

APPROVED

JOHN MAXWELL
Chairman

PHILIP AGLIETTI
Vice-Chairman

TOWN OF CARMEL ZONING BOARD OF APPEALS



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*Director of Code
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BOARD MEMBERS

ROSE FABIANO
SILVIO BALZANO
WILLIAM ROSSITER
MARC DITOMASO
MICHAEL SCHWARZ

ZONING BOARD OF APPEALS MINUTES

MARCH 23, 2017

PRESENT: VICE-CHAIRMAN, PHILIP AGLIETTI, ROSE FABIANO,
WILLIAM ROSSITER, MICHAEL SCHWARZ, MARC DITOMASO

ABSENT: CHAIRMAN, JOHN MAXWELL, SILVIO BALZANO

<u>APPLICANT</u>	<u>TAX MAP #</u>	<u>PAGE</u>	<u>ACTION OF THE BOARD</u>
Ronald Topal	75.42-1-19	1-6	HELD OVER
Americo & Marie Serino	65.17-1-54	6-8	HELD OVER
Marshall Marinace	43.17-1-74	8-11	GRANTED hip roof & porch roof DENIED carport
Michael & Katherine Schwarz	75.7-1-11	11-12	GRANTED
Lori & Thomas Infantino	64.12-1-56	13-16	HELD OVER
Seth Harrison	75.73-1-7	16	GRANTED
Andrew DeMontille	65.18-1-69	16-18	GRANTED with conditions
Sayed El Shakry	44.14-1-53	18-21	HELD OVER
Minutes – February 23, 2017		21	HELD OVER

The meeting was adjourned at 8:50 p.m.

Respectfully submitted,

Dawn Andren

Vice-Chairman Rossiter indicated that the first application to be heard this evening would be #4 "Michael Schwarz & Katherine Bitters-Schwarz". Accordingly, Mr. Michael Schwarz recused himself from hearing this application as a Board Member. See item #4

Application of RONALD TOPAL for a Variation of Section 156-15, seeking permission to construct addition to existing house. The property is located at 751 South Lake Blvd. Mahopac, NY 10541 and is known by Tax Map #75.42-1-19.

Code Requires	Provided	Variance Required
Front - 25 ft	10.80 ft	14.20 ft
Side - 10 ft	5.00 ft	5.0 ft
Rear north - 15 ft	0 ft	15.0 ft
Rear east - 15 ft	2 ft	13.0 ft

- Mr. Joel Greenberg, Architect for the project was sworn in.

Vice-Chairman Aglietti indicated to Mr. Greenberg that there were two people missing from the bench today and didn't know if that was going to come into play for Mr. Greenberg and whether this was something he would like to holdover until all the members were present.

Mr. Greenberg responded we'll present our case.

Mr. Greenberg stated this is a piece of property located on South Lake Blvd. It is an existing, one bedroom house and basically what we're requesting, as you can see on the drawings, is to expand the first floor by adding a new kitchen and converting the existing kitchen into a bathroom and then a portion of the house over the living room to create a one bedroom above the existing living room. We have gone to the Putnam County Health Department and received their approval for the expansion of the house and I'll just present that to you all. (Mr. Greenberg handed documents over to Board members/conversation inaudible).

Vice-Chairman Aglietti stated; we'll make part of the record the letter from the Department of Health to Joel Greenberg: The Department of Health statement dated March 1st 2017 with Michael Carnazza's signature and the floor plan dated March 23rd 2017.

Mr. Greenberg said, the only change in the application since it was submitted.....I had a talk with Michael Carnazza as you may or may not know – there's now a provision there that The Office of General Services has to approve anything that's on Lake Mahopac. After discussing it with The Office of General Services and with Mike Carnazza, it appears that the only thing they will allow to overhang in the lake would be something that's water related. What we're providing is for a kitchen so basically what we've done is.....the variances haven't changed but if you look at the Plan; we've eliminated any overhang to abide by The Office of General Services. The addition is smaller but the variances are the same.

Mr. Greenberg walked over to the map pointing out the existing house and the proposed additional rooms locations; indicating what got smaller with the cutback rather than the overhang.

Mr. Greenberg then stated if there are any questions, I'll try to answer them.

Mr. Carnazza said, so this plan I have here is not what you're doing.

Mr. Greenberg responded that's the first one – the one before I found out about (the overhang issue).

Mr. Folchetti asked zero lot line?

Mr. Greenberg responded, correct; which is exactly what we asked for in the variance. The variances are the same except there's no overhang in the lake.

Mr. Folchetti said no GS component, no state component to it?

Mr. Greenberg responded correct.

Vice-Chairman Aglietti asked do we need to change the application at all?

Mr. Carnazza responded the application is the same; it was zero.

Vice-Chairman Aglietti said okay – no state issues?

Mr. Folchetti stated, of what's being proposed you wouldn't need any permit from the State or OGS because he's not encroaching on any of the lake property.

Vice-Chairman Aglietti stated that the Board received a notice; a case referral from the Putnam County Department of Planning, Development and Public Transportation. Are you (to Mr. Greenberg) aware of this?

Mr. Greenberg responded no I am not.

Mr. Folchetti indicated that the case got 239M referral to the County. It's dated 3/1, we received the case referral summary back with a disapproval from the County indicating that the basis for the decision is that the addition would be constructed on Lake Mahopac which is owned by the State and no variance can be issued. That's pretty much verbatim.

Mr. Greenberg asked, what was the date on that?

Mr. Folchetti replied 3/1.

Mr. Greenberg asked, any reason why I didn't get a copy?

Mr. Folchetti said, it came to the Zoning Office and I was copied on it but.....

Mr. Greenberg responded, based on that comment, it's no longer over the lake so I think that changes everything.

Mr. Folchetti then stated, whatever the case may be, it was referred to me and this particular comment, under 239M5 of the General Municipal Law, would ordinarily trigger an extra majority vote be required - meaning not just a simple majority to approve it if it's a modification or disapproval. Now an opinion, for the Board, this approval is based on the County's interpretation of what this Board's jurisdiction in which the County has no authority to do. The courts determine your jurisdiction and the State Law does and there's no planning basis for the denial. There's nothing even Planning Related in the document. The Board can vote it tonight in my view; that a simple majority, if it was passed by that, would be justifiable and valid. It's up to the Applicant whether he wants to do it tonight anyway with the short Board to begin with. In my view it would be valid because this is not the exercise of what limits the scope of your jurisdiction or is not within the purview of the County Planning Department and they are to be commenting on Planning issues only and there are none in this disapproval. That's where I'm at.

Vice-Chairman Aglietti asked Mr. Greenberg is he wanted to proceed.

