. Go ahead.

18 MR. BREIDENBACH: No, that that was it.

19 MR. CHIN: He's asking me.

20 MR. BREIDENBACH: We had the drawing --

21 MR. FLEMING: He's not. He's speaking
22 [unintelligible] [00:36:06].

23 MR. BREIDENBACH: -- we had the drawing
24 of that and when he cut it off, it actually ends

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2 at the front of the door on the --

3 MS. BREIDENBACH: The right side.

4 MR. BREIDENBACH: -- right side of the
5 door. So it cut out that whole entire section. So
6 that would all be exposed to the rain and then
7 that post on the corner was, because you can't
8 have it right at the end, because you still have
9 to have the one foot overhang. So then that would
10 be really close as well to the door. So that in
11 our mind was a little bit more dangerous to have
12 the post that close. But I don't know what you
13 want to do --

14 MS. LAVARNWAY: I do have the photos
15 that you uploaded. Do you want me to show those?
16 Is that useful?

17 MR. BREIDENBACH: Sure.

18 MS. LAVARNWAY: The two pages.

19 MS. PICCOLO HILL: Actually I have two
20 questions.

21 MR. BREIDENBACH: Yes.

22 MS. PICCOLO HILL: So the current
23 overhang is, I'm trying to find it but, is how
24 far out?

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2 MS. BREIDENBACH: It's approximately 30
3 to 32 inches. It's not on the drawing, but it's
4 on the survey. So that's currently approximately
5 a three-foot setback from the corner of the
6 property line that we're discussing.

7 MR. BREIDENBACH: Mm-hmm.

8 MS. PICCOLO HILL: Okay. So, it's almost
9 two feet shorter or --

10 MS. BREIDENBACH: Correct.

11 MS. PICCOLO HILL: -- two and a half or,
12 one and a half, a little more than that.

13 MR. BREIDENBACH: Mm-hmm.

14 MS. PICCOLO HILL: Would you guys at all
15 contemplate, and again, I don't want to dictate,
16 I would love to see you guys come up with ideas
17 knowing what our -- or from my perspective, I'd
18 love to see you guys chat with your architect and
19 come up with concerns. Would you contemplate
20 doing the porch a little further towards the door
21 so that maybe you could have a plant or something
22 in that corner, so that the, the structure isn't
23 so close to the property line? I mean, I know one
24 of my concerns is that your neighbor was also

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2 concerned having something so close to the

3 property line, because it's a shared space and

4 should anything ever have to be done, if

5 something's that permanent, I do understand that

6 concern. So I like the fact that your new plan

7 has it a little further back. It's still kind of

8 close for me. Would you contemplate not having

9 the porch go all the way to the end? And again, I

10 know aesthetically I'm a big fan of aesthetics

11 and how something looks, I think that's very

12 important, especially with old homes. I have an

13 old home myself. I think it's really important.

14 But old homes are also a little quirky. They're

15 beautiful, but they also have, you know,

16 interesting things. So maybe there is a way to

17 sort of make the porch just a little shorter. And

18 again, you could put like a, you know, I mean, I

19 don't know. I'm not even going to come up with

20 ideas. But just to have you have this

21 conversation with him.

22 MR. BREIDENBACH: Mm-hmm.

23 MS. PICCOLO HILL: And if what you end

24 up with is no, we need it to be there, then we

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2 can make our decision based on those plans. But
3 just knowing some of our concerns, then you can
4 be prepared to either explain to us why it has to
5 be that way or to alleviate the issues so that
6 maybe some people might be a little more amenable
7 to approving.

8 MR. FLEMING: Can you talk to me a
9 little bit more about what you just said? Because
10 Michelle's idea of shortening the, the overhead.
11 When you say porch, you mean the overhang?

12 MS. PICCOLO HILL: Yeah. So, if you can
13 put up the new --

14 MS. BREIDENBACH: Just bring it into the
15 left?

16 MS. PICCOLO HILL: Yeah. So if you can
17 put up the new plan.

18 MS. LAVARNWAY: Yeah.

19 MS. BREIDENBACH: It's six and a half
20 feet or six feet.

21 MR. FLEMING: I, I also want you guys to
22 tell me what the picture is because I think it
23 helps me understand something too --

24 MS. BREIDENBACH: Yeah, so you see the

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2 house.

3 MR. FLEMING: But first I want to let
4 Michelle finish.

5 MS. PICCOLO HILL: So, what I'm saying
6 is like, is the overhang goes past the window.

7 MR. FLEMING: Right.

8 MR. BREIDENBACH: Mm-hmm.

9 MS. PICCOLO HILL: You could even have
10 it stop next to the door, or come a little closer
11 to the window or something. And again, that would
12 depend on how it's drawn to make -- you don't
13 want it to look weird. I understand that.

