

**APPROVED**

**JOHN MAXWELL**  
*Chairman*

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

**MICHAEL CARNAZZA**  
*Director of Code Enforcement*

**PHILIP AGLIETTI**  
*Vice-Chairman*



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**BOARD MEMBERS**  
**ROSE FABIANO**  
**SILVIO BALZANO**  
**WILLIAM ROSSITER**  
**MARC DITOMASO**  
**MICHAEL SCHWARZ**

**ZONING BOARD OF APPEALS MINUTES**

**APRIL 26, 2018**

**PRESENT: CHAIRMAN, JOHN MAXWELL, VICE-CHAIRMAN, PHILIP AGLIETTI, SILVIO BALZANO, ROSE FABIANO, WILLIAM ROSSITER JR., MICHAEL SCHWARZ & MARC DITOMASO**

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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>
Ninfa G Villa	75.10-2-11	1	Granted w/condition
Angelo A. Senno Trust	44.13-2-2	2 – 7	Granted both requested variances
Thomas Donovan	65.19-1-39	7 – 8	Granted requested variance
Grace Bocchino	54.8-1-12.2	8	Held Over
Frank Burghardt III	75.9-2-6	8 – 9	Granted requested variance
Marie Blum	87.6-2-58	9 – 10	Granted requested variance
Zuhair Quwaider	64.18-2-67	10 – 11	Granted requested variance
MINUTES:	February 22, 2018		Approved as written

The meeting was adjourned at 8:21 p.m.

Respectfully submitted,

Dawn M. Andren

## **HOLD OVER APPLICATIONS:**

1. Application of **NINFA G VILLA** for a Variation of Section 156-15, seeking an Area Variance in order to legalize an already existing shed. The property is located at 18 Sunset Place Street, Mahopac NY 10541 and is known by Tax Map 75.10-2-11.

Code Requires	Provided	Variance Required
40' front	11'	29'

Mr. Carnazza said he had spoken with Ms. Villa and that she stated they had decided they were going to take the back shed down and just have the two that were originally presented.

- Luis (Ninfa's husband) of 18 Sunset Place was sworn in.

Chairman Maxwell asked are you confirming what Mr. Carnazza just said – that you're going to get rid of the shed in the back?

Luis responded the one in the back is actually already gone.

Chairman Maxwell asked Mr. Carnazza have you been there.

Mr. Carnazza said I have not checked it yet.

Chairman Maxwell asked do you have any pictures or anything.

Luis replied not really. The one in the back was used mainly by the dog but now the dog has passed away so there's no need to keep that one in the back.

Chairman Maxwell asked Luis to step forward to identify the shed they were discussing on the survey.

Luis said we're only here for the other two.

Chairman Maxwell said the other two are what exists.

Mr. Carnazza interjected if you're going to grant it and you would like to, you can add a condition that I cannot issue the building permit until I verify that it's been removed.

Chairman Maxwell polled the Board for questions/concerns to which there was none and then offered the same to the public with the same results.

Vice-Chairman Aglietti moved to close the public hearing on this application; seconded by Mr. Rossiter with all in favor.

### **DECISION OF THE BOARD:**

**Mr. Schwarz moved to grant requested variance on the condition that the rear shed is removed prior to issuing a building permit; seconded by Mr. Balzano with all in favor.**

2. Application of **ANGELO A. SENNO TRUST** seeking an Interpretation that the conversion of a commercial store front with 2 residential units (mixed use) to a 4 family was a more restrictive use OR, in the alternative, a Use Variance to permit a 4 family dwelling in a commercial zone. The property is located at 19 Fowler Avenue, Carmel NY 10512 and is known by Tax Map 44.13-2-2.

Code Requires	Provided	Variance Required
Lot Area = 40,000 sf	5,648 sf	34,352 sf
Lot width = 200 ft.	50.11 ft.	149.89 ft.
Lot depth = 200 ft.	112.3 ft.	87.7 ft.
Front yard = 40 ft.	10.3 ft.	29.7 ft.
Side yard = 25 ft.	9.3 ft. & 10.3 ft.	15.7 ft. & 14.7 ft.
Parking = 2/unit - 8	0 spaces	8 spaces
Side yard shed = 25 ft.	4 ft.	21 ft.

