

APPROVED

JOHN MAXWELL
Chairman

PHILIP AGLIETTI
Vice-Chairman

**TOWN OF CARMEL
ZONING BOARD OF APPEALS**



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MICHAEL CARNAZZA
*Director of Code
Enforcement*

BOARD MEMBERS

ROSE FABIANO
SILVIO BALZANO
WILLIAM ROSSITER
MARC DITOMASO
MICHAEL SCHWARZ

ZONING BOARD OF APPEALS MINUTES

NOVEMBER 17, 2016

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

ABSENT: MARC DITOMASO

<u>APPLICANT</u>	<u>TAX MAP #</u>	<u>PAGE</u>	<u>ACTION OF THE BOARD</u>
Rosalind D'Amore	87.6-1-57	1	Heldover.
NL & M Holding Corp (Mazzola)	75.44-1-47	1	Heldover.
Millicker, Tina & James	64.7-1-19	1-2	Approved.
NY Dealer Stations LLC	55.11-1-40	2-3	Granted as Amended.
Baldwin Hills Realty, LLC	86.11-1-1	4	Heldover.
Minutes – 09/22/16		4	Approved.

The meeting was adjourned at 7:48 p.m.

Respectfully submitted,

Rose Trombetta

Application of Rosalind D'Amore for a Variation of Section 156-15, seeking permission to retain shed. The property is located at 2 McMillan Ave, Mahopac NY 10541 and is known by Tax Map # 87.6-1-57.

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

Mr. Maxwell stated the applicant is requesting an adjournment.

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

Application of NL & M Holding Corp (Mazzola) for a Variation of Section 156-15 and a Use Variance, seeking permission to complete second floor and add four apartments. The property is located at 936-942 South Lake Blvd, Mahopac NY 10541 and is known by Tax Map #75.44-1-47.

Code Requires	Provided	Variance Required
Mixed use-Not Permitted	Retail & Apartments	Use Variance
Front yard north – 40 ft	35.57 ft	4.43 ft
Front yard south – 40 ft	23.4 ft	16.6 ft
Side yard west – 25 ft	0.7 ft	24.3 ft
Parking – 30 P.S.	5 P.S.	31 P.S.
Parking – 10 ft x 20 ft	9 ft x 20 ft	1 ft width
ADA Parking	0 P.S.	1 P.S.
Side yard east – 25 ft	0.2 ft	24.8 ft

Mr. Maxwell stated the applicant is requesting an adjournment.

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

Application of Tina & James Millicker for a Variation of Section 156-15, seeking permission to renew previously approved Decision & Order from 2008. The property is located at 8 Brook Street, Mahopac, NY 10541 and is known by Tax Map #64.7-1-19.

Mr. James Millicker was sworn in.

Mr. Maxwell stated you were last before the board back in 2008. He asked if anything changed with the plans.

Mr. Millicker replied no.

Mr. Carnazza stated back in 2008 Decision & Orders expired in 2 years. That is not the case now.

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

Mrs. Fabiano 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 approve the renewal. The motion was seconded by Mr. Aglietti with all in favor.

Application of NY Dealer Stations LLC for a Variation of Section 156-15 & 156-41C(9), seeking permission to remove all existing improvements and construct a new filling station and convenience store at the property. The property is located at 1923 Route 6, Carmel, NY 10512 and is known by Tax Map #55.11-1-40.

Code Requires	Provided	Variance Required
Canopy 40'	19' Stoneleigh Ave	21'
40'	24' Route 6	16'
Freestanding Sign 32 s.f.	124.2 s.f.	92.2 s.f.
12' high	19.2'	7.2'
Min. Floor Area 5,000 s.f.	1,824 s.f.	3,176 s.f.

Mr. Leo Napior, applicant's attorney was present before the board and Mr. Zack Chapman, applicant's engineer was sworn in.

