

JOHN MAXWELL
Chairman

PHILIP AGLIETTI
Vice-Chair

TOWN OF CARMEL
ZONING BOARD OF APPEALS



60 McAlpin Avenue
Mahopac, New York 10541
Tel. (845) 628-1500 – Ext 190
www.ci.carmel.ny.us

MICHAEL
CARNAZZA
Director of Code
Enforcement

BOARD MEMBERS

ROSE FABIANO
SILVIO BALZANO
WILLIAM ROSSITER
MARC DITOMASO
MICHAEL SCHWARZ

LEGAL NOTICE

By the Zoning Board of Appeals of the Town of Carmel pursuant to Section 267 Town Law, notice is hereby given that a hearing will be held on:

NOVEMBER 17, 2016 – 7:30 P.M.

To hear the following applications:

HELDOVER APPLICATIONS

1. Application of **Rosalind D'Amore** for a Variation of Section 156-15, seeking permission to retain shed. The property is located at 2 McMillan Ave, Mahopac NY 10541 and is known by Tax Map # 87.6-1-57.

Code Requires	Provided	Variance Required
10' Rear	2'	8'

2. Application of **NL & M Holding Corp (Mazzola)** for a Variation of Section 156-15 and a Use Variance, seeking permission to complete second floor and add four apartments. The property is located at 936-942 South Lake Blvd, Mahopac NY 10541 and is known by Tax Map #75.44-1-47.

Code Requires	Provided	Variance Required
Mixed use–Not Permitted	Retail & Apartments	Use Variance
Front yard north – 40 ft	35.57 ft	4.43 ft
Front yard south – 40 ft	23.4 ft	16.6 ft
Side yard west – 25 ft	0.7 ft	24.3 ft
Parking – 30 P.S.	5 P.S.	31 P.S.
Parking – 10 ft x 20 ft	9 ft x 20 ft	1 ft width
ADA Parking	0 P.S.	1 P.S.
Side yard east – 25 ft	0.2 ft	24.8 ft

NEW APPLICATIONS

3. Application of **Tina & James Millicker** for a Variation of Section 156-15, seeking permission to renew previously approved Decision & Order from 2008. The property is located at 8 Brook Street, Mahopac, NY 10541 and is known by Tax Map #64.7-1-19.
4. Application of **NY Dealer Stations LLC** for a Variation of Section 156-15 & 156-41C(9), seeking permission to remove all existing improvements and construct a new filling station and convenience store at the property. The property is located at 1923 Route 6, Carmel, NY 10512 and is known by Tax Map #55.11-1-40.

Code Requires	Provided	Variance Required
Canopy 40'	19' Stoneleigh Ave	21'
40'	24' Route 6	16'
Freestanding Sign 32 s.f.	124.2 s.f.	92.2 s.f.
12' high	19.2'	7.2'
Min. Floor Area 5,000 s.f.	1,824 s.f.	3,176 s.f.

5. Application of **Baldwin Hills Realty, LLC.** for a Variation of Section 156-15, seeking permission to create a lot which does not meet the minimum required lot size or the minimum required lot width; and to create a lot which does not meet the minimum required lot size or the minimum required lot depth. The property is located at 150 Route 6, Mahopac, NY and is known by Tax Map #86.11-1-1.

Code Requires	Provided	Variance Required
Lot 1: 3 acre min lot area	2.05 acres	0.95 acre
Lot 1: 200 ft min lot depth	151 feet	49 feet
Lot 2: 3 acre min lot area	1.00 acre	2 acres
Lot 2: 200 ft min lot width	145 feet	55 feet

MISCELLANEOUS

6. Minutes – 09/22/16

By Order of the Chairman,

John Maxwell



ZONING BOARD OF APPEALS
TOWN OF CARMEL
PUTNAM COUNTY

Town Hall, Town of Carmel
60 McAlpin Ave.
Mahopac, N.Y. 10541
(845)628-1500

IN THE MATTER OF THE APPEAL
OF
D'Amore
TO THE ZONING BOARD OF APPEALS
OF THE TOWN OF CARMEL

Application Date: 9/30, 20 16

Application For: (circle applicable): Area Variance (156-15) Use Variance Interpretation 280A
Name of Property Owner: Rosalind D'Amore Address: 2 McMillan Ave Mahopac
(Address) (City) (State)
Mailing Address: Jane Phone Number(s): 845-628-1500
(Address) (City) (State)
Zoning District: R-120 Tax Map: 87.6 - 1 - 57
(R-120, Commercial, C/BP, or Conservation) (Section) (Block) (Lot)
Applicant is: (circle one) Owner (Lessee) (Contract Vendee) [Attach deed, contract of sale or lease agreement]
E-Mail Address: _____

Previous Appeals regarding the subject premises

DATE	REQUEST	RESULTS
<u>5/83</u>	<u>Variance for Sunroom</u>	<u>granted</u>

List all improvements (1 family dwelling, pool, etc.) 1 family dwelg, GPR + 2 sheds

The owner shall submit with this application supporting materials including plans, elevations, landscaping diagrams, traffic circulation diagrams, neighborhood land use maps, property survey, photographs of property and any other materials that will assist the Board to understand the request. List attachments here: Survey + Photos

Is any portion of the property within 500 ft. of any state or county highway, town boundary, parkway or public lands? YES NO
Explain: NO

I, the applicant, am seeking permission to: Retain 1 shed

CODE REQUIRES	PROVIDED	VARIANCE REQUIRED
<u>10' Rear</u>	<u>2</u>	<u>8'</u>

State of New York)
 ss:
County of Putnam)
The undersigned petitioner, being duly sworn, deposes and says that (he) (she) has read the foregoing petition and knows the content thereof, and that the same is true to (his) (her) knowledge except as to the matters therein stated to be on information and belief, and as to those matters (he) (she) believes to be true.

