

APPROVED

JOHN MAXWELL
Chairman

PHILIP AGLIETTI
Vice-Chairman

**TOWN OF CARMEL
ZONING BOARD OF APPEALS**



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

MICHAEL CARNAZZA
*Director of Code
Enforcement*

BOARD MEMBERS

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SILVIO BALZANO
WILLIAM ROSSITER
MARC DITOMASO
MICHAEL SCHWARZ

ZONING BOARD OF APPEALS MINUTES

AUGUST 25, 2016

PRESENT: CHAIRMAN, JOHN MAXWELL, VICE-CHAIRMAN, PHILIP AGLIETTI, ROSE FABIANO,
WILLIAM ROSSITER, MICHAEL SCHWARZ, SILVIO BALZANO

ABSENT: MARC DITOMASO

<u>APPLICANT</u>	<u>TAX MAP #</u>	<u>PAGE</u>	<u>ACTION OF THE BOARD</u>
EMTK Realty Corp.	44.18-1-40	1-4	Variance Granted.
Marcel Carrillo	44.13-2-72	5	Variance Granted.
Dr. Frank Carroll	77.9-1-26	5-7	Variances Granted.
Eric Pfisterer	63.82-1-54	7-8	Variance Granted.
Eleanor Miscioscia	74.26-2-37	8-9	Variance Granted.
Zef Smajlaj	75.42-1-39	9-11	Granted with Conditions.
Minutes- 07/28/16		11	Heldover.

The meeting was adjourned at 8:22 p.m.

Respectfully submitted,

Ashley Smith

Application of EMTK Realty Corp. for a Variation of Section 156-15, seeking permission to legalize 10 residential apartments. The property is located at 1736 Route 6, Carmel NY 10512 and is known by Tax Map #44.18-1-40.

Code Requires	Provided	Variance Required
40,000 sf area	30,990 sf	9,010 sf
200' width	72'	128'
Front yard westerly bldg. - 40'	38'	2'
Side yard westerly bldg. - 25'	4.5'	20.5'
Parking- 23 spaces	16 spaces	7 spaces
Width of parking spaces 10'	9'	1'
1 Loading space	0 Loading space	1 Loading space
Minimum width of driveway 24'	20'	4'
Side yard easterly bldg.-25'	0.4'	24.6'

Mrs. Dawn McKenzie and Mr. Brian Finney were sworn in.

Mr. Shilling stated that EMTK Realty Corp. is the application and the corporation does business as A-Class builders. They are a construction business in the Hamlet of Carmel; Brian Finney is the president of that corporation and has strong roots in this community. Mrs. McKenzie from Insite Engineering is here to answer any engineering questions regarding this project. The property is 1736 Route 6 in the Hamlet of Carmel and is just on the corner of Route 52 and Route 6; the property consists of a two story frame which is my client's office and four rentals fronting on Route 6. To the rear of that house is a two story frame that has 5 rentals that is a converted barn but there is also an attached one story with a different roof line that has one additional rental. The total amount of rentals is 10 and the property is in a commercial zone. The lot is 3100 square feet and we trace the use as it is today from 1987 which is when the rental situation began. The property is serviced by Town water and Town sewer currently it is fully occupied and there are approximately 30 people that call this place their home. Some of the residents are long term for more than ten years. We seek area variances for this existing complex which has existed since 1987, please note that the variances we request are really regarding the lot area itself it has nothing to do with the use or the location of structures. In support of what we seek we have submitted a memorandum of law, the facts of this property is that there was a proposal of this barn to be turned into rentals in a time when it was still primarily family there. At the time, the mixed use permitted existing multi-family structures, the previous owner started to compartmentalize the barn and interior walls were built. The previous owner had never finished the project; instead he sold the entire project to someone else. At which time the development continued and bathrooms were built in each of the units, however he finished the 6 apartments, he got electrical permits but never got building permits and he started renting again in 1987. The 2002 code subsequently again permitted existing apartments in a mixed use zone that was a permitted use and again in 2014 your current code permits existing apartments in a multi-use zone. The code has remained the same in 1982 regarding residential units in a mixed use; from 1987 to 2013 the complex was completely rented out and never got site plan approval. The owner died in 2010 and Mr. Finney purchased the property in 2013 where the apartments had fallen into disrepair. Mr. Finney made substantial investments into this complex by adding a new roof, siding, bought all new appliances, numerous commercial repairs, landscaping and a lot of painting. In the affidavit it states that Mr. Finney spent upward of 50,000 dollars but that number is a little in error because none of the cost was just his working capital purchases. Since 2013 he has put in a considerable amount of money and if you look at the building itself and the building in the back you can see that it has been dressed up very well. I hesitate to call it a converted barn because it gives condonations of something that it is not because it is clean, looks new and is very presentable. The 30 people who live there, many of them have lived there since early 2000s and this