- Mr. William Shilling, Esq., representing applicant appeared before the Board.
- Ms. Sara Kaplan of Route 52, Holmes NY was sworn in.

Mr. Shilling stated this matter was before you last year and it was referred to Planning. We've been through Planning and have been sent back here. This property is on Fowler Avenue and is 2 ½ stories. It's a large, substantial building. The zoning today is commercial. Back in 1976, the zoning was residential. It currently is being used as a four-family and has been used as a four-family since 1977. All four apartments are one-bedroom each. This property is serviced by Town Water and Town Sewer. As any of you know, Fowler Avenue is now predominantly multi-family. It's one of the few spots in all of Carmel that is predominantly multi-family. Most of the commercial uses that I knew while growing up are gone. In 1976, there were a number of commercial uses that have dissipated or expired as time went on. Prior to my clients' purchasing in 1976, the property consisted of two one-bedroom apartments upstairs, and downstairs was a business owned & run by a person named Stephen Usilak who used it as a wholesale sign warehouse and sold tile. It wasn't a real prevalent use. He didn't have signs out front but he did use it as such. When Mr. Porco and Mr. Senno purchased the property in 1976, they immediately turned it into a four-family. The commercial use was expired. At the time of their purchase, it was zoned residentially and so it could be argued that the conversion was more in keeping with the zone of residential and more in keeping with the neighborhood which was quickly turning into multi-family residential. When I was here last, I looked for an Interpretation. The Interpretation was that the conversion from a mixed use to a residential use was more restrictive. In the alternative, I sought a use variance to allow this four-family to continue in this zone which it has since 1976. In support of that application, both then and now, I've submitted an affidavit by Sara. I'm going to provide you four very brief affidavits of four contractors, most of whom you probably know, licensed in Putnam County that will address the cost to convert from four-family back to two-family. I have an affirmation of John Porco who was one of the owners/partners with Mr. Senno who really talked about the process of how they bought houses together. I've submitted a memorandum of law and I've submitted floor plans – all of which show four one-bedroom apartments. The facts show that with the 1970s, Fowler Avenue was at the last stages of a commercial development. There was a beautician – that's gone. There is a funeral home that still exists today. There was used cars, used car rentals, a gas station all of which are gone. There was an appliance store and appliance fix-it store and this sign/tile store which is the subject of what we are discussing this evening. It is exclusively residential and predominantly multi-family. As I'd stated, the site was owned by someone named Stephen Usilak who we knew in Carmel. He sold signs out of the premises. He also owned a number of stores in Carmel and Kent: the Gun Shop, the Satin & Lace store, and this warehouse where he sold signs to commercial entities and sold tile. In 1976, Porco and Senno purchased this property. The dynamic between the two of them was that Senno was the accountant; the guy that would go out and find the investments and he was responsible, according to Mr. Porco, to get the permits. Porco was the financier and attorney and he was the one that did all the legal arrangements for the purchases. This wasn't a single investment for these two. They had a number of investments and the dynamics of the