Sworn to before me this 30th day of Sept 20 16
Alice Daly
Notary Public

ALICE DALY
Notary Public, State of New York
No. 01DA6345218
Qualified in Putnam County
Commission Expires July 25, 2020

Petitioner: Rosalind D'Amore Date 9/30/2016



ZONING BOARD OF APPEALS
TOWN OF CARMEL
PUTNAM COUNTY

Town Hall, Town of Carmel
60 McAlpin Ave.
Malapac, N.Y. 10541
(845)628-1500

IN THE MATTER OF THE APPEAL
OF
NL & M Holding Corp
TO THE ZONING BOARD OF APPEALS
OF THE TOWN OF CARMEL

Application Date: 10/11, 2016

Application For: (circle applicable): Area Variance (156-15) Use Variance Interpretation 280A
Name of Property Owner: Michael Mazzola Address: 278 Route 202 Somers, NY 10589
Mailing Address: Same Phone Number(s):
Zoning District: C Tax Map: 75.44 - 1 - 47
Applicant is: (circle one) (Owner) (Lessee) (Contract Vendee) [Attach deed, contract of sale or lease agreement]
E-Mail Address:

Previous Appeals regarding the subject premises

DATE	REQUEST	RESULTS
1/27/2011	Add apartments on second floor	Dismissed without Prejudice
2/24/2011	Add Gable Roof	Granted

List all improvements (1 family dwelling, pool, etc.) 2 story Bldg. - 1st floor retail, 2nd floor apartments
The owner shall submit with this application supporting materials including plans, elevations, landscaping diagrams, traffic circulation diagrams, neighborhood land use maps, property survey, photographs of property and any other materials that will assist the Board to understand the request. List attachments here: Site Plan, Floor Plans & Elevation

Is any portion of the property within 500 ft. of any state or county highway, town boundary, parkway or public lands? YES/NO
Explain: Yes- Route 6 & Route 6N

I, the applicant, am seeking permission to: Complete second floor & add 4 apartments

CODE REQUIRES	PROVIDED	VARIANCE REQUIRED
Mixed use-Not Permitted	Retail & Apartments	Use Variance
Front yard north - 40ft	35.57ft	4.43ft
Front yard south - 40ft	23.4ft	16.6ft
Side yard west - 25 ft	0.7ft	24.3 ft
Parking - 30 PS	5 ps	31 ps
Parking - 10ft x 20 ft	9ft x 20ft	1ft width
ADA Parking 1 ps	0 ps	1 ps

Side yard east 25ft 0.2 24.8ft
State of New York)
County of Putnam)

The undersigned petitioner, being duly sworn, deposes and says that (he) (she) has read the foregoing petition and knows the content thereof, and that the same is true to (his) (her) knowledge except as to the matters therein stated to be on information and belief, and as to those matters (he) (she) believes to be true.

Sworn to before me this 11th day of October 2016

Tina M. Zubradt
Notary Public

TINA M. ZUBRADT
Notary Public, State of New York
No. 01ZU6103694
Qualified in Dutchess County
Commission Expires January 5, 2008

Petitioner *Michael J. Pizzol* Date 10/11/16



ZONING BOARD OF APPEALS
TOWN OF CARMEL
PUTNAM COUNTY

Town Hall, Town of Carmel
60 McAlpin Ave.
Mahopac, N.Y. 10541
(845)628-1500

IN THE MATTER OF THE APPEAL
OF

Millicker

TO THE ZONING BOARD OF APPEALS
OF THE TOWN OF CARMEL

Application Date: 11/3, 20 16

Application For: (circle applicable): Area Variance 156-15 Use Variance Interpretation 280A
CODE SECTION

Name of Property Owner: Traci Jim Millicker Address: 8 Brook St Mahopac NY
(Address) (City) (State)

Mailing Address: 8 Brook St. Mahopac NY Phone Number(s): 845-221-1100
(Address) (City) (State)

Zoning District: R-120 Tax Map: 64.7 - 1 - 14
(R-120, Commercial, C/BP, or Conservation) (section) (Block) (Lot)

Applicant is: (circle one) (Owner) (Lessee) (Contract Vendee) [Attach deed, contract of sale or lease agreement]

E-Mail Address: _____

Previous Appeals regarding the subject premises

DATE	REQUEST	RESULTS
<u>2008</u>	<u>Construct Addition + Garage</u>	<u>Approved</u>

List all improvements (1 family dwelling, pool, etc.) Single Family Home, Shed

The owner shall submit with this application supporting materials including plans, elevations, landscaping diagrams, traffic circulation diagrams, neighborhood land use maps, property survey, photographs of property and any other materials that will assist the Board to understand the request. List attachments here: Survey, Plans + expired D+O

Is any portion of the property within 500 ft. of any state or county highway, town boundary, parkway or public lands? YES/NO (NO)
Explain: _____

I, the applicant, am seeking permission to: renew previously approved decision and order from 2008.

CODE REQUIRES	PROVIDED	VARIANCE REQUIRED

State of New York)
 ss:
County of Putnam)
The undersigned petitioner, being duly sworn, deposes and says that (he) (she) has read the foregoing petition and knows the content thereof, and that the same is true to (his) (her) knowledge except as to the matters therein stated to be on information and belief, and as to those matters (he) (she) believes to be true.

Sworn to before me this 3rd day of Nov. 20 16
[Signature]
Notary Public

PHYLLIS HUNT BOURGES
Notary Public, State of New York
No. 01BO4798459
Qualified in Putnam County
Certificate Filed in New York County
Commission Expires July 31, 2017

Petitioner [Signature] Date 11-3-16

DECISION AND ORDER

NAME OF PETITIONER: JAMES C. MILLICKER
ADDRESS: 8 BROOK STREET, MAHOPAC, NY 10541
PROPERTY ADDRESS: SAME
TAX MAP NUMBER: 64.7-1-19
NATURE OF PETITION VARIATION OF SECTION 156.15
PRESENT AT THE MEETING: CHAIRMAN, MARK FRASER, RICHARD FAVICCHIA,
JAMES FERRICK, LORRAINE MARIANI, JOHN
LUPINACCI.

THE ABOVE REFERRED TO PETITION, HAVING BEEN DULY ADVERTISED FOR A PUBLIC HEARING IN THE PUTNAM COURIER TRADER, THE OFFICIAL PAPER OF THE TOWN OF CARMEL, IN THE ISSUE PUBLISHED ON JUNE 19, 2008 AND THE PRESS, THE OTHER OFFICIAL PAPER OF THE TOWN OF CARMEL IN THE ISSUE PUBLISHED ON JUNE 18, 2008, THE MATTER HAVING DULY COME ON TO BE HEARD BEFORE A DULY CONVENED MEETING OF THE BOARD AT THE TOWN HALL, MAHOPAC, NEW YORK ON JUNE 26, 2008 AND ALL THE FACTS AND EVIDENCE PRODUCED BY THE PETITIONER, BY THE ADMINISTRATIVE OFFICIAL CONCERNED, AND BY INTERESTED PARTIES HAVING BEEN DULY HEARD, RECEIVED AND CONSIDERED, AND DUE DELIBERATION HAVING BEEN HAD, THE FOLLOWING DECISION IS HEREBY MADE:

FINDING OF FACT

APPLICATION CONCERNS A SINGLE FAMILY COLONIAL STYLE RESIDENCE BUILT IN 1998 CONTAINING 1445 SQ. FT. AND SITUATED ON A PARCEL OF LAND 45 FEET BY 100 FEET.

