

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:

DECEMBER 22, 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 two sheds. 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
(Shed 2) 10' Rear	2.4'	7.6'
(Shed 1) 10' Rear	.7	9.3'

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

3. 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

NEW APPLICATIONS

4. Application of **Ulysses Matsoukas** for a Variation of Section 156-15 and Use Variance, seeking permission to construct shed on lot without principal use. The property is located at 837 South Lake Blvd, Mahopac NY 10541 and is known by Tax Map # 75.43-1-27.

Code Requires	Provided	Variance Required
25' Front	5'	20'
10' Side	7'	3'

5. Application of **Kamala Associate, LLC**, seeking an Interpretation and Use Variance (See below). The property is located at 87 Fair Street, Carmel, NY 10512 and is known by Tax Map # 44.15-1-37.

1. **ACCESSORY BUILDING** – (formerly barn)

Applicant seeks interpretation that the 1984 Zoning Board variance condition that the “residence shall revert to a guest cottage when the mother vacates the building...” is invalid in that it is personal in nature to the applicant.

2. **OFFICE/GARAGE BUILDING**

- (A) Applicant seeks an interpretation of the 1984 Zoning Board variance condition that “the....office building....will cease upon the sale or transfer of the subject property” is invalid in that it is personal in nature to the applicant.
- (B) If the Zoning Board decision is deemed invalid and “office use is therefore permitted” Applicant seeks an interpretation that a proposed single family residential unit is more restricted than a commercial office use.

3. **PRIMARY STRUCTURE**

Applicant seeks a use variance to permit a two family dwelling use.

6. Application of **Estelle Sayles** for a Variation of Section 156-15, seeking permission to renovate enclosed porch/Florida room and enclose existing patio. The property is located at 456 North Lake Blvd, Mahopac NY 10541 and is known by Tax Map # 64.12-2-41.

Code Requires	Provided	Variance Required
15' Side	14' for Patio	1'0"
15' Side	10'6" for Existing Porch	4'6"

MISCELLANEOUS

7. Minutes – 10/27/16 & 11/17/16

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: 9/20, 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: Same Phone Number(s): _____
(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 Dwelling, GAR + 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 2 Sheds

CODE REQUIRES	PROVIDED	VARIANCE REQUIRED
<u>(Shed 2) 10' Rear</u>	<u>2.4'</u>	<u>7.6'</u> <u>mc</u>
<u>(Shed 1) 10' Rear</u>	<u>.7</u>	<u>9.3'</u> <u>mc</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 McMur Ave
Carmel, NY 10514
(845) 462-8150

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: 156-15-3 Use Variance Interpretation 280A

Name of Property Owner: Michael Mazzola Address: 278 Route 6, 202 Somers, NY 10589

Mailing Address: Same Phase 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
1/21/2011	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	23.5ft	16.5ft
Side yard west = 25 ft	0 ft	24.9 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 24.9ft
(State of New York)

(County of Putnam)
I, the undersigned petitioner, being duly sworn, deposes and says that (she) has read the foregoing petition and knows the contents 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 (she) (he) believes to be true.

Sworn to before me this 11th day of 10, 2016

[Signature]
Notary Public

TINA M. ZUBRACZ
Notary Public, State of New York
No. 01200103604
Qualified in Dutchess County
Commission Expires January 5, 2018
Petitioner: *[Signature]* 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
Baldwin Hills Realty, LLC
TO THE ZONING BOARD OF APPEALS
OF THE TOWN OF CARMEL

Application Date: November 3, 2016

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
Mailing Address: 1699 Route 6, Suite 1, Carmel, NY 10512 Phone Number(s): 845-228-1400
Zoning District: C/BP Tax Map: 86.11 - 1 - 1
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, 2016

Alicia Hansen
Notary Public

Alicia Hansen
Notary Public, State of New York
Reg. # on file with
Qualified in Dutchess County
Commission Expires 12/31/19

Petitioner Paul Camarda Date 11-2-16
Paul Camarda, 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.