Mr. Greenberg replied, as I said, if you have any questions, I'll be happy to answer them.

Mrs. Fabiano stated I'm extremely uncomfortable with a zero lot line on the Lake – being right on the edge of the Lake.

Mr. Greenberg interjected, there's an existing seawall so it's being supported by a seawall and obviously, when it goes for a building permit, the building inspector will have to review the structure.

Mrs. Fabiano asked, as it is right now, what kind of system could they possibly on such a tiny piece of property. It's such a small lot.

Mr. Greenberg replied, again – it's a 1 bedroom house and it's staying a 1 bedroom house. There's no change in the daily flow and the Health Department letter that I gave the Chairman indicates that. So we've gone through the proper channels and I think it's a Health Department issue. I don't think it's a Zoning Board issue.

Mrs. Fabiano furthered, I just find it to be significant to be coming right up to the edge of the property.

Mr. Greenberg added, this Board, if you recall, has approved boat houses, bath houses,

Mrs. Fabiano interjected, not a main house. We've never had a main house this close.

Mr. Greenberg replied I can only talk about the ones I've been involved with.

Mrs. Fabiano stated, none in the fourteen years that I've been here. I don't know. This seems a little extreme to me. It's like what you're asking for is pretty significant. You're going to have a rear yard of two feet provided and a zero provided on another and five feet provided on another. Seems like significant variances to me.

Mr. Greenberg replied; again, except for the one where the kitchen is, all the other variances are because we're going up in line with the existing house. That's why we need those variances. The actual extension of the house is not getting any closer to the property lines with the exception of the kitchen. All the others – we're going up. Correct me if I'm wrong Mr. Carnazza. If we did nothing, those same setbacks would be there.

Mrs. Fabiano said right if you stayed on this foundation.

Mr. Carnazza said, except for the side – to the triangle.

Mr. Greenberg said, right – that's what I said – the kitchen.

Mrs. Fabiano said, you could ultimately stay on the existing footprint and yes you would have those same sides but you wouldn't have the zero lot line.

Mr. Greenberg replied that's correct.

Mrs. Fabiano stated, I'm also a little concerned but I guess there's really not a whole lot you can do about the fact; that's a tough place to get in and out of the parking area. That's a tough spot.

Mr. Greenberg interjected, again; we're not increasing the occupancy. It's still going to be two people, it's still going to be 1 bedroom and that's a pre-existing situation. That's not before the Board.

Vice-Chairman Aglietti asked the public for any input on this application.

- Joe McKay of 25 Pine Cone Road, Mahopac was sworn in.

Mr. McKay said, you've pointed out a couple of issues I have with the property. I've lived there overlooking the property for ten years. For ten years, it has been a rental property and the lesser of the issues is what you mentioned about getting in and out on the street. They jam in parking to try and fit as many people as they can in the house. It's a very small little house and I have to say that the renters have been very respectful but they do struggle with their parking. So, when I heard about an extension going on, I was very worried that it would just increase the rental property. You're trying to get more people in and increase the amount of money you can make. The owner has never lived there as far as I know in ten years. The septic has to be stressed as it is and it's on the lake. That's an environmental worry. I've never seen (I'm not saying they haven't) a septic truck go in there and try to clean the septic where I have it every two years. So, my concerns are very simple. It's a rental property that they're just trying to build up. I've heard that property is just fill. They built it on fill and someone else could probably justify that. I'm sure that you guys could probably investigate that and find out. It's a small property to begin with. To try to build it up and make it a bigger rental property seems to be a traffic worry and an environmental worry. It's just a concern for me. So take it for what it's worth. Overlooking it for ten years; that's what I see.

- Dr. Ronald Topal of 751 South Lake Blvd., Mahopac was sworn in.

Dr. Topal stated he owned this house for over 60 years and I've lived in it for periods of time that has extended months. The house is small. At this point in time, I would like to increase the size of the house. Obviously, you can see the size now. I'm married now; I have guests and I'd like to be able to have a decent kitchen that my wife can work in and that we can call a home. We have no intention of making this a rental property. Although at this point in time, the entire house is rented but it's not rented by room or by floor as the other gentlemen seemed to indicate. I'm just asking to be able to increase the size of the house to make it a little more livable.

Vice-Chairman Aglietti asked when was the house first built.

Dr. Topal responded 1929.

- Mr. Peter Lesley of 17 Pine Cone Road, Mahopac was sworn in.

Mr. Lesley stated that he had to take issue with what Dr. Topal just said under oath. He does not live at 751 South Lake Blvd. He lives on Riverside Drive in Manhattan. He has not lived in this house for many years. It has been a rental. I've been there about 11 years. It's been a rental every time I've been there or it's been vacant. I share your concerns about the proximity to the lake. I understand from the plans that it is a 1 bedroom house and will continue to be a 1 bedroom house. I believe it's 400 square feet and will be 400 square feet on the upper level. If the health department chooses to close its' eyes, I don't think there's anything I can do about it but it's a 1 bedroom now and it's going to be twice as big. It's going to be a 2 bedroom. Whether the plans say that, whether the lines say it but that's going to be the house. It's going to be capable of holding 4 people instead of two and it's wrong. The septic is not 100 feet from the lake – that's pre-existing, non-conforming but this is just a problem waiting to happen.

- Mr. Richard Dudyshyn of 703 South Lake Blvd. Mahopac was sworn in.

Mr. Dudyshyn stated I'm probably the closes house next to this house. I have no problems with it to be honest with you as long as it's going to be an enhancement to the neighborhood. I have a bigger house with more property. I'm probably about 600 feet in front of it going toward the high school. I was the manor house to the hotel. As far as septic systems go, they have septic systems

now that the water actually comes out almost like Poland Springs. You could almost dump it in the lake cause I've just installed it on one of my pieces of property – not that one but another one. That may be something that the Health Department will decide if they want to..... but as far as enhancing the house and still only a one bedroom, I have no problem with it.

- Mr. Saul Andron of 11 Clare Lane, Mahopac was sworn in.

Mr. Andron stated I have the lakefront property adjacent to the Topal property. I haven't seen Mr. Topal in close to fifty years. My parents moved into that house, 11 Claire Lane, in the early 60s. It has been a rental property for decades with a rotation of young people living in the house, bringing their spouses, their girlfriends and dogs over the last, literally, decades. Mr. Topal does not live there on a permanent basis in that home. We've known it as the small little stone house, as you indicated, very close to the lake. I used to swim in the little cove next to it when I was a boy and I agree with my neighbors who believe that it's an environmental issue related to this house, there are esthetic issues and the overhang while close to being adjacent to the lake is an issue. For that reason, I object to this proposal.