partnership was that they did different roles and their roles were well known to one another. In 1977, the commercial use stopped and two residential units were installed downstairs coupled with the two upstairs. Mr. Senno actually built one of the apartments for his mother. We have all the bills for conversion at your disposal if you'd like to see them. The record is pretty barren of notes from the Building Department except that in 1983, Marge Agor, sent a letter stating that we only recognize two one-bedroom apartments here. After that, there are no records, no violation notice; there are three passing inspections by the Fire Inspector from 2015, 2016 & 2017. I'll provide you Mr. Porco's affidavit. He's retired and down in Long Island but basically he says the roles were defined as I just told you. It was his opinion, as an attorney, that because he was bringing the place more into conformance and there was a section of the law then §63-11.1 exactly the same as your Code says today which is §156-47 that says you can go from one non-conforming to another provided it's deemed more restrictive. Mr. Porco said that's what he thought happened and that's why they thought they could convert. In his affirmation, he says that the mixed use vs. a four-family was more restrictive. In 1977, the house which looks like this becomes a four-family; it has two doors, a walkway and one bedroom apartment for each floor. It's serviced by separate meters. The hallways are metered as well. It's a very prominent building and clearly not a single-family and almost clearly not a two-family. Again; I want to stress that it's serviced by Town Water and Town Sewer. Fowler Avenue is marked with very little parking. That's probably why no commercial development ensued since 1976. The four one-bedroom works very well on Fowler Avenue. It's walking distance to the Town, there are bus services down to the Plaza and it is an adult complex. One bedroom apartments don't bode well for children. In fact, two of the three existing tenants are older people who take the bus and don't need cars. When the place had four tenants, there was one car between all four of them. Again; because of its proximity to the Town and bus service, it works well for the neighborhood. Almost the entire neighborhood is now residential and multi-family. We took the time to provide you many multi families in the immediate area. The bottom photo is a six-family which immediately surrounds my clients' property. They're all multi-family recognized by the Town; right on Fowler Avenue, very close to the property at hand. The commercial uses are gone. The funeral home, which looks extremely residential, is the only vibrant commercial use on Fowler Avenue today. The commercial use is obsolete; it doesn't belong in a commercial zone with the development as it has been. My clients are ready to sell and come to find out that it's only recognized as a two-family. When I came here before, I was looking for your interpretive powers pursuant to §156-47 and then §63-11.1 that the use at the time, was more restricted than the current use. I gave you a case in my memo said that the timing of your review has to be 1977 when the conversion took place and the statute of §63-11.1, identical to the one today, allows the conversion from one to the other provided it's deemed more restrictive. When I last appeared, I asked for your interpretive powers and the matter got sent to the Planning Board. Mr. Besharat got the matter through Planning and back to here. The fact that you sent it to the Planning Board is consistent with the idea that you denied the interpretation. I went through the minutes and I didn't see an expressed denial. So I'm going to ask the Board, if they're so inclined, to consider the Interpretation today. If it's deemed that you did deny the Interpretation and sent it to Planning, Mr. Besharat brought the matter through Planning back to Zoning, I'll ask this Board to consider Use Variance standards. The Use Variance standard is because we have a four-family in a commercial zone. Again - commercial zone although there's only one commercial use on the entire street. We can meet every one of the criteria. The financial hardship/reasonable return: we have four affidavits by four local contractors. Because I'm presenting it to you late, I didn't ask for specific breakdowns because it would be too much reading. What I've done is formatted a letter on how much it would cost to convert from four to two. Duke Construction by William Finney, SMJ Homes, Inc. by Joe Giuliano, Maristand Properties by Will Knapp and DeBellis Construction by Chris DeBellis all surmised that the conversion would be approximately between \$40,000 - \$70,000. That includes plumbing, construction, aesthetics, electrical; everything that would be involved in converting from four to two. I wonder what Town purpose would be served by making my client pay this money for a property that's been a four-family for 42 years. That's a hardship that my client should not have to sustain. I would also ask you to look at the photograph again. Making that big bunker of a house into two-family would be wasteful. I would ask you to consider that as an element of my clients' hardship. Also, consider the fact that as for one-bedroom apartments, you're going to get a senior complexion because one-bedroom doesn't

