

APPROVED

JOHN MAXWELL
Chairman

PHILIP AGLIETTI
Vice-Chairman

TOWN OF CARMEL ZONING BOARD OF APPEALS



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BOARD MEMBERS
ROSE FABIANO
SILVIO BALZANO
JOHN STARACE
JULIE MCKEON

ZONING BOARD OF APPEALS MINUTES

MAY 25, 2023

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

ABSENT: CHAIRMAN JOHN MAXWELL

<u>APPLICANT</u>	<u>TAX MAP #</u>	<u>PAGE</u>	<u>ACTION OF THE BOARD</u>
Mitchell & Lauren Karpf	75.7-1-18.2	1 – 6	Variance Granted w/condition
Louis Cardillo	87.6-1-21	7 – 8	Variance Granted w/condition
Austin Boehm	76.20-1-8	8 – 10	Variance Granted
M.McGrail & T.Magalski	75.7-3-35	11	Dismissed without Prejudice
Michael Paul	75.7-1-25	11 – 12	Variance Granted
Frank Giordano	55.6-1-68	12	Hold Over
Bore Cotaj	76.30-1-5	12	Hold Over
Glenn Macklin	75.8-2-10	12 – 13	Variance Granted

The meeting was adjourned at 9:16 p.m.

Respectfully submitted,

Dawn M. Andren

HOLD OVER APPLICATIONS:

1. Application of **MITCHELL & LAUREN KARPf** for a Variation of Section 156-20 seeking an Area Variance for permission to retain 6' fence in front yard. The property is located at 19 Woodland Road, Mahopac NY and is known as Tax Map #75.7-1-18.2.

Code Requires/Allows	Provided	Variance Required
4' Fence in Front Yard	6' Fence	2' variance

- Mr. Mitchell Karpf of 19 Woodland Road was sworn in.
- Ms. Lauren Karpf of 19 Woodland Road was sworn in.

Vice-Chairman Aglietti said welcome back. Tell us what you're looking for.

Mr. Karpf said the same as last time actually. We had applied for a variance on the fence being 6' on our property. We had talked about possibly removing the first several panels of the fence in order to receive that variance. We looked into that and tried to work that out with the contractor; we believe we have. We were hoping that the variance would be accepted under those conditions and if that's the case, we hope to have that work done in the next several weeks – hopefully before the end of June.

Vice-Chairman Aglietti said what was it originally; it's going back how far? How many panels are you taking out?

Mr. Karpf said we talked about three.

Vice-Chairman Aglietti said and how wide are the panels?

Ms. Karpf said approximately 8'.

Vice-Chairman Aglietti said so 24'. If I recall from the last time, the house is further back.

Mr. Karpf said correct. The house is 70' or so off the street.

Vice-Chairman Aglietti said I'll open it up to the Board.

Mr. Starace said you were going to remove about 18' in total length – correct?

Mr. Karpf said actually it looks like the panels are about 8' each so it's going to be 24'.

Mr. Starace said and you're okay with that?

Mr. Karpf said it seems to be the best of our limited options so in that circumstance, we're okay with that.

Mrs. Fabiano said I have no questions but thank you for working with us.

Vice-Chairman Aglietti asked if there was anyone from the public wishing to speak on this application?

- Mr. William Hines, President of Mahopac Hills Association residing at 63 Highland View Road was sworn in.

Mr. Hines said the property that is asking for the variance in question is within the Mahopac Hills Association. I'm just here to see if I can get some clarification on what we're considering for the variance here. Just for the fact that I know when I came to the April meeting, we talked about Covenants & Restrictions for the land which this Board really doesn't have any jurisdiction on. So, we understand that. What I'd like to do is just ask a couple of questions for clarification if you don't mind. The first question I have is, has the Town ever had a situation like this come up in front of your Board where you do have conflicts between Town Codes and Covenants & Restrictions? And; what was the procedure on that?