Dr. Topal stated to point out a correction; "Somebody said I live in Manhattan...that's an office."

- Mr. Bert Melchner of 735 South Lake Blvd. Mahopac was sworn in.

Mr. Melchner said, I agree with my neighbors over there. I think if anything was going to be done on this property; it would be to fix the septic and some other things. Just as a neighborly request, (this house is right across the street from the house I grew up in; the house that my parents own and we still own as a family) when you look out of the house, there's a beautiful view of the lake which is now blocked by a series of trees about as long as the bench here. We've asked, every couple of years, to have a tree service come in and trim those trees to bring back our view cause they're hedges that have just overgrown. Mr. Topal has, repeatedly, declined us from being able to do that. It's a non-friendly, neighborly thing to do with some hedges. Especially in a place he doesn't even live in. I'm asking to consider that as he's asking for setbacks for, essentially, a house outside of the limits for what it should be and then go up to take away more views from the neighbors that he won't cut down a hedge for. I think it's been inconsiderate and I think the Board should take that into consideration.

Mr. Greenberg stated that I've listened to the comments from the neighbors and most of them have nothing to do with what the Zoning Board is being asked to review which is a set of variances. One of the comments was about overhang in the lake. As I mentioned before, there is no overhang in the lake. We already have been to the ECB and we have their approval, and we have a permit to do what we're doing. In fact, their permit actually included the overhang which, of course, we're not going to do anymore. As far as the environment is concerned, as part of the ECB review and approval, we're putting in a rain garden to take all of our roof drainage. Instead of going into the lake, it will be going into a rain garden which is shown right over here (points out on map). The comment about the hedges and stuff, those will be 'dying out' once we put in the rain garden. The rain garden is a depression in the ground with environmentally sensitive set of plants which their mission in life is to absorb water and all of the roof drainage will be going there instead of into the lake. Going back to the Health Department; I'm sure every house on Lake Mahopac is less than 100 feet from the lake. It's a one bedroom house. It's still a one bedroom house. It will always be a one bedroom house. Anyone can speculate that they're going to convert it into a four bedroom house but it is approved as a one bedroom house and that's what will be filed with the building department and I'm sure that inspections can be made so that it will stay a one bedroom house. As far as the number of cars; there are usually two cars there. Again, we're not here before the Board to discuss the parking. That's pre-existing, non-conforming as almost every driveway is along South Lake Boulevard, North Lake Boulevard, West Lake Boulevard and East Lake Boulevard. As far as the number of people; again it's a one bedroom house so it's basically about two people. As far as the house being occupied by an owner versus a rental. Again; that's not an issue before the

Zoning Board. I think the owner of a house should be allowed to live there or rent it. Although the doctor indicates that once the house is expanded, he intends to live there. Again; let's just focus on the issue that we're here before the Board for. That is two types of variances. One is, as Rose was saying, the variance for the kitchen. It has a zero setback. All the other variances are just the fact that (we're not getting any closer to the property lines) we're just going up and that's the only reason we need variances. They're all pre-existing and non-conforming. It's going to be a plus to the neighborhood – not a minus. It's a beautiful stone house and the addition that we're going to be providing will be in keeping with that beautiful stonework, and I think it will be an asset to the community – not a detriment. Let's just keep focus on the issues that are before the Zoning Board that is your purview. The other issues as far as driveways, rental versus non-rental, number of people in the house, the septic – again – we've gone before the ECB, got their approval. We've gone to the Health Department, got their approval and they've approved it as a one bedroom house. The issue basically is the one new variance for the kitchen. Everything else is not getting any closer just going up. Therefore, the variances are required for the same setbacks that are there now.

Mr. Schwarz asked Mr. Greenberg "is there any way to flip the kitchen to the other side?"

Mr. Greenberg replied, certainly if the Board feels that some modifications are warranted, we'd be happy to look into that.

Mrs. Fabiano asked Mr. Greenberg, "can you help me on my math. The area is 6,902 square feet. Can you convert that to acreage? What does that translate to?"

Mr. Greenberg replied a ¼ acre is about 13,000 square feet. So this is about a 1/8th of an acre. Again, you can look at houses all along that section of the lake and they're all about the same size.

Mrs. Fabiano replied I lived on 1/10th of an acre so I know how small that is.

Mr. Greenberg then asked Mr. Schwarz would you like me to consider perhaps rearranging that?

Mr. Schwarz responded, I think one of the concerns was putting the addition so close to the lake so I think.....

Mr. Greenberg had a quick sidebar with Dr. Topal.

Mr. Greenberg stated, based on the comments made by Mr. Schwarz, I spoke with Dr. Topal and we will reconsider that kitchen variance and perhaps make some adjustments so if you'd hold it over, I'd appreciate that.

Mrs. Fabiano moved to holdover this application; seconded by Mr. DiTomaso with all in favor.

Application of AMERICO & MARIE SERINO for a Variation of Section 156-15 & 156.47A(1), seeking permission to relocate existing 2 family dwelling and add porch to existing house. The property is located at 205 East Lake Blvd. Mahopac, NY 10541 and is known by Tax Map #65.17-1-54.

Code Requires	Provided	Variance Required
10 ft. side (north)	6 ft.	4 ft.

- Mr. Americo Serino of 23 Miller Avenue, Mahopac was sworn in.

Mr. Serino stated he bought this house a while back. One I'm going to retire in so I have a problem with the driveway. It's so narrow. My wife doesn't even want to drive over there because she's afraid of hitting bushes and the chimney. It's so narrow. I just want to take the house and move it

over four feet, add a front porch to the house overlooking the lake. I would have to build a new foundation four feet away.

Vice-Chairman Aglietti suggested they wait until the crowd dissipated and then again asked what Mr. Serino was looking to do.

Mr. Serino replied I want to take the house and move it over four feet so I have a wider driveway and it's more accessible. Right now, every time we plow snow and stuff, we push the bushes down. I just want to go over four feet so that it makes a nice driveway and I want to add a front porch to the house overlooking the lake. So that's going to be for my retirement. I bought this house a while back and we're planning on retiring in there. My neighbors are fine with it.

Mrs. Fabiano asked are you knocking down the house?

Mr. Serino replied no.

Mrs. Fabiano stated that's a very old house to move four feet. That doesn't seem to make sense to me.

Mr. Serino explained the process of how it's done with jacks and a steel beam, etc.

Mrs. Fabiano continued your neighbor is very close. Is he aware? Is he here?

Mr. Serino replied yes. He's not here. I spoke with him. I told him it was going to be six feet.