14 MR. FLEMING: Can, can you --

15 MS. LAVARNWAY: Michelle, do you, do you
16 mean somewhere like that? Is that what you mean?

17 MS. PICCOLO HILL: Yes. Yeah. Or even
18 closer to the window or even on, honestly even on
19 the other side of the window. I mean --

20 MS. BREIDENBACH: Like a foot shorter
21 maybe or whatever it might be.

22 MS. PICCOLO HILL: Yes. Yeah.

23 MS. BREIDENBACH: Mm-hmm.

24 MR. FLEMING: Can you talk a little --

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2 MS. PICCOLO HILL: Because if it was, if
3 that was a half a foot shorter right, you're
4 saying a half a foot shorter, or even seven
5 inches shorter so that you're at about four feet.

6 MS. BREIDENBACH: Okay, about six
7 inches.

8 MS. PICCOLO HILL: And you had the end,
9 the last tail bit cut off, I think it would
10 almost seem further from the property line than
11 it is right now, because right now it's pretty
12 close, especially to have a post.

13 MR. CHIN: Michelle, didn't you want to
14 keep that 3.07 dimension on --

15 MS. PICCOLO HILL: I never said that.
16 Everyone keeps saying that. I never said the
17 3.07.

18 MS. CHIN: Oh, I mean [unintelligible]
19 [00:40:07].

20 MS. PICCOLO HILL: I just wanted it
21 further away from the line. To me, I don't want
22 to dictate 3.07 because I, you know, I'm not
23 going to fixate on the numbers because I just, I
24 want, I want it to also look pretty and be

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2 functional. But I mean, that's my concern. So
3 that's what I would, I would sort of, I hate to
4 do this to you, but I sort of put it back on you
5 and the architect from my perspective of these
6 are my concerns, so do you have some solutions?

7 MR. MARTINEZ: Mr. Chairman?

8 MS. PICCOLO HILL: Because then it's not

9 --

10 MR. FLEMING: I, I have two questions.
11 One was I, I think you already talked about this,
12 but the main reason for covering the window is a
13 water concern, correct?

14 MR. BREIDENBACH: Mm-hmm.

15 MS. BREIDENBACH: The house had major
16 damage from previous water issues. Yeah --

17 MR. FLEMING: That's what I thought.

18 MS. BREIDENBACH: -- going into the
19 basement and rotting everything. Yeah.

20 MR. FLEMING: Understood. That's what I
21 thought you had said. So I just wanted to make
22 sure I understood that correctly. There's a
23 photograph of what I think is the post in this
24 drawing, that there's a picture of one of you or

1 March 27, 2025

2 somebody holding up --

3 MS. BREIDENBACH: Yes.

4 MR. FLEMING: -- a two by four. Can you
5 bring that picture up?

6 MS. BREIDENBACH: And I have zoomed in,
7 I have it on my phone, so I can tell you because
8 we were holding it up at the, the measurement as
9 well.

10 MR. FLEMING: That's it right there.

11 MS. PICCOLO HILL: But actually just a
12 quick question to, to jump on that. You said the
13 window had major water damage?

14 MS. BREIDENBACH: Underneath the, the
15 actual you have -- that's right.

16 MR. BREIDENBACH: Yeah, the window right
17 there, that's underneath right now, that whole
18 corner, that's kind of the end, that's the end of
19 the main foundation. And that other little room
20 to the left is on its own separate little
21 foundation. So right in that corner where the
22 meter is, is one of my biggest issues for the
23 water. That was, I mean it's, it's still pouring
24 in there. So even after this we're still going to

1 March 27, 2025

2 have to probably dig that out and put some kind
3 of French drain in front of that other little
4 section. But because the whole entire property,
5 you can kind of see to the picture to the right,
6 they have that wall there to the right and all
7 the water just comes right into the house. So
8 we're trying our best to just get the water away
9 because it's, it's yeah, rotted out everything in
10 the front of the house.

11 MR. CHIN: The shell?

12 MS. PICCOLO HILL: But you haven't --

13 MR. WALSH: Do the pavers come out past
14 the -- past your property line now? because if
15 you're saying that's where the post is?

16 MR. BREIDENBACH: Yes they do, yeah.
17 Yeah.

18 MS. BREIDENBACH: And that's the
19 [unintelligible] [00:42:04] yeah.

20 MR. WALSH: Your pavers do go past the
21 property line?

22 MR. BREIDENBACH: Yeah.

23 MR. CHIN: But that foundation wall,
24 people don't realize that foundation wall is not

1 March 27, 2025

2 a solid concrete wall.

3 MR. BREIDENBACH: Oh no.

4 MR. CHIN: It's stone foundation wall.

5 MS. BREIDENBACH: It's 1900 stone block.

6 MR. BREIDENBACH: Yeah. It's like the
7 rubble stone.

8 MR. CHIN: The whole stone wall, the
9 wall is just seeping all the way in because I saw
10 --

11 MS. PICCOLO HILL: Oh, I get it. I have
12 an old home so I totally get it.

13 MS. BREIDENBACH: Yeah.

14 MR. BREIDENBACH: It's actually like
15 waterfalls. If you sit there in those strong
16 rain, it, it flows over the stones.

