

APPROVED

MARK FRASER
Chairman

JOHN MAXWELL
Vice Chair

**TOWN OF CARMEL
ZONING BOARD OF APPEALS**



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MICHAEL CARNAZZA
*Director of Code
Enforcement*

BOARD MEMBERS

ROSE FABIANO
ROGER GARCIA
SILVIO BALZANO
PHILIP AGLIETTI
WILLIAM ROSSITER

ZONING BOARD OF APPEALS MINUTES

JUNE 26, 2014

**PRESENT: VICE-CHAIR, JOHN MAXWELL, ROSE FABIANO, SILVIO BALZANO,
PHILIP AGLIETTI, WILLIAM ROSSITER**

ABSENT: CHAIRMAN, MARK FRASER, ROGER GARCIA

<u>APPLICANT</u>	<u>TAX MAP #</u>	<u>PAGE</u>	<u>ACTION OF THE BOARD</u>
Poyant Signs/ACI Carmel, LLC/CVS	55.10-1-12	1-2	Granted.
Monica Guiterrez	63.82-1-42	2-4	Heldover
David & Melissa Zeiler	75.13-1-49	4	Granted.
Minutes – 5/29/2014		4	Heldover.

The meeting was adjourned at 7:50 p.m.

Respectfully submitted,

Rose Trombetta

Application of Poyant Signs/ACI Carmel, LLC/CVS for a Variation of Section 156-41 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.

<u>Sign Description</u>	<u>Carmel Sign Code Allowance</u>	<u>Variance Previously Granted</u>	<u>Proposed Signage Presently</u>	<u>Amount of Variance Needed</u>
<u>West Elevation</u>	40 square feet per Section 156-41C(2)	60 square feet Decision & Order dated December 21, 2000.	75.18 square feet	15.18 square feet
<u>North Elevation</u>	40 square feet per Section 156-41C(2)	70 square feet Decision & Order dated June 24, 1992.	75.18 square feet	05.18 square feet
<u>Number of Signs Permitted on North Elevation & West Elevation in total</u>	1 wall/building sign per Section 156-41C(4)	2 wall signs Case Nos. Decision & Order dated December 21, 2000. Decision & Order dated June 24, 1992.	Increase to 3 walls signs with the new wall sign possessing a directional focus	1 additional wall sign for drive-thru pharmacy
<u>Pylon Sign</u>	32 square feet in total/16 square feet per side pursuant to Section 156-41C(9)(b)	155 square feet in total/77.5 square feet per side Decision & Order dated September 27, 1990.	122.42 square feet in total/61.21 square feet per side	No Variance Needed
<u>Height of Pylon Sign</u>	12 feet to top identification sign from the ground per Section 156-41C(9)(c)	19 feet (?) Presumed through Decision & Order dated September 27, 1990.	19 feet	7 feet

Mr. Maxwell asked the applicant if they wanted to be heard tonight since two board members were absent.

Mr. Neil Alexander, Esq of Cuddy and Feder replied yes.

Mr. Gary McCoy of Poyant Signs was sworn in.

Mr. Alexander addressed the board and stated subsequent to the last meeting we had a meeting with the town staff and the building inspector and we worked through what exactly should be on the notices and the signage issues.

Mr. Maxwell thanked him for cleaning everything up and for clearing up the public notice notification.

At which time, Mr. McCoy gave a brief synopsis of the signage. He said for the west elevation we are allowed 40 s.f. but there is an existing 60 s.f. variance that was granted in 2000. We are proposing a 75.18 s.f. CVS pharmacy sign, so we are asking for additional relief of 15.18 s.f. He said on the north elevation that fronts the street we are allowed 40 s.f. and there is a 70 s.f. variance that was granted in 1992. We are requesting the same size sign as the one on the west elevation for uniformity, so we are asking for an additional 5.18 s.f. He said we are requesting another variance on that elevation for the number of signs. As far as the existing freestanding sign code allows 32 s.f., 16 s.f. per side. There is an existing variance that was granted to allow 77.5 s.f. per side and the sign is 19 feet high.

Mr. Maxwell stated you are reducing it to 122 s.f. from the 155 s.f that was previously granted.

Mr. McCoy replied that's correct. He said we are reducing the square footage of the existing pylon sign and we are retaining the height.

Mr. Maxwell stated the first two requests are very minimal and it is a trade off with the square footage to the pylon sign.

Mr. McCoy stated we were hoping that you would consider that trade off.

Mrs. Fabiano commented that it's important that they have the drive-thru sign because it's a directional sign and you can't approach it from the rear.

Mr. Carnazza commented that the entrance to the site is on the opposite side, so it is important that they know which way to go once they drive in.

Mr. Maxwell asked if there was input from the public on this application.

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

DECISION OF THE BOARD

Mrs. Fabiano moved to grant the variances. The motion was seconded by Mr. Agletti with all in favor.