APPLICANT SEEKS PERMISSION TO CONSTRUCT A 22 FOOT BY 16 FOOT ONE CAR GARAGE AND 22 FOOT BY 4 FOOT PORCH WHICH WILL ATTACH TO THE EXISTING HOUSE. APPLICANT SAID HE NEEDS THIS EXTRA ROOM AS HIS HOUSE HAS NO BASEMENT AND HIS SHED IS STUFFED.

THERE WAS NO PUBLIC OPPOSITION TO GRANTING THE VARIANCE.

PURCHASE OF ADDITIONAL PROPERTY IS NOT AN OPTION.

CONCLUSION

MEMBERS OF THE BOARD ARE FAMILIAR WITH THE SUBJECT PREMISES AND THE CONDITIONS IN THE IMMEDIATE NEIGHBORHOOD. THE BOARD HAS TAKEN INTO CONSIDERATION THE BENEFIT TO THE APPLICANT IF THE VARIANCE IS GRANTED AS WEIGHED AGAINST THE DETRIMENT TO THE HEALTH, SAFETY AND WELFARE OF THE NEIGHBORHOOD AND COMMUNITY.

THE BOARD ALSO CONSIDERED THOSE CRITERIA FOR A VARIANCE AS SET FORTH AT TOWN LAW SECTION 267-b(3)(b) AND DETERMINED THAT:

1) AN UNDESIRABLE CHANGE WILL NOT BE PRODUCED IN THE CHARACTER OF THE NEIGHBORHOOD AND A SIGNIFICANT DETRIMENT WILL NOT RESULT TO NEARBY PROPERTIES IF THE VARIANCE IS GRANTED.

2) THE BENEFIT SOUGHT BY THE APPLICANT CANNOT BE ACHIEVED BY OTHER METHODS.

3) THE VARIANCE, IF GRANTED, WILL NOT HAVE AN ADVERSE EFFECT OR IMPACT ON THE PHYSICAL AND ENVIRONMENTAL CONDITIONS IN THE NEIGHBORHOOD.

4) THE VARIANCE REQUESTS, ALTHOUGH NUMEROUS, ARE NOT CONSIDERED SUBSTANTIAL AND NO NEIGHBORS OBJECTED TO THE GRANTING OF THE VARIANCE.

5) THE DIFFICULTY, CREATED BY THE APPLICANT, DOES NOT PRECLUDE THE GRANTING OF THE VARIANCE.

THE ACTIVITY IS A TYPE II ACTION REQUIRING NO DETERMINATIONS AS SET FORTH AT 6 N.Y.C.R.R. 617.13 (s)(8) (S.E.Q.R.)

DECISION

REQUEST FOR A SIX FOOT FRONT YARD VARIANCE FOR THE HOUSE (BROOK STREET) FROM THE 40 FOOT CODE REQUIREMENT; AN 8.4 FOOT FRONT YARD VARIANCE FOR THE HOUSE (MAURICE) FROM THE 40 FOOT CODE REQUIREMENT; A 25 FOOT FRONT YARD VARIANCE FOR THE GARAGE (MAURICE) FROM THE 40 FOOT CODE REQUIREMENT AND A 24 FOOT REAR YARD VARIANCE FROM THE 40 FOOT CODE REQUIREMENT ARE HEREBY GRANTED.

1. IF A BUILDING PERMIT IS NOT ISSUED WITHIN TWO YEARS OF THE DATE OF THIS DECISION AND ORDER, THE VARIANCE SHALL BECOME NULL AND VOID.

DATED MAHOPAC, NY
ON JULY 25, 2008

FILED IN THE OFFICE OF THE TOWN CLERK
ON *July 31*, 2008

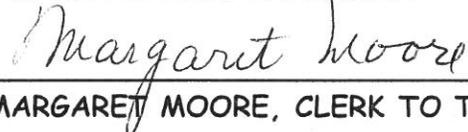
SUBMITTED TO PUTNAM COUNTY DIVISION
OF PLANNING ON JUNE 11, 2008.

APPROVED BY THE PUTNAM COUNTY DIVISION
OF PLANNING ON JUNE 19, 2008

M



MARK FRASER, CHAIRMAN



MARGARET MOORE, CLERK TO THE BOARD

LEO K. NAPIOR

DIRECT TEL.: 914-701-0800
MAIN FAX: 914-701-0808
LNAPIOR@HKPLAW.COM

November 3, 2016
VIA HAND DELIVERY

Chairman John Maxwell and
Members of the Zoning Board of Appeals
Town of Carmel
60 McAlpin Avenue
Mahopac, New York 10541

Re: **1923 US Route 6, Town of Carmel**

Dear Chairman Maxwell and Members of the Board:

We respectfully submit to you herewith an application for area variances on behalf of NY Dealer Stations LLC (the "Applicant"), and ask that this matter be placed on the Zoning Board of Appeals' agenda for November 17, 2016. For your convenience an Executive Summary is provided below.

Specifically, submitted herewith are the following:

- Exhibit 1 – Application to the Zoning Board of Appeals
- Exhibit 2 – Authorization Form
- Exhibit 3 – Directions to the Property
- Exhibit 4 – Copy of Full Environmental Assessment Form dated June 6, 2016, submitted to the Planning Board in connection with the related application for Site Plan Approval
- Exhibit 5 – Decision and Order of Zoning Board of Appeals dated November 2003
- Exhibit 6 – Photographs of the Site
- Proposed site plans prepared by Stonefield Engineering & Design, last revised October 31, 2016

Executive Summary

The Applicant is proposing to redevelop the site commonly known as 1923 US Route 6 in the Town of Carmel (the "Subject Property"). The Subject Property is currently improved with an automobile service and filling station. The Applicant is proposing to remove the majority of the existing improvements on the Subject Property and redevelop the site with a new filling station and accessory convenience store. The Subject Property is

located in the C: Commercial Zone district and the proposed use is a permitted use within the zoning district. The Applicant currently has applications pending before the Planning Board and Environmental Conservation Board in connection with this matter.

The proposed redevelopment of the Subject Property requires five (5) area variances. The necessary area variances concern the proposed canopy above the fuel pumps and the existing price sign which is proposed to remain. In addition, the proposed convenience store is smaller than the minimum required floor area, however, the convenience store structure will actually be in greater compliance with the zoning requirements than the existing structures.

The Subject Property is located on a triangular shaped lot at the intersection of Route 6 and Stoneleigh Avenue. The proposed canopy overhang will be within 24 feet of Route 6 and 19 feet of Stoneleigh Avenue, where the required setback is 40 feet. Accordingly the Applicant is requesting front yard setback variances of 16 feet from Route 6 and 21 feet from Stoneleigh Avenue. The convenience store structure as well as the pumps meet all applicable setbacks and the aforementioned area variances are solely for the canopy overhang.

