

APPROVED

JOHN MAXWELL
Chairman

PHILIP AGLIETTI
Vice-Chairman

**TOWN OF CARMEL
ZONING BOARD OF APPEALS**



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*Director of Code
Enforcement*

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WILLIAM ROSSITER
MARC DITOMASO
MICHAEL SCHWARZ

ZONING BOARD OF APPEALS MINUTES

JULY 28, 2016

**PRESENT: CHAIRMAN, JOHN MAXWELL, VICE-CHAIRMAN, PHILIP AGLIETTI, ROSE FABIANO,
WILLIAM ROSSITER, MICHAEL SCHWARZ, MARC DITOMASO**

ABSENT: SILVIO BALZANO

<u>APPLICANT</u>	<u>TAX MAP #</u>	<u>PAGE</u>	<u>ACTION OF THE BOARD</u>
EMTK Realty Corp.	44.18-1-40	1	Heldover.
Mary Palmer	87.9-1-48	1-2	Granted.
Marcel Carrillo	44.13-2-72	2	Heldover.
Nannette Forteza	75.7-1-48.1	2-3	Granted.
Christopher Perrone	75.7-1-36	3-4	Granted.
Guy & Gal Volozinsky	64.15-1-46	4-5	Granted with condition.
James Voegtle	63.82-1-35	6-7	Granted.
George & Shelia Samuels	74.26-2-19	7	Granted.
Charles Faillace	74.42-1-13	8	Granted.
Minutes- 5/26/2016 & 6/23/2016		9	Approved.

The meeting was adjourned at 8:07 p.m.

Respectfully submitted,

Ashley Smith

Application of EMTK Realty Corp. for a Variation of Section 156-15, seeking permission to legalize 10 residential apartments. The property is located at 1736 Route 6, Carmel NY 10512 and is known by Tax Map #44.18-1-40.

Code Requires	Provided	Variance Required
40,000 sf area	30,990 sf	9,010 sf
200' width	72'	128'
Front yard westerly bldg. - 40'	38'	2'
Side yard westerly bldg. - 25'	4.5'	20.5'
Parking- 23 spaces	16 spaces	7 spaces
Width of parking spaces 10'	9'	1'
1 Loading space	0 Loading space	1 Loading space
Minimum width of driveway 24'	20'	4'
Side yard easterly bldg.-25'	0.4'	24.6'

Mr. Maxwell stated that EMTK Realty Corp. has asked for another adjournment.

Mrs. Fabiano made the motion to grant the adjournment. The motion was seconded by Mr. Rossiter with all in favor.

Decision of the Board:

Mr. Maxwell stated that this is held over for one more month.

Application of Mary Palmer for a Variation of Section 156-15, seeking permission to retain existing pergola. The property is located at 1 Summit Circle, Mahopac NY 10541 and is known by Tax Map # 87.9-1-48.

Code Requires	Provided	Variance Required
10' Rear	2	8'

Mrs. Mary Palmer was sworn in.

Mr. Maxwell stated that there is an existing pergola on the property and a 8 foot variance is required.

Mrs. Palmer said yes.

Mr. Maxwell asked how long the pergola has been there for.

Mrs. Palmer stated that it has been there since 2011.

Mr. Maxwell asked if any of her neighbors have any issues with it.

Mrs. Palmer said no in fact, I have a letter from my nearest neighbor. The pergola is on their side of the property.

Mr. Maxwell asked if she would like to submit that for the record.

Mrs. Palmer said yes.

Mr. Maxwell said ok, I was up there the other day and it is pretty well screened in the back between the other neighbors.

Mrs. Palmer said yes correct.

Mr. Maxwell read the letter from the nearest property owner to this property owner and submitted it to the file. He asked if it was possible to move this closer to the property.

Mrs. Palmer said no I would have to chop it down to do that.

Mr. Maxwell stated that it wasn't too over bearing and looked to the Board for questions.

Since no one from the Board had any questions, Mr. Maxwell asked if anyone from the audience has any input or questions on this application.

