

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
JOHN STARACE
JULIE MCKEON

ZONING BOARD OF APPEALS MINUTES

JANUARY 23, 2020

PRESENT: **CHAIRMAN: JOHN MAXWELL, VICE-CHAIRMAN: PHILIP AGLIETTI
SILVIO BALZANO, ROSE FABIANO,**

ABSENT: **WILLIAM ROSSITER, JR., JOHN STARACE & JULIE MCKEON**

<u>APPLICANT</u>	<u>TAX MAP #</u>	<u>PAGE</u>	<u>ACTION OF THE BOARD</u>
Richard Rifkin	55.11-1-1	1-2	Variance Granted with Condition.
Mario Viscovich	75.42-1-69	2-8	Held Over.
Anthony Perricone	74.26-2-22	8-10	Held Over.
12 Baldwin Lane LLC	65.10-2-16	11-12	Variance Granted.
Jardine (Longview School)	52.-1-12	12-13	Held Over.
Palmieri/Lutkenhaus	N/A	13	Dismissed without Prejudice.
Minutes – 11/14/19 & 12/10/19		13	Approved.

The meeting was adjourned at 8:27 p.m.

Respectfully submitted,

Rose Trombetta

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Chairman Maxwell addressed the audience and stated we are shy three board members tonight, we didn't know about the third one. If anyone feels they need to hold over their applications because of a shy board you have every right to do as a courtesy.

1. Application of **RICHARD RIFKIN** for a Variation of Section 156-41C(9)(b) seeking permission to increase the size of the freestanding sign to 32 square feet where 16 square feet is allowed. The property is located at 1071 Stoneleigh Avenue, Carmel NY 10512 and is known by Tax Map 55.11-1-1.

Code Requires/Allows	Provided	Variance Required
16 sq. ft. – SIDE	32 sq. ft.	16 sq. ft.
32 sq. ft. - MAX	64 sq. ft.	32 sq. ft.

➤ Mr. James Polinsky of Signs Ink, representing the applicant was sworn in.

Mr. Polinsky addressed the board and stated they have an existing sign on the property which is the 16 square foot sign. The building is approximately is 500 feet off the road and the sign they have now is not big enough. They have three tenants; one is the dental office, a spa and a vacant spot that they are trying to fill. A lot of people are getting lost trying to find the space. It's in a hidden area and the sign we are looking to do is 32 square foot, the same sign that's there just a little larger. It's a painted carved sign and it's not illuminated. He said there are no neighbors that it would offend.....

Mr. Carnazza stated and Sunny Spa will remove their billboard sign that's there?

Mr. Polinsky replied yes.

Chairman Maxwell asked is it going in the same footprint and location?

Mr. Polinsky replied yes.

Chairman Maxwell asked is it going any higher?

Mr. Polinsky yes it will go a little bit higher. The sign itself is about 20 inches taller.

Mr. Carnazza said it is still under the 12 feet that's allowed.

Chairman Maxwell replied okay.

Mr. Polinsky replied it will be 22 inches taller. He said we are going from a 60" to 82" and the width is gaining 18". It's bringing our letter font from a 2" to a 2½" letter to a 4" letter.

Chairman Maxwell stated so it's basically the same design.

Mr. Polinsky stated it's the same exact thing.

Chairman Maxwell stated I wonder if it makes sense to go across the driveway where there is less vegetation and more visibility.

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Mr. Carnazza stated I don't think they own that side of the driveway.

Mr. Polinsky stated it's on their property line.

Chairman Maxwell stated we have recently been a little more lead way especially if there's more than one tenant. I don't know how the rest of the board feels. It doesn't seem like it's extreme. He said being it is a classy sign; wood carved and a little more colonial theme is a nice upgrade to the town.

Mrs. Fabiano stated she visited the site and the sign is very much hidden. So, I could see why you need something like this. She asked you are going to get rid of the other signs on the bottom, correct?

Mr. Polinsky replied we will clean everything.

Vice Chairman Aglietti had no problems or questions.

Mr. Balzano had no problems or questions.

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

Vice Chairman Aglietti moved to close the public hearing. The motion was seconded by Mrs. Fabiano with all in favor.

