

APPROVED

JOHN MAXWELL
Chairman

PHILIP AGLIETTI
Vice-Chairman

TOWN OF CARMEL ZONING BOARD OF APPEALS



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WILLIAM SANTINI

ZONING BOARD OF APPEALS MINUTES

NOVEMBER 30, 2023

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

ABSENT: CHAIRMAN JOHN MAXWELL

<u>APPLICANT</u>	<u>TAX MAP #</u>	<u>PAGE</u>	<u>ACTION OF THE BOARD</u>
Robert Altero	53.12-1-17	1 - 3	Held Over
Bore Cotaj	76.30-1-5	3 - 4	Held Over
Patrick Kohlman	87.9-1-33	4 - 6	Granted Requested Variance
William & Deborah Shilling	64.11-1-16	7 - 8	Granted Requested Variance
Patricia & Gary Savitzky	64.12-2-8	8 - 12	Granted Requested Variance
Mark Vushaj	76.30-1-51	12 - 13	Granted Requested Variance
Salvatore Mazzuoccolo	74.42-1-10	13 - 14	Granted Requested Variance w/cond.
Andrew Sabo	75.20-1-14	14 - 15	Granted Requested Variance
Carmel Terminals	55.11-1-23	15 - 18	Granted Requested Variance

The meeting was adjourned at 8:30 p.m.

Respectfully submitted,
Dawn M. Andren

HOLD OVER APPLICATIONS:

1. Application of **ROBERT ALTERO** for a Variation of Section 156-15 seeking a Variance for permission to retain gazebo and legalize room above garage. The property is located at 3 Curry Spur, Mahopac NY and is known as Tax Map #53.12-1-17

Code Requires/Allows	Provided	Variance Required
10' rear (gazebo)	2'	8'
25' front (garage)	0' (over property line. Easement agreement needed.)	25'

- Mr. Willy Besharat of 266 Shear Hill Road, Mahopac (architect) representing Mr. Altero was sworn in.

Mr. Besharat stated this case has been postponed from two months ago because we were trying to come to the bottom of the situation of what's going on. This garage exists almost 3' on the right-of-way that serves this house and the DelDuco house in the back. From day one it was like that. We have a letter. I'm sure you've seen a copy of it explaining what's going on here. The attorney looked at it. This right-of-way serves both. They both have the same right to the right-of-way by deed. There is a deed showing that. The situation that I'd like to ask the Board for is more so advice and direction as to what kind of paperwork we need to go ahead with this and then this Board, within their authority, can act upon it.

Mr. Carnazza said you're talking about the actual structure being over the property line?

Mr. Besharat said correct; yes. It's over the property line but it's on an easement or a right-of-way that serves those two houses and they both have the same right to that right-of-way.

Mr. Carnazza said you have a setback to a property line. Right now, you are 0' (zero).

Mr. Besharat said I'm minus 3 (-3').

Mr. Carnazza said but it's 0 on both properties.

Mr. Besharat said correct.

Mr. Folchetti said does the easement that you have permit the use that's being utilized as some other right-of-way?

Mr. Besharat said according to the attorney that briefly looked at it, he said it's not an easement. It's a right-of-way.

Mr. Folchetti said if it's a permissive document, it has to include that particular use. It could be a right-of-way for access and egress and that would not necessarily cover the use of having a

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structure in the right-of-way. So, if that's either within it or it's modified to include it, then you can come back and ask for a zero lot lines.

Mr. Besharat said it is not specified whether it's for egress, ingress or for utilities. It's just general use by this house onto this property. I cannot answer any ~~law~~ [legal] questions on this. I need your guidance.

Mr. Carnazza said the problem is that you have an existing structure that is pre-existing legal. You went on top of that. That's the issue.

Mr. Besharat said correct. Now, how can we handle it so that we can proceed and get whatever paperwork we need.

Mr. Carnazza said you either need to bring it back to what it was or get permission from the owner of right-of-way to be on their property. Then, you'll both need a variance for 0'.

Mr. Besharat said I don't need to purchase the property or anything like that because I don't think they even own that property. We don't know who owns that property. It's just the right-of-way; accessibility of a small road that serves two houses.

Mr. Carnazza said somebody owns it.

Voice from audience said "me".