17 MS. PICCOLO HILL: Right. But as someone
18 with an old home, the overhang is only going to
19 help you so much.

20 MR. BREIDENBACH: Mm-hmm.

21 MS. POISSON: And you have the overhang
22 over the top of the house there too, which should
23 hypothetically help you if you did have that
24 window uncovered. But I mean, I think you're

1 March 27, 2025

2 going to also have to do some creative stuff with
3 gutters --

4 MR. BREIDENBACH: Yeah, definitely.

5 MS. PICCOLO HILL: -- and draining and
6 that kind of stuff.

7 MS. BREIDENBACH: Absolutely, right.

8 MS. PICCOLO HILL: Because I don't think
9 the port, I don't think the porch is just going
10 to help all your water issues.

11 MS. BREIDENBACH: It's not just that,
12 you're absolutely right.

13 MS. PICCOLO HILL: So we talked about
14 diverting water.

15 MR. CHIN: That stone wall has to be
16 waterproof from the outside, not on the inside.

17 MR. FLEMING: Yep.

18 MR. CHIN: The waterproofing is not
19 going to do you any good on the inside. I know.
20 I've been in the architectural field for 60
21 years. Alright. You have to dig down, you have
22 waterproof that whole outside and then put a
23 footing drain or something so it drains out.

24 MR. BREIDENBACH: Yep.

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2 MR. CHIN: That's the only way you're
3 going to get water from coming into the house.
4 And because I know, I saw the house. I was
5 looking at the foundation wall and I saw it's all
6 stone foundation wall. I says there's cracks all
7 over the place. Water's going to come along the
8 house and it's just going to come right in
9 through the foundation. That's what it's doing.

10 MR. BREIDENBACH: Mm-hmm.

11 MR. MARTINEZ: And your architect not,
12 not able to, to be here?

13 MS. BREIDENBACH: He had another
14 conflict.

15 MR. CHIN: You know what?

16 MR. MARTINEZ: I just don't want to see
17 you kind of keep coming back and forth. I want to
18 make sure that we get this --

19 MR. CHIN: Your architect should have
20 said something and either canceled or did
21 something, you know?

22 MS. BREIDENBACH: Yeah.

23 MR. FLEMING: No, he, he did. We knew he
24 wasn't going to be able to be here. And the

1 March 27, 2025

2 option is for any, any applicant to appear
3 without their architect at any given time.

4 MR. CHIN: If he has a, a conflict,
5 okay, what are we going to do? Wait for him until
6 10:00 o'clock? Okay. Then he should realize he
7 couldn't make it.

8 MR. FLEMING: He did, he told us that.
9 And the applicant chose to appear without their
10 architect, which they're completely allowed to
11 do.

12 MR. CHIN: I'm saying to the applicant
13 they should have told that they should --

14 MR. BREIDENBACH: Yeah. We still chose
15 to come.

16 MR. FLEMING: Thank you.

17 MR. BREIDENBACH: We knew that probably
18 couldn't make it.

19 MR. FLEMING: I appreciate you doing
20 that.

21 MR. BREIDENBACH: Yeah, mm-hmm.

22 MR. FLEMING: And I appreciate the
23 information you given us already. It's actually
24 been very helpful.

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2 MR. BREIDENBACH: We're kind of hoping
3 with the new drawing, but and --

4 MS. BREIDENBACH: And also
5 clarification, because the numbers weren't like
6 exact compared to what was on the survey and the
7 drawings before.

8 MR. FLEMING: No, I understand.

9 MS. BREIDENBACH: So.

10 MR. CHIN: But what I was saying on the
11 angle like that, you're keeping the 3.07, it's
12 just, just cutting that angle off on the back,
13 that end of the roof right there --

14 MS. BREIDENBACH: May I --

15 MR. CHIN: -- [unintelligible]

16 [00:44:36] the end.

17 MS. BREIDENBACH: -- email the drawing
18 that's not official that John sent us to, to
19 actually accommodate that request? Can I show
20 everyone what that would look like?

21 MR. WALSH: Yeah, you can show us that
22 mockup. Yeah, that's --

23 MS. BREIDENBACH: Yeah, because he sent
24 that to us like last minute.

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2 MR. CHIN: I think we all kind of agreed
3 on originally last month.

4 MR. BREIDENBACH: Mm-hmm.

5 MS. BREIDENBACH: Because I think that
6 will, because that was --

7 MR. BREIDENBACH: He did draw that and
8 then it did look kind of strange too.

9 MR. WALSH: Yeah, let's --

10 MR. BREIDENBACH: And then because it
11 cuts across in front of the door too, you have a
12 weird, I don't know. So aesthetically it might be
13 strange, but if we have to do it, we'll just do
14 it.

