

**APPROVED**

**JOHN MAXWELL**  
*Chairman*

**TOWN OF CARMEL**  
**ZONING BOARD OF APPEALS**

**MICHAEL CARNAZZA**  
*Director of Code  
Enforcement*

**PHILIP AGLIETTI**  
*Vice-Chairman*



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**ROSE FABIANO**  
**SILVIO BALZANO**  
**WILLIAM ROSSITER**  
**MARC DITOMASO**  
**MICHAEL SCHWARZ**

**ZONING BOARD OF APPEALS MINUTES**

**MAY 25, 2017**

**PRESENT: CHAIRMAN, JOHN MAXWELL; VICE-CHAIRMAN, PHILIP AGLIETTI; ROSE FABIANO;  
WILLIAM ROSSITER; MICHAEL SCHWARZ, SILVIO BALZANO & MARC DITOMASO**

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<b><u>APPLICANT</u></b>	<b><u>TAX MAP #</u></b>	<b><u>PAGE</u></b>	<b><u>ACTION OF THE BOARD</u></b>
Sandra Gershenson	64.6-1-3		GRANTED
Tabitha Garcia	77.18-1-12		GRANTED
Allen Hand	65.15-2-42		GRANTED
Benno Frankfurter Jr.	74.15-1-22		GRANTED
Dale Riehl & Cathy Izzo	64.18-2-63		GRANTED W/CONDITIONS
Jan-El Properties, Inc.	86.7-1-24		GRANTED W/CONDITIONS
Minutes:	March 23, 2017		APPROVED
	April 27, 2017		APPROVED

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

Respectfully submitted,

Dawn Andren

## **HOLD OVER APPLICATIONS:**

**Application of SANDRA GERSHENSON for a Variation of Section 156-15, seeking permission to retain existing sheds. The property is located at 471 Bullet Hole Road, Mahopac NY 10541 and is known by Tax Map #64.6-1-3.**

<b>Code Requires</b>	<b>Provided</b>	<b>Variance Required</b>
<b>Shed 1: 10 ft. side</b>	<b>3 ft.</b>	<b>7 ft.</b>
<b>Shed 2: 10 ft. side</b>	<b>5 ft.</b>	<b>5 ft.</b>

➤ Ms. Sandra Gershenson of 471 Bullet Hole Road - Mahopac was sworn in.

Ms. Gershenson stated I have some sheds: one in my yard and two in my driveway. When I put them up, at that time, I didn't know about variances and how far it could be from my property (line). They're just sheds that snap together. They're Rubbermaid. I put them together myself so I didn't know they needed building permits, variances and things of that nature.

Chairman Maxwell said alright. So a 7' variance on one shed is required and a 5' on the other. You didn't realize you needed a building permit?

Ms. Gershenson responded they're plastic sheds that snap together. I could take them down and flatten them out in just a few minutes. As a matter of fact, during hurricane Sandy, one of them blew apart so I thought you needed building permits for permanent structures. This didn't seem very permanent to me.

Chairman Maxwell asked if there was any property that you can purchase to bring this into conformance.

Ms. Gershenson replied no but I do have a letter from my neighbor who the sheds are adjacent to. The letter is from Santana. We have a wonderful relationship. We're like family. We're not even like neighbors anymore. They've been there over 20 years and I've been here almost 40.

Chairman Maxwell said and they were here previously last month for their shed.

Ms. Gershenson replied yes and they probably gave you the same letter because we all signed that. We have no problem with each other. As a matter of fact, for a long time after the hurricane when the fence came down, their dog used to come in my yard.

Chairman Maxwell said I seem to recall a fence between the sheds.

Ms. Gershenson responded no; the fence was actually there prior to them moving in. It was put up by the previous neighbor.

Chairman Maxwell polled the Board for questions.

Vice-Chairman Aglietti said you have a third shed also that's not for us. What do you use the sheds for?

Ms. Gershenson responded the one in the yard is for my yard equipment. I have a John Deere riding mower, a wood chipper and some other things back there. The front, I have my snow plow. I have a brother who moved in and brought all his stuff with him. That's in the other shed.

