

**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**  
**JOHN STARACE**

**ZONING BOARD OF APPEALS MINUTES**

**JUNE 27, 2019**

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

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<b><u>APPLICANT</u></b>	<b><u>TAX MAP #</u></b>	<b><u>PAGE</u></b>	<b><u>ACTION OF THE BOARD</u></b>
Frank Nagel	44.14-1-67	1 – 2	Variance Granted
Raul Orsini	74.43-1-6	2 – 3	Variance Granted
Maria Dimas	44.14-1-95	3 – 4	Variance Granted
Kevin Fahey	74.16-2-46	4 – 5	Variance Granted
Robert Dickson	76.9-2-27.1	5 – 6	Variance Granted
Mario Almeida	64.9-1-4	6 – 10	Variance Denied
Jerry & Jen Tesler	54.5-1-67	10 – 11	Variance Granted

**MINUTES:**

May 23, 2019	11	Approved as written
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The meeting was adjourned at 8:11 p.m.

Respectfully submitted,  
Dawn M. Andren

## **NEW APPLICATIONS**

1. Application of **FRANK NAGEL** for a Variation of Section 156.15 seeking permission to retain existing shed. The property is located at 10 Kyle Court, Carmel NY 10512 and is known by Tax Map 44.14-1-67.

Code Requires/Allows	Provided	Variance Required
10' – side	3'	7'

➤ Mr. Frank Nagel of 10 Kyle Court, Carmel NY 10512 was sworn in.

Mr. Nagel said I'm trying to keep the shed where it has been for the last 30 years.

Chairman Maxwell said it's been there for that long?

Mr. Nagel replied yes.

Chairman Maxwell said is there any property that you can buy to bring it into conformance so you don't have to go for the variance? You're land-locked there?

Mr. Nagel responded yes; cluster zoning.

Chairman Maxwell said you said it's been there for 30 years. This was never picked up because.....?

Mr. Nagel replied I guess it's my fault. I didn't know I needed a permit back then when I put it in. Now I know.

Chairman Maxwell said you've spoken with your neighbors and they have no issues or concerns?

Mr. Nagel answered yes; there are no issues.

Chairman Maxwell said and you couldn't bring it more forward probably because the septic is over there?

Mr. Nagel said there's no septic but there's really no where to put it.

Chairman Maxwell asked the Board for any input on this application.

Mr. Starace asked do you have electric going to the shed.

Mr. Nagel replied no.

Chairman Maxwell said it's metal; that would be dangerous.

Mr. Nagel said I bought it from Sears for \$200.

Mrs. Fabiano asked why is this coming up now.

Mr. Nagel said they came in our neighborhood and looked at all the properties.

Mrs. Fabiano said okay; so you were picked up by the Building Department.

Mr. Nagel replied yes.

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Chairman Maxwell opened the meeting up to the public for any input/concerns on this application of which there was none.

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

### **Decision of the Board:**

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

2. Application of **RAUL ORSINI** for a Variation of Section 156.15 seeking permission to retain existing freestanding deck. The property is located at 49 Ivy Hill Road, Mahopac NY 10541 and is known by Tax Map 74.43-1-6.

Code Requires/Allows	Provided	Variance Required
10' – side	8'	2'

- Mr. Raul Orsini of 49 Ivy Hill Road, Mahopac NY was sworn in.
- Ms. Jocelyn Orsini of 49 Ivy Hill Road, Mahopac NY was sworn in.

Mr. Orsini stated we have a deck that has (*requires*) a variance of 2' from the neighbor's property. It's supposed to be 10' and it's within 8'. It's been there for 8 years.

Chairman Maxwell said it's a free standing deck that is in the middle of the yard.

Mr. Carnazza clarified by stating they have a deck that's supposed to be 10', they have 8' and they need a 2' variance. I just wanted to make sure that was clear.

Chairman Maxwell said you didn't know that you needed a permit?

Mr. Orsini replied no.

Chairman Maxwell said there's no other property that you can buy to bring it into conformance?

Mr. Orsini replied no.

Chairman Maxwell said there's no septic because this is Secor.

Mr. Orsini replied yes.

Chairman Maxwell asked what is the value of the deck if you had to relocate it.

Mr. Orsini responded we paid \$2,500.