area is very desirable for young people and seniors due to the location it is next to church's, a hospital and a shopping center. I submit to you that the Town through its ordinances encouraged this kind of development because this kind of low cost housing is very much needed in this town. The accessory apartment legislation says that there is a need for apartments for low income but suitable housing in this town. The code is clear that these type of uses are encouraged, Mr. Finney immediately went to Insite Engineering and presented a site plan before the planning board and we are here as a referral from them. Mr. Finney was inspected by the fire inspector each time and it has always passed. Since 1987 this complex has provided a safe clean dignified housing for young and old people. I tried to put together some photographs of the site, to the far left is the converted barn and the two pictures below are the Victorian house that fronts on Route 6. I also asked for the photographs of the inside of the apartments to show new appliances, hard wood floors and it is a very nice complex. Currently there are 30 people living there, I have given you the memorandum of law and on the issue of law, the issue is what we are proposing a permissible use and both in the statute and non-conforming section it says that existing apartments in a mixed use zone are permissible. Your framers and your wisdom wanted these apartments here for reasons I have previous stated both in 1982 ordinates, 2002 ordinates and 2014 ordinates, these uses were deemed to be permissible and not in need of use variance so we are proposing area variances only. The first criteria as this board is well aware is a change in neighborhood which is by all courts opinion the most important criteria and we feel very comfortable that this is our strongest argument that this has existed for almost 30 years without any change or incidence. It is in an area where there are many multi-families on Route 6, seminary hill heading towards Mahopac and Gleneida drive. The the sea of blue on this map that I show you are the immediate multi-families in the area and the red is the subject parcel. We propose no change to the neighborhood and there are very few lots that are compliant with the three acre zone, we certainly can't. These apartments are important for young people starting out and I dare say that there will not be an opposition here because it has been so long in the works that everyone just sees it as a staple of our town. As far as substantial is concerned, I know that at first glance it may appear to be substantial but I would also say to you that it is not substantial when you consider the fact that there is no noncompliance with the building itself but only with the lot size. As far as environmental conditions are concerned we are subject to Board of Health, we will go back to the planning board, we have passed fire exams, it is town water and sewer, it will pass Mr. Carnazza's review and we have provided additional parking. There is not a mathematical formula for whether this is substantial or not and I gave you one case that says "a finding of non-substantial is found where a use would not change the neighborhood", this will certainly not change the neighborhood. None of the non-conformities involve the use or the building but instead the lot size and there are no adjoining property that makes us more compliant, the deficiencies are in lot area, lot width and setbacks. My client did buy with knowledge but immediately applied to the planning board for site plan approval; I provided you cases that say knowledge alone is not enough to quash an area variance and knowing knowledge is not dispositive of a denial.

Mr. Maxwell said on that point Mr. Shilling, you said he bought in 2013 and is taking this long to get to this process with the Planning Board.

Mr. Shilling said he submitted his site plan I believe in 2015 and it sat with me for a long time because I had to research but it has been before the Planning Board for the better part of a year now.

Mr. Maxwell said ok but still when he purchased the property it wasn't picked up on title search.

Mr. Shilling said no Mr. Finney knew there was no site plan.

Mr. Maxwell said so he purchased as a contract vendee?

Mr. Shilling said yes, his intention was to immediately get site plan approval.

Mr. Maxwell said but he closed prior to that approval.

Mr. Shilling said yes he did, but again I provided cases that show that knowledge is not dispositive of a denial for area variances. In other words you can buy with knowledge and it doesn't necessarily defeat an area variance.

Mr. Maxwell asked which unit is in question.

Mr. Shilling said it's the whole site plan that is being reviewed by the planning board.

Mr. Maxwell said right but it is the 6th unit in that structure.

Mr. Shilling said the 4 units with the victorian are not in question here it is the 6 units that are in the barn.

Mr. Carnazza said there is a c/o in my file for the 4 units which would be the victorian.