15 MS. LAVARNWAY: You have my email?

16 MR. CHIN: That's structure, you know,
17 right.

18 MS. BREIDENBACH: I'll show you.

19 MR. CHIN: Of course not.

20 MS. PICCOLO HILL: Because he just --

21 MR. BREIDENBACH: Oh, and the --

22 MR. CHIN: Along there to come out.

23 MR. BREIDENBACH: The neighbor that was
24 here last time, the, the woman. We actually spoke

1 March 27, 2025

2 to her husband about a year and a half ago. So he
3 owns that whole property back there. It's, I
4 don't know, like 10 acres or something like that.
5 He's trying to build a house way back there. So
6 he came to us and they're trying to get a
7 variance to take more of our plot to make the
8 road wider for a fire truck or something like
9 that. So that's why they were concerned about
10 that, because they're afraid that by us coming
11 towards the property line, it's is going to stop
12 their situation of trying to widening the entire
13 road. And we were willing to work with him with
14 trying to accommodate him. But as far as where
15 he's trying to get to where the pavers are, where
16 that railing is, it's a very deep gorge right
17 there. So nothing can go, the road can't really
18 be widened any further without --

19 MR. CHIN: No.

20 MS. BREIDENBACH: -- like --

21 MS. PICCOLO HILL: But I mean, I would
22 say --

23 MR. CHIN: It can't.

24 MS. PICCOLO HILL: -- that, but I mean,

1 March 27, 2025

2 I think that's a valid concern --

3 MR. BREIDENBACH: Oh yeah. No, I'm just
4 saying --

5 MS. PICCOLO HILL: -- to be able to fit
6 a, a wide truck. So I mean --

7 MR. BREIDENBACH: Absolutely.

8 MS. PICCOLO HILL: -- that's one of my
9 concerns too --

10 MR. BREIDENBACH: Absolutely.

11 MS. PICCOLO HILL: -- not even knowing
12 about your neighbor.

13 MR. BREIDENBACH: Mm-hmm.

14 MS. PICCOLO HILL: I think, you know,
15 when something's right there, I, I think, you
16 know, if a truck needs to get through, there goes
17 part of your house if they're going to deal with
18 a fire, you know. I think that's kind of valid.

19 MR. BREIDENBACH: Mm-hmm.

20 MR. CHIN: That road can't be --

21 MR. BREIDENBACH: No, just to try and
22 explain what, like --

23 MS. PICCOLO HILL: Right.

24 MR. BREIDENBACH: -- the whole story of

1 March 27, 2025

2 what they're trying to do too.

3 MS. PICCOLO HILL: Right.

4 MR. CHIN: I want to --

5 MR. BREIDENBACH: Because we're trying
6 to help them too, if we can. The only problem,
7 because we were talking about it, he wanted to
8 make, to widen the entire road, but where that
9 railing is, it's such a deep valley and their
10 house is actually stepped out further towards the
11 road than our house. So I don't know how they can
12 physically widen the road more than it is, but.

13 MS. PICCOLO HILL: Right.

14 MR. CHIN: So what do you want to do?
15 You want, do you want to adjourn this and until
16 the next month or --

17 MR. WALSH: Michelle's got the picture
18 of the mockup.

19 MS. LAVARNWAY: I'm trying to pull up
20 the latest.

21 MR. BREIDENBACH: Yeah, we'll let you
22 see the one more image just to get an idea then -
23 -

24 MS. LAVARNWAY: Give me a sec here.

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2 MR. BREIDENBACH: -- we'll see where
3 we're at and then we'll see if John can try to
4 make it next month.

5 MS. BREIDENBACH: I just, yeah, to
6 exactly what you're saying, I just wanted you to
7 see the drawing that John proposed after this
8 one.

9 MR. WALSH: Yeah.

10 MS. BREIDENBACH: To --

11 MR. FLEMING: That's what we want to
12 see. So please just show us that. We might --

13 MS. BREIDENBACH: I just emailed it.

14 MR. FLEMING: -- we might be able to
15 have a vote for you today.

16 MS. LAVARNWAY: I'm trying to pull it up
17 now.

18 MR. FLEMING: Yeah, take your time. It's
19 okay.

20 MR. MARTINEZ: And John is the
21 architect, right?

22 MR. FLEMING: Yeah.

23 MS. BREIDENBACH: Mm-hmm.

24 MR. BREIDENBACH: Yeah.

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2 MS. LAVARNWAY: Yes.

3 MR. CHIN: Yeah, right there, the 3.7.

4 MS. PICCOLO HILL: I see the concern
5 with that plan, personally.

6 MR. BREIDENBACH: Mm-hmm.

7 MS. PICCOLO HILL: I mean, for me, if it
8 were my house, I'd rather see the roofing shorter
9 --

10 MR. FLEMING: Yeah.

11 MS. PICCOLO HILL: -- than cut off at
12 that angle.

13 MR. FLEMING: Yep.

14 MS. PICCOLO HILL: Personally, but again
15 --

16 MS. BREIDENBACH: Definitely.

17 MR. FLEMING: Can, can you flip this,
18 can you flip this --

19 MS. BREIDENBACH: I, I couldn't do this.
20 I'll tell you. I'll tell you --

21 MS. PICCOLO HILL: I --

22 MR. FLEMING: Understandable.

23 MS. BREIDENBACH: Like if this is the
24 plan, I wouldn't --

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2 MR. FLEMING: I understand.

3 MS. BREIDENBACH: -- even propose it. I
4 would rather sell the house.

5 MR. FLEMING: Can tell you go back to
6 the, the one which they just showed us. It was a
7 new one that we, we saw for the first time
8 tonight, where the post was just about six inches
9 back. This one, yeah.