Chairman Maxwell said so it would be pretty sizeable in cost if you had to relocate it.

Mr. DiTomaso said it looks like it's almost right in the middle of the yard. It's too bad they didn't know; they could have moved it 2' and it would have been perfect.

Vice-Chairman Aglietti said none of your neighbors have spoken up about it or anything?

Mrs. Fabiano asked why is this coming up now.

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Mr. Orsini responded we're selling the house.

Chairman Maxwell said so it came up on a title search?

Mr. Orsini answered yes.

Chairman Maxwell opened the meeting up to the public for any input/concerns on this application of which there was none.

Mr. Balzano 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 requested variance; seconded by Mr. Rossiter with all in favor.***

3. Application of **MARIA DIMAS** for a Variation of Section 156.15 seeking permission to construct a deck around above-ground pool. The property is located at 63 Waring Drive, Carmel NY 10512 and is known by Tax Map 44.14-1-95.

Code Requires/Allows	Provided	Variance Required
10' – side	5'	5'
10' – rear	5'	5'

- Mrs. Maria Dimas of 63 Waring Drive, Carmel NY was sworn in.
- Mr. Antonio Dimas of 63 Waring Drive, Carmel NY was sworn in.

Mrs. Dimas said we'd like permission to build a deck around our above-ground pool.

Chairman Maxwell said I'm glad you're doing this the proper way which is asking for the permit first and not begging for forgiveness. I was out there the other day. It looks like you're pretty shielded from the neighbors and there are plenty of woods back there on that side. You said you spoke to your neighbors on either side?

Mrs. Dimas said yes; I believe one of our neighbors emailed Dawn Andren as well.

Chairman Maxwell said I think I remember seeing that. There's no other property you can purchase to bring this into conformance. The pool is already there so obviously, you want to make it suitable to the pool and useful.

Mr. Starace asked the stone wall that's over there – it's still there?

Mr. Dimas replied yes; it's still there.

Mr. Starace said so you have to move that or around or that clears?

Mr. Dimas answered that stays; that's probably about 15' from the pool.

Mr. Starace said okay; the drawing here looks like it's right on top of the stone.

Mr. Dimas replied that stone there actually dips down.

Mr. Starace said okay; so the post is further in. Got it. It looks nice.

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Mrs. Fabiano said it's well screened and it's in the cul-de-sac so I have no questions.

Chairman Maxwell said the only thing I have is when I spoke with you, you were going to speak with the builder and make sure your equipment gets covered. Just as a word of caution, make sure there's enough breathing room for your equipment.

Mr. Dimas said yes; I think the heater is not supposed to be under the deck. I think he had told me something but I'm not sure. I will find out.

Chairman Maxwell said it should be okay but..... (to Mr. Carnazza) Mike, it should be okay but the deck is going over the heater and filter and all that. As long as there's enough room.....

Mr. Carnazza replied as long as there's a clearance it's fine.

Chairman Maxwell said right; for operating and maintenance.

Mr. Carnazza (inaudible)

Chairman Maxwell said it's not really for us to *determine*.

Mr. Carnazza said is it an electric heater?

Mrs. Dimas replied no; propane.

Mr. Carnazza continued (inaudible) electric; that would have less clearance.

Chairman Maxwell opened the meeting up to the public for any input/concerns on this application of which there was none.

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

**Decision of the Board:**

***Mr. DiTomaso moved to grant requested variance; seconded by Mr. Balzano with all in favor.***

4. Application of **KEVIN FAHEY** for a Variation of Section 156.15 seeking permission to allow carport & sheds to exist less than the required side yard setbacks. The property is located at 54 Brookdale Road, Mahopac NY 10541 and is known by Tax Map 74.16-2-46.

Code Requires/Allows	Provided	Variance Required
Shed 1; 10' – side	2.4'	7.8'
Shed 2: 10' – side	4.3'	5.7'
Carport: 25' – side	5.7'	19.3'

- Mr. Willy Besharat of 66 Shear Hill Road, Mahopac representing the applicant was sworn in.

