

# 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  
JOHN STARACE

## ZONING BOARD OF APPEALS MINUTES

JANUARY 24, 2019

**PRESENT:** CHAIRMAN: JOHN MAXWELL, VICE-CHAIRMAN: PHILIP AGLIETTI  
SILVIO BALZANO, ROSE FABIANO, WILLIAM ROSSITER, JR. & JOHN STARACE

**ABSENT:** MARC DITOMASO

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<u>APPLICANT</u>	<u>TAX MAP #</u>	<u>PAGE</u>	<u>ACTION OF THE BOARD</u>
Rick Romash	44.14-1-47	1	Variance Granted
Thomas Tiffany	74.26-1-40	2 – 4	Variance Granted - Shed Variance Denied - Tent
John & Denise McGuiness	63.8-1-9	4 – 6	Variance Granted
Jack Occhiogrosso	75.10-2-3	6 – 7	Variance Granted

### **MINUTES:**

December 27, 2018 7 Accepted as amended

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

Respectfully submitted,

Dawn M. Andren

## **HOLD OVER APPLICATIONS**

1. Application of **RICK ROMASH** for a variation of Section 156-15 and a Use Variance seeking permission to convert existing 1 residential & 2 commercial building to a 2 residential & 1 commercial building. The property is located at 19 Fair Street, Carmel NY 10512 and is known by Tax Map 44.14-1-47.

Code Requires	Provided	Variance Required
1 apt. & 2 commercial	2 apts. & 1 commercial	Use Variance
Lot width – 200 ft.	52 ft.	148 ft.
Lot area – 40,000 sf.	16,809 sf.	23,191 sf.
Front yard – 40 ft.	23.5 ft.	16.5 ft.
West side yard – 25 ft.	20.3 ft.	4.7 ft.
East side yard – 25 ft.	5.6 ft.	19.4 ft.
Driveway width – 24 ft.	20.3 ft.	3.3 ft.

➤ Mr. Joel Greenberg, Architect of 2 Muscoot Rd N. representing applicant was sworn in.

Chairman Maxwell stated I believe we're just looking for some back-up on the financials.

Mr. Greenberg replied right; we had gone through the criteria and you had asked the public for input. The spreadsheet is self-explanatory and based on what Mr. Romash had said verbally and now in writing. Obviously, it's a fair loss.

Chairman Maxwell said he's showing a net loss of 178.52%. Is there any input from the Board on this application and new information?

Mr. Balzano said thank you Mr. Greenberg. I appreciate this.

Chairman Maxwell then asked if the public had any input or comments on this application of which there was none.

Vice-Chairman Aglietti moved to close the public hearing on this application; seconded by Mr. Balzano with all in favor.

### **DECISION OF THE BOARD:**

***Vice-Chairman Aglietti moved to grant the requested variance; seconded by Mr. Balzano with all in favor.***

## **NEW APPLICATIONS**

2. Application of **THOMAS TIFFANY** for a Variation of Section 156.15 seeking permission to retain existing shed and portable tent. The property is located at 142 Orchard Road, Mahopac NY 10541 and is known by Tax Map 74.26-1-40.

Code Requires	Provided	Variance Required
25' front – tent	4'	21'
10' rear - shed	2'	8'
10' rear- shed	3'	7'

➤ Mr. Thomas Tiffany of 142 Orchard Road, Mahopac was sworn in.

Mr. Tiffany stated said I'm looking for variances to keep the existing structures; the cover-it and the shed.

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

Mr. Tiffany replied 25 years probably.

Chairman Maxwell asked and it hasn't been rebuilt; you didn't know you needed a permit?

Mr. Tiffany responded no; I put it up when I first bought the property – within the first month or so. I did not realize that I needed a permit for it because I thought it was not a permanent structure. The same thing with the cover-it; I did not realize it needed a permit.

Chairman Maxwell said I was out there the other night and it looks like it's well screened.

Mr. Tiffany interjected I try to keep it neat.

Chairman Maxwell said it's not really a garage; it's a Quonset Hut I guess.

Mr. Tiffany replied it's one of those portable tents, shelterlogic or cover-its.

Chairman Maxwell said it's kind of tough because you're on a corner lot. You have two frontages there and usually we don't look highly upon a shed or garage so close on a corner lot.

Mr. Starace asked what do you house in this structure.

Mr. Tiffany replied that basically holds my summer furniture, outdoor tables and things along those lines; snow blower during the summer; table saw, chop saw – things along those lines.

Chairman Maxwell asked have you talked with your neighbors about it. Does anyone have any issues or concerns?