Application of Monica Gutierrez for a Variation of Section 156-15 seeking permission to install above ground pool in front yard. The property is located at 200 Elm Road, Mahopac and is known by Tax Map #63.82-1-42.

Code Requires	Will Exist	Variance Required
25' Front	8'	17'
10' Rear	8'	2'

Mr. and Mrs. Ray Guterrez were sworn in.

Mr. Maxwell commented that he met with Mrs. Guterrez last night and gave some recommendations to minimize the variances.

Mr. Guterrez addressed the board and stated based on the conversation I had with my wife last night and your visit we did some revisions on the map and we shrank the size of the pool from 24' feet down to 15' and we took your recommendation to pull the pool into the actual yard facing next to the deck and if possible to remove a tree to make usage of that space.

Mr. Maxwell stated the original size of the pool was 20 foot diameter.

Mr. Guterrez stated 24' and we're willing to do whatever the board recommends.

Mr. Maxwell stated so you have options to go smaller from the pool supplier. Do you have a sketch showing what you have changed?

Mr. Guterrez replied yes. At which time, Mr. Guterrez displayed the sketch to the board members.

Mr. Maxwell so basically there's no need now for the 24' front yard variance because unfortunately you're on two frontages here. Correct?

Mr. Guiterrez responded that's correct.

Mr. Maxwell asked so you will be 10 feet distance off your yard line. Correct?

Mrs. Guiterrez responded yes.

Mr. Maxwell asked so you can make this work without the need for a variance.

Mrs. Guiterrez responded yes.

Mr. Maxwell stated originally you were looking for a two foot variance on the rear.

Mrs. Guiterrez replied that's correct.

Mr. Carnazza asked are you attaching that deck to the pool?

Mr. Maxwell stated that was going to be my next question because it's something I mentioned to you last night because that's a whole different set of rules. So if it's going to be a free standing pool without the deck being attached you should be okay. You wouldn't need a variance at all.

Mr. Maxwell asked Mr. Folchetti we would just rescind the application? Correct?

Mr. Folchetti replied yes.

Mrs. Guiterrez stated and if it's within those measurements what is the biggest size pool we're allowed to place there?

Mr. Maxwell stated you would have to figure that out yourselves based on where the property line is. Because I know you have a conflict within your shed as well, and you don't want to cumber the entrance to that.

Mr. Aglietti suggested to hold the application over until they know exactly what they want to do.

Mr. Maxwell well it's either that or they're trying to take advantage of the summer season with a pool sooner rather than later.

Mr. Carnazza stated well if they don't need it then they don't have to come back. So if you hold it over you could leave it open for one month and give them a chance to see what they're doing.

Mr. Folchetti stated and you could withdraw it if they don't need it.

Mr. Maxwell stated do you understand that, you could hold it over until you can find out for sure where you can fit the pool and still not need a variance from both setbacks, and if that's the case you can withdraw your application all together.

Mr. Guiterrez stated so based on the holdover, once we decide on the size of the pool and the removing of the tree and being within the guidelines we can proceed, correct? Or do we have to come back to the board?

Mr. Carnazza stated you will still need to get a building permit from me.

Mr. Maxwell stated you'll still need a permit to construct the pool, but if you stay within the setbacks you won't need a variance.

Mr. Carnazza stated you need to come see me and show me where you want to put it and what size you want to do and we'll see if it fits.

Mrs. Guiterrez replied okay.

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

Application of David & Melissa Zeiler for a Variation of Section 156-15 seeking permission to construct 2nd floor addition, front porch and rear deck. The property is located at 28 Concord Drive, Mahopac and is known by Tax Map #75.13-1-49.

Code Requires	Will Exist	Variance Required
40' Front	27'	13'
40' Rear	32'	8'

Mr. Joel Greenberg of Architectural Visions, representing the applicant was sworn in. He addressed the board and stated applicants wish to put a second story on a portion of the house. Also to put an open porch in front of the house to give it a little more character. Basically we need a front yard variance, the existing house is already non-conforming and in the back there's also a small variance required because we want to put a deck in the back, which overlooks into a nice wooded area. So I think it's fairly simple.

Mr. Maxwell stated the main reason for these variances is you're going up on the same footprint and I think the porch is only coming out 4 feet but you're adding some curb appeal to cover the porch. I was out there last night it looks good, you're probably going to lose some of that tree in the front but as long as you don't take the whole tree down we'll all be happy about that.

Mr. Balzano stated I was out there last night and talked to Mr. Zeiler, I think it'll look nice and fit in well with the neighborhood.

Mr. Maxwell asked if there was input from the public 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 Mrs. Fabiano with all favor.

MINUTES - 5/29/2014

Heldover.

The meeting was adjourned at 7:50 p.m.

Respectfully submitted,

Rose Trombetta