Mrs. Fabiano stated we typically don't like front yard sheds so I was wondering would you consider moving the one that's closest to your neighbor to behind the fence so it wouldn't be so obvious that you have two sheds in the front.

Ms. Gershenson said I don't think I can. The property in the back isn't level. These sheds are on a paved driveway because I don't have a garage so these are in place of the garage so they're at the back end. They're actually just slightly back from my house. I think you can see in the picture, they're just at the edge of the house. They wouldn't stand back there because there's no foundation. Like I said, they're just plastic. As a matter of fact, the one that I used to have in the backyard was always sinking and sagging; leaning one way or the other. With the weight of the things inside, it just wouldn't work in the back.

Mrs. Fabiano said okay.

Ms. Gershenson said it doesn't look ugly or anything. You can see in the pictures, it doesn't look bad.

Mrs. Fabiano restated we just try to keep sheds out of the front yard for eyesight.

Chairman Maxwell looked for public input on this application to which there was none.

Vice-Chairman Aglietti moved to close the public hearing on this application; seconded by Mr. Rossiter with all in favor.

**DECISION OF THE BOARD:**

Mrs. Fabiano moved to grant requested variance; seconded by Vice-Chairman Aglietti with all in favor.

**NEW APPLICATIONS:**

**Application of TABITHA GARCIA for a Variation of Section 156-15, seeking permission to retain two existing sheds. The property is located at 318 Overlook Ct. Carmel NY 10512 and is known by Tax Map #77.18-1-12.**

<b>Code Requires</b>	<b>Provided</b>	<b>Variance Required</b>
<b>Shed 1: 10 ft. side</b>	<b>1 ft.</b>	<b>9 ft.</b>
<b>Shed 2: 10 ft. side</b>	<b>5 ft.</b>	<b>5 ft.</b>

➤ Ms. Tabitha Garcia of 318 Overlook Court-Carmel was sworn in.

Ms. Garcia stated I also have sheds but they were there when we bought the house so we didn't realize that there were any issues.

Chairman Maxwell asked and they never got picked up by title search?

Ms. Garcia responded they never got picked up by anything so I received a notice in late October. I guess the previous owner had tried to get approval for the sheds but somehow I guess the paperwork fell through the cracks. Again; I received this notice in October and here we are today.

Chairman Maxwell stated okay. They're attached or they're just right next to each other.

Ms. Garcia said no; they're two separate sheds. One is a plastic one and the other one actually has foundation where it's supposed to sustain hurricane winds and all that. When we purchased the home, that's what the previous owner had told us.

Chairman Maxwell said okay; and it's right up against the fence?

Ms. Garcia replied pretty much – yes.

Chairman Maxwell said I saw it from the neighbor's side. All you can really see is the peak of the roof if anybody went out there so it's not too obtrusive. It's a 9 foot variance but because of where it is with the fence, I don't think it's too bad. There's no property you can buy to bring it into conformance?

Ms. Garcia replied no.

Chairman Maxwell asked what would be the cost if you had to move the shed.

Ms. Garcia replied I have no idea but for the one, it has cement blocks so I don't even know.....we would have to totally rip it apart I guess.

Chairman Maxwell polled the Board for questions.

Mrs. Fabiano said no; it's very well screened.

Chairman Maxwell looked for public input on this application to which there was none.

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

**DECISION OF THE BOARD:**

Vice-Chairman Aglietti moved to grant the requested variance; seconded by Mr. Balzano with all in favor.

**Application of ALLEN HAND for a Variation of Section 156-15, seeking permission to retain existing shed. The property is located at 12 Sheryl Lane, Mahopac NY 10541 and is known by Tax Map #65.15-2-42.**

<b>Code Requires</b>	<b>Provided</b>	<b>Variance Required</b>
<b>10 ft. side</b>	<b>3.5 ft.</b>	<b>6.5 ft.</b>
<b>10 ft. rear</b>	<b>5.5 ft.</b>	<b>4.5 ft.</b>

➤ Mr. Allen Hand of 12 Sheryl Lane – Mahopac was sworn in.