The existing freestanding price sign at the Subject Property is proposed to remain but is currently nonconforming with respect to the requirements of Section 156-41-C.9 of the Town Code concerning freestanding signs. The Code permits signs up to 32 square feet of total area (16 square feet per side) with the top of the sign not to exceed 12 feet in height. The existing price sign is approximately 124 square feet (62 square feet per side) and the top of the sign is approximately 19 feet in height. The Applicant's predecessor in interest received an area variance for the freestanding sign to permit 93 square feet of total area (46.5 square feet). However, the existing freestanding sign exceeds the parameters of the prior variance granted and therefore the Applicant is requesting the variances sought herein to allow the existing freestanding sign to remain in its current configuration.

Finally, the C: Commercial Zone requires a minimum floor area of 5,000 square feet. The proposed convenience store is 1,824 square feet. The existing service station on the Subject Property is only 1,696 square feet. Accordingly, this aspect of the redevelopment of the Subject Property will actually reduce the existing nonconformity of the improvements at the site.

Consideration of the Variance

Pursuant to Town Law Section 267-b.3(b), the Zoning Board of Appeals is to consider the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. The benefit to the Applicant in granting the requested variances is obvious as due to the irregular configuration of the Subject Property (a narrow site fronting on two streets), the proposed canopy overhang cannot be constructed without the requested variances while serving its purpose of protecting customers from the elements. In addition, the existing freestanding price sign has been in existence since, at a minimum, the Applicant acquired the Subject Property in June of 2010. There will be no detriment to the health, safety and welfare of the neighborhood or community as the Applicant is proposing additional site improvements over existing conditions, such as an overall reduction in impervious surfaces, the removal of the existing automotive repair/service use and a significant increase in landscaping at the Subject Property.

In making such a determination the Board is consider the following five factors:

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance.

The proposed use is a permitted use within the C: Commercial Zone and the Subject Property is already improved with a filling and service station. The redevelopment of the site will not create an undesirable use in the character of the neighborhood as the service station use is simply being replaced with a convenience store. In addition, the proposed redevelopment of the site will provide an aesthetic benefit to the streetscape with the proposed structure being more in line with the “vision” of the architecture in the Town and the additional landscaping features over the existing improvements. Furthermore, the site is completely surrounded by other commercial uses.

B. Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area variance.

There is no alternative design not requiring area variances as the Subject Property is an irregularly configured narrow lot fronting on Route 6 and Stoneleigh Avenue. The Applicant has located the bulk of the improvements within the building envelope with the exception of the canopy overhang encroaching into the required setbacks. In addition, the proposed convenience store is less nonconforming than the existing service station and the freestanding price sign has been in place for several years.

C. Whether the requested area variance is substantial.

The requested area variances are not substantial. While the requested variances may appear substantial due to the degree of nonconformity, the Board in evaluating this factor is not to consider a straight mathematical substantiality, rather the Board is to evaluate the totality of the circumstances surrounding the application. “[M]any ... decisions do not view the issue as one of a mathematical comparison and, instead, assess the totality of the effect of granting relief and the cumulative effect of granting the requested variances”. *e.g.* McKinney’s Village Law § 7-712-b, *see* Supplemental Practice Commentaries. See also, Aydelott v. Town of Bedford Zoning Bd. of Appeals, 6/25/2003 N.Y.L.J. 21, (col. 4) (Sup. Ct. Westchester Co.) (holding that consideration of percentage deviation alone is an inadequate indicator of whether a variance is substantial, rather the totality of the relevant circumstances must be evaluated in determining whether the variance sought is, in actuality, a substantial one).

Here, the setback variances are solely for the overhang of the proposed canopy and not for any “structure” affixed to the ground in the required setback. In addition, as noted above, the convenience store will actually reduce the nonconformity of the existing structure at the site and the freestanding sign has been in place for several years.

D. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

The requested variance will have no adverse effect or impact on the physical or environmental conditions in the neighborhood. The Planning Board has declared themselves Lead Agency for the SEQRA review of the proposed project. The site is already improved as a filling and service station and the Applicant will be installing all new and modern equipment (i.e. pumps, storage tanks, fuel lines, etc.) at the site in connection with this project which will be an improvement over the existing equipment. In addition, the Applicant is proposing to reduce the amount of impervious surfaces and is also proposing stormwater discharge improvements that are not currently in place. In sum, the proposed redevelopment of the site will have a positive impact on the environmental conditions of the neighborhood.

E. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Zoning Board of Appeals, but shall not necessarily preclude the granting of the area variance.

Inherently, virtually every application for an area variance is a result of a self-created hardship except for the rare occasion when a property owner seeks relief from a zoning ordinance due to a change in the applicable zoning controls. While the alleged difficulty herein could be said to be self-created, to hold the Applicants to the strict requirements of the zoning code would make little sense in the context of the existing development of the neighborhood. The existing use of the Subject Property as a service station has become dated as more automobile owners resort to service at car dealerships and specialty service stations. The Applicant is proposing to modernize the development of the Subject Property to meet the expectations of the current motorists.

In any event, even where a zoning board finds a self created difficulty, such conclusion does not preclude the granting of the variances, but instead, simply is one factor of the balancing to be conducted by the board. Sasso v. Osgood, 86 N.Y.2d 374, 385 (1995) (holding that a self-created hardship does not preclude the granting of an area variance).

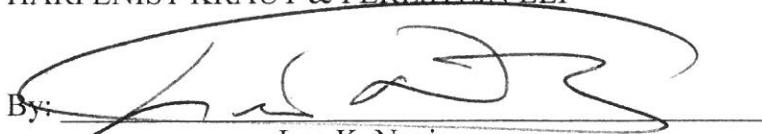
In sum, we believe that when considering all of the factors and weighing the benefit to the Applicant in granting the requested variances against the detriment to the neighborhood the scales clearly tip in favor of granting the requested variances.

We look forward to answering any questions the Board may have at the upcoming meeting.

Thank you for your attention to this matter.