Mr. Besharat said DelDuco owns it. The neighbor next door owns it. So, a perpetual agreement between the two parties will suffice and go for a variance for both parties for 0' lot line.

Mr. Folchetti said provided it includes the use of the structure.

Mr. Carnazza said the person that owns the property – if they go for a 0' variance for their property, that's implying they give permission to.

Mr. Folchetti said if there's a right-of-way, I would want the amended document.

Mr. Balzano said I was going to say it's cleaner.

Mr. Besharat said we have no problems specifying the use on it. So that would be sufficient for us to have an agreement between the two neighbors and then modify the application for the zoning variance to include both properties.

Mr. Carnazza said your application is correct. The other application has to be.....

Mr. Besharat said we have to have a new application and notify the neighbors again?

Mr. Folchetti said it's a joint application.

Mr. Carnazza said do you have permission from the owner of the property?

Mr. Besharat said yes. He gave the Town a copy of the letter.

Mr. Carnazza said didn't we get a letter saying somebody rescinds.

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Vice-Chairman Aglietti said we did.

Mr. Carnazza said same property or a different one?

Mr. Starace said same property; DelDuco.

Mr. Balzano said he was rescinding the opposition.

Mr. Besharat said initially there was an opposition and then that was rescinded.

Mr. Carnazza said I didn't know what was rescinded. I didn't get the email.

Vice-Chairman Aglietti said we can hold it over but there's going to be another application that has to piggy-back with this – right?

Mr. Balzano said or this has to be amended to include both properties.

Mr. Besharat said that's the question for me.

Mr. Folchetti said you need the variance for both properties.

Mr. Besharat said yes but do I need to submit a new application and new paperwork on behalf of the DelDucos to include the situation.

Mr. Folchetti said (inaudible) amend the application. He's not asking for different relief. I don't think you'd have to submit a new application. (inaudible) joint application between the two parties.

Mr. Balzano said so it'd include both tax maps.

Mr. Carnazza said and both signatures.

Mr. Folchetti said and whatever the modified right-of-way document.

Mr. Balzano said you're right. Technically the notice is exactly the same; the relief is exactly the same.

Vice-Chairman Aglietti said do you want [to hold] this for next time?

Mr. Besharat said yes; please.

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

2. 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.

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Code Requires/Allows	Provided	Variance Required
Dock:		
Lake frontage 50'	6.25'	43.75'
Minimum Area 3,000 sf	280 sf	2,720 sf

➤ Mr. William Shilling, Esq. appeared before the Board.

Mr. Shilling stated my partner, Mr. Frank Smith, Esq. is handling this matter. He had a conversation with Rose [Trombetta] today or yesterday, and on November 15th, my office requested the matter be adjourned. He (Mr. Smith) did that via fax and Rose couldn't locate it and then she did locate it. We apologize for that but we had requested an adjournment.

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

Mr. Carnazza said this application keeps getting held over. The Court is getting on us for all the holdovers.

Mr. Folchetti said the Court can't proceed while it's here. You already put it over tonight so the next time.

Mr. Balzano said so if it's not resolved by next month, we're done.

3. Application of **PATRICK KOHLMAN** for a Variation of Section 156-15 seeking a Variance for permission to add steps to deck & shed. The property is located at 26 Summit Circle Drive, Mahopac NY and is known as Tax Map #87.9-1-33.

Code Requires/Allows	Provided	Variance Required
30' Rear – Deck	1.1'	28.9'
40' Front – Shed	13'	27' Shed Front
10' Side – Shed	1.5'	8.5' Shed Rear
4' Front – Fence	6'	2'

➤ Mr. Patrick Kohlman of 26 Summit Circle Drive, Mahopac was sworn in.

Mr. Carnazza said Mr. Vice-Chairman if you recall, this is the one that was doing the deck and then the shed and the fence were all in question. He came back the day after, and we cleaned up the application and put everything on there.