Mrs. Fabiano stated you're already really close to him. You could pass things through the kitchen window.

Mr. Serino said, his house, in the back, it's the same thing. Maybe 4.5 feet right next to my property.

Mrs. Fabiano replied yes; that's why I don't understand why you would want to bring them closer together. I can't imagine your neighbor wanting to do this. Was there a sign out there cause I didn't see one this morning. I don't know if anybody else saw it.

Mr. Serino replied yes; possibly snow pushed it down. I didn't check.

Mr. Rossiter said no questions but I didn't see the sign out there either.

Mrs. Fabiano said you didn't either. When did you go?

Mr. Rossiter claimed he was out there on Saturday.

Mrs. Fabiano added I was there today.

Mr. Serino reiterated it's probably under the snow.

Mr. Rossiter said it's very tight in the back there.

Mrs. Fabiano added very tight. To go that close, I understand why you would move even closer to your neighbor.

Mr. Schwarz indicated that he had no questions and that although he didn't see a sign, he wasn't really looking for one.

Mr. DiTomaso indicated he did not see the sign either but the snow was Tuesday.

- Howard Fuchs of 201 East Lake Boulevard was sworn in.

Mr. Fuchs stated that his family has been there for four generations. They support the Serinos moving their house. I can't speak for the owners on the other side but if you look at the configuration of the house, the end of their house is sort of the beginning of the other house. They're not lined up one right next to the other. So; I don't see that as really being an issue. I don't think he's interfering with the livability or enjoyment of the property of the house on the other side. I just wanted to have make that known.

Mrs. Fabiano stated she would have loved to have a note or something from the neighbor giving approval for something like this because it is so close.

Vice-Chairman Aglietti stated I would agree.

Vice-Chairman asked Mr. and Mrs. Serino if they would have any objections to holding this over until the next meeting where that neighbor can be presented or something from him in a written format from the neighbor where he sets forth his position on this.

Mr. Serino responded, yes. I don't see a problem.

Mrs. Fabiano reiterated there was no sign either which concerns me that maybe he's not aware of it or whatever.

Mr. Serino reiterated it's probably buried underneath the snow.

Mrs. Fabiano replied I'm sure.

Mrs. Fabiano moved to hold over this case to next month; seconded by Mr. Rossiter with all in favor.

Application of MARSHALL J. MARINACE for a Variation of Section 156-15, seeking permission to retain existing carport, patio and covered porch. The property is located at 141 Dixon Road, Carmel, NY 10512 and is known by Tax Map #43.17-1-74.

Code Requires	Provided	Variance Required
20 ft.- carport	5.95 ft.	14.05 ft.
20 ft. – hip roof	7.8 ft.	12.2 ft.
25 ft. – covered porch	17 ft.	8 ft.

- Mr. Marshall J. Marinace of 141 Dixon Road was sworn in.

Mr. Marinace stated we're going to talk about three issues that I did to my house. I'm going to start with the carport. It's on the right side of the garage. It's about 3 or 4 feet away from the property line. It's approximately 16 feet by 9 feet and probably about 8 feet high. On that side of the property toward the right. There are not any neighbors. I've never met neighbors. Mr. Marinace showed the Board photos of the abandoned house next door. Again; this is on the right side of the house, the carport that we're talking about. My neighbors tell me the house has been abandoned for about 30 years. I've been there for about 8 and I've never seen or heard anybody from that side of the house. Obviously; it's for storing a car – a simple carport.

Mr. Marinace continued the next platform that I did was on the patio called a hip roof. It's on the left side of the house. It's about 7.8 feet from neighbors. It's to store a bar area off the patio and

its' to store a bar and frig outside. It's a nice 'hang-out' spot. My neighbors to the left of me are okay with that.

Mr. Marinace additionally stated the next thing is a porch roof that I built. The one that was previously there fell down a few years ago. I rebuilt that with a contractor. That was always there and I just rebuilt it. That's about 17 feet away from the other house on the left hand side. These were all built by professional contractors.

Vice-Chairman Aglietti asked if there was other land available to purchase to make it more in conformance.

Mr. Marinace replied no.

Mrs. Fabiano asked if Mr. Marinace had tried to approach the owner of the abandoned lot.

Mr. Marinace replied I've never met them; never heard from them; I chase kids out of there about three times a year. It's a little bit of a nuisance. Coyotes hang out and stuff like that.

Mrs. Fabiano stated, I'm wondering at some point if somebody will probably build on there some day.

Mrs. Fabiano directed a question to Mr. Carnazza. Next to this house, there's an abandoned house on there. Would they have to go for 3 acre zoning or could somebody just build on that lot since there's an abandoned house on there?

Mr. Carnazza replied they could, I assume, rebuild. I don't know. I think they can rebuild it. There's a septic there. I don't know exactly what's there. I'd have to.....

Mrs. Fabiano interjected but if somebody were to buy it, they could rebuild on it. They wouldn't have to comply with 3 acre zoning probably?

Mr. Carnazza added I don't think so but I'd have to take a look at the file to see what's there.

Mrs. Fabiano moved to close the public hearing; seconded by Mr. Schwarz with all in favor.

DECISION OF THE BOARD:

Mrs. Fabiano asked to do this in three separate steps and to discuss.

Mr. DiTomaso made a motion to grant; seconded by Mr. Schwarz.

Vice-Chairman Aglietti stated starting with the first one; a twenty foot carport which is looking at a 14.05 variance.

Mrs. Fabiano stated I have some real concerns about this one specific variance. It's six feet from the property line. I know the house next door has been abandoned and is not being used right now but when we grant a variance, it's forever. At some point, I think someone will come in and want to build something and they're not going to want to look at what exists right now. It's not very attractive. I think I wouldn't want this to look at if it was me. I don't know how the rest of the Board feels. This is the one that I have a concern with. So; I just wanted to put it out there. I don't know how anybody else feels.

Vice-Chairman Aglietti asked Mr. Carnazza can we restrict it regarding any kind of screening of any type?

Mr. Carnazza replied you can condition it on screening but you need to be specific and don't just say to my satisfaction.

Mr. DiTomaso stated it looks like it would be screened but only in the summer. There are trees there but obviously there are no leaves on them so you would have to screen with evergreens of some sort.

Vice-Chairman Aglietti pointed out I don't know if we could plant anything with the trees that are there already.

Mrs. Fabiano asked do you think that could be an issue; trying to get some shrubbery in there.

Vice-Chairman Aglietti responded right. It's just a thought.

