

TOWN OF CORTLANDT
PLANNING AND ZONING BOARDS

BOARD MEETING

Town Hall
1 Heady Street
Cortlandt Manor, New York 10567
December 18, 2025
7:00 p.m. - 7:09 p.m.

December 18, 2025

MEMBERS PRESENT:

Michael Fleming, Chairman

Wai Man Chin, Vice Chairman

Frank Franco, Member

Benito Martinez, Member

Thomas Walsh, Member

Michelle Piccolo Hill, 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. WAI MAN CHIN: Good evening,
4 everybody. Welcome to the December 18th zoning
5 board of appeals hearing. We would like to stand
6 up and make a Pledge to Allegiance. Would
7 everybody please stand?

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. CHRIS KEHOE: Wai, your moment has
14 passed.

15 MR. CHIN: Oh, he's here.

16 MR. MICHAEL FLEMING: I apologize for
17 not calling. I left my phone on my desk.

18 MR. CHIN: That's no good, no excuse.

19 MR. FLEMING: So sorry, everybody.

20 MR. CHIN: Next is roll call.

21 MR. FRANK FRANCO: Yeah, we did the
22 pledge.

23 MR. FLEMING: All right.

24 MR. KEHOE: Ms. Piccolo Hill?

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MS. MICHELLE PICCOLO HILL: Here.

MR. KEHOE: Mr. Martinez?

MR. BENITO MARTINEZ: Here.

MR. KEHOE: Mr. Franco?

MR. FRANCO: Here.

MR. KEHOE: Mr. Fleming?

MR. FLEMING: Here.

MR. KEHOE: Mr. Chin?

MR. CHIN: Here.

MR. KEHOE: Mr. Walsh?

MR. THOMAS WALSH: Here.

MR. KEHOE: Mr. Beloff noted as absent.

MR. FLEMING: Has everyone had a chance
to review the minutes from the last meeting?

MR. CHIN: Yes I did.

MR. FLEMING: I need a motion.

MR. CHIN: I make the motion to approve
the minutes from November 20, 2025.

MR. FLEMING: I need a second.

MS. PICCOLO HILL: Second.

MR. FLEMING: All in favor?

MULTIPLE: Aye.

MR. FLEMING: Okay, the minutes are

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2 approved. A single case on the --

3 MR. CHIN: No, adopt the --

4 MR. MICHAEL CUNNINGHAM: Meeting
5 schedule.

6 MR. CHIN: '26, 2026 meetings.

7 MR. FLEMING: Oh, all right, so we had a
8 meeting schedule which has been circulated. I
9 hope you guys got to discuss it in the work
10 session, but no changes on the proposed schedule?
11 Okay. I need a motion to approve the proposed
12 meeting schedule for 2026.

13 MR. MARTINEZ: I would make a motion.

14 MR. FLEMING: Seconded?

15 MR. WALSH: Second.

16 MR. FLEMING: All in favor?

17 MULTIPLE: Aye.

18 MR. FLEMING: All right, the meeting
19 schedule is approved. All right, we have no old
20 business, we just had the new case, correct?

21 MR. CHIN: Yeah.

22 MR. FLEMING: All right. Who's case was
23 this, was this?

24 MR. FRANCO: Yeah, it's mine.

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2 MR. FLEMING: It's yours, okay.

3 MR. FRANCO: All right.

4 MR. FLEMING: Thanks.

5 MR. FRANCO: Alright, so this is case
6 2025-14, for a variance of, for a portico in the
7 front yard. Does the applicant want to say a few
8 words?

9 MS. CHRISTINE KAUTHER: Hi, good
10 evening, chairman and members of the board. My
11 name is Christine Kauther [phonetic], I'm
12 appearing on behalf of Building Services,
13 Incorporated. And I'm just going to read the
14 application notes here. We're here today
15 regarding the Fausto residence located at 23
16 Meadow Road, Montrose, New York. Rosero Fausto
17 constructed a seven feet by five feet, 35 square
18 foot portico over a grade level stoop in
19 approximately 2022 or 2023. The minimum front
20 yard setback is 35 feet. The front entrance
21 portico is shown to be 33 feet, eight inches from
22 the property line. Therefore we seek relief from
23 the Zoning Board of Appeals requesting an area
24 variance for a front yard setback of one foot,

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2 four inches.

3 The following are the five factors,
4 whether an undesirable change will be produced in
5 the character of the neighborhood or a detriment
6 to nearby properties. There will be no
7 undesirable change to the neighborhood. The
8 portico is attractive and fits with the
9 neighborhood. It is unobtrusive and only 35
10 square feet.

11 Two, whether the benefit sought by the
12 applicant can be achieved by some method feasible
13 for the applicant to pursue other than a
14 variance, there is no other way to achieve the
15 goal besides removal of the portico. Whether is
16 substantial, the variance is not substantial, 35
17 front yard setback is required, we are requesting
18 one foot, eight inch area variance.