Vice-Chairman Aglietti said first, you can have questions for us but that doesn't mean you're going to get answers from us. We are a judicial body here so I understand where you're coming from, and I don't believe that question is rightfully asked of us. So, you can ask your next question if you'd like.

Mr. Hines said can I ask you if it ever came up in front of this Board before?

Vice-Chairman Aglietti said I'm going to say that you can ask but we're not going to answer it because it's not germane to the application.

Mr. Hines said yes; but it falls in line with what we're talking about here.

Vice-Chairman Aglietti said I disagree so if you have another question, you can ask.

Mr. Hines said does the Town Code supersede Covenants & Restrictions that are bound to lands?

Vice-Chairman Aglietti said that's going to be the same ruling so do you have another question?

Mr. Hines said I'd like to defer to the attorney on that please.

Mr. Balzano said he (Vice-Chairman Aglietti) is an attorney by the way; just so you know.

Mr. Hines said I'd like to defer to the Building Inspector on that.

Mr. Balzano said do the Covenants go with the lands? First of all, they haven't been submitted to this body so there's no evidence that there is a covenant in place. Let's start with that. That doesn't even exist right now. It's your word against their word. So, I don't have any paper in front of me that states either way. Again, the way this Board works and I'll let Mr. Folchetti or Mr. Carnazza answer as well. The State Law prescribes what we need to do and that's what we're here to hear. If there's a dispute about a covenant for a Homeowners Association, it is not for this Board.

Mr. Hines said that's not my question.

Mr. Balzano said that's where we're going.

Mr. Hines said my question was pretty simple. Does the Town Code supersede Covenants & Restrictions of lands?

Mr. Carnazza said they are totally separate jurisdictions.

Mr. Hines said they're separate and apart?

Mr. Carnazza said yes.

Mr. Hines said so what I'm asking is as we move forward, does the Town supersede those Covenants & Restrictions?

Vice-Chairman Aglietti said moving forward has nothing to do with what's in front of us right now.

Mr. Balzano said there's no supersession here. There's nothing.....

Mr. Folchetti said your two things are mutually exclusive. The Town Code governs the manner of construction and development within the borders of the Town of Carmel. The Covenants & Restrictions are private rights that are granted to a certain group of property owners that they may be enforced against another certain group of property owners in the event that there is a breach of the Covenant. It doesn't have anything to do with what the Board here is entertaining for a variance. If the application, as it stands, as it's approved, results in what is claimed to be a violation of any C&R, then the parties who are aggrieved by that breach have a private right of action to enforce that. If a court sides with the party, then the variance is nullified. If they don't then the variance stands.

Mr. Hines said okay; thank you. That's a great answer. That's what I was looking for. Thank you very much. Just the last question, looking at your variance application, and I probably know the answer to this but I'll ask it so it's on record, is it possible to include on the variance application a paragraph for property owners to be aware that the Town Codes are separate and apart from any Covenant & Restriction that may apply to that said property?

Vice-Chairman Aglietti said that is not something for this Board to consider at this time. Do you have any more questions or comments?

Mr. Hines said yes; I do. According to this particular variance, if we remove those three panels, how far from the street line would the fence start?

Mr. Starace said it appears to be about 62.4' from the road. The fence is already back.

Mr. Carnazza said about 20'.

Mr. Starace said about 20' and then another 24'. So, it's about 45' feet in total going back.

Mr. Hines said did we have those sections measured because it sounded like we didn't have that specifically?

Mr. Carnazza said we don't use measurements for that. We use the front line of the house. Anything from that point forward can only be 4' (height). From that point back can be 6' according to our Code. So, giving you exact numbers is not going to happen right now without a scale.

Mr. Balzano said and it's irrelevant to this. Again, we were looking for a compromise here and we did. We scaled back the extremity of the variance. That's what we're looking to do. That's how this compromise came up. We took off 24'.

Mr. Carnazza said which is about 44' from the property line which is also another 5'-7' back; so, approximately 52' from the road.

