

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

AUGUST 24, 2017

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

ABSENT: **CHAIRMAN, JOHN MAXWELL**

<u>APPLICANT</u>	<u>TAX MAP #</u>	<u>PAGE</u>	<u>ACTION OF THE BOARD</u>
Terrence J Kluber	53.12-1-22	1	Granted
Lena Smajlaj	65.17-1-22	2 - 3	Held over
Elvis Aponte	76.18-2-48	4	Granted
Richard & Jill Talcovitz	76.11-1-54	4 - 5	Granted
Minutes:	July 27, 2017	5	Accepted

The meeting was adjourned at 7:41 p.m.

Respectfully submitted,

Dawn M. Andren

NEW APPLICATIONS:

Application of **TERRENCE J KLUBER** for a Variation of Section 156-15, seeking permission to build front porch and replace side deck and stairs. The property is located at 45 Curry Road, Mahopac NY 10541 and is known by Tax Map #53.12-1-22.

Code Requires	Provided	Variance Required
10 ft. – side	5 ft.	5 ft.

➤ Mr. Kluber was sworn in.

Vice Chairman Aglietti asked what are we here for today.

Mr. Kluber stated a variance for a deck of 5' so I can put the stairs coming down on the side. I've got a picture of the way the stairs go and it's 15' coming down so it's a little dangerous.

Vice Chairman Aglietti asked do you want to present that to us now?

Mr. Kluber provided a picture of the current deck to the Board.

Vice Chairman Aglietti said the deck was constructed in 2003?

Mr. Kluber replied somewhere along those lines. It's a project that I inherited – not inherited, I actually bought but it was prior to though.

Vice Chairman Aglietti asked the Board members if any questions.

Ms. Fabiano said so you are replacing the deck?

Mr. Kluber replied yes; I'm replacing it, taking those stairs I just showed you in the picture and just bringing the stairs on the side.

Mr. Fabiano said so the deck will remain the same size?

Mr. Kluber replied yes; nothing will change except the steps coming down.

Vice Chairman Aglietti then asked if the public had any questions or concerns to which there was none.

Mr. Balzano moved to close the public hearing on this application; seconded by Mrs. Fabiano with all in favor.

DECISION OF THE BOARD:

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

Application of **LENA SMAJLAJ** for an Interpretation regarding existing fence was maintained and not replaced as per the Zoning Board of Appeals Decision & Order dated June 24, 2010. The property is located at 256 East Lake Blvd., Mahopac NY 10541 and is known by Tax Map 65.17-1-22.

➤ Mrs. Lena Smajlaj was sworn in.

Mrs. Smajlaj indicated she was there for the fence by the lake.

Vice Chairman Aglietti stated okay; so you're here for an interpretation regarding the fence – that it was maintained and not replaced.

Mrs. Smajlaj replied it was not replaced – not all of it. I repaired it.

Vice Chairman Aglietti said okay and why are you in front of us now? What happened?

Mrs. Smajlaj replied because someone thinks I did the whole fence new and it's not all new.

Mr. Carnazza stated Mr. Marousek went out there. We received a complaint about a fence on the lake – not specifically that one but multiple ones so he just did a sweep of all of them. He saw there was a variance granted by this Board for the fence that was existing – it could be repaired but not replaced. That's why it's here. Your Board gave a variance. There's been no determination on whether or not it's been replaced or what degree of replacement your Board meant. One more thing that came up though. Denis just wrote down that there's a shed on that property also?

Mrs. Smajlaj replied yes.

Mr. Carnazza asked when did that get there?

Mrs. Smajlaj replied a couple of years ago.

Mr. Carnazza replied you'll need a permit for that shed and possibly a variance so you may want to hold this.....

Vice Chairman Aglietti interjected that's what I was going to ask. Do you think so looking at that photo?

Mrs. Smajlaj stated actually, there was a shed there. This is just another shed.

Mr. Carnazza said he (Denis Marousek) said that there is no permit in the file for any sheds.

Mrs. Smajlaj replied there was a shed there when we bought the property.

Mr. Carnazza said we should probably check into that. This is brand new to me. Just so you know I would've done his beforehand.

Vice Chairman Aglietti asked what's to her benefit to put it off and get it all together.

Mr. Carnazza responded you get it altogether. You don't usually act on one without the other. You could hear the case I assume.

Mr. Folchetti added you could. Typically if there's a non-conformity that's not being addressed by the Board in the application, the Board usually withholds from determining the application one way or the other until it becomes conforming – either by amending the application or by

getting whatever permit. That's a discretionary thing. You can certainly hear it and decide it tonight but what Mr. Carnazza is telling you is that there's a shed out there that apparently there's no permit for.

Vice Chairman Aglietti then said and the public has a right to be heard about the shed as well?

