

APPROVED

JOHN MAXWELL
Chairman

TOWN OF CARMEL
ZONING BOARD OF APPEALS

MICHAEL CARNAZZA
*Director of Code
Enforcement*

PHILIP AGLIETTI
Vice-Chairman



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

BOARD MEMBERS
ROSE FABIANO
SILVIO BALZANO
JOHN STARACE
JULIE MCKEON

ZONING BOARD OF APPEALS MINUTES

MARCH 23, 2023

**PRESENT: CHAIRMAN JOHN MAXWELL; VICE-CHAIRMAN PHIL AGLIETTI
SILVIO BALZANO, ROSE FABIANO, JULIE MCKEON & JOHN STARACE**

<u>APPLICANT</u>	<u>TAX MAP #</u>	<u>PAGE</u>	<u>ACTION OF THE BOARD</u>
Sandro & Cheryl Evangelista	64.5-1-62	1 – 2	Granted Requested Variance
ANB Holdings GCCM LLC	76.17-1-17	2 – 5	Granted Requested Variance
Oscar Chavez & Giovanna Toranzo	75.11-2-15	5	Hold Over
Kenneth & Kimberly Breiman	75.42-1-63	5 – 7	Granted Requested Variance
Minutes: January 26, 2023		7	Accepted as Written

The meeting was adjourned at 7:55 p.m.

Respectfully submitted,

Dawn M. Andren

NEW APPLICATIONS:

1. Application of **SANDRO & CHERYL EVANGELISTA** for a Variation of Section 156-15 seeking a Variance for permission to retain existing shed. The property is located at 34 Steiner Drive, Mahopac NY and is known as Tax Map #64.5-1-62.

Code Requires/Allows	Provided	Variance Required
10' Rear	0'	10'

➤ Mr. Sandro Evangelista of 34 Steiner Drive, Mahopac was sworn in.

Mr. Evangelista said there's a shed next to my pool that's housing the pool, pool heater and filters. It was existing when I purchased the house in 2001. In 2005, when I made an addition onto the back side of my house, it was there. We had inspections but nobody said anything about it. I was not aware that it was right on the property line. I had assumed that the property line was a rock wall that was 10' behind the shed. In order to move that shed, it would be incredibly expensive because I would have to move all the pool equipment. There's a gas line there that I would have to dig up and move in order to be able to put the electrical in there.

Chairman Maxwell said how long has the shed been there?

Mr. Evangelista said the shed's been there since the mid-70s when the pool was originally installed. All I did to it was reside and replace rotted wood with pressure-treated wood.

Chairman Maxwell said put a dollar value on it. If you had to move it, what would it cost?

Mr. Evangelista said it would cost me over \$10,000 if not more.

Chairman Maxwell said that's a big number.

Mr. Evangelista said it's because I would have to move everything. I would have to move the water heater, the electrical, the gas, etc.

Chairman Maxwell said is there property that you can buy around you to make it conform; probably not – right? Have you talked with your neighbors about it; especially the one behind you?

Mr. Evangelista said I've talked with my neighbors about it. They have no problems with it. My neighbor behind me has a big batting cage right in that area and he's got huge trees.

Chairman Maxwell said so, it equals each other out.

Mr. Evangelista said yes.

Mr. Starace said it's been there a long time. The pool has been there since the 70s?

Mr. Evangelista said yes.

Mr. Starace said it looks like a nice pool; kidney.

Mr. Evangelista said it's kidney shape, very large and it needs a lot of mechanicals to keep it going.

Mr. Starace said you have liquid propane back there?

Mr. Evangelista said I have a propane tank on the side of the house and they dug a trench up the side and across. It was all done under Code.

Mr. Starace said and there are concrete steps that look like they were poured?

Mr. Evangelista said there are concrete steps that were poured there, and if you go, you can even see the initials of the kids from the 1970s there.

Chairman Maxwell said you're well screened back there.

Mr. Evangelista said we have a large fence that completely covers it.

Mrs. Fabiano asked why is it coming up now?

Mr. Evangelista said I don't know.

Mrs. Fabiano said you got a violation?

Mr. Evangelista said I got a violation.

Chairman Maxwell asked if there was any input from the public on this application of which there was none.

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

Decision of the Board:

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

- Application of **ANB HOLDINGS GCCM LLC** for a Variation of Section 156-15 seeking a Variance for permission to construct a 1-family dwelling. The property is located at 93 Teakettle Spout Road, Mahopac NY and is known as Tax Map #76.17-1-17.