Mr. Hines said okay. My suggestion would be to this Board as you stated in the April meeting was to remove the panels so that the fence starts from the fence property line house – back. That would be because it's a 6' fence and right now they're in violation of anything forward of that. So, if you started it with that house property line back, it would come into conformance with the Town Code and it would also remedy one of our issues that we have, which is not your concern, but it would remedy the Town Code so I would like you to reconsider that since it was brought up at the April meeting.

Mr. Carnazza said if they go to that point, they don't need a variance.

Mr. Balzano said correct.

Mr. Hines said correct. Right now, you're asking them to remove the panels; they're going to have to modify that fence which I heard, at the last meeting, was going to be an issue to try to modify the fence.

Mr. Carnazza said that was for the height.

Mr. Balzano said so they modified the fence.

Mr. Carnazza said modifying the fence for the height was the issue at the last meeting. There's a difference. If you try to cut that, with the rails, it splinters.

Mr. Hines said you know what I'm talking about.

Mr. Carnazza said I'm just explaining that's what it was.

Mr. Hines said I got it. I just wanted to make sure that we had the conversation on all the issues that were coming up on both sides because I represent 143 families.

Vice-Chairman Aglietti said and your letter, just so you know, was part of the record as well.

Mr. Hines said I appreciate that. If you want, as one of the Board Members had mentioned there's nothing in front of them saying there's Covenants & Restrictions, I have a copy of the C&Rs if you'd like it for your consideration.

Vice-Chairman Aglietti said whatever you want to provide to the Board, we will consider whether it's relevant and we will consider whether we want to consider it.

Mr. Hines said I'll step back and give it to you so that you can continue.

Vice-Chairman Aglietti said does anyone else want to be heard on this matter of which there was none.

Mr. Karpf said just to clarify a couple of things very quickly. By taking down the three panels on the fence, we will satisfy one of the two current restrictions that the board is accusing us of, for lack of a better term, right now. That being that the fence doesn't start forward of where it would need to. By taking out the fence, we would reduce the length of it and its footprint, if you will, in front of the house. The second issue around the board (MHA), although it's no concern of this Board, is around the solid versus non-solid feature of the fence, and it has nothing to do with this. As far as the height, which is 6', there is nothing in the Covenants & Restrictions restricting the height. The height issue is purely a Board issue which is why we came last month and we're here again tonight. I just wanted to make sure everybody was on board with that because that was the conversation we truly had last month.

Mr. Balzano said that's really the only thing we're considering is the height of the fence in the front of the house. That's the only thing that's in front of us.

Mr. Karpf said the one thing I'll add is we did bring in the contractor if 4' was possible. It was but he felt the look would be off and the expense would be extreme. For those two reasons, we thought the compromise that was suggested last month was the better option. So that's where we are.

Vice-Chairman Aglietti said and that was the compromise that was suggested – the three panels so thank you.

Ms. Karpf said also by us taking the three panels down and with the fence already starting 30' off the road, then that will satisfy our Covenants from 'road to fence' start.

Vice-Chairman Aglietti said I believe we're getting a copy of the Covenants that we could review but....

Mr. Balzano said all we are here for is the height of the fence. Let's not muddy the waters.

Mr. Carnazza said Mr. Hines just gave me this.

Vice-Chairman Aglietti said why don't we take a quick look before we close.

Mr. Balzano said that way it's on the record.

Vice-Chairman Aglietti said let the record show that we were provided Covenants & Restrictions Relating to Properties Within the Mahopac Hills Association, Inc. It's a 1-page document – both sides that we'll make as part of the record.

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 for discussion purposes; seconded by Mrs. Fabiano.

Mr. Balzano said just to clarify: The Covenant Agreement really does not apply to what this hearing is all about. This Board Member cares strictly about what is being presented in front of us which is the variance asked. So, that's the way I'm going to examine this and looking at the criteria for this, I think we pass the weight test pretty easily, from my standpoint, I'm moving to move this application forward.