Mr. Hand stated that I'm trying to retain a shed on my property. When I purchased the house 35 years ago, there was one of those aluminum sheds there and I just replaced it. It wasn't until this fall when I started cleaning behind the shed, I found the stake/pin for the property line and I realized I was a little bit too close. The previous owner and the one before that; the way that the property is set up and been used for the last two owners, it looks like I'm way past the variance as to how the property was used. I have a photo of it. It looks like I have much more room on my left than the shed is. The lawn has been mowed and used for 35 years. It seems like it's my property but in essence is my neighbors' property but that goes back to the last two previous owners. When I purchased the house, there were things there that made us assume it was our property.

Chairman Maxwell stated alright. It's not an extreme variance that you're looking for. I was out there the other day. It's well screened by woods in the back and far enough away from your neighbors' houses. It's well-kept and maintained. Is there any property you can buy to bring it into conformance?

Mr. Hand replied no; the rest of the property is all rock ledges and the only other place would need a variance also.

Chairman Maxwell asked what would be the cost to relocate that.

Mr. Hand stated he checked into it and it would cost about \$2,800 to move it and it's really all rock ledges in the back of my house.

Chairman Maxwell polled the Board for any questions.

Chairman Maxwell looked for public input on this application to which there was none.

Vice-Chairman Aglietti moved to close the public hearing on this application; seconded by Mrs. Fabiano with all in favor.

**DECISION OF THE BOARD:**

Mr. Balzano moved to grant requested variance; seconded by Vice-Chairman Aglietti with all in favor.

**Application of BENNO FRANKFURTER JR. for a Variation of Section 156-15, seeking permission to construct porch with ramp and stairs. The property is located at 23 Walnut Drive, Mahopac NY 10541 and is known by Tax Map #74.15-1-22.**

Code Requires	Provided	Variance Required
40 ft.	30 ft.	10 ft.

➤ Mr. Benno Frankfurter, Jr. of 23 Walnut Drive – Mahopac was sworn in.

Mr. Frankfurter stated that he's looking to construct a front porch with a ramp; a handicap accessible ramp. My wife needs to get in and out. We're getting a wheel chair – I think in June – so she needs access to be able to get in and out.

Chairman Maxwell said you're only coming off the house how far?

Mr. Frankfurter replied I'll have to look. It's a few feet past where you need 45' of frontage.....

Chairman Maxwell stated well it requires 40 feet and you have 30 feet to the property line so you're going to need a variance of 10 feet. But; what I mean is how far off the house now, is this ramp?

Mr. Balzano says it looks like it's going to be 8 feet.

Mr. Frankfurter replied there's a set of steps there now so it'll.....

Chairman Maxwell said it's hard to read this little sketch here.

Mr. Frankfurter said I have a copy of the plans if that helps.

Chairman Maxwell replied yes; most certainly.

Mr. Frankfurter said it may be crude but I think it'll explain it.

Chairman Maxwell asked you already submitted them to Mr. Carnazza.

Mr. Frankfurter replied yes; Mr. Carnazza saw them.

Mr. Carnazza stated I saw the plans. I thought the plans were being given to you guys.

Mr. Balzano replied no; all we have is this survey.

Mr. Frankfurter showed the Board members on his copy – basically you come out the front door – will be the ramp down here; the front porch area and steps going down. It looks like a front porch in this cause the ramp will be hidden.

Chairman Maxwell said and what you have now is just steps right up against the house.

Mr. Frankfurter replied yes; but a little bit shorter. It's a concrete.....

Chairman Maxwell said oh so this will be a covered porch?

Mr. Frankfurter replied yes; it'll look just like a porch but it'll have the ramp coming out to the side. The reason I want it covered is because I don't need snow and ice built up on this.

Chairman Maxwell said yes; that would be more of a burden. You submitted this to Mr. Carnazza's department already?

