

TOWN OF CORTLANDT
PLANNING AND ZONING BOARDS

ZONING BOARD MEETING

Town Hall
1 Heady Street
Cortlandt Manor, NY 10567
November 20, 2025
7:00 p.m. - 9:00 p.m.

November 20, 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:

Chris Kehoe, AICP, Director of Planning

Michael Cunningham, Esq., Deputy Town Attorney

Heather LaVarnway, CNU-A, Planner

1 November 20, 2025

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

3 MR. MICHAEL FLEMING: All right, I'd
4 like to call to order, the November 20, 2025
5 meeting of the Town of Cortlandt's Zoning Board
6 of Appeals. Normally, we start with the Pledge of
7 Allegiance, but today, I'd just like to start
8 with a moment of silence. The town lost somebody
9 very recently who was my predecessor of this
10 board, David Douglas. He was a really good man, a
11 really good friend. So I'd like to just take a
12 moment of silence and just to remember David, so,
13 thank you. Okay. We'll start with the Pledge of
14 Allegiance. If anyone wants to join me, you can
15 do so.

16 MULTIPLE: I pledge allegiance to the
17 flag of the United States of America and to the
18 Republic for which it stands, one nation under
19 God, indivisible, with liberty and justice for
20 all.

21 MR. FLEMING: All right. Everybody get a
22 chance to review the meeting minutes that we
23 emailed out?

24 MR. WAI MAN CHIN: Yeah.

1 November 20, 2025

2 MR. FLEMING: I need a motion to approve
3 the minutes.

4 MR. FRANK FRANCO: So moved.

5 MR. THOMAS WALSH: Roll call?

6 MR. FLEMING: Second?

7 MS. MICHELLE PICCOLO HILL: Second.

8 MR. FLEMING: All in favor?

9 MULTIPLE: Aye.

10 MR. FLEMING: All right, the meeting
11 minutes are approved from the October 16th
12 meeting.

13 MR. CHRIS KEHOE: Roll call?

14 MR. BENITO MARTINEZ: October
15 [unintelligible] [00:01:21]?

16 MR. FLEMING: I apologize. Sorry.

17 MR. CHRIS KEHOE: Ms. Piccolo Hill?

18 MS. PICCOLO HILL: Here.

19 MR. KEHOE: Mr. Martinez?

20 MR. MARTINEZ: Here.

21 MR. KEHOE: Mr. Franco?

22 MR. FRANCO: Here.

23 MR. KEHOE: Mr. Fleming?

24 MR. FLEMING: Here.

1 November 20, 2025

2 MR. KEHOE: Mr. Chin?

3 MR. CHIN: Here.

4 MR. KEHOE: Mr. Walsh?

5 MR. WALSH: Here.

6 MR. KEHOE: Mr. Beloff?

7 MR. CHRIS BELOFF: Here.

8 MR. FLEMING: Thank you, sir. We have
9 two cases. One is adjourned, an adjourned hearing
10 from our last hearing. And then we have a new
11 case. We're going to start with the new case. Mr.
12 Martinez, I believe you're on for that.

13 MR. MARTINEZ: Yes. [unintelligible]
14 [00:01:44] we have case number 2025-13. The name
15 of the applicant is Lisa Johansen and, which is
16 the owner as well. And the address is 1102 (SIC)
17 2nd Street, section block lot is 54-5253.

18 MR. FLEMING: I think it's 110 2nd
19 Street.

20 MS. PICCOLO HILL: 110 2nd Street.

21 MR. CHEN: 110.

22 MR. MARTINEZ: 110, yes. Sorry, yes.

23 MR. FLEMING: Applicant, come on
24 forward. Just state your name and your address.

1 November 20, 2025

2 MS. LISA JOHANSEN: Lisa Johansen, 110
3 2nd Street Verplanck, New York.

4 MR. MARTINEZ: Yes, thank you.

5 MR. FLEMING: Anything you want to say?

6 MS. JOHANSEN: No. I recently purchased
7 this home. In July, I purchased it to be close to
8 my family. My children live like three minutes
9 away. And I'm their babysitter, of course. So I
10 purchased this home and it's been a little while,
11 waiting for me to fix it up. So, you know, I'm
12 anxious to get started on it. It's not a big
13 deal, I don't think, the variance that I'm
14 requesting about it.

15 MR. MARTINEZ: Yeah, it actually, yes. I
16 totally agree. It's not much that you are asking
17 and I actually read your letter, and really,
18 really touching to me.

19 MR. CHIN: Excuse me, Benito, can you
20 pull this closer to your face?

21 MR. MARTINEZ: Yes.

22 MR. CHIN: Okay. Even closer.

23 MR. MARTINEZ: So after I checked off
24 the five factors, and I even passed by the house

1 November 20, 2025

2 too, I don't think I have any problem in, in
3 ensuring that you're getting this. So, if anyone
4 of my colleagues have anything to --

5 MR. KEHOE: I just think you should make
6 sure you entertain comments from the public
7 before you do too much.

8 MR. FLEMING: Anyone on the board have
9 any questions for the applicant?

10 MR. CHIN: No, actually, I was at your
11 site also. I looked at the house, the way it was
12 and everything else and the new drawings of what
13 you're trying to do. And I again, do not have a
14 problem with what you're asking for. And the
15 proposals that you're asking for are kind of
16 minor as far as I'm concerned, because they're
17 nonconforming, a lot of this is nonconforming.
18 That's how Verplanck is throughout all of
19 Verplanck. So that's, again, I think what you're
20 doing will make the area look nicer.

21 MS. JOHANSEN: Thank you.

22 MS. PICCOLO HILL: Yeah, I have to say,
23 you know, I saw the house I guess before you
24 purchased it. And it looks like you're making

1 November 20, 2025

2 some really nice changes.

3 MS. JOHANSEN: Yeah, I'm trying.

4 MS. PICCOLO HILL: And it looks like
5 the, it's going to be a minimal impact and it's
6 not really going to impact any neighbors or the
7 area, so I don't really have many -- I don't have
8 any concerns.

9 MR. FLEMING: My feelings are similar.
10 You know, Verplanck, I think my co-chair, my
11 assistant chair here mentioned that Verplanck
12 does have a significant amount of nonconforming
13 uses, specifically on setbacks, it's a relatively
14 compact area. And while I don't want to minimize,
15 I mean you are looking for relatively significant
16 deviations from the setback requirements, I just
17 think they're not very uncommon where you live,
18 so while they are significant, I don't think it's
19 out of character, so, you know, I have similar
20 feelings that Mr. Martinez mentioned that I don't
21 have a significant problem with this. So, before
22 we vote though I do want to listen to members of
23 the public. So do you have anything else you want
24 to tell us before we hear from any members of the

1 November 20, 2025

2 public?

3 MS. JOHANSEN: No.

4 MR. FLEMING: All right. Have a seat.

5 MS. JOHANSEN: Thank you.

6 MR. FLEMING: And we'll invite anybody
7 else up. Is there anybody else who wishes to
8 comment on this hearing in the public? Please
9 come forward. State your name, your address and
10 feel free to tell us anything you want to tell
11 us.

12 MS. GWEN CIANFAGLIONE: Hi. I'm Gwen --

13 MR. FLEMING: Speak into the mic though
14 so we can hear you.

15 MS. CIANFAGLIONE: I'm Gwen Cianfaglione
16 and I own the house right next door.

17 MR. FLEMING: Okay. What's the address?

18 MS. CIANFAGLIONE: 120 2nd Street.

19 MR. FLEMING: Okay.

20 MS. CIANFAGLIONE: It sounds incredible
21 right, it's like ten numbers away, but yet, not
22 that much property in between us. I'm not clear,
23 looking at the picture. I know recently a lot of
24 trees were removed that before there was a lot of

1 November 20, 2025
2 privacy between the two houses. There's not as
3 much now. I'm just looking at the picture, trying
4 to figure out, I'm not even sure what the front
5 of the house is or what impact it's going to have
6 on, if any, on my property next door.

7 MS. JOHANSEN: You mean the variance?

8 MR. KEHOE: Hang -- no --

9 MR. FLEMING: Unfortunately --

10 MR. KEHOE: -- you need to address the
11 comments to the board.

12 MS. CIANFAGLIONE: Got it.

13 MR. FLEMING: -- you aren't allowed to
14 speak to each other.

15 MS. CIANFAGLIONE: Okay.

16 MR. FLEMING: Only because it doesn't
17 get recorded.

18 MS. CIANFAGLIONE: I'm not clear -- this
19 is my first chance seeing the picture. I'm not
20 even clear looking at it where the driveway is,
21 to be honest. I'm just --

22 MR. KEHOE: So, so, we can explain that
23 to you.

24 MS. CIANFAGLIONE: Okay.

1 November 20, 2025

2 MR. KEHOE: The front of the house would
3 be at the bottom of the screen.

4 MS. CIANFAGLIONE: Okay.

5 MR. KEHOE: And the requested variance
6 is --

7 MS. CIANFAGLIONE: Okay, I see.

8 MR. KEHOE: -- the back of house, where
9 there's a new porch, a new roof overhang over an
10 existing set of stairs.

11 MR. FLEMING: Could you flip --

12 MS. CIANFAGLIONE: Okay.

13 MR. FLEMING: -- could you flip over to
14 the second page, which is the overhead shot, like
15 the satellite photo?

16 MS. CIANFAGLIONE: So the --

17 MR. FLEMING: I think it was above this.
18 I think it was the third page of the application.

19 MS. CIANFAGLIONE: Okay. So the back of
20 the house used to have --

21 MR. FLEMING: That's fine, that might be
22 helpful.

23 MS. CIANFAGLIONE: An overhang with like
24 a, uh --

1 November 20, 2025

2 MS. JOHANSEN: It had a bubble.

3 MS. CIANFAGLIONE: Yeah, some kind of a
4 outside thing. So that's coming down, and then
5 this is keeping that roofline? Is that what's
6 happening?

7 MR. FLEMING: So the roofline itself is
8 not going higher. It's just extending out another
9 four feet. Is that right? Four feet?

10 MS. JOHANSEN: To make an overhang.

11 MR. CHIN: Yeah, to cover that stairway
12 in the back, cover most of the stairway, the
13 staircase going in the back over there, just to
14 keep it from the rain and so forth.

15 MS. CIANFAGLIONE: Okay. Because I, I
16 know it already had something back there. So it's
17 not going past what had already been there?

18 MR. CHIN: No.

19 MR. FLEMING: I don't know if we know if
20 it's going past what was there before. It's, it's
21 overhanging four feet. I don't know if what was
22 there before was bigger or smaller than four
23 feet. If you want, when you're finished, we can
24 certainly ask the applicant that question. I'm

1 November 20, 2025

2 happy to do that.

3 MS. CIANFAGLIONE: Okay. I just --

4 MS. PICCOLO HILL: It looks like image,
5 image three sort of would give you a good idea.

6 MS. CIANFAGLIONE: Because I mean when
7 you make a comment and you say it's going to
8 improve the neighborhood, it's really the back of
9 the house that borders a wooded lot. I don't know
10 how --

11 MR. FLEMING: So it's not so much is it
12 going to improve the neighborhood.

13 MS. CIANFAGLIONE: Right.

14 MR. FLEMING: The question is, is it
15 going to negatively impact the neighborhood,
16 which is one of the factors we have to consider.

17 MS. CIANFAGLIONE: Right. And I
18 appreciate that.

19 MR. FLEMING: And I think your point is
20 actually saying, no, it's not, because it's in
21 the back of the house that no one will see and it
22 butts up against a wooded lot.

23 MS. CIANFAGLIONE: Right. Right. And I
24 just wanted to be sure that it wasn't going to

1 November 20, 2025

2 have another impact on my house being next door.

3 That's what I just was concerned about.

4 MS. PICCOLO HILL: So if you look at
5 image number three, the one all the way in the
6 lower left hand corner, I think that's the back
7 of the house and you see the stairwell going
8 down. It's just going to jut basically over that
9 stairwell, so you see how there's that --

10 MS. CIANFAGLIONE: Yeah, there had been
11 --

12 MS. PICCOLO HILL: -- that bubble or
13 whatever?

14 MS. CIANFAGLIONE: Yeah, there had been
15 something there before.

16 MS. PICCOLO HILL: Yes.

17 MS. CIANFAGLIONE: So, this is just --

18 MR. FLEMING: It will be four feet off
19 the house. So, I mean if you picture that in your
20 head, and if that's something that you think will
21 negatively impact you, you're welcome to --

22 MS. CIANFAGLIONE: No, no.

23 MR. FLEMING: -- tell us.

24 MS. CIANFAGLIONE: No, absolutely I

1 November 20, 2025

2 don't.

3 MR. FLEMING: Okay.

4 MS. CIANFAGLIONE: I just wasn't clear
5 really exactly, and we don't see each other very
6 often. So I figured okay.

7 MS. PICCOLO HILL: It seems to me like
8 they're probably taking down that bubble and
9 replacing it with an overhang, so that the
10 stairwell is covered.

11 MS. CIANFAGLIONE: Right. That's how it
12 seems to me. Okay. I just wanted to be sure.

13 MS. PICCOLO HILL: Yeah, no.

14 MR. FLEMING: Absolutely. No, we welcome
15 it.

16 MS. CIANFAGLIONE: Thank you very much.

17 MR. MARTINEZ: That's good.

18 MS. CIANFAGLIONE: We should be
19 informed, right.

20 MS. PICCOLO HILL: Alright.

21 MS. CIANFAGLIONE: So or things go up
22 and then it's too late.

23 MR. FLEMING: That's the point of this
24 meeting. So we thank you for your comments and we

1 November 20, 2025

2 welcome you and we appreciate it.

3 MS. CIANFAGLIONE: Thank you very much
4 for listening.

5 MR. MARTINEZ: Absolutely.

6 MR. FLEMING: All right, if the
7 applicant, if you have anything else -- oh, I'm
8 sorry. Before you come up, hang on. Is there
9 anybody on Zoom that wishes to speak? And anybody
10 else in the audience here who wishes to speak on
11 this? If the applicant has anything else you want
12 to add, you don't have to. But if you do have
13 anything else, you're welcome to. If you're good
14 we could --

15 MS. JOHANSEN: I'm good.

16 MR. FLEMING: Okay.

17 MS. PICCOLO HILL: Actually, just for,
18 just for clarity's sake, for image number three,
19 that is where you're putting the overhang,
20 correct?

21 MR. FLEMING: Come on back up, please
22 and get by the mic so we can hear you. Thank you.

23 MS. JOHANSEN: Yeah, that one?

24 MS. PICCOLO HILL: The one on the lower

1 November 20, 2025

2 left hand corner.

3 MS. JOHANSEN: Right over the staircase.

4 MS. PICCOLO HILL: And so are you
5 removing that white bubble that's there?

6 MS. JOHANSEN: That bubble is gone.

7 MS. PICCOLO HILL: Okay.

8 MS. JOHANSEN: The bubble is gone.

9 MS. PICCOLO HILL: All right.

10 MS. JOHANSEN: So it's just going to
11 come right over that, so that we can cover that
12 staircase for the rain and anything else.

13 MS. PICCOLO HILL: Okay.

14 MR. FLEMING: Okay.

15 MS. PICCOLO HILL: Thank you.

16 MR. FLEMING: Thank you, ma'am very
17 much.

18 MS. JOHANSEN: Thank you very much.

19 MR. FLEMING: All right. I think we need

20 --

21 MR. MARTINEZ: I make a motion to close
22 the public hearing.

23 MR. CHIN: On case 2025-13.

24 MR. MARTINEZ: On case number 2025-13.

1 November 20, 2025

2 MR. CHIN: Second.

3 MR. FLEMING: All in favor?

4 MULTIPLE: Aye.

5 MR. FLEMING: All right, public hearing
6 is closed.

7 MR. MARTINEZ: Okay, at this time, I
8 make a motion to approve the area variance for an
9 existing setback to existing structure, 15-7,
10 requires setback to existing structure to 25-0,
11 existing dimensions on nonconformity, 9-5.

12 MR. FLEMING: I'm sorry, it's two
13 setbacks. Correct?

14 MR. MARTINEZ: Yes.

15 MR. FLEMING: One is going to wind up
16 being a 25.67 percent increase, the other is a
17 53.67 percent increase.

18 MR. MARTINEZ: That's correct.

19 MR. FLEMING: All right, but it's two
20 setbacks.

21 MR. KEHOE: Well, it's really just the
22 math is different, because the setback is
23 required to be 25 feet. It's already only 15.7
24 and they're requesting to go to 11.7.