Mr. Shilling said I will close just by saying that in my mind as a lifelong member of the Town of Carmel and the Hamlet of Carmel, this is a staple in this community that has been around a long long time. I submit to you that this is a permissible use under your legislator, your statute provides for it, it has past all health and safety standards up to this point it is going to the planning board.

Mr. Maxwell asked if part of that property is commercial.

Mr. Shilling said yes it is zoned commercial.

Mr. Maxwell asked Mr. Carnazza if this falls into use variance.

Mr. Carnazza said no it doesn't. This is a permitted use existing apartments and mixed use structures at the time, they already have a c/o for four of the units so that is already a legal multi-family. So this expansion would be a good legal expansion.

Mr. Maxwell asked if it falls under an area variance criteria.

Mr. Carnazza said yes but they have to meet all the criteria.

Mr. Maxwell asked if the one unit was recently attached.

Mr. Carnazza said it appears that it was added on after.

Mr. Shilling said I don't know that, I am here looking for 6 units approved.

Mr. Schwarz asked if they will continue to use the office space so that mixed use will stay intact.

Mr. Finney said yes I would like too.

Mrs. Fabiano asked if we know when the single story extension was built.

Mr. Shilling said I thought they were built at the same time but it looks like it was an add on but we are unsure.

Mrs. Fabiano said we have nothing in the file about that extension.

Mr. Shilling said I do know that it was built prior to 1987 because that part of the building was being rented out at that time.

Mr. Maxwell said so they built it and never came to us.

Mr. Shilling said I'm unsure but the previous owner was originally looking for five units so it could have been built in the interim or maybe he was looking to make it one bigger unit.

Mr. Carnazza said that would be between the two buildings that were there in 1979 as a roof overhang with no walls.

Mr. Maxwell said so the enclosure was there.

Mr. Carnazza said yes.

Mrs. Fabiano said I went over there a couple weeks back and I noticed that the parking lot was jammed packed, I went out yesterday and all the cars disappeared. My biggest concern is parking because it is such a busy area and you can't park on the road.

Mr. Shilling said I know that Insite engineering created 6 additional parking spaces in the rear, there are two parking spaces that aren't considered parking spaces because of their size but they are used.

Mrs. McKenzie stated that currently they will park two vehicles alongside the house where the office is and I believe they are used by office staff. The driveway is required to be a minimum of 24 feet wide and we don't have that much space right now so we are going to widen the entrance drive to 20 feet which is the maximum we can get based on the existing conditions adjacent to the house. We are going to have to eliminate those parking spaces because they are not legitimate parking spaces anyway and we have provided for the required number of parking spaces for the office space and additional spaces on top of what is existing for the residential units in the back. We have expanded on the parking area to provide more parking than what exists now even when accounting for the spaces they are currently utilizing that aren't conforming.

Mrs. Fabiano said so there will be more parking or is this as good as its going to get.

Mrs. McKenzie said what we are showing on the site plan is the maximum that we feel is doable. We are providing more than what exists now, we have provided a site plan that shows the number we are providing.

Mr. Maxwell stated that the site plan shows 16 parking spaces.

Mrs. Fabiano said you are still short by 7.

Mrs. McKenzie said correct but there aren't that many that exist right now we are expanding the parking area and providing for more parking.

Mrs. Fabiano said so while it was jammed packed a couple months ago it should be a little less crazy.

Mrs. McKenzie said right, the site plan approval that we are going for with the planning board should alleviate that problem, we are providing additional parking spaces to accommodate the parking needs of the site.

Mr. Maxwell asked if there is any input from the public on this application.

Being that there were no public comments Mr. Schwarz made the motion to close the public hearing. The motion was seconded by Mr. Balzano with all in favor.

Decision of the Board:

Mrs. Fabiano moved to grant the variance. The motion was seconded by Mr. Balzano with all in favor.

Application of Marcel Carrillo for a Variation of 156-15, seeking permission to add 1st and 2nd floor addition. The property is located at 112 Gleneida Ave, Carmel, NY 10512 and is known by Tax Map # 44.13-2-72.

Code Requires	Provided	Variance Required
25'	7' Side	18'

Mr. Carrillo was sworn in.

Mr. Carrillo stated that they are closing off the corners of the house and adding another room upstairs. The house was three bedrooms and when we redid it, it became only two bedrooms upstairs so we need one more room for the master bedroom.

Mr. Maxwell said so basically you are going up on the same footprint except for in the back you are coming out a little bit.

Mr. Carrillo said yes it only comes out about two feet.

