

JOHN MAXWELL  
Chairman

PHILIP AGLIETTI  
Vice-Chair

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



60 McAlpin Avenue  
Mahopac, New York 10541  
Tel. (845) 628-1500 – Ext 190  
www.ci.carmel.ny.us

MICHAEL  
CARNAZZA  
Director of Code  
Enforcement

**BOARD MEMBERS**

ROSE FABIANO  
SILVIO BALZANO  
WILLIAM ROSSITER  
MARC DITOMASO  
MICHAEL SCHWARZ

**LEGAL NOTICE**

By the Zoning Board of Appeals of the Town of Carmel pursuant to Section 267 Town Law, notice is hereby given that a hearing will be held on:

**JULY 27, 2017 – 7:30 P.M.**

To hear the following applications:

**HELDOVER APPLICATIONS**

1. Application of **ROGER NAULT** for an Interpretation that a legal merger of the property did not occur and a return to original lot lines is appropriate. The property is located at 2-6 Rogers Lane, Carmel NY 10512 and is known by Tax Map #54.8-1-55.

Applicant seeks interpretation that a legal merger of the property did not occur and a return to the original lot lines is appropriate for the following reasons:

- The combination of properties via a 1985 deed was illegal and without Town of Carmel approval resulting in four dwellings on one lot. Nullifying the attempted illegal merger is consistent with Town Law 268 which grants local authorities broad remedies to correct violations of local ordinances.
- The three combined parcels were never used in conjunction with one another and were used by different families independent of one another.
- The merger clause in effect in previous codes had no application with adjoining improved lots.

If the merger is deemed to have legally occurred applicant seeks:

- To return to original lot lines as there is no statutory prohibition to “undo” merged lots. The appropriate standard is that of area variance standards.

CODE REQUIRES	PROVIDED	VARIANCE REQUESTED
Lot 1 – 120,000 sq. ft.	31,278	88,722
Lot 2 – 120,000 sq. ft.	30,994	89,006
Lot 3 – 120,000 sq. ft.	36,904	83,096

- An interpretation that the return to original lot lines is clearly more restrictive. The current configuration based on the merger results in four dwellings on one lot. The return to original lot lines results in four dwellings on three lots. Hence the proposal will result in a more restrictive use and a permissible change of a non-conforming use to a more restrictive non-conforming use.

## NEW APPLICATIONS

2. Application of **VITALIY MALISHKO** for a Variation of Section 156-15, seeking permission to retain two existing sheds. The property is located at 64 Shore Drive, Mahopac NY 10541 and is known by Tax Map 86.39-1-63.

Code Requires	Provided	Variance Required
Shed 1: 10 ft. – rear	9 ft.	1 ft.
Shed 2: 10 ft. – rear	1 ft.	9 ft.
Shed 2: 10 ft. – rear	1 ft.	9 ft.

3. Application of **THOMAS V. SANTANGELO** for a Variation of Section 156-15, seeking permission to retain two existing sheds & one gazebo. The property is located at 33 Fenwood Road, Mahopac NY 10541 and is known by Tax Map 76.18-2-51.

Code Requires	Provided	Variance Required
Shed 1: 10 ft. – side	2 ft.	8 ft.
Shed 2: 10 ft. – side	2 ft.	8 ft.
Gazebo: 15 ft. – rear	11 ft.	4 ft.

4. Application of **DENNIS & GRAINNE DOWD** for a Variation of Section 156-15, seeking permission to retain an existing shed & swimming pool. The property is located at 32 McNair Drive, Mahopac NY 10541 and is known by Tax Map 86.8-2-18.

Code Requires	Provided	Variance Required
Pool – side: 15'	9'	6'
Shed – rear: 10'	8'	2'

5. Application of **JEFFREY DUNDREA** for a Variation of Section 156-15, seeking permission to erect storage shed at rear of property. The property is located at 72 Entrance Way, Mahopac NY 10541 and is known by Tax Map 74.43-1-21.

Code Requires	Provided	Variance Required
Shed – side: 10'	6'	4'

## MISCELLANEOUS

6. Minutes – June 22, 2017

By Order of the Chairman,

John Maxwell

MC



ZONING BOARD OF APPEALS  
TOWN OF CARMEL  
PUTNAM COUNTY

Town Hall, Town of Carmel  
60 McAlpin Ave  
Mahopac, NY 10541  
(845) 628-1500

IN THE MATTER OF THE APPEAL

OF  
Roger Nault

Application Date: 6/7, 20 17

TO THE ZONING BOARD OF APPEALS  
OF THE TOWN OF CARMEL

Application For: (circle applicable): Area Variance ( ) Use Variance ( ) Interpretation 280A  
Name of Property Owner: Roger Nault Address: 2-16 Rogers Lane, Carmel, NY  
Mailing Address: 16 Highridge Rd Brookfield, CT Phone Number(s):  
Zoning District: Residential Tax Map: 54.8 - 1 - 55

Applicant is: (circle one) (Owner) (Lessee) (Contract Vendee) [Attach deed, contract of sale or lease agreement]

E-Mail Address: \_\_\_\_\_

Previous Appeals regarding the subject premises

DATE	REQUEST	RESULTS
1978	subdivision - 5 lots	Discontinued

List all improvements (1 family dwelling, pool, etc.) Three 1 1/2 story dwelling, one 1 story dwelling, one garage

The owner shall submit with this application supporting materials including plans, elevations, landscaping diagrams, traffic circulation diagrams, neighborhood land use maps, property survey, photographs of property and any other materials that will assist the Board to understand the request. List attachments here: old tax map, new tax map, proposed survey reconstituting old lot lines from original transfer

Is any portion of the property within 500 ft. of any state or county highway, town boundary, parkway or public lands? YES NO  
Explain: Belden Road is a town road.

I, the applicant, am seeking permission to: Reverse a voluntary illegal merger from a 1985 deed and recognize the 3 lots previously recognized

CODE REQUIRES	PROVIDED	VARIANCE REQUIRED
	<u>See Attached</u>	

RECEIVED  
TOWN OF CARMEL  
JUN 21 2017  
Ann Woodard

State of New York )  
                          ) ss:  
County of Putnam )  
The undersigned petitioner, being duly sworn, deposes and says that (he) (she) has read the foregoing petition and knows the content thereof, and that the same is true to (his) (her) knowledge except as to the matters therein stated to be on information and belief, and as to those matters (he) (she) believes to be true.

Sworn to before me this 5<sup>th</sup> day of June 20 17

Margaret Ferreri Buechel  
Notary Public

MARGARET FERRERI BUECHEL  
Notary Public, State of New York  
No. 4919619  
Qualified in Dutchess County  
Commission Expires February 8, 2018

Roger Nault



ZONING BOARD OF APPEALS  
TOWN OF CARMEL  
PUTNAM COUNTY

Town Hall, Town of Carmel  
60 McAlpin Ave  
Mahopac, N.Y. 10541  
(845)628-1500

IN THE MATTER OF THE APPEAL  
OF

Malishko

TO THE ZONING BOARD OF APPEALS  
OF THE TOWN OF CARMEL

Application Date: 7/5, 20 17

Application For: (circle applicable): Area Variance( ) Use Variance Interpretation 280A  
Name of Property Owner: V. ALIV MALISHKO Address: 64 SHORE DR, MAHOPAC N.Y. 1054

Mailing Address: 64 SHORE DR, MAHOPAC NY 1054 Phone Number(s): \_\_\_\_\_

Zoning District: R-120 Tax Map: 86.39 - 1 - 63

Applicant is: (circle one) (Owner) (Lessee) (Contract Vendee) [Attach deed, contract of sale or lease agreement]

E-Mail Address: \_\_\_\_\_

Previous Appeals regarding the subject premises

DATE	REQUEST	RESULTS
	<u>NO PREVIOUS ZBA APPEARANCES</u>	<u>Deny</u>

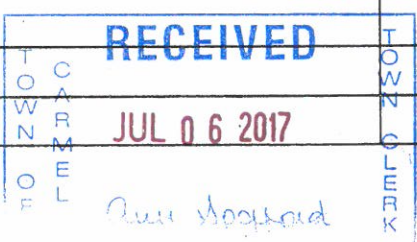
List all improvements (1 family dwelling, pool, etc.) 1 Family Dwelling + 2 Sheds

The owner shall submit with this application supporting materials including plans, elevations, landscaping diagrams, traffic circulation diagrams, neighborhood land use maps, property survey, photographs of property and any other materials that will assist the Board to understand the request. List attachments here: Survey, Pictures

Is any portion of the property within 500 ft. of any state or county highway, town boundary, parkway or public lands? YES/NO Explain: \_\_\_\_\_

I, the applicant, am seeking permission to: Retain 2 Sheds

CODE REQUIRES	PROVIDED	VARIANCE REQUIRED
<u>Shed 1 10' Rear</u>	<u>9'</u>	<u>1'</u>
<u>Shed 2 10' Rear</u>	<u>1'</u>	<u>9'</u>
<u>10' Rear</u>	<u>1'</u>	<u>9'</u>



State of New York )  
                          SS:  
County of Putnam )  
The undersigned petitioner, being duly sworn, deposes and says that (he) (she) has read the foregoing petition and knows the content thereof, and that the same is true to (his) (her) knowledge except as to the matters therein stated to be on information and belief, and as to those matters (he) (she) believes to be true.

Sworn to before me this 5 day of July 20 17  
Alice Daly  
Notary Public

ALICE DALY  
Notary Public, State of New York  
No. 01DA6345218  
Qualified in Putnam County  
Commission Expires July 25, 2020

Petitioner [Signature] Date 7/5/2017



ZONING BOARD OF APPEALS  
TOWN OF CARMEL  
PUTNAM COUNTY

Town Hall, Town of Carmel  
60 McAlpin Ave.  
Mahopac, N.Y. 10541  
(845)628-1500

IN THE MATTER OF THE APPEAL  
OF

Santangelo

TO THE ZONING BOARD OF APPEALS  
OF THE TOWN OF CARMEL

Application Date: 7-10, 2017

Application For: (circle applicable): Area Variance (156.15) Use Variance Interpretation 280A  
CODE SECTION

Name of Property Owner: Thomas V. Santangelo Address: 33 Fenwood Rd. Mahopack, NY 10541  
(Address) (City) (State)

Mailing Address: 33 Fenwood Rd Mahopack, NY Phone Number(s) \_\_\_\_\_  
(Address) (City) (State)

Zoning District: R-120 Tax Map: 76.18 - 2 - 51  
(R-120, Commercial, C/BP, or Conservation) (section) (Block) (Lot)

Applicant is: (circle one) (Owner) (Lessee) (Contract Vendee) [Attach deed, contract of sale or lease agreement]

E-Mail Address: \_\_\_\_\_

Previous Appeals regarding the subject premises

DATE	REQUEST	RESULTS
1994	<del>Firewood</del> Firewood Storage Shed	Approved (Sma)

List all improvements (1 family dwelling, pool, etc.) Family dwelling, pool, Gazebo, 2 Sheds

The owner shall submit with this application supporting materials including plans, elevations, landscaping diagrams, traffic circulation diagrams, neighborhood land use maps, property survey, photographs of property and any other materials that will assist the Board to understand the request. List attachments here: Survey, Photos

Is any portion of the property within 500 ft. of any state or county highway, town boundary, parkway or public lands? YES (NO)  
Explain: \_\_\_\_\_

I, the applicant, am seeking permission to: Retain 2 Sheds + Gazebo

CODE REQUIRES	PROVIDED	VARIANCE REQUIRED
Shed 1 10' side	2	8'
Shed 2 10' side	2	8'
Gazebo 15' Rear	11'	4'

State of New York )  
ss:

County of Putnam )

The undersigned petitioner, being duly sworn, deposes and says that (he) (she) has read the foregoing petition and knows the content thereof, and that the same is true to (his) (her) knowledge except as to the matters therein stated to be on information and belief, and as to those matters (he) (she) believes to be true.

Sworn to before me this 10<sup>th</sup> day of July 2017

Notary Public  
PHYLLIS HUNT BOURGES

Notary Public, State of New York

No. 01BO4798459

Qualified in Putnam County

Certificate Filed in New York County

Commission Expires July 31, 2017

Petitioner Thomas V. Santangelo Date 7-10-17



ZONING BOARD OF APPEALS  
TOWN OF CARMEL  
PUTNAM COUNTY

Town Hall, Town of Carmel  
60 McAlpin Ave.  
Mahopac, N.Y. 10541  
(845)628-1500

*ME*

IN THE MATTER OF THE APPEAL  
OF  
Dowd  
TO THE ZONING BOARD OF APPEALS  
OF THE TOWN OF CARMEL

Application Date: July 11, 2017

Application For: (circle applicable): Area Variance( ) Use Variance Interpretation 280A

Name of Property Owner: DENNIS & GRAINE DOWD Address: 32 MCNAIR DR MAHOPAC NY

Mailing Address: 32 MCNAIR DR MAHOPAC NY Phone Number(s):

Zoning District: R-120 Tax Map: 86.8 - 2 - 18

Applicant is: (circle one) (Owner) (Lessee) (Contract Vendee) [Attach deed, contract of sale or lease agreement]

E-Mail Address:

Previous Appeals regarding the subject premises NONE

DATE	REQUEST	RESULTS
<u>NO previous ZBA appearances</u>		<u>(Dna)</u>

List all improvements (1 family dwelling, pool, etc.) HOUSE, POOL, SHED

The owner shall submit with this application supporting materials including plans, elevations, landscaping diagrams, traffic circulation diagrams, neighborhood land use maps, property survey, photographs of property and any other materials that will assist the Board to understand the request. List attachments here:

Is any portion of the property within 500 ft. of any state or county highway, town boundary, parkway or public lands? YES/NO  
Explain: NO

I, the applicant, am seeking permission to: RETAIN SHED & SWIMMING POOL. POOL EXISTS 9' FROM SIDE YARD, Req 15'. SHED EXISTS 8' FROM REAR YARD, 10' IS REQUIRED

CODE REQUIRES	PROVIDED	VARIANCE REQUIRED
Side Yard for Pool 15'	9'	6'
Rear Yard for Shed 10'	8'	2'

State of New York )  
County of Westchester  
The undersigned petitioner, being duly sworn, deposes and says that (he) (she) has read the foregoing petition and knows the content thereof, and that the same is true to (his) (her) knowledge except as to the matters therein stated to be on information and belief, and as to those matters (he) (she) believes to be true.

Sworn to before me this 11 day of July 20 17

*[Signature]*  
Notary Public  
Certified in Westchester County  
State of New York  
no. 60-8447900  
Expires on September 1, 2018

Petitioner Graine Dowd Date 7/11/17



ZONING BOARD OF APPEALS  
TOWN OF CARMEL  
PUTNAM COUNTY

Town Hall, Town of Carmel  
60 McAlpin Ave.  
Mahopac, N.Y. 10541  
(845)628-1500

*me*

IN THE MATTER OF THE APPEAL  
OF

Dundrea

TO THE ZONING BOARD OF APPEALS  
OF THE TOWN OF CARMEL

Application Date: 7/13/17, 2017

Application For: (circle applicable): Area Variance 156.15 Use Variance Interpretation 280A  
Name of Property Owner: Jeffrey Dundrea Address: 72 ENTRANCE WAY MAHOPAC 10541  
Mailing Address: 72 ENTRANCE WAY MAHOPAC 10541 Phone Number(s):  
Zoning District: R-120 Tax Map: 74.43 - 1 - 21

Applicant is: (circle one) (Owner) (Lessee) (Contract Vendee) [Attach deed, contract of sale or lease agreement]  
E-Mail Address: \_\_\_\_\_

Previous Appeals regarding the subject premises

DATE	REQUEST	RESULTS
	<u>NO Previous ZBA appearances</u>	<u>Deny</u>

List all improvements (1 family dwelling, pool, etc.) 1 Family HOUSE & DRIVEWAY

The owner shall submit with this application supporting materials including plans, elevations, landscaping diagrams, traffic circulation diagrams, neighborhood land use maps, property survey, photographs of property and any other materials that will assist the Board to understand the request. List attachments here: \_\_\_\_\_

Is any portion of the property within 500 ft. of any state or county highway, town boundary, parkway or public lands? YES/NO  
Explain: SECOR ROAD

I, the applicant, am seeking permission to: ERECT STORAGE SHED AT REAR OF PROPERTY

CODE REQUIRES	PROVIDED	VARIANCE REQUIRED
<u>SIDE YARD 10'</u>	<u>6'</u>	<u>4'</u>

State of New York )  
ss:  
County of Putnam )  
The undersigned petitioner, being duly sworn, deposes and says that (he) (she) has read the foregoing petition and knows the content thereof, and that the same is true to (his) (her) knowledge except as to the matters therein stated to be on information and belief, and as to those matters (he) (she) believes to be true.

Sworn to before me this 2<sup>nd</sup> day of Feb. 2017

*Phyllis Hunt Bourges*  
Notary Public

PHYLLIS HUNT BOURGES  
Notary Public, State of New York  
No. 01BO4798459  
Qualified in Putnam County  
Certificate Filed in New York County  
Commission Expires July 31, 2017

Petitioner JH Sund Date 2/2/17