1 November 20, 2025

2 MR. MARTINEZ: 11.7.

3 MS. PICCOLO HILL: So four feet.

4 MR. KEHOE: Four feet is the request.

5 MS. PICCOLO HILL: Is the difference,
6 but --

7 MR. WALSH: The new nonconforming.

8 MR. KEHOE: But you have to legalize
9 from 25 down to --

10 MR. FLEMING: Yes.

11 MR. KEHOE: Yeah.

12 MR. CHIN: To 11.7, 11 foot, seven.

13 MR. MARTINEZ: Getting to a percentage
14 of 25.67 percent in the, in the rear setback,
15 yes. So I make a motion, like I said, to approve
16 it and --

17 MR. FLEMING: I think you said it, but
18 it's a SEQR Type II, so no further compliance is
19 needed.

20 MR. MARTINEZ: SEQR Type II, yeah, no
21 further compliance is required.

22 MR. FLEMING: Is there a second?

23 MS. PICCOLO HILL: I second.

24 MR. FLEMING: All in favor?

1 November 20, 2025

2 MULTIPLE: Aye.

3 MR. FLEMING: Any opposition? No? All
4 right, congratulations.

5 MR. KEHOE: So now you continue working
6 with the building department to get your
7 necessary building permits.

8 MS. JOHANSEN: Okay. So do I have to get
9 something first?

10 MR. KEHOE: Yes. Yes. It will probably
11 be on Monday. I will get to you, upload to the
12 portal and get to the building department the
13 official decision and order that they need in
14 order to be able to continue working on your
15 permits.

16 MS. JOHANSEN: All right. Thank you so
17 much everybody. Happy Thanksgiving.

18 MR. FLEMING: Happy Thanksgiving. Good
19 luck with your grandchildren too.

20 MS. JOHANSEN: Oh, thank you so much. I
21 need it.

22 MR. MARTINEZ: Have a good time.

23 MR. FLEMING: All right. Now we have
24 some old business, which was adjourned from a

1 November 20, 2025

2 prior hearing. This is case 2025.6, the
3 application of Paola Patino and Miguel Rodas at
4 60 Caroline Drive. Do we have an applicant? Come
5 up forward, state your name.

6 MS. PAOLA PATINO: Good evening,
7 everyone. My name is Paola Patino. I reside at 60
8 Carolyn Drive. What we are -- not we, me. I'm
9 back from the last meeting, which was back in
10 July, I believe it was. I believe my contractor
11 have sent new drawings and better ideas of how
12 the driveway will look like. Pretty much, we have
13 figured out the way of the RV. We have enough
14 space on the backyard, which would be where we
15 would park the RV. And pretty much, that problem
16 will be resolved without having to be parked
17 before the, before the end of the house, and
18 pretty much requesting just to be able to make
19 the new driveway at this point.

20 MR. FLEMING: All right, do members of
21 the board have questions? I think Ms. Piccolo
22 Hill does.

23 MS. PICCOLO HILL: Yeah, I have a couple
24 of questions. Did you guys entertain at all,

1 November 20, 2025

2 because I know that there were some concerns
3 about obscuring the lake for the neighbors if
4 there's an additional driveway put there. Did you
5 ever consider notching the driveway behind the
6 house where that brick patio is?

7 MS. PATINO: So, as you can see on the
8 drawings, we actually are bringing the driveway
9 all the way to the back, so where the green
10 square is, that's pretty much the brick and it's
11 past the brick. So we're really not going to be
12 obstructing anyone's view whatsoever, because
13 it's going to be way past the house. It's more
14 towards our backyard.

15 MS. PICCOLO HILL: Okay.

16 MS. PATINO: Really, so there is no one
17 coming, so the house is right here, there's no
18 one looking through this side.

19 MS. PICCOLO HILL: Okay.

20 MS. PATINO: Which is where the RV will
21 be.

22 MS. PICCOLO HILL: Sure.

23 MS. PATINO: And then my other neighbor
24 that was here last time, which was concerned

1 November 20, 2025

2 about the view, he pretty much won't have any
3 issues with the view because there would be --
4 the RV will be all the way to the back.

5 MS. PICCOLO HILL: Okay. And then
6 another question I had are wetland concerns. You
7 know, I actually do appreciate how you pushed it
8 back, so that the RV can be pushed pretty far
9 back. I, taking a look at the photos at least, it
10 looks to me like the view won't be obscured. So I
11 do appreciate you pushing it back there. I think
12 that was great for some of my concerns. But I do
13 have some concerns also about the wetlands and
14 mitigation to make sure that it's not impacting
15 the area and down towards the lake. So I mean I
16 am leaning towards a yes, but I would want to
17 hear the answers from engineering as to what you
18 would do to mitigate any wetland concerns.

19 MS. PATINO: So really, we're -- speaking
20 in regards to the lake, the lake is not really
21 close, close to us at this point. The lake really
22 at some point is really far now, because the
23 water. There is not a lot of water in that lake
24 nowadays. Not even in the, in the summer, if you

1 November 20, 2025

2 guys go there towards the summer, it's really not
3 water whatsoever. It's dry. It's literally dry.
4 And then in the winter, we don't get really --
5 the water doesn't even get close to us right now.
6 So we are really far away from the lake at this
7 point. Maybe back in the days, there might have
8 been more water, I don't know. But I've been
9 there now for about a year, and in the
10 summertime, that lake has no maintenance, has
11 nothing, so it's really dry, and you can see the
12 mud, like you can go and walk across to the other
13 side.

14 MS. PICCOLO HILL: Right.

15 MS. PATINO: To the other neighbor's
16 house. So, there's really not a lot of water,
17 one. Two, we're really not going to be opened up
18 so much in terms of getting so close to the lake.
19 We're only going to be 16 feet wide, which is
20 what it is right now with the gravel. And then
21 all we're trying to do is just open up a little
22 bit more towards where the RV would be, just to
23 have a little more space to either turn around or
24 things along those lines. Right now, the water,

1 November 20, 2025

2 whatever water comes from the house, there is the
3 gutters and all of that that connects. So our
4 idea is whatever water comes from the driveway
5 connect to the gutters, to the piping from the
6 gutters, and whatever that's leading to is where
7 it will go. Because the gutters are like right
8 there, it will be underneath the driveway.

9 MR. FLEMING: Some of the question I --

10 MS. PICCOLO HILL: Yeah, I mean I think
11 --

12 MR. FLEMING: I'm sorry, go ahead.

13 MS. PICCOLO HILL: -- I think
14 seasonally, we may have just have had a dry
15 summer. I think we did have an unseasonably dry
16 summer. So that's not up to me. I think that's
17 more of a --

18 MR. FLEMING: I was going to say, I mean
19 Wallace Pond right now is subject to a bunch of
20 other issues that are wholly separate, you know,
21 from you. So the long term dryness or fullness,
22 you know, of that pond, you know, will have very
23 little -- is something beyond the control of this
24 board.

1 November 20, 2025

2 MS. PATINO: And us as well.

3 MR. FLEMING: Yeah, so I mean, so what
4 happens there, I'm sure you know as a resident
5 there's a lot going on there, which is, you know,
6 beyond us. But that's not necessarily what a
7 wetlands is. The existence of that pond, you
8 know, the environment determination of whether or
9 not there's a wetlands is something wholly
10 separate. And if you do move forward with this,
11 you know, our town engineers and building
12 department may well require you and your builder
13 or your engineer to, to have a lot of information
14 exchange about how you're going to deal with
15 wetlands mitigation issues. So, but that's, which
16 is what I think Michelle Piccolo Hill was --

17 MS. PICCOLO HILL: Yeah.

18 MR. FLEMING: -- concerned about. And
19 the existence of the pond, where the water is at
20 different seasons does not necessarily impact a
21 wetlands designation and how you have to mitigate
22 your impact on wetlands. So, just so you know,
23 those questions may be coming down the pike if
24 this is approved.

1 November 20, 2025

2 MS. PATINO: Right.

3 MS. PICCOLO HILL: Yeah, that would
4 probably be like a next step as you're dealing
5 with engineering.

6 MS. PATINO: Right, right, right. I mean
7 I, I would say once that comes down to it, if
8 they do request then I guess I will figure it out
9 what the next step would be in order for me to,
10 you know, comply with that as well. From my
11 understanding, my contractor has been in contact
12 with the building inspector as well and has been
13 in touch with him in order for him to be able to
14 draw what he drew. So he was in touch with him.

15 MR. KEHOE: Just to be clear, I talked
16 to the contractor, Mark and helped him get to
17 this point. He did ask a lot of questions with
18 respect to the level of detail the zoning board
19 needed. And the sketch that he provided may be
20 satisfactory for the zoning board's purposes. The
21 building department did send an email earlier
22 today with several questions that they have.

23 MS. PATINO: Okay.

24 MR. KEHOE: Which would be if, if the

1 November 20, 2025

2 zoning board ever approved it, they'd have to
3 issue the permits and there are issues with
4 retain -- not, not necessarily saying issues that
5 can't be satisfied. But issues with retaining
6 walls, wetland buffers, a variety of things that
7 would need to be worked out with engineering. I
8 just don't want the board to get the impression
9 that, that this submittal in any way met
10 necessarily what the building department was
11 saying, because I don't think the contractor has
12 been talking with the building department
13 recently at least.

14 MS. PATINO: I'm not sure. Well, I've
15 just been back and forth with them more like
16 texting and emailing.

17 MR. KEHOE: Okay.

18 MS. PATINO: And I kept asking them if
19 they have come, because from the last meeting
20 when we were here, that was one of the things
21 that we needed to do, like get in touch with the
22 building inspector and try to figure it out and
23 stuff. So I would lie if I tell you yes, he did
24 speak with him and got all that information, but

1 November 20, 2025

2 he just told me, he said I was just getting --
3 and I could be wrong. Maybe he was waiting for
4 you to get back to him but he said I'm waiting
5 for the building inspector to get back to me with
6 more information of what they were looking for in
7 order for me to draw the -- to draft the
8 drawings. So, maybe that was you, but that's what
9 I was told.

10 MR. KEHOE: Well, he and I talked.

11 MS. PATINO: Okay.

12 MR. KEHOE: But I, I didn't want him to
13 have to do everything that the engineering
14 department is going to make him do in order to
15 get in front of the zoning board. So I wanted him
16 to be able to get this drawing and sketch in
17 front of the zoning board but there will need to
18 be further discussions with the building
19 inspector.

20 MS. PATINO: Okay.

21 MR. FLEMING: If we approve this, and
22 I'm not saying we're going to, but if we approve
23 this, you still have to comply with the building
24 department and the engineering --

1 November 20, 2025

2 MS. PATINO: Understood.

3 MR. FLEMING: -- department's various
4 rules.

5 MS. PATINO: Yes.

6 MR. FLEMING: Some of which are wetlands
7 issues that you're going to have to comply with,
8 so this isn't like a stamp of approval, move
9 forward. This is just part of the process.

10 MS. PATINO: Correct.

11 MR. FLEMING: If, if we do actually vote
12 that way.

13 MS. PATINO: Mm-hmm.

14 MR. FLEMING: Ms. Piccolo Hill, do you
15 have any other questions or anything?

16 MS. PICCOLO HILL: No, that's it.

17 MR. FLEMING: I have a couple before
18 anyone else can jump in. But one of the things I
19 wanted to ask you about is really the, I mean I
20 do appreciate that you were able to extend the RV
21 parking and boat parking areas so they're past
22 your house now. Just the existence of a second
23 driveway and the fact that you're going to be
24 continuing to use a second driveway, tell me a

1 November 20, 2025

2 little bit about why you really need to have a
3 second driveway here. It's a bit deal in this
4 town to have a house with two driveways. It's not
5 common. There are a few examples of it, but it
6 is, I will say significantly uncommon.

7 MS. PATINO: Well, I actually, every --
8 I would say speaking of every morning, my husband
9 actually parks down right now behind the RV as is
10 and I use the driveway with the garage. So, as I
11 explained to you guys before, technically, in
12 order for us to do the things we have to do
13 daily, he would have to move his vehicle, I would
14 have to move mine in order for me to be able to
15 get out and do, you know, whatever, whatever it
16 is. He parks it -- we have the RV, so it's easier
17 for us to level the RV as well because it always
18 needs to be level, which is what I mentioned to
19 you guys prior too. And being able to have
20 something more appealing for the house as well,
21 because the way it looks right now with the
22 gravel and the grass and it doesn't look so nice
23 as is. We've been trying to clean everything, all
24 the trees, all the bushes because when we

1 November 20, 2025
2 purchased the house there was -- it wasn't like
3 that. It was really, really, you know, a lot of
4 trees down, there was a lot of -- there was a lot
5 of dirt, which we had cleaned up a lot. And
6 that's what we're trying to do, make it more,
7 more appealing. I have driven around the
8 neighborhood in general. I'm not sure how it is
9 uncommon. There is so many driveways around my
10 neighborhood with two driveways. Up in Valerie,
11 there is four or five with two driveways. There
12 is round driveways, which, you know, you come in
13 this way, you go out this way. There's other
14 driveways, there are two. And they're pretty
15 wide. So, you know, based on that, when, when we
16 moved in as well, you know, first of all, we
17 didn't even know that we couldn't have two
18 driveways until we requested it, to be able to
19 pave it. And when, when we drove around and we
20 saw there is two driveways around our
21 neighborhood, then we didn't think it was going
22 to be, you know, a big deal. And again, like I
23 said, it's one make it more appealing, two, be
24 able to level the RV, and three it's more

1 November 20, 2025

2 convenient for us to be in and out of the house.
3 Because I leave at 5:00 o'clock in the morning,
4 he leaves sometimes at 6:30 and then back and
5 forth like that. So right now, when the winter,
6 nobody wants to -- he doesn't want to get up for
7 me to move his truck for me to be able to get
8 out. So that's pretty much mainly the reasons.
9 And mainly it's the RV, because if it's not
10 leveled, the, the cabinets, on the inside, if
11 they're not level, they, they just break and they
12 won't function the way they're supposed to. So
13 right now, I actually have on this side, I have
14 three pieces of wood to be able to offset the
15 difference from this side, and so to be able to
16 level it. Other than that, I wouldn't be able to
17 and I have to be lifting them and putting them
18 back again because of the fact that, because of
19 the way that they tend to sink a little bit.

20 MR. FLEMING: Other members of the board
21 have questions or comments?

22 MR. WALSH: Anybody from the public you
23 want to hear from?

24 MR. FLEMING: If you want to take a

1 November 20, 2025

2 seat, I want to ask people in the public. You may
3 have to come back up though and respond to the
4 board, so just take a seat but relax. Is there
5 anyone in the public at the meeting presently who
6 wishes to speak? Is there anyone on Zoom who
7 wishes to speak? Okay. There is somebody.

8 MS. CHERYL SADLON: Hello?

9 MR. FLEMING: Hello.

10 MS. SADLON: Yes, my name is Cheryl
11 Sadlon and my --

12 MR. FLEMING: Could you just give me
13 your address, Cheryl?

14 MS. SADLON: Uh, okay. I live in
15 Florida.

16 MR. FLEMING: Okay.

17 MS. SADLON: In Beach Gardens, but I
18 grew up in the house across the street. I grew up
19 in 59 Carolyn Drive and my parents still own 59
20 Carolyn Drive.

21 MR. FLEMING: Okay.

22 MS. SADLON: Now, I, I am in residence
23 at 59 Carolyn Drive. I was in residence from
24 January of 2025 to April of 2025, and I was there

1 November 20, 2025

2 over the summer, I was there in September, I was
3 just there last week, I left on Monday, to come
4 back to Florida. So I want to address several of
5 the comments that were made by the owner of 60
6 Carolyn.

7 MR. FLEMING: Please.

8 MS. SADLON: Excuse me?

9 MR. FLEMING: Please, go ahead.

10 MS. SADLON: Okay. So, the first thing,
11 when I was just there, so I was there, as I said,
12 I left on Monday, so the comment that -- about
13 cannot walk to the -- currently you cannot walk
14 to the other side of -- or you can, you can walk
15 to the other side of the lake, you cannot. Okay.
16 There's water there. Okay. And yes, I know that
17 the board member did say that seasonal level
18 water levels and all that. But currently, there's
19 water in there, and you guys know that, because
20 you own the lake.

21 Okay. The second thing was that there
22 was dumping in the spring, because, and I don't
23 know if it was just yard waste or what it was,
24 but there was somebody working at 60 Carolyn who

1 November 20, 2025

2 then was dumping whatever they were doing at the
3 house, dumping it at the water's edge or very
4 close to the water's edge. Okay. I saw it and one
5 of the other neighbors on Carolyn Drive saw it as
6 well, because we had talked about it.

7 The third thing was I don't understand
8 how an owner can say that the water level is very
9 far away, the lake is very far away. You need
10 precise yardage. That's not as far as you might
11 think, okay. There's a set of stairs. There used
12 to be a set of stairs when the owners were Mary
13 and Art Turner, there was a set of stairs, not
14 that many stairs, that you could go and they used
15 to have a dock, but the dock has since either
16 fallen into the lake or it has been removed. I
17 used to go ice skating on that lake, so you know
18 what I mean? It's not that, it's not a far walk
19 from where the proposed new driveway is going to
20 be to where the water's edge is. So I think that
21 there needs to a precise yardage, not just a
22 general statement. Okay.