bode well with people with children. There'll be less car traffic. Another part of the hardship is what possible commercial use could we entertain for that property should it return to commercial? There's none. What's permitted in this zone is a commercial zone. Lastly, I have a letter from a local realtor. I asked her to state what I think is the obvious. There is a substantial difference in value as they try to market their property between a four and a two. I believe the elements of economic hardship are prevalent in just about every aspect. The house has been a four family for 42 years. With regard to uniqueness, it's got a very unique history. It's forty years in the making. There are no commercial users anymore. The zone is obsolete; the zone is wrong for this development. The conversion was consistent with the residential flavor and the Code at the time it was done. It's unique because you shouldn't displace people for no apparent governmental reason. The most important criteria, by case law, is the neighborhood. That's where I think we're strongest. Again, primarily it's a multi-family Code. We propose no structural changes so there will be no change to the neighborhood. There's a six-family right next door to this 'would be' four-family. There's a need for housing like this in the village and in other multi-family residences. It's walking distance to the Town and there's bus service. It's a perfect use for this house on Fowler Avenue. As far as self-creation is concerned, we don't know how it didn't get to the building department. Mr. Senno died in 2014. Mr. Porco says it was Mr. Senno's job to do it. It doesn't stand to reason because they had many projects and somehow it didn't get done here. You all know that self-creation, with a good faith mistake, isn't fatal to an application for a use variance. There are a whole lot of area variances on the application if we do go that way. There's not one change. Everything is existing. There's probably no houses on Fowler Avenue that comply with 40' setback or 60' setback so the area variance that we would need are similar to any other applicant that would come before this Board. As I conclude, I want to ask you what alternatives my clients truly have here. There really isn't any way to go back to a commercial. It's really wasteful to go back to two-family and it serves no purpose.

Mr. Balzano asked when they bought the property, it was zoned residential.

Mr. Shilling confirmed yes.

Mr. Balzano continued when did it flip?

Mr. Carnazza replied 2002.

Mr. Balzano asked was that when they did the new master plan?

Mr. Carnazza said we had an issue when we were trying to check the zoning on everything. This area, the right side of the street, Putnam Propane, a funeral home, a gas station on the corner and multi-family. So you don't make it one-family, you don't make it residential. We lost the multi-family code; there was no section for multi-family anymore so that's what it became - commercial. What was there was there.

Mrs. Fabiano said one thing you haven't really touched on is the parking. To go from a two-family, you'd need four spots. Here you need eight spots. You did mention that parking is very tight in that area. So, is there any way that you can have a driveway in the back and park cars in the back.

Mr. Shilling replied there is parking in the back.

Ms. Kaplan added it's a long driveway.

Mr. Carnazza interjected according to Code; we can only say that's one spot because you can't stack. If I'm the front car, I can't get out now. You can park one there but that's it.

Ms. Kaplan said the entire time that we've owned it; we've only had one person with a car.

Mr. Carnazza replied I understand.

Mr. Shilling said it does service a certain population of people that don't want two bedrooms – just want for themselves and their spouse and walk or take a bus. Having two bedrooms would take away that availability to some people.

Mrs. Fabiano said you can't park in the back? You can't take that driveway and then go to the backyard and make spots?

➤ Mr. William Besharat of 266 Shear Hill Road was sworn in.

Mr. Besharat said the area in the back has a slope to the property. By putting cars in the back, it would become very hard to maneuver and turn cars around to bring them out. It would be pretty tight with the slope. Additionally, that's the only space for recreation where the tenants hang out and barbeque. The driveway itself is long enough to hold four or five cars if ever needed. There's another parking space in the front according to the surveyor. The reason why we didn't put there was room for one parking space because it's slightly less than 10' requirement.

Chairman Maxwell interjected what's the width of the driveway.

Mr. Besharat replied 9' wide. It's a standard driveway.

Chairman Maxwell asked is there room to make it wider so that one's a parking lane and one's a passing lane.

Mr. Besharat replied absolutely not. The whole property setback is 10' or less.

Chairman Maxwell said so it's a free-for-all for the front of street parking.

Mr. Besharat replied correct.

Mr. Carnazza said that's why we couldn't count it as even one because it would have to be ten feet wide.

Mrs. Fabiano said to Mr. Carnazza: there are quite a few multi-families. Are all of them in compliance somehow? Have they all gone for their interpretations, use variances, etc.? How are they able to have multi-families and this one got caught?

Mr. Carnazza replied there have been a couple that have been here but there are a bunch that have just been there forever; pre-existing, non-conforming. This would have been pre-existing, non-conforming if it was still the same or if the conversion happened prior to 1955, they would not be here right now.

Mr. Shilling added had it not been the lapse of those three years where Mr. Usilak used it, I believe we'd have a pre-dated use here because there were two bedrooms up top and two bedroom apartments down below and Usilak wiped out the bottom for his store. If it weren't for that three year lapse, we would come in and ask for an interpretation that it was pre-dated as a four family or we wouldn't have even been here.

