

APPROVED

JOHN MAXWELL
Chairman

PHILIP AGLIETTI
Vice-Chairman

**TOWN OF CARMEL
ZONING BOARD OF APPEALS**



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*Director of Code
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BOARD MEMBERS

ROSE FABIANO
SILVIO BALZANO
WILLIAM ROSSITER
MARC DITOMASO
MICHAEL SCHWARZ

ZONING BOARD OF APPEALS MINUTES

DECEMBER 17, 2015

PRESENT: CHAIRMAN, JOHN MAXWELL, VICE-CHAIRMAN, PHILIP AGLIETTI,
SILVIO BALZANO, WILLIAM ROSSITER, MARC DITOMASO, MICHAEL SCHWARZ

ABSENT: ROSE FABIANO

<u>APPLICANT</u>	<u>TAX MAP #</u>	<u>PAGE</u>	<u>ACTION OF THE BOARD</u>
Vincent Scarfone	75.43-1-17	1-2	Variance Granted.
Frank Roa	75.07-3-14	2-3	Variance Granted.
Guy & Gal Volozinsky	64.15-1-46	3-4	Variance Granted with Conditions.
Joseph Simone	75.15-1-8	4-5	Variance Granted.
Daniel & Rose Maloney	86.5-1-23	5-6	Heldover.
Minutes- 11/19/2015		6	Approved.

The meeting was adjourned at 7:56p.m.

Respectfully submitted,

Rose Trombetta

Application of Vincent Scarfone for a Variation of Section 156-15, seeking permission to add a front porch and a new roof over part of house and cabana. The property is located at 799 South Lake Blvd, Mahopac and is known by Tax Map #75.43-1-17.

Code Requires	Provided	Variance Required
M. Bldg – 25’ Front	11’ Existing	14’
AC. Bldg – 10’ Rear	0.02’ Existing	9.98’
AC. Bldg – 10’ Side	3.98’ Existing	6.02’
Deck – 15’ Rear	11’ Proposed	4’
Lot Coverage 15%	30.4% Existing 46.2% Proposed	15.8% from 30.4% Exists 31.2% from 15% Code

Mr. Joel Greenberg, applicant’s architect was sworn in.

Mr. Greenberg addressed the board and stated this is a piece of property on South Lake Blvd, it is lake front property and the proposal here is to extend the existing porch which comes along the front of the property to come across the entire house. They also want to add to the kitchen which is on the left side of the house, because of the size of this lot the setbacks are actually only 25 feet for the front yard and 15 feet for the rear yard. The lot is fairly small so the variances that we are requesting are also very small, we are also trying to clean up the cabana house that has been existing close to the property line for many years. He said also, the porch to the front is existing but we are extending it so there is a small variance there, the deck we are proposing in the back needs a very small variance as well. Basically we are adding the porch, an addition to the kitchen and a deck in the back, the deck needs a variance on the west side and the rest of the deck is conforming. The kitchen is conforming and the porch needs a slight variance because the property line and the house are not parallel. The variance for the front requirement is 25 feet; the existing is 11 feet so there is a 14 foot variance there because of the front porch. The accessory building in the upper left hand corner of the survey is a preexisting building.

Mr. Maxwell asked how long has the cabana been there.

Mr. Greenberg said just looking from the existing structure and the design of it; I would say it goes back to the 40s or 50s some small variances will be needed there. The rear left hand corner of the proposed deck needs a small variance the requirement is 15 and we are proposing 11 for a 4 foot variance.

Mr. Maxwell said you had to hold this over because of the lot coverage.

Mr. Greenberg said yes, the lot coverage is from the 2002 zoning ordinances, the requirements were only 15% and the existing house and deck already covered 30%. What we are adding to the kitchen and the deck in the back would bring it up to 46%, so from what is existing we are going from 30% to 46%. While the variance for the lot coverage seems like a lot, you can see from the floor plans that a lot of what we are adding is deck, the kitchen addition is a small addition that meets all the setbacks but the lot coverage is way over the 15%.

