

# APPROVED

MARK FRASER  
*Chairman*

JOHN MAXWELL  
*Vice Chair*

## TOWN OF CARMEL ZONING BOARD OF APPEALS



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MIKE CARNAZZA  
*Director of Codes  
Enforcement*

**BOARD MEMBERS**  
ROSE FRABIANO  
ROGER GARCIA  
SILVIO BALZANO  
PHILIP AGLIETTI  
CRAIG PAEPRER

### ZONING BOARD OF APPEAL MINUTES

MAY 24, 2012

**PRESENT:** MARK FRASER, CHAIRMAN, JOHN MAXWELL, VICE CHAIR, ROSE FABIANO, ROGER GARCIA, PHILIP AGLIETTI

**ABSENT:** SILVIO BALZANO AND CRAIG PAEPRER

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<u>APPLICANT</u>	<u>TAX MAP #</u>	<u>PAGE</u>	<u>ACTION OF THE BOARD</u>
Scott Nygard	75.16-1-22	1	Granted
Mike Barile	75.12-2-24	1	Held over
Enterprise Rent A Car	75.16-1-25	1-2	Granted
Michael Morrissey	74.43-2-16	2	Granted
Parimal Alexius Gomes	74.34-2-39	3	Held over
Carl L. Albano	55.14-1-26,31	3-4	Held over

The meeting was adjourned at 8:48 p.m.

Respectfully submitted,

Donna Esteves

Application of Scott Nygard, for an Interpretation that his home is a two-family residence. The property is located at 427 Route 6, Mahopac and is known by Tax Map #75.16-1-22.

Mr. Maxwell recused himself from this application.

Mr. Nygard was sworn in.

Mr. Fraser commented that Mr. Nygard submitted the affidavit from Gene Simone as requested by the board last month.

Mrs. Fabiano stated that even though there is some confusion with the address numbers, the first paragraph of the affidavit resolves all of the issues.

Mr. Aglietti made a motion to close the public hearing. Mr. Garcia seconded the motion with all in favor.

#### **DECISION OF THE BOARD:**

Mr. Aglietti moved to grant. Mrs. Fabiano seconded the motion with all in favor

Application of Mike Barile, Tommy Boniello and Nicole Stern, for a Variation of Section 156.15 seeking permission to use the 2<sup>nd</sup> floor for a gym (which is presently used for storage). The property is located at 571 Route 6, Mahopac, NY and is known by Tax Map #75.12-2-24.

CODE REQUIRES	WILL EXIST	VARIANCE REQUESTED
32 Parking Spaces	17 spaces	15 spaces

Mr. Barile requested a hold over until next month because two board members were absent and he would like to present his application before a full board.

Mr. Maxwell made a motion to hold the application over. Mrs. Fabiano seconded the motion with all in favor.

Vicky Madrukas approached the board and a dispute ensued between her and Mr. Barile regarding the fence in the back. Mr. Fraser stated that this topic does not fall under the purview of this board and is a civil matter between two property owners.

Mr. Fraser also stated that this is not a public hearing so this discussion could not continue.

Application of Enterprise Rent-A-Car, for a Variation of Section 156-15 per below. The property is located at 419 Route 6, Mahopac and is known by Tax Map #75.16-1-25.

Item	Code Requires	Existing	Proposed	Variance Required
Min Lot Area	40,000 sf.	14,183 sf.	14,183 sf.	25817 sf.
Min Lot Width	200 ft.	103.55 ft.	103.55 ft.	96.45 ft.
Min Lot Depth	200 ft.	160.29 ft.	160.29 ft.	39.71 ft.
Minimum Setbacks:				
North Rear Yard	30 ft.	6.18 ft.	6.18 ft.	23.82 ft.
South Front Yard	40 ft.	54 ft.	32 ft.	8 ft.
Min Floor Area	5,000 sf.	1,920 sf.	2,184 sf.	2816 sf.

Mr. Greenberg was sworn in and is representing the applicant. He stated that the property of Enterprise Rent-A-Car is pre-existing non-conforming, and based on the current code, all of the variances that are required, like lot width and lot depth are related to the existing property itself. The only other variance they need for what they are proposing is an 8ft variance in the front yard on Veschi Lane because of the structure that are putting up. The applicant is proposing to install Geomats, which is a mat that is put on the blacktop and absorbs the water that is used when they hose down the cars. The water will then be pumped back into tanks that will be installed inside the garage and then recycled.