Mr. Tiffany responded no; not that I'm aware of. No one has ever said anything.

Chairman Maxwell said I don't see anybody here for this.

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Mrs. Fabiano said I was out there; it's three or four feet from the road. I find it to be way too close to the road. I'm not a fan of tents to start with but it's a very large variance. It's just too close and a little unsightly in my opinion.

Vice-Chairman Aglietti said I tend to agree; when did you put the tent up?

Mr. Tiffany replied that's actually the third one that's been on the property; same thing – I did not realize I needed the permit for that because it's not set on a foundation or anything. It's only a temporary structure.

Mrs. Fabiano asked can you put it within the fence.

Mr. Tiffany said I have an outdoor patio out there; no – I really can't.

Mr. Starace asked is this your patio right here. This is the house; this is the driveway coming in. This is the patio; this is the tent structure right next to Brook Road and this is the shed.

Mr. Tiffany responded "yes" to all.

Mr. Starace asked what's right here.

Mr. Tiffany said while at dais (inaudible).

Mr. Starace said you're requiring a 21' variance.

Chairman Maxwell said from the pictures, it looks like you room to move it in closer to the fence.

Mr. Tiffany replied it could go 4' closer to the fence.

Mrs. Fabiano said it doesn't matter; tents are really unsightly I find.

Vice-Chairman Aglietti asked why is this your third one.

Mr. Tiffany answered the other ones just wore away; used their life hood up.

Mrs. Fabiano said and they become even more unsightly as they age.

Mr. Tiffany then said that's why I replace them; just to keep them presentable.

Mrs. Fabiano said when we grant a variance, we grant a variance forever for the land/property. So, I find it disconcerting to think that this could potentially be there forever. I'm inclined to not be in favor of something like this.

Mr. Starace asked how is this anchored into the.....

Mr. Tiffany replied it has screw anchors that go down; you drill through the dirt and put screw anchors.

Mr. Starace then said so it's on top of the turf and dirt? It's not on top of asphalt?

Mr. Tiffany replied yes it is on top of asphalt.

**APPROVED**

Mr. Starace said this is able to handle the snow load?

Mr. Tiffany replied yes but I do shovel it off and it's never collapsed. I always get the snow off as soon as I can.

Chairman Maxwell polled the Board Members for further questions/comments and concerns and then looked to the public for input on this application of which there was none.

Vice-Chairman Aglietti moved to close the public hearing on this application; seconded by Mr. Rossiter with all in favor.

**DECISION OF THE BOARD:**

***Vice-Chairman Aglietti moved to grant the requested variance for the shed and denied for the tent; seconded by Mrs. Fabiano.***

***Chairman Maxwell ordered a roll call vote:***

<b><i>Mr. Balzano</i></b>	<b><i>for the motion</i></b>
<b><i>Mr. Rossiter</i></b>	<b><i>for the motion</i></b>
<b><i>Vice-Chairman Aglietti</i></b>	<b><i>for the motion</i></b>
<b><i>Mrs. Fabiano</i></b>	<b><i>for the motion</i></b>
<b><i>Mr. Starace</i></b>	<b><i>for the motion</i></b>
<b><i>Chairman Maxwell</i></b>	<b><i>for the motion</i></b>

***Motion carries: the shed's variance is granted but the tent will have to come down.***

***Chairman Maxwell asked Mr. Carnazza do you notify them by letter.***

***Mr. Carnazza replied no; if it's not granted, he can't get the permit so he has to take it down.***

***Chairman Maxwell said or he can come back and try to.....***

***Mr. Carnazza interjected move it, relocate it, and make it conform.***

3. Application of **JOHN & DENISE McGUINNESS** for a Variation of Section 156.15 seeking permission to retain existing chicken coop & 12 chickens. The property is located at 13 Scout Hill Road, Mahopac NY 10541 and is known by Tax Map 63.8-1-9.

Code Requires	Provided	Variance Required
40,000 sq. ft.	26, 295 sq. ft.	13,705 sq. ft.
6 chickens/acre	12 chickens	6 chickens

***Mrs. Fabiano recused herself from this application.***

➤ Mr. John McGuinness of 13 Scout Hill Road was sworn in.

Chairman Maxwell asked how long has the coop been there?

## **APPROVED**

Mr. McGuiness replied almost two years now. We keep it nice. Nobody has a problem with it. Kids come around and help with the chickens; we give eggs to all my neighbors. We've got letters from them.

Chairman Maxwell said yes; I saw a few letters on your behalf.