Mrs. Fabiano stated if there's a car in there, it's six feet from the property line. If somebody has, let's just say a race car, they could be revving it. It could be very noisy. It could create some problems with the neighbor who will eventually go in there. In my experience, I've seen where we've approved something and said the building is abandoned, I'm thinking of one in particular on 6N – it was knocked down and there's a beautiful home there; I think we put a high fence in and today I have a problem with it. So, I'd hate to see someone who wants to move in, who wants to fix up this house that's been ignored and have to look at this with Citgo sign on the side of it.

Vice-Chairman Aglietti asked Mr. Carnazza is it, technically, a carport?

Mrs. Fabiano stated it looks like a garage.

Mr. Carnazza stated it's not really a carport. It's more like a storage structure attached to the garage right next door. It's a bump out for storage but because of the size of it, that's why we call it a garage.

Mrs. Fabiano responded but he has it advertised as a carport.

Vice-Chairman Aglietti asked would that make things different?

Mr. Carnazza responded no. It's the same idea. He probably parks something in there?

Mrs. Fabiano stated yes; he said he's got a car in there.

Mr. Carnazza replied that's why he's calling it a carport. It's not, technically, a garage. It's open on the front. You can see the doors don't go all the way to the ground. It's a closed carport.

Mrs. Fabiano stated I don't know how the rest of you feel but.....

Mr. DiTomaso stated just to play devil's advocate here; the person who is thinking about possibly purchasing the property next door knows what they're buying and getting into because it'll be there for them to see. They can make a decision at that point if they want to see it or not. As far as evergreens, now that I'm looking at this other picture, there very possibly could be room on either side of this big tree here, I don't want to call it an oak but it might well be an oak, on either side to shield it from neighbors view once there is possibly a neighbor. So; it's not out of the question to condition it with a couple of evergreens on either side of that big tree.

Vice-Chairman Aglietti stated he has no objection to setting that condition. Does anyone else want to have any other discussion?

Mr. Schwarz stated I know I had initially put forward a motion to approve it but I'm actually looking at this, I think I'm actually against this variance application.

Vice-Chairman Aglietti said with conditions or without?

Mr. Schwarz replied I think it's unattractive as it's constructed. I don't think it's consistent with what you would see in the neighborhood. I think that the harm is self-created. He built it without a permit and I just don't think that this one meets the criteria for an area variance.

Vice-Chairman Aglietti stated the motion currently is to grant.

Mr. Schwarz interjected I know so I'm actually against the motion.

Mrs. Fabiano directed to Mr. Schwarz; so you see it as a detriment to the neighborhood, self-created and the size/variance is significant.

Mr. Schwarz responded yes.

Vice-Chairman Aglietti asked if we're ready to vote.

Mr. Carnazza reminded the Board that 'the motion is to grant'.

A roll call vote was taken as follows:

- *Mr. Schwarz* against
- *Mr. Rossiter* against
- *Mrs. Fabiano* against
- *Mr. DiTomaso* grant with condition
- *Vice-Chairman Aglietti* against

Mr. Carnazza confirmed that the above was just pertaining to the carport and all members agreed.

Vice-Chairman Aglietti asked if they could do the next two together.

Mrs. Fabiano moved to grant the variance for the hip-roof and the covered porch; seconded by Mr. DiTomaso with all in favor.

Application of MICHAEL SCHWARZ & KATHERINE BITTERS-SCHWARZ for a Variation of Section 156-15, seeking permission to retain existing shed. The property is located at 21 West Lake Blvd., Mahopac, NY 10541 and is known by Tax Map #75.7-1-11.

Code Requires	Provided	Variance Required
10 ft. - side	5.9 ft.	4.1 ft.

- Ms. Anne Klein, Esq., representing Mr. & Mrs. Schwarz appeared before the Board.

Ms. Klein stated that she was before the Board members for a Variation of Section 156-15, seeking permission to retain existing shed. The property is located at 21 West Lake Blvd. in Mahopac and also known and designated on the tax assessment map of the Town of Carmel as #75.7-1-11.

Ms. Klein further stated that the storage shed the applicants wish to retain is approximately 6 x 18 feet and is located near the southerly property line which is the most desirable part of the property because it provides the most convenient point of access and results in the fewest visual impacts to neighboring properties due to the existence of shrubs and a fence. Additionally, the shed is consistent with similar improvements constructed at other homes in the area which have smaller yards and improvements that encroach on setbacks. This Board has approved variances for other homes in the neighborhood and also in the R120 District.

The shed was built to provide a storage area for wood that was stored in the garage which led to the potential for bugs, mold & moisture. Wood serves as a primary source of heat for the Applicant for about $\frac{3}{4}$ of the year. The larger size of the shed is necessary to facilitate the wood seasoning process which takes approximately 1 year. The Applicants are seeking an area variance of 4.1 feet to permit them to retain the shed. In making this determination; section 267B of the NY Town Law requires the Board to take into consideration the benefit to the Applicants if the variances are granted as weighed against the detriment to the health, safety and welfare of the neighborhood and community. This balancing test can be shown to be in the Applicants' favor in three ways. First; this variance would not create an undesirable change in the character of the neighborhood nor create a detriment to neighboring properties. As you can see from the pictures submitted with the application, the shed matches the existing single family home. Screening exists to ameliorate potential impacts on the neighboring properties. As it is only used for the storage of wood, garden equipment and tools, it does not result in any adverse impacts in terms of noise, traffic, drainage, erosion, groundwater odors or the like. Second; the benefits sought by the Applicants cannot be achieved by any other method. Because of the dimensions of the property of 75 x 100 feet, the only way to potentially eliminate the need for the variance would be to place the shed somewhere in the rear yard. This, however, is impractical because the Applicants' septic tank and leech fields are located there. A larger variance would be required if the shed was placed in the northerly portion of the yard and relocating the shed to the front yard would be unsightly and inconsistent with the neighborhood and impractical. Finally; the need is not entirely self-created but is a function of these existing site constraints. Despite constructing the shed without a permit, a variance is nonetheless required. Respectfully, the Board should grant the variance for these reasons. Applicants have demonstrated a need for the shed; they did their best to build a nice looking shed that matches the house and located in the best possible place on their property where it is appropriately screened. Applicants are also requesting the minimum variance of 4.1 feet. I'd like to remind the Board that it has granted similar variances in this immediate neighborhood and also on other properties within the R120 District. Thank you.

Vice-Chairman Aglietti asked if there was any other land that can be purchased to somehow make this less of a variance.

Ms. Klein responded no. It abuts a little lane so there's nowhere else for them to go on that side of the property and the surrounding properties are small and developed with single family homes.

Mrs. Fabiano asked, how long has it been up?

Ms. Klein responded it's been up for a little under a year.