Mr. Maxwell asked if there is any other property that can be purchased to bring this into conformance.

Mr. Carrillo said no.

Mr. Carnazza said it is not on the same footprint I just wanted to make that clear because it does come out.

Mr. Maxwell said yeah I said that but it overhangs I meant on the same foundation with the same walls. I was out to the site last month and it didn't look like it was encumbering too much on the side that it juts out. It is a pretty big variance but it is sort of a commercial type area and doesn't encumber anybody.

Mr. Maxwell looked to the public for any input they may have.

Being that there is no public comment, Mrs. Fabiano made the motion to close the public hearing. The motion was seconded by Mr. Rossiter with all in favor.

Decision of the Board:

Mr. Balzano made the motion to grant the variance. The motion was seconded by Mr. Schwarz with all in favor.

Application of Dr. Frank Carroll for a Use Variance seeking permission to construct a cabana and a new detached garage with ½ bath and multi-purpose room. The property is located at 180 Stebbins Road, Carmel NY 10512 and is known by Tax Map #77.9-1-26.

Mr. Levinard was sworn in.

Mr. Levinard stated that the Carroll's are both practicing surgeons who have lived in this Town for many years; they have a beautiful 1800's historic home on 4.7 acres. They would like to add a garage and a pool area to their house. We would like the Board to consider granting this variance for a low impact development of the property, they would like to preserve their historic nature of the property and the garage is designed to complement the existing house style. The first floor of the garage is tucked into the hill side and will be mostly hidden from West Shore Drive by trees including evergreens. As you can see from the site plan in the aerial photo the house is centrally located on the lot and the

proposed improvements are also close to the center and well within setbacks. The property is heavily treed to the North and West which isolates the work from the neighbors and it is also down sloped and tucked into the hillside. Both North and West neighbors have existing pools as well and to the East there are no neighbors. The cabana is for seasonal use only and it does meet the Town Code for bathhouse height for 10 feet as the drawings show and for privacy purposes the pool area is well hidden from the road and neighbors. The garage is proposed to have a half bath for convenience and the cabana will have a full bath with a small kitchen. I understand that the town may be concerned about the possibility that either structure could be converted into a residence in the future but in the case of the garage the small powder room is tucked under the staircase and cannot be expanded into a full bath. The cabana layout and small size prevents any possible use as a residence nor would it meet code so we ask the Board to consider this as a viable improvement to the Carroll's property.

Mr. Maxwell said I compliment you on the design and the layout it's really nice and is keeping within the architecture. The one concern that we are going to have is the need for a bathroom in the garage we usually don't look highly upon that because it could be changed into a room.

Mr. Levinard said they would like to use the upstairs room as a multipurpose room; Dr. Carroll restores furniture and was looking for a workshop as well as storage space.

Mr. Maxwell said I understand but you can see where the concern would be because down the road it could be turned into a useful apartment or whatever.

Mr. Levinard stated that is why I made the point that it is too small and you wouldn't be able to do that, it is downstairs and is tucked under the stairs so you wouldn't be able to expand that.

Mr. Maxwell said I can see the need for the bathroom up by the pool so maybe as a compromise we can leave the one by the cabana and take the one from the garage out.

Mr. Balzano asked why this is a use variance.

Mr. Carnazza said that it is the same as all of the pool houses or cabanas it's not a permitted use, you did one a couple weeks ago on Jennifer Lane.

Mrs. Fabiano asked if there is a shower in the cabana.

Mr. Levinard said there is an outside shower and an inside shower as well.

Mrs. Fabiano asked if there is a need for the inside shower.

Mr. Levinard said it was on their wish list, they are proposing a hot tub so it would be like a three season use.

Mrs. Fabiano asked if it is possible that they can eliminate that shower because if they have an outdoor shower I don't see the need for an indoor one.

Mr. Maxwell asked if anyone from the audience wishes to be heard on this application.

Being that there was no public comment Mrs. Fabiano moved to close the public hearing. The motion was seconded by Mr. Balzano with all in favor.

Decision of the Board:

Mr. Aglietti made the motion for a discussion. The motion was seconded by Mrs. Fabiano with all in favor.

Mr. Maxwell opened the discussion.

Mr. Aglietti said the bathroom in the garage should be eliminated.

Mr. Maxwell said if you want to condition it on that we can but my point is the house is 20 feet away from the garage, I can see why the cabana would need a bathroom but not the garage.

Mrs. Fabiano said my question is the shower in the cabana because there is already an outdoor shower why would you need an indoor one as well.