Mr. Besharat stated this is an existing house and it's time for down-sizing. Before they list the house, they wanted to make sure everything was legal. There are two sheds on the property and a carport. I'm sure a few of you have been there and saw the carport. The reason why the carport exists is because you can't get in the garage with that steep driveway. They never used it, and so they ended up doing a carport on the side. Then there are the two sheds. One is far down and the other one is on the top just gardening tools, etc. If you noticed,

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the property is extremely well landscaped. Landscaping is Mr. Fahey's passion. One of the items that was brought to my attention and I did not see it: the carport does not exist 5.7' from the property line. It's 15.7' so the variance that we are looking for is a lot less. If you notice on the survey, the surveyor put the one over the line of the driveway and it looked like 5.7' and we did not see it.

Chairman Maxwell asked counsel would we have to re-advertise since it's less of a variance.

Mr. Folchetti (inaudible)

Chairman Maxwell said we will update the application though. I was out there Saturday. The property is meticulous – every aspect. How long have the sheds been there for?

Mr. Besharat replied for as long as they remember. Mr. Fahey moved in with his mother ages ago to take care of her. Everything existed for a very long time. I asked him and he said he didn't know who put them up.

Chairman Maxwell said and there's no other property that you can buy to bring it into conformance?

Mr. Besharat replied there is no property available to them and there's no other place to locate these items. If you notice the type of the slope of the property and neighborhood, they all have sheds.....

Chairman Maxwell interjected it's all wooded in the back and there's nothing.....

Mr. Besharat interjected exactly; it has plenty of screening. The property itself, like you said, is very well maintained and very well kept.

Chairman Maxwell asked Mr. Besharat to initial the updated application next to the revisions of 15.7' and 9.3' of a variance.

Chairman Maxwell then opened the meeting up to the public for any input/concerns 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 requested variance; seconded by Mr. Rossiter with all in favor.***

5. Application of **ROBERT DICKSON** for a Variation of Section 156-15 seeking permission to construct attached garage. The property is located at 1 Highridge Road, Mahopac, NY 10541 and is known by Tax Map 76.9-2-27.1.

Code Requires/Allows	Provided	Variance Required
25' Front	14'	11'
15' Rear	3'	12'

- Mr. Robert Dickson of 1 Highridge Road, Mahopac NY was sworn in.
- Mrs. Jamie Dickson of 1 Highridge Road, Mahopac NY was sworn in.

Mr. Dickson stated we want to build a big garage to house our cars. We need a variance in order to do so. I'm landlocked. There's a big space that we park in now.

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Chairman Maxwell asked have you spoken with your neighbors.

Mr. Dickson replied yes; he has no problem with it.

Chairman Maxwell said there's no other property that you can purchase – right? You're landlocked?

Mr. Dickson replied yes; not at this time. If he ever sells, I can bring it into conformance at that point but I can't bet on that.

Chairman Maxwell asked do you have septic back there.

Mr. Dickson replied we do; there's septic right behind it and the leach fields are just beyond that.

Chairman Maxwell said so you really have no choice but to go on that side of the house.

Mr. Dickson replied yes.

Mr. Balzano replied so this will replace the 1 car garage that's already there. You're going to overlap it?

Mr. Dickson replied yes; we'll add onto it.

Chairman Maxwell said you're in-filling where the garage was?

Mr. Dickson responded yes; the old garage isn't very deep. I drive a full size pick-up and she has a full size SUV. We need depth on both sides and width to get our cars in. They're just oversized cars and a tiny garage built in the 60s.

Chairman Maxwell then opened the meeting up to the public for any input/concerns on this application of which there was none.

Mrs. Fabiano 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 requested variance; seconded by Mr. Starace with all in favor.***

6. Application of **MARIO ALMEIDA** for a Variation of Section 156.15 seeking permission to retain existing freestanding 1 car garage and existing freestanding deck. The property is located at 41 Steiner Drive, Mahopac NY 10541 and is known by Tax Map 64.9-1-4.

Code Requires/Allows	Provided	Variance Required
20' – side	5' - side	15'
40' – front	39' – front	1'

- Mr. Frank J. Smith, III Esq. from the Law Office of William Shilling at 122 Route 6, Carmel NY representing the applicant.

Mr. Smith said I do have a couple copies of plans if you need a larger view and handed documents out to the Board.