Mr. Maxwell said so the decks are factored into lot coverage as far as rain goes, it is able to get through.

Mr. Carnazza it is not impervious, there isn’t a foundation under it.

Mr. Greenberg said even though these decks count as lot coverage, the actual house itself is closer to around 20 or 25% so technically the structure is only about 10% over the required 15%. The decks and the porch in the front bring it up to where it is in the code now.

Mr. Maxwell asked if there is any other property that can be purchased to bring this into conformance.

Mr. Greenberg said no there is the lake on one side and houses on the other side.

Mr. Maxwell asked the board members if they had any questions.

Mr. Balzano said there was no front elevations included in the packet, we only have rear, left and right. I just wanted to make sure the second floor is on the front of the house, you're not going to change that, you're just going to put a porch in there.

Mr. Greenberg said yes and as you can see from the elevations we are keeping the same architectural design, which is basically a colonial design.

Mr. Maxwell 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 Schwarz with all in favor.

Decision of the Board

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

Application of Frank Roa for a Variation of Section 156-15 and 156-47A(1), seeking permission to erect an additional garage to the existing garage on a lot with a house and cottage existing. The property is located at 96 West Lake Blvd, Mahopac and is known by Tax Map #75.7-3-14.

Code Requires	Provided	Variance Required
Side yard 25'	11.5'	13.5'

Mr. Willie Besharat of Rayex Design was sworn in.

Mr. Besharat addressed the board and stated what we have here is an existing home a couple years old; the new owner purchased the house and has a need for additional garage space. So we are proposing additional garage space to the house itself by enlarging the existing garage. We will be putting in a lift with higher ceilings so they can store 4 cars, he doesn't want to keep them in the driveway because they are collectables.

Mr. Maxwell asked if they are putting a mechanical lift in the garage to stack two cars.

Mr. Besharat said it is only used for storage to bring the cars up and down. As you see in the design we are proposing the same roof lines that we did for the rest of the house. With this proposal we will be encroaching on the side yard setback that is the relief we are seeking tonight. We actually spoke with the neighbors personally and I have two letters from the left and right neighbors, I don't have any other place to locate this garage where it does not require a variance because I am expanding an existing garage. If I look into putting it on the other side of the house, I would still need a variance.

Mr. Maxwell said you mentioned you were putting in a lift, can you put a lift on the existing 3 car garage.

Mr. Besharat said no he can't because he doesn't have the ceiling height.

Mr. Maxwell asked if there was any property that can be purchased to bring this into conformance.

Mr. Besharat said no there is no other property.

Mr. Maxwell asked where the septic is on this property.

Mr. Besharat said it is in front of the house on the side.

Mr. Maxwell asked if he was going to expand the width of the driveway.

Mr. Besharat said no.

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

Mr. Maxwell read the letters from the neighbors which have been added to the file.

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

Decision of the Board

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

Application of Guy Volozinsky & Gal Volozinsky Yehuda for a Variation of Section 156-15 and 156-10A, seeking permission to construct a garage, lap pool and deck. The property is located at 53 Traveled Way, Mahopac and is known by Tax Map #64.15-1-46.

Code Requires	Provided	Variance Required
Principle Use for Accessory Use	Accessory Use with No Principle Use	Allow Accessory Use without Principle Use
10' Pool with Deck	7'	3'
25' Front (Shed)	.9'	24.1'

Mr. Tom Nugent, applicant's architect was sworn in.

Mr. Nugent addressed the board and stated the property is located on Lillian Road, the homeowners own property on Kirk Lake and across the street they own the vacant lot that they use to park their cars. They would like to construct a two car garage there with a room above; they also want to put a lap pool there 8 foot wide.

Mr. Maxwell said I am curious on how they are going to do that because of all of the rock.