Vice-Chairman Aglietti asked what's the shed used for.

Ms. Kaplan replied it's storage. One of the tenants does the lawn so she keeps tools. It's small.

Chairman Maxwell opened this application up to the public for input on this application.

➤ David Chow of Tenridge Road was sworn in.

Mr. Chow said does Angelo A. Senno Trust operate any other houses on Fowler Avenue?

Ms. Kaplan replied no.

Mr. Chow asked what are the intentions now?

Mr. Shilling replied they're trying to market it for sale as a four-family. It's a legal two-family. We've had it as a four-family since 1977. We're looking to sell it as a four-family.

Chairman Maxwell added there's no change to what is existing now.

➤ Mr. Steve Dill of 13 Fowler Avenue, Carmel was sworn in.

Mr. Dill stated I've known the Senno family for many years and I've lived on 13 Fowler Avenue – two houses down. This seems so reasonable because so many of the properties are what she (Sara) wants to do so I have no problem with it.

Mr. Balzano said and you always remember it as a four-family?

Mr. Dill replied as long as I've been there since 1981 when I bought my place.

Mrs. Fabiano asked is parking tough on that street?

Mr. Dill said not really. They cleared that whole property behind the Tea store that opened on Main Street. There's probably room for 25/30 cars there.

Vice-Chairman Aglietti moved to close the public hearing on this application; seconded by Mrs. Fabiano with all in favor.

**DECISION OF THE BOARD:**

**Vice-Chairman Aglietti moved to grant the use variance; seconded by Mr. Rossiter.**

**Vice Chairman Aglietti said I think counsel laid out all the criteria for a use variance with the appropriate evidence and I think it's better to go that route than to go with the interpretation.**

**Chairman Maxwell and Board proceeded to go through all four criteria for Use Variances determining that each had been proven and then called for a roll call vote.**

<b>Mr. Balzano</b>	<b>for the motion</b>
<b>Mrs. Fabiano</b>	<b>for the motion</b>
<b>Vice-Chairman Aglietti</b>	<b>for the motion</b>
<b>Mr. Rossiter</b>	<b>for the motion</b>
<b>Mr. Schwarz</b>	<b>for the motion</b>
<b>Mr. DiTomaso</b>	<b>for the motion</b>
<b>Chairman Maxwell</b>	<b>for the motion</b>

**Motion carries.**

**Vice-Chairman Aglietti moved to re-open Senno application; seconded by Mr. Balzano.**

**Mr. Balzano moved to grant the area variance; seconded by Mrs. Fabiano with all in favor.**

## **NEW APPLICATIONS:**

3. Application of **THOMAS DONOVAN** for a Variation of Section 156-15, seeking an Area Variance to construct a front covered porch. The property is located at 12 Weber Hill Road, Mahopac NY 10541 and is known by Tax Map 65.19-1-39.

Code Requires	Provided	Variance Required
40'	26.4'	15.6'

➤ Mr. Thomas Donovan was sworn in.

Mr. Donovan showed pictures and stated here's the house, built in 1860. You should have a copy of these 5 or 6 pictures that I'm going to reference.

Mr. Carnazza interjected what year?