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

Decision of the Board:

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

Application of Marcel Carrillo for a Variation of 156-15, seeking permission to add 1st and 2nd floor addition. The property is located at 112 Gleneida Ave, Carmel, NY 10512 and is known by Tax Map # 44.13-2-72.

Code Requires	Provided	Variance Required
25'	7' Side	18'

Mr. Maxwell stated that we will have to adjourn being that the applicant is not present at the meeting.

Mrs. Fabiano moved the motion to hold this application until next month. The motion was seconded by Mr. Aglietti with all in favor.

Decision of the Board:

Mr. Maxwell stated that this is held over.

Application of Nannette Forteza for a Variation of Section 156-15 seeking permission to retain yard shed. The property is located at 1 Highlandview Road, Mahopac NY 10541 and is known by Tax Map # 75.7-1-48.1.

Code Requires	Provided	Variance Required
10' Rear	7'10"	2'2"
25' Front	21'4"	3'8"

Mr. Weber was sworn in.

Mr. Weber stated that he is representing Mrs. Forteza on her request to obtain an area variance for her shed. It was built about 15 years ago and attached to her patio; it acts as a fence barrier and storage area for her pool and lawn equipment. She did not know she needed a variance at the time but her property is very unique in the way that she has two front yards. Had she been on a regular property the variances would be smaller than shown if she wasn't on a corner lot. Neighbors in the immediate area have shed similar to hers so I do not believe there are any issues between the neighbors.

Mr. Maxwell asked how long the shed has been there for.

Mr. Weber said about 15 years.

Mr. Maxwell said ok and it would be too difficult to move.

Mr. Weber said it is a small shed it's only 4 by 7 but I think wherever it would be moved too you would need a variance unless you move it to the middle of the driveway.

Mr. Maxwell stated that he stopped by there last week and you could hardly even see the shed.

Mr. Weber said correct it sort of matches the house.

Mr. Maxwell said there are plenty of trees and shrubs screening this shed and the property is very well kept.

Since no one from the Board has any questions, Mr. Maxwell asked if there is any input from the public on this application.

Mrs. Fabiano made the motion to close the public hearing. The motion was seconded by Mr. Schwarz with all in favor.

Decision of the Board:

Mrs. Fabiano made the motion to grant the variance. The motion was seconded by Mr. DiTomaso with all in favor.

Application of Christopher Perrone for a Variation of Section 156-15, seeking permission to construct addition. The property is located at 55 Woodland Road, Mahopac NY 10541 and is known by Tax Map # 75.7-1-36.

Code Requires	Provided	Variance Required
40' Front	14'	26'
30' Rear	9'	21'

Mr. Perrone was sworn in.

Mr. Perrone stated that he wants to add an extension to our house and it is 26 x 28. There are no additional bedrooms or bathrooms being added.

Mr. Maxwell stated that he needs a 26' front variance but you are going off the same line from the front of the house that currently exists.

Mr. Perrone said yes.

Mr. Maxwell said and on the left side you need a 21 foot variance.

Mr. Perrone stated that he spoke to all of his neighbors and nobody had any questions whatsoever.

Mr. Carnazza stated that he is on a corner lot.

Mr. Maxwell said ok and to the left of you is a vacant lot.

Mr. Perrone said correct it is undevelopable.

Mr. Maxwell said that it is well screened and you are not affecting anyone there. Is there any possibility of bringing it to the other side of the property to bring this into conformance?

Mr. Perrone said my driveway is there and so is my septic.

Mr. Maxwell said ok and there is no other property that you can purchase to bring this into conformance.

Mr. Perrone said unfortunately not.

Mr. DiTomaso asked if this is on the same foot print as the first floor.

Mr. Perrone said yes it is all one level.

Mr. Carnazza stated that the addition is bumped off; they are continuing the front line of the house another 19 feet.

Mr. Perrone said off to the side is 28 feet off the side.

Mr. Carnazza said they are continuing the front line straight across it is not the same foot print as the original house.

Mr. Rossiter asked what it will be used for.

Mr. Perrone said unfortunately our house is very small it's a 1400 square foot house so we are expanding it. We have two children so we are expanding the living space to create a bigger house.

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

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

Decision of the Board:

Mr. DiTomaso made a motion to grant the variance. The motion was seconded by Mr. Rossiter with all in favor.