Mr. Nugent said it is actually in front of the rock, everything is between the road and goes up to the rock, it is only 3 feet deep on that level part before it gets steep. The site is 50 feet wide so we have the minimum width for a lap pool which is 8 feet and 20 feet for the two car garage. To meet the setback requirements would be 10 feet for the side yards and we would only have 2 feet

between the garage and the lap pool so we had shifted it over a few feet. That will require a variance of 3 feet for the side yard, the people who live adjacent on the side of the lap pool is the parents of the owners. There is also an existing deck in the back over by the rocks that will be adjacent to the pool, the deck is on ground level, and it wouldn't be raised up.

Mr. Carnazza asked how big is the lot?

Mr. Nugent said 4/10ths of an acre.

Mr. Maxwell said in the past around Kirk Lake, we have granted many variances with the accessory use property across the street. The only thing I have an issue with is the shed being so close to the road, it's not the best looking shed and the fact you are getting more square footage with the garage can you get rid of that shed and put whatever is in the shed into the garage.

Mr. Nugent said yes or we can move the shed back 10 feet.

Mr. Maxwell said you have the room and it is moveable, where would you want to bring that shed in to make this board happy.

Mr. Nugent said maybe 10 feet away from the front property line.

Mr. Maxwell said so it would be almost in line with the pool itself.

Mr. Nugent said yes.

Mr. Maxwell said I don't want you to encroach into the pool but 10 feet is a fair number.

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

Mr. DiTomaso moved to make the motion to close the public hearing. The motion was seconded by Mr. Aglietti.

Decision of the board

Mr. Rossiter moved the motion to grant the variance with the condition that the shed be moved back 10 feet. The motion was seconded by Mr. Schwarz with all in favor.

Application of Joseph Simone for a Variation of Section 156-15, seeking permission to amend lot lines pursuant to Section 156-61M, in doing so the parcel is deficient in rear and side yard setback. The property is located at 7 North Veschi Lane, Mahopac and is known by Tax Map # 75.15-1-8.

Code Requires	Provided	Variance Required
Minimum Side Yard Setback 25'	13.1'	11.9'
Minimum Rear Yard Setback 30'	19.3'	10.7'

Mr. Carl Suite was sworn in.

Mr. Suite said they are looking to transfer about 1900 square feet from the funeral lot to the Simone lot, which would move their septic onto their own property. Right now the septic tank is on the Cargain Funeral Home's property and we are looking to move it to bring the rear from 3 ½ feet to about 19 feet and the side yard would remain 13.1 feet.

Mr. Maxwell said so it is going to bring this in to greater conformance then what is existing.

Mr. Suite said yes.

Mr. Maxwell asked how they built the septic on someone else's property.

Mr. Suite said we were doing tests back there and found it over there.

Mr. Maxwell asked how old the house is.

Mr. Carnazza said the house is old but it was redone a few years ago.

Mr. Maxwell said this is also to help out the funeral home because they are looking to do some additional parking which is subject to the Planning Board.

Mr. Carnazza said yes both projects are being done at the same time because of the lot line. You can't approve the site plan without the lot line because they would be amending the site plan.

The Board has no questions on this application.

There is no public input on this application.

Mr. DiTomaso motioned to close the public hearing. The motion was seconded by Mr. Rossiter with all in favor.

Decision of the Board:

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

Application of Daniel & Rose Moloney for a Variation of Section 156-41C9, seeking permission to retain a free standing sign. The property is located at 121-125 Stillwater Road, Mahopac and is known by Tax Map #86.5-1-23.

Code Permits	Provided	Variance Required
Free Standing Sign of 32 square feet	187 square feet	155 square feet

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

Decision of the Board:

Held over.

MINUTES – 11/19/2015

Mr. DiTomaso moved to accept the minutes of 11/19/15. The motion was seconded by Mr. Aglietti with all in favor.

The meeting was adjourned at 7:56p.m.

Respectfully submitted,

Rose Trombetta