Code Requires/Allows	Provided	Variance Required
120,000 sf	42,680 sf	77,320 sf

- Mr. Mike Scoca of 222 Center Avenue #6J, New Rochelle NY was sworn in.

Mr. Carnazza said I can brief it. Mr. Scoca went to the County and purchased a piece of land in a tax sale which was two parcels back in 1998. The previous owner came in front of the Board and Chairman Spain, at the time, told him that you can make these two lots into one but you have to do it legally; meaning go to the Planning Board and do that. That's what Mr. Scoca is doing right now. He's at the Planning Board. They voted on it back then and said just do it properly through the Planning Board. He purchased the lot thinking he had a building lot, comes to me and I happen to remember and pointed it out to him. So, now he's at the Planning Board and they denied it to here. It is literally a horseshoe lot. They chopped off the bottom of the horseshoe and they let both pieces, somehow, go to tax sale. The County took the two pieces, merged them together, sold them to Mr. Scoca and that's where we are now. It was confusing.

Mr. Scoca said yes; we've been going through this for eight months. He knows it better than me.

Chairman Maxwell said do you want to add anything to it?

Mr. Scoca said that's the whole thing. I did my due diligence before I bought the property. I got my title search back. I'm looking through the paperwork and saw a clause; the quick claim deed from the County which basically said *"if the parcel being conveyed herein by the County of Putnam does not comply with local zoning ordinances and/or is not suitable for construction of a conventional water or septic system and is contiguous with parcel owned by party of the second part, the parcel described herein shall be automatically merged and said contiguous parcel and combined parcel shall, therefore, be identified by the existing tax map."* I go by the existing tax map and I'm looking at the schedule and there's a complete lot. To my surprise, I sit down with Mr. Carnazza and he said where did this line come from? I'm saying I have no clue. I bought a piece that showed both properties merged and the County.....I don't know. It's just the weirdest thing. I spoke to the County Executive myself and I said that you have a document here that you signed that basically says the properties were merged upon the sale to the owner before me, and that's what I bought. I've got two lots that's one lot now; the County records, real property, all show one lot. When I sat here in the Planning Board meeting two weeks ago, one of the Board Members said what are we subdividing? That was my whole position from the beginning; what is a subdivision? If Mr. Carnazza says the lot's whole, what am I subdividing? I went through a storm of paperwork to get this to where it is now, and I've exhausted a ton of money. I wish somebody would come from that area and they would vouch for me because that property was a disaster. I took out five 30-yard dumpsters of garbage; mattresses, bottles, generators, you name it. I cleaned that lot up. People are driving by saying it looks great. It's a beautiful piece of property over there.

Mr. Carnazza said it was a dumping ground for years.

Chairman Maxwell said I was over there the other night; it looks pretty cleaned up. You've got the driveway in and all.

Mr. Scoca said I just want to build the house. It's been 8 months since this whole thing started.

Chairman Maxwell said it's definitely not out of character with what's around it. It looks like it was a lot that had been lost and forgotten. That's probably why it became a dumping ground which is sad. It's not out of character in my opinion.

Mr. Balzano said I think, honestly, it's also a victim of the up-zoning too.

Chairman Maxwell said yes; it got stuck in there in 2000 when they changed the zoning for that area.

Mr. Starace said what was the old square footage for a single-family house prior to 2000?

Mr. Carnazza said I don't remember that exact area but I think it was either 40 or 60 [thousand].

Mr. Starace said 200' x 200'.

Chairman Maxwell said each case is judged on its own merit here too. It's within character, and it's not an extreme variance that we're looking at. Are you okay with wetlands though? I saw a lot of wetlands.

Mr. Scoca said it's good that you brought that up because I've been dealing with the DEC on a wetland issue in the front of the property.

Chairman Maxwell said yes; there's a running stream with a culvert coming out of it.

Mr. Scoca said there's a culvert pipe that originates on my neighbor's property. The water that's going through that culvert pipe stems from a storm drain right outside her driveway. What's tied into that is the two brand new houses behind and a set of houses that are on the left side of the road. It's going into her pond; then going through this culvert pipe onto my property and then exiting a culvert pipe on the end of my property, under Teakettle, to the property across the street. I've contacted the DEC. I said could you explain why I get storm run-off, and she contacted the Army Corps of Engineers who knew nothing about the pipe. She put me in touch with a stormwater person that I have to contact and bring them out to look at this situation because if that pipe wasn't on my property, that property is bone dry from the back to front.

Chairman Maxwell said that's a Planning Board issue and we're just here for the variance. Any questions from the Board Members?