Application of Guy & Gal Volozinsky for a Use Variance, seeking permission to finish garage attic for play area and finished storage with no plumbing. The property is located at 53 Traveled Way, Mahopac NY 10541 and is known by Tax Map #64.15-1-46.

Mr. Nugent was sworn in.

Mr. Nugent stated that we were here back in November asking for an area variance for a pool, deck and to put an accessory use on a lot without principle use. We got the variance but what they would like to do with the garage is be able to finish the attic and second floor. Right now it is an attic and we want to put a playroom up there and a storage space with no plumbing.

Mr. Maxwell stated I went there last week and I looked upstairs and the walls aren't sheetrock yet but I saw a piece of green pipe in the wall. I don't see where you would put plumbing anyway but there was a piece of green PVC pipe. We will condition this to have no plumbing and if this gets approved Mr. Carnazza will have to inspect it.

Mr. Carnazza said absolutely.

Mr. Maxwell said I noticed a piece of green PVC pipe going through from the garage to the second floor, I would imagine you could use that for a wire way as well but I don't know because everything downstairs is sheetrock.

Mr. Carnazza said there was not an intended waste line in the slab, plumbing wise.

Mr. Maxwell said I found the picture it wasn't green it was a white piece but there were wires next to it. One can assume he was using that as a wire way.

Mr. Nugent said that's probably the electrician.

Mr. Carnazza asked where about this was located.

Mr. Maxwell said if you walk in the garage walk up the stairs, come back towards the street it is on the left hand wall if you are facing the street.

Mr. Carnazza said ok so it was upstairs.

Mr. Maxwell said yes it was the first third from the street side going back.

Mr. Carnazza said they were here earlier and got a variance for building the structure without a principle.

Mr. Maxwell said ok so most likely we will condition this, you will have electric up there right.

Mr. Nugent said yes.

Mr. Maxwell said what about air conditioning.

Mr. Nugent said I would assume they would want to do something for a playroom.

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

Being that there is no public input Mr. Schwarz made the motion to close the public hearing. The motion was seconded by Mr. Aglietti with all in favor.

Decision of the Board:

Mrs. Fabiano made a motion to grant with the condition that there shall be no plumbing. The motion was seconded by Mrs. Schwarz with all in favor.

Application of James Voegtler for a Variation of Section 156-15, seeking permission to retain existing pool. The property is located at 230 Oak Road West, Mahopac NY 10541 and is known by Tax Map # 63.82-1-35.

Code Requires	Provided	Variance Required
10'	8'	2'

Mr. Voegtler was sworn in.

Mr. Voegtler stated I need a 2 foot variance on my property because I have an existing pool.

Mr. Maxwell said this is in Secor where there are a lot of tight property lines and sizes. Is there any property you can buy to bring this into conformance?

Mr. Voegtler said no.

Mr. Maxwell asked what the approximate cost of the pool is.

Mr. Voegtler said it would be too expensive to relocate the pool probably a couple thousand dollars and I have had the pool in this spot for years.

Mr. Maxwell asked how long the pool has been there for.

Mr. Voegtler said about 15 I have been up here 19 years and we didn't realize we needed a variance.

Mr. Maxwell said you are on a corner lot too is that correct.

Mr. Voegtler said yes.

Mrs. Fabiano said I feel like this should be screened a little bit.

Mr. Voegtler asked if she means it is too close to the road.

Mrs. Fabiano said no not that it's too close to the road but when you look at the front yard you can see it there. If there was a tree there somewhere to kind of cover it a little bit more.

Mr. Voegtler said oh so you don't see it.

Mrs. Fabiano said yes that's the only thing I would say.

Mr. Maxwell stated that by standards it is a very small variance.

Mrs. Fabiano said yes it is a small variance but the screening is what I am worried about.

Mr. Maxwell said that he might want to do that for his own privacy purposes.

Mr. Voegtler said the driveway is there so a couple of cars are parked there and you can't really see it.

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

Being that there is no input from the public Mr. DiTomaso made the motion to close the public hearing. The motion was seconded by Mr. Aglietti with all in favor.