10 MR. WALSH: Yeah.

11 MR. FLEMING: You, you held a picture
12 where that post is, correct?

13 MR. BAKER: Yes.

14 MR. FLEMING: How far off of that
15 property line are you in that picture? You said
16 you had a measurement that you --

17 MS. BREIDENBACH: I did.

18 MR. FLEMING: Yeah.

19 MS. BREIDENBACH: I have it in the --

20 MR. FLEMING: You don't have to share it
21 with us, just answer the question when you, when
22 you find the picture, that's fine.

23 MS. BREIDENBACH: I'm going to just pull
24 it up so I can give you --

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2 MR. WALSH: Because the existing pavers
3 do go over the property line, yeah.

4 MS. BREIDENBACH: We were holding the
5 post.

6 MR. FLEMING: That's right. Yeah. And
7 that's why I wanted her, because she --

8 MS. LAVARNWAY: I don't know if you can
9 see the numbers, but, hang on I have --

10 MR. CHIN: Yeah, you've got 4.40 and
11 five that way.

12 MS. LAVARNWAY: Four -- it says the
13 setback is --

14 MR. CHIN: You're talking about --

15 MS. LAVARNWAY: -- 5.0.

16 MR. BREIDENBACH: Yeah. I was holding
17 the post at the 4.40 and the property line is at
18 five feet.

19 MS. LAVARNWAY: Right.

20 MR. CHIN: Well you're talking about
21 maybe --

22 MS. LAVARNWAY: So it's 0.6 feet back.

23 MR. CHIN: -- less than six inches, give
24 or take if you swung it straight.

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2 MS. PICCOLO HILL: So it's six inches
3 from the -- wait.

4 MR. CHIN: Give or take.

5 MR. FLEMING: Five, really, but yeah.

6 MS. PICCOLO HILL: Okay.

7 MR. FLEMING: Mm-hmm.

8 MS. PICCOLO HILL: I mean my concern --
9 the concern I have five inches from the property
10 line, knowing that someone else is concerned
11 about emergency vehicles getting to their house
12 or a proposed house, I think it's a valid
13 concern.

14 MR. FLEMING: Chris and Tom, can you
15 guys tell me what you guys are thinking?

16 MR. BELOFF: All I can say about that is
17 they, the fire truck can't get that close to the
18 house because of the, the valley between the
19 houses. So it's physically impossible for any
20 vehicle to get ever that close to the house.

21 MR. FLEMING: So that --

22 MR. BELOFF: If that makes sense.

23 MR. CHIN: So that could come closer to,
24 to where it is right now.

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2 MR. BREIDENBACH: Yeah. Yeah.

3 MR. CHIN: It's impossible.

4 MR. BREIDENBACH: It can't get closer.

5 MR. FLEMING: That cobblestone strip
6 right there is not the property line, that
7 cobblestone strip is --

8 MR. BREIDENBACH: No. Correct.

9 MR. FLEMING: -- next to it, so they
10 wouldn't --

11 MS. BREIDENBACH: That was a curb that
12 was put there at some point.

13 MR. FLEMING: Right.

14 MS. BREIDENBACH: That was, yeah.

15 MR. BREIDENBACH: Mm-hmm.

16 MR. FLEMING: And they, they, okay. I
17 just want to make sure that was clear.

18 MS. BREIDENBACH: Yeah.

19 MR. FLEMING: Chris, Tom, do you guys
20 have --

21 MS. BREIDENBACH: Yeah, that's not the
22 property line, that's just a curb. Yeah.

23 MS. BREIDENBACH: The property line
24 actually does go on an angle as you know, but

1 March 27, 2025

2 where the pavers are in that corner, they
3 actually extend over the property line, which we
4 didn't realize. That was actually, there was even
5 like other things that were extended further than
6 that. That was all replaced by [unintelligible]
7 [00:49:56]

8 MR. FLEMING: And you had those row of
9 bushes there too, so --

10 MR. FRANCO: Now that I've seen it with
11 the, the angle, I don't like the design of that
12 personally, and I don't think that would work
13 aesthetically even for the, the neighborhood.

14 MS. PICCOLO HILL: In order to maintain
15 the 3.07 --

16 MR. FRANCO: Yeah.

17 MR. BELOFF: Right.

18 MS. PICCOLO HILL: -- setback.

19 MR. BREIDENBACH: We're trying to get
20 classic farmhouse.

21 MR. FRANCO: So I am, I personally, I'm,
22 I'm okay with the new design, the 4.40.

23 MR. FLEMING: This drawing right here,
24 which is, which is the 4.40.

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2 MR. FRANCO: Yeah.

3 MR. CUNNINGHAM: So also too, you could
4 get a vote on this plan tonight and then it
5 doesn't have to be unanimous. You just need four
6 votes.

7 MR. FLEMING: Yeah, I think -- it's up
8 to you. If you guys want to wait, you can. I
9 think you'd be okay with going for a vote
10 tonight, but it's entirely your decision.