Mr. Donovan replied 1860. It's four acres but the house is right up on the street like many of those day are. What we want to do is extend this bottom roof out over this front porch. The problem we have is that the standing water from the rain and melting snow goes right down into the basement and my oil tanks are in the basement right below the porch. So; water leaks down, doesn't go down on the oil tanks but it's right there. On the side, you can see here, the original house ended here and there's a foundation under it. Then they built this little extension – part of which is an interior extension, it's covered with a roof. The rest of it is exterior and that's the problem area. There's a foundation wall here and there's a foundation wall on the outside of the porch. Skipping ahead a couple of pictures, you can see in the basement (looking parallel to the road), this girder here. That's where the exterior wall here ends and the exterior part of the porch begins. So there's a girder and it's held up by these two I-beams that go from the old foundation to the new foundation. That's why it would be extremely difficult and structurally intensive to just simply remove the porch and eliminate this problem. What I seek to do is have the porch renovated, have a roof built under the porch decking to be installed and have this roof come out and cover the porch. Again; it's to prevent the water from going down into the basement and potentially leaking on the oil tanks later on. I have a picture here that shows above the oil tanks. You can see the inlet tube; at the end of one of the girders, there's a little bit of saturation from the snow this winter. One of the neighbors that can see my house directly, Richard & Jennifer Simon submitted a letter to Dawn in support of the project. I think you have it. It's going to be in line with the character of the neighborhood. Back to this picture one last time, this little triangular portico is going to be preserved. It might have to be rebuilt depending on the structure of the roof but it will be back and it's going to be pretty much flush with the roof that we extend out. The house will look exactly the same except for two columns on either end to hold the structure of the new roof. To a regular passerby, it will look like we just painted the house and a little fixing up. It's not substantial and we're going to only extend the decking of the porch out by 6 inches to accommodate the skirting or fascia that's going to go along the bottom in front of the foundation. The reason for the six inches is so that we can make a nice straight run and not have to fight the variation in the surface of the stone foundation because some of the rocks jut out a little bit. The six inches takes it a little bit further away.

Chairman Maxwell interjected you're going to keep the architectural elements the same like cornices & such.



Mr. Donovan replied yes; it's around the whole house so we're not going to be changing the whole house just to make this porch. It's going to match everywhere. Everything will be the same except the pillars are going to be square.

Chairman Maxwell opened the floor up for input/concerns on this application of which there were none.

Vice-Chairman Aglietti moved to close the public hearing on this application; seconded by Mr. Balzano with all in favor.

**DECISION OF THE BOARD:**

**Mr. Balzano moved to grant requested variance; seconded by Mr. Schwarz with all in favor.**

- 4. Application of **GRACE BOCCHINO** for a Variation of Section 156-15, seeking an Area Variance to erect an addition to existing rear side of house. The property is located at 22 Cornish Road, Mahopac NY 10541 and is known by Tax Map 54.8-1-12.2.

Code Requires	Provided	Variance Required
front yard – 40'	13'	27'
shed side yard – 20'	6'	14'

Mr. Balzano moved to holdover this application due to incorrect advertisement in the official newspapers of the Town of Carmel; seconded by Mr. Schwarz with all in favor.

- 5. Application of **FRANK BURGHARDT III** for a Variation of Section 156-15, seeking an Area Variance to retain already existing shed. The property is located at 1 Fawn Lane, Mahopac NY 10541 and is known by Tax Map 75.9-2-6.

Code Requires	Provided	Variance Required
20' – rear yard	18.6'	1.4'

➤ Mr. William Besharat of 266 Shear Hill Road represented the applicant (previously sworn in).

Mr. Besharat stated this is a clean cut situation. Somehow when the shed was built, it wound up encroaching 1.4' on the required setbacks from the property. The shed is a little bit oversized shed. It's not a garage because you cannot park a car in it. We want to get away from use of the word garage because number one, it doesn't have doors to get in and number two, it has combustible flooring so you cannot park vehicles in it.

Mr. Carnazza interjected what are the dimensions?

Mr. Besharat replied 12' x 20'. The size dictates that it's a garage but.....

Mr. Carnazza interjected it's a garage. For the record we have to keep it as a garage because you're going to require a C.O. for it. By definition it's a garage.

Mr. Besharat replied a storage garage – not a motor vehicle garage. The garage, as it exists, encroaches on the setbacks just a slight amount. It's not really substantial. It will be a substantial cost to relocate it and make it conforming to the setbacks. It's in compliance with what the neighborhood is all about.

It doesn't create any change to the neighborhood; it doesn't create any hardship on the neighbors; there are no available properties to purchase and make this variance go away. We are in front of this Board asking for relief from this non-conformity.

Chairman Maxwell said it's not a significant variance. I was out there Saturday or Sunday. It looks like it was meant for that spot and you can see that from the picture between the trees. I don't have any problem with it. Does any of the Board have any questions?

Chairman Maxwell then opened it up to the public for input on this application to which there was none.