Very Truly Yours,

HARFENIST KRAUT & PERLSTEIN LLP

By: 

Leo K. Napior



ZONING BOARD OF APPEALS
TOWN OF CARMEL
PUTNAM COUNTY

Town Hall, Town of Carmel
60 McAlpin Ave.
Mahopac, N.Y. 10541
(845)628-1500

MK

IN THE MATTER OF THE APPEAL
OF

NY Dealer Stations LLC
TO THE ZONING BOARD OF APPEALS
OF THE TOWN OF CARMEL

Application Date: November 3, 2016

Application For: (circle applicable): Area Variance ^{Sched of Dist. Reg. 1960-41-C-9} 1960-41-C-9 Use Variance Interpretation 280A
Name of Property Owner: NY Dealer Stations LLC Address: 1923 Route 6, Town of Carmel

Mailing Address: 235 Mamaronock Ave, White Plains, NY Phone Number(s): (914) 495-3225

Zoning District: Commercial Tax Map: 55-11-1-40

Applicant is: (circle one) (Owner) (Lessee) (Contract Vendee) [Attach deed, contract of sale or lease agreement]

E-Mail Address: LNAPIOR@HKPLAW.COM

Previous Appeals regarding the subject premises

DATE	REQUEST	RESULTS
2003	93 s.f. freestanding sign; 46.5 s.f. side	Granted

List all improvements (1 family dwelling, pool, etc.) Proposed filling station w/ 6 pump islands, canopy and convenience store
The owner shall submit with this application supporting materials including plans, elevations, landscaping diagrams, traffic circulation diagrams, neighborhood land use maps, property survey, photographs of property and any other materials that will assist the Board to understand the request. List attachments here: See attached cover letter

Is any portion of the property within 500 ft. of any state or county highway, town boundary, parkway or public lands? YES/NO
Explain: The property is adjacent to Route 6 and Stoneleigh Ave (Rock County Highway 35)
I, the applicant, am seeking permission to: See attached cover letter

CODE REQUIRES	PROVIDED	VARIANCE REQUIRED
Canopy 40'	19 Stoneleigh	21
40	24 Rt 6	16
Sign (Coco Lanna) Facing		
Freestanding Sign 32'	124.2	92.2'
12' High	19.2	7.2'
Min. Floor Area 5,000 s.f.	1,824 s.f.	3,176 s.f.

State of New York)
 ss:
County of Putnam)
The undersigned petitioner, being duly sworn, deposes and says that (he) (she) has read the foregoing petition and knows the content thereof, and that the same is true to (his) (her) knowledge except as to the matters therein stated to be on information and belief, and as to those matters (he) (she) believes to be true.
Sworn to before me this 3rd day of Nov. 20 16
Laurie C. Pelliccio
Notary Public

LAURIE C. PELLICCIO
Notary Public, State of New York
No. 01PE6144745
Qualified in Westchester County
Commission Expires May 1, 2018

Petitioner [Signature] Date 11/3/16



November 3, 2016

Town of Carmel Zoning Board of Appeals
60 McAlpin Avenue
Mahopac, New York 10541

RE: Baldwin Subdivision – Lot Line Adjustment for Lots 1 & 2
Route 6
Tax Map No. 86.11-1-1

Dear Chairman Maxwell and Members of the Board:

Please find enclosed twelve copies (unless otherwise noted) of the following plans and documents in support of an application for zoning variances for the above referenced project:

- Denied - Final Subdivision Plat, dated September 28, 2016.
- Project Narrative, dated October 24, 2016, and Supporting Figures, dated October 21, 2016.
- Application for Zoning Variances, dated November 2, 2016.
- Authorization Form, dated November 2, 2016.
- Disclosure Addendum Statement, September 27, 2016. (3 copies)
- Directions to the property.
- Deed for property. (1 copy)
- A \$200.00 check for the area variance application fee.

The proposed Lot Line Adjustment for the Baldwin Subdivision is currently under review by the Town of Carmel Planning Board. The applicant is seeking approval for a lot line adjustment for the two lot commercial subdivision of a 12.93-acre parcel along Route 6 in the CB/P zone. The proposed lot line adjustment seeks to reconfigure the commercial lots to accommodate their future improvements, while merging the remaining acreage to the parcel to the west in consideration of future development plans. Please see the enclosed Project Narrative for additional detail regarding the proposal.

At their October 26, 2016 meeting, the Planning Board voted to deny the application and refer the project to the Zoning Board of Appeals for the required area variances.

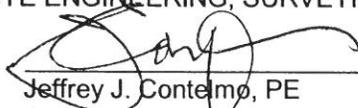
We trust the enclosed information will be found adequate for your consideration. Please place the project on the agenda for the November 17, 2016 Zoning Board of Appeals meeting for discussion with the Board.

Should you have any questions or comments regarding this information, please feel free to contact our office.

Very truly yours,

INSITE ENGINEERING, SURVEYING & LANDSCAPE ARCHITECTURE, P.C.

By:


Jeffrey J. Contelmo, PE
Senior Principal Engineer

JJC/dlm

Enclosures

cc: Fred Koelsch, w/enclosures

Insite File No. 02119.100

3 Garrett Place, Carmel, New York 10512 (845) 225-9690 Fax (845) 225-9717
www.insite-eng.com

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ZONING BOARD OF APPEALS
TOWN OF CARMEL
PUTNAM COUNTY

Town Hall, Town of Carmel
60 McAlpin Ave.
Mahopac, N.Y. 10541
(845)628-1500

IN THE MATTER OF THE APPEAL
OF

Baldwin Hills Realty, LLC

Application Date: November 3, 20 16

TO THE ZONING BOARD OF APPEALS
OF THE TOWN OF CARMEL

Application For: (circle applicable): Area Variance (156-15 / Attachment I) Use Variance Interpretation 280A

Name of Property Owner: Baldwin Hills Realty, LLC Property Address: 150 Route 6, Mahopac, NY
(Address) (City) (State)

Mailing Address: 1699 Route 6, Suite 1, Carmel, NY 10512 Phone Number(s): 845-228-1400
(Address) (City) (State)

Zoning District: C/BP Tax Map: 86.11 - 1 - 1
(R-120, Commercial, C/BP, or Conservation) (section) (Block) (Lot)

Applicant is: (circle one) (Owner) (Lessee) (Contract Vendee) [Attach deed, contract of sale or lease agreement]

E-Mail Address: crillc@comcast.net

Previous Appeals regarding the subject premises

DATE	REQUEST	RESULTS
8-27-2015	Lot 1 - 2,317 s.f. variance for minimum building floor area	variance granted

List all improvements (1 family dwelling, pool, etc.) bank site plan under construction (w/approved site plan) on Lot 1

The owner shall submit with this application supporting materials including plans, elevations, landscaping diagrams, traffic circulation diagrams, neighborhood land use maps, property survey, photographs of property and any other materials that will assist the Board to understand the request. List attachments here: Subdivision Plat; Project Narrative; (4) Four supporting figures

Is any portion of the property within 500 ft. of any state or county highway, town boundary, parkway or public lands? YES/NO
Explain: YES - located on US Rte 6, adjacent to Putnam County property to north; w/in 500 feet of Town of Somers /Westchester County boundary

I, the applicant, am seeking permission to: create a lot which does not meet the minimum required lot size or the minimum required lot width; and to create a lot which does not meet the minimum required lot size or the minimum required lot depth.