Vice-Chairman Aglietti said that's with the change that we requested last month?

Mr. Balzano said yes; again, that lessened the amount of the variance required – not from the application standpoint – from the amount of fence that's actually in play. If you read the covenant too, it talks about 50'. We're past the 50' mark at this point. Whether it is solid board or not, that's up to the Covenant to decide but now we've even moved beyond that reading this particular Covenant. Again; that doesn't apply to this Board.

Vice-Chairman Aglietti said (to Mr. Folchetti) do we have to amend the application?

Mr. Folchetti said you can amend it but you can hear it and decide it tonight because it's not asking for greater degree of relief. It's asking for less so you wouldn't have to renote it. Typically, we have the applicant just notate whatever the amended criteria are that are less than what are sought so there's a record of it other than the minutes.

Mr. Carnazza said or you can make your motion with a condition that they remove the first 3 sections.

Mr. Balzano said I'm going to amend my motion then.

Mr. Carnazza said I don't have the numbers. That's why if we say, remove the first three panels, that would be.....

Mr. Balzano said gotcha.

Mr. Balzano said so I'm going to amend my motion to grant this application provided that the applicant removes the first three panels of the fence from the roadway; seconded by Mrs. Fabiano.

Vice-Chairman Aglietti called for a roll call vote:

<i>Ms. McKeon</i>	<i>for the motion</i>
<i>Mr. Balzano</i>	<i>for the motion</i>
<i>Mrs. Fabiano</i>	<i>for the motion</i>
<i>Mr. Starace</i>	<i>for the motion</i>
<i>Vice-Chairman Aglietti</i>	<i>for the motion</i>

Motion carries.

NEW APPLICATIONS:

2. Application of **LOUIS CARDILLO** for a Variation of Section 156-15 seeking an Area Variance for permission to retain pool deck that exists too close to side yard. The property is located at 18 Hillside Terrace, Mahopac NY and is known as Tax Map #87.6-1-21.

Code Requires/Allows	Provided	Variance Required
10'	6'	4'

- Mr. William Besharat of Rayex Designs at 266 Shear Hill Road, Mahopac representing the applicant was sworn in.

Mr. Besharat said my client is in Florida and he could not attend the meeting. The swimming pool is a legal swimming pool. The deck was added to it and we needed to legalize the deck. It was discovered it was too close to the property line in one corner. As shown on the survey in front of you, we are 6' away from the side yard on the north side of the property. Like I've said, this deck existed for quite a while, and I've submitted some pictures in support of it showing that it's really not visible to any of the neighbors. The property is very well kept and very well maintained. The issue here is to legalize the deck. There's no way we can relocate it feasibly where it does not need a variance. Cutting it down will botch the whole deck and make it not as usable as it is right now. There are no additional properties available to us that we could purchase and make it go away. It's really not a substantial variance considering what is the item we are dealing with – a small corner of a deck. With that said, we feel that we have satisfied the items that we need to obtain a variance and I'm here for any objections, comments or questions.

Mrs. Fabiano said have you spoken to the neighbor about this?

Mr. Besharat said I have asked him to speak to the neighbor and he said he will try. The only person I spoke with is the person across the street. He saw me putting the sign up so I spoke with him and explained what we are doing. He said I don't even know where the deck is. It's right behind the fence. That was his comment. If he spoke to the neighbor to the north side of the house, I'm not aware of it.

Mrs. Fabiano asked how long has the fence been up?

Mr. Besharat said since day 1 of the deck; when the deck was built. It gives them privacy. If you noticed, the deck for the swimming pool is right by the driveway. So, to block that view while they're enjoying the swimming pool, the deck was put up. It's at least 10 years old.

Mrs. Fabiano said it does provide safety too. I was out there and it was very well screened so I don't see an issue with it at this point.

Vice-Chairman Aglietti asked if there was anyone from the public wishing to be heard on this application of which there was none.

Mr. Carnazza said is this a one-family house?

Mr. Besharat said yes.