Mr. Folchetti replied if there's an application that needs relief from you guys, the public does have a right to hear it – yes. If they just need a building permit or C.O., they don't.

Vice Chairman Aglietti addressed to Mrs. Smajlaj, what are your thoughts? You hear what the options are. We can hear this today but you may be back regarding the shed. Or, do you want to try to put it all together and have one hearing regarding it?

Mrs. Smajlaj replied maybe together.

Vice-Chairman Aglietti replied okay and then addressed to Mr. Carnazza, so how long would it take her to get the paperwork in?

Mr. Carnazza replied a couple days. I should have an answer by Monday or Tuesday I would say.

Vice-Chairman Aglietti said we'd *revisit* in September then?

Mr. Carnazza replied yes.

Vice-Chairman Aglietti replied so that's what we'll do then. We'll hold it over until September.

Mr. Carnazza interjected but do you want to hear the case on the fence or hear it all together?

Vice-Chairman Aglietti directed to Mrs. Smajlaj we'll do it all together? That's what you want to do?

Mrs. Smajlaj replied I can also just get rid of the fence first and then deal with the shed later.

Vice-Chairman Aglietti said we can do that too.

Mrs. Smajlaj replied yes.

Mrs. Fabiano moved to holdover the application; seconded by Mr. Rossiter with all in favor.

Vice-Chairman Aglietti said okay, so we'll hold this over until September and if you want to remove the issue regarding the fence, that's your prerogative; if you want to ask for the permit on the shed and we'll see if it has to come before us in September.

Mrs. Smajlaj replied okay; thank you.

Mr. Carnazza said and I can do all that from my office so if you want to give me a call tomorrow afternoon or Monday.....

Mrs. Smajlaj replied I will. Thank you very much. Have a good evening.

DECISION OF THE BOARD:

Held over until September.

Application of **ELVIS APONTE** for a Variation of Section 156-15, seeking permission to construct a new deck. The property is located at 23 Fenwood Road, Mahopac NY 10541 and is known by Tax Map 76.18-2-48.

Code Requires	Provided	Variance Required
30 ft. – rear	25 ft.	5 ft.

➤ Mr. Elvis Aponte was sworn in.

Vice-Chairman Aglietti said what are we here for today?

Mr. Aponte replied a variance to rebuild an existing deck and extend it two feet.

Vice-Chairman Aglietti said okay; so this deck has already been built?

Mr. Aponte replied yes; the deck was there when we purchased the house.

Vice-Chairman Aglietti asked and when was that?

Mr. Aponte replied we purchased September 25th of last year so it hasn't even been a year.

Vice-Chairman Aglietti then asked and how did it come to us?

Mr. Aponte replied we were going to replace existing deck but then decided to extend it an extra two feet, went for the permit and was told we needed a variance.

Mr. Carnazza stated they didn't build this yet. The old deck was built which was conforming but now with the two foot addition, he needs a variance.

Vice-Chairman Aglietti polled the Board Members for any questions of which there were none and then asked the public for any input; again with none.

Mr. Balzano moved to close the public hearing on this application; seconded by Mrs. Fabiano with all in favor.

DECISION OF THE BOARD:

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

Application of **RICHARD & JILL TALCOVITZ** for a Variation of Section 156-15, seeking permission to retain an existing shed. The property is located at 11 Aunt Patty's Lane, Mahopac NY 10541 and is known by Tax Map 76.11-1-54.

Code Requires	Provided	Variance Required
10 ft. – side	5 ft.	5 ft.

➤ Mrs. Jill Talcovitz was sworn in.

Vice-Chairman Aglietti asked what are we here for today?

Mrs. Talcovitz replied for a variance on a shed that's existing on the property. We're putting the house on the market.

Vice-Chairman Aglietti asked how long has the shed been there?

Mrs. Talcovitz replied I'm guessing since about 2009 or 2010.

Vice-Chairman Aglietti asked is it possible to move the shed?

Mrs. Talcovitz replied it would be the same situation no matter where the shed was on the perimeter of the house.

Vice-Chairman Aglietti asked and there's no property you could purchase to bring it into conformity?

Mrs. Talcovitz replied there's not.

Mr. Carnazza interjected and they have two front yards. They're on Aunt Patty's and Pigott I think.

Vice-Chairman Aglietti polled the Board Members for any questions of which there were none and then asked the public for any input; again with none.

Mr. Balzano moved to close the public hearing on this application; seconded by Mr. Rossiter with all in favor.

DECISION OF THE BOARD:

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

MISCELLANEOUS:

Minutes:

July 27, 2017: Mr. Balzano moved to accept the minutes; seconded by Mr. Rossiter with all in favor.

The meeting was adjourned at 7:41 p.m.

Respectfully submitted,

Dawn M. Andren