19 That the variance, if authorized will
20 not alter the essential character of the
21 neighborhood or district in which the property is
22 located, nor substantially or permanently impair
23 the appropriate use or development of adjacent
24 property nor be detrimental to the public

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2 welfare.

3 If the variance is granted, it will have
4 no adverse effect on the neighborhood. But if it
5 is not granted, it would cause considerable
6 hardship for the owner having to remove the
7 portico. The small portico provides shelter from
8 the elements for the owner and visitors alike. It
9 is unobtrusive and attractive. It looks like it
10 belongs with the character of the neighborhood.

11 And finally, whether the alleged
12 difficulty was self-created, the need for a
13 variance was self-created. Ignorance of the law
14 is not an excuse, but the owner was unaware that
15 the portico needed a building permit and was
16 being built in the front yard setback. Thank you
17 for consideration of our one foot, eight inch
18 area variance request.

19 MR. FLEMING: Anyone on the board have
20 any questions for the applicant?

21 MR. CHIN: It actually says one foot
22 four inch.

23 MS. KAUTHER: Sorry?

24 MR. CHIN: One foot, four inch.

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2 MR. KEHOE: Yeah, it think it's one
3 four. The narrative has one eight, but I think
4 it's one four.

5 MR. FRANCO: Your narrative is just
6 incorrect.

7 MS. KAUTHER: Okay.

8 MR. CHIN: It's one foot, four inch.

9 MS. KAUTHER: Okay.

10 MR. CHIN: No problem.

11 MR. FLEMING: Any other questions?

12 MR. FRANCO: Yeah, after reviewing the
13 five factors, I can't say I disagree with the
14 applicant's assessment of the five factors. I
15 think it looks good in front of the house, it's
16 not a significant request and although it would
17 have been preferable to get it before, given the
18 situation that the applicant didn't realize that
19 they needed a variance in the first place, I
20 understand the situation, so I don't want to re-
21 -- I agree with the five factors you laid out, so
22 I'm not going to go through it again. So, does
23 anyone else have any comments?

24 MR. FLEMING: I agree. I agree entirely.

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2 MR. CHIN: I agree. I think it's very de
3 minimus on the percentage and I don't see a
4 factor I don't like.

5 MR. FLEMING: As I was saying, I agree
6 entirely --

7 MR. MARTINEZ: I totally agree as well.

8 MR. FLEMING: -- as well.

9 MS. PICCOLO HILL: Yeah, no concerns.

10 MR. FRANCO: Okay.

11 MS. KAUTHER: Thank you.

12 MR. FLEMING: All right, I need a --
13 close public hearing.

14 MR. FRANCO: Yeah.

15 MR. FLEMING: Oh, any, any, there's no
16 one here physically, but is there anyone I can't
17 see in the audience?

18 MR. KEHOE: Well, and is there anyone on
19 Zoom?

20 MR. FLEMING: There are no people in the
21 public, but you are invited to speak if I just
22 can't hear you, see you, so no. All right now I
23 need a motion to close the public hearing for
24 case 2025-14.

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2 MS. PICCOLO HILL: Second.

3 MR. FLEMING: All in favor?

4 MULTIPLE: Aye.

5 MR. FLEMING: Public hearing is closed.

6 MR. FRANCO: All right, so I will make a
7 motion to approve this case 2025-14 for a
8 proposed variance of 33 feet, eight inches, which
9 is a one foot, four inches difference from what
10 is required, a four percent difference for the
11 portico in the front yard. This is a SEQR Type
12 II, no further compliance is required.

13 MR. CHIN: The area variance is for the
14 existing front porch portico in the front yard.

15 MR. FRANCO: Yeah.

16 MR. FLEMING: I need a second.

17 MR. CHIN: Second.

18 MR. FLEMING: All in favor?

19 MULTIPLE: Aye.

20 MR. FLEMING: Any opposed?

21 MS. KAUTHER: Thank you. Happy Holidays.

22 MR. FLEMING: All right, you're
23 approved.

24 MR. CHIN: Same to you.

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MR. FLEMING: All right, there is nothing else on the agenda, so I need a motion to close our hearing.

MR. CHIN: So moved.

MR. FLEMING: I need a second.

MR. FRANCO: Second.

MR. MARTINEZ: Second.

MR. FLEMING: All in favor?

MULTIPLE: Aye.

MR. FLEMING: You're dismissed. Have a great holidays everybody.

MR. FRANCO: All right.

MR. MARTINEZ: You too.

(The public board meeting concluded at 7:09 p.m.)

CERTIFICATE OF ACCURACY

I, Ryan Manaloto, certify that the foregoing transcript of the Board meeting of the Town of Cortlandt on December 18, 2025 was prepared using the required transcription equipment and is a true and accurate record of the proceedings.

Certified By



Date: January 2, 2026

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