Mr. Smith continued the property in question is 41 Steiner Drive, Mahopac NY. Mr. Almeida purchased the property in 2008 and the garage that we're discussing this evening was built in November of last year. The relief

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sought before this Board is in the form of two area variances. First is for side yard setback; the Code requires 20', we provide 5' and we're seeking a variance of 15'. The second is for a front yard setback; the Code requires 40', we provide 39' and we're seeking a variance of 1'. I'd also like to make it known to the Board that we're not seeking any variances in terms of the deck other than the lack of building permit. My understanding is that the deck is fully compliant with the Code. As the Board knows when determining an area variance, you weigh the benefit to the applicant against the detriment to the neighborhood and there are five factors to consider. First is the adverse impact on the neighborhood if granted. In this case there would be no adverse impact. Structures like this are common and due to some of this area's property lot sizes, setbacks are difficult to comply with. Second would be an adverse environmental impact. In this case, there would be none either. This is the most feasible location on the property for the garage and due to that, there are no environmental impacts. Third is whether or not the variance requested is substantial. When it comes to the front yard setback, it's not substantial at all as we're seeking 1'. When we talk about the side yard setback, it is a bit more substantial but when you take into consideration how narrow the property is and location of the well and septic system, this is just about the only place that it could be put. Fourth is whether or not the need for the variance can be obviated. As stated, the dimensions of the property, layout of the existing house and location of rocks and trees would make it difficult to place the garage anywhere else. The last criteria is whether or not the need for a variance is self-created and, as stated, this is the most feasible area for the garage to be built. If the Board were to find that the need for a variance was self-created, it is not determinative when you consider all five factors. It's just one factor to take into consideration. For the foregoing reasons, we respectfully request that the Board grant the two variances.

Chairman Maxwell stated you said it was built a year ago?

Mr. Smith responded correct; November.

Chairman Maxwell said they didn't know they needed a permit?

Mr. Smith replied my understanding is that Mr. Almeida was working with a contractor to construct the building and they put it up before the applications were completed and submitted to the Building Department.

Chairman Maxwell said was there any reason why he chose a commercial type of building – a butler building which is typically a commercial style and as opposed to something that was vinyl sided to match the house? It has a metal roof and not an asphalt roof which is typical and characteristic of the neighborhood. From all the opposition letters that we did get, that seems to be the biggest complaint and I have to agree with it because it basically sticks out like a sore thumb. If I lived across the street, I'd be just as upset as some of the opposition letters that we got.

Mr. Balzano said I think you (Chairman Maxwell) stated well what my position on this is. It's troubling – the type of garage that's there.

Chairman Maxwell said if this was a commercial zone, it'd be a whole different story. It'd be characteristic of a commercial situation. One thing I thought about as a compromise: maybe if they change the style of the siding and the roof on it, at less cost than it would be to remove the structure altogether. I'm just putting it out there.

Mr. Rossiter stated I wouldn't prefer that be across the street from my house. It doesn't match the building.

Vice-Chairman Aglietti said counsel, looking at the considerations for an area variance and I understand your position but I disagree with all of them. I just don't see how this is going to pass.

Mr. Smith replied I thoroughly understand the Board's concerns. I know that it is a steel building. It does not have vinyl siding. I wish I had a reason to give you why that style was chosen as opposed to a regular stick built structure, but that was the structure that was built. If I were to guess, I would think it's due to the ease of construction. These buildings do go up a bit easier than stick built buildings do. I do not know the specific reason and I take your input into consideration.



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Chairman Maxwell said just from an aesthetic point of view, he could have made it connected to the garage, made a similar garage door, made it all the same siding, same color, same style material – roof the same, combine the roof line, shrink it down so that it's architecturally pleasing. It's like this thing just landed from the sky from a commercial plant as opposed to a residential one.

Mrs. Fabiano said I've been on the Board for 16 years and you (Chairman Maxwell) have been on even longer than I have. To the best of my knowledge, we have never approved a structure with an oversized garage door. I've asked that numerous times over the course of the years. Am I incorrect; I don't think there's ever been a front yard oversized garage door?

Chairman Maxwell replied not that I recall. What is the reason for that? Does he have a commercial vehicle or truck in there?

Mr. Smith replied I'm not sure what the reason for the size of the door. I didn't think that it would be an issue raised by the Board but I appreciate your input. I do not know why the size is as it is as compared to the existing garage that's there.