Vice-Chairman Aglietti asked if there was any input from the public with none requested.

Mrs. Fabiano moved to close the public hearing; seconded by Mr. Rossiter with all in favor.

DECISION OF THE BOARD (Mr. Michael Schwarz recused himself):

Mr. DiTomaso moved to grant variance; seconded by Mr. Rossiter with all in favor.

Application of LORI & THOMAS INFANTINO for a Variation of Section 156-15, seeking permission to subdivide property into 2 lots. Lots width, depth and frontage variances for Lots 1 & 2 needed. The property is located at 453 North Lake Blvd., Mahopac, NY 10541 and is known by Tax Map #64.12-1-56.

Code Requires	Provided	Variance Required
Lot 1 Frontage 100'	51.92 ft.	48.18 ft.
Lot 1 Width measurement leaves site due to odd shape		
Lot 1 Depth measurement leaves site due to odd shape		
Lot 2 Depth measurement leaves site due to odd shape		

- Mr. William Besharat of 266 Shear Hill Road representing the applicant was sworn in.

Mr. Besharat stated that we have been in front of the Planning Board for a proposed subdivision of a very large piece of property. The odd shape of the property that exists and going for the subdivision to create the additional lot that was at the rear of the property created certain hardships that we are here asking for a variance. The variances that we have listed, I'll address one by one. The lot frontage for Lot 1, which is an existing lot that we are subdividing, is down on West Lake Blvd. That is existing and we are not creating it. That's existing as is which is to create the easement/right of way to the new piece of property. The new piece of property is going to be accessed from Split Rock Road – the existing cul-de-sac at the end.

Mr. Besharat stated the second item is the lot width of Lot 1. We do have the lot width; it does exist. The problem is because of the odd shape of the property, it jumps the property line. When you go by the definition of how to measure the lot width and lot depth, you go off the center lines of the side yards and you connect them together, it jumps the property line and gets off the property line and that's what the variance is needed for. Actually it's the same for depth on Lot 1 and depth on Lot 2. All are the exact same scenario because of the odd shape of the property.

Mr. Besharat further stated the odd shape of the property was discussed at the Planning Board extensively, (with regard to) the leg down at the bottom.... The only reason for it is to provide a foot path down to the lake.

Mrs. Fabiano asked Mr. Besharat can you help me here. I had really hard time trying to figure out where this was. The application says 452, the directions say 453, the authorization form says 453 and there were no signs so I had no clue where I was looking.

Mr. Besharat replied the reason why it was at 453 is because this is the lot we are subdividing and this is the address of it. The new lot that we created is accessed from here.

Mrs. Fabiano noted but the lake is an even number and the other side of the road is an odd number. So; there was no sign. I went out there and I couldn't figure out where to go. Was it lakeside, was it not lakeside. I saw a long road and thought well maybe that's it but without a sign I couldn't even.....

Mr. Besharat interjected okay; then this.....

Mrs. Fabiano interjected is this next to the Strohm property?

Mr. Carnazza interjected yes.

Mr. Besharat said yes the access to the lot is next to Strohm on the left hand side of the property. The access to the proposed lot is over here. If Board members would like to meet us out there, we'd

be more than happy to postpone it, meet and show you exactly what we're talking about. It's really a unique piece of property to develop and we could show you the accessibility and everything else we plan on doing with it.

Mrs. Fabiano stated I'm not sure if it was mis-advertised. Is it 452 or 453? Did we advertise it at 452 which would have been lakefront when it should have been the other side?

Mr. Carnazza stated on the agenda it's 452. What did you write on your application?

Vice-Chairman Aglietti said 452.

Mr. Besharat stated 453 is the location.

Mrs. Fabiano asked the location is 453?

Mr. Besharat confirmed yes.

Mrs. Fabiano said so it was mis-advertised.

Mr. Carnazza stated yes; you wrote the wrong address on the application.

Mr. Besharat replied then we will ask for it to be held over and re-advertise.

Vice Chairman Aglietti asked Mr. Carnazza if it required a new application.

Mr. Carnazza replied he's going to amend the application and re-notice all the neighbors.

Mr. Besharat indicated to Mrs. Fabiano, in the meantime if you'd like to go out there, we'll just set up a time and we will meet you or any other member of the Board out there. I think that would be a lot easier scenario to see it. The Town Engineer had to go out there and take a look. It's a unique and beautiful lot and it will have a nice view on a private, wooded location.

Mr. Carnazza asked is there a way to put some stakes where the approximate location of the house is going to be.

Mr. Besharat stated yes, we have no problem with that.

Mrs. Fabiano said have a sign on the road.

Mr. Besharat said we will do that.

Mr. Besharat said we'll put two signs – one down here.

Mr. Dudyshyn stated the sign on the road on North Lake is not going to do you any justice because it's on Split Rock – all the way up at the top.

Mrs. Fabiano said, so we'll have to take the road up from Split Rock?

Mr. Carnazza said right to the end.

Mrs. Fabiano said because I took a road next to the Strohm property and it didn't take.....

Mr. Dudyshyn interjected we own that property too.

Mr. Besharat said that is actually the lot.

Mr. Carnazza said that is Lot 1.

Mrs. Fabiano stated the directions are very confusing because it says turn left on North Lake and then turn right. The directions aren't even.....

Mr. Besharat replied that's MapQuest. I guess MapQuest isn't familiar with Mahopac.

Mr. Dudyshyn indicated the easiest way to access is through Split Rock.

Mrs. Fabiano stated the directions didn't say anything about Split Rock.

Mr. Besharat replied we'll change those. Actually I would love to see you guys (Board Members) out there and see with your own eyes what we're talking about. We will stake out where the house is going.

Mrs. Fabiano moved to holdover this application until next month; seconded by Mr. Schwarz with all in favor.

Mrs. Fabiano noticed someone from the public wanted to speak.

There was a motion to re-open the public hearing on this application by Mr. DiTomaso; seconded by Mrs. Fabiano with all in favor.

➤ Mrs. Debbie Isaksson (Jeff Dailey) of 50 Split Rock Rd was sworn in.

Mrs. Dailey said I'm not going to say anything. I just have a question: you had mentioned there was going to be a footpath so I was just wondering where the footpath or the egress would be for them to get down because I was told that we would not be able to see them and, obviously, we're looking onto a beautiful pond so I'm sure that at some point the trees will be cut down. So where will this footpath be? Will it be on someone else's property?

Mr. Besharat replied no. There are no constructions proposed in the leg of the property. This is just in case, the people in the future, want to walk down to Wixon Pond, they'll be able to get there but at this stage, we are not proposing any construction or any trees to be cut there.