Mr. Carnazza said definitely?

Mr. Besharat said it's occupied as a one-family house. Definitely – I cannot say but it's occupied as a one-family house.

Mr. Carnazza said but the house is a one-family house?

Mr. Besharat said as far as I know; yes.

Mr. Carnazza said because you wrote house and usually you write one-family or two-family.....

Mr. Besharat said as far as I know, it's one-family; yes.

Mr. Carnazza said can you throw a coat of paint on that fence so it all matches?

Mr. Besharat said I will suggest that to the owner; yes.

Mr. Carnazza said because there's seventeen different colors on that 12' fence.

Mrs. Fabiano 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; seconded by Ms. McKeon.

Mrs. Fabiano said are we going to put a condition in about the paint?

Mr. Balzano said I will amend the motion to include that the paint is a single, matching, uniform color to the deck, to the fence; seconded by Ms. McKeon with all in favor.

3. Application of **AUSTIN BOEHM** for a Variation of Section 156-15 seeking an Area Variance for permission to renovate existing house which includes raising the existing roof. Reconstruction of existing portion which has collapsed. The property is located at 672 Union Valley Road, Mahopac NY and is known as Tax Map #76.20-1-8.

Code Requires/Allows	Provided	Variance Required
Front Yard: 40' House	Existing 9.5'	30.5'
Front Yard: 40' Porch	4.3'	35.7'

- Mr. William Besharat of Rayex Designs at 266 Shear Hill Road, Mahopac representing the applicant was sworn in.

Mr. Besharat said I'm sure you're familiar with this house. Everybody is familiar with this house. If you drive on Union Valley Road, you see it. Finally, somebody bought it and they want to renovate it. We started doing the plans for it and there are many issues with portions of it. So, the decision was made to reconstruct most of it. The fireplace is staying. It's in good shape and usable so we're going to keep it. As the house exists on that property, as you can see on the survey, the property is a cliff. One of the things we considered was relocating the house but there's probably no place on this property to relocate the house. If we locate it further up, I can't bring a driveway up or get to it. So, the choice was to keep it where it is and beautify it. We have a drawing on this board showing the existing conditions and the proposed conditions. The house is going to look really beautiful and create a positive impact on the neighborhood and anybody that drives on Union Valley. Like I said, we tried to relocate the house somewhere. There's only one portion on that survey that could accommodate the house and, unfortunately, that's where the septic system is. Purchasing property to make the variance go away: Union Valley Road is not for sale. That's the only place that we need the variance. Like I said, the impact on the neighborhood, by far, is going to be a very positive impact. I have a letter over here from one of the neighbors in support of this project. The reconstruction of the house will not be created different than houses in the neighborhood so it won't stand out. Basically, it's a positive impact through out the whole project. The project already has Board of Health approval on it for what we are proposing. At this stage, we just need your okay on it. If you feel that it is okay to approve, we can move forward with the Building Permit.

Vice-Chairman Aglietti said before I open this to the Board, I just want to read in the variance that you're seeking. (read code requirements/variance table from application). Let the record reflect that the applicant has provided a letter from Forrest Robert Prather of 638 Union Valley Road that is in favor of the application (copy in applicant file).

Mr. Besharat said I just want to mention that the owner is here. I told him that I would do the speaking.

Mr. Carnazza said this property has been an issue in the past. Since he bought it, he's been cleaning up the property quite a bit.

Mr. Starace said you can see from the site plans that the topo is really steep. I'm familiar with that property. It looks like a nice improvement for the neighborhood.

Mrs. Fabiano said where is the septic.

Mr. Besharat said if you're looking at the house the septic is on the right-hand side. On the left-hand side, we have a lot of rock and there's also a brook that's a little bit further away from the construction. It will not impact the wetland or wetland buffer.

Mrs. Fabiano said has there been any thought to getting rid of the porch so instead of 4' setback in the front, it would be (inaudible)?