23 Currently, the house has a two-car
24 garage on the premises, on the existing driveway,

1 November 20, 2025
2 okay. Now when I was there January to April,
3 there were multiple cars parked in that driveway.
4 Whether there was one there, one, whether they
5 were stacked one behind the other or there was
6 one in the driveway and there was one parked
7 right next to it on the grass. Okay. So by saying
8 that oh we want to have, the new owner wants to
9 have a second driveway down below, it's really
10 for a matter of convenience because they did
11 utilize it where they utilized the existing
12 driveway with multiple vehicles. And okay,
13 everybody has that issue where you have to jockey
14 cars around, who's leaving at what time in the
15 morning, but that's what it is. Okay.

16 And when I was there January of '25 to
17 April of '25, there was a truck. There was the RV
18 that was parked there all winter with a cover on
19 it, which that's going to be my next thing,
20 because I don't understand how an RV can be
21 parked on soil and not on a slab, and it's been
22 there now since, I was just there. So for 10
23 months, 11 months, that, it's just parked on
24 soil. It's not, grass, it's soil. And I thought

1 November 20, 2025

2 the town of Cortlandt had some kind of policy on
3 the, on the books that you have to have it on
4 asphalt, you have to have it on a concrete slab,
5 what about oil leakage, gasoline leakage,
6 whatever, going into the dirt. I'm just throwing
7 that out there. You can enlighten me as to
8 whether or not that is something that is on the
9 record books for the town of Cortlandt, or if it
10 is allowed to be on a grass or a soil surface.

11 Anyway, January to April there was the
12 RV was parked there with the cover and then there
13 was a work vehicle advertising a business,
14 Avanti. It was parked there the entire time I was
15 there. It did not move. So, you know, talking
16 about in the winter and having to move a vehicle
17 and everything like that, that vehicle didn't
18 move. That vehicle was stationary for four
19 months. Okay. And I know, because I was there
20 every day between January and April.

21 Right now, the driveway looked, that
22 second makeshift driveway is quite an eyesore,
23 because of all the usage, because of the boats
24 that are coming in and out, the stuff that's

1 November 20, 2025

2 getting shrink wrapped, a Ski-Doo, whatever, a, a
3 boat trailer, a hitch, whatever you want to call
4 it, it, it's an eyesore. So when I'm looking from
5 59 and I'm looking out the street and this is
6 what I see. It's, it's never been like that,
7 okay. Ever. Ever, ever.

8 I lived at that, I resided there for 38
9 years. I was a resident of the town of Cortlandt.
10 Never, ever did it look, it was never in the
11 condition that it's in right now. And let me see,
12 what else. Not many driveways -- there's not many
13 two separate driveways, not many in the
14 neighborhood. I can't think of one on Carolyn
15 Drive, I can't think of one on Ruth, I can't
16 think of one on Jean, Valerie, not too many
17 people go up on Valerie. But they kind of do
18 their own thing up there, but, so I'm not quite
19 sure. There is one house on Jack that, because
20 there's two houses. There's a house in the front
21 and then there's a house in the back, so there's
22 two driveways because there's two houses on that
23 one property. But I'm not, I'm not certain as to
24 who else have, who else has two driveways. Okay.

1 November 20, 2025

2 And that looks to be all the comments that I have
3 about that.

4 MR. FLEMING: Thank you. Just to comment
5 on one of your statements. I encourage you and
6 any resident of our town, if you think there's
7 something on any piece of property being done,
8 especially illegal dumping into a waterway, call
9 the town's code enforcement department up and
10 please report it. I don't know if you did or if
11 you didn't, but please do so. There is code
12 enforcement about illegal dumping, and I'd like
13 to see that enforced. So, but we don't know
14 unless someone who witnesses it does call and let
15 us know. And not just on this property. If you
16 ever see it anywhere, please, I encourage all of
17 our residents to call the town and let them know
18 when something like that is, you're witnessing
19 something like that.

20 As for the rest of your comments, I
21 thank you for them. You've definitely given me
22 something to consider and Wai sitting right next
23 to me is raising his hand, so I think he has a
24 comment for you as well.

1 November 20, 2025

2 MR. CHIN: Yeah, I'd like to ask one
3 question. Before [unintelligible] [00:34:04]
4 moved into this place, was there somebody else
5 living there before? That you know of.

6 MS. SADLON: Okay. So, my parents bought
7 the house in 1968 and they're still the owners.
8 In, I'd say 1972, there was a couple who owned
9 it. Their names were Arthur and Mary Turner. They
10 owned it up until several years ago when Mary had
11 passed away. They aged, okay. So Mary probably
12 passed away at the age of 90, Arthur wasn't doing
13 well, the niece had taken over the property. She
14 relocated Arthur to Florida and she sold. She
15 sold to somebody, I believe that was in Ossining.
16 They, although they purchased the house, they
17 never lived in the house. So that house sat
18 vacant for a year or two years until the new
19 owners bought it, and I believe it was the end of
20 December of 2024.

21 MR. CHIN: Well, I just want to say, I
22 just want to say one thing is that the, that dirt
23 driveway right now that's there next to the
24 house, okay, was there before they even bought

1 November 20, 2025

2 the house, so there must have been other things
3 parked there from previous owners and --

4 MS. SADLON: So, no there really wasn't
5 a driveway. What would happen is, okay, so you
6 had Arthur and Mary Turner upstairs, and then
7 when the niece kind of took over because they got
8 --

9 MR. CHIN: Okay.

10 MS. SADLON: -- they were aging, and
11 then as a convenience, okay, she would sometimes
12 have her parents down in the basement, okay. So,
13 but what would happen is that Kelly's mother was
14 the driver, so she would pull up next to the
15 window downstairs because Kelly's father had
16 difficulty walking. His name was Bud Turner. He
17 had very, he had difficulty walking and it was
18 hard to get him in and out of the car and so for
19 her to have pulled up to the top driveway, the
20 existing driveway, it would have been a disaster
21 to try to get him out of the car and then into
22 the house or whatever. It was just easier for --

23 MR. CHIN: Okay.

24 MS. SADLON: -- to kind of just pull

1 November 20, 2025

2 down there. And then she would pull out and the
3 car would be --

4 MR. CHIN: No, I'm just --

5 MS. SADLON: -- next to the driveway.

6 MR. CHIN: I hear what you're saying.
7 But I'm just looking, quickly looking at the site
8 back then and looking at the drawings and
9 everything else and pictures. That driveway looks
10 like it's -- well, that driven driveway on the
11 right hand -- left hand side of the house, as
12 you're looking at it, looks like it's been there
13 for quite a while. So there must have been,
14 somebody's been parking there or whatever. It's
15 pretty wide. And I'm just saying if you were
16 there for so many years across the street, there
17 must have been some other trucks or something
18 that parked there at one point.

19 MS. SADLON: No.

20 MR. CHIN: Or, [unintelligible]
21 [00:37:00] from, from your next door neighbor,
22 no?

23 MS. SADLON: No. Sorry, but --

24 MR. CHIN: Okay.

1 November 20, 2025

2 MS. SADLON: The condition that you see
3 it in, it was never, ever like that at all.
4 Because there was no, there was no traffic down
5 there. There was just no traffic. And, and
6 certainly for the two years that the other
7 people, the family from Ossining owned it, and,
8 and you guys know, they weren't paying their
9 taxes, they weren't paying Con Ed, they weren't
10 doing anything. They made no improvements to the
11 property. All they did was they had gotten a
12 shipment of wood, and that was delivered and it
13 was up near the garage. But there was, there was
14 no improvement made. They wouldn't even mow the
15 lawn. Somebody in the neighborhood was going to
16 sell their house, so they would come down and mow
17 the lawn just so at least it looked nice. And so
18 that, because they didn't want to take away from
19 the value of their, their home or trying to sell
20 their home. So there was no activity there for
21 two years, there was no activity. So there was no
22 way that there was any kind of tamping down of
23 grass or weeds or whatever would have grown
24 there. Nobody was there.

1 November 20, 2025

2 MR. CHIN: Okay. I appreciate your
3 comment on that then.

4 MS. PICCOLO HILL: Actually, I have a,
5 just for clarification. So is your concern that
6 it's a usable driveway? Is your concern the
7 parking of the RV? Is your concern the
8 aesthetics?

9 MS. SADLON: Yes. The aesthetics, the --
10 it's an eyesore and that that RV has been there
11 since January.

12 MS. PICCOLO HILL: And if the RV were
13 parked further back behind the house so that you
14 couldn't see it, and the driveway wasn't --

15 MS. SADLON: At the last meeting,
16 didn't, wasn't it said that the RV was behind the
17 house? There's no way it's behind the house. It's
18 been on the side of the house since January.

19 MR. FLEMING: No.

20 MS. PICCOLO HILL: No. But that's what
21 they're proposing. They're proposing moving it so
22 that it's behind the house and wouldn't obscure
23 the --

24 MS. SADLON: Right, now they are. Now

1 November 20, 2025

2 they are. But in July, they told you guys, right,
3 if you go back in the minutes, didn't they say
4 the house -- it was parked far enough behind that
5 it was behind the house?

6 MS. PICCOLO HILL: Right. But that's,
7 that's what they're proposing to try and deal
8 with the concerns of the neighbors so that it
9 wouldn't obscure your view.

10 MS. SADLON: If it's behind the house,
11 that's, that's fabulous.

12 MS. PICCOLO HILL: And so is the issue -
13 - so that would solve the issue with the
14 obscuring of the house. And what about the
15 aesthetics of the driveway, because apparently --
16 I mean it sounds like the RV doesn't go in and
17 out, it's just sort of parked back there for a
18 bit. Is it the fact that it would be a useable
19 driveway with lots of cars in and out, or is it -
20 - if it's used infrequently for just the parking
21 of the RV, would that help with the concern?

22 MS. SADLON: That's the other thing too,
23 because there was always curbing. The town of
24 Cortlandt had come through and they put curbing.

1 November 20, 2025

2 And the curbing was in front of this now said
3 second driveway. There was always curbing there.
4 And now all of a sudden there's no curbing. So
5 now it gives the appearance that it's a legit
6 driveway and it was never a legit driveway. So
7 something happened to the curbing.

8 MR. CHIN: No, it's still not a legit
9 driveway as far as everybody is concerned right
10 now. They're trying, they're asking for a
11 variance for a legit driveway and to park their
12 RV and everything behind the house, not on the
13 side of the house.

14 MS. SADLON: Okay, so if --

15 MR. FLEMING: I have a question, sorry
16 ma'am, just to interrupt you for a second. My
17 name is Mike Fleming speaking here. We're using a
18 lot of terms. And I want to ask you a question.
19 Behind the house I mean there's different ways to
20 interpret that statement. The house has a line,
21 which is the rear of the house. If the RV were
22 parked on the, in the driveway, which is proposed
23 to be built, so it's still visible if you were
24 standing at the bottom of the driveway looking at

1 November 20, 2025
2 it, the RV would still be directly in front of
3 you. If would just be deep enough on that
4 driveway that the entire RV is now past the back
5 line of the house. But it's not going to curve or
6 move behind the house. It's not going to somehow
7 not be something you could see from the street.
8 It would just be far enough back that the
9 entirety of the RV is now past the house itself.
10 Is that something you would still have a concern
11 about?

12 MS. SADLON: Yes. Yes. And then the
13 other thing is because it's not just that there's
14 going to be an RV there, because now there's like
15 a business being run out of the house, because
16 there could be night time, there's lights on and
17 they're shrink wrapping, whether it's a boat, jet
18 ski, whatever. So there's a business, a
19 commercial business being run out of the house
20 also, okay. That's the other concern. So if
21 you're going to grant it, okay, you know, yeah,
22 we can put the driveway in and you can have the
23 RV, where is it going to stop? Where is the line
24 going to be drawn? Because as it is now, there's

1 November 20, 2025

2 a trailer there parked with advertising for the
3 business and that, that truck that was parked
4 there all winter, while I was there January to
5 April, had big advertising on the back. I mean --

6 MR. FLEMING: As I mentioned before, you
7 and your parents are certainly welcome to call
8 the town's code enforcement department if you
9 think there is a code violation. Homeowners are
10 in fact allowed to park a business vehicle in
11 their driveway. You know, and again, if this
12 driveway is legitimized so it's not an illegal
13 driveway, there's a right to park certain
14 vehicles. If you're unsure whether or not they're
15 violating that, you can call the town's code
16 enforcement department and they can come and
17 examine it, and if there's something wrong, they
18 can ticket and fine the person, just like for any
19 other violation. So I encourage you to do that if
20 there's something you're concerned about there.

21 That being said, they may not be doing
22 anything wrong. If I wanted to park my business's
23 car in my driveway in the town of Cortlandt, you
24 know, there are rules that allow me to do certain

1 November 20, 2025

2 things and they may well be compliant. I don't
3 know. But regardless, just call the town
4 enforcement office and they can go investigate
5 and do what has to be done, if that's the
6 concern.

7 MS. SADLON: Okay. That's good to know,
8 because in Florida, you can't park any kind of
9 commercial vehicle in your driveway at all.

10 MR. CUNNINGHAM: That's not --

11 MS. SADLON: At least the town is a
12 little more lenient, the town of Cortlandt.

13 MR. FLEMING: Mr. Cunningham is our town
14 attorney. He's here. I'm going to ask him just to
15 give a comment on that.

16 MR. CUNNINGHAM: Right, our code is more
17 nuanced, where you could park a commercial
18 vehicle in the front yard under certain
19 circumstances, as long as it's in a driveway, not
20 in the yard itself.

21 MS. SADLON: Okay. Thank you. But what
22 about running a business and doing business
23 things at nighttime?

24 MR. CAPICOTTI: Where are they doing it?

1 November 20, 2025

2 Are they doing it internal to the house?

3 MS. SADLON: In that, in that new
4 driveway that's being proposed.

5 MR. CUNNINGHAM: It would depend on the
6 activity too. I --

7 MR. FLEMING: Yeah.

8 MR. CUNNINGHAM: -- it's --

9 MS. SADLON: Well, what I just cited,
10 the shrink wrapping.

11 MR. CUNNINGHAM: What are they shrink
12 wrapping?

13 MS. SADLON: Some kind of marine
14 vehicle, whether it's a jet ski or a boat,
15 whatever.

16 MR. CUNNINGHAM: Shouldn't that be a --

17 MR. FLEMING: Are they wrapping their
18 own personal --

19 MR. CUNNINGHAM: -- is it their personal
20 vehicle or is it for some sort of business use?

21 MS. SADLON: You can ask, but I -- you
22 can ask the owner who's there whether it was
23 business or personal.

24 MR. FLEMING: Regardless of that though,

1 November 20, 2025

2 I think again, if you have a concern that someone
3 is doing something that violates the town code,
4 you know, on their property, you should be
5 directing that to the code enforcement
6 department. And they should go investigate it.
7 And if there's something wrong, the code
8 enforcement department can, you know, issue
9 whatever violations they think are appropriate.

10 If you're telling me you think they're
11 operating a business out of that driveway that
12 you witnessed, I'd like to hear that. But that's
13 a little different than shrink wrapping a jet ski
14 or shrink wrapping a boat during the winter
15 season, which is fairly common to do to boats and
16 jet skis during the winter season.

17 MS. SADLON: Okay. What about the boat
18 that came in on a trailer and they were fixing it
19 and then they were working on it in that proposed
20 driveway, and then all of a sudden then, once the
21 work was done, the boat was gone.

22 MR. FLEMING: Well --

23 MR. CUNNINGHAM: It doesn't sound
24 necessarily like a business. Somebody can fix

1 November 20, 2025

2 their own property at their house. But I've got
3 to say I think we're getting -- I think we're
4 getting a little far afield. I think we're going
5 through a million different hypotheticals that
6 are code enforcement hypotheticals that's really
7 not before this board at this point.

8 MR. FLEMING: I agree. Again, I think
9 the issue, which you've addressed, and I thank
10 you for it, is your feelings on the proposed use
11 and how you think it would be out of character
12 for the neighborhood. And I appreciate your
13 comments on that. Again, if you think something
14 is going on and it doesn't have to be this house,
15 any house that you think is questionable, call
16 code enforcement and let them address it. That's
17 what they're there for.

18 MS. SADLON: Very good, thank you.

19 MR. KEHOE: We might have someone else.

20 MR. FLEMING: We might have another
21 person online. So thank you, ma'am, and is there
22 anyone else online who wishes to make a comment?

23 MR. KEHOE: Yeah.

24 MR. FLEMING: One second, we're

1 November 20, 2025

2 activating you, so just hold on.

3 MR. FLEMING: Can you hear me, sir?

4 MR. RAND GARTMAN: Yes, I can.

5 MR. FLEMING: All right, can you state
6 your name and your address?

7 MR. GARTMAN: My name is Rand Gartman
8 and I live at 51 Carolyn Drive.

9 MR. FLEMING: Okay.

10 MR. GARTMAN: The house that you are
11 talking about right now is right in line with my
12 home. I have, I have lived there for about 32
13 years. I knew the previous owners. I know Cheryl
14 and her parents very well. There's some history
15 that's being kind of ignored here with regards to
16 this so-called driveway. The driveway is actually
17 a work entrance that was used by the niece of the
18 previous owners, not the previous owners, but
19 people that lived there for years and years. And
20 it was used in order to access the property so
21 that they could build a kitchen down there and
22 god knows what else. I think they have a bathroom
23 down there, and a bedroom. They put, essentially
24 put a second apartment down there for the niece's

1 November 20, 2025

2 mother so she could stay there and then they
3 eventually moved, all moved down to Florida.
4 There was not a lot of traffic in and out except
5 for the people that did the construction work.
6 And then it was just sort of abandoned. I think
7 the town went through and redid the curb after
8 that, and then it got knocked out again.