Mrs. Dailey said I'm in real estate. I sell real estate in Manhattan so I know all about this. I'm not complaining. I'm just asking, if in the future because you don't buy a house on Wixon Pond to just twiddle your thumbs and not look at the lake. You go there to either boat or go there to look at the lake so where will the footpath be should they desire a footpath. That's all I'm asking.

Mr. Besharat replied we created a 100 foot wide leg and if anything, the footpath will be here – away from your property.

Mrs. Dailey interjected where is here? Can you clarify here?

Mr. Besharat replied, this is your house and this is your property line here (to which she agreed)....Its' approximately 250 feet away from your house PLUS to the center of the path somewhere so approximately 300 feet away from your house.

Mrs. Dailey interjected you keep saying somewhere and if. Will there be an egress on my property for them to come through my property?

Mr. Besharat and Mr. Dudyshyn simultaneously replied absolutely not.

Mrs. Dailey said ok so where will the footpath be? That's all I'm asking. I'm not complaining. So is that behind my driveway?

Mr. Besharat showed her on map that it's not. No; it's not even near your driveway. It's approximately 300 feet away from any portion of your house.

Mrs. Dailey said I'm not asking how far it is away my house. I'm asking if it's going through my property. That's all I'm asking.

Vice-Chairman Aglietti said why don't you guys talk outside and figure it all out as this is not for us.

Mrs. Fabiano moved to holdover this application; seconded by Mr. DiTomaso with all in favor.

Application of SETH HARRISON for a Variation of Section 156-15, seeking permission to retain deck. The property is located at 19 Muscoot West, Mahopac, NY 10541 and is known by Tax Map #75.73-1-7.

Code Requires	Provided	Variance Required
10 ft. – side	9 ft.	1 ft.

- Seth Harrison of 19 Muscoot Road West was sworn in.

Mr. Harrison stated he's requesting a variance approval to retain a deck. The area in question infringes within the given setback by a matter of inches – approximately 9-10. As the deck stands now, it doesn't disturb or infringe on any neighboring homes.

Mrs. Fabiano moved to close the public hearing on this application; seconded by Mr. Schwarz with all in favor.

DECISION OF THE BOARD

Mrs. Fabiano moved to grant variance; seconded by Mr. DiTomaso with all in favor.

Application of ANDREW DeMONTILLE for a Variation of Section 156-15, seeking permission to erect detached garage. The property is located at 110-108 Croton Falls Road, Mahopac, NY 10541 and is known by Tax Map #65.18-1-69.

Code Requires	Provided	Variance Required
20 ft. – side yard	10 ft.	10 ft.

- Mr. William Besharat was reminded he was still under oath.

Mr. Besharat stated that this is unique situation. I don't know if you're familiar with the property – the Marino's old parcel. The new owners would like to put a detached garage for their personal use. There's an existing barn currently on the property but this barn is not suitable for parking cars. It has wood floors in it. It's completely useless for parking. So they want to replace it. They want to create parking for their own personal use and the reason why we are asking for the variance is that there is an existing tree in the front of this house. The base of it has about an 8' diameter. It's huge. They were told that's one of the oldest trees in Mahopac. This property use to be a maple tree farm ages ago. Some trees are still left on the property that are still humungous but the one

that we're trying to salvage is indicated on the site plan that we've submitted. We showed where the tree is. What we're trying to do is put the garage as close as possible to the house and away from the property but we estimated that the roots of tree (not to be disturbed) is to keep it approximately 20 feet or so away from the tree. When we start digging, we will see where the roots are and if there are no more roots, we can move closer to the house and away from the property line. This garage will not be constructed, under any circumstance, less than 10 feet from the property line. The required, by code, is 20 feet side yard; we will have 10 foot side yard. We have 10 acres of property but there is no other place that is suitable for this garage for many reasons. There is a huge pond on the property itself. We're keeping the garage outside the wetland buffer. The area in the back is a cliff to get to it and it will not serve the purpose behind the pond. On the left hand side of the house (looking at it from the street which is the west side of the property) towards the rear is the septic system so I cannot come close to it. So; when I look at a huge piece of property like this, that is the only location I can fit a garage that there is a desperate need for. The impact of the garage into the neighborhood, in general, is a positive. We're staying with the same characteristics of the neighborhood. There's plenty property and it's going to be out of sight. It's not going to create any visual impact on anybody. I actually took pictures of the property next door and it's very well screened as is with evergreen trees and a tall fence. It will not create any impact on the neighbors. And; as I said, the main reason is we're trying to salvage the tree without damaging it. It's a beautiful tree. It would be a sin to come close to the roots and killing the tree even if you don't want to. That's the main reason why we're putting the garage where we located it. There are no other properties available for us to purchase so we can do this addition without the variance. The hardship is not self-created because they have the need for it. There's a barn that was supposed to be a garage but it could not be used as a garage.

Vice-Chairman Aglietti interjected what is the size?

Mr. Besharat said just one more item. The existing driveway – all that macadam blacktop in the back of the house - we will be removing that. They're trying to create and be as green as possible and make it a beautifully landscaped area. So that area with the parking (if you've been to the property) all that beyond the stone wall to the back will be removed.

Vice-Chairman Aglietti asked and what is the size of the garage?

Mr. Besharat replied it's going to be 26' x 36' which is a 3 car garage.

Vice-Chairman Aglietti asked can you do smaller?

Mr. Besharat replied even if I do a little bit smaller, it will not impact my variance. Like I said, once we start digging, if we can push it away from the property line further, we will. We're trying to keep it as close as possible to the house. When you get out of the car, you don't want to walk a long distance from your garage to the house. Saving the tree and not disturbing the roots to the point that may impact the tree and end up killing it, is our main reason to locate the garage where it is.

Mr. DiTomaso asked if this was the tree you're talking about (motioned for Mr. Besharat to come look at his papers)?

Mr. Besharat confirmed yes; that is the location of the tree. We measured it from the corners of the house. We're going to try to push the garage as far as possible..... (inaudible).....

Mr. DiTomaso asked this is the front of the house here with the porch?

Mr. Besharat confirmed yes; that is the front of the house. This is a picture of the tree in relationship to the house. This is the side of the house – the property line where we're asking for the variance. It has fully grown evergreen trees. The buffer is already existing.

Mrs. Fabiano asked are you going to be putting electrical and plumbing in there?

Mr. Besharat replied electrical; no plumbing.

Mrs. Fabiano asked we can condition it that there's no plumbing?

Mr. Besharat replied yes.

Mrs. Fabiano asked have you thought about just a two car garage? You wouldn't need the variance at all.