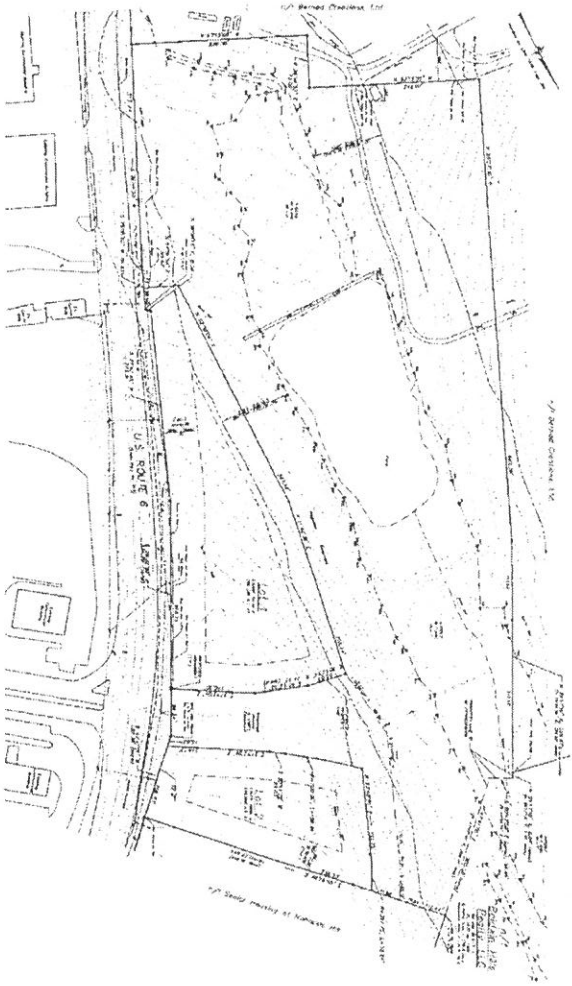
The existing commercial lots (Lots 1 and 2 of the previously approved Baldwin Subdivision) would be reconfigured, as follows:

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)

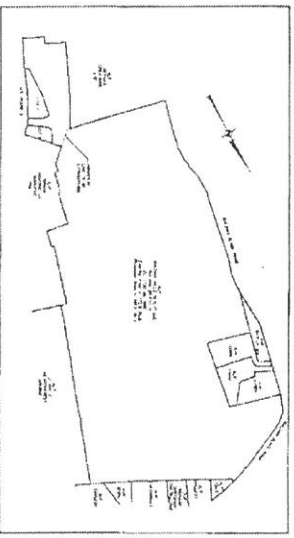
3 Garrett Place, Carmel, New York 10512 (845) 225-9690 Fax (845) 225-9717
www.insite-eng.com

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



LEGEND	
[Symbol]	Property Line
[Symbol]	Easement
[Symbol]	Right of Way
[Symbol]	Water
[Symbol]	Other

NOTES	
1.	...
2.	...
3.	...



Name of Owner: [Name]	
Address: [Address]	
City: [City]	
State: [State]	
Zip: [Zip]	
Date: [Date]	
By: [Signature]	
Title: [Title]	
Agent: [Agent Name]	
Address: [Address]	
City: [City]	
State: [State]	
Zip: [Zip]	
Date: [Date]	
By: [Signature]	
Title: [Title]	

Final Subdivision Plat
Baldwin Subdivision
Shore P to the
Town of Carmel
Putnam County, New York
Dated: 20th, 2011