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Mr. Kohlman stated we wanted to redo our deck and, when applying for the permit, we realized that we were going to need a variance. We currently do have a variance on the property when the original house and deck were built. It gave us 6'. As we were redoing the deck, it was recommended to us, by the deck company, to redo everything, footings, etc., and also widen and add a staircase to the western side of the house because the one on the eastern side of the house is long, narrow and dangerous. That one is going to get ripped down. The new variance would bring us down to 1.1' close to the property line with the new staircase and the new deck. That property line backs up against NYSEG so there are no issues there with anyone being right next to us with a residential property. Upon having the Building Department come and take a look at the deck with me, we have the Rubbermaid shed on the property that's close to the property line once again. If you also look at our site map line, you can see that I could put that shed anywhere on my property and not be within Code because of the shape of the lot. Also, on the western side, that's also NYSEG that backs up to the property line as well where the shed is. So, I'm looking for a variance there as well. Then, I have a 6' fence around what I consider to be my side yard of my property. I was then told that part of that is considered the front because of where the line is drawn from the front of the house. I've also been informed that the reason for requiring a 4' fence in front of houses is due to life safety. If the fire department pulls up the road to the front of the house, they need to see the front of the house to assess it. If you can see, based on the pictures that I've provided since last time, the fence does not obstruct any portion of the front of my house and that's why we consider that to be our side yard because it really is on the side of the property. Also, without that side yard, we would have no back yard. We use it as our back yard because of the shape of our lot and the slope and elevation of our lot. If you've seen the map, everything on the eastern side of the house, all goes down in elevation to the street below. It's probably, at least, a fifty-foot elevation change or more. It's unusable land on that portion. So, here I am looking to get everything proper and so nobody falls off our deck.

Vice-Chairman Aglietti said and there's no land that you can purchase to bring the setback variances into conformance?

Mr. Kohlman said I don't think NYSEG is going to sell me their land. They were just out there this past summer. It was actually the pipeline crew working on the pipeline utility back there. They had marked off everything. They were out there all summer long. There were no problems with where my fence was or my deck with anywhere they were working. One of the pictures shows a couple of trees right by the deck in the back there. That kind of shows you where the property line is. The tree line is pretty much the property line. You can see from the corner of my deck to the trees is actually about twelve feet. The line might be a little bit in front of that. It's a decent amount of space. Nobody from NYSEG ever comes near those trees except to trim them once in a while.

Vice-Chairman Aglietti asked the Board Members if there were any questions.

Mr. Starace said it's an unusual dimension of that property. It's hard to work with the front of the house which begins at the face of the existing garage it looks like; that would need to be 4' going out toward the road.

Mr. Kohlman said yes. So [with] the way that the house is angled on the property, 70% of the fence would be considered front yard. That whole side yard would be front yard but it's not.

Mr. Starace said is this shed considered on the front yard too there because it's so far up?

Mr. Carnazza said that's why he's getting a variance for the front yard.

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Mr. Kohlman said the variance requested on the shed is from to the front sides I believe because once again, the depth of the lot – no matter where I put it – will still need a variance.

Mrs. Fabiano said is there a huge slope going by the fence that dips down?

Mr. Kohlman said on which portion of the fence? It depends.

Mrs. Fabiano said all over here actually (shows photo).

Mr. Kohlman said that's a little bit more level up top there. Then, as you go closer to the house, it does dip down. There's a drop-off. There's a stone wall by our driveway which the fence sits on top of. Once you get past the house, the whole rest of the side of the property just kind of drops down.

Mrs. Fabiano said I was out there. I don't know if anybody else was. It's an unusual street. There's not much going on that street. The fence does block mountain views.

Mr. Kohlman said I would be more than glad to get any of my neighbors to write something showing that they're fine with it. Prior to that fence being there, the prior owners – I bought the house in 2016 – had a row of white pine trees there; on average about 12' tall. So, there was no view there. We created a view by putting the fence there and pulling down those pine trees. All my neighbors, when they do their morning walks with their dogs, say how great the view is. So, if that's a concern, it's no longer.....

Vice-Chairman Aglietti said and we didn't have anything that was sent to us that was objectionable.

Mr. Kohlman said if anything, we improved the view there.

Mrs. Fabiano said the first time I came around on the left side and then I came around on the right side. It obstructs a portion of it but given its location, there's not a lot of houses there. It's very isolated.

Mr. Kohlman said yes, and if the trees were still there they'd have no view. Like I said one of my neighbors has been there 30-40 years and said she never knew that view was there before because she never saw past those trees.

Mr. Balzano said I have nothing. It's a very unique situation. I think it's addressed appropriately.

Vice-Chairman Aglietti asked if there was anyone from the public wish to be heard 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; seconded by Ms. McKeon with all in favor.