Decision of Board:

Mrs. Fabiano moved to grant with the condition that they remove all cardboard signs and miscellaneous signs that are not included in the application – as submitted. The motion was seconded by Vice Chairman Aglietti with all in favor.

2. Application of **MARIO VISCOVICH** for a Variation of Section 156-15 seeking permission to construct docks, decks and shed. The property is located at South Lake Blvd (Adjacent to 801 South Lake Blvd), Mahopac, NY and is known by Tax Map 75.42-1-69.

Code Requires/Allows	Provided	Variance Required
Lake Frontage – 50 ft.	24.94 ft.	25.06 ft.
Lot Depth – 30 ft.	16.94 ft.	13.36 ft.
Lot Area – 3,000 sq. ft.	417 sq. ft.	2583 sq. ft.
Parking spaces – 1	0	1

➤ Mr. Joel Greenberg, Architectural Visions, representing the applicant was sworn in.

Mr. Greenberg addressed the board and stated Mr. Viscovich owns this property for some time now. It is a very small piece of property and the fact that we're doing some work on the property, we went to the planning board and we got our denial to come to your board. We are also in front of the ECB. The four variances that are being requested have nothing to do with the work that we are doing on the property. Everything that is being done on the property

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does conform. The docks are no more than 25 out and everything else conforms to the zoning ordinance. The section of the code that we are talking about requires certain minimum requirements, for instance, lake frontage – 50 feet. It's an existing lot and it has 24.94'. The lot depth requires 30 feet, we have 16.94'. Lot area required is 3,000 square feet, we have 417 square feet. We require 1 parking space and obviously there is no space for a parking on that stretch of Route 6N. The work being done within the property does not require any variances.

Chairman Maxwell stated just by nature of how these lots were cut up is prior zoning.....

Mr. Greenberg replied yes, these lots have been there for quite some time, especially along that section of Route 6N.

Chairman Maxwell asked if all the improvements of the plan are proposed or existing.

Mr. Greenberg stated the colored drawing shows what's existing and the other drawing is what's proposed (points to drawings). He stated basically we are proposing a 10' x 10' shed and we are going to take away one of the docks and put a new dock in staying within the code requirement. He said the dock beyond the 25' is coming down and the new one will be no more than 25'.

Chairman Maxwell asked Mr. Carnazza if he reviewed this application.

Mr. Carnazza replied yes. This has been to the planning board.

The board members had no questions or comments.

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

➤ Mr. Mike Maiuzzo of 225 Wood Street, Mahopac was sworn in.

Mr. Maiuzzo addressed the board and stated the applicant left out the fact that there is a state storm drain going through the property. He asked how will it be maintained when you build on top it? He said what's there was done illegally without any permits. I could have bought that property years ago, but I was told that you couldn't do anything there because of the drain.

Chairman Maxwell stated if they are going to build over the drain and there's an issue, it's going to get ripped up. That's the risk they would have to take.

Mr. Maiuzzo said I don't know if there is a way to build so the drain is accessible in case the state has to come in and do maintained on it. He said look at the variances they want, 50%, 84%, 100%, it's a little bit of a variance.

Chairman Maxwell asked if he was the next door neighbor?

Mr. Maiuzzo replied I'm one of the neighbors. He said there is no parking.

Chairman Maxwell stated we have had many cases like this where there is no parking whatsoever because of the nature of how these lots were fabricated before zoning was enacted.

Mr. Maiuzzo stated this needs to be looked at carefully, because it seems they want to do too much. He said what's there now is unsafe. It's attached to my dock, there is no safety. I have never seen the pipe come out.....

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Chairman Maxwell asked if the catch basin is connected to storm drain system around the lake.

Mr. Maiuzzo replied yes.

Chairman Maxwell said the nature of the catch basin as it fills first, so if you do get a 100 year type of storm it slowly dissipates out.

Mr. Maiuzzo stated the water does come out of that drain and there is sediment on the bottom of the drain. He stated when I looked into purchasing the property; I was told nothing could be built there.

Mr. Carnazza said planning board and ECB would both be interested in that part of it. If there is an easement from the state across his property it should have shown up on the survey.....

Mr. Greenberg replied yes it's on the survey.

Mr. Carnazza said the state would have to look at the application also in the future.

➤ Mr. Kenneth Breiman of 7 Colonial Terrace, Mahopac was sworn in.