11 MR. CHIN: I have no problem that
12 drawing either.

13 MR. FLEMING: It's entirely your
14 decision, so whatever you want us to do.

15 MS. BREIDENBACH: Okay, yeah. We tried
16 to do our due diligence and figure out other
17 alternatives.

18 MR. BREIDENBACH: Yeah, we spent a lot
19 of time trying to --

20 MS. BREIDENBACH: Going there, measuring
21 and there was some confusion like you said, and I
22 apologize that John couldn't make it --

23 MR. FLEMING: No, that's fine.

24 MR. MARTINEZ: It's fine. We're trying

1 March 27, 2025

2 to avoid you --

3 MR. FLEMING: I think you've clarified
4 a, a lot of --

5 MS. BREIDENBACH: No, you've all been
6 very helpful.

7 MR. FLEMING: I think you've clarified a
8 lot of these issues.

9 MS. PICCOLO HILL: Can I ask one more
10 question?

11 MS. BREIDENBACH: Please.

12 MR. FLEMING: Absolutely.

13 MS. PICCOLO HILL: So if the, the deck
14 is as proposed with the five inches shorter --

15 MR. BREIDENBACH: Mm-hmm.

16 MS. PICCOLO HILL: So an emergency
17 vehicle cannot go through if the deck is made
18 that way?

19 MR. FLEMING: An emergency vehicle can't
20 go through now --

21 MR. CHIN: It can't, it can't --

22 MR. BREIDENBACH: It can't go through
23 now.

24 MR. CHIN: Yeah, you can't, you can't go

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2 beyond that, that area.

3 MS. BREIDENBACH: It does not have the
4 legal width of the street there.

5 MR. CHIN: Yeah.

6 MS. BREIDENBACH: What I can tell you
7 is, is that to the -- from the stone wall you're
8 seeing on the left side of the picture there to
9 the pavers that you can't see, we did measure
10 that. It is 24 feet, which I know if it was a
11 public road is what you would need.

12 MS. PICCOLO HILL: Sure.

13 MS. BREIDENBACH: But then the property
14 narrows because of their bushes and the railing
15 that's there.

16 MR. CHIN: Yeah.

17 MS. BREIDENBACH: So as you can see, you
18 can't even see the pavers in the picture, that's
19 24 feet. So the width that you're seeing to those
20 bushes and to the left wall we didn't get a
21 measurement on that, but I would say it's at
22 least six to eight feet shorter than that, so a
23 fire truck I don't think could fit is what you
24 were saying, right.

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2 MR. FRANCO: Is that railing your, your
3 property or the neighbor's? The railing in the
4 back, the white.

5 MS. BREIDENBACH: I actually don't know.

6 MR. BREIDENBACH: That's our railing
7 that we're taking out.

8 MR. FRANCO: Okay.

9 MS. BREIDENBACH: Oh.

10 MR. BREIDENBACH: That's part of the,
11 the whole, that whole left side that's bumped
12 out, that decking, we're removing all of that.
13 We're going to clean up that whole section and
14 try to fill it and like just re-grade it a little
15 bit.

16 MR. FRANCO: So that would then, could
17 maintain a 24 feet for an emergency vehicle --

18 MS. BREIDENBACH: Right.

19 MR. FRANCO: -- to get back there.

20 MS. PICCOLO HILL: So, and if, whose
21 bushes are they, yours or your neighbors?

22 MS. BREIDENBACH: Those I know are the
23 neighbors.

24 MR. BREIDENBACH: That's, their bushes.

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2 MS. PICCOLO HILL: Those are the
3 neighbors. So the neighbors then might want to
4 put in the house. It's their bushes. So if they
5 want to put in the house and make the road
6 accessible by an emergency vehicle, they actually
7 could unless your deck is there. Is that correct?

8 MR. WALSH: No, they would still
9 maintain --

10 MR. BREIDENBACH: No.

11 MR. WALSH: They could still maintain.
12 They could still maintain --

13 MR. BAKER: It's beyond --

14 MS. PICCOLO HILL: They can?

15 MR. WALSH: Yeah.

16 MS. PICCOLO HILL: Can they get in --

17 MS. BREIDENBACH: We are 24 feet to the
18 front of the paver, so that may, that's
19 conforming over that, correct.

20 MS. PICCOLO HILL: So even with your
21 deck, an emergency vehicle could get by?

22 MS. BREIDENBACH: Mm-hmm. And with the
23 porch roof, it's actually not extending to the
24 end of the pavers. It's actually in a foot nine

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2 inches from the end of the pavers.

3 MS. PICCOLO HILL: Okay.

4 MS. BREIDENBACH: And that's with this
5 proposed drawing because it comes out further
6 than that, yes.

7 MS. PICCOLO HILL: Okay. So this --

8 MS. BREIDENBACH: This will be two feet
9 back.

10 MS. PICCOLO HILL: -- new construction
11 would not hamper --

12 MS. BREIDENBACH: Correct.

13 MS. PICCOLO HILL: -- any fire truck
14 getting to anything that is built?

15 MS. BREIDENBACH: Correct.

16 MS. PICCOLO HILL: Okay.

17 MS. BREIDENBACH: And it's not even
18 coming. It's actually going to give us an
19 additional almost two feet in addition to the 24
20 feet if all those things were to be removed, yes.