Mr. Starace said I was just over there. It looks like you did a nice job cleaning it up. I see the service is already in.

Mr. Balzano said (to Mr. Carnazza) the lot subdivision was denied in 1998.

Mr. Carnazza said they never did the lot subdivision. What they did is they created the line by deed, and Chairman Spain, at the time, said that's fine but now do it legally and then you can build on it. They voted it, agreed to it but then.....

Mr. Scoca said can I say something on that too. I pulled a document out of this place. It's a survey of a portion of lot #2 subdivision – Rolling Hills. This was done, originally in 1976 and filed. In 1993, it was submitted to the Town. What I don't understand is if this is showing a complete lot in 1993, why am I going through this?

Mr. Carnazza said because they did it by deed and not by subdivision.

Mr. Scoca said this to me says subdivision.

Mr. Balzano said it's fine; I was just curious. Again, I think you're a victim of the up-zoning.

Chairman Maxwell asked if there was any input from the public on this application of which there was none.

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

Decision of the Board:

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

3. Application of **OSCAR CHAVEZ & GIOVANNA TORANZO** for a Variation of Section 156-15 seeking a Variance for permission to build addition to kitchen (south side of house). The property is located at 710 South Lake Blvd., Mahopac NY and is known as Tax Map #75.11-2-15.

Code Requires/Allows	Provided	Variance Required
15' side	13.77'	1.23'

Applicant was not present at meeting.

Mr. Balzano moved to hold this application over; seconded by Vice-Chairman Aglietti with all in favor.

4. Application of **KENNETH & KIMBERLY BREIMAN** for a Variation of Section 156-15 seeking a Variance for permission to retain greenhouse. The property is located at 7 Colonial Terrace, Mahopac NY and is known as Tax Map #75.42-1-63.

Code Requires/Allows	Provided	Variance Required
20' Greenhouse	5'	15'

- Mrs. Kimberly Breiman of 7 Colonial Terrace, Mahopac was sworn in.

Chairman Maxwell said you have a greenhouse there. How long has it been there?

Mrs. Breiman said probably about five years or so; not realizing that we needed a variance for it?

Chairman Maxwell said it's exactly like the style that you're showing?

Mrs. Breiman said yes. That's it, and I also gave you a picture of the kit that came from California that we put together.

Chairman Maxwell said so vegetables, flowers and all that stuff?

Mrs. Breiman said yes. We used to get the plastic ones and they'd fall down.

Chairman Maxwell said it's a little more sturdy with the framing and all.

Mrs. Breiman said a little more sturdy – right.

Chairman Maxwell said it's right next to the house so it's not too far off. You have a fence and good screening over there. At least from google earth, it looked like it was well screened.

Mrs. Breiman said right. That's probably the only little flat land. There are so many rocks.

Chairman Maxwell said so you spoke with your neighbors about it? No issues or concerns?

Mrs. Breiman said no concerns.

Chairman Maxwell said there's no property that you can buy to bring this into conformance; you're land-locked there?

Mrs. Breiman said no.

Chairman Maxwell said if you could, I'm sure you'd take more of that hillside. Any questions from the Board Members?

Mr. Starace said you want to get rid of that sumac. That's a massive weed and is going to wreck it.

Mrs. Breiman said yes. We speak with the neighbors and they take it down; then it comes back.

Mrs. Fabiano said why is this coming up now?

Mrs. Breiman said I don't know. Originally, we didn't know that we needed a variance.

Mrs. Fabiano said you got a violation in the mail?

Mrs. Breiman said correct.

Mrs. Fabiano said this is glass?

Mrs. Breiman said no. It's poly-carbonate; I think it's called.

Mrs. Fabiano said how is it secured to the ground?

Mrs. Breiman said it is on the ground so there's dirt under it.

Mrs. Fabiano said it doesn't blow away?

Mrs. Breiman said no. They're pretty sturdy.

Mr. Balzano said it looks pretty solid.

Chairman Maxwell said they usually have stakes that drive down and lock it in; like a tent stake kind of principle.

Chairman Maxwell asked if there was any input from the public on this application of which there was none.

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

Decision of the Board:

Vice-Chairman Aglietti moved to grant the requested variance for this application; seconded by Ms. McKeon with all in favor.

MISCELLANEOUS:

MINUTES:

- January 26, 2023 –
Mr. Balzano moved to accept the minutes as written; seconded by Vice-Chairman Aglietti with all in favor. Mrs. Fabiano recused herself from voting.

Mr. Balzano moved to adjourn the meeting; seconded by Ms. McKeon with all in favor.

By Order of the Chairman,

John Maxwell