9 But that's something that everybody
10 seems to be ignoring. Is what you have there is a
11 single family structure that's been converted
12 into an apartment and second residence. That's
13 one thing that disturbs me.

14 The other thing is have a deal of
15 experience with dealing with wetlands, and also
16 with Wallace Pond, obviously, I live there. And
17 hopefully one day, it will return to its original
18 state, which was much higher as far as the water
19 level is concerned and therefore would be much
20 closer than is indicated in this, dare I say,
21 plan, for the parking space.

22 I did work with the town of Cortlandt,
23 uh, the town of Yorktown to obtain permits for a
24 business which ultimately was never built. But I

1 November 20, 2025

2 had quite a bit of dealing with the wetland
3 issues there. And they were a hundred, close to a
4 hundred feet away from a trickling little stream,
5 not a lake. And if I tell you I went through hell
6 to get permits to build an unpaved parking lot, I
7 swear it's true, and I finally did get those
8 permits. But there was no way that any kind of
9 pavement was going to be built that close to a
10 wetland. So I think that's a very important issue
11 here.

12 As far as the RV is concerned, you know,
13 I mean I want these people to enjoy their life
14 and their RV and everything. But it is a bit of
15 an eyesore and I see it from every bit of my
16 property. But if it turns out they're allowed to
17 have an RV on their property, that's fine. I am
18 distressed at the fact that they're planning on
19 paving that place. They're probably going to end
20 up using it for, if not a second residence, then
21 a second unit which they can use for guests or
22 whatever. I don't know that for a fact. But it
23 would be awfully tempting and that kind of scares
24 me.

1 November 20, 2025

2 The other thing is as far as being --
3 the property being used, I watch the traffic in
4 and out every single day all spring and summer
5 long. And if anybody has that much personal
6 property that they work on, including boat
7 trailers, trucks, cars, in and out all day long,
8 I've never heard of such a thing, and I've been
9 in construction my whole life. I just think that
10 this is an abuse of the neighborhood as far as
11 residential property is concerned. And if I was
12 on the board, I would be extremely concerned
13 about how that property is being used and the
14 possibility of how that might be used if that is
15 allowed.

16 I see no reason why two or three cars
17 can't move in and out of there. What I see is
18 work vans, work vans, work trucks pulling up to
19 the garage door on one side, opening it up and
20 working all daylong on projects. I see trailers
21 being cut up and re-welded in the lower area,
22 which is the proposed driveway, and I'm quite
23 concerned as to how it affects my property and
24 what I have to look at. But I'm also very

1 November 20, 2025

2 concerned about what the Sadlons are working
3 through after living there for years and years. I
4 appreciate the work of the board, and I hope
5 you'll take this into account. Thank you.

6 MR. FLEMING: Thank you, Mr. Gartman.
7 Does anyone on the board have any questions or
8 comments for Mr. Gartman? All right, thank you
9 sir very much for your comments. You have a good
10 night.

11 MR. GARTMAN: Okay.

12 MR. FLEMING: Is there anyone else on
13 the Zoom? All right, if there's no one else, I'll
14 give one more chance. Anyone else on the Zoom
15 want to speak? If you can, you can raise your
16 hand, or you could type a comment. It doesn't
17 look like it. And there's no one else present,
18 correct?

19 MR. CHIN: Well, I'd like to ask the
20 owner to come back up and kind of address the
21 couple of things that this gentleman just said.

22 MR. FLEMING: Applicant, we invite you
23 to please come forward.

24 MR. CHIN: He was saying you have work

1 November 20, 2025

2 vans and welding and this and that in your
3 driveway. I mean, you know, he's saying that. I
4 don't know if that's true or not, because, you
5 know, your house is not being done for commercial
6 is it? I mean, you know, it's where you live
7 right now and you have an RV, you want to park it
8 in the back and your boat, your trailer boat,
9 small boat there.

10 And is there, you know, he's saying
11 there's a small apartment downstairs we don't
12 know about. I don't know if the building
13 department even knows about that either. If that
14 was done, he's saying that was done before your
15 time. You know, he's saying --

16 MS. PATINO: So first of all, I am not a
17 person that is looking at other neighbors and
18 what they're doing and what they're not doing,
19 because I work. I have so many things on my plate
20 to take care of than looking at the neighbor when
21 they get, come in, they leave and they don't, if
22 they're home and they're not home, if they have a
23 trailer, they don't have a trailer, it's none of
24 my business. I don't look at nobody's house, at

1 November 20, 2025
2 nobody's driveway and I'm not worried, and I'm
3 not concerned about anyone. I don't think why
4 they're so concerned if I come into my house or I
5 leave my house. But I bet you if I fall on the
6 snow, they're not going to come and pick me up.
7 So I am so sorry, why you're so worried about my
8 house, I'm not sure. So, that's one thing.

9 Second of all, yes, if she wants to
10 know, I have five or six boats. If I bring them
11 all to the house, then that would be a problem
12 for her. I have a yard where I park my boats,
13 where I do the work. The boat that was at the
14 house when we talked about at the last meeting,
15 that was my husband's fishing boat, which he had
16 there, yes. And you guys requested it to be
17 moved. Yes, we moved it, we took it to the
18 marina. We have three jet skis, because we have
19 our kids and us. Yes, we took the jet skis home
20 and we shrink wrapped them. Yes, we have the RV,
21 because we are able to have an RV. We're able to
22 have jet skis. I'm not sure exactly what the
23 issue is and why we can't have our toys and bring
24 it to our house and do whatever we want. If not

1 November 20, 2025

2 having, we don't have them parked there, then
3 that shouldn't be an issue.

4 I'm not sure exactly where the trucks
5 are not moving. We leave the house. I leave at
6 5:00. I come back at 7:30. I leave the house at
7 9:00, I don't come back to the house until 7:00
8 or 8:00 o'clock at night. My husband does the
9 same thing. So they don't -- I'm not sure how
10 someone can have so much time on their hands, to
11 look at my schedule, which I don't even know, I
12 didn't even know that much was going on at my
13 house. I'm sorry, but it's just kind of
14 frustrating.

15 In regards to the view for the other
16 gentleman, he's way far up. He's up, up on the
17 hill. He's not even close to me. He's not even
18 facing me. He's on the other side. So if he wants
19 to look at something disturbing, I'm not sure
20 what it is, because he can see the whole entire
21 lake from the top of his, of the hill. I don't
22 look at his house. He, he could be doing whatever
23 he's doing. It's none of my business. He wants to
24 run another business in his house, that's his

1 November 20, 2025

2 business. That's his problem. It's not my
3 problem.

4 I don't run second businesses from my
5 house because I have my own business in Peekskill
6 where I can do the business. We have a printing
7 and signage company where we do all our work. If
8 we need to weld a trailer, that's where I can
9 take it. And if they want pictures of that, I can
10 get them that too. Or if they need the address to
11 go see what I'm doing there, I can give them that
12 too. So, because they have too much time on
13 their hands to look at what people is doing. And
14 I'm sorry. It's very upsetting. Yes, I --

15 MR. CHIN: I just want to say that it's
16 called Wallace Pond. A pond is fed from
17 underground. It's not fed from aboveground
18 basically. I live on Colabaugh Pond, Colabaugh
19 Park Pond in Croton, Cortlandt also. And that's
20 all fed from underground. You know, it's water
21 from underground. That's why it's called a pond.
22 It's not a lake, where it comes from all
23 different directions. Yeah, you're going to get
24 some runoff here and there, but basically all

1 November 20, 2025

2 water is coming from underground, underneath the
3 ground and making it, filling it up. And my pond
4 is very low also. I just want to let you know,
5 including the Croton Reservoir is very low, if
6 you look at it right now, you know what I mean?
7 But, you know, again, I just wanted you to
8 address what he said about what was going on,
9 that's all.

10 MS. PATINO: Yeah. And then, in regard
11 to the apartment.

12 MR. CHIN: Yes.

13 MS. PATINO: When I purchased the house,
14 there was a small kitchen downstairs, and there
15 is a kitchen downstairs.

16 MR. CHIN: Mm-hmm.

17 MS. PATINO: I don't have the intention
18 of doing anything with that. I'm using it and
19 converting it into a bar. That's what I'm
20 actually using it for. Not to speak about
21 personal life or anything like that, but I have a
22 niece that now lives with me because she went
23 through a rough life with her mother. So I
24 technically took her custody and now she lives

1 November 20, 2025

2 with me and she's enjoying the downstairs. So if
3 they needed to know that too because they
4 probably see another person coming to the house,
5 so at least that they know that already. So she
6 is living with me. She's 17 years old. She enjoys
7 living with us, she enjoys being downstairs. So
8 that's, you know, she's going to school, she's
9 going to be college or whatever. So that's,
10 that's what's downstairs right now, so.

11 MR. CHIN: Yeah.

12 MS. PATINO: So, if that was a concern,
13 that, you know, I'm not looking to make my house
14 a hotel where people can come and enjoy the
15 downstairs or enjoy the RV, which is what was
16 said last time, so --

17 MR. CHIN: All right, like the gentleman
18 said, it was built by the niece --

19 MS. PICCOLO HILL: Actually --

20 MR. CHIN: -- of the person who lived
21 before you or whatever, or two times before you.

22 MS. PATINO: I don't know who. All I
23 know is when I purchased the house, I purchased
24 it from this lady that apparently she bought it

1 November 20, 2025

2 for her daughter, her daughter passed away. When
3 I actually took possession of the house, she came
4 to the house, the owner of the house, she cried
5 for so long, because she said she was going to be
6 sad because she couldn't come to the house to
7 sorrow about her daughter. I don't know anything
8 else.

9 MR. CHIN: Right.

10 MS. PATINO: I never saw her after that.
11 That's all I know about the story of that house.

12 MR. FLEMING: When, when --

13 MS. PICCOLO HILL: Can I -- actually I
14 just --

15 MR. FLEMING: Before you go, we get a
16 lot of information in from people in the public,
17 we welcome it. Not all of it is relevant. We
18 certainly welcome you to respond. The issue
19 before the board really is, is the second
20 driveway.

21 MS. PATINO: Mm-hmm.

22 MR. FLEMING: You know, it's, you have a
23 curb cut and a set of paving proposed for this
24 driveway. And what we really have to do is look

1 November 20, 2025

2 at five factors. I don't know if, I think when
3 you got your denial, there was a piece of
4 information given to you that actually identify
5 those five factors.

6 But the five factors we look at are
7 whether or not it brings a detriment or kind of
8 an adverse impact to the neighborhood, whether
9 there's an easier way or another way to
10 accomplish what the applicant wants to
11 accomplish.

12 MR. CHIN: Substantial.

13 MR. FLEMING: The substantiality of the
14 deviation that you're looking for from the
15 existing zoning, the impact of what you're
16 proposing on the environmental conditions, which
17 is what Ms. Piccolo Hill has been discussing with
18 you quite a bit, and whether or not you kind of
19 self-created this. That last one probably doesn't
20 matter as much as the others, but nonetheless, I
21 mean clearly this is self created, but lots of
22 zoning things are self-created.

23 But those factors are what we really
24 have to consider, and the one I'm really

1 November 20, 2025
2 concerned with, I'll be honest, is the first one,
3 which is does what you want to do, having the
4 second driveway for you to park your RV, bring a
5 negative or an adverse, detrimental result to
6 this neighborhood, to this area. I listened to
7 everything and these are decisions I have to make
8 and it's one of the things unfortunately I have
9 to do is some people are going to be disappointed
10 with whatever way I go, clearly, so. They're
11 tough decisions, but that's what we really have
12 to do. And what I'd like you to do, to the --
13 I'll ask the rest of the board if they have any
14 questions in a minute, is focus on those issues,
15 and specifically mine, which is whether or not
16 this is going to have an adverse impact on the
17 neighborhood.

18 MS. PATINO: Well, basically, as far as
19 I was told, if the RV is parked past by the
20 house, I'm not breaking any views towards no one.
21 Because I am actually complying with what the
22 town of Cortlandt's request is. So if I was to
23 get the okay from you guys, you know, and proceed
24 with the, with the rest of the things that I will

1 November 20, 2025

2 need to do, the RV will certainly be where it
3 needs to be in order for me to comply with the
4 town of Cortlandt. With all due respect to
5 everyone, anyone, if at any point, they don't
6 like looking at the RV, that has nothing to do
7 with me, because I'm complying with what I'm
8 supposed to. So that would be one.

9 Second, it would be a huge help for me,
10 because like I said, the RV, which is not any
11 small purchase, it's something that it's over,
12 you know, \$30,000 that's parked there. If
13 anything breaks, it's not \$100, it's not \$200.
14 You know, I have to fix it, which it's not
15 leveled, which is one of my main concerns, then
16 that's a problem for me. And so I'm not going to
17 just request you guys to pave the back and make a
18 smaller square, which cosmetic, cosmetic wise,
19 that would look bad. That would look horrible,
20 just make a small box on the back of my house
21 just to park my RV. I might as well make it all
22 cosmetically look nice, which, you know, as it
23 is, we have worked a lot in regards to cleaning.
24 I'm not sure, you know, we haven't dumped

1 November 20, 2025

2 anything anywhere else, we cleaned everything, we
3 hired a company, we cleaned everything, we took
4 all the trees out, we took all the leaves out. We
5 took everything. You guys are welcome to send
6 whomever to do an inspection and check, you know.

7 And so the appealing look of the
8 neighborhood is not going to affect. It's going
9 to make it look nicer. When I purchased the home,
10 there was already gravel, if you guys could see,
11 on the survey, the survey says there is an
12 existing gravel driveway, which that was prior to
13 me purchasing the house. So there was something
14 going on.

15 MR. CHIN: That's why, yeah, that's why
16 I asked.

17 MS. PATINO: You know, I didn't go and
18 put the gravel there or have the surveyor going
19 and take the survey. There was something going on
20 and there was already activity there. So I don't
21 know what the activity was. I just know from
22 where I moved in and what I'm requesting, because
23 honestly I was a hundred percent under the
24 impression that I just needed to get a regular, a

1 November 20, 2025

2 regular building permit in order for me to do the
3 driveway, because I manufacturer signs and I ask
4 for sign permits and I'm always in front of the
5 board requesting for approvals. And so I thought
6 that that would be the right, you know, the same way
7 that I had to do for the driveway.

8 MS. PICCOLO HILL: Actually, can I
9 interject? So that, you touched a little bit on
10 some of my questions. So the five factors, I do
11 have a couple of concerns with a couple of the
12 factors. So, my impression from the first meeting
13 was that your main concern was dealing with your
14 RV, so you could have it parked at home, because
15 it is a significant purchase. You wouldn't
16 consider just paving to have, so that you could
17 park the RV there, but in essence the driveway is
18 not a paved driveway that gets a lot of use? I
19 think the concern, the wetlands is a concern for
20 me, so I would want to know how it impacts that
21 because I think you are significantly close, or
22 you're close enough to the lake that during a wet
23 season, it might, it could hurt it. So that's
24 something that I would think that the engineering

1 November 20, 2025

2 department would want to deal with code wise. But
3 it sounds like a lot of the neighbors, their
4 concern is mostly if this driveway is going to be
5 used and just packed with things, because I think
6 if it is -- and the only reason that matters to
7 us is because we would be giving you a variance
8 for that second driveway. And the reason, my
9 impression of why there's one driveway is so you
10 don't have something that looks like a parking
11 lot, so you don't have five, you know, boats and
12 RVs, and everything in one, and then multiple
13 cars in the other. Just to help the, you know,
14 the neighborhood look better.

15 So if their concern is that if it's an
16 official driveway, you would have tons of cars,
17 you would have tons of things and it would get a
18 lot of use. If your main concern is the RV, and
19 you could potentially tackle that concern but it
20 would be less of an impact on the neighborhood
21 and that's another solution, because one of the
22 factors is, is there another way around this, is
23 there another way to solve this? If that could
24 solve your concern with parking the RV there, but

1 November 20, 2025

2 their concern with having it just be packed full
3 of things, is that something you'd entertain?

4 MS. PATINO: So if I was to be parking a
5 lot of things as they mentioned, I wouldn't move
6 the boat. I wouldn't do what you guys requested
7 me to do last time, and just keep the RV, which
8 is what you guys requested. My husband works
9 doing shrink wrapping. Yes, he's in and out of
10 the driveway everyday with his commercial
11 vehicle. And so, and that's only for two months
12 or a month, you know. Other than that, we go
13 back, he goes back to his regular truck and he
14 has his truck parked behind the RV, and I have
15 mine parked in the garage. So if that was my
16 idea, I think I wouldn't even comply with moving
17 the boat and putting it elsewhere, which is where
18 it's at now.