21 MS. PICCOLO HILL: Okay. That's, that's
22 what I needed to know.

23 MR. FLEMING: Heather, can you put back
24 the plan?

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2 MS. LAVARNWAY: I just want to, I just
3 want to clarify that 24 feet is the width of a
4 two lane road, so --

5 MR. FLEMING: Yes.

6 MS. LAVARNWAY: So the fire truck
7 obviously --

8 MR. CHIN: Could go one way.

9 MR. BREIDENBACH: Yeah. They don't need
10 24 feet obviously. That's --

11 MS. LAVARNWAY: They're like maybe eight
12 feet, eight or nine feet wide.

13 MS. BREIDENBACH: Yeah. But we were
14 saying if you were going to actually make sure in
15 case of a true emergency, whatever might need to
16 be down there.

17 MR. BREIDENBACH: I think what John was
18 telling me, we were talking a little bit about
19 it, it's a, his would be a flag property or
20 something like that. And I don't know if they're
21 legal anymore even, without it being a public
22 road. You can't put a house behind a house
23 without it being a public -- you can't have a
24 private driveway I think accessing three houses

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2 or something like that.

3 MR. CHIN: It's not legal.

4 MR. BREIDENBACH: So you'd have to have
5 a public road, then it would have to be 24 feet,
6 which is physically impossible, which is why I
7 think he's been trying for three years, but --

8 MR. CHIN: Mm-hmm.

9 MS. BREIDENBACH: We actually talked to
10 the neighbors, by the way in advance. They're
11 very nice and I spoke to the woman who spoke
12 after this too.

13 MS. PICCOLO HILL: Mm-hmm.

14 MS. BREIDENBACH: And we understand what
15 they want to do and we don't have a problem with
16 it, because they said they may even need an
17 easement from us in the future so we said it's
18 not a problem at all. We, we would work with
19 them. We're not opposed to what they want to do.
20 I just want to make that clear.

21 MR. BREIDENBACH: Yeah, absolutely.

22 MS. BREIDENBACH: So, but I also, and
23 Michelle, I appreciate it. We want to let you
24 know that we're not extending past, we're not

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2 making it so it's going to be narrower than what
3 they might need.

4 MR. BREIDENBACH: Correct.

5 MS. BREIDENBACH: And we're, we're not
6 trying to hinder them from being able to do that.

7 MS. PICCOLO HILL: Well it's just --

8 MS. BREIDENBACH: Yeah.

9 MR. FLEMING: Heather --

10 MS. PICCOLO HILL: -- it's just say, you
11 know, the second you said fire truck, I was like,
12 oh.

13 MS. BREIDENBACH: Well, you mentioned
14 that actually the beginning of the last meeting -
15 -

16 MS. PICCOLO HILL: Right.

17 MS. BREIDENBACH: -- even before the
18 other person spoke. Because I reviewed the
19 minutes and I saw it, yep.

20 MS. PICCOLO HILL: Oh, okay. Oh, good.
21 Alright. So I'm a very consistent person, so.
22 Yep. Okay.

23 MR. FLEMING: Thank You. Alright.

24 MR. WALSH: Is there a date on that

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2 drawing? Up a little bit. There we go. Yeah,
3 there is it.

4 MR. CHIN: Is there a revision date on
5 it actually?

6 MR. WALSH: 3/20.

7 MS. LAVARNWAY: Oh, I, 3/20/2025 is the
8 most recent revision.

9 MR. CHIN: Okay. That's, that's the
10 delta number three.

11 MR. WALSH: Yeah.

12 MR. CHIN: On there. So if I was going
13 to say anything, I would grant this variance
14 based on that drawing with the Delta three on
15 3/20/25. That was again redesigned by John
16 Lentini and follow the dimensions that, that he
17 has on that, back onto the roofline over there.
18 Does everybody agree with that?

19 MR. FLEMING: So, yes, while I can't
20 promise you anything, you certainly have the
21 right to adjourn this again. If you guys wanted
22 to ask for a vote right now, I think you'd get
23 it. It's up to you, so if you guys want us to
24 move forward, I'll ask for a motion and --

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2 MR. CUNNINGHAM: And if it, if the vote
3 fails, you can always just reapply with another
4 drawing.

5 MS. BREIDENBACH: Okay.

6 MR. CHIN: Yeah, we're right there.

7 MS. BREIDENBACH: We actually didn't
8 know that, so, yeah.

9 MR. CUNNINGHAM: So you can reapply with
10 another drawing. It's not, it's not -- so, so you
11 can get a vote on what was proposed and then if
12 it fails you can come back with a revised
13 drawing.

14 MR. BREIDENBACH: Gotcha. Okay.

15 MS. PICCOLO HILL: And this --

16 MR. CHIN: Well again, based on this
17 drawing right here, I have no problem with that.

18 MR. CUNNINGHAM: Yes, correct.

19 MR. CHIN: Does anybody have a problem
20 with that?

21 MR. CUNNINGHAM: Correct.

22 MR. FLEMING: I want, I want -- so you
23 guys would like us to move forward with a vote
24 right now?

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2 MR. BREIDENBACH: Yes.

