

APPROVED

MARK FRASER
Chairman

JOHN MAXWELL
Vice Chair

TOWN OF CARMEL
ZONING BOARD OF APPEALS



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MICHAEL CARNAZZA
*Director of Codes
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BOARD MEMBERS

ROSE FABIANO
ROGER GARCIA
SILVIO BALZANO
PHILIP AGLIETTI
CRAIG PAEPRER

ZONING BOARD OF APPEAL MINUTES

October 25, 2012

PRESENT: CHAIRMAN MARK FRASER, VICE CHAIR JOHN MAXWELL, ROGER GARCIA, PHILIP AGLIETTI, AND CRAIG PAEPRER

ABSENT: ROSE FABIANO, SILVIO BALZANO

<u>APPLICANT</u>	<u>TAX MAP #</u>	<u>PAGE</u>	<u>ACTION OF THE BOARD</u>
John Settembrini	74.34-2-37	1	Granted
Eve Coviello	43.-1-49, 43.-1-50.1 & 43.-1-50.2	1-2	Held over
John Farese	87.6-2-27	2-3	Held over
Interpretation (Pawn Shop)		3-4	Granted
Minutes: 9/27/2012		4	Approved

The meeting was adjourned at 8:02 p.m.

Respectfully submitted,

Donna Esteves

Application of John Settembrini for a Variation of Section 156-10.I seeking permission to construct an above ground pool. The property is located at 219 Overland Rd, Mahopac and is known by Tax Map #74.34-2-37.

Code Requires	Will Exist	Variance Required
10' from side property line	4'	6'
10' from rear property line	4'	6'

Mr. Settembrini was sworn in.

Mr. Fraser stated that the applicant was here last month and there were questions regarding whether it should be 4ft. or 10ft. Mr. Fraser stated that the town defers to what is more restrictive within the code, so it will require 10ft. Mr. Carnazza stated that he has asked the Town Board to clarify that and get rid of the swimming pool section and make it one section with zoning.

Mr. Fraser stated that the applicant is requesting to install an above ground swimming pool 4ft. from his property line from the side and the rear. He went by the property yesterday and there is really no other place to put the pool. He also noted that none of the neighbors came to oppose this application.

All the board members agreed with Mr. Fraser.

Mr. Garcia asked Mr. Settembrini if he ever planned on adding a deck. Mr. Settembrini answered no, even if he wanted to there is no room.

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

DECISION OF THE BOARD

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

Application of Eve Coviello for a Variation of Section 156.15 & Variation of Section 280-A, Lot 1 & 2 seeking permission for a subdivision/merger. The property is located at 5 & 9 Causeway Park, Carmel NY and is known by Tax Maps# 43.-1-49 and #43.-1-50.1 & 43.-1-50.2.

LOT	AREA SF			WIDTH		
	Required	Proposed	Variance	Required	Proposed	Variance
1	120,000	43,978.44	76,021.56	200	105.43	94.57
2	120,000	22,554.54	97,445.46	200	160.00	40.00

LOT	FRONT YARD (FT)			REAR YARD (FT)		
	Required	Proposed	Variance	Required	Proposed	Variance
1				40.00	9.60	30.40
2	40.00	26.60	13.40	40.00	3.40	36.60

Mr. Thomas McDermott of Architectural Designs was sworn in. He stated his client is proposing a subdivision merger. There are 3 lots on the property. They are proposing to take part of the lot line and extend it, taking part of lot 3 and making it part of Lot 1 and then the rest of Lot 3 would

become part of Lot 2. Lot 2 would then become L-shaped and Lot 1 becomes an odd shaped piece of property. It creates several variances but he feels that they are not self-created because the property is unusual.

Mr. Fraser noted that they are building a small 10x24 extension of the kitchen and making it into one big open area. They are also requesting a 280A variance because the properties have no frontage.

Mr. Maxwell stated that he has some concerns with the 3.40ft proposed rear yard. He feels that it is a tight number. Mr. McDermott is willing to change it 5.4ft so the variance would be become 34.6ft.

Mr. Garcia stated that the nature of relief on the application is for a subdivision merger, but does not mention the addition. Shouldn't the application request also include the addition and be re-notified.

Mr. Fraser and Mr. Carnazza agreed that it will have to be held over and re-noticed for the addition.

Mr. Paepre made a motion to hold the application over. Mr. Aglietti seconded the motion with all in favor.