Mrs. Fabiano continued it's very offensive to the neighborhood. I can see why people are upset. Certainly putting a commercial building in a residential zone is inappropriate at best.

Chairman Maxwell stated we have received 3 emails from surrounding neighbors including the neighbor directly across the street, one a few houses down. If we get one, it's enough but we've gotten three. I don't know if you've had a chance to see them.

Mr. Smith replied no; I'd love a copy if you have an extra.

Mr. Balzano said without going into them: Diana Baker was one from directly across the street and she took pictures of what her view is; second was Barbara Collins of 26 Steiner and the third was Joann Perna of 18 Steiner. Those are the three that are in the file.

Mr. DiTomaso asked is there any comment from the property owner directly next door, adjacent to the property.

Mr. Smith replied not that I'm aware of. Before this evening, I was unaware that there was neighborhood opposition and I thought that if there was, we wouldn't hear it tonight but this is the first that it's come to my attention.

Mrs. Fabiano asked is this a rental property.

Mr. Smith replied I'm not sure. I do know that Mr. Almeida splits time between Mahopac and North Carolina but I do not know if he has a tenant in there.

Chairman Maxwell said and this came up because it was picked out by the Building Department?

Mr. Smith replied I believe they were filing for the Building Permit – after the fact. (To Mr. Carnazza) – is that correct or was it flagged?

Mr. Carnazza replied I think that Denis Marousek actually got a complaint and went out there, told them they needed a building permit and that's when we found out it was too close.

Mr. Starace said an area of concern is the metal shed – the roof drains down into this small opening of a space between the existing house structure and the metal shed. That appears to be about a foot and a half or two feet. That poses a hazard for run-off. It also poses a hazard of space between the two – debris collecting and what else can happen in there. There's not a detail with what's happening with the run-off or protecting that from animal

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or child getting wedged in there. It just doesn't seem right. In addition to everything that you've said. I echo all your comments. I don't know if there's a code for that – other structures that are separate.

Chairman Maxwell said it's almost as if you would have to put some kind of lattice between the buildings to prevent a child or somebody getting in there.

Mr. Starace added you can't maintain the space.

Mr. Carnazza said it's going to fill up with ice every winter.

Chairman Maxwell said it's just not a cleverly laid out plan in my opinion and with all my years of construction.

Chairman Maxwell opened this application up for input/concerns from the public.

➤ Mr. Ray Baker of 42 Steiner Drive, Mahopac was sworn in.

Mr. Baker said Mario, myself and my family – we're all friends. This was put up in November, no questions were asked. I know he's looking to sell; he's moved down to the Carolinas. I confronted him two weeks ago and said I'm not signing anything. This is not a building that belongs there. It's an eyesore. I pull down my driveway and I see it. He's got two huge spotlights coming out every day. He built it; he has a lift in the garage. He does mechanical work. My fear is he is going to sell the house and if he sells it to somebody that does mechanical work and works until 11 or 12 at night, it'll disturb my family. It's a commercial piece of property on a residential street. It's a private street; it's a cul-de-sac. I've been there 23 years; we're all friends. Mario is also but I just can't say yes to this. This is affecting my property. I have other letters from other neighbors too affecting them also. Again, it's a commercial piece of property on a residential street. It's not a garage to put your car in there. It's a garage to do work in it. I prefer not to see it there. The decks in the back are perfectly fine. I have decks at my house. We did work recently; everything was all approved and I went through the right channels. It doesn't sit right with us and we're all upset with it. He was going to live there, he put it up. We never said boo to him even though it was put up. We did make comments but it is what it is. Now, he's looking to sell and move out and leave us with this; not going to happen.

Chairman Maxwell said thank you for your input.

Mr. Baker said would you like these additional letters?

Chairman Maxwell replied if they're in addition to what we already have, yes; we'll submit them for the record.

Chairman Maxwell reviewed and said this is from Rosanna Diaz and it looks like it's in opposition. This is Linda Cooper and she says she's against the variance as well.

Chairman Maxwell said I just want to bring up what I said before. A potential way to rectify this is to side it and connect it to the house if that's an option. I'll afford you some rebuttal if you'd like.