Mr. Frankfurter replied I don't know if I submitted anything.

Mr. Carnazza said you did because I denied you to the Zoning Board so that's what you gave me.

Chairman Maxwell said okay; I have to submit this. Do you have a copy of this?

Mr. Frankfurter replied I could give you that. I have it on the computer.

Chairman Maxwell said okay; just submit this for the record. I was out there the other night. It was late and dark but it didn't seem like it was too encumbering on the neighbors and you're pretty far off the street and you had decent landscaping and stuff.

Mr. Frankfurter replied like I said, it'll look just like a front porch.

Chairman Maxwell asked what kind of roof?

Mr. Frankfurter replied I'm going to continue the roof line with whatever the shingles are – the same kind of shingles.

Chairman Maxwell I mean what style roof. Is it going to be like a shed roof coming off or is it going to be gabled.

Mr. Frankfurter replied it'll be a shed roof; I think it's called a colonial cape so it's dormered in the front and the roof comes down and the roofline will continue.

Chairman Maxwell polled the Board for any questions or concerns.

Chairman Maxwell then looked for public input on this application to which there was none.

Vice-Chairman Aglietti moved to close the public hearing; seconded by Mr. Balzano with all in favor.

**DECISION OF THE BOARD:**

Vice-Chairman Aglietti moved to grant requested variance; seconded by Mr. Rossiter with all in favor.

**Application of DALE RIEHL & CATHY IZZO for a Variation of Section 156-15, seeking permission to construct a garage. The property is located at 28 Lakeside Road, Mahopac NY 10541 and is known by Tax Map #64.18-2-63.**

<b>Code Requires</b>	<b>Provided</b>	<b>Variance Required</b>
<b>40 ft. front</b>	<b>7 ft.</b>	<b>33 ft.</b>

➤ Mr. Dale Riehl & Ms. Cathy Izzo of 33 Lakeside Road, Mahopac were sworn in.

Mr. Riehl stated we'd like to build a garage. We have none. We've owned our home since August 1985. We like our neighbors and the community. We've always wanted to have a garage because of the weather and our need for storage space but we couldn't afford one because we had to rent an apartment in NYC. We've now closed our business which is where we needed the apartment and moved everything from our apartment and everything from our business into our house.

Ms. Izzo stated it's crowded – very crowded.

Chairman Maxwell said crowded house.

Ms. Izzo added it's a small house too.

Chairman Maxwell said it's not very uncommon for that neighborhood. Everybody's doing it that has property across the street to the lakeside. I think most of those houses do have the adjacent property – correct?

Ms. Izzo replied yes; across the street.

Mr. Riehl stated I actually counted them. Thirteen of nineteen houses on our street have space with garages across the road and nine of the thirteen have second stories.

Chairman Maxwell said okay; no plans for running water?

Mr. Riehl responded we want to put in rain barrels actually.

Chairman Maxwell said I assume you're going to have electricity for convenience outlets. We have to make sure it doesn't turn into an apartment.

Mr. Riehl said we understand; no bathroom.

Chairman Maxwell said I know you're a little closer to the front of the road and if anybody was out there it's because it steep slopes up directly behind where the garage would go. The need for the frontage is such.

Ms. Izzo supplied further pictures.

Mr. Riehl said this is to illustrate that we have a tidy yard and we like things to look nice and across the street is our jungle. We like natural life actually. And, in fact, we want to preserve as many trees as possible in the construction.

Chairman Maxwell responded we appreciate that.

Mr. Riehl added we've asked our immediate neighbors on either side and they have no concerns about the plans.

Chairman Maxwell polled the Board for questions and concerns.

Mrs. Fabiano directed to Chairman Maxwell how do we condition it with just rainwater, no plumbing?

Mr. Carnazza interjected yes; no plumbing. The rainwater is just to collect water for plants.

Mr. Riehl said but you have to put in a pump I believe to distribute the water.

Chairman Maxwell said it's being very lead.

Mr. Riehl said there's too much water as there is so it's better.