Mr. Besharat replied yes; we thought about that but they really have a need for their vehicles and there's no storage in the house basically. One section they are going to need for storage so the 3 car garage will serve the purpose completely; two cars will not.

Mrs. Fabiano asked this won't become any kind of rental?

Mr. Besharat replied absolutely not. They're looking to beautify the property and remove a lot of stuff, create more plantings, etc.

Mrs. Fabiano noted there is a rental.

Mr. Carnazza interjected yes; it's a legal apartment.

Mr. Rossiter asked how are you accessing the second floor?

Mr. Besharat replied it's just a storage area/attic if we need it. Right now we aren't proposing a second floor at all. We're just proposing a higher ceiling in there. If you saw the picture, we are mimicking the existing house. We tried to keep the same architectural lines of the house. We are changing this line to look identical to the house. The front of the garage will look identical to the house.

Mr. DiTomaso moved to close the public hearing on this application; seconded by Mr. Schwarz with all in favor.

DECISION OF THE BOARD:

Mrs. Fabiano moved to grant variance with condition there be no plumbing; seconded by Mr. DiTomaso with all in favor.

Application of SAYED EL SHAKRY for a Variation of Section 156-15, seeking permission to rebuild barn over existing foundation. The property is located at 47-51 Fair Street, Carmel, NY 10512 and is known by Tax Map #44.14-1-53.

Code Requires	Provided	Variance Required
25 ft. – side yard	1.5 ft. existing	23.5 ft.
40 ft. – rear yard	7.0 ft. existing	33 ft.

- Mr. Joel Greenberg was reminded he was still under oath.

Mr. Greenberg stated this is a piece of property located on Fair Street just down from the Carmel High School. In the upper right hand corner, if you've been to the sight, you'll see an old foundation where there was a structure and we're just basically asking to put the structure back but it needs to the two variances.

Vice-Chairman Aglietti asked if there was any other land that could be purchased?

Mr. Greenberg responded no; the condos are right behind us and to the east of us is another house.

Mrs. Fabiano asked Mr. Greenberg, you want 7 buildings on 1.7 acres?

Mr. Greenberg replied that's the way it's been. It's always been that way.

Mrs. Fabiano added well to add the barn – the barn has been gone for a long time I think. It's been gone for a long time. It's where the basketball court is correct?

Mr. Greenberg replied yes.

Mrs. Fabiano then stated it's very close to the neighbors.

Mr. Greenberg replied, again; if you look at the picture, you can see the way it's located here, it's not going to affect anyone's view.

Mrs. Fabiano stated it's close to the side and the rear peoples' property. I think our goal is to get rid of non-conforming – not add to non-conforming.

Mr. Greenberg replied we're not adding. We're just putting back what was there.

Mrs. Fabiano countered but it's been gone for a very long time. You can see the pavement's old and where the basketball court is, the barn has been gone for a very long time so to add something in that's been gone for a very long time, I have a hard time with – especially with a 1.5 existing on the side yard. It's a very tight lot and seven buildings seems excessive to me.

Mr. Greenberg stated, if you look at the site, yes, but there's a lot of open area between the front and the back and there's a huge open area over here (points out on map).

Mrs. Fabiano interjects yes but not to his neighbor. I have almost the same size lot and I would never consider putting seven buildings on my property.

Mr. Greenberg replied I can't deny you your opinion but I think we're entitled to put back what was there. If we were asking for a new building, you'd be 1000% correct.

Mrs. Fabiano stated but it kind of is a new building – in a sense.

Mr. Greenberg replied well that's your opinion.

Mr. Carnazza interjected it is because the non-conforming lapsed for more than a year.

Mr. Greenberg replied well that's why we're here. If it was less than a year we could put it back – correct?

Mr. Carnazza replied being that it's a multi-family use there, that's the use variance side of it.

Mrs. Fabiano stated I think it's a detriment to other neighbors being so close.

Mr. Greenberg interjected I did get a call from some of the neighbors and I spoke with them. Once I told them what we're doing (motions okay). Because there's a condo there, we notified about 60 neighbors. Out of those 60 neighbors, nobody had a problem. I don't see why this Board should have a problem with it. Again; it's not sticking out like a sore thumb. It's going right into the existing grade.

Mrs. Fabiano stated it seems he has a lot of rental properties on this property. This is all rental buildings.

Mr. Greenberg said this is not a rental building. He's using it for storage. He's not renting that as a separate unit.

Mrs. Fabiano replied I think it's self-created. How long has he owned the property because that barn has been gone a long time so I'm expecting that he bought it without the barn?

Mr. Greenberg replied I honestly don't know. I'd have to look it up.
Vice-Chairman Aglietti asked what's going to be built there?

Mr. Greenberg replied just for storage.

Vice-Chairman Aglietti said just basically a garage?

Mr. Greenberg replied yes; it's not going to be occupied; there's not going to be any plumbing. The only thing that will be there is the electrical. I don't think it's a detriment to the neighborhood and if you go through the criteria for an area variance, I think we meet them all except

Mrs. Fabiano interjected see I think that it's a detriment to

Mr. Carnazza stated this is for a use variance, isn't it?

Mr. Greenberg no, that's not what it....

Mr. Carnazza interjected you circled it on your application. It's use because any time that you have a non-conformity lapse for one year; to re-establish it, it needs to go back for a use variance.

Mr. Greenberg replied I did not know that.

Mr. Carnazza continued it's part of the use section of the code; the non-conformity section.

Mr. Greenberg said I'm not questioning you. It's just when we discussed this, I don't recall discussing a use variance. I could be wrong – not the first time.

Mrs. Fabiano added it's significant in size, it's self-created; I think it will have an adverse impact.

Mr. Greenberg asked how is it self-created?

Mrs. Fabiano responded because when he bought the property, there's a good chance the barn wasn't there.

Mr. Greenberg stated we don't know that.

Mrs. Fabiano replied well when did he buy it? That's a matter of record.

Mr. Greenberg replied to your point when was the barn gone? I'd have to find out if, in fact, it was there or not there.

Mrs. Fabiano stated the barn's been gone more than a year.

Approved 5/25/17

Mr. Greenberg replied yes. I thought I had the deed but I guess I don't.

Mrs. Fabiano added too close to the neighbors.

Mr. Schwarz stated and there's no financial; the only information that's required....

Mr. Greenberg asked for application to be held over.

Mrs. Fabiano moved to hold over this application; seconded by Mr. DiTomaso with all in favor.

MISCELLANEOUS:

Minutes – February 23rd minutes were HELD OVER

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

Respectfully submitted,

Dawn Andren