Mr. Maxwell stated that Mr. Levinard did mention it will be used for three seasons so I do get that part of it.

Mr. Carnazza said dimensionally it is really small.

Mr. Maxwell said yes it is very small and it looks like it will just be used for the pool and entertainment purposes.

Mr. Aglietti said the whole point of a cabana is to be able to clean up after the pool.

Mr. Balzano said I have no problem with a bathroom being in there, I know it's not that far but I don't think it will turn into anything more than that. If they were to turn it into an apartment they would need to do a lot more work.

Mr. Carnazza said yes for both the garage and the cabana a lot would need to be done to turn it into a livable apartment.

Mr. Maxwell said it's just a toilet and a sink in the garage but we did have cases before this one that we have had concerns about in the past.

Mr. Carnazza said the last two that you had were on separate lots, across the street from the house and those are the ones that you conditioned to have no plumbing.

Mr. Aglietti made the motion to approve this application as is without any conditions. The motion was seconded by Mr. Balzano.

A roll call vote was taken as follows.

Mr. Schwarz	For the motion.
Mr. Aglietti	For the motion.
Mr. Balzano	For the motion.
Mrs. Fabiano	For the motion.
Mr. Rossiter	For the motion.

Mr. Maxwell stated that he is also for the motion and this variance is now granted.

Application of Eric Pfisterer for a Variation of Section 156-15, seeking permission to retain pool. The property is located at 214 North Road, Mahopac NY 10541 and is known by Tax Map # 63.82-1-54.

Code Requires	Provided	Variance Required
10' Side	4'	6'
10' Rear	7'	3'

Mr. Pfisterer and Ms. Papsy were sworn in.

Mr. Pfisterer said that they have had a pool for about 14 years now; the backyard is completely surrounded by fence, at the time I thought that was all that was required. We got notification from the Town stating that it is not the case.

Mr. Maxwell said so you didn't realize you needed a permit to have one.

Mr. Pfisterer said no I thought you just had to make sure you had a fence around it.

Mr. Maxwell asked if there is any other property that can be purchased to bring this into conformance.

Mr. Pfisterer said no, if you are familiar with Secor, the houses are extremely close together.

Mr. Maxwell said I was out there the other day and it looks pretty well screened with the fencing.

Mr. Maxwell opened this up to the public for any input.

Being that there was no public comment Mr. Balzano made the motion to close the public hearing. The motion was seconded by Mr. Schwarz with all in favor.

Decision of the Board:

Mr. Schwarz made the motion to grant the variance. The motion was seconded by Mr. Rossiter with all in favor.

Application of Eleanor Miscioscia for a Variation of Section 156-15, seeking permission to retain pool. The property is located at 223 Orchard Road, Mahopac NY 10541 and is known by Tax Map # 74.26-2-37.

Code Requires	Provided	Variance Required
10' back fence	4'	6'
25' from front	5'	20'

Ms. Miscioscia was sworn in.

Ms. Miscioscia stated that she moved into the neighborhood about 4 years ago and her mother wanted to put up a pool due to disabilities and pool therapy does work. We put up the pool and I got the same information as Mr. Pfisterer saying that as long as the pool is fenced off you don't need anything else and we do have a fence around the whole property.

Mr. Maxwell asked how many years ago the pool was put up.

Ms. Miscioscia said it was put up about 4 years ago it is one of those intext put together pools.

Mr. Maxwell asked if there is any other property they could buy to bring this into conformance.

Ms. Miscioscia said no and we are on a corner lot.

Mr. Maxwell stated that this is not too extreme of a variance and you are well screened with the fence.

Mrs. Fabiano asked if the fence is completely on her property because you said it is 10 feet back from the fence.

Ms. Miscioscia said yes we redid the fence where the old fence was we just put it in the same spot the previous owner had it in.

Mrs. Fabiano said ok so it is your property then.

Mr. Maxwell asked if there is any input from the public on this application.

Being that there is no public comment Mr. Schwarz made the motion to close the public hearing. The motion was seconded by Mrs. Fabiano with all in favor.

Decision of the Board:

Mr. Balzano made the motion to grant the variance. The motion was seconded by Mr. Rossiter with all in favor.

Application of Zef Smajlaj for a Variation of 156-27, seeking permission to construct a new bathhouse. The property is located at 803 South Lake Blvd., Mahopac NY 10541 and is known by Tax Map # 75.42-1-39.