CODE REQUIRES	PROVIDED	VARIANCE REQUIRED
Lot 1: 3 acre minimum lot area	2.05 acres	0.95 acre
Lot 1: 200 ft. minimum lot depth	151 feet	49 feet
Lot 2: 3 acre minimum lot area	1.00 acre	2 acres
Lot 2: 200 ft. minimum lot width	145 feet	55 feet

State of New York)

SS:

County of Putnam)

The undersigned petitioner, being duly sworn, deposes and says that (he) (she) has read the foregoing petition and knows the content thereof, and that the same is true to (his) (her) knowledge except as to the matters therein stated to be on information and belief, and as to those matters (he) (she) believes to be true.

Sworn to before me this 2nd day of November 20 16

Alicia Hansen
Notary Public

Alicia Hansen
Notary Public, State of New York
Reg. # 01H46086470
Qualified In Dutchess County
Commission Expires January 31, 2019

Petitioner Paul Gamarda Date 11-2-16
Paul Gamarda, Baldwin Hills Realty, LLC



PROJECT NARRATIVE

For

BALDWIN SUBDIVISION LOT LINE ADJUSTMENT

US ROUTE 6

TOWN OF CARMEL

TAX MAP NOs. 86.11-1-1 and 86.6-1-4

October 24, 2016

The subject application consists of (3) existing adjacent parcels owned by Baldwin Hills Realty, LLC located on the west side of US Route 6 in the C/BP Commercial / Business Park zone, including Tax Map No. 86.6-1-4 (172.0 acres), and Tax Map No. 86.11-1-1 Baldwin Subdivision Lot 1 (9.77 acres) and Lot 2 (3.13 acres). (Refer to Figure 1 – Area Map of Existing Lots)

The applicant seeks approval for a lot line adjustment for the (3) lots to reconfigure the previously approved two lot commercial subdivision, changing Lot 1 to a 2.05 acre parcel and Lot 2 to a 1.0 acre parcel, to accommodate their future improvements, while merging the remaining acreage to the parcel to the west (totaling 181.9 acres) in consideration of future development plans. (Refer to Figure 2 – Area Map of Proposed Lots)

There are (4) elements driving the configuration of the proposed lot line adjustment, including:
(Refer to Figure 3 – Proposed Lot Line Adjustment Driver Plan)

1. Preservation, control and access to the pond and NYSDEC wetland as a future amenity for recreational purposes;
2. Potential future access to the undeveloped land to the west through the Bernad Creations, Ltd. parcel;
3. Alternative future access to the undeveloped land to the west should access not be available through the Bernad Creations, Ltd parcel;
4. The proposed easement to Putnam County for potential future access from their site to the north, through the subject property to gain access to the new signalized intersection with US Route 6.

The existing commercial lots (Lots 1 and 2 of the previously approved Baldwin Subdivision) would be reconfigured, as follows:

Lot 1 contains the approved PCSB site plan which is currently under construction. The lot would be changed to 2.05 acres and would still accommodate all improvement contemplated in the approved site plan. The proposed lot would require area variances for lot size and for lot depth. Other bulk zoning requirements could be met. (Refer to Figure 4 – PCSB Site Plan on Proposed 2 acre Lot)

Lot 2 would contain a variation of the approved Route 6 Retail Site Plan. The lot would be change to 1.0 acre and would still accommodate a version of the approved plan with a conforming building and conforming parking. The proposed lot would require area variances for lot size and for lot width. Other bulk zoning requirements could be met. (Refer to Figure 5 – Route 6 Retail Site Plan on 1 acre Lot)