Application of John Farese for a Variation of Section 62-12(A). The applicant owns a single lot containing two dwellings; a single family house and a two family house, which are legal pre-existing, non-conforming. The applicant wishes to add a deck for each apartment in the two family dwelling, enlarge the deck of his single family dwelling, and add a two car garage to accommodate the single family dwelling. There will be a compliance with all set back requirements and the bedroom count will remain the same. The property is located at 16 E. Lovell St, Mahopac NY and is known by Tax Map #87.6-2-27.

Mr. Schilling stated that he is representing the applicant John Farese.

Mr. Fraser stated that the applicant does not need a variance for the garage because according to the Building Inspector, the variance was granted back in 2000 but the structure has not been built yet. Mr. Fraser also asked where the applicant resided because there is a stipulation that the owner must reside on the property.

Mr. Schilling responded that the applicant lives in the one-family apartment.

Mr. Schilling also asked Mr. Fraser if there was a restriction on the size and the placement of the previously granted variance for the garage. Mr. Fraser answered no; that if an area variance wasn't needed there would be no restrictions.

Mr. Schilling stated that there are two dwellings on this property which in a residential zone render it pre-existing non-conforming. The code is residential. His client lives in the single family house. The units are side by side and sit on 3 acres. The survey depicts the 3 acres and the 2 structures are very close together so subdividing is impossible. They are requesting additions and modifications to the structures. They are not seeking to add any more bedrooms, they are not seeking any area variances and they are not seeking any more residential units. With regards to the single family, there is a deck that is in serious disrepair. The client would like to knock it down and rebuild it. They are withdrawing the request to build a larger deck. Mr. Farese is willing to build it at the exact same size it is now. They are seeking permission to rebuild the structure once the old one is taken down, which is required by code.

With regard to the two-family and the two-bedroom within the two-family, the roof is old and is in disrepair. They would like to repair and restructure it with a few dormers. The dormers would allow for more room upstairs and would allow for a new bath. They would also like to add a 12x8 deck to the 2 bedroom.

With regard to the one-bedroom in the two-family, they would like to do the same thing for the same reasons. Same roof, same issue. They would like to add an 8x8.6 deck.

In neither case, are they seeking or adding any new bedrooms. They have submitted a memo and affidavit as well as the client's plans. They would also like to do a very small diminutive square off.

Mr. Besharat was sworn in and stated that a small area of approximately 7x9 will be squared off and it will open up the kitchen.

Mr. Fraser noted that these subtle changes are not noted in the application and that is a problem.

Mr. Schilling feels that adding dormers should not require any relief from the board because it falls under "repair" of the existing roof. Mr. Carnazza disagreed and stated that it requires a variance according to code. A new dormer does not fall under "repair of an existing roof". You are taking a roof off at one pitch and putting on a new roof with dormers at a different pitch. That does not fall under "repair."

Also, Mr. Fraser feels that squaring off the kitchen area is one and the same as enlarging the kitchen.

Mr. Maxwell stated that in his opinion, when you are changing pitch and adding wall surface that's a big alteration. Mr. Fraser agreed and stated that you are adding living space and therefore is considered an expansion.

Mr. Fraser recommended that the application be held over so that the appropriate changes can be made. Mr. Maxwell noted that the new plans should include elevations, which is a Zoning Board requirement.

Mr. Fraser stated that re-notices must be sent out.

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

The Building Inspector requests an Interpretation of the Zoning Code Section 156-15(schedule of Regulations). It has been asked if a Pawn Shop is a permitted use in the C-Commercial Zoning District.

Mr. Garcia asked Mr. Carnazza what is a commercial district. Mr. Carnazza responded that anything in Red on the Zoning Map in his office is considered commercial, which is the one acre zoning like Route 6 and 52. Retail, financial institutions, professional offices, and service establishments are allowed in our commercial district.

Mr. Carnazza said he is very comfortable that it falls within "retail" and he discussed it with the Town Planner who also agrees.

Mr. Garcia asked if the parking would fall under the same guidelines as retail and Mr. Carnazza responded yes.

Mr. Carnazza further explained that if additional licenses were needed depending on what they decide to sell than they would have file for them.

Mr. Maxwell made a motion to interpret that a Pawn Shop is a permitted use in a C-Commercial Zoning District. Mrs. Aglietti seconded the motion with all in favor.

MISCELLANEOUS

Minutes – 9/27/2012 – Mr. Aglietti made a motion to accept the minutes. Mr. Paepre seconded the motion with all in favor except Mr. Fraser who was not present at that meeting.

The meeting was adjourned at 8:02 p.m.

Respectfully submitted,

Donna Esteves