Mr. Napior addressed the board and stated there is an application pending before the planning board. He said the project scope is to basically strip the site of all existing improvements and create another gas station with a convenience store. He said there are five variances required. Two deal with the canopy overhang. He said the site is irregularly shaped, so we kept the building in a zoning compliant location, but the canopy encroaches into the required setbacks off of both Route 6 and Stoneleigh Avenue.

Mr. Maxwell asked why they couldn't split the difference with where the pumps needed to be.

Mr. Chapman stated we wanted to keep the drive aisle as a two way for better circulation.

Mr. Napior stated the next set of variances concern the price sign which is actually existing. He said your code allows 32 total square feet. He said the existing sign that is on the property is 124 square feet on four panels. He said we are not looking to make any changes to that, we want to legalize it as is.

Mr. Maxwell asked if it was approved previously to the same square footage.

Mr. Napior stated we pulled the variances that were granted and the prior owners received a variance for 92 square feet. At some point in time, they must have added an additional panel before the applicant took title to the property. He said we are simply looking to keep it as is, or else we would have to remove roughly one of the panels. He said the height of the sign is 19 feet from grade where 12 feet max is allowed.

Mr. Maxwell asked if they were putting in a new sign within the same square footage.

Mr. Napior said they will put in a new sign (panels) within the same square footage. They want to put in new upgraded equipment.

Mr. Maxwell asked if they needed all four pricing identifications.

Mr. Carnazza asked if it could be re-configured.

Mr. Maxwell asked if they could bring it into a little more conformance. He said our goal is to grant the minimal possible variance.

Mr. Napior stated the last variance is for minimum building size. He said the zone requires you to have a minimum building size of 5000 square feet. Our proposed building is 1,824 square feet. He said the existing building is actually less than that. He said we do not have enough room to fit a 5000 square foot building on the property.

Mr. Maxwell asked if there were any issues with ingress and egress safety wise.

Mr. Napior stated the planning board retained John Collins to perform a traffic review of our traffic study and there are comments back and forth about the plan which will be vetted at the planning board.

Mr. Aglietti asked what is the existing size of the sign.

Mr. Napior replied 124 square feet.

Mrs. Fabiano asked if the canopy is a standard size and can the canopy be reduced.

Mr. Napior stated you typically want to have a minimum overhang to protect you from the elements on either side of the pumps.

At which time, the board and applicant continued to discuss the size of the sign.

Mr. Napior asked Mr. Carnazza the variance that is in place and if we bring it down to that, we don't have to come back to the board for anything further, correct?

Mr. Carnazza replied that's correct.

Mr. Maxwell asked if he wanted to make that decision to bring it down to the existing variance. He said you would need to cross it out and initial the application.

Mr. Napior inquired about the height of the sign.

The board members were fine with the height.

At which time, Mr. Napior initialed the application.

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

Mr. Aglietti 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 variance as amended. The motion was seconded by Mr. Aglietti with all in favor.

Application of Baldwin Hills Realty, LLC, for a Variation of Section 156-15, seeking permission to create a lot which does not meet the minimum required lot size or the minimum required lot width; and to create a lot which does not meet the minimum required lot size or the minimum required lot depth. The property is located at 150 Route 6, Mahopac, NY and is known by Tax Map #86.11-1-1.

Code Requires	Provided	Variance Required
Lot 1: 3 acre min lot area	2.05 acres	0.95 acre
Lot 1: 200 ft min lot depth	151 feet	49 feet
Lot 2: 3 acre min lot area	1.00 acre	2 acres
Lot 2: 200 ft min lot width	145 feet	55 feet

Mr. Maxwell stated the applicant is requesting an adjournment.

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

MINUTES – 09/22/16

Mrs. Fabiano moved to accept minutes. The motion was seconded by Mr. Schwarz with all in favor except Mr. Aglietti who abstained.

The meeting was adjourned at 7:48 p.m.

Respectfully submitted,

Rose Trombetta