19 MS. PICCOLO HILL: Right. But the issue
20 is, it's not just you, it's that once there's a
21 second driveway, it's whoever owns the house. It
22 could be the person after you and they may have a
23 second driveway, so they decide to park ten cars.
24 So, you know, it's historically, three people

1 November 20, 2025

2 from you, they have five kids and they have 20
3 cars that they're all parking in this tiny little
4 lot. So it's trying to manage that, to deal with
5 the concerns of the neighbors and the look of the
6 neighborhood, does it negatively impact the
7 neighborhood, does it negatively impact the
8 environment, the character to the neighborhood?

9 So I mean I know that there are
10 definitely some concerns on the board here, and I
11 mean, to be honest, if it went to a vote, I don't
12 know if it would pass. So I guess my question to
13 you is would you entertain another solution that
14 might solve your problem of the RV, because
15 especially if the RV is not moving in and out,
16 right, it's sounds like it's pretty stationary
17 for some time. But that would give you leveling
18 of the RV, that would give you a place to keep it
19 safe behind your house, so it's not impacting
20 views, so it's within code enforcement. But it
21 might alleviate some of the concerns of the other
22 people on the board so that you might get that
23 passed.

24 MS. PATINO: My question is how would we

1 November 20, 2025

2 have so many cars? I'm not requesting for a
3 parking lot. I'm just requesting for a 16-foot
4 wide driveway.

5 MS. PICCOLO HILL: Right. But once you
6 have the driveway --

7 MS. PATINO: Like, and it's not even so
8 long, like you know what I mean? Like
9 technically, it's 32 feet being used for the RV,
10 and then the rest of it is just the back of it,
11 the back of the house. So it's not something
12 that, you know, it's not something so crazy big.
13 And again, when originally we requested for the
14 driveway was saying, okay, let's make it look
15 cosmetically okay, you know what I mean? In this
16 case, I wouldn't even be here to request for any
17 variance, because if I needed to create an
18 additional patio for the RV, then I could have
19 done that, because technically it's on the side
20 patio. I have the patio and I can extend it, you
21 know what I mean? So I wouldn't be here for that.

22 The whole purpose was making it
23 appealing to look nice for the neighborhood
24 instead of just going and just building a box,

1 November 20, 2025

2 which, if I do that, trying to make a driveway
3 with a nice appealing look, it's an issue. I
4 can't imagine of building a box, how much of an
5 issue would that be not looking appealing for the
6 neighborhood.

7 MR. CHIN: Do you at any time take the
8 RV out and use it for travel somewhere, or on
9 vacation or something like that?

10 MS. PATINO: So this summer, we didn't
11 move it because we bought the house in December
12 and we've been cleaning it.

13 MR. CHIN: Right.

14 MS. PATINO: Cleaning the whole entire
15 house, doing everything we had to. Before we
16 moved in, yes, in the summer times, we will take
17 one, two weeks, we will go away, we will do what
18 we have to do. We've been to KOA up in Newburg,
19 we've been to Virginia, we've been different
20 places. So yes, we do use the RV. We did not move
21 it this summer, absolutely not, because we were
22 fixing up the house and trying to settle
23 everything.

24 MR. CHIN: So basically --

1 November 20, 2025

2 MR. MARTINEZ: May I ask the attorney a
3 question? Michael, if we, let's say if we approve
4 it for her, can we put something there, in order
5 for the driveway to be managed that she cannot do
6 certain things? Is there anything like that that
7 can be done?

8 MR. CUNNINGHAM: So you, you could
9 approve it with conditions. It's just hard to
10 enforce the conditions. For example, if you said
11 it would only be for parking X number of cars or
12 this or that, the enforcement of it is what's
13 very difficult. And as Ms. Piccolo Hill said, in
14 the future, who knows what the next person is
15 going to do.

16 MR. CHIN: I mean, you know, basically,
17 if you're going to have an RV back there, and
18 just blacktop the area just for an RV, and if
19 they want to move it, then they're going to drive
20 over the grass, all over that, that don't make
21 any sense. I might as well have a driveway right
22 out to the front and you go in and out with your
23 RV. You know. That's the only thing I can say,
24 and as long as that RV and that other thing is

1 November 20, 2025

2 parked behind the house, or behind the line of
3 the back of the house, that's by code, and that's
4 what I would go by.

5 MR. FLEMING: All right, comments from
6 the board, so if your vote would be a yes, you
7 probably actually need to adjourn this for 30
8 days because we need to get a response -- or at
9 least I would propose that we need to get a
10 response --

11 MR. CHIN: From engineering.

12 MR. FLEMING: -- from the applicant's
13 contractor to the questions regarding wetlands
14 and other comments that were issued, I think
15 today. Were they issued today?

16 MR. KEHOE: Yes. And they're pretty
17 significant comments meaning, because I believe
18 that we have a survey drawing and then we have
19 your driveway contractor who's worked off of the
20 survey drawing, which is fine for the purposes of
21 the zoning board. But there's a retaining wall
22 which is going to need an engineer to design that
23 retaining wall. So there are, as you say,
24 significant issues.

1 November 20, 2025

2 MS. PICCOLO HILL: I'm concerned about
3 the wetlands.

4 MR. FLEMING: So if your vote is leaning
5 towards the yes side, what you really need to do
6 is tell me you want to adjourn this, so that
7 those concerns can be address by the applicant's
8 contractor.

9 MS. PICCOLO HILL: I'm on the fence.

10 MR. FLEMING: Okay.

11 MS. PICCOLO HILL: I do have some
12 concerns. I'm not a no. But I'm not a yes. And I,
13 one of my big concerns is the environment and the
14 proximity to the lake.

15 MR. FLEMING: Okay.

16 MS. PICCOLO HILL: So --

17 MR. FLEMING: Mr. Martinez?

18 MR. MARTINEZ: I am a yes.

19 MR. FRANCO: Yeah, and I guess I have
20 concerns about the wetland as well and part of my
21 concern also is just that there's going to be, in
22 my opinion, for the character of the
23 neighborhood, a substantial amount of blacktop
24 going to the house. I think if it was just one

1 November 20, 2025

2 driveway or the other side, I'd be okay with it,
3 but the two of them together, I think is a lot of
4 blacktop from an aesthetic standpoint. And I
5 guess the other thing that has also been raised,
6 that if there is that driveway, I mean even in
7 one of the pictures I'm looking at, I see the
8 truck there, and I mean there is this view of the
9 lake that would not be obstructed necessary by
10 the RV that's going to be behind the house, but
11 it could be obstructed by other vehicles in that
12 driveway, that, you know, and as we've said, it
13 may not be vehicles, if you said I'm not going to
14 put vehicles there, it could be the next owner
15 putting vehicles or something in the driveway. So
16 I think in the grand scheme of things, for those
17 reasons, I'm thinking not in favor of it.

18 MR. FLEMING: Mr. Chin?

19 MR. CHIN: Me? Based on what is
20 indicated that where you want to put that RV and
21 everything else, I really don't have a problem
22 because that's based on zoning, by the code and
23 everything else. And as far as parking additional
24 cars there, for a party, that's no problem. I

1 November 20, 2025

2 don't think you're going to be having cars parked
3 there every day of the night that is going to
4 block views for everybody around the
5 neighborhood. And I don't see a problem with a
6 view that I saw when I went by there with the RV
7 back there, you've got the big view of Wallace
8 Pond from the, from the side it, you know I mean
9 right there, so I really don't have a problem
10 with it. I would say yes.

11 MR. FLEMING: Mr. Walsh.

12 MR. WALSH: I sympathize with you. I
13 have an RV, so I where, you know, I've got to
14 park it before we purchased it, you know, I
15 checked with zoning, I have, and I do this all do
16 every day, so I know where I can park it. In my
17 zone, I can actually park it in my front yard,
18 side yard or back yard. I don't have a second
19 curb cut. You know, I back up over the curb, back
20 down the side of my yard, and I get it in the
21 back of the house, because I know I wouldn't want
22 to look at it myself. But I have neighbors that
23 have boats in the front yard that I have to look
24 at. And I know it's allowed by zoning and I can't

1 November 20, 2025

2 really change that.

3 My issue is the second curb cut and what
4 impact it does have on the neighborhood and the
5 undesirable change that it will have and for
6 future will have.

7 And then could your, you know, could it
8 be achieved through some other method. You have a
9 second driveway, your main driveway that can be
10 made wider that you guys can park, you know, next
11 to each other where you don't need the second
12 driveway. That is an option to expand that
13 driveway, the width of it.

14 MR. CHIN: But then you couldn't park an
15 RV, in the front yard.

16 MR. WALSH: That's not -- the issue in
17 front of us is the second curb but, not the RV.
18 So what's in front of us now is the proposed
19 second curb cut. That's what I'm analyzing,
20 that's what I find is an undesirable change in
21 the neighborhood. There can be, it can be
22 achieved through some other method, so I am not
23 in favor of passing this variance.

24 MR. FLEMING: Mr. Beloff, do you have

1 November 20, 2025

2 any comments?

3 MR. BELOFF: Yes, I can actually agree.
4 I feel the same, basically with Tom and what
5 Franco brought. I think the code permits one curb
6 cut for a reason, for reasons just like this. So
7 I couldn't be in favor.

8 MR. FLEMING: You know, I have gone back
9 and forth on this one about a dozen times. What
10 the neighbors have said, you know, carries a lot
11 of weight with me, but your responses, I
12 understand. And I also feel that as long as you're
13 complying with code, you should be able to do
14 whatever you want with your house, and other
15 people really shouldn't, you know, be concerned
16 with any legal uses you do to your house.

17 I don't have a problem with you shrink
18 wrapping your boat, whether it's in the front of
19 your house or the side of your house. And you'd
20 shrink wrap your boat, and you know, and you do
21 it. Same thing with your other recreational
22 vehicles or toys as you called them, which I
23 liked quite a bit. But running a business, and
24 I'm not saying you are, that's vastly different.

1 November 20, 2025

2 So I mean your husband does run a shrink wrapping
3 business, and if that was what you're doing on
4 your residential house, I certainly would
5 understand why residents would call code
6 enforcement on you and I'd just encourage you to
7 comply with the codes. And again, I'm not
8 accusing you of anything, I'm just --

9 MS. PATINO: Which is fine, which --

10 MR. FLEMING: -- encouraging you to make
11 sure you are complying with all the codes.

12 MS. PATINO: Which I hope to do.

13 MR. FLEMING: I think we probably need
14 to take a vote on this. So I think what I'm going
15 to do is ask for someone to call -- whose case
16 was this one?

17 MR. WALSH: Chris's.

18 MR. BELOFF: What's that?

19 MR. FLEMING: Yeah, I'm going to ask you
20 to call for a vote to approve the variance or
21 not.

22 MR. BELOFF: Let's close the case.

23 MR. FLEMING: Yeah, first we'd have to
24 close public hearing and then we'd have to call

1 November 20, 2025

2 for a vote.

3 MR. BELOFF: So in the case number 2025-
4 6 for 60 Carolyn Drive, looking for a variance
5 for section 261-23, curb cuts.

6 MR. CHIN: You need to close the public
7 hearing first.

8 MR. BELOFF: What's that?

9 MR. FLEMING: Yeah, first close the
10 public hearing.

11 MR. CHIN: Close the public hearing
12 first.

13 MR. BELOFF: I'd like to make a motion
14 to close vote for hearing.

15 MR. FLEMING: Public hearing.

16 MR. BELOFF: Public hearing.

17 MR. WALSH: Second.

18 MR. FLEMING: All in favor?

19 MULTIPLE: Aye.

20 MR. FLEMING: All right, public hearing
21 is now closed. Give your motion.

22 MR. BELOFF: What's that?

23 MR. FLEMING: So you're going to make a
24 motion to approve --

1 November 20, 2025

2 MR. CHIN: Or deny.

3 MR. FLEMING: -- or deny. You can do
4 either one. But make sure you let us know which -
5 -

6 MS. PICCOLO HILL: Wait.

7 MR. FLEMING: -- one you're doing.

8 MR. BELOFF: I would like to make a
9 motion to deny case number 2025-6.

10 MR. FLEMING: All right, so you're
11 voting to deny, so if your answer is you're going
12 to deny the application, please say you're voting
13 to deny the application. Okay.

14 MS. PICCOLO HILL: And what if we needed
15 more information to make our decisions?

16 MR. FLEMING: You don't have to make a
17 decision, you can abstain.

18 MS. PICCOLO HILL: Oh.

19 MR. CHIN: That's a no vote.

20 MR. WALSH: That's a no vote.

21 MS. PICCOLO HILL: Yeah.

22 MR. FLEMING: You can vote yes. I mean
23 it's up to you. I mean --

24 MR. CUNNINGHAM: Chris can call roll and

1 November 20, 2025

2 when you go down the line, if you want to deny
3 the application, after someone makes a motion,
4 say deny. If you want to approve it, say approve.
5 Or if you abstain, it's the equivalent of a no.

6 MS. PICCOLO HILL: Hmm.

7 MR. FLEMING: The other option is right
8 now, let me just ask, does anyone else, other
9 than Michelle think we need to adjourn this for
10 30 days? It's okay if you do, just let me know.

11 MR. CHIN: We all just said yes to
12 adjourn.

13 MR. FLEMING: Excuse me?

14 MR. CHIN: We just all said yes to
15 adjourn the public -- not adjourn, to close --

16 MR. FLEMING: To close the public
17 hearing.

18 MR. CHIN: -- the public hearing.

19 MR. FLEMING: But we could reopen that,
20 if --

21 MR. CHIN: Okay.

22 MR. FLEMING: Michelle's concern is that
23 she thinks she needs to get more information on
24 the environmental impact. That's fine. She's

1 November 20, 2025

2 allowed to say that. But if six other people say
3 my answer is no, her --

4 MR. CHIN: You need a unanimous --

5 MR. FLEMING: -- answer doesn't matter.

6 MR. CHIN: -- you need a unanimous
7 decision to open the case again.

8 MR. WALSH: No.

9 MR. FLEMING: You need a unanimous
10 decision to --

11 MR. CHIN: Reopen.

12 MR. FLEMING: -- reopen the public
13 hearing.

14 MR. CHIN: Right. I mean all seven.

15 MR. FLEMING: I don't think that's true.

16 MR. CUNNINGHAM: I don't know what rule
17 that one's based on.

18 MR. CHIN: It's always been that case.

19 MR. FLEMING: I don't think that's true,
20 but regardless of that --

21 MR. CHIN: Well to approve, it's four
22 out of seven.

23 MR. FLEMING: To reopen the public
24 hearing --

1 November 20, 2025

2 MR. CHIN: Was always a unanimous vote.

3 MR. FLEMING: I'm not aware of any part
4 of our town law that requires a unanimous vote to
5 reopen a public hearing.

6 MR. CUNNINGHAM: I don't know --

7 MR. CHIN: I've been on this board for
8 35 years and I think I know, you know. I'm just
9 saying.

10 MR. FLEMING: I appreciate that, but
11 nonetheless, I'm not aware -- regardless of your
12 statement, you're one person.

13 MR. KEHOE: But that's not really the
14 issue now, right, whether you're going --

15 MR. FLEMING: Yes.

16 MR. KEHOE: -- to have to reopen the
17 public hearing or not.

18 MR. CHIN: We just closed the public
19 hearing.

20 MR. KEHOE: Right.

21 MR. CUNNINGHAM: No, no we're at the
22 approve or deny vote. That's where we're going to
23 be at.

24 MR. KEHOE: Well --

1 November 20, 2025

2 MR. CUNNINGHAM: After a motion and
3 second.

4 MR. KEHOE: Because you could refer it
5 back for more information without reopening the
6 public hearing.

7 MR. CUNNINGHAM: Yeah, you don't have to
8 --

9 MR. FLEMING: Right.

10 MR. KEHOE: You've closed the public
11 hearing. You've got all the information that you
12 feel like you need.

13 MR. CHIN: We don't have to vote.

14 MR. KEHOE: You're going to potentially
15 vote, or I think what Michael is saying, before
16 that vote is taken, maybe you would refer it back
17 to staff for 30 days. We bring it back at the
18 next meeting, it's still not a public hearing, it
19 would be under old business, so I don't think you
20 have to reopen the public hearing. I know that's
21 not, I don't think that's what you were asking,
22 but I don't think you have to reopen it.

23 MR. CHIN: No, you ask for additional
24 information and then vote next month.

1 November 20, 2025

2 MR. CUNNINGHAM: You could do that, yes.

3 MR. CHIN: As far as, as far as the
4 public is known, the public hearing is closed.

5 MS. PICCOLO HILL: Actually, can I ask a
6 question? So, if there are concerns with
7 wetlands, will that be picked up by engineering?

8 MR. KEHOE: Oh, yes. They have to issue
9 a wetland permit.

10 MS. PICCOLO HILL: Okay. So if there are
11 issues, they will, they will deal with the
12 mitigation there?

13 MR. KEHOE: Well, and that's what I,
14 what I mentioned at the work session, and I want
15 to mention to the applicant is in theory the
16 zoning board could approve the variance and the
17 engineering department could deny the wetland
18 permit.