Mr. Breiman addressed the board and stated I have provided copies of what I'm going to read to you for the record. He stated my wife and I own the adjacent property for 24 years. At which time, he proceeded to read his letter which stated my wife and I are the owners of a lake front parcel directly adjoining the parcel which is the subject of an application by Mario Viscovich for several (substantial) area variances (the "Application"). We submit this letter in opposition to the application. As the Board is fully aware, when reviewing the application, the Board must balance the benefit the applicant stands to receive from the requested variances against the burdens created by the grant with regards to health, safety and welfare that may be suffered by the community, as measured by five (5) statutory factors. Variances are not freely granted, and the Applicant has the burden of establishing its entitlement to the requested variances. In reviewing the application according to the relevant factors, we request that the same be denied in its entirety, as the burdens created by the requested variances and land use proposal greatly outweigh the benefits to be received by the Applicant.

1. An undesirable change will be produced in the character of the neighborhood, or a detriment to nearby properties will be created by the granting of the area variances.

The approval of the requested variances will produce an undesirable change in the character of the neighborhood, and a detriment to nearby property owners. The Applicant's contractor has built a structure which looms over my property and the property of the other adjoining neighbor, without pulling permits. He has not provided or paid for any screening or buffering for noise and/or visual impacts for my property. The Applicant's invitees, who are renters, use the property without any oversight, and are loud, obtrusive, and offensive, and completely disregard the rights of neighbors. In addition, there is a storm drain on the property, which

DRAFT

has been blocked by the Applicant's improvements. This will adversely impact the ability to service that drain, potentially to the detriment of the easement holder (as discussed below), as well as myself (in the case of potential runoff impacts). As such, there is the potential for significant stormwater impacts that result from construction of the improvements and the application, which balances against granting this application. As the Board is likely aware, parking along Route 6N is limited, and the subject property is situated at a very dangerous corner, where several accidents have occurred in the past. Anyone visiting the parcel (who will undoubtedly drive) will either park on other neighbor's properties (as they have done in the past), or in the neighboring streets, causing adverse impacts. Moreover, users of the site frequently stop in the middle of the road on the blind corner in order to drop off guests, creating the hazard of accidents and injury. There are significant safety concerns associated with the use and development of this property as proposed. I'll note that there have been accidents in this location in the past (including, upon information and belief, an accident caused by the applicant and/or one of his invitees), and given the number of visitors who have frequented this property in the past, there is a significant potential for bodily injury, death, and/or property damage. The subject application has the potential to exacerbate (and has actually exacerbated) these problems. Moreover, it is my understanding that there is a utility /stormwater easement that runs through the middle of this parcel, which benefits the State of New York. The proposed/existing improvements (including a stone masonry ramp, steps and/or decking) are constructed smack in the middle of that easement, and clearly impair the rights of the easement holder (i.e., the State of New York), and it is unclear whether the proposed improvements are acceptable to the State of New York and/or whether the State is even aware of this application. The easement holder's insight and approval of these improvements do not appear to have been obtained and I see no proof in the record regarding the same. I'll note that part of my reason for not acquiring this property (despite being offered the same a number of years ago), is that the potential for development of the same was limited, and potentially non-existent, in light of the location of the stormwater drain, and the need for the stormwater drain be available for use and servicing. My attorney, Michael J. Schwarz, who was formerly a Member of this Board, reviewed some of the drawings submitted to the Planning Board in connection with this development proposal, and it appears that the Applicant is proposing to locate a porta potty along the surveyed property line between our parcels. This will certainly have drastic impacts on my parcel, which is immediately adjacent, in terms of offensive odors, and potential contamination in the event of an unintentional discharge of untreated waste. I'll note that the Applicant's property is on a hill, the grade of which runs towards my property. Any sewage discharge will certainly impair my use and enjoyment of my property. This is a serious concern to my wife and I, and our three children, resulting from this potential nuisance condition. There also appears to be a shed proposed on the property line, which will certainly adverse visual impacts on me and my property. This should not be permitted. It also appears that the entire parcel is proposed for development, which is inconsistent with similar lake uses around the lake. This factor balances

against the granting of the requested variances.

2. The benefit sought by the Applicant can be achieved by some method which will be feasible for the applicant to pursue but would not require a variance.