3 Garrett Place, Carmel, New York 10512 (845) 225-9690 Fax (845) 225-9717
www.insite-eng.com

Z:\E\02119100\Correspondence\Admin\2016\02119 Project Narrative.doc

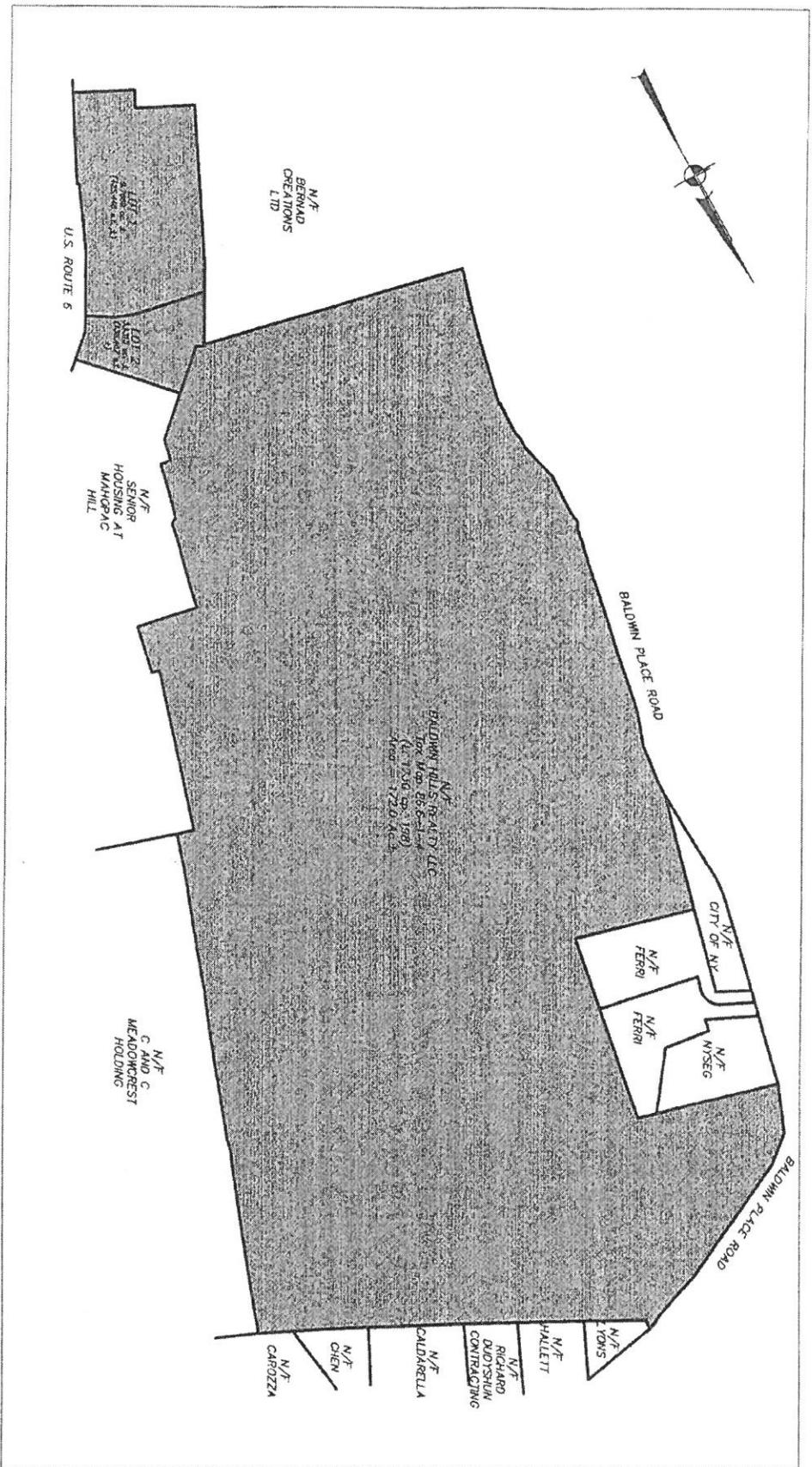


FIGURE 1 - AREA MAP - EXISTING LOTS
 SCALE: 1" = 400'



(10/21/16)

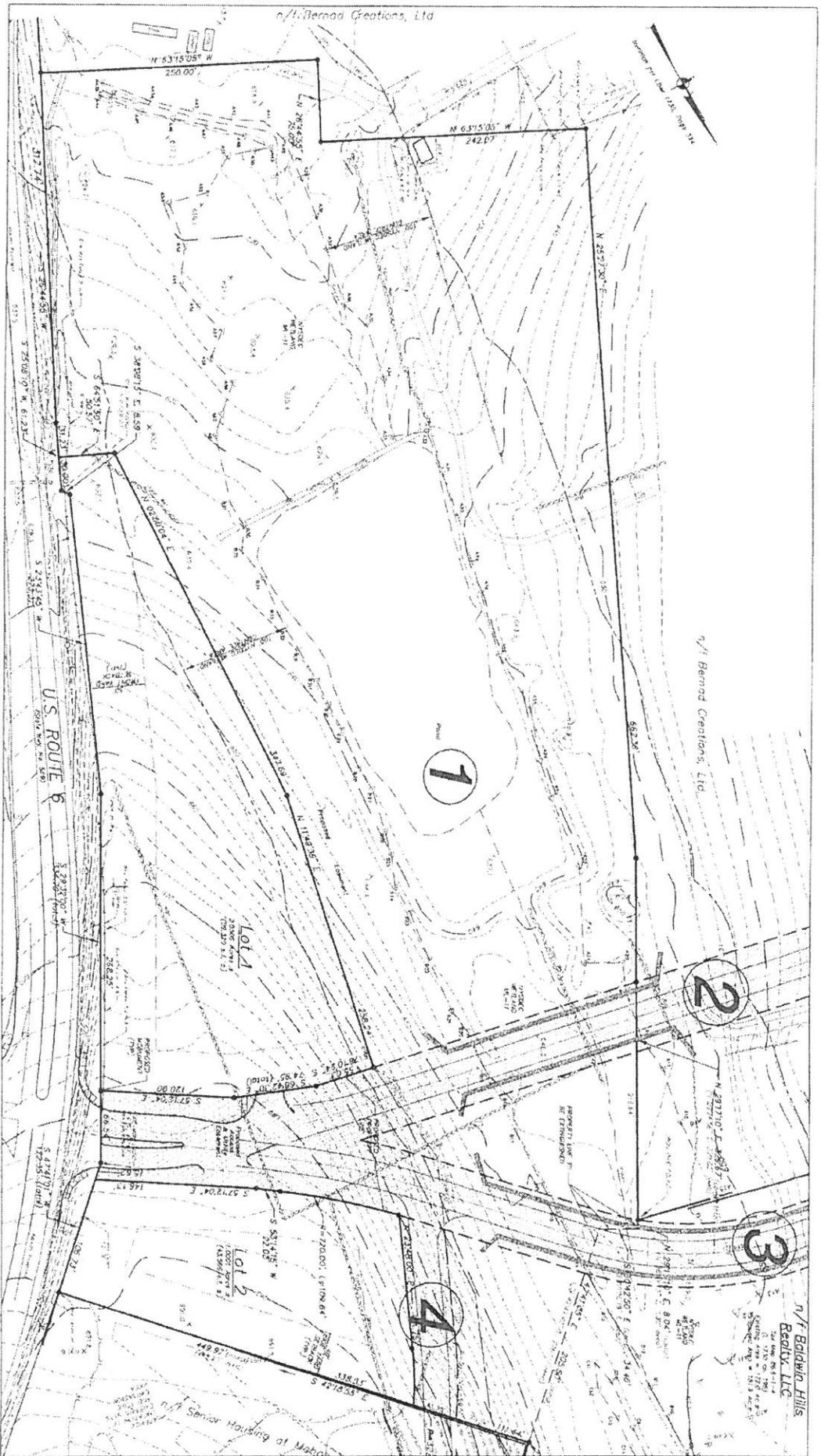


FIGURE 3. Proposed Lot Line Adjustment Driver Plan

SCALE: 1" = 80'

0 40' 80' 120'

(10/21/16)