19 MR. CHIN: Right.

20 MR. KEHOE: So there's no guarantee that
21 the driveway will be improved even if you vote
22 yes. And that's one of the things we're working
23 through, but that's what --

24 MR. FLEMING: I think, I think Ms.

1 November 20, 2025

2 Piccolo Hill's question though was if we take 30
3 days and information from the applicant's
4 contractor and the applicant satisfy Ms. Piccolo
5 Hill's concerns about the wetlands --

6 MR. KEHOE: I think in the next 30 days,
7 the applicant would need to work a lot with our
8 engineering department and code enforcement to
9 figure out what they're going to need. I don't
10 think all that information will be able to be
11 developed, designed and provided and opined on by
12 the engineering department in the next 30 days.

13 MR. WALSH: My question is, isn't our
14 variance that we're just looking at, it just says
15 for a second curb cut for a proposed driveway. So
16 we're just voting on not the wetlands, not
17 anything else, it's that --

18 MR. KEHOE: Well --

19 MR. FLEMING: Well, no, one of the five
20 factors --

21 MS. PICCOLO HILL: But the driveway
22 impacts the wetlands.

23 MR. FLEMING: -- is the environmental
24 impact and if that's something that Michelle

1 November 20, 2025

2 needs to get to make her vote on the curb cut,
3 you know, it's certainly relevant.

4 MR. CHIN: You know, once we close the
5 public hearing, I mean then nobody in the
6 audience can speak again, right?

7 MR. CUNNINGHAM: Correct.

8 MR. CHIN: Okay. So that means if you
9 want their people to work with your and then get
10 back to us, we have to reopen the public hearing.

11 MR. CUNNINGHAM: You don't necessarily
12 have to reopen the public hearing. It could just
13 be --

14 MR. CHIN: No?

15 MR. CUNNINGHAM: -- the, you know, it
16 could just be --

17 MR. CHIN: Okay. All right, you say so.
18 You're the eng- you're the attorney.

19 MR. MARTINEZ: Michael, if it's any,
20 like you said before, if we approve, we would
21 approve it with it condition to say whoever
22 become the next owner, that condition would not
23 apply to them?

24 MR. CUNNINGHAM: No, no it doesn't

1 November 20, 2025

2 necessarily not apply.

3 MR. CHIN: No. It doesn't come back to
4 us.

5 MR. CUNNINGHAM: It's just, it's hard to
6 enforce. It depends on what condition you're
7 thinking of too. I'm just making up a condition,
8 if you said only two vehicles can park there, at
9 the end of -- on that driveway. I mean someone
10 from code enforcement would have to go past there
11 every day and check it out. It just becomes
12 difficult.

13 MS. PICCOLO HILL: But also 30 days
14 would give her time to address some concerns.

15 MR. CUNNINGHAM: It does, so --

16 MS. PICCOLO HILL: Right, having heard
17 what everyone on the board thinks --

18 MR. CUNNINGHAM: Right. My suggestion is
19 it seems like the board is somewhat split and
20 there does seem to be some current for denial.
21 There's others that still want more information.
22 My suggestion is you hold off for 30 days, you
23 don't have to open the public hearing, we can
24 issue to the applicant, we can send the applicant

1 November 20, 2025

2 what the engineering comments are. She'd have to
3 address those at some point anyway and she could
4 see if she can address them. And then she can --

5 MR. FLEMING: I understand what you're
6 saying, Mr. Cunningham. My only concern is,
7 frankly, it's for the applicant. If the answer is
8 going to be no, and the concerns are not about
9 the environmental impact, which Ms. Piccolo Hill
10 clearly has an issue with, but not everybody else
11 does. If there are four people on the board who
12 are going to vote no regardless of what the
13 response of the environmental impact is --

14 MR. CUNNINGHAM: Right. It doesn't
15 matter then.

16 MR. FLEMING: -- that's a significant
17 cost is going to incur and quite honestly, I'd
18 rather have you not have to incur that cost. That
19 said, if it's something, then --

20 MR. CHIN: If you have four votes no,
21 that's the end of the case.

22 MR. CUNNINGHAM: Correct.

23 MR. FLEMING: I believe that is correct,
24 yes.

1 November 20, 2025

2 MR. CUNNINGHAM: Yes, correct.

3 MR. FLEMING: That's what I was trying
4 to get to. I don't like to see applicants --

5 MS. PATINO: So can I say something?

6 MR. FLEMING: Of course you can, please
7 do, ma'am.

8 MS. PATINO: Okay. Technically I don't
9 need to get any variance and I don't need to get
10 anything from you guys in order for me to extend
11 to the side with concrete, to whatever extension
12 I need to the side of my house, correct?

13 MR. CUNNINGHAM: I don't know that
14 that's necessarily true.

15 MS. PATINO: I'm asking.

16 MR. CUNNINGHAM: No, you I think you
17 might need a permit.

18 MS. PATINO: So if I was to, I have the
19 patio. If I was to extend it in order for me to
20 be able to have my RV, and I'm going to be able
21 to be in and house, regardless of what it is,
22 whether it's grass or gravel --

23 MR. CHIN: Or a curb, there's a curb
24 there.

1 November 20, 2025

2 MS. PATINO: or, a curb, whatever the
3 case may be, I'm still going to be able to do
4 that. I mean, I don't see why it's such a big
5 issue when I'm trying to do the right thing. I
6 apologize to all of you guys. I'm sorry.

7 MR. FLEMING: I understand ma'am, I
8 understand your concerns.

9 MS. PATINO: I'm sorry, let me just
10 finish up. If that's the case, I don't want you
11 guys to kill yourselves trying to give me an
12 approval or give me a denial. Just close it, let
13 it be. Taxes are still going to be paid,
14 regardless of what it is, but it's so sad when
15 someone is trying to do the right thing, trying
16 and coming in front of you guys. There's so many
17 people out there that do things without permits.
18 You guys don't look at that. There's so many
19 driveways out there that are wider than mine and
20 you guys don't care about that.

21 When I'm trying here to do the right
22 thing, it's okay, you guys can close it. Do
23 whatever makes you guys happy. But again, at the
24 end of the day, I can make a concrete slab. If I

1 November 20, 2025

2 have to ask for a permit, I hope that's not an
3 issue because I'm trying to level my RV. I'm
4 still going to be going in and out. It's just
5 really sad to try to do the right thing and still
6 get a negative from you guys because what am I
7 doing wrong?

8 What, how am I impacting the
9 neighborhood in a bad way when I'm trying to pave
10 and make it look nice? If the concern is the
11 wetlands, okay, I understand that. But are we
12 looking here because of the curb or because of
13 the neighbor or because the person up from you,
14 from the front of me doesn't like, and I'm not
15 sure if it's racism, I don't, I don't know, but
16 that's more likely what it comes to.

17 I'm sorry, but this is just upsetting
18 and close the case, just close it. Because I am
19 beyond upset of the fact that I'm trying to do
20 the right thing and requesting for the right
21 thing. But you guys all look at it's -- at the
22 neighborhood, at the neighbor. I'm trying to do
23 the right thing by the law. I'm moving the RV to
24 the back of the house, I'm complying with the

1 November 20, 2025

2 boat. I'm complying with fixing and cleaning up
3 the whole yard. But you guys don't care.

4 MR. CHIN: It's not --

5 MS. PATINO: It's fine.

6 MR. CHIN: -- it's not, it's not
7 everybody --

8 MS. PATINO: Just close it.

9 MR. CHIN: Excuse me.

10 MS. PATINO: I'm sorry. I am so sorry.

11 MR. CHIN: Not everybody.

12 MS. PATINO: Just close it.

13 MR. CHIN: I'm going by the code, and I
14 have no problem with it.

15 MS. PATINO: Yes. And I am making sure
16 that I follow the code.

17 MR. CHIN: Okay.

18 MS. PATINO: And I'm following the code,
19 I moved the boat. I moved, I'm moving the RV
20 forward, I'm trying to do the right thing. Just
21 close it.

22 MS. PICCOLO HILL: I --

23 MS. PATINO: And thank you for your time
24 and I appreciate it. My grandfather always said

1 November 20, 2025

2 do the right thing. And the right thing will come
3 back to you. And that's what I'm here for, to try
4 to do the right thing. But it doesn't seem that
5 that's the right thing to do. And I'm sorry. I'm
6 sorry for wasting all you guys' time.

7 MR. MARTINEZ: No, no, don't say that.
8 Please calm down. Calm down.

9 MS. PATINO: It's just upsetting. I'm,
10 I'm sorry.

11 MS. PICCOLO HILL: Again, my concern is
12 the wetlands, but it sounds like that's going to
13 be dealt with even with the engineering
14 department. And if you're willing to deal with
15 their concerns --

16 MS. PATINO: I am willing. But you are
17 the only one who's concerned about the wetland.

18 MR. FLEMING: Well, that's not true. I
19 am deeply concerned about the wetlands issue and
20 Wallace Pond in general. I'm a big fan of the
21 actual pond, and believe me, there's a lot of
22 issues with Wallace Pond which hopefully will
23 resolve themselves and will --

24 MS. PATINO: I hope so too.

1 November 20, 2025

2 MR. FLEMING: -- will, and I do hope it
3 returns to its former glory. I very much do.

4 MS. PATINO: Me too.

5 MR. FLEMING: But, all that being said,
6 again, sometimes you have an issue before us, and
7 oftentimes, somebody is upset at the end of
8 these, you know, decisions. Someone is opposed to
9 it, someone is in favor of it. And the board has
10 to vote and somebody is upset. I don't want you
11 to feel, one I don't want you to feel there's any
12 racism involved in this whatsoever. To me, it
13 really is a simple fact of whether or not each
14 person on this board thinks the five factors go
15 your way, or the five factors indicate this
16 should not be approved. And everyone on the board
17 has to make that decision.

18 MS. PATINO: Again --

19 MR. FLEMING: You know, it's -- and
20 again, someone, because we clearly had two people
21 on the phone who were not in favor of this.
22 Someone is going to be upset at the end of this.
23 I understand that. I feel for people who are
24 upset, but nonetheless, we have to make a

1 November 20, 2025

2 decision.

3 MS. PATINO: And those are the only two
4 neighbors besides all the other neighbors that I
5 have. I have a neighbor behind me. He's super
6 happy. He says do whatever you want, it's your
7 property, you're paying your taxes. My other
8 neighbor in front of me and the one on the side
9 of me, he's not paying my taxes. You know, I'm
10 not paying his taxes either and that's why I'm
11 not concerned about their property or whatever
12 they do with their property. That's none of my
13 concerns. You know, my other neighbor in front of
14 me. I have two. They don't care. I have other
15 ones on the other side. Nobody cares. Those are
16 the only two that are concerned about what I do
17 and when I -- the first step that I take at the
18 beginning of the day. I'm, I'm not there for
19 that. I'm there to, to have a house, to have a
20 family and to live the right way and doing the
21 right thing. That's what I'm there for.

22 MR. FLEMING: I understand.

23 MS. PATINO: And that's what I'm here
24 for.

1 November 20, 2025

2 MR. FLEMING: I understand. All right,
3 so, so back to where we are. I think there's a
4 proposal to --

5 MR. CHIN: Deny.

6 MR. FLEMING: -- deny the applicant's
7 request. And we can poll the board on that.

8 MR. CUNNINGHAM: And we need a second
9 too. If someone wants to --

10 MR. KEHOE: Someone needs to second.

11 MR. CUNNINGHAM: -- second the motion to
12 this.

13 MR. FLEMING: Oh, I apologize. So we
14 have a motion to deny the application. Do I have
15 a second?

16 MR. FRANCO: I'll second.

17 MR. FLEMING: Okay. So, I'm going to
18 have Mr. Kehoe poll the board, and your answer is
19 just going to be denial or approve the
20 applicant's application, so just denial or --

21 MR. MARTINEZ: Can I ask you a question?

22 MR. FLEMING: Of course you can?

23 MR. MARTINEZ: If we adjourn this --

24 MR. CHIN: You can't adjourn.

1 November 20, 2025

2 MR. MARTINEZ: -- and give her more
3 time.

4 MR. FLEMING: No, we --

5 MR. KEHOE: No, no, you can.

6 MR. FLEMING: -- we can adjourn it. Wai,
7 stop.

8 MR. CUNNINGHAM: Yeah, it's to push it
9 over for another meeting. It's not adjourning it.
10 The public hearing is closed.

11 MR. FLEMING: Ask your question.

12 MR. MARTINEZ: Can we do that, or no?

13 MR. FLEMING: Can we adjourn it? Yes, we
14 can. We can absolutely adjourn it. And it's okay
15 if, if -- right now, we have a motion on us. We
16 have to actually take a vote on the motion, which
17 has been seconded. But if your proposal is you
18 don't want to vote because you want to adjourn.

19 MR. MARTINEZ: No, no, my vote is yes,
20 but if we can adjourn for another, so we can work
21 on something or to see if we can later on in the
22 next meeting approve it, and do whatever we have
23 to do, because I don't, in other words, I don't
24 agree that we should just close this thing. I, I

1 November 20, 2025

2 don't, I'm not in favor on that.

3 MR. FLEMING: Okay.

4 MR. KEHOE: However, if, and Michael,
5 you would have to give your opinion on this, but
6 then they would have to -- they can't just
7 continue with the motion that's on the floor,
8 then, because it's either a yes or no vote.

9 MR. FLEMING: Or, or the motion could be
10 withdrawn.

11 MR. CUNNINGHAM: That's fine.

12 MR. KEHOE: But that's for you to
13 decides.

14 MR. CUNNINGHAM: We can make the motion
15 to refer back too. We could even have the vote if
16 people aren't ready to approve it now, they
17 could, their vote could be to refer back. And if
18 four want to refer back and it comes back next
19 month, that's fine too.

20 MS. PICCOLO HILL: My concern was the
21 wetlands, so as long as that's going to be
22 addressed with the engineering department, I can
23 vote.

24 MR. FLEMING: All right, so I think

1 November 20, 2025

2 we're back to the original vote, which is either
3 you're going to vote --

4 MR. MARTINEZ: No, but even if we vote,
5 she's only going to have three, and that's not
6 going to pass.

7 MR. CUNNINGHAM: No, it wouldn't pass.
8 Right.

9 MR. MARTINEZ: It wouldn't --

10 MR. CUNNINGHAM: So I mean, we don't, we
11 don't know 100 percent --

12 MR. MARTINEZ: -- that's why, that's why
13 --

14 MR. CUNNINGHAM: That, I think what
15 you're saying is the way it looks, but we don't
16 know for sure until the actual vote, so.

17 MS. PICCOLO HILL: So are you suggesting
18 to give time to deal with -- this is what I said
19 before. It would give the applicant time to deal
20 with some of the concerns.

21 MR. MARTINEZ: That's what I propose,
22 yes.

23 MR. FLEMING: And I'm --

24 MR. MARTINEZ: If the applicant is okay

1 November 20, 2025

2 with it.

3 MS. PATINO: Well, if --

4 MR. FLEMING: What I'm saying -- I'm
5 sorry, one second. What I'm saying is there --

6 MS. PICCOLO HILL: You can't.

7 MR. FLEMING: Well, no, we certainly
8 can.

9 MR. FRANCO: We can.

10 MR. FLEMING: But I'm not sure that
11 there's support on the board, the majority of the
12 board --

13 MS. PICCOLO HILL: To adjourn.

14 MR. FLEMING: To adjourn and give more
15 time.

16 MS. PICCOLO HILL: Okay.

17 MR. FLEMING: That more time, I'm not
18 sure the majority of the board would feel more
19 time would change their vote.

20 MS. PICCOLO HILL: Right, okay.

21 MR. FLEMING: So I don't like the idea
22 of wasting an applicant's time, having them spend
23 money to --

24 MS. PICCOLO HILL: Right.

1 November 20, 2025

2 MR. FLEMING: -- you know, comply with
3 requests --

4 MS. PICCOLO HILL: Okay.

5 MR. FLEMING: -- if it's not going to
6 make an impact.

7 MS. PICCOLO HILL: Understood.

8 MR. FLEMING: It doesn't seem like the
9 right thing to do.

10 MS. PICCOLO HILL: Okay.

11 MR. FLEMING: All right, so we have a
12 motion right now, I need a vote for each board,
13 I'm going to ask Mr. Kehoe to poll the board and
14 it's going to be to deny the application or
15 accept the application.

16 MR. CUNNINGHAM: Deny or approve.

17 MR. FLEMING: Deny or approve the
18 application.

19 MR. KEHOE: Shall I do the chairman's
20 prerogative? We usually do chairman last?

21 MR. CUNNINGHAM: Chairman will go last,
22 right.

23 MR. KEHOE: Chairman always goes last.

24 Ms. Piccolo Hill?

1 November 20, 2025

2 MR. CUNNINGHAM: No. Did we get a second
3 on the motion?

4 MR. KEHOE: We did.

5 MR. FLEMING: We did.

6 MR. KEHOE: Yes, Frank.

7 MR. CHIN: Frank Franco.

8 MR. KEHOE: Ms. Piccolo Hill?

9 MS. PATINO: Instead of doing the
10 paving, if I do just gravel, is that an issue as
11 well?

12 MR. CHIN: No, that's not really the
13 issue, basically because you still need a curb
14 cut to drive in and out over there, okay. So
15 again --

16 MS. PATINO: But when you guys were
17 saying that the driveway is going to be too wide
18 or going to be too many cars, so technically I'm
19 trying just to --

20 MR. CHIN: If you --

21 MS. PICCOLO HILL: I know there was one
22 [unintelligible] [01:35:15].

23 MR. CHIN: -- gravel driveway, people
24 park on the gravel driveway also. So, to me,

1 November 20, 2025

2 paving it, to me, looks nicer than the gravel
3 driveway which is going to splatter all over the
4 place, all right. My --

5 MS. PICCOLO HILL: But there was one
6 concern about the look of asphalt and does that
7 change your concern if it's gravel versus
8 asphalt?