Mr. McGuiness continued when they built it, they did a nice job. It's not an eyesore. It's kind of in the woods. There's no house behind it.

Chairman Maxwell said you didn't know what the limit was?

Mr. McGuiness said I had no idea.

Chairman Maxwell said 6 are allowed per acre.

Mr. Carnazza interjected in total/max.

Mr. Balzano asked when did the law go into effect because he said he's had them for two years.

Mr. Folchetti replied the law went into effect in 2017. It's been about 18 months.

Chairman Maxwell said so you had this before it was enacted?

Mr. McGuiness replied I guess right around the time it was enacted. It's a little shy of two years.

Chairman Maxwell said I was out there; it's well kept.

Vice-Chairman Aglietti interjected it's beautiful.

Mr. Balzano said it's a nice coop.

Chairman Maxwell polled the Board Members for any further questions and input regarding this application.

Vice-Chairman Aglietti said I think it looks really nice the way it's set up.

Mr. Starace asked have you experienced any coyotes, foxes, etc. taking the chickens from the property over time.

Mr. McGuiness replied haven't lost one yet. We've been lucky. We did see a fox one time walk through the yard and that's why I built the pen off the coop. They pretty much stay in there. We don't let them out too often. It can be dangerous with the hawks, foxes and everything else.

Chairman Maxwell said you have fence underground?

Mr. McGuiness responded I dug in some mesh in the ground and surrounded it with stones. It's pretty fortified I guess.

Mr. Starace said it's all hens – no roosters?

Mr. McGuiness said no roosters; just the girls.

Chairman Maxwell asked how often do you clean the coop and cage out.

## **APPROVED**

Mr. McGuiness said every day or every other day.

Mr. Carnazza said it's definitely one of the cleaner ones we've seen.

Chairman Maxwell said no complaints from the neighbors; no noise; no pests – right?

Mr. McGuiness replied no.

Chairman Maxwell said it looks like your property is big enough that it's not visibly obtrusive and it's tucked into the corner.

Chairman Maxwell then asked for input from the public on this application of which there was none.

Mr. Balzano moved to close the public hearing on this application; seconded by Vice-Chairman Aglietti with all in favor.

### **DECISION OF THE BOARD:**

***Mr. Balzano moved to grant the requested variance; seconded by Vice-Chairman Aglietti with all in favor (Mrs. Fabiano again recused herself from this application).***

4. Application of **JACK OCCHIOGROSSO** for a Variation of Section 156.15 seeking permission to retain existing deck. The property is located at 6 Deer Run, Mahopac NY 10541 and is known by Tax Map 75.10-2-3.

Code Requires	Provided	Variance Required
40' front	8'	32'

➤ Mr. Jack Occhiogrosso of 6 Deer Run, Mahopac NY was sworn in.

Chairman Maxwell asked how long has the deck been there for.

Mr. Occhiogrosso stated the deck has been there since 1984 I believe when they put the extension on the deck.

Chairman Maxwell said and you didn't realize you needed a permit?

Mr. Occhiogrosso replied no; I had gotten a permit for the extension and the contractor said he was going to take care of the rest of it and he never did.

Chairman Maxwell said this came up because Mr. Marousek went out there – right?

Mr. Occhiogrosso replied yes.

Chairman Maxwell said half of it is almost less than 12”.

Mr. Carnazza said if any point of it is 12” or more, the entire deck has to meet the setback but you're right; most of it is a patio.

## **APPROVED**

Chairman Maxwell said you can see from the pictures, it's kind of tucked in and away from the neighbors. There's only one neighbor behind you – right? They have no issues?

Mr. Occhiogrosso replied yes and not at all.

Mr. Balzano said it's also a weird shaped lot too because of the way it juts out.

Chairman Maxwell polled the Board Members for any input on the application and then opened it up to the public for input of which there was none.

Vice-Chairman Aglietti moved to close the public hearing on this application; seconded by Mrs. Fabiano with all in favor.

### **DECISION OF THE BOARD:**

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

## **MISCELLANEOUS**

**Minutes:** December 27, 2018:

***Mr. Balzano moved to accept the minutes but amend my comment – I talked about the dual pillars. I was basically quoting Vice-Chairman Aglietti. That's the only thing she has to change.***

***Chairman Maxwell asked did you let her know.***

***Mr. Balzano said I forgot to so let's hold it over.***

***Mr. Carnazza said you can accept them with that change.***

***Mr. Balzano said I'll send her the change via email.***

***seconded by Vice-Chairman Aglietti with all in favor.***

The meeting adjourned at 7:48 p.m.