

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:

**October 26, 2017 – 7:30 P.M.**

To hear the following applications:

**HOLDOVER APPLICATIONS**

1. Application of **LENA SMAJLAJ** for a Variation of Section 156-15 & 156-10, seeking an area variance and use variance to retain existing shed on lot without principal dwelling. The property is located at 256 East Lake Blvd., Mahopac NY 10541 and is known by Tax Map 65.17-1-22.

Code Requires	Provided	Variance Required
Shed: 10' - side	1.8 ft	8.2 ft

2. Application of **JULIUS MANGIONE** for a Variation of Section 156-15, seeking use variances for additions/improvements to different lots. The properties are located at Rock Road North & Rock Road South, Carmel NY 10512 and are known by Tax Maps:

55.-2-17.-1	20 Rock Road North	10' x 16' porch
55.-2-17.-2	40 Rock Road North	Screened porch & shed
55.-2-17.-3	41 Rock Road North	8' x 16' shed
55.-2-17.-4	47 Rock Road North	Wood/coal stove & shed
55.-2-17.-5	45 Rock Road North	12' x 51' porch, 4' x 8' porch canopy, 14' x 22' garage & shed
55.-2-17.-6	2 Rock Road North	Finished attic & 201' sf deck
55.-2-17.-7	6 Rock Road North	10' x 28' porch & finished attic
55.-2-17.-10	7 Rock Road South	Two wood/coal stoves, garage & car port
55.-2-17.-11	39 Rock Road North	14' x 20' deck & 2 sheds

<b>CODE REQUIRES:</b>
Article V – Section 156.46 Conformance Required Non-conforming Uses and Section 156.47 – Non-conforming use of buildings may continue; indefinitely, but may not be structurally extended, or placed on a different portion of the lot or parcel.
<b>PROVIDED:</b>
Additions to, alterations of and improved structures extension of existing legal non-conforming homes, and installation of sheds and improvements on different portions of a lot.
<b>VARIANCE REQUIRED:</b>
Use Variances to allow said changes of legal non-conforming single family residence homes owned by APPLICANT or owned by Land Lease Tenants; all on real property owned by APPLICANT.

3. Application of **EVAN TARTAGLIA** for a Variation of Section 156-15, seeking permission to retain existing shed. The property is located at 11 Glen Ridge Road, Mahopac NY 10541 and is known by Tax Map 76.13-2-21.

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

### **NEW APPLICATIONS**

4. Application of **CHRISTOPHER SCALERA** for a Variation of Section 280A, seeking permission to construct a house on lot without frontage on State, County or Town road. The property is located at 48 Muscoot Road E, Mahopac NY 10541 and is known by Tax Map #75.66-1-10.

Code Requires	Provided	Variance Required
100 ft.	0 ft.	100 ft.

5. Application of **MATTHEW TUCKER** for a Variation of Section 156-15, seeking permission to install front porch with roof. The property is located at 330 Forest Road, Mahopac NY 10541 and is known by Tax Map 74.34-1-19.

Code Requires	Provided	Variance Required
10' – side	5.1'	4.9'

6. Application of **WILLIAM ZACOTINSKY** for a Variation of Section 156-47(1), seeking permission to construct roof on side of existing commercial garage. The property is located at 58 Carolan Road E, Carmel NY 10512 and is known by Tax Map #43.-1-17.

7. Application of **KAMALA ASSOCIATES LLC** seeking an Interpretation to 156-28 that the existing single family dwelling can be converted to two family; or a use variance to permit a two family dwelling use in a single family zone. Applicant also seeking clarification of

earlier ZBA application (dtd 12/2/16) that the variance granted for an “office” use had an illegal condition in that it was improperly granted to the owner personally and seeks an Interpretation that the proposed conversion to residential (studio apt.) is more restrictive than a legal commercial office use. The property is located at 87 Fair Street, Carmel NY 10512 and is known by Tax Map 44.15-1-37.

8. Application of **MARY ANNE & RAY WATSON** for a Variation of Section 156-15, seeking permission to construct shed. The property is located at 238 West Lovell Street, Mahopac NY 10541 and is known by Tax Map 87.6-2-65.

Code Requires	Provided	Variance Required
10' – side	0'	10'

9. Application of **SHOPRITE CARMEL** for a Variation of Section 156-42B, 156-41C(2) & 156-41C(4), seeking to construct additions to the existing ShopRite Supermarket associated with site improvements. The property is located at 184 Route 52, Carmel NY 10512 and is known by Tax Map 44.9-1-9.

Code Requires	Provided	Variance Required
885 Parking Stalls	680 Parking Stalls	205 Stalls (23.2%)
10' x 20' Parking Stalls	9' x 18' Parking Stalls	38 sq. ft. reduction in parking stall area
1 Wall Sign per Tenant	8 Wall Signs	Additional 7 Wall Signs
40 sq. ft. maximum Sign Face area	473.6 sq.ft. Total Wall Sign Face Area	Additional 433.6 sq. ft. of Wall Sign Area

10. Application of **DURKIN WATER REALTY LLC (EASTER SEALS)** for a Variation of Section 156-39.2(C), seeking to construct an outdoor play area that cannot meet the 50 foot setback from outdoor play area to rear lot line and 15 foot landscape buffer from outdoor play area to rear lot line. The property is located at 97 Old Route 6, Carmel NY 10512 and is known by Tax Map 55.11-1-23, 24, 25 & 27.

Code Requires	Provided	Variance Required
50' setback from play area to rear lot line	5'	45'
15' landscape buffer from play area to the rear lot line	5'	10'

Minutes – September 28, 2017

By Order of the Chairman,

John Maxwell



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  
SmajLaj  
TO THE ZONING BOARD OF APPEALS  
OF THE TOWN OF CARMEL

Application Date: 6/9, 2017

Application For: (circle applicable): Area Variance(156.15) Use Variance Interpretation 280A  
Name of Property Owner: LENA SMAJLAJ Address: 256 EAST LAKE BLVD  
(Address) (City) (State)

Mailing Address: 271 EAST LAKE BLVD Phone Number(s): \_\_\_\_\_  
(Address) (City) (State)

Zoning District: R-120 Tax Map: 65.17 - 1 - 22  
(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
<u>2010</u>	<u>Fence</u>	<u>Granted w/condition to conform to code when required replacement - maintenance is allowed</u>

*(Signature)*

List all improvements (1 family dwelling, pool, etc.) 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: Photos + Survey

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

I, the applicant, am seeking permission to: Interpretation that fence was maintained and not replaced, retain shed on lot without principal dwelling.

CODE REQUIRES	PROVIDED	VARIANCE REQUIRED
<u>Shed 10' side</u>	<u>1.8'</u>	<u>8.2'</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 16 day of June 2017  
Alice Daly  
Notary Public

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

Petitioner Lena SmajLaj Date 6/16/17



ZONING BOARD OF APPEALS  
TOWN OF CARMEL  
PUTNAM COUNTY

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

IN THE MATTER OF THE APPEAL  
OF

Julius R. Mangione

TO THE ZONING BOARD OF APPEALS  
OF THE TOWN OF CARMEL

Application Date: August, 20 17

Application For: (circle applicable): Area Variance( ) Use Variance Interpretation 280A  
Name of Property Owner: Julius R. Mangione Address: 56 Spencer St., Mt. Kisco, NY 10549  
(Address) (City) (State)

Mailing Address: same Phone Number(s): \_\_\_\_\_  
(Address) (City) (State)

Zoning District: R-60 Tax Map: 55 - 2 - 17, 1, 2, 3, 4,  
(R-120, Commercial, C/BP, or Conservation) (section) (Block) 5, 6, 7, 8, 10 & 11

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

E-Mail Address: Anthony J. Pieragostini, Esq.,

Previous Appeals regarding the subject premises

DATE	REQUEST	RESULTS
N/A	none known	

List all improvements (1 family dwelling, pool, etc.) see attached Pages 2-5

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: Tax Map, Addresses & Bungalow designation Chart; photographs of building with additions; and survey dated Oct. 16, 1974 with plotted additions.

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

Explain: abuts Lake Gillien - NYC Water Supply

I, the applicant, am seeking permission to: grant Use Variances for the additions/improvements and changes stated herein

CODE REQUIRES	PROVIDED	VARIANCE REQUIRED
See Page <u>6</u>		

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 16<sup>th</sup> day of Aug. 20 17

Notary Public

Anthony J. Pieragostini  
Notary Public, State of New York  
No. 4806674  
Appointed For Westchester County  
My Commission Expires Nov. 30, 2017

Petitioner

Julius R. Mangione  
Julius R. Mangione

Date 8/16/17

ZONING BOARD OF APPEALS  
TOWN OF CARMEL: PUTNAM COUNTY:  
STATE OF NEW YORK

-----X

*In the Matter of the Appeal*

*Of*

*List of All Improvements*

JULIUS R. MANGIONE,

-----X

The within premises is a unique parcel of 33.449 acres on one (1) lot in the Town of Carmel, consisting of eleven (11) tax parcels designated as TM 55.2-2-17.1, .2, .3, .4, .5, .6, .7, .8, .9, .10 and .11.

Of these tax parcels, all on one lot, are bungalow buildings – single family homes, which buildings are owned by a tenant who has a Land Lease for ninety-nine (99) years (not owned by the **APPLICANT**), consisting of five (5) units; to wit: TM 55.-2-17-.6, .7, .8, .10 and .11.

The other six (6) tax parcels are single family residential homes owned by the property owner, **APPLICANT JULIUS R. MANGIONE**, consisting of the following tax lots: 55.-2-17.1, .2, .3, .4, .5 and .9.

As per the above, a Use Variance is sought due to having said prior non-conforming use of these eleven (11) residential units on one (1) lot for the above referenced tax lots, which have been issued Letters of Violation/Notices by the Town of Carmel Building Department.

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The parcels that are seeking variances have the following improvements thereon:

A. Owned by APPLICANT

1. TM 55-2-17-.1      20 Rock Road North, single family home with a 10' x 16' Porch.
2. TM 55-2-17-.2      40 Rock Road North, single family home with a Screened Porch and a Shed.
3. TM 55-2-17-.3      41 Rock Road, consisting of a single family home and a 8' x 16' Shed.
4. TM 55-2-17-.5      45 Rock Road North, single family home with a 12' x 51' Porch, 4' x 8' Porch Canopy, 14' x 22' Garage and a Shed.
5. TM 55-2-17-.4      47 Rock Road North, single family home with a Wood/Coal Stove and a Shed.

It is to be noted that these premises have been rented out to various tenants over the years, and some tenants have, in the past, made additions to the premises on their own, and the main structure additions (i.e.: porches and decks) erected before **JULIUS MANGIONE** purchased in 1993.

B. Buildings/Structures Owned by Land Lease Tenants

1. TM 55-2-17-.6      2 Rock Road North, single family bungalow, Finished Attic and 201 square foot Deck.
2. TM 55-2-17-.7      6 Rock Road North, single family bungalow, 10' x 28' Porch and Finished Attic.
3. TM 55-2-17-.10    7 Rock Road South, single family bungalow, Two (2) Wood/Coal Stoves, a Garage and Car Port.

3/

4. TM 55-2-17-.11 39 Rock Road North, single family bungalow, 14' x 20' foot Deck and Two (2) Sheds.

As stated, these buildings(B 1 to 4) are not owned by the **APPLICANT**, and the building owner, as Land Lease Tenants, have erected said structures, and these changes to their building; which said bungalows are owned by the tenant holding a ninety-nine (99) year Land Lease, and placed on **APPLICANT'S** real estate or land.

Note: Attached hereto is a list of said premises with the Bungalow or building designation.

**C. Additional Variance**

1. Not included in the above listed lots, where violation/notices were issued by the Town of Carmel Building Department, is an additional building owner that wishes to add a new 8 x 10 foot shed, which has not been constructed yet, and it is hereby added to the list of variances requested on this property.

This additional property is known as:

1 Rock Road South, Tax Map Designation 55.-2-17.-8, which is also known as Bungalow N, as per the attached map.

2. Said premises is another property that is subject to a Land Lease, where the building is owned by the Land Lease Tenant and not **JULIUS MANGIONE**, the property owner. Said building owner has advised the owner that she wishes to add a shed onto her Land Lease building to be used in conjunction with her Bungalow N; and therefore has application for variances includes said 8 x 10 foot shed.

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ZONING BOARD OF APPEALS  
TOWN OF CARMEL: PUTNAM COUNTY:  
STATE OF NEW YORK

-----X

*In the Matter of the Appeal*

*Of*

JULIUS R. MANGIONE,

-----X

A. Properties owned by **APPLICANT** – subject to Building Department Violation:

	Street Address	Tax Map Designation	
1.	20 Rock Road North	55.-2-17.1	Bungalow Q
2.	40 Rock Road North	55.-2-17.-2	Bungalow R
3.	41 Rock Road North	55.-2-17.-3	Bungalow W
4.	45 Rock Road North	55.-2-17.-5	Bungalow U & T
5.	47 Rock Road North	55.-2-17.-4	Bungalow S

B. Buildings owned by Land Lease Tenants – Subject to Building Department Violation:

	Street Address	Tax Map Designation	Tenant
1.	2 Rock Road North	55.-2-17.6	Bungalow L.
2.	6 Rock Road North	55.-2-17.7	Bungalow M
3.	7 Rock Road South	55.-2-17.-10	Bungalow P
4.	39 Rock Road North	55.-2-17.11	Bungalow V

C. Building owned by Land Least Tenant – new request:

	Street Address	Tax Map Designation	Tenant
	1 Rock Road South	55.-2-17.-8	Bungalow N

5/

ZONING BOARD OF APPEALS  
TOWN OF CARMEL: PUTNAM COUNTY:  
STATE OF NEW YORK

-----X

*In the Matter of the Appeal*

*Of*

*Variances Required*

JULIUS R. MANGIONE,

-----X

A. *Code Requires:*

Article V - Section 156.46 Conformance Required Non-conforming Uses and Section 156.47 – Non-conforming use of buildings may continue; indefinitely, but may not be structurally extended, or placed on a different portion of the lot or parcel.

B. *Provided:*

Additions to, alterations of and improved structures extension of existing legal non-conforming homes, and installation of sheds and improvements on different portions of lot.

C. *Variance Required:*

Use Variances to allow said changes of legal non-conforming single family residence homes owned by **APPLICANT** or owned by Land Lease Tenants; all on real property owned by **APPLICANT**.

8/



ZONING BOARD OF APPEALS  
TOWN OF CARMEL  
PUTNAM COUNTY

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

*MR*

IN THE MATTER OF THE APPEAL  
OF

Tartaglia

TO THE ZONING BOARD OF APPEALS  
OF THE TOWN OF CARMEL

Application Date: 8/15, 2017

Application For: (circle applicable): Area Variance (156-15) Use Variance Interpretation 280A  
Name of Property Owner: EVAN TARTAGLIA Address: 11 GLEN RIDGE ROAD MAHOPAC NY  
Mailing Address: 11 GLEN RIDGE ROAD MAHOPAC NY 10541 Phone Number(s): \_\_\_\_\_  
Zoning District: R-120 Tax Map: 76.13 - 2 - 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 board appearances</u>	<u>(R+)</u>

List all improvements (1 family dwelling, pool, etc.) Legal mother daughter, 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: Pictures, Survey

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

I, the applicant, am seeking permission to: Retain shed

CODE REQUIRES	PROVIDED	VARIANCE REQUIRED
<u>10' Side</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 15<sup>th</sup> day of August 2017

Ann Spofford  
Notary Public

ANN SPOFFORD  
Notary Public, State of New York  
Qualified in Putnam County  
No. 01SP6146807  
Commission Expires May 22, 2018

Petitioner [Signature] Date 8-15-17



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  
Scalera  
TO THE ZONING BOARD OF APPEALS  
OF THE TOWN OF CARMEL

Application Date: 9/19, 2017

Application For: (circle applicable): Area Variance( ) Use Variance Interpretation 280A  
Name of Property Owner CHRISTOPHER SCALERA Address: 48 MUSCOOT RD. E., MAHOPAC, N.Y.  
Mailing Address: 894 R+6 MAHOPAC, NY Phone No.:  
Zoning District: R-120 Tax Map: 75-66-1-10  
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>3/2007</u>	<u>100' frontage variance granted</u>	<u>granted</u>
	<u>However, building permit must be issued within 2 years of D+O or variance becomes null + void</u>	

List all improvements (1 family dwelling, pool, etc.) Vacant Land

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 + Plans

Is any portion of the property within 500 ft. of any state or county highway, town boundary, parkway or public lands? YES/NO  
Explain: yes R+6

I, the applicant, am seeking permission to: Construct house on lot without frontage on state, county or town rd.

CODE REQUIRES	PROVIDED	VARIANCE REQUIRED
<u>100 ft Frontage</u>	<u>0</u>	<u>100 ft</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 19 day of SEPT 17

Jeanne B. Byrne  
Notary Public

**JEANNE B. BYRNE**  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 01BY6096255  
Qualified in Westchester County  
My Commission Expires July 28, 2019

Petitioner [Signature] Date 9/19/17



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

Tucker

TO THE ZONING BOARD OF APPEALS  
OF THE TOWN OF CARMEL

Application Date: Sept. 21, 2017

Application For: (circle applicable): Area Variance (15615) Use Variance Interpretation 280A  
CODE SECTION

Name of Property Owner: Matthew Tucker Address: 330 Forest Rd. Mahopac NY  
(Address) (City) (State)

Mailing Address: 330 Forest Rd. Mahopac Phone Number(s): \_\_\_\_\_  
(Address) (City) (State)

Zoning District: R-120 Tax Map: 74.34 - 1 - 19  
(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
<del>None</del>	<del>None</del>	<del>None</del>
1973/74	ZBA - enlarge living room + remodel kitchen + bath Old Trm 113-3-2	granted 2/74

List all improvements (1 family dwelling, pool, etc.) None

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: Cover pg. Pic. of Completion & Survey; Shed Porch roof detail; Overview of Flooring; Front w/ Footings; Side w/ Footing.

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

I, the applicant, am seeking permission to: Instal Front Porch w/ Roof.

CODE REQUIRES	PROVIDED	VARIANCE REQUIRED
10' Side	5.1 FT.	4.9'

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 22 day of Sept 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 9-22-17



ZONING BOARD OF APPEALS  
TOWN OF CARMEL  
PUTNAM COUNTY

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

4

IN THE MATTER OF THE APPEAL  
OF

ZACOTINSKY

TO THE ZONING BOARD OF APPEALS  
OF THE TOWN OF CARMEL

Application Date: 09-19, 2017

Application For: (circle applicable): Area Variance (156-47(1)) Use Variance Interpretation 280A

Name of Property Owner: WMI ZACOTINSKY Address: #58 CAROLAN RD CARMEL NY

Mailing Address: #62 CAROLAN RD CARMEL NY Phone Number(s): 10512

Zoning District: R-120 Tax Map: 4.3 - 1 - 17

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>ZBA</u> <u>Jan 2013</u>	<u>Seeking permission to construct a storage area on rear garage</u>	<u>granted w/ condition of storage only</u>

List all improvements (1 family dwelling, pool, etc.) \_\_\_\_\_

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: PLATT = ZACOTINSKY PROPERTIES - CONCEPT DIMENSIONS FOR ADDITION TO BUILDING

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 - Yes. Dep Land adjacent

I, the applicant, am seeking permission to: Construct Roof on side of existing Commercial GARAGE.

CODE REQUIRES	PROVIDED	VARIANCE REQUIRED

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 26 day of Sept 2017

Susan J. Nunziata  
Notary Public

SUSAN J. NUNZIATA  
Notary Public, State of New York  
Registration no. 01NU6078143  
Qualified in Putnam County  
Commission Expires July 22, 2018

Petitioner WMI ZACOTINSKY Date 09-26-17



MC



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  
Kamala Associates  
TO THE ZONING BOARD OF APPEALS  
OF THE TOWN OF CARMEL

Application Date: \_\_\_\_\_, 20\_\_\_\_

Application For: (circle applicable): Area Variance(\_\_\_\_\_) Use Variance Interpretation 280A  
Name of Property Owner: Kamala Associates, LLC Address: 6 Clifton Lane White Plains NY  
(Address) (City) (State)  
Mailing Address: 87 Fair Street Carmel, NY Phone Number(s): \_\_\_\_\_  
(Address) (City) (State)  
Zoning District: Residential Tax Map: 44.15 - 1 - 37  
(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
3/21/84	Variances for accessory dwelling and office	Approved however to cease upon sale by applicant
2/15/17	Interpretation of 1984 variance condition + use variance to permit 2 family dwelling use	Interpretation approved that the former barn is recognized as a single family

List all improvements (1 family dwelling, pool, etc.) 2 story dwelling, accessory building + office

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: Fair Street is a County highway

I, the applicant, am seeking permission to: \_\_\_\_\_

CODE REQUIRES	PROVIDED	VARIANCE REQUIRED
	<u>See Attached</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 20th day of September 2017  
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

William A. Shilling, Jr.

1. (a) Applicant seeks an interpretation pursuant to §156-28 that the existing single family dwelling can be converted to a two family because all the criteria contained in that section are met herein. Or in the alternative  
  
(b) Applicant seeks a use variance to permit a two family dwelling use in a single family zone.
  2. (a) Seeks a clarification of Applicant's earlier application that the variance granted for an "office" use had an illegal condition in that it was improperly granted to the owner personally; and  
  
(b) Applicant seeks an interpretation that the proposed conversion to residential (studio apartment) is more restrictive than a legal commercial office use.
-



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  
Watson

Application Date: 10/7/, 20 17

TO THE ZONING BOARD OF APPEALS  
OF THE TOWN OF CARMEL

Application For: (circle applicable): Area Variance (156-15) Use Variance Interpretation 280A

Name of Property Owner: Mary Anne + Ray Watson Address: 238 W Lovell St Mahopac NY

Mailing Address: 238 West Lovell St Mahopac NY 10541 Phone Number(s): \_\_\_\_\_

Zoning District: R-120  
(R-120, Commercial, C/BP, or Conservation)

Tax Map: 87.6 - 2 - 65  
(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
	<u>no previous applications</u>	<u>none</u>

List all improvements (1 family dwelling, pool, etc.) Sites AND POOL ONE FAMILY DWELLING

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, Plan

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: construct sites. sites manufactured by KETOR, SHED IS PLASTIC AND IS STAPLED TOGETHER AND SCREWED TOGETHER

CODE REQUIRES	PROVIDED	VARIANCE REQUIRED
<u>10'</u>	<u>0</u>	<u>10</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 9 day of October 2017

[Signature]  
Notary Public

**Sandra I. Martinez**  
Notary Public, State of New York  
No. 01MA5080632  
Qualified in Bronx County  
Commission Expires 07/26/2019

Petitioner [Signature] Date 10/9/17



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  
**ShopRite Carmel**  
TO THE ZONING BOARD OF APPEALS  
OF THE TOWN OF CARMEL.

Application Date: 10/12, 2017

Application For: (circle applicable): Area Variance §156-42 B, ) Use Variance Interpretation 280A  
 Name of Property Owner: Urstadt Biddle Properties Inc. Address: 156-41C(2) + 156-41C(4)  
321 Railroad Avenue, Greenwich, CT 06830 184 Route 52, Carmel  
 (Address) (City) (State) (Address) (City) (State)  
 Mailing Address: 321 Railroad Avenue, Greenwich, CT 06830 Phone Number(s): ---  
 (Address) (City) (State)  
 Zoning District: Commercial Tax Map: 44.9 - 1 - 9  
 (R 120, Commercial, C DP, 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
January 1992	9'x18' Parking Stall Variance	GRANTED
March 1997	Total Parking (679 Stalls Required; 717 Stalls Provided)	GRANTED
October 28, 1999	Additional Free-Standing Sign (not to exceed 130 sf and 25' above grade)	GRANTED
October 28, 1999	Additional Building Mounted Sign (not to exceed 80 sf)	GRANTED
Unknown	Front Yard Variance (24.7')	GRANTED

List all improvements (1 family dwelling, pool, etc.) Proposed additions to existing ShopRite Supermarket

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: Property Survey, Site Plans, Elevations, Property Deed, etc.

Is any portion of the property within 500 ft. of any state or county highway, town boundary, parkway or public lands? YES NO  
 Explain: Property is adjacent to NYS Route 52.

I, the applicant, am seeking permission to: construct additions to the existing ShopRite Supermarket with associated site improvements.

CODE REQUIRES	PROVIDED	VARIANCE REQUIRED
885 Parking Stalls	680 Parking Stalls	205 Stalls (23.2%)
10' x 20' Parking Stalls	9' x 18' Parking Stalls	38 sq. ft. reduction in parking stall area
1 Wall Sign per Tenant	8 Wall Signs	Additional 7 Wall Signs
40 sq. ft. maximum Sign Face Area	473.6 sq. ft. Total Wall Sign Face Area	Additional 433.6 sq. ft. of Wall Sign Area

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 27 day of Sept, 2017

Rosemarie Dolan  
Notary Public

ROSEMARIE DOLAN  
Notary Public, State of New York  
Reg. No. 01DO6162778  
County of Ulster  
Commission Expires March 19, 2019

Petitioner

[Signature]

9/27/17  
Date





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

Application Date: October 12, 2017

TO THE ZONING BOARD OF APPEALS  
OF THE TOWN OF CARMEL

Application For: (circle applicable): Area Variance § 156-39.2.C Use Variance Interpretation 280A  
Name of Property Owner: Durkin Water Realty LLC Address: 97 Old Route 6, Brewster, NY  
(Address) (City) (State)  
Mailing Address: 120 Fields Lane, Brewster, NY Phone Number(s) \_\_\_\_\_  
(Address) (City) (State)  
Zoning District: Commercial Tax Map: 55.11 - 1 - 23,24,25 & 27  
(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 N/A

DATE	REQUEST	RESULTS

List all improvements (1 family dwelling, pool, etc.) Interior renovation of suites 7 and 8 on Lot 25, as well as the construction of an exterior children's play area on Lot 27. Modifications to existing striping on Lots 24 and 25 to conform to Town requirements. Striped cross walk and pick-up drop-off area on Lot 25.  
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: see cover letter

Is any portion of the property within 500 ft. of any state or county highway, town boundary, parkway or public lands? YES  
Explain: Property is located on west side of NYS Route 6 and south of Putnam County recreational trail.

I, the applicant, am seeking permission to: Construct an outdoor play area that cannot meet the 50 foot setback from outdoor play area to rear lot line and 15 foot landscape buffer from outdoor play area to rear lot line.

CODE REQUIRES	PROVIDED	VARIANCE REQUIRED
<u>50' setback from play area to rear lot line</u>	<u>5'</u>	<u>45'</u>
<u>15' landscape buffer from play area to the rear lot line</u>	<u>5'</u>	<u>10'</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 13<sup>th</sup> day of Oct 2017

Kimberly Romanino  
Notary Public

**KIMBERLY ROMANINO**  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 01RO6134291  
Qualified in Putnam County  
My Commission Expires September 26, 2021

Petitioner Raymond Durkin Date 10/12/17