Code Requires	Provided	Variance Required
Lot area – 3,000 sf	1133 sf	1867 sf
Lot width – 50 ft	49.5 ft	0.5 ft
Lot Depth – 30 ft	12 ft	18 ft
Front yard – 15 ft	5 ft	10 ft
Side Yard – 15 ft	0 ft	15 ft
Rear Yard – 15 ft	0 ft	15 ft
Off street parking – 2	0	2

Mr. Greenberg was sworn in.

Mr. Greenberg stated that this is one of these lots along Lake Mahopac which basically comes under Section 156-27 of the normal R-120 requirements. All of the improvements already exist the only thing that we are trying to add is just a small 8 x 12 bathhouse with no plumbing just electric. If you take a look at the drawing on the site plan you will see that we are located at the Southerly end of the property. Also, we would like to change one of the variances we are requesting to a lower amount because the two bathhouses are very close together and they want at least 5 feet between the two bathhouses. That would change our side yard variance from 15 feet down to 10 feet otherwise everything else is preexisting, there is no other property to buy the lots on either side are already developed. We are also before the planning board for site plan approval and are providing a rain garden which would take care of the roof drainage from the bathhouse.

Mr. Maxwell asked if that is with underground liters.

Mr. Greenberg said no basically we are providing a depression in the ground and there are certain types of plants that we put in to absorb all of the water and drainage from the roof will go into that instead of going out towards the Lake. This has also been reviewed by the Town engineer and as you can see in the lower left hand corner of the drawing is the design of the rain garden and all of the plants that we are putting in.

Mr. Maxwell asked if Mr. Greenberg would make the appropriate changes to the application and initial it to make it an official change.

Mr. Greenberg said yes.

Mr. Carnazza asked if he is changing the application to 5 feet instead of 0.

Mr. Greenberg said correct.

Mr. Carnazza said side yard required is 15 will exist 5 so the variance is 10 instead of 15 0 15.

Mr. Greenberg said yes.

Mr. Maxwell said ok and there is not much property you can buy to bring this into conformance.

Mr. Greenberg said correct.

Mr. Maxwell asked the Board if they have any input.

Mrs. Fabiano asked if we could go with a smaller shed so you wouldn't need those variances.

Mr. Greenberg said no if you look at the site plan it is impossible. Right now the bathhouse is shown on the property line but after speaking with the applicant we are going to move it 5 feet up so that variance goes from 15' down to 10'. The West side of the building is up against an existing retaining wall so that wall will be on the side of the building and we don't need any variances on the other side because we are more than 15' on that side. On the other side we will actually need a permit from the State of New York because we are over the property line just like a boathouse would go 20' into the Lake so there is no way to change this. The only way we can move it is the way that we moved it to the North there is no other possible way to do it.

Mrs. Fabiano said you can't cut the Lake side over more.

Mr. Maxwell said she means minimize the size of the structure itself.

Mr. Carnazza said the first x amount of feet on the structure isn't on their property so if they moved it 4 feet it still would not be on their property. They will need a license from the State of New York to use their land, the middle of their building is at 0.

Mr. Balzano said they are talking about shrinking the size of the building.

Mr. Greenberg said Mr. Carnazza is 100% correct but we are also trying not to disturb the land, there are retaining walls all over the property so instead of trying to dig out footings and foundation we will be putting a beam between these two retaining walls and that is how the building will be supported so we don't have to excavate and disturb the ground. 8 x 12 is a small room.

Mrs. Fabiano said I know that it's not big it just seems like 0 is a little extreme.

Mr. Greenberg said we can make it 8 x 8 but we would still have 0 setbacks.

Mr. Carnazza asked if he can draw the property line in bold so they can see where it is located.

Mr. Greenberg drew the property line and pointed to where the retaining walls are located.

Mr. Maxwell said the retaining wall drops 6 feet off the road.

Mr. Greenberg said yes and continued explaining the property.

Mr. Maxwell asked if there was any input from the public on this application.

Being that there was no public input Mr. Balzano made the motion to close the public hearing. The motion was seconded by Mr. Aglietti with all in favor.

Decision of the Board:

Mrs. Fabiano made the motion to grant with the conditions that there will be no plumbing and it is contingent on state approval as amended. The motion was seconded by Mr. Aglietti with all in favor.

MINUTES - 07/28/16

Heldover.

The meeting was adjourned at 8:22 p.m.

Respectfully submitted,

Ashley Smith