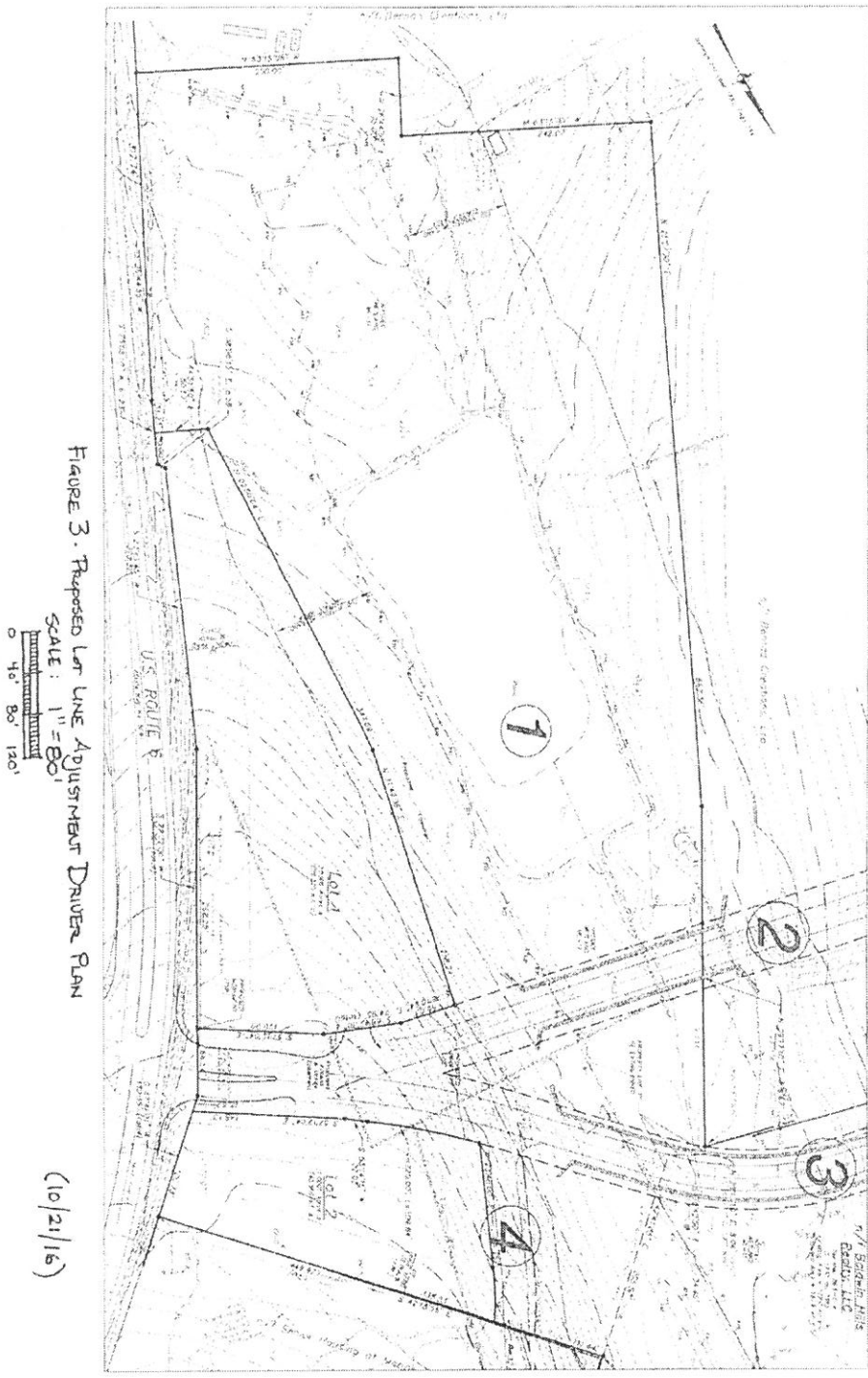