Mr. Smith said I appreciate the Board's input but I was unaware of the opposition that was out there. As you guys know, you can condition the grant of the variance and I think our client would be open minded to that. If there were some things that you would like to enhance that building, we would be very interested in hearing that from the Board but for the time being, this is what I have and I appreciate your comments.

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

### **Decision of the Board:**

*Mr. Balzano moved to deny requested variance; seconded by Mr. Rossiter.*

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**Discussion:**

*Vice-Chairman Aglietti said if you consider the five factors that we need to consider for an area variance:*

- 1) *Will an undesirable change in the character of the neighborhood or detriment to nearby properties be created by granting of the variance? That's a yes in my book.*

*Chairman Maxwell said proven by the neighbor who spoke tonight.*

*Vice-Chairman Aglietti continued:*

- 2) *Can any other method be used that does not require a variance but still allow for the benefit requested? Let me put that in abeyance for now.*
- 3) *Is proposed variance substantial? I believe it is yes.*
- 4) *Will the proposed variance have an adverse effect or impact or environmental conditions in the neighborhood or district? That's a yes*
- 5) *Is the alleged difficulty self-created? I believe it is as well. So, balancing all of them 4 out of 5, I think this is a motion that should be denied.*

*Mr. Balzano said that's my reasoning as well.*

*Chairman Maxwell asked for a roll call:*

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

*Motion carries; variance denied.*

7. Application of **JERRY & JENNIFER TESLER** for a Variation of Section 156.15 seeking permission to construct attached garage & mud room. The property is located at 26 Dixon Lake Drive, Mahopac NY 10541 and is known by Tax Map 54.5-1-67.

Code Requires/Allows	Provided	Variance Required
Side Yard – 20 ft.	13 ft.	7 ft.
Front Yard – 40 ft.	31 ft.	9 ft.

**Mr. Balzano and Mr. DiTomaso recused themselves on this application.**

- Mr. Joel Greenberg of Architectural Visions, 2 Muscote Road North, Mahopac NY was sworn in.

Mr. Greenberg stated if you've been out to the property, you would see that it's fairly level. There's an existing garage here which my client wishes to convert into a master bedroom suite and we're just basically putting a garage in the front. The proposed garage is at the end of the existing driveway so you pull directly into the garage instead of having to make the turn. That's basically it. We just have a small covering over the front entrance so that it is more weather resistant when you're trying to get the key in the door in the middle of a snowstorm. That's it. This is the front elevation, the floor plan; this is the existing house here. This is the existing garage which is being converted to a master bedroom suite. This is the

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new two car garage. As I said before, it's right at the end of the existing driveway so there will be no change to the entrance to the property as you're going back to the rear of the house.

Chairman Maxwell said there's no other property that you can purchase to bring it into conformance?

Mr. Greenberg replied no; as you can see, these are the lots along Dixon Lake Drive. They're narrow and fairly deep. There are houses all around us.

Chairman Maxwell said septic's in the back?

Mr. Greenberg replied yes; fortunately the well is upfront and the septic is way back over here.

Chairman Maxwell said and the driveway is on that side anyway.

Mr. Greenberg responded correct; we're not changing it.

Chairman Maxwell said you're not seeking very significant variances. Have you spoken with the neighbors – especially on the right?

Mr. Greenberg replied yes; as a matter of fact, Mr. Tesler has and there has been no opposition. I spoke with Dawn Andren today and there's been no letters or comments from any of the neighbors.

Mr. Starace said there appears to be a wooden deck behind the existing master bedroom. I don't see it on the plan there. Is that being removed? Is that staying there?

Mr. Greenberg replied it's staying there.

Mr. Starace said and you're repaving the driveway? Is the driveway changing at all?

Mr. Greenberg replied no.

Mr. Carnazza interjected the deck is all legal?

Mr. Greenberg replied yes.

Chairman Maxwell opened this application for comments/input from the public 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 Board:**

*Mr. Rossiter moved to grant requested variance; seconded by Mrs. Fabiano with all in favor with the exception of Mr. Balzano and Mr. DiTomaso who abstained from voting.*

## **MISCELLANEOUS**

**Minutes: May 23, 2019:**

*Vice-Chairman Aglietti moved to accept the minutes as written; seconded by Mr. Rossiter with all in favor.*

The meeting adjourned at 8:11 p.m.