9 MR. CHIN: Uh --

10 MS. PATINO: Because what they had prior
11 to it was gravel. I don't know how, if it was
12 approved or not approved, I don't know. That I
13 don't know. But I know there was gravel down
14 there, prior to.

15 MR. CHIN: There was gravel all the way
16 there, and maybe what Ms. Piccolo is saying, if
17 you paved only the back area where the RV is
18 going to be, and then a gravel driveway coming
19 out, then it doesn't look like it's all paved.
20 That's what you're trying to get at, Michelle?

21 MS. PICCOLO HILL: Yeah.

22 MR. KEHOE: I'm, I don't know, I'm just
23 not 100 percent sure what the engineering
24 department would feel about a long gravel

1 November 20, 2025

2 driveway. I don't know that for a fact or not.

3 MR. CHIN: I don't know either, because
4 to me, that's more impervious, where water, oil,
5 if it slopes the wrong way, it goes down that
6 way, not out to the street, so forth and so on.
7 That's, that's another concern for the
8 engineering department, you know, what I mean.
9 Huh?

10 MR. BELOFF: Within a 100 feet to the
11 wetlands or how close that is? I don't know.

12 MS. PICCOLO HILL: Yeah.

13 MR. CHIN: Yeah. If it's gravel driveway
14 then it goes underneath the ground, you know what
15 I mean?

16 MR. MARTINEZ: Well, why don't --

17 MS. PICCOLO HILL: I would think asphalt
18 next to the wetlands would be worse.

19 MR. CHIN: But if it's paved, it doesn't
20 go under the ground.

21 MR. MARTINEZ: One more question, Mr.
22 Chairman. If anybody, if any one of the
23 colleagues on the board has anything that if it
24 change, can change their vote to yes? Anything

1 November 20, 2025

2 that you can say if she do, if they do this and
3 this, then we can -- that way we can leave it on
4 the applicant's head to decide if she can do that
5 or not. Anybody, because we only have three
6 votes, I believe.

7 MR. CHIN: Once you vote, that's it.

8 MR. MARTINEZ: I'm sorry?

9 MR. FLEMING: I think what Benito is
10 asking is, is, are there anything the applicant
11 could do, if you're currently thinking about
12 voting no, is there something she could do that
13 would cause you to flip your vote to yes? And if
14 so, could you let her know and then maybe we
15 would adjourn this for a month.

16 MR. CHIN: Like I said, she was thinking
17 about putting a gravel driveway, okay.

18 MR. FLEMING: Exactly.

19 MR. CHIN: Okay. All right. The only
20 thing with a gravel driveway, it's impervious.
21 Okay. That means anything that goes on top of
22 that gravel driveway could go into the ground and
23 seep into the pond, okay. When it's a paved
24 driveway, whatever's there will flow out to the

1 November 20, 2025

2 street, okay.

3 MR. FLEMING: Or whatever angle the
4 driveway's going.

5 MR. CHIN: Yes. That's a big difference.

6 MR. MARTINEZ: But you were a yes. So
7 I'm asking for the people that say that no, is
8 there anything that they can --

9 MR. FRANCO: I mean I don't know if
10 we're still talking about this because we're like
11 flip flopping back and forth. But I mean since I
12 did raise the issue with the blacktop, I don't
13 know if any of my other no colleagues were
14 thinking this also, but the gravel does, I mean
15 I'm still not thrilled about it, but it feels
16 better to me with gravel. But I would still have
17 the wetland concern that some of us share also.
18 So, I mean if we still took a vote, I probably,
19 you know, without an answer on the wetland, I
20 would probably still be no, but that's just me
21 though. I mean I don't know --

22 MR. FLEMING: That's a very good point
23 because --

24 MR. CHIN: Again, the wetlands --

1 November 20, 2025

2 MR. FLEMING: -- if that is, if, if you
3 think a decision on the wetlands issue would
4 influence your vote, I don't want to stop that
5 from happening, because I do think this is a
6 four-three vote and you're the fourth vote. So,
7 if that's -- I would rather adjourn it if you
8 think getting time for a response on the wetlands
9 issue would cause you to change, I don't want to
10 take that opportunity away from the applicant. If
11 that's how you feel, that's fine. I would rather
12 adjourn then, get the concerns that you have
13 addressed. And if you think that -- because
14 again, if this is going to be four-three, and
15 you're the fourth vote, if that's going to flip
16 one way or the other, you should have the
17 opportunity to get the information you need to
18 make that decision.

19 MR. FRANCO: Right.

20 MS. PICCOLO HILL: But also, Frank, that
21 was what I was saying, because I'm a -- I'm
22 leaning towards yes. But it sounds like even if
23 we say yes, then it goes to the engineering
24 department and the wetlands issue has to be

1 November 20, 2025

2 addressed either way, so is that --

3 MR. CHIN: Once you say, once you say --

4 MS. PICCOLO HILL: -- correct?

5 MR. CHIN: -- no, if there's a four to
6 three vote on no, okay, that's four no's and
7 three -- that's the end of the case. It does not
8 go anyway.

9 MS. PICCOLO HILL: Yes, but that's --

10 MR. FLEMING: Correct. So --

11 MS. PICCOLO HILL: -- what I'm --

12 MR. CUNNINGHAM: So, I'm sensing, I'm
13 sensing a lot of indecision on the board. My
14 suggestion is this matter be referred back.
15 They'll have an opportunity to speak to the
16 engineering department, they can decide whether
17 they want to come back next month for a vote.

18 MR. FLEMING: Chris, I think you should
19 withdraw your motion.

20 MR. BELOFF: If that's what --

21 MR. CUNNINGHAM: We've haven't been able
22 to get a -- we've been trying to get a vote now
23 for about 15 minutes or so, and we're not -- it
24 seems like we're getting further than closer to

1 November 20, 2025

2 actually -- and there's no problem. There's not
3 an issue with that. I'm just saying, normally,
4 it's easy, you have the vote, whether it's up or
5 down, you at least get to the vote. And it seems
6 like there are a lot of questions that are out
7 there. So I think the smartest thing to do would
8 be to refer this back, allow her and her team to
9 speak to the engineering staff about what sort of
10 things they would have to do anyway, even if this
11 board were to approve. And then they'll decide
12 how they want to pursue this.

13 MS. PICCOLO HILL: But it also sounds
14 like just, if it that is what happens, it sounds
15 like the gravel is also a condition for one of
16 the people in favor.

17 MR. FRANCO: Right.

18 MR. CHIN: Yes and no.

19 MR. FRANCO: I'm not in favor of the
20 blacktop. And if going to gravel impacts the
21 wetland, like you were saying, Wai --

22 MR. CHIN: It will.

23 MR. FRANCO: -- I mean, so there's a lot
24 of things in play to make it come together.

1 November 20, 2025

2 MR. FLEMING: We can certainly ask our
3 board to assist us and provide us with
4 information on the difference between gravel and
5 blacktop if we're withdrawing this motion and are
6 not going to vote on it tonight.

7 MR. CHIN: When we withdraw it --

8 MR. FLEMING: I'm sorry, before we do
9 anything else, could you please withdraw your
10 motion?

11 MR. BELOFF: I'd like to withdraw my
12 motion to deny.

13 MR. FLEMING: I need a second.

14 MR. FRANCO: Second.

15 MR. FLEMING: Okay. We're going to
16 withdraw that motion, so --

17 MR. KEHOE: Do they need to vote on
18 that?

19 MR. FLEMING: No, we don't.

20 MR. CUNNINGHAM: No, no, that's fine.
21 They never even voted on the -- I think someone
22 should make --

23 MR. CHIN: I think, I --

24 MR. CUNNINGHAM: Wai, please let me, I

1 November 20, 2025

2 think someone -- we're not -- we're going around
3 in circles now.

4 MR. FLEMING: We are.

5 MR. CUNNINGHAM: We have to, we have to
6 acknowledge we're going around in a circle and
7 it's not going anywhere right now. I think the
8 best thing to do --

9 MS. PICCOLO HILL: Is a motion to
10 adjourn.

11 MR. CUNNINGHAM: -- and I think, there's
12 been a lot of things that have been said and they
13 have to be addressed by the applicant. I think, I
14 think the best thing to do would be for someone
15 to make a motion --

16 MR. CHIN: To reopen the case.

17 MR. CUNNINGHAM: Can you, can you please
18 let me finish? Make a motion to refer this back
19 to staff to allow the applicant time to go meet
20 with staff before the next meeting.

21 MR. FLEMING: Thank you.

22 MR. CHIN: And also reopen --

23 MR. CUNNINGHAM: No, no, no.

24 MR. FLEMING: It would not reopen the

1 November 20, 2025

2 public hearing.

3 MR. CUNNINGHAM: It is not reopening. It
4 is not reopening. That's not what I'm suggesting
5 as legal counsel --

6 MR. CHIN: Okay.

7 MR. CUNNINGHAM: -- is to reopen the
8 public hearing.

9 MR. CHIN: If we don't reopen it then,
10 nobody can come up there in the public.

11 MR. CUNNINGHAM: Wai --

12 MR. CHIN: You know what I mean?

13 MR. CUNNINGHAM: Everyone, everyone
14 already spoke about the driveway. We've had,
15 we've had two public hearings about the driveway.

16 MR. MARTINEZ: He's the attorney. He
17 knows.

18 MR. CHIN: Her people have to talk to
19 engineering.

20 MR. FLEMING: Wai.

21 MR. CUNNINGHAM: That's fine, no, no,
22 they can speak.

23 MR. FLEMING: Wai.

24 MR. CUNNINGHAM: The applicant can

1 November 20, 2025

2 speak.

3 MR. FLEMING: At the next hearing, we
4 can, if we want to reopen --

5 MS. PATINO: Let me --

6 MR. FLEMING: -- the public hearing --

7 MS. PATINO: -- can I ask a question?

8 MR. FLEMING: -- we can address that.

9 I'm sorry, yes, ma'am.

10 MS. PATINO: You mentioned it before,
11 you know, and I will want to clarify this. If the
12 gentleman, Christopher, Thomas, and Frank, you
13 guys are still going to be a no, I don't want to
14 waste my time in terms of going to engineering,
15 paying, laying out money, wasting my money.

16 MR. FRANCO: So --

17 MR. FLEMING: I understand that. And
18 that was the reason why I directed that specific
19 question --

20 MS. PATINO: And so, yeah, right. For
21 that reason, then if it's going to be a no today
22 or in 30 days, it's still going to be a no. And
23 that way I don't have to waste my money.

24 MR. FLEMING: I agree.

1 November 20, 2025

2 MR. CUNNINGHAM: Okay. So I, I now re-
3 recommend you vote on deny or refer back. Because
4 it's the applicant's request now.

5 MS. PATINO: Yeah, if you guys are going
6 to -- going to continue having a no, and a no and
7 a no, and a no, how is that going to change in 30
8 days?

9 MR. CUNNINGHAM: So --

10 MS. PATINO: Is that going to make a
11 difference in 30 days? Because, you know, the
12 four no's are not concerned much about the
13 wetland, more about the curb. So the curb is not
14 going to change.

15 MS. PICCOLO HILL: Well, the point was
16 actually concerned about the --

17 MR. FRANCO: I guess what I was saying
18 is from an aesthetics standpoint, I feel better
19 about the gravel as opposed to the blacktop. So
20 if the wetland review came back okay, I would
21 lean more towards a yes. But I don't know if all
22 that would come together or not.

23 MS. PATINO: But at the same time, I'm
24 again going back to having nos and having to

1 November 20, 2025

2 spend money.

3 MR. CUNNINGHAM: So, Ms. Patino, just to
4 summarize too, because like you're saying, I
5 don't want to waste any more time here. I think
6 you're not going to know for sure whether they're
7 going to change their mind. So if your position
8 is, I definitely don't want to -- if I don't know
9 that I'm going to get to yes, I don't want to
10 waste any more money, then you might as well have
11 a vote tonight. But if you really want to, if you
12 want to speak with the engineering department, I
13 think, I think we're close to a, I think we're
14 close to a vote, I'm referring this back until
15 you said, until you wanted to ask one more
16 question. So it's up to you.

17 MS. PATINO: Okay. Let's, let's adjourn,
18 if that's --

19 MR. CUNNINGHAM: Okay. That's --

20 MS. PATINO: -- if we could do that for
21 30 days, and --

22 MR. CUNNINGHAM: Okay. Right.

23 MS. PATINO: -- I will do what I can in
24 regards to getting the answers from wetland

1 November 20, 2025

2 without having to put, layout so much money out
3 of pocket and come back with that and see if that
4 makes a difference.

5 MR. CUNNINGHAM: So you can see the
6 list, and then at any point too, you can just say
7 I'm withdrawing my application or whatever else
8 you want to do on it. So you don't, you don't
9 have to go forward or make a full commitment to
10 do everything the engineering department is
11 asking at this time. You could just see their
12 list and then you can make a determination.

13 MS. PICCOLO HILL: Can I --

14 MR. FLEMING: And that's true. You can
15 withdraw your application, if after you look at
16 the list, you think it's something you just don't
17 want to pursue. You mentioned earlier what you
18 could do without a permit. If you decide you just
19 want to withdraw your application for a permit,
20 act however you think you're legally allowed to
21 act and do so, you're certainly free to do that.
22 Us basically giving you another 30 days
23 essentially to make that decision, you know,
24 gives you that option. If you want us to vote

1 November 20, 2025

2 right now though, I will be happy to comply with
3 your request to give you a vote right now if
4 that's what you want.

5 MS. PATINO: Again, my request is just
6 not have to lay out money without the need of, if
7 it's still going to be a no next month. If anyone
8 that votes no that's going to change their mind
9 for next month, then that makes sense for me to
10 be able to try to get what you guys are looking
11 for.

12 MS. PICCOLO HILL: Can I --

13 MR. CUNNINGHAM: So I think you did hear
14 from one member, Frank Franco, who he's not sure
15 if his mind will change but he'd like to hear
16 more about the gravel option.

17 MS. PATINO: Mm-hmm.

18 MR. CUNNINGHAM: And I don't --

19 MR. FLEMING: I think specifically
20 whether or not the gravel option impacts the
21 wetlands issues, does it increase, does it
22 decrease the concerns that may be there with
23 respect to your being so close to Wallace Pond
24 and the wetlands that surround it.

1 November 20, 2025

2 MS. PICCOLO HILL: Can he do, so if his
3 -- and I don't want to speak for you, so, but I'm
4 just trying to understand because it's been going
5 around like this. So if his concern is the
6 asphalt and he's okay if it's gravel, can he do a
7 conditional yes, based on the gravel?

8 MR. CUNNINGHAM: Tonight?

9 MS. PICCOLO HILL: Yeah.

10 MR. FLEMING: I mean yes we could --

11 MR. CUNNINGHAM: I, I think we need some
12 clarity about what the [unintelligible]
13 [01:47:04] is, yeah, yeah.

14 MR. FLEMING: I'm not sure he's --

15 MR. CHIN: Can I --

16 MR. FLEMING: I don't know the answer to
17 this question because I'm not an environmental
18 expert. I don't really know. I mean Wai has given
19 his opinion on it.

20 MS. PICCOLO HILL: Yeah.

21 MR. FLEMING: I'd like to hear from the
22 town's professionals.

23 MS. PICCOLO HILL: Yeah, yeah.

24 MR. CHIN: Can I say one quick thing?

1 November 20, 2025

2 MR. FLEMING: Let me finish what I'm
3 saying.

4 MR. CHIN: Okay.

5 MR. FLEMING: Whether or not gravel or
6 asphalt actually helps satisfy his concerns for
7 the wetland or not.

8 MS. PICCOLO HILL: Right.

9 MR. FLEMING: I don't know the answer to
10 that question.

11 MS. PICCOLO HILL: Okay.

12 MR. FLEMING: I certainly am not the one
13 to answer it. But we do have experts --

14 MS. PICCOLO HILL: No, but the asphalt,
15 I think the gravel is just an aesthetic issue.
16 And he had a separate issue of the wetlands.

17 MR. FLEMING: Right. But if that
18 aesthetic issue --

19 MS. PICCOLO HILL: But isn't the
20 wetlands something that has to be done
21 regardless?

22 MR. WALSH: Right.

23 MR. FLEMING: It would.

24 MS. PICCOLO HILL: Even if it's

1 November 20, 2025

2 approved, it has to go through those steps
3 anyway.