Vice-Chairman Aglietti moved to close the public hearing on this application; seconded by Mr. Schwarz with all in favor.

**DECISION OF THE BOARD:**

**Vice-Chairman Aglietti moved to grant requested variance; seconded by Mr. Balzano with all in favor.**

- 6. Application of **MARIE BLUM** for a Variation of Section 156-15, seeking an Area Variance to retain 2 existing sheds. The property is located at 266 West Lovell Street, Mahopac NY 10541 and is known by Tax Map 87.6-2-58.

Code Requires	Provided	Variance Required
10' side	8'	2'
10' side	8'	2'

➤ Marie Blum of 266 West Lovell Street was sworn in.

Chairman Maxwell said you have two sheds here that have been there for how long?

Ms. Blum replied thirty years. Didn't know that 30 years ago that you need 10 feet from the border and so forth. It only is 8'. We are short 2'.

Chairman Maxwell asked if you had to relocate these, what would be the cost – roughly?

Ms. Blum said I don't know if I could because they were actually built. They're big wood sheds.

Chairman Maxwell said they looked pretty heavy duty with wood siding and wood doors.

Ms. Blum said I don't know what it would cost.

Chairman Maxwell said a few thousand – five thousand.

Ms. Blum said maybe.

Chairman Maxwell said your property goes back here. Is that all your septic?

Ms. Blum replied yes.

Chairman Maxwell said obviously you wouldn't want to put them on top of the septic. Have you spoken with your neighbors – especially on the left side as it affects them? Do they have any issues?

Ms. Blum responded Joe Collin didn't have any issue; and on the right side, that house went into foreclosure. I don't know who took it over. The woman just left.

Mrs. Fabiano asked why is it coming up now.

Mr. Carnazza said Denis I think.

Ms. Blum replied what happened was two years ago or so, you did assessments on the houses and that's when we noticed the sheds. There's one shed that's against the house that has nothing to do with the two that are here tonight. I'm trying to clear up things that came up.

Chairman Maxwell looked for any input/commentary from the public on this application of which there was none.

Vice-Chairman Aglietti moved to close the public hearing on this application; seconded by Mr. Balzano with all in favor.

**DECISION OF THE BOARD:**

**Mrs. Fabiano moved to grant the requested variance; seconded by Mr. Schwarz with all in favor.**

- 7. Application of **ZUHAIR QUWAIDER** for a Variation of Section 156-15, seeking an Area Variance to retain existing side deck. The property is located at 57 Lakeside Road, Mahopac NY 10541 and is known by Tax Map 64.18-2-67.

Code Requires	Provided	Variance Required
10'	5'	5'

➤ Mr. Zuhair Quwaider of 57 Lakeside Road was sworn in.

Mr. Quwaider stated it's an existing deck but its' 5'; this is the only entrance for the house from the first floor. There's another entrance for the basement.

Mr. Carnazza interjected there had to be something there to get into that second floor door. It's a raised door so there had to be some way to get in.

Chairman Maxwell asked how did this get picked up? Did Denis pick it up?

Mr. Quwaider said the house is sold already.

Mr. Carnazza said a small violation search was done and it came up as.....

Chairman Maxwell said I was there and it looks like it's been there for quite a while; still pretty sound – just painted and chipped. Neighbors on the other side have no issue with it? There's nowhere else to relocate this because it's the only access to the door. If you had to build a new entry to the front, what kind of costs are involved – tens of thousands of dollars.

Mr. Quwaider said the architectural structure of the house won't allow for it. There would be more zoning cause of an extension.

Chairman Maxwell looked to the public for any input/concerns on this application of which there were none.

Vice-Chairman Aglietti moved to close the public hearing on this application; seconded by Mr. Rossiter with all in favor.

**DECISION OF THE BOARD:**

**Mr. Balzano moved to grant requested variance; seconded by Mr. Schwarz with all in favor.**

**MISCELLANEOUS**

Minutes: **February 22, 2018**

**Vice-Chairman Aglietti moved to accept minutes as written; seconded by Mr. Balzano with all in favor.**

The meeting adjourned at 8:21 p.m.