Mr. Besharat said a thought was given to that but considering that he's too close to the road, it would be nice to have for anybody standing under it, deliveries, what have you, it gets protected. Nowadays, we all know that most of our shopping is done via internet and packages being delivered to the door. It's really a necessary thing for the rain protection, splashing from the road and what have you. It's good to keep it instead of do nothing. The porch is a very small porch. It's not like a big or large porch.

Mr. Carnazza said are you doing any sort of a rock wall along the front to protect the property from cars. I'll defer that to the owner because.....

- Mr. Austin Boehm of 65 Hazel Hill Road (owner of property) was sworn in.

Mr. Boehm said yes. There's an existing wall which is going to remain and through this process, I've discovered some pictures of the house, through the 1800s, so I plan on restoring the rock wall to the same rock wall that was shown in the 1800s. Also, to speak to the porch, it was also shown in the 1800s. I'm trying to honor the historic aspect of the house. Mahopac has a proud history. I'm a Mahopac graduate and I want to keep our Town the way it is.

Mr. Balzano said there's already a porch on that house, isn't there?

Multiple people said yes.

Mr. Balzano said so, are you staying within that footprint?

Mr. Boehm said everything is staying within the exact same footprint.

Mr. Balzano said that's what I thought.

Vice-Chairman Aglietti asked if there was anyone from the audience that wanted to be heard on this application.

- Mr. William Fredrickson, Jr. of 661 Union Valley Road, Mahopac was sworn in.

Mr. Fredrickson said I am extremely familiar with this property. I see it every single day. I actually grew up in that house. It was my grandparents house. When my grandparents passed away, the family feuded over it and then it went for taxes. My Aunt & Uncle were the last people that lived in that house, and my Uncle would tell you straight out that he'd leave that house the way he wanted to. Now Mr. Boehm has cleaned it up considerably. It is no longer a major eyesore and it would be very nice to see that house livable again. So, I'm here to support him, and I hope you guys do as well.

- Mr. Rob Peniowich of 645 Union Valley Road, Mahopac was sworn in.

Mr. Peniowich said I live four houses away. It's awesome and great that he's doing it. I'm up on Union Valley sixteen years so I drive by it once or twice a day myself.

Mr. Balzano 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 the requested variance; seconded by Mrs. Fabiano with all in favor.

4. Application of **MICHAEL McGRAIL & TARA MAGALSKI** for a Variation of Section 156-27C seeking an Area Variance for permission to change dock configuration & extend to 42'. The property is located at 46 West Lake Blvd., Mahopac NY and is known as Tax Map #75.7-3-35.

Code Requires/Allows	Provided	Variance Required
25' Long Dock	42'	17'

Mr. Carnazza said this one will be dismissed and refunded. They do not need a variance for this.

Mr. Balzano moved to dismiss without prejudice; seconded by Ms. McKeon with all in favor.

5. Application of **MICHAEL PAUL** for a Variation of Section 156-15 seeking an Area Variance for permission to place a shed under 10' from property line. The property is located at 31 Kirkwood Road, Mahopac NY and is known as Tax Map #75.7-1-25.

Code Requires/Allows	Provided	Variance Required
10' side	2'	8'
10' rear	7'	3'

- Mr. Michael Paul of 31 Kirkwood Road, Mahopac was sworn in.

Mr. Paul said I'd like to install a 10' x 18' shed. Almost my whole backyard is septic fields so this is really the only place I could put it. My next-door neighbor, James Maxwell, affected the most [by this] is here. (Inaudible) the back yard is DEP property so I can't go anywhere back there. It's really the only location on my property that would work.

Vice-Chairman Aglietti said there's really no other land that you could buy to bring it into compliance?

Mr. Paul said no.

Mr. Starace said it's 10' x 18' with only a 10' setback?

Mr. Carnazza said because of the size of his lot, that's correct.

Vice-Chairman Aglietti asked if anyone in the audience wanted to be heard on this application.