Decision of the Board:

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

Application of George & Shelia Samuels for a Variation of Section 156-15, seeking permission to retain above ground pool. The property is located at 214 Willow Drive, Mahopac NY 10541 and is known by Tax Map # 74.26-2-19.

Code Requires	Provided	Variance Required
10' Side	3.5	6.5
10' Rear	8.5	1.5

Mr. Samuels was sworn in.

Mr. Maxwell said ok this is a similar situation here in Secor retaining an above ground pool.

Mr. Samuels said yes.

Mr. Maxwell said you need 6.5 feet and 1.5 feet variance. I was out there last week and the properties are small and tight there are fences on all three sides of the property. There is a ton of screening back there but are there any issues with your neighbors.

Mr. Samuels said no actually one of my neighbors sent an email in.

Mr. Maxwell said that's right we did get an email. Is there any property you can buy to bring this into conformance?

Mr. Samuels said no.

Mr. Maxwell asked what the approximate cost to relocate this pool. I would imagine the same thing a couple thousand.

Mr. Samuels said yes I would imagine so.

Mrs. Fabiano asked if they had a sign up because I did not see one when I went by the property.

Mr. Samuels said yes we did have it up I actually did take it down tonight but I do have it in my trunk right now if you want it.

Mrs. Fabiano said ok I was there last week and I didn't see it. My only other thing is again the screening to hide it a little bit.

Mr. Maxwell said you can see from the picture that there are fences surrounding this whole property including the front of the property. Is there any input from the public on this application?

Since there was no input from the public Mr. Aglietti made the motion to close the public hearing. The motion was seconded by Mr. DiTomaso with all in favor.

Decision of the Board:

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

Application of Charles Faillace for a Variation of Section 156-15, seeking permission to retain pool and shed. The property is located at 17 Topland Road, Mahopac NY 10541 and is known by Tax Map # 74.42-1-13.

Code Requires	Provided	Variance Required
25' Front Pool	12'	13'
10' Side Pool	4'	6'
10' Side Shed	2'	8'

Mrs. Tanya Zulochanko is the fiancée of Charles Faillace and she was sworn in.

Mrs. Zulochanko stated that she is looking to obtain a variance for the shed and for the pool. We were unaware of this from up until this year when he purchased the property. We were under the impression that the house came with all of the necessary variances.

Mr. Maxwell said ok so title search did not pick it up. You need a 13 foot variance a 6 foot variance and an 8 foot variance. I was out there last week.

Mrs. Zulochanko said it's a postage stamp of a lot and is also a corner lot.

Mr. Maxwell said yeah that seems to be repetitive.

Mrs. Zulochanko said we also don't have any problems with our neighbors so it doesn't seem to be an issue.

Mr. Maxwell said about how much it would cost to relocate these items.

Mrs. Zulochanko stated that the problem is there is no place to put them. The shed alone would probably be 2 or 3 thousand dollars.

Mr. Maxwell said ok and there is no other property that can be purchased to bring this into conformance.

Mrs. Zulochanko said no.

Mr. Maxwell said I believe you have some natural screening back there.

Mrs. Zulochanko said yes there are shrubs and hedges surrounding the property.

Mrs. Fabiano said I have to apologize to Mr. Samuels because I was looking at the wrong case. I did not see the sign up at your house.

Mrs. Zulochanko said I actually have a picture of it on my phone if you would like to see it.

Mrs. Fabiano said I didn't see it last week did you have it up.

Mrs. Zulochanko said yes we did it was in the front I think it's still up now.

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

Being that there is no input from the public Mr. Aglietti made the motion to close the public hearing. The motion was seconded by Mr. Rossiter with all in favor.

Decision of the Board:

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

MINUTES - 5/26/2016 & 6/23/2016

Mrs. Fabiano moved to accept the minutes of May 26, 2016. The motion was seconded by Mr. DiTomaso with all in favor.

Mr. Aglietti moved to accept the minutes of June 23, 2016. The motion was seconded by Mr. Schwarz with all in favor.

The meeting was adjourned at 8:07 p.m.

Respectfully submitted,

Ashley Smith