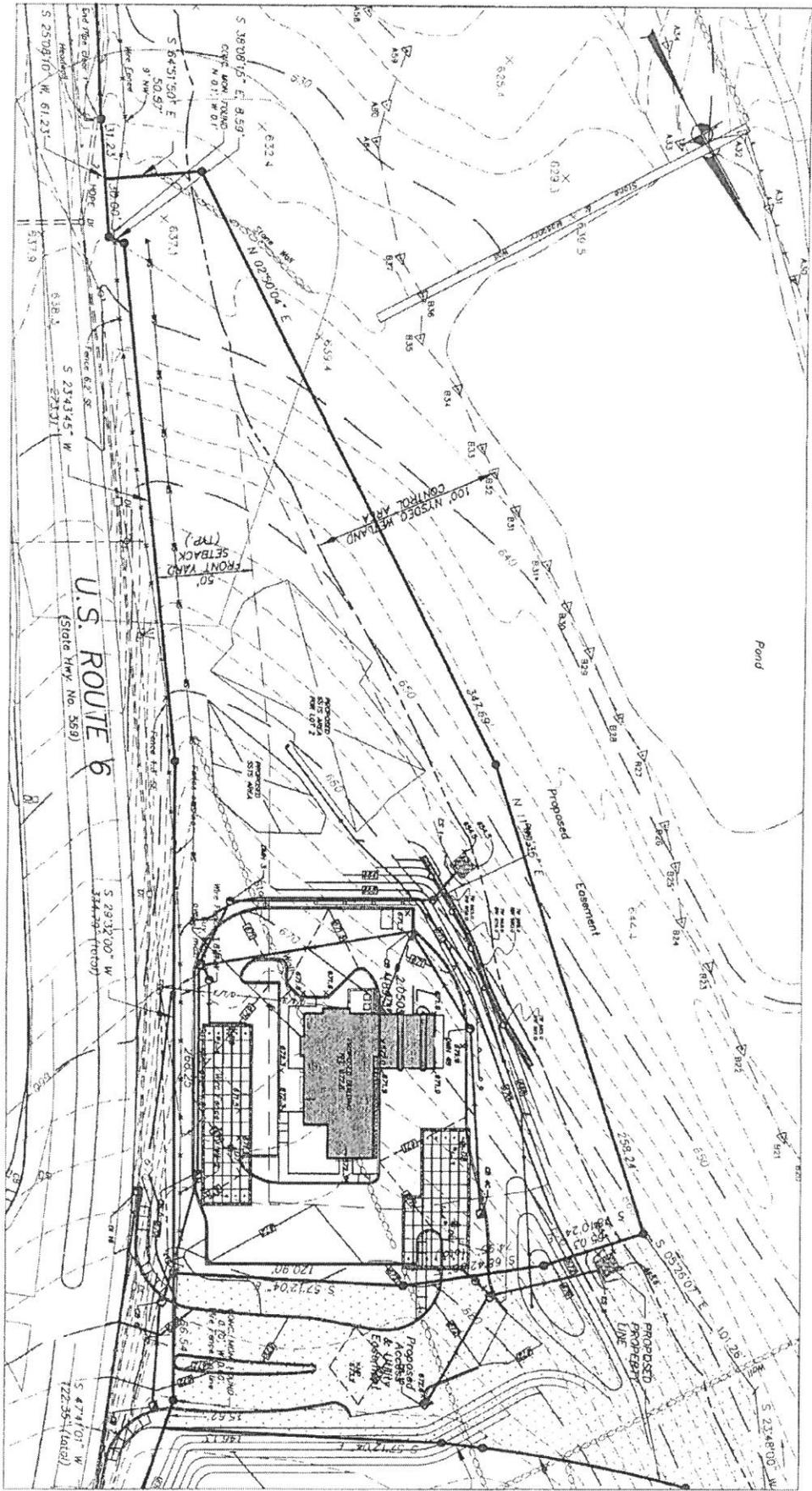


FIGURE 4-PCSB S ME PLAN ON PROPOSED 2 AC. LOT

SCALE : 1" = 50'
 0 25' 50' 75'

(10/21/15)

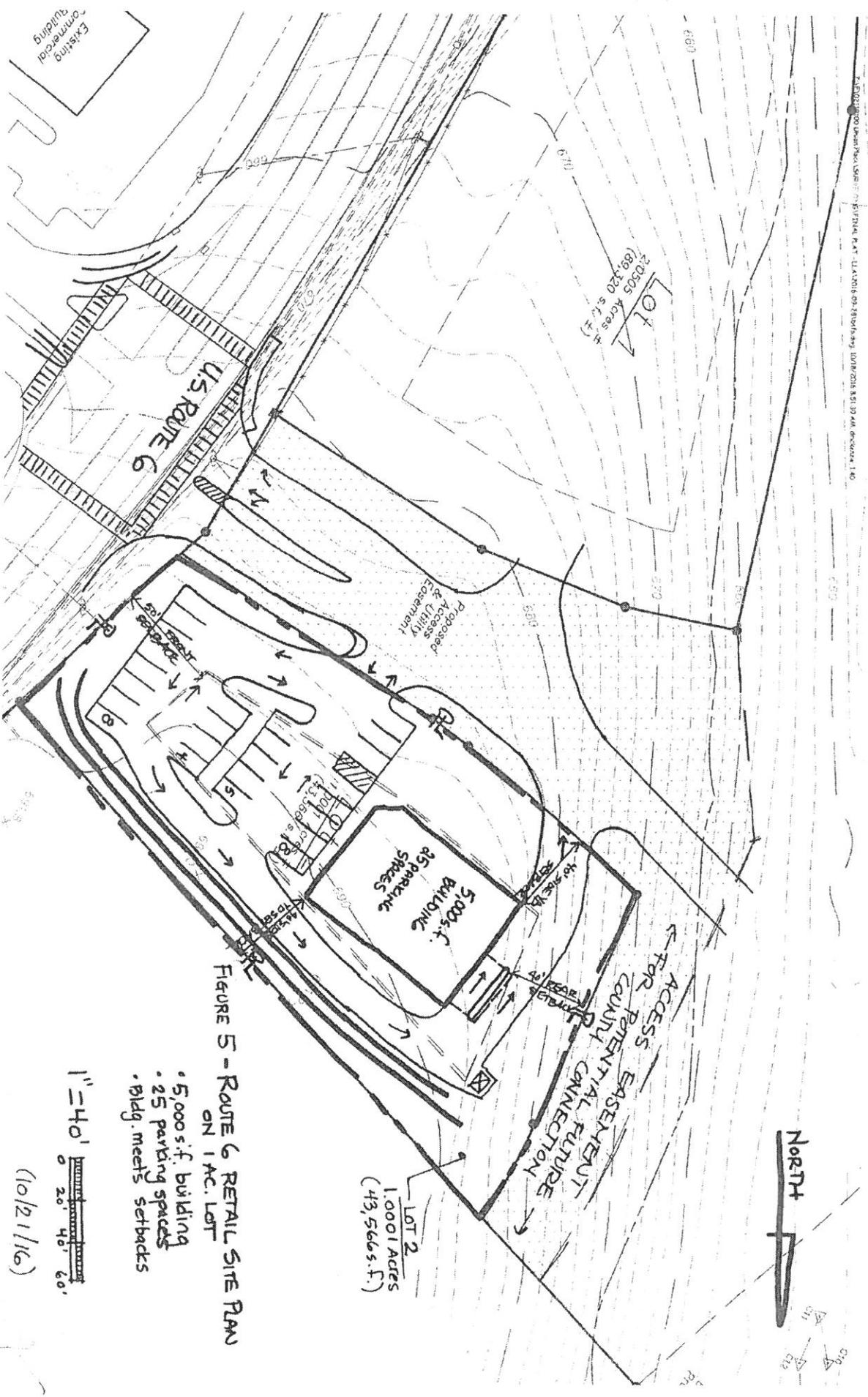


FIGURE 5 - ROUTE 6 RETAIL SITE PLAN ON 1 AC. LOT

- 5,000 s.f. building
- 25 parking spaces
- Bldg. meets setbacks

1" = 40'

(10/21/16)