- Mr. James Maxwell of 35 Kirkwood Road

Mr. Maxwell said the great thing about this is we have a nice buffer between us. We have a lot of trees. I know John's (Chairman) been up on my porch. I wouldn't be able to see that shed if I was looking straight at it. We have nice vegetation in between us. It's all pine trees. Everything is all

nice and groomed. We're both landscape maniacs. The good thing is that every tool that's going to be in that shed, I will have the key to it. (lots of laughter)

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

Decision of the Board:

Mr. Starace moved to grant the requested variance; seconded by Ms. McKeon with all in favor.

6. Application of **FRANK GIORDANO** for an Interpretation of Section 156-15. Applicant seeks interpretation that the apartment above garage is legally pre-dated, or in the alternative, a Use Variance to permit same to continue. The property is located at 23 Seminary Hill Road, Carmel NY and is known as Tax Map #55.6-1-68.

Vice-Chairman Aglietti said counsel has advised us that they're looking to hold this application over until June.

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

7. Application of **BORE COTAJ** for an Interpretation of Section 156-15. Applicant owns the parcel upon which the temporary dock is located and a parcel improved by at least one residential dwelling unit which is directly across the street but separated by a road (i.e. East Lake Blvd.). Applicant seeks an interpretation that the intent of the statute (i.e. a dock when not located on a parcel improved by at least one residential unit) is met under the circumstances set forth herein or, in the alternative, the following area variances (table below). The property is located at 148 East Lake Blvd., Mahopac NY and is known as Tax Map #76.30-1-5.

Vice-Chairman Aglietti said counsel has advised us that they're looking to hold this application over until June.

Mr. Balzano moved to hold over this application to next month; seconded by Ms. McKeon with all in favor.

8. Application of **GLENN MACKLIN** for a Variation of Section 156-15 seeking an Area Variance for permission to add 1 story addition: 8'6" x 20'2" to relocate and expand kitchen. The property is located at 21 Tamarack Road, Mahopac NY and is known as Tax Map #75.8-2-10.

Code Requires/Allows	Provided	Variance Required
Rear 30'	11'	19' variance req.
Rear 30'	29'	1' variance req.

- Mr. David Graham, Architect of 175 Main St., Ossining NY representing the applicant was sworn in.

Mr. Graham stated there is an existing pocket kitchen in the middle of the house. It's maybe a little bit more than 6' long, and it's too small. We wanted to improve it. Because the house is an existing, non-conforming house, when you approach the house, you arrive in the driveway, your feet are at the level of the gutter. There's really no opportunity to go inland. There's also a septic field over there. So, the practical place in the home for the client to build a little bit larger kitchen is to the back. We're .56 acres. We're a little bit over the .5 threshold so that triggered the setback requirement for the rear 30'. We almost had 20'. We're hoping to build a small addition where we would go a little bit out over 8' by the width of the wall that's there; that's around 20'. It's one-story. It's all going to be done in the style of the house. It's an octagon and it follows the views of the water. That's why we're here tonight.

Vice-Chairman Aglietti said is there was any property that you could purchase to bring this into conformance?

Mr. Graham said no.

Mrs. Fabiano said you are not increasing the height of the building at all; are you?

Mr. Graham said no.

Mrs. Fabiano said the roofline is going to remain the same?

Mr. Graham said if you're standing behind and approaching, the apex of the new roof is actually a little lower than the main roof.

Mrs. Fabiano said perfect.

Mr. Graham said if you look at the architectural drawings, it shows the real elevations. I think we're about 2' below the ridge. We're copying the pitch just to maintain the symmetry.

Mrs. Fabiano said I noticed the white house behind it could have been obstructed if you were putting on a second floor.

Mr. Graham said there's nothing coming above the apex of the roof.

Vice-Chairman Aglietti said does anybody else want to be heard on this application?

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

Decision of the Board:

Ms. McKeon moved to grant the requested variance; seconded by Mr. Balzano with all in favor.

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

By Order of the Vice-Chairman, Philip Aglietti