Chairman Maxwell then looked for public input on this application to which there was none.

Vice-Chairman Aglietti moved to close the public hearing; seconded by Mrs. Fabiano with all in favor.

**DECISION OF THE BOARD:**

Mrs. Fabiano moved to grant requested variance with the condition that there will be no plumbing in the structure; seconded by Mr. Balzano with all in favor.

**Application of JAN-EL PROPERTIES, INC. for a Variation of Section 156-15, seeking permission to legalize 3 existing storage containers and add 3 more pre-fab storage units. The property is located at 7 Lupi Court, Mahopac NY 10541 and is known by Tax Map #86.7-1-24.**

<b>Code Requires</b>	<b>Provided</b>	<b>Variance Required</b>
<b>Min Lot Size 40,000 sf</b>	<b>24,800 sf</b>	<b>15,200 sf</b>
<b>Min Lot Depth 200 ft.</b>	<b>100 ft.</b>	<b>100 ft.</b>
<b>Min Front Yard SB 40 ft.</b>	<b>10 ft.</b>	<b>30 ft.</b>
<b>Min Floor Area 5,000 sf</b>	<b>960 sf</b>	<b>4,040 sf</b>

➤ Mr. Joel Greenberg, architect for client was sworn in.

Mr. Greenberg stated if anyone has been out to this property, this is at the back end of Lupi Court. Right in front of this particular piece of property is the building that Wayne DeRosa owns. Basically; what he wants to do is there's a lot in back which was part of the original subdivision of this property. It was called for water treatment area. The rear of that lot is where the septic system is and then there is a 75 foot easement for NYSEG. So, if you've been out to the property, you would've seen there are no trees, there is a lawn there which is maintained on a regular basis to keep it neat and what we want to try to do is have 6 of these storage units in the back. They're not visible from the street. They're not visible from any area and they're located based on the fact that NYSEG has that 75 foot easement. Therefore, the

only area left for these units would be the 25 feet between the NYSEG easement and the property line.

Chairman Maxwell said so that's all septic up there? What does it pump up and filters down into all the fields?

Mr. Greenberg responded correct.

Chairman Maxwell said there are storage units there already.

Mr. Greenberg replied correct.

Chairman Maxwell added three or four....

Mr. Greenberg said well right now they're sort of here and there – not organized. What we're trying to do if you look at the drawing is to have six units organized with the same setbacks and then we can landscape in front of and behind them so that it looks neat. Visibility, as you can see, this “L-shaped” building basically screens all of the storage units.

Chairman Maxwell asked what the need or use of them is for.

Mr. Greenberg replied each of these units in the building have the need for storage of their products so they want to store them there.

Chairman Maxwell asked what kind of products are being stored in there. I know there's Tai Kwon Do in there but what other businesses are there.

Mr. Greenberg replied there's a pool place where they store some of their equipment.

➤ Mr. Wayne DeRosa, owner was sworn in.

Mr. DeRosa stated there's the pool store – so for their chlorine chemicals – you don't want to put them inside the building. There's a turf supply company – which they do all the golf courses and such like that. There's another international company that works with motors and such like that they get from Germany. They're so heavy that they put their entire product in there and once they work on them, they ship them right back out.

Chairman Maxwell said okay; so it's not rental units to the public or anything. It's storage for the tenants of the building. There's 4 or 5 there already??

Mr. Greenberg responded 4.

Chairman Maxwell said and right now, they're right up on the property line next to the parking lot. So you would set these back?

Mr. Greenberg replied correct. We would set them back...

Chairman Maxwell said so you've got to do some excavation.

Mr. Greenberg said there's a curb there now and the units are about a foot behind the curb. The units will be about 10 feet behind the property line.

Chairman Maxwell stated your frontage then would be 10' so you need a variance of 30'.

Mr. DeRosa replied right.

Chairman Maxwell directed to Mr. Carnazza: I don't know if there's any concern about pool chemicals or fire hazard. The type of materials, like pool chemicals being stored in these containers, is that allowed?