NEW APPLICATIONS:

4. Application of **WILLIAM & DEBORAH SHILLING** for a Variation of Section 156-15 seeking a Variance for permission to build shed. The property is located at 37 Kirk Lake Drive, Mahopac NY and is known as Tax Map #64.11-1-16.

Code Requires/Allows	Provided	Variance Required
8' x 10' Shed: 10' side	2'	8'

➤ Mr. William Shilling (applicant) was sworn in .

Mr. Shilling stated my wife, Deb can't be here this evening. Our property is 37 Kirk Lake Drive; Tax Map 64.11-1-16. The property is a single-family, two-bedroom house. There's a large patio on the property. It consists of about a quarter acre. It's a small piece of property. My wife and I bought it three or four months ago – in late May 2023. As you've read, our requested relief is to place an 8' x 10' shed on the property. The important thing that I'm going to tell you is that there is a great big slab where a shed used to be. I think it's better if I brought this (picture board) to you so that you could see the slab is a former site. So, as I'd said, we purchased just a few months ago and the slab was there. It's on the northerly side. It's about 10' x 12'. The survey that we gave to you shows the former shed on the property was on the slab. It had been removed. I'm not sure when but it had been removed when we purchased. My wife and I moved from a 5,000 s.f. house to an 1,100 s.f. house. So, I think you probably know the need we have for this storage area. We're just busting out, and we have a very small lot. If you looked at the survey that I had provided you, there's really no other place to put the shed between the patio and the small acreage. It's the convenient place because of the slab. We're seeking an area variance. As the co-chairman said, we provide 2' on a 10' requirement. The balance test that I'll ask you to consider is the benefit to me, the applicant, my wife, versus the detriment to the neighborhood. It's important to remember that directly behind what will be the shed is an 8' fence so it totally covers any view of the shed, when it's placed there. There is seasonal tree screenage so that no one, from the road, can see the shed. If you do the balance test, I think there's certainly no change in the neighborhood. That spot is the perfect spot for the shed. It was a former site for a shed. There's a tree line and a great big fence behind it so the neighborhood won't change. There's no way to obviate the need. There's no other place that we can find to put the shed.

Vice-Chairman Aglietti said and there's no land to purchase?

Mr. Shilling said there's no land to purchase. We know because of our proximity to Kirk Lake, we have to go to the Environmental Conservation Board which we have an application in for now. Any environmental impact will be addressed by the ECB. I don't consider it substantial because of the location of the slab and the fact that it will be hidden by the tree screenage and by the wall. It wasn't self-created. It was there when we purchased it. Removing the slab would be a huge expense. We don't want to do that. We simply want to place the shed on the slab. I'm here to answer any questions that you might have.

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Vice-Chairman Aglietti asked the Board Members and the public if anyone had any input, questions or concerns regarding this application of which there were none.

Mr. Carnazza said is that fence on the property line?

Mr. Shilling said it's a little bit on the other side of the property line. It's on the neighbor's property.

Mr. Balzano said it's their fence and not yours?

Mr. Shilling said no. The fence is directly behind the slab and the slab is what makes a boundary line.

Mr. Balzano moved to close the public hearing regarding 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.

5. Application of **PATRICIA & GARY SAVITZKY** for a Variation of Section 156-15 seeking a Variance for permission to remove 3-car garage & replace with 2-car garage. The property is located at 22 Averill Drive, Mahopac NY and is known as Tax Map #64.12-2-8.

Code Requires/Allows	Provided	Variance Required
10' side	5'	5'
10' rear	4'	6'

- Mr. Gary Savitzky of 22 Averill Drive, Mahopac was sworn in.

Mr. Savitzky said I'm here with my wife Patricia Savitzky and we're looking to have our existing 3-car garage removed and propose to put a 2-car garage. I want to slide it over because right now my house is shaped like this (at board w/o mic) and there's really no way of backing out of the spaces over here. So, I thought we'd move the garage closer to the property line this way. It's very hard to turn around, and I could just back out over here. The house is surrounded by easements in Averill Estates or Shore Owners Estates. I'm not going to be blocking any views of the Lake. We can't place the garage in any other location because of the septic system over here. I'm trying to ask for a minimum variance for a two-car garage from a three-car garage.

Vice-Chairman Aglietti said and there's no land that you can purchase to bring this closer to conformance?

Mr. Savitzky said no. There's no land.

Mr. Starace said that's in the Estates back there. It's tight. So, you're going to be able to move in and out of the two-car garage. The existing garage you're going to move over – is that right?

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Mr. Savitzky said the existing garage is going to be totally torn down, and I'll bump it over. Right now, when you back up, you pretty much back up into the back of my house. So, I tried not to put it on the property line just to have easier access in and out of the garage.

Mrs. Fabiano said I was out there twice. Given the height of this garage, I believe it will absolutely block the views of the people behind you. You're very close to the property line and they have the deck there. I think you will be devaluing your neighbor's property by putting it where you are putting it. The height is just too high. It's going to affect your neighbor.

Vice-Chairman Aglietti said the height is not in front of us though.

Mrs. Fabiano said it's a whole second story. Before he had just a single-story with a low roof.

Mr. Savitzky said if you look at the photos, you can see that my neighbor's windows and deck are going to be a full view of the Lake. There's a row of white pines behind the garage. The view is actually going to be increased because I'm going to take down these pine trees back here which are a tremendous maintenance problem. They'll still have their view corridor going down to the Lake.

Mrs. Fabiano said I don't know how they'll have the view if you have a two-story garage there.

Mr. Savitzky said I actually took a picture. This is their view. Their deck is right over here. The garage will end over here. So, I'm not going to be blocking their view at all.

Mrs. Fabiano said if you look at the existing garage, how much further is it going out from the existing garage?

Mr. Savitzky said it's going to go about 5'. I think it's about 10' now and it's going down to 5'. Yes; It's proposed 5' and it was 11.25'. The reason that I'm pulling it over is because I have to be able to back out safely.

Mrs. Fabiano said those garages have been there for years and no one has ever complained about it before.

Mr. Savitzky said yes; it's my garage. I've been living with it.

Mrs. Fabiano said so it's only going to go 5' further than what exists right now?

Mr. Savitzky said correct.

Mr. Carnazza said and what's the height difference from what's there now?

Mr. Savitzky said the height difference is probably going to be another 6' higher.

Mrs. Fabiano said how can that be? How could it only be 6' higher if you have a whole second story on it?

Mr. Savitzky said my average height is going to be under 15'.

Mr. Starace said it's 16' just to the plate before the gabled roof.

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Mr. Savitzky said it's 10' to the plate in the front. In the back, the grade is much higher. It's like 5' in the back. This is the back. The grade slopes up all along the side of the property line. I don't think there's a view issue here at all.

Mr. Starace said it's 24'6" to the top from the ground.

Mr. Savitzky said the top of the plate on the dormer is 16'3". It's another probably 5' to the.....it's like 21'.

Mr. Starace said it says 1/4" is 1'. You've got 4" there. That's 8'. How tall are the pine trees back there?

Mr. Savitzky said the pine trees are probably another 5' above this roof right now.

Mrs. Fabiano said the pine trees are huge.

Mr. Savitzky said they're overgrown, they're a big maintenance problem, and they're all dying. They've been there forever.

Mrs. Fabiano said I can see that.

Mr. Carnazza said what's going above the garage?

Mr. Savitzky said just open storage.

Mrs. Fabiano said so there won't be any plumbing in there?

Mr. Savitzky said no plumbing. If you look down that view card, there's only one house that could be affected by this whole proposal. I met with my neighbor tonight. We went through it. He has no objection. He didn't write me a letter but I could ask him for one.

Vice-Chairman Aglietti said your neighbor's not here?

Mr. Savitzky said he's not here. If you look down that view corridor to the Lake, it's still going to remain the same. So, there's only one house.

Mrs. Fabiano said this is where the garage ends now; 5'. Here he has a garage and a deck right here; this person behind him. If it's only 5' beyond what exists now.....

Mr. Savitzky said correct.

Mrs. Fabiano said that would probably be okay but anything beyond that.....

Mr. Savitzky said no; it's 11.25' now and I'm asking for, I guess, a 6.25' variance in that one corner.

Mrs. Fabiano said that's going to be very high considering what there is now.

Mr. Starace said that's going to be 24'6".

Mrs. Fabiano said what is this?

Mr. Starace said that looks like about 16' to the top.

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Mrs. Fabiano said but this is going to be a much wider roof area.

Vice-Chairman Aglietti said but this is all going to be gone.

Mrs. Fabiano said right. This is all going to be gone and he's going to extend it by 5' here.

Mr. Carnazza said so you had a 3-car garage and now you'll have a 2-car [garage].

Mr. Stavitzky said I had a 3-car and now I'm having a 2-car.

Mr. Carnazza said and what was the width of the 3-car; about 36'?

Mr. Stavitzky said about 35'.

Mr. Carnazza said and what's the width of the 2-car?

Mr. Stavitzky said 24'.

Mr. Carnazza said so that's 12' the roof will be shifting to the left.

Mr. Stavitzky said 12'? No, it's only shifting.....

Mr. Carnazza said the roof was all the way here. You're making the building smaller so by making the building smaller, the peak is shifting to the left.....

Mr. Balzano said no; but Mike [Carnazza] the third garage had no roof. It looks like it was a two-car garage with an addition if you look at the pictures.

Mr. Carnazza said it didn't have a pitch roof on it?

Mr. Balzano said no.

Mr. Savitzky said it has a front to back pitch.

Mr. Balzano said that's why. The peak is in a weird spot.

Mrs. Fabiano said I'd love to have a letter from the neighbor.

Vice-Chairman Aglietti said I think his silence speaks volumes.

Mrs. Fabiano said you think so?

Vice-Chairman Aglietti said he was noticed. Does anyone from the public want to be heard 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; seconded by Ms. McKeon.

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Vice-Chairman Aglietti called for a roll call vote:

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

Motion carries.

6. Application of **MARK VUSHAJ** for a Variation of Section 156-15 seeking a Variance for permission to extend my current deck 2 feet closer to my rear property line. The property is located at 144 See Avenue, Mahopac NY and is known as Tax Map #76.30-1-51.

Code Requires/Allows	Provided	Variance Required
20' rear	18'	2'

- Mr. Brian Moylan, contractor of 45 Highland Road was sworn in.

Mr. Moylan stated his client has an existing deck. It is almost past its prime and he wants to tear it down and put a new deck up. Because of the furniture he has, he's asking to extend it by 2' toward the back. He wants to enclose the deck and make it more of a livable space.

Vice-Chairman Aglietti said and there's no property that he can purchase to bring it more into conformance?

Mr. Moylan stated no.

Vice-Chairman Aglietti polled the Board Members for input, comments and questions.

Mr. Starace said are the stairs changing at all; the direction?

Mr. Moylan said the stairs, because of the pitch of the property, we're going to be dropping the elevation of the deck. It will actually almost take the stairs away. There will be one stair.

Mr. Starace said it looks good.

Vice-Chairman Aglietti asked if there was anyone from the public that wished to have input on this application of which there was none.

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

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Decision of the Board:

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

7. Application of **SALVATORE MAZZUOCCOLO** for a Variation of Section 156-15 seeking a Variance for permission to construct pre-fab shed. The property is located at 8 Topland Road, Mahopac NY and is known as Tax Map #74.42-1-10.

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

- Mr. Dominick Mazzuoccolo of 4 Burbank Street, Yonkers NY; son of applicant was sworn in.

Mr. Mazzuoccolo stated we are proposing to construct a pre-fabricated shed in the front of the property. The reason that we chose this location is there is no space behind the house. We had chosen this location because we have a quad, tools and what not. My dad has heart issues and he can't really be shoveling snow so we have a snow blower. I'm looking to propose this so we have more storage.

Vice-Chairman Aglietti said this is the map that shows where you're putting it?

Mr. Mazzuoccolo said that's correct.

Mr. Balzano said and that's the front?

Mr. Mazzuoccolo said that's the front. It's very tight in Secor.

Mr. Starace said how far is it from Topland Road?

Mr. Mazzuoccolo said it's roughly 30'.

Mrs. Fabiano said those two metal sheds are not yours?

Mr. Mazzuoccolo said there is one existing metal shed that was on the property when my father had purchased it but it's technically a portion of our property and a portion of Con Edison/NYSEG's property behind us. They were existing.

Mrs. Fabiano said do you think you might get rid of them?

Mr. Mazzuoccolo said yes.

Mrs. Fabiano said both of them?

Mr. Mazzuoccolo said no. One is ours. One is our neighbors.

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Mrs. Fabiano said so you're going to remove yours.

Mr. Mazzuoccolo said that's correct.

Mrs. Fabiano said okay; we're going to condition that.

Mr. Mazzuoccolo said okay.

Vice-Chairman Aglietti said any thoughts on any kind of screening?

Mr. Balzano said that's tough there.

Vice-Chairman Aglietti said I would just put some evergreen there just to block it a little bit.

Mr. Mazzuoccolo said that's not a problem at all.

Vice-Chairman Aglietti said we can pre-condition that as well; i.e. 2 or 3 arborvitae.

Vice-Chairman Aglietti asked if there was anyone from the public that wanted to be heard on this application of which there was no response.

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

Decision of the Board:

Mrs. Fabiano move to grant the requested variance with two conditions: 1) metal shed in the back will be removed and 2) screening: 2 or 3 3' arborvitae on each corner facing the road; seconded Mr. Balzano with all in favor.

8. Application of **ANDREW SABO** for a Variation of Section 156-15 seeking a Variance for permission to construct new 144 s.f. dining room addition to existing dwelling. The property is located at 40 Bloomer Road, Mahopac NY and is known as Tax Map #75.20-1-14.

Code Requires/Allows	Provided	Variance Required
20' side yard setback	13'	7'

- Mr. Andrew Sabo of 40 Bloomer Road, Mahopac was sworn in.
- Mr. Joseph Pataki, Ray-Ex Designs at 266 Shear Hill Road, Mahopac was sworn in.

Mr. Pataki said their family is growing. They're expecting another child and the existing kitchen/living space is just too small. The kitchen is actually tiny. They want to expand the kitchen space for more cabinetry. Because of that, they have to create a new area for a dining table which is what the 12' x 12' addition will handle. They can't relocate the addition anywhere else because it has to stay near the existing kitchen area. The existing house is within the 20' setback itself. The next-door neighbor on the left side has a similar addition so it looks characteristic of

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that. We're not going to have any windows proposed on that side just to maintain some privacy from the neighbor.

Vice-Chairman Aglietti said there's no land that can be purchased to bring this into conformance?

Mr. Pataki said no.

Vice-Chairman Aglietti asked if there was anybody from the Board or the public that wished to have any input, questions or comments 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; seconded by Ms. McKeon with all in favor.

9. Application of **CARMEL TERMINALS** for a Variation of Section 156-11 seeking a Variance for permission to construct the project per the enclosed plans within the required front and rear yard setbacks; vary the requirement for a minimum of 200' of lot depth. The property is located at 79 Old Route 6, Carmel NY and is known as Tax Map #55.11-1-23.

Code Requires/Allows	Provided	Variance Required
Front Yard Setback: 40' required	25'	15'
Rear Yard Setback: 30' required	24'	6'
Lot Depth: 200' required	144'	56'

- Mr. Adam Thyberg of Insite Engineering representing the applicants, Ray & Jack Durkin, was sworn in.

Mr. Thyberg stated the applicant is seeking the three area variances that were mentioned and related to a site plan application that's currently before the Planning Board. The applicant is seeking to upgrade their existing oil terminal by replacing their existing, aged oil tanks and containment dyke with a new system that will be compatible with renewable, cleaner burning bio-fuels. This includes a new building to contain the fuel tanks. Currently, the existing tanks are outside and exposed to the elements and visible from the road and surrounding properties. Also included in the project is an enlarged containment dyke as mentioned before; Four 50,000-gallon B10 bio-heat tanks; One 25,000-gallon B10 on-road diesel tank and one 25,000-gallon B100, above-ground storage tank. Also proposed is a second structure to house the pertinent piping, control system and a loading/unloading rack. So again, the variances that are being requested are the front yard setback for the new loading rack which is here. The rear yard setback for the proposed tank enclosure which is this structure, and then the lot depth variance which we also wanted to take care of tonight. So,

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based on the criteria for the requested area variances, the variances will not create an undesirable change in the character of the neighborhood. In fact, quite the opposite. The proposed project will enclose the currently exposed tanks and will create a significant architectural and aesthetic improvement to the neighborhood. There is no alternative if the variances are not granted. The project could not go forward and its many benefits could not be realized. There's no option for expansion as the awkwardly shaped lot is set between Old Route 6 and the Putnam Trailway. The variances being sought are not substantial as the proposed structures will occupy much of the same space as the existing system does and the entirety of the project is on property that has already been developed. The variances will not have adverse effect on the physical environment for a number of reasons. As discussed the work area has been previously developed. The total disturbance associated with the project is relatively small. By enclosing the existing terminal and loading rack, there will be an improvement in stormwater quality because the tanks in the loading area will be shielded from precipitation. The need for these variance is not self-created. The site is irregularly shaped and there's no option for expansion. In closing, it should be highlighted that the applicant is seeking to aid in the adoption of these cleaner burning bio-fuels with the proposed upgrades to the terminal. The by-products of that effort also happen to provide a significant aesthetic and environmental improvement to the site. These variances are, obviously, critical for the applicant to move forward with the project so that they can provide these higher quality fuels to their customers and realize the other benefits of the project.

Mr. Carnazza said this has been at the Planning Board. They did everything that we had asked. They went and made it look farm-ish to dress it up a little. It's a great project from the Planning Board's eyes. That was something that they really looked favorably on because the location – they're trying to dress up the whole area. There are a few projects going on in there and they're all going in that direction. It'll be nice to see that area get dressed up a little.

Mr. Balzano said this is definitely a welcome improvement.

Mr. Starace said the original terminal is how many gallons? Is there any change in capacity with the new one?

Mr. Thyberg said it is slightly larger and we'd like to impress that the increased capacity is not an indication of increased customers. It's going to be the same operation. It'll just have increased capacity.

Mr. Starace said did you say it's all bio-fuel or is there regular crude #2 in there too?

Mr. Thyberg said I think it's all going to be the bio-fuel.

➤ Mr. Jack Durkin of 120 Fields Lane with Carmel Terminals was sworn in.

Mr. J. Durkin said the dissolute which is the majority of the storage is B10 which is a 10% blend of bio-fuel. There's a separate 25,000-gallon tank for B10 bio-diesel which is on-road diesel. Then there is a separate 25,000-gallon tank B100 which is 100% blend of bio that is used to blend with the B10 and to get anywhere from B10 to B99 blend.

Mr. Starace said so you blend it.

Mr. J. Durkin said yes. It'll be an on-site blending facility.

Mr. Santini said I think in that area there's a bunch of tanks outside that would be delivered to people's houses and used as storage?

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➤ Mr. Raymond Durkin of 120 Fields Lane with Carmel Terminals was sworn in.

Mr. R. Durkin said those are propane tanks.

Mr. Santini said are those tanks going in here or are they still going to be exposed?

Mr. R. Durkin said they'll still be exposed.

Vice-Chairman Aglietti said and you said they're propane tanks.

Mr. R. Durkin said yes; and empty.

Mr. Balzano said what about that trailer that's on the property; is that going to go away?

Mr. R. Durkin said that is going.

Mr. Santini said would you consider putting them in here so that people on the trail don't see it?

Mr. R. Durkin said the DEC won't allow us to put them in there.

Mr. Carnazza said as the temperature changes, it releases gases.

Mr. Balzano said what about building some type of shelter for them?

Mr. Santini said or a screen; like a couple trees in between.

Mr. R. Durkin said the bikeway was our property and years ago we didn't want to give it up to the bikeway. Mr. Frank DelCampo was supervisor then. I told him that we were going to be expanding this terminal sooner or later. The County owns the property behind on the other side. I said take the County property instead of our property. It went back and forth and because it was an old railroad bed, it would have been a lot more excavation work.....

Mr. Carnazza said we're also going to discuss this with Planning [Board] just so that you know.

Mr. R. Durkin said the Trailway was supposed to put more vegetation because vegetation kills us with our vehicles and trucks; it's so tight. We could plant a couple trees but as they grow (wide), the trucks – it's just hard.

Mr. Carnazza said that will be addressed in Planning. It's something that we were talking about. Hopefully we can get a rack or something to dress it up a little.

Vice-Chairman Aglietti said does anyone from the public want to be heard on this application?

Mrs. Fabiano said can we condition it that the trailer will be removed?

Mr. Thyberg said the trailer being removed is part of the site plan.

Mrs. Fabiano said so we don't even have to do it.

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

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Decision of the Board:

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

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

By Order of the Vice-Chairman,

Philip Aglietti