4 MR. FLEMING: It would. But if his
5 request for an aesthetic approval --

6 MS. PICCOLO HILL: And they say oh, it
7 can only be done if it's asphalt.

8 MR. FLEMING: -- we couldn't do that
9 anyway.

10 MS. PICCOLO HILL: And then he says no,
11 okay. Yeah.

12 MR. FLEMING: Like, you know, it's a
13 piece of information he should have.

14 MS. PICCOLO HILL: Right, okay.

15 MR. CHIN: Can I say something quickly?
16 Right now, it's a dirt kind of mixture of
17 whatever. It's not a paved driveway.

18 MS. PICCOLO HILL: Yes.

19 MR. CHIN: All right. So like you want
20 to Michelle, if they pave the front, that area
21 where the RV was --

22 MS. PICCOLO HILL: Yeah.

23 MR. CHIN: -- and then gravel it from
24 there, sloping it down to the curb, that may be

1 November 20, 2025
2 okay, because right now, it's impervious right
3 now, okay. So gravel over there will make it
4 stronger, but I don't think it will, after
5 thinking about it, I don't think water or
6 anything will go down into the pond from there,
7 because I think the pond is further away and is
8 down and water, everything is sloping towards the
9 street from what I see on the photos.

10 MS. PICCOLO HILL: Yeah, I was just
11 trying to solve her concern that parking the RV,
12 while simultaneously not impacting the wetlands
13 and trying to deal with some of the other five
14 factors.

15 MR. WALSH: Well, they can park the RV
16 as of right in the back yard and the boat in the
17 back --

18 MR. CHIN: Yeah.

19 MR. WALSH: As of right.

20 MS. PICCOLO HILL: Yeah.

21 MR. WALSH: So they don't even need a
22 variance for that.

23 MS. PICCOLO HILL: Right.

24 MR. WALSH: They can park it as is in

1 November 20, 2025

2 the back yard.

3 MR. CHIN: Yeah.

4 MR. WALSH: So, the issue is the
5 driveway and the curb cut. Not where the parking
6 is.

7 MS. PICCOLO HILL: Okay.

8 MR. WALSH: As long as the RV is in the
9 back, go for it. That's what I do. And no one can
10 say anything about it.

11 MR. CHIN: You know what I mean, but you
12 know.

13 MR. WALSH: So it's, it's the curb cut
14 that is the issue.

15 MS. PICCOLO HILL: Right. Okay.

16 MR. CHIN: And also see what engineering
17 says also. They need to know where any of the
18 retaining walls and this and that and everything
19 else. You know. I mean even though you parked
20 back there, you have to put a, like you say, you
21 have to put a concrete curb or some kind of
22 paving that is absolutely flat without any
23 pitching so the RV.

24 MR. WALSH: RVs have self-levelers, so I

1 November 20, 2025

2 deal with that all the time. So it doesn't have
3 completely level. There is ways to level the RV,
4 so. There are ways to level the RV, it doesn't
5 have to be perfectly flat.

6 MS. PATINO: So, just so I get a clear
7 idea and clarification, what's the issue with the
8 curb cut?

9 MR. CUNNINGHAM: The code says you can
10 only have one, if that's --

11 MR. CHIN: The code, yeah.

12 MR. BELOFF: Why is that in the code
13 though? Isn't there a reason for the purpose of
14 having a single curb cut on one residential home?
15 Isn't there a purpose for that?

16 MS. PATINO: And that's what I'm here
17 for. I'm here to ask a variance to have two, and
18 that's what the variance is for, so what the
19 issue is about having the second curb cut if I'm
20 asking for a variance for that?

21 MR. FLEMING: So I think the historical
22 reasons are safety and just, just aesthetics, you
23 know, having houses that have multiple driveways
24 on them is, is not pleasing. Also the fact that

1 November 20, 2025

2 there are multiple locations for cars to ingress
3 and egress is a safety concern for pedestrians
4 and other drivers coming up and down roads,
5 knowing that there's a driveway, where that
6 driveway is, and depending on that's the safest
7 place for people to come in and out, those are
8 the reasons for those types of rules.

9 Again, when you want to deviate from
10 that, you ask for a variance, and we have to
11 consider five factors, you know, which we've been
12 talking about a little bit on and off here. The
13 one that seems to be the most concern is the
14 impact it will have on the neighborhood and
15 that's what we have to consider in making a yes
16 or a no vote on that issue.

17 But you're right. The issue before us is
18 whether or not you could have, we call it a curb
19 cut, but it's a, you know, common language, it's
20 a driveway. I mean it's another means of ingress
21 and egress onto your property. That's the
22 variance you've asked for. And you've heard --

23 MS. PATINO: Which that one is the
24 safest one than the one on the driveway because

1 November 20, 2025

2 that's right on the curve. The other one is not
3 even on the curve. I'm trying to understand what
4 the no's are for. Is it no's for just not having
5 a second driveway, when that one is literally not
6 even on the curve. My original driveway, it's on
7 the curve. When I get out, that one is on the
8 curve.

9 MR. FLEMING: I'm sorry. I don't
10 understand what you mean by that.

11 MS. PATINO: If you're saying for the
12 pedestrians or for the traffic or anything like
13 that, if it was an issue for me getting in and
14 out, the first driveway could be an issue because
15 people come from up the hill really fast, and it
16 could be an impact for anyone. The second
17 driveway, it's, right, farther down. It's not
18 even where --

19 MR. BELOFF: You're saying it's in a
20 safer location?

21 MS. PATINO: Correct.

22 MR. BELOFF: I agree. I agree with that.

23 MS. PATINO: And that's why I'm trying
24 to understand like where, where is the no's

1 November 20, 2025

2 coming from, from having a second curb cut, if
3 it's not harming anyone? Like how is it harming
4 someone?

5 MR. FLEMING: Well, the standard again,
6 this is it. We talked about those five factors.
7 Whether or not it harms a person is not one of
8 those five factors. The factors we have to
9 consider again, you know, one of them is whether
10 or not we think it has a negative or an adverse
11 impact on the neighborhood. I'll be honest with
12 you.

13 MS. PATINO: How does it, how does it
14 have a negative impact on the neighborhood, if
15 other, other houses have two curb cuts.

16 MR. FLEMING: That doesn't mean other
17 houses aren't having a negative impact on the
18 neighborhood. You're the house before us.

19 MR. FRANCO: It could be illegal too. We
20 don't know if they've gone through variances.
21 Most of the time, people do them without getting
22 permits, so just because somebody else has it
23 doesn't mean it's legal.

24 MS. PATINO: Right.

1 November 20, 2025

2 MR. FLEMING: We also can't opine on
3 whether or not that house over there has an
4 adverse impact on the neighborhood. You're the
5 one before us. Um --

6 MS. PATINO: Right, right, right. And
7 that's what I'm asking for my house. Like how is
8 it giving a negative impact in a neighborhood
9 based what you're telling me. How does my second
10 driveway give a negative impact to the
11 neighborhood?

12 MR. FLEMING: I think a lot of the
13 discussion has had --

14 MR. CHIN: You're doing the right thing
15 by going for, asking for a variance for it.

16 MR. FLEMING: I would agree with that.

17 MR. CHIN: Some people are not. They
18 just do it. You know what I mean? That's what
19 happens.

20 MR. FLEMING: I would agree with that.

21 MS. PATINO: And that's what I'm trying
22 to understand, like how does it affect the
23 neighborhood and the appeal and why is it a no?

24 MR. CHIN: Well, it's not really a no.

1 November 20, 2025

2 MS. PATINO: Like why I can't have a
3 second -- like why is it a no? I'm trying to
4 understand. I understand her point, you know, the
5 wetlands. You know, I understand we want to see
6 if we could do a driveway or a paved, or, you
7 know, but then I get other no's. Why? Like a
8 valid reason of why no?

9 MR. BELOFF: I think what you're asking
10 actually is why, why is it in the code to begin
11 with? Why is it in the code that there's only
12 allowed one single cut? Why doesn't the code
13 allow two cuts, why not three?

14 MS. PATINO: So why do they, why do they
15 give you an option --

16 MR. BELOFF: Is that what you're asking,
17 why is it part of the code?

18 MS. PATINO: Why do they give you an
19 actual option to go through in front of the board
20 and ask for a variance? There shouldn't be an
21 option.

22 MR. CUNNINGHAM: Oh, no, that's under
23 state law. You can, anyone can ask for a variance
24 from anything.

1 November 20, 2025

2 MS. PATINO: And again, I'm just trying
3 to understand the reason as of the no's, which is
4 fine. You know, I take the no. I'm just trying to
5 understand like what is the reason? Wetlands,
6 yes, okay, I understand. An impact on a negative
7 on the neighborhood, how is that a negative on
8 the neighborhood?

9 MR. FLEMING: And it sounds like you
10 just disagree with the fact that a second
11 driveway is a negative impact. And that's fine.
12 You're entitled to that opinion. But someone is
13 entitled to have the opposite opinion. Having a
14 second driveway, another opportunity to park
15 multiple vehicles in front of your house, there
16 are a lot of people, honestly me included, that
17 think that in and of itself is a negative impact
18 on the neighborhood.

19 MS. PATINO: Okay. That's what I wanted
20 to hear.

21 MR. FLEMING: Now, listening to you and
22 listening to the neighbors, like I said, I have
23 gone back and forth on this probably seven or
24 eight times tonight. I have leaned to yes, and I

1 November 20, 2025

2 have leaned to no. It's a difficult decision for
3 me to make and I think what I'm trying to say is
4 there is a reason for a no, and the reason is
5 that it is an adverse impact on the neighborhood.
6 Having somebody have the opportunity to park many
7 different cars and having someone have multiple
8 opportunities to ingress and egress their
9 property, to me, is a negative. I don't view that
10 as a positive.

11 MS. PATINO: Okay.

12 MR. FLEMING: I view that as something
13 that I don't like.

14 MS. PATINO: And that's what I wanted to
15 understand.

16 MR. FLEMING: Okay. I hope --

17 MS. PATINO: Coming from you.

18 MR. FLEMING: I hope you understand what
19 I said. Okay.

20 MS. PATINO: Right, again, that's what I
21 wanted to know, like what, that's your negative
22 impact. Okay. That's what I was looking for,
23 because I, you know, I wasn't understanding
24 exactly the reason why the no. I know they voted

1 November 20, 2025

2 no, but, you know --

3 MR. CUNNINGHAM: So Ms. Patino, no one
4 actually voted yet.

5 MR. FLEMING: No one has voted.

6 MS. PATINO: No, not voted, but --

7 MR. FLEMING: So do --

8 MS. PATINO: But made his decision as a
9 no.

10 MR. CUNNINGHAM: I'll be honest. I'm
11 very confused now. Do you want another 30 days to
12 go speak with engineering, or do you want to vote
13 tonight?

14 MS. PATINO: Whatever you guys want to
15 do. I'm fine -- I am fine --

16 MR. CUNNINGHAM: No, no, no.

17 MS. PATINO: I am fine.

18 MR. CUNNINGHAM: No, we're asking what
19 your preference -- because at first, I thought
20 you wanted to go back and then --

21 MS. PATINO: That's what I'm saying. I'm
22 fine as long as I don't have to go in front, get
23 the wetlands and do everything that I have to do
24 with engineering and everything and then I come

1 November 20, 2025

2 back with all the answers and I still get four
3 no's and three yes.

4 MR. KEHOE: Well, but, no but I think
5 what --

6 MS. PATINO: It wouldn't make sense --

7 MR. KEHOE: -- I think what's going to
8 happen is you agree or want a 30-day wait until
9 the next meeting, you're going to go talk to the
10 engineering department.

11 MS. PATINO: Right.

12 MR. KEHOE: And what you hear from the
13 engineering department will help direct you with
14 what your next steps are. You won't have to spend
15 any money. You'll see their list, you'll talk to
16 your professionals and you will determine if you
17 can accomplish what they want to -- what they
18 want you to accomplish.

19 MS. PATINO: Okay.

20 MR. CHIN: I don't think that should be
21 a problem.

22 MS. PATINO: I understand. Yeah. And I'm
23 fine with that.

24 MR. FLEMING: If you're -- and I think

1 November 20, 2025

2 if you're able to do that, I know there's at
3 least one board member here who probably will
4 flip towards the yes side. So, you know, I can't
5 promise you that though, but that's what it
6 sounds like.

7 MS. PATINO: No, no, no, like I said,
8 like Chris said, it's fine. I'll, I'm fine with
9 that.

10 MR. FLEMING: Okay. So then I think --

11 MR. CUNNINGHAM: So you need a motion to
12 refer back to staff.

13 MR. FLEMING: Okay. So --

14 MR. BELOFF: Motion to refer back to --

15 MR. FLEMING: Staff.

16 MR. BELOFF: Staff.

17 MR. WALSH: Second.

18 MR. BELOFF: I'd like to make a motion
19 to refer back to staff.

20 MR. MARTINEZ: I second it.

21 MR. FLEMING: All in favor?

22 MULTIPLE: Aye.

23 MR. FLEMING: Any opposed? All right. So
24 this has been referred back to staff. You'll have

1 November 20, 2025

2 an opportunity to speak with the engineering
3 department. And we will then put this on the
4 hearing for next month.

5 MS. PATINO: December 20th?

6 MR. CUNNINGHAM: It's not a public
7 hearing. You'll be able to come give your, but
8 it's --

9 MR. CHIN: Not a public -- it's not a
10 public hearing.

11 MR. CUNNINGHAM: The people from the
12 public are not --

13 MS. PATINO: If I'm not able to make it
14 next month, is that a problem?

15 MR. FLEMING: We could push it until
16 January, I don't know if that matters to you.

17 MS. PATINO: Yes, because I'm actually
18 again out of the country next month.

19 MR. FLEMING: That's okay. We can push
20 this to January.

21 MR. KEHOE: I understand that, but I
22 have been receiving calls from the residents with
23 displeasure that the issues that they have are
24 never resolved and next thing you know it'll be

1 November 20, 2025

2 nine months, you know. So that's your prerogative
3 to adjourn until January.

4 MR. FLEMING: Yeah, while I understand
5 that, the applicant has been very cooperative and
6 she is out of the country next month, I have no
7 problem extending this until January and if the
8 residents are upset, we certainly have spent the
9 last hour addressing the residents' concerns. So
10 we're clearly concerned with them and addressing
11 them.

12 MR. CUNNINGHAM: And so do you know for
13 a fact you're not going to be here for the
14 December meeting?

15 MS. PATINO: Yes, I'm actually, I'm
16 flying out on the 19th.

17 MR. CUNNINGHAM: This will be back on
18 the January agenda.

19 MR. FLEMING: So we'll have this on the
20 January --

21 MS. PATINO: January 20th.

22 MR. CHIN: December 18th is very close
23 to Christmas and other holidays and I think that
24 will be the best thing to adjourn it to January.

1 November 20, 2025

2 We don't know what the January date is yet.

3 MR. KEHOE: Most likely, it'll be the
4 15th of January.

5 MS. PATINO: Okay.

6 MR. FLEMING: At the next meeting, we're
7 going to approve our January through December of
8 next year calendar, so, but --

9 MR. CHIN: And we haven't seen that yet.

10 MS. PATINO: Starting tomorrow, I'll
11 inquire about the list and see if it's something
12 that can be fulfilled and what we could do and we
13 will see each other in January.

14 MR. FLEMING: Okay. Thank you, ma'am,
15 very much.

16 MS. PATINO: Thank you.

17 MR. FLEMING: I need a motion to adjourn
18 our hearing.

19 MR. CHIN: Are we going to adjourn
20 voting, to --

21 MR. FLEMING: No, we've already done
22 that.

23 MR. BELOFF: No, close the meeting.

24 MR. FLEMING: We referred it back to

1 November 20, 2025

2 staff.

3 MR. CHIN: So we're adjourning until
4 January.

5 MR. FLEMING: No, we don't have to
6 adjourn this to January. It's back to staff. It's
7 pending. So if we get it on, we're not going to
8 put it on December, we're going to put it on
9 January.

10 MR. CHIN: January, that's what I said.

11 MR. FLEMING: But we don't need a motion
12 for that.

13 MR. CHIN: Oh, okay.

14 MR. FLEMING: We just needed a motion to
15 close tonight's hearing.

16 MR. KEHOE: Yeah, to close the meeting.

17 MR. CHIN: Oh, to close the meeting? So
18 moved.

19 MR. FLEMING: Seconded?

20 MR. FRANCO: Second.

21 MR. FLEMING: All in favor?

22 MULTIPLE: Aye.

23 MR. FLEMING: Meeting is closed, thank
24 you.

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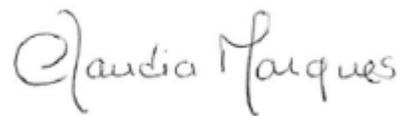
November 20, 2025

(The public board meeting concluded at
9:00 p.m.)

CERTIFICATE OF ACCURACY

I, Claudia Marques, certify that the foregoing transcript of the Zoning Board meeting of the Town of Cortlandt on November 20, 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: December 8, 2025

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