Mr. Maxwell made a motion to close the public hearing. Mrs. Fabiano seconded the motion with all in favor.

#### **DECISION OF THE BOARD:**

Mrs. Fabiano moved to grant. Mr. Aglietti seconded the motion with all in favor.

Application of Michael Morrissey, for a Variation of Section 156.15 seeking permission to construct a deck. The property is located at 17 Lake Shore Drive, Mahopac and is known by Tax Map #74.43-2-16.

CODE REQUIRES	WILL EXIST	VARIANCE REQUIRED
25' Front	16'	9'

Mr. Morrissey was sworn in. He stated that there was deck when he bought the property however, it had to be taken down because the original owner never got the required permits. He would like to construct a new deck in its place.

The board members all agreed that they have no problem with what the applicant is proposing.

Mrs. Fabiano made a motion to close the public hearing. Mr. Maxwell seconded the motion with all in favor.

#### **DECISION OF THE BOARD:**

Mr. Maxwell moved to grant. Mrs. Fabiano seconded the motion with all in favor.

Application of Parimal Alexius Gomes, for a Variation of Section 156.15 seeking permission to remove the existing modular home, extend the foundation and add on modular home. The property is located at 204 Forest Rd, Mahopac and is known by Tax Map #74.34-2-39.

CODE REQUIRES	WILL EXIST	VARIANCE REQUIRED
25' Front	7.5'	17.5 ft.
20' Rear	2.91' exists	16.9'

Mr. Gomes was sworn in. He stated that the house is currently in very bad shape and he would like to tear it down and put up a modular home. He stated he would like to use the existing foundation because it is more cost effective.

Mrs. Fabiano commented that she went out to visit the property and she has great concerns with regard to how close the applicant is to his neighbor in the back. Because the applicant is proposing to put up a two story, and the lack of space between the two properties, she is extremely uncomfortable with the significant impact it will have on the neighbor.

Mr. Gomes commented that he spoke to his neighbor and the neighbor has no objections to his proposal.

The rest of the board members agree with Mrs. Fabiano and feel that it would benefit the applicant to hold the application over and revise the plans to alleviate the concerns and minimize the variances.

Mr. Maxwell made a motion to hold the application over. Mrs. Fabiano seconded the motion with all in favor.

Application of Carl L. Albano for a Variation of Section 156-15 seeking permission for a 2 lot subdivision. The property is located at 18 Mechanic St, Carmel and is known by Tax Map #55.14-1-26,31.

Code Requires	Will Exist	Variance Required
Lot 1 Area 120,000'	43,561	76,439
Lot 1 Width 200'	190	10
Lot 2 Area 120,000'	43,560	76,440
Lot 2 Width 200'	169	31
Lot 2 Side Yard 25'	20.1	4.9
Lot 2 Frontage 100'	98.19	1.81

Mr. Albano was sworn in. He commented that all of the homes in the neighborhood are built on an acre or less than an acre with the exception of his home which is  $1\frac{1}{2}$  acres. He is seeking permission to subdivide his property into 2 lots. When he purchased the property he was told that there would be 1 acre zoning. Over the years he cooperated with the town, fulfilling their request to put in sewer and water as well as a pump station with the promise from two supervisors over the years, that the zoning issues would be resolved. However the zoning was changed to 3 acres. His argument is that this area is already developed with 1 acre lots.

Mrs. Fabiano commented that the applicant is seeking a relatively significant variance and their job as a board is to give the minimal variance possible.

Mr. Albano commented that this request is based on a matter of survival not to maximize profit. He is also seeking to maintain the character of the neighborhood. Mr. Albano commented that this is a very unique situation based on the history between the town and Mr. Albano.

Mr. Fraser asked if any members of the audience would like to speak on this application.

Mr. Joe Geniste was sworn in. He is the neighbor on Mechanic St. He commented that he understands Mr. Albano's position and has nothing against him. However, due to personal family issues, he is against the variance for which Mr. Albano is seeking.

Mr. Maxwell made a motion to close the public hearing. Mr. Aglietti seconded the motion with all in favor.

Mr. Fraser stated that Mr. Albano requested to hold the application over for a full board.

Mr. Maxwell made a motion to hold the application over. Mrs. Fabiano seconded the motion with all in favor.

The meeting was adjourned at 8:48 p.m.

Respectfully submitted,

Donna Esteves