Mr. Carnazza responded sure. They have to have all the paper for it. That's all.

Mr. DeRosa added I did speak with the owners. They did and updated. The fire department has everything on record. They are going to give that information to you Mike.

Mr. Carnazza replied yes; it's required to the MSDS sheets or whatever they're calling them today.

Chairman Maxwell asked but this is your property though; it's part of this lot?

Mr. Greenberg and Mr. DeRosa replied yes.

Mr. Carnazza said it's not part of that lot. It's a corporation.

Mr. Greenberg rephrased it's a separate lot as part of the overall subdivision. In other words, they created 4 lots and this lot was the lot used for the septic system for the whole complex.

Mr. Carnazza added and they provided the parking spots required.

Mr. Greenberg replied yes; the way the parking works is 1 space for every thousand square feet. If you add up the square foot of each of these 6 units, it comes out to 920 square feet so we're required to have one parking space which we showed the Planning Board which is right here.

Chairman Maxwell polled the Board for any questions or concerns regarding this property.

Vice-Chairman Aglietti asked is there going to be any illumination of this area.

Mr. DeRosa replied just basic lighting on the back of the.....whatever is existing now for driving around the complex.

Vice-Chairman Aglietti said no special security lighting or anything like that.

Mr. DeRosa replied no; just whatever we have on the back of the building there.

Mrs. Fabiano asked any electrical and plumbing?

Mr. Greenberg replied no.

Mrs. Fabiano asked do you need ventilation or some kind of fan work for the chemicals.

Mr. DeRosa replied actually; the one for the pool store is already vented and I do have a photo if you want to see it.

Chairman Maxwell said not mechanical or electrical – just vented.

Mr. DeRosa agreed it's just one of the fans.

Mrs. Fabiano asked why not a permanent structure? This is the first time in all the years I've been doing this that anyone has asked for a variance of this type. Usually it's more of a permanent structure versus something like this.

Mr. Greenberg replied well each one has their own unit. There are six spaces in the building and they just want storage units. We're not going to build a building for this.

Chairman Maxwell said I don't think you could build anything big enough because you'll encroach into the fields.

Mr. Greenberg added plus the fact that we could build because of the NYSEG easement leaves us 25 feet.

Mrs. Fabiano said and you're not going to be coming back for anymore storage spots. We're going to max it out at 6.

Mr. Balzano said I don't think you can get anymore in there Rose.

Mr. Greenberg said no; that's all we can get.

Mr. Carnazza said it works out to one per unit.

Mr. Greenberg said correct; one per owner.

Chairman Maxwell said I recall, when I was there the other night, that there's two more down in that area.

Mr. DeRosa replied the one that is behind my unit (the one that is off to the side) is what we want to put on that side. The other one that's on the other side has to be gotten rid of. It's not part of the association.

Mr. Carnazza said it's not on your property.

Mr. DeRosa said that's correct.

Mr. Carnazza said it's all being taken care of through our department and the legal system.

Mrs. Fabiano said so we'll condition it that no more than six units can be there.

Chairman Maxwell then looked for public input on this application to which there was none.

Mr. Balzano moved to close the public hearing on this application; seconded by Vice-Chairman Aglietti with all in favor.

**DECISION OF THE BOARD:**

Mrs. Fabiano moved to grant requested variance with the condition that there will be no more than six units in the rear and no electric and no plumbing; seconded by Mr. Balzano with all in favor.

## **MISCELLANEOUS:**

### **Minutes:**

**March 23, 2017:** Chairman Maxwell and Mr. Balzano recused themselves due to absence from the meeting. Vice-Chairman Aglietti moved to accept minutes from March 23<sup>rd</sup>; seconded by Mr. Schwarz with all in favor.

**April 27, 2017:** Mr. Balzano recused himself due to absence from the meeting. Mrs. Fabiano moved to accept minutes from April 27<sup>th</sup>; seconded by Vice-Chairman Aglietti with all in favor.

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

Respectfully submitted,

Dawn Andren