3 MR. FLEMING: Okay. Thank you. I think
4 we need a motion to approve the plan presented by
5 the drawing --

6 MR. CUNNINGHAM: And to close, we're
7 going to close the public hearing

8 MR. FLEMING: Oh sorry, yeah, we need a
9 motion to close the public hearing.

10 MR. CHIN: Okay.

11 MR. FLEMING: Oh wait, actually wait a
12 minute. Is there anybody in the public or on Zoom
13 which would like to comment on this? No. Okay. I
14 think now we need a motion to close the public
15 hearing.

16 MR. CHIN: Alright, this is on, ugh,
17 paperwork.

18 MR. MARTINEZ: I just want to make sure
19 you're aware --

20 MR. CUNNINGHAM: It's case 2025-1.

21 MR. MARTINEZ: -- this is the one we're
22 going to be looking at.

23 MR. BREIDENBACH: Yes. Mm-hmm.

24 MR. MARTINEZ: Okay, good, very good.

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2 MR. CHIN: I'm going to make a motion on
3 case 2025-1 to close the public hearing.

4 MR. BELOFF: Second.

5 MR. MARTINEZ: Seconded.

6 MR. FLEMING: All in favor?

7 MULTIPLE: Aye.

8 MR. FLEMING: Alright. Public hearing is
9 now closed.

10 MR. CHIN: Okay. I'm going to make a
11 motion on case 2025-1, to grant the variance
12 based on the drawings from John Lentini, with a
13 Delta three dated March 20th, 19, uh, 2025 with
14 the dimension shown for the roof coming, the roof
15 coming out at 4.40 and five feet from the
16 property from the -- from the angle of the, the
17 property line to the point of the house right
18 there is five foot and it stays 4.4 to the,
19 actually I guess that's the post.

20 MR. FRANCHO: The post.

21 MR. CHIN: To the center of the post.

22 MR. BREIDENBACH: That's the end of the
23 post. The --

24 MS. BREIDENBACH: The outer edge of the

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2 post 4.4.

3 MR. CHIN: Okay. And the roof is
4 actually 4.70. Okay. I make a motion to, to
5 approve that.

6 MR. CUNNINGHAM: So, and then Mr. Chin
7 made a motion to approve. And then just for the
8 record too, this is also going to appear on the
9 Zoom video, so we'll, we'll know which plan it
10 is, if somehow there's any question.

11 MR. FLEMING: Yeah.

12 MR. WALSH: We also have the second
13 variance we've got to approve too for the site.

14 MR. FLEMING: We, we do, but --

15 MR. MARTINEZ: I second the motion.

16 MR. FLEMING: Can we attach this drawing
17 to the, to the order?

18 MR. CUNNINGHAM: Sure.

19 MR. FLEMING: Okay. I'd like, I'd like
20 to, sure.

21 MR. CUNNINGHAM: Sure. That's not a
22 problem.

23 MR. FLEMING: Okay.

24 MR. CHIN: Is that, that's a front yard,

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2 right? Am I correct?

3 MR. FLEMING: It is.

4 MR. CHIN: Okay. So, so we have on the
5 side yard a required variances is that from 10.38
6 feet to 6.8 feet proposed, variance of 3.58,
7 which is 34 percent. This is all Type II under
8 SEQRA, no further compliance is required.

9 MR. FLEMING: I need a second.

10 MR. WALSH: Second.

11 MR. FLEMING: All in favor?

12 MULTIPLE: Aye.

13 MR. FLEMING: Any opposed? No. Alright.

14 Congratulations, your variance is granted.

15 MR. CUNNINGHAM: You're done with us.

16 MS. BREIDENBACH: Thank you everyone.

17 MR. BREIDENBACH: Thank you so much.

18 MS. PICCOLO HILL: Thank you very much.

19 MR. FLEMING: So, alright. so again,
20 you will again, it take, it takes, I'll probably
21 sign the order tomorrow, if not tomorrow on
22 Monday. But you, you will, it will go through to
23 Martin in our planning department and then you'll
24 be able to move forward with whatever the

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2 planning department needs you to do for your
3 actual work.

4 MS. BREIDENBACH: Okay.

5 MR. FLEMING: But your variance is
6 granted. So that's your good news.

7 MR. BREIDENBACH: Perfect.

8 MS. BREIDENBACH: Thank you all.

9 MR. FLEMING: Thank you for coming in.
10 Thank for working with us, we appreciate it.

11 MS. BREIDENBACH: And thank you for
12 staying late.

13 MR. FLEMING: I need a motion to adjourn
14 our meeting.

15 MS. BREIDENBACH: Alright, we'll be
16 seeing you, I'm sure.

17 MR. FRANCO: Motion to adjourn the
18 meeting.

19 MR. FLEMING: Second.

20 MR. CHIN: Second.

21 MR. FLEMING: All in favor?

22 MULTIPLE: Aye.

23 MR. FLEMING: We are adjourned.

24 MS. PICCOLO HILL: Alright. Good night.

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MR. FLEMING: Thank you guys very much.

(The public board meeting concluded at
7:59 p.m.)

CERTIFICATE OF ACCURACY

I, Claudia Marques, certify that the foregoing transcript of the Zoning Board of Appeals meeting of the Town of Cortlandt on March 27, 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: April 15, 2025

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