While this is the only factor which could potentially balance in favor of the Applicant, as there is no neighboring property to purchase, it is submitted that this factor should balance against the Applicant. The Board may take notice of the fact that there are several other parcels around the lake which are for sale, and which are more conducive to the improvements the applicant seeks. It is absolutely feasible for the applicant to purchase one or more of those properties, which would avoid the need for the requested variances. In addition, it should be noted that the applicant does not actually use the space, but has leased it to a tenant since the inception of his ownership. The applicant never uses the property, and his tenant completely disregards the rights of neighboring property owners, such as myself. This factor balances against the grant of the requested variances.

3. The requested area variances are substantial.

The requested variances are very substantial. The applicant seeks a 100% variance for parking, approximately a 50% variance for lot width and depth, and an approximately 84% variance for lot size. The variances are substantial in mathematical terms, but also in terms of the burdens imposed upon the neighboring community in terms of parking impacts, potential impacts on drainage, and noise and visual impacts. This factor balances against the grant of the requested variances.

4. The proposed variances will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

It is respectfully submitted that this factor balances against granting the requested variances. As indicated above, there is a significant potential for adverse impacts, and actual adverse impacts, in the event the Application is granted in terms of storm water impacts, parking impacts, health and safety impacts, visual impacts, and noise impacts. This factor balances against the grant of the requested variances.

5. The alleged difficulty is self-created.

Any difficulty claimed by the Applicant is entirely self-created. The Applicant clandestinely commenced construction, under cover of night, without applying for a building permit or other necessary approvals from the Town, presumably to "race to complete" improvements in hopes that he could later seek forgiveness rather than following with rigors of the administrative process implemented by this Town to protect its citizens. The applicant plainly disregarded "Stop Work" orders issued by the Town on more than one occasion, and continued building at his own risk. Any financial or other harm claimed by the applicant is entirely self-created, and could have been avoided by following the appropriate

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approvals process, and working with neighbors (which the applicant failed to do). In addition, I note that the while possibly beyond this Board's purview, the Applicant's contractors caused damage to my dock when constructing the offensive improvements. The Board should not reward the Applicant's despicable actions and conduct. This factor balances against the Applicant. In conclusion, on balance the Application has the potential to adversely impact the health, welfare, and safety of neighbors and the community when measured by the five (5) statutory factors. It is respectfully submitted that the Board should deny the Application in its entirety. We ask that this letter be included as part of the record on this Application.

➤ Mr. Drew Gagnon of 756 South Lake Blvd, Mahopac was sworn in.

Mr. Gagnon addressed the board and stated the parking is the biggest issue and hazard. It is a busy bad turn. It is hard getting across the road. In the last year there have been eight accidents. He said the more people that are there, the more hazards you have, higher speeds on Route 6N and commercial traffic. I actually drive my kids across the street and then park.

Chairman Maxwell asked if anyone else in the audience wished to speak on this application. He then addressed Mr. Greenberg and said you might want to decide to hold this over for a full board.

Mr. Greenberg stated all the comments with regard to the variances, have absolutely nothing to do with what is being proposed. All the variances have to do with the existence of the lot. You can't change the lot; you can't go any larger or any deeper. He said the comments with regards to the State right of way for the culvert pipe (if you look carefully at the drawing) it specifically shows the right of way for the State culvert that goes underneath the property and it also specifically shows that the town is required an access panel, so if there is silt built up in that culvert pipe it can be cleaned out. He stated all the work that's being proposed or what's there do not require any variances. He said the reason we are here is because when you go to the planning board for any kind of site plan, if there are any non-conformities that pre-exist the proposal they have to come before this board.

Mr. Carnazza stated that's correct. You have to clean up all the necessary variances for everything in the past unless they got them in the past.

Mr. Greenberg reiterated none of these variances have anything to do with the proposal. It's all because of the size of the property, depth and width. He said with regard to the health, welfare and safety the planning board does require that a porta potty be put on the property.

Chairman Maxwell asked they are requiring for one to be there?

Mr. Carnazza said they don't require them, but it is a good idea for obvious reasons. If they do them, we want them buffered and screened, but it's not a requirement of the planning board.

Mr. Greenberg apologized. He said I thought it was. He said we could take a look at the location and make sure it's properly screened.

