

**APPROVED**

MARK FRASER  
*Chairman*

JOHN MAXWELL  
*Vice Chair*

**TOWN OF CARMEL  
ZONING BOARD OF APPEALS**



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MICHAEL CARNAZZA  
*Director of Code  
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**BOARD MEMBERS**

ROSE FABIANO  
ROGER GARCIA  
SILVIO BALZANO  
PHILIP AGLIETTI  
WILLIAM ROSSITER

**ZONING BOARD OF APPEALS MINUTES**

**MARCH 27, 2014**

**PRESENT: CHAIRMAN, MARK FRASER, VICE-CHAIR, JOHN MAXWELL, ROGER GARCIA,  
SILVIO BALZANO, PHILIP AGLIETTI, WILLIAM ROSSITER**

**ABSENT: ROSE FABIANO**

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<b><u>APPLICANT</u></b>	<b><u>TAX MAP #</u></b>	<b><u>PAGE</u></b>	<b><u>ACTION OF THE BOARD</u></b>
Robert Frenkel	75.8-2-21	1-2	Granted.
Timothy Beach	55.18-1-13	3	Granted.
Poyant Signs/ACI Carmel, LLC/CVS	55.10-1-12	3-5	Heldover.
Arthur Messina	74.35-1-14	5	Granted with Condition.
Minutes – 1/23/2014 & 2/27/2014		5	Approved.

The meeting was adjourned at 8:08 p.m.

Respectfully submitted,

Rose Trombetta

**Application of Robert Frenkel for a Variation of Section 156-15 seeking permission to construct 2<sup>nd</sup> story addition and 2 car attached garage. The property is located at 43 Tamarack Road, Mahopac and is known by Tax Map #75.8-2-20.**

Code Requires	Will Exist	Variance Required
Building Coverage 15% Max	26%	11%
Front Yard 25'	15'5"	9'7"
Side (East) 15"	13'6"	1'6"
Side (West) 15"	6'7"	8'5"

Mr. Michael Piccirillo, Applicant's Architect was sworn in.

Mr. Piccirillo addressed the board and stated this is the applicant's permanent residence and they are looking to add a 2<sup>nd</sup> story addition. He said the existing house is non-conforming with both side yard and front yard. He said the object of the renovation is to go straight up on the existing footprint. We had originally proposed doing a wider two door bay garage a couple of months ago. He said his applicant and his neighbor met to mitigate some of the garage addition. We were able to reduce the garage addition and a side yard variance is not needed.

Mr. Fraser asked if the west side variance of 8'5" has been eliminated.

Mr. Piccirillo replied that's correct.

Mr. Fraser asked if everything else would remain the same.

Mr. Piccirillo stated that's correct. He said the front yard variance includes part of the garage that left (1 foot section). He said the other part of the front yard is the non-conformance with the existing house and we are adding a small portico.

Mr. Fraser stated he wasn't thrilled with the lot coverage, with the lot being on the lake. He asked if they went to the ECB yet.

Mr. Piccirillo replied no.

Mr. Fraser stated they would probably want rain gardens, and so on.

Mr. Piccirillo stated we tried to be conscious of keeping any addition to the house on the road side. He said the only part on the lake side is the deck with minimal disturbance.

Mr. Maxwell asked if anything could be done with the height of the ridge and peaks, because of the views from across the street.

Mr. Piccirillo stated yes we did look at that, but since the house is down 8 feet off the road, there should be very little impact.

Mr. Maxwell stated when he visited the site, he went across the street to the neighbors where there is a view of the lake, but if you put a 2<sup>nd</sup> story, plus the pitch of the peaks right now, it should be considered. He said maybe you could lower the peak and ridge as a compromise.

Mr. Piccirillo stated he will consult with his clients.

Mr. Fraser stated the house across the street will lose their view no matter what they do, even if they cut down on the ridge.

Mr. Garcia stated he had the same concern as Mr. Maxwell. He said the buildup will be very substantial and will totally obviate everybody's view.

Mr. Fraser stated the key here is the front yard variance of 9'7" does not change the fact that the people across the street are losing their view.

Mr. Garcia stated I understand that. He said the big variance they are asking for is the lot coverage variance. He said there is nothing we could if they stay within their setbacks. We do not have any recourse against that, they could build up to 35 feet. He said if you want these variances granted they should stay within the lines. He said I don't think we should be granting any of the variances.

Mr. Fraser stated we are a board of adjustments, not a board of enforcement.

Mr. Fraser asked if anyone in the audience wished to be heard on this application.

Mr. John Magnesio, applicant's neighbor was sworn in. He stated he didn't have any issues with how they are going to improve their property.

Mr. William Frumkin, applicant's neighbor was sworn in. He stated at first he was a little apprehensive with the setbacks and the size of the garage, but the applicants were very willing to accommodate. He is pleased with what they will be doing to their home. He said it will be a good addition to Mahopac Point.

Mr. Aglietti moved to close the public hearing. The motion was seconded by Mr. Maxwell with all in favor.

### **DECISION OF THE BOARD**

Mr. Maxwell moved to grant for discussion purposes. The motion was seconded by Mr. Balzano.

Mr. Fraser stated to keep in mind we are a board of adjustments. The neighbors were fine with it.

Mr. Maxwell stated he met with the neighbor that lives across the street and thought she was going have an issue, but she didn't speak. He said he was defending her. He said the design is beautiful and it will be a welcomed design to the neighborhood. I don't have a problem with it.

Mr. Fraser stated the fact of the matter is the applicant could go straight up and not require any variances and that will totally block any views of the lake.

Mr. Garcia commented that he would like to see what the ECB has to say, especially for the lot coverage before we make any decisions.

A roll call vote was taken as follows:

Mr. Garcia	Against the motion
Mr. Maxwell	For the motion
Mr. Aglietti	For the motion
Mr. Rossiter	For the motion
Mr. Balzano	For the motion
Mr. Fraser	For the motion

5 to 1 motion carries.

**Application of Timothy Beach for a Variation of Section 156-15 seeking permission to build addition and deck with steps. The property is located at 183 Seminary Hill Road, Carmel and is known by Tax Map #55.18-1-13.**

Code Requires	Will Exist	Variance Required
20' Side	12.2' (Addition)	7.8'
30' Rear	27' (Step)	3'

Mr. Timothy Beach was sworn in.

Mr. Fraser stated you are looking to do an addition with a deck, is that correct?

Mr. Beach replied that's correct.

Mr. Fraser asked if the improvement could be located in another area.

Mr. Beach replied no.

Mr. Fraser asked what the need for the addition was.

Mr. Beach stated it's on his bucket list.

Mr. Fraser stated that's honest.

Mr. Fraser asked if anyone in the audience wished to be heard on this application.

Mr. Balzano moved to close the public hearing. The motion was seconded by Mr. Aglietti with all in favor.

**DECISION OF THE BOARD**

Mr. Balzano moved to grant the variance. The motion was seconded by Mr. Aglietti with all in favor.

**Application of Poyant Signs/ACI Carmel, LLC/CVS for a Variation of Section 156-41C(3)(9) seeking permission to install signs exceeding allowed. The property is located at 1906 Route 6, Carmel and is known by Tax Map #55.10-1-12.**

Code Requires	Will Exist	Variance Required
West Elevation 40 s.f. (60 s.f. allowed by variance)	133.66 s.f.	73.66 s.f.
North Elevation 40 s.f. (70 s.f. allowed by variance)	158.66 s.f.	88.66 s.f.
Pylon 32 s.f.	269.94 s.f.	237.94 s.f.

Mr. Gary McCoy of Poyant Signs, representing the applicant was sworn in.

Mr. Fraser stated the sign is too big.

Mr. Neil Alexander, Attorney for the applicant addressed the board and stated over the decades variances have been granted in this corridor on both sides, particularly for this property. He said I

recognize and understand that Hannaford's that's across the street was able to take advantage of the design shopping center code provisions. I know we are in a different zone, (we are 4.7 acres instead of 5 acres) and that's why we can't take advantage of the design shopping center. He said variances have been previously granted for the wall signs.

Mr. Fraser asked what the square footage of the project was.

Mr. Alexander said approximately 14, 000 square feet.

Mr. Fraser said and what is the square footage of Hannaford's?

Mr. Alexander said I understand, but they are both the anchors. He said Hannaford got 292.90 square feet of wall signage and we are looking for 292.32 square feet. He said the pylon sign is the most important sign for this property, because of the locations of the driveway and traffic light. He said a large part of the improvements for CVS is the drive-thru. He said prior variances were granted for the pylon sign to 155 square feet. We want to take it bigger and we believe the aesthetics we are proposing is quite nice and consistent with what's across the street.

Mr. Carnazza said a design shopping center allows 75 square feet as opposed to the 32 square feet you're allowed.

Mr. Alexander said we are not arguing that. This shopping center has not been as vibrant as it could be. He said a robust pylon sign is needed here. He said we could talk about the wall signs and go back to our client to push down the variances for them.

Mr. Fraser commented that the sign is right on the road.

Mr. Alexander said look at the history of the center.

Mr. Maxwell commented that maybe it's not the sign, but it's the building.

Mr. Alexander stated we are doing massive renovations to the aesthetics. He said you can't see the entrance of the building until you turn in.

At which time, a discussion ensued regarding the possibility of moving the entrance of the driveway to another location.

Mr. Fraser said to speak to the Planning Board.

Mr. Carnazza asked how big the pylon sign that is approved right now.

Mr. Alexander said 155 square feet.

Mr. Maxwell commented that the sign that is there right now is sufficient enough.

The other board members agreed.

Mr. Alexander asked about the height.

Mr. Fraser said you heard what the board said and I think you know where you stand. This town has already given to this building and will not give another thing. He said to make it work.

Mr. Garcia commented when McDonald's came before the board with regards to the height and we asked them to cut it down.

Mr. Alexander asked where did you wind up with the McDonald's sign?

Mr. Carnazza said 8 feet to the bottom and 12 feet to the top.

Mr. Alexander asked if he could see that decision.

Mr. Fraser suggested that they either hold over the application and speak to his applicant, withdraw it or continue on.

Mr. Alexander said he is no rush to get denied and asked if the board could hold over the application.

Mr. Garcia asked if this is coming back to the board to make sure the numbers are correct.

Mr. Balzano moved to hold over the application. The motion was seconded by Mr. Maxwell with all in favor.

**Application of Arthur Messina for a Variation of Section 156-15 seeking permission to retain shed. The property is located at 162 Lake Shore Drive, Mahopac and is known by Tax Map #74.35-1-14.**

Code Requires	Will Exist	Variance Required
10' Side	1'	9'
10' Rear	2'	8'

Mr. Arthur Messina was sworn in.

Mr. Fraser asked how long has the shed been there?

Mr. Messina replied 12 years.

Mr. Fraser stated it is very close to the property line. He said the best we could do for you is to keep this shed, but when it needs to be repaired or replaces it must conform to code. I don't want it there forever.

Mr. Fraser asked if anyone in the audience wished to be heard on this application.

Mr. Aglietti moved to close the public hearing. The motion was seconded by Mr. Maxwell with all in favor.

**DECISION OF THE BOARD**

Mr. Maxwell moved to grant with the condition that upon disrepair of the shed and needs to be replaced that it conforms to code. The motion was seconded by Mr. Aglietti with all in favor.

**MINUTES - 1/23/2014 & 2/27/2014**

Mr. Aglietti moved to accept the January 23, 2014 minutes. The motion was seconded by Mr. Maxwell with all in favor except Mr. Rossiter who abstained.

Mr. Aglietti moved to accept the February 27, 2014 minutes. The motion was seconded by Mr. Maxwell with all in favor accept Mr. Garcia and Mr. Rossiter who abstained.

The meeting was adjourned at 8:08 p.m.

Respectfully submitted,

Rose Trombetta