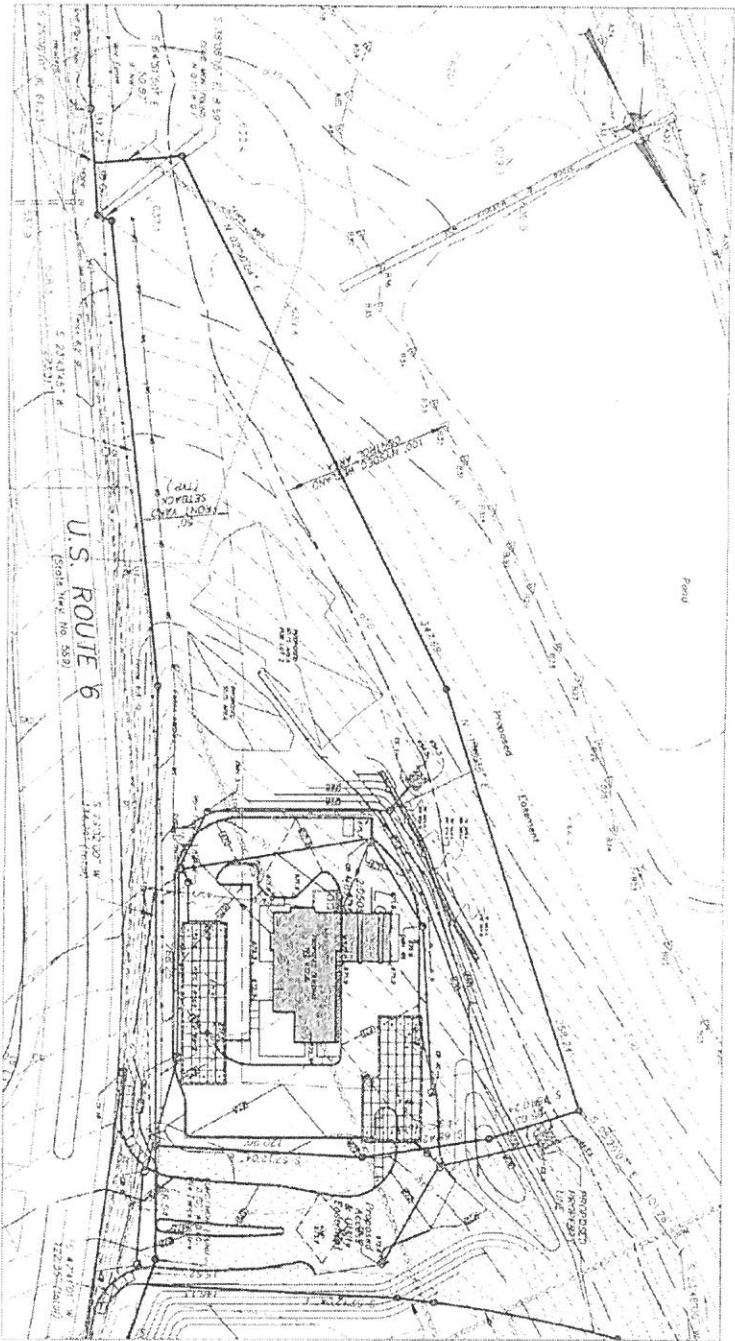


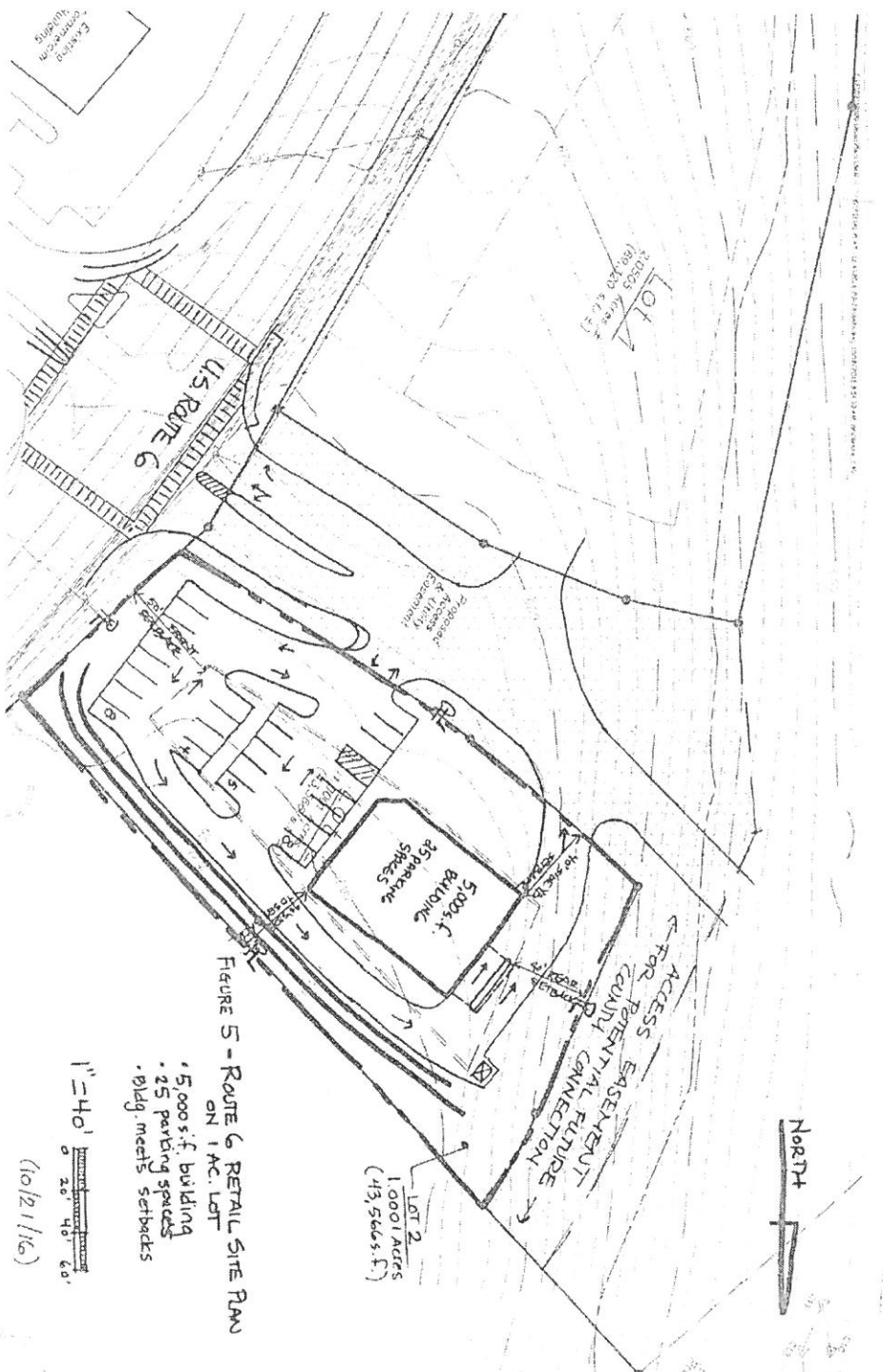
FIGURE 3. Proposed Lot Line Adjustment Driver Plan

SCALE: 1" = 80'

0 40' 80' 120'

(10/21/16)





1"=40'

0 20' 40' 60'

(10/21/16)



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

Matsoukas

TO THE ZONING BOARD OF APPEALS
OF THE TOWN OF CARMEL

Application Date: 11/30/16, 20 16

Application For: (circle applicable): Area Variance(156.15) Use Variance Interpretation 280A

Name of Property Owner: Ulysses Matsoukas Address: 837 South Lake Boulevard Mahopac NY

Mailing Address: 230 Creamery Road Hopewell Junction NY Phone Number(s): _____

Zoning District: R-120 Tax Map: 75.43 - 1 - 27

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>No previous board appearances</u>	<u>(RT)</u>

List all improvements (1 family dwelling, pool, etc.) Vacant Land

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: Brochure + Survey

Is any portion of the property within 500 ft. of any state or county highway, town boundary, parkway or public lands? (YES) NO
Explain: Property borders State Highway 9274-A (Route 6W) on its south western side.

I, the applicant, am seeking permission to: Construct a shed on lot w/out Principal Use

CODE REQUIRES	PROVIDED	VARIANCE REQUIRED
<u>25' Front</u>	<u>5'</u>	<u>20'</u>
<u>10' side</u>	<u>7'</u>	<u>3'</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 30 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 Ulysses Matsoukas Date 11/30/16



ZONING BOARD OF APPEALS
TOWN OF CARMEL
PUTNAM COUNTY

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

me

IN THE MATTER OF THE APPEAL
OF

Kamala Associates

TO THE ZONING BOARD OF APPEALS
OF THE TOWN OF CARMEL

Application Date: 12/2, 20 16

Application For: (circle applicable): Area Variance()

Use Variance

Interpretation

280A

Name of Property Owner: Kamala Associate, LLC Address:

87 Fair St, Carmel, NY 10512

Mailing Address: 87 Fair Street Carmel, NY

Phone Number

Zoning District: Residential

Tax Map: 44.15 - 1 - 37

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
3/21/84	Variances for necessary dwelling and office	Approved however to cease upon sale by applicant

List all improvements (1 family dwelling, pool, etc.) 2 story dwelling, accessory building & office

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: memo of law to follow

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

Explain: Fair Street is a County highway

I, the applicant, am seeking permission to: See attached

CODE REQUIRES	PROVIDED	VARIANCE REQUIRED
	See Attached	

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 10th day of November, 20 16

Margaret Theresa Buechel
Notary Public

Notary Public, State of New York
No. 4919619

Qualified in Dutchess County
Commission Expires February 8, 20 18

William A. Shilling, Jr.

1. ACCESSORY BUILDING – (formerly barn)

Applicant seeks interpretation that the 1984 Zoning Board variance condition that the “residence shall revert to a guest cottage when the mother vacates the building...” is invalid in that it is personal in nature to the applicant.

2. OFFICE/GARAGE BUILDING

(A) Applicant seeks an interpretation of the 1984 Zoning Board variance condition that “the...office building...will cease upon the sale or transfer of the subject property” is invalid in that it is personal in nature to the applicant.

(B) If the Zoning Board decision is deemed invalid and “office use is therefor permitted” Applicant seeks an interpretation that a proposed single family residential unit is more restricted than a commercial office use.

3. PRIMARY STRUCTURE

Applicant seeks a use variance to permit a two family dwelling use.



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

Sayles

TO THE ZONING BOARD OF APPEALS
OF THE TOWN OF CARMEL.

Application Date: 4/28, 20 16

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

Name of Property Owner: Estelle Sayles Address: 456 N. LAKE BLVD MAHOPAC

Mailing Address: 44 W. 62ND ST. N.Y. N.Y. 10023 #17E Phone Number(s):

Zoning District: R 40/20 Tax Map: 64.12 - 2 - 41

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>NO PREVIOUS BOARD APPEARANCES</u>	

List all improvements (1 family dwelling, pool, etc.) SINGLE FAMILY RESIDENCE

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: PLANS, SURVEY

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

I, the applicant, am seeking permission to: RENOVATE ENCLOSED PORCH/FLORIDA RM.
AND ENCLOSE EXISTING PATIO.

CODE REQUIRES	PROVIDED	VARIANCE REQUIRED
<u>15' SETBACK SIDE</u>	<u>14' FOR PATIO</u>	<u>1'0"</u>
<u>15' SETBACK SIDE</u>	<u>10'6" FOR EXISTING PORCH</u>	<u>4'6"</u>

State of New York)

County of Putnam New York

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 5th day of Dec, 2016

Lauren E. Powers
Notary Public



Petitioner

Sayles

Date

12/05/16