Chairman Maxwell stated with the facts brought forth by the neighbors, we have to weigh that as well.

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Mr. Greenberg stated I just want to make clear the opposition to the variances and percentage of the variances has absolutely nothing to do with construction. He stated based on what we talked about I would ask to be postponed to the next meeting.

Chairman Maxwell stated so you are looking to adjourn this, correct?

Mr. Greenberg replied yes.

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

3. Application of **ANTHONY PERRICONE** for a Variation of Section 156-15 seeking permission to create a 3 lot subdivision out of 2 existing lots. The property is located at 163 Orchard Road, Mahopac, NY and is known by Tax Map 74.26-2-22.

Code Requires/Allows	Provided	Variance Required
Lot #1		
Area – 120,000 sq. ft.	7,031 sq. ft.	112,969 sq. ft.
Front Yard-North – 40 ft.	12 ft.	28 ft.
Front Yard-West - 40 ft.	30.2 ft.	9.8 ft.
Rear Yard-South – 40 ft.	22.99 ft.	17.01 ft.
Rear Yard-East – 40 ft.	15 ft.	25 ft.
Lot Width – 200 ft.	113.5 ft.	88.5 ft.
Lot Coverage - 15%	16%	1%
Lot Depth – 200 ft.	101 ft.	99 ft.
Lot #2		
Area – 120,000 sq. ft.	6,000 sq. ft.	114,000 sq. ft.
Front Yard – 40 ft.	25 ft.	15 ft.
Rear Yard – 40 ft.	25 ft.	15 ft.
Side Yard-West – 25 ft.	15 ft.	10 ft.
Side Yard-East – 25 ft.	15 ft.	10 ft.
Lot Width – 200 ft.	60 ft.	140 ft.
Lot Coverage – 15%	25%	10%
Lot Depth – 200 ft.	100 ft.	100 ft.
Lot Width @front p.l. – 100 ft.	60 ft.	40 ft.
Lot #3		
Area – 120,000 sq. ft.	5905 sq. ft.	114,095 sq. ft.
Front Yard – 40 ft.	25 ft.	15 ft.
Rear Yard – 40 ft.	27.08 ft.	12.92 ft.
Side Yard – South – 25 ft.	10 ft.	15 ft.
Side Yard – North 25 ft.	10 ft.	15 ft.
Lot Width – 200 ft.	59.9 ft.	140.1 ft.
Lot Coverage – 15%	20.3%	15.3%
Lot Depth – 200 ft.	93.4 ft.	106.6 ft.
Lot Width @front p.l. – 100 ft.	66.81 ft.	33.19 ft.

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➤ Mr. Joel Greenberg, Architect of 2 Muscoot Road North, Mahopac was sworn in.

Mr. Greenberg addressed the board and stated several months ago this board granted a variance to return to original lot lines. The first drawing that you see (points to map) shows the two lots that were the original lot lines. These are from the original sale back from 1938. He said there is a house on the corner of Willow Road and Orchard Road and we are proposing to make that into a 3 lot subdivision. We are going to keep the existing house and add two additional houses. He said as we discussed at the meeting several months ago, the original subdivision clearly states that no building shall be erected or used on a plot of less than two lots (as shown on this subdivision map). What's proposed now, since the area of this entire parcel will actually create more than two lots per house, so we are creating a third lot. We have the existing house; there will be a house on Orchard Road and another house on Willow Road. We have to go by the R-120 zoning requirements and that's why there is a large series of variances that are required. He said the picture on top of the board (points to map) shows the lot on Orchard Road. As you can see, it is wide open and there are houses all around it. The lower picture shows the property on Willow Road and is also wide open. Most of the houses in Secor are on two or three lots total. He said there is town water and sewer. We are here before this board because we were denied by the planning board to be able to come to this board.

Chairman Maxwell asked Mr. Greenberg to remind him of the last application from several months ago.

Mr. Greenberg stated on the original drawing, the subdivision was approved in 1938. Several months ago, this board agreed to return to original lot lines. These were the original lots for this particular piece of property which were lots #1 and #2. In the interim, a house was built on the corner of Orchard and Willow and then we came here several months ago to basically legalize the fact that these were the two original lots. Now, we are requesting that the portion along Willow Road become a separate lot and portion along Orchard Road become a separate lot.

Mr. Carnazza stated they originally had a big lot. They were able to show you that they had at one time two separate lots. This board allowed them to return to the original lot lines to get the two lots. Now they are trying to rearrange the two lots to get three lots. Right now they have two, if they could get the third lot each of the lots would be bigger than what was required by the subdivision back in 1938 which were two lots (40x100). They are here to ask for variances of today's code, because they can't use the old code, because the lots were not created then.

Mr. Greenberg stated I don't have the letters, but Mr. Perricone spoke to the immediate neighbors and they had no objection to the proposal. I could get the letters to you.

Mrs. Fabiano asked what is the total acreage of the combined lots?

Mr. Greenberg replied the total acreage is 19,000 square feet.

Mrs. Fabiano asked what does that convert to in acreage?

Mr. Carnazza replied just under a ½ acre.

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Mr. Greenberg said it's three houses on 19,000 square feet. One is 7,000 square feet, one is 6,000 square feet and the other is 5,900 square feet. The original subdivision allowed a lot to be built on 4,000 square feet at a minimum.

Mrs. Fabiano stated we granted two lots and I think that was more than generous. I find that what they are asking for is a 94% variance, a 95% variance and another 95% variance. I find that to be a little much. It's very significant. When I drove down that street, the neighbor across the street and had a nice size lot. I drive down the block and there is another nice size lot. It's not as if this is in an area where there are all small lots. There are more sizable lots within that little area. So, to break it up would be a lot to ask for a 94, 95 and 95% variance. I also looked at the relationship to the adjacent homeowners and they are very close to the lot line from what I could tell. So, if you build there it would be very close to the neighbors which don't seem fair.

Mr. Greenberg stated as far as the setbacks are concerned the setbacks on the two proposed lots----- you're right, a lot of areas in Secor the houses are within 4 or 5 feet of the property line. We are actually increasing that. He said on lot #2 we have a 15 foot setback for the side yard. The front yards are pretty decent and in conformance with most of the houses in Secor.

Mrs. Fabiano stated lot #1 needs a 70% variance for the front yard north side.....

Mr. Greenberg stated in comparison to the R-120 zone, since this is a subdivision we have to use those as our criteria. If you go by the average in Lake Secor we are keeping with the lot size and setbacks.

Mrs. Fabiano stated Lake Secor is very tight. Why are we adding to the congestion? We gave a variance for two to add a third is too much. That street in particular seems to be more spacious than in other areas of Secor. She said I may be the only one, but you may want to hold this over.

Chairman Maxwell added if you had some support letters, why weren't you prepared with them tonight?

Mr. Greenberg apologized for that. He said if we hold the application over, we will get the letters for you. These letters are from the immediate neighbors, the one to the left on Willow and the one to the right on Orchard and also the one in between.

Mr. Balzano said and that's the one I would be specifically concerned about. The one that abuts lot #2, because that lot is very tight.

Mrs. Fabiano stated if the board members haven't gone, I strongly suggest driving down that block and look at the neighboring houses on that street.

Chairman Maxwell asked are you looking to hold this application over.

Mr. Greenberg replied yes.

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

4. Application of **12 BALDWIN LANE, LLC** for a Variation of Section 156-15 seeking permission to construct a 2 story addition. The property is located at 12 Baldwin Lane, Mahopac, NY and is known by Tax Map 65.10-2-16.

Code Requires/Allows	Provided	Variance Required
Front Yard – 40 ft.	16 ft.	24 ft.

- Mr. Walid Besharat, applicant's architect was sworn in.

Mr. Besharat addressed the board and stated this is an existing house that is directly opposite to the shopping center on Baldwin Lane next to the car wash. The new buyer would like to put an addition on it. The addition will be towards the back of the house and it will serve as a garage and enlarged living area. The house is completely within the required setbacks, so regardless of where we put an addition onto this house, we will still require variances. Also, the way we are locating the addition serves two things, the first is it's the least amount of variance required for any addition and also makes the driveway pull away from the entrance to the shopping center.

Chairman Maxwell said what's existing is 11 feet to front of the existing structure.....

Mr. Besharat replied that's correct.

Chairman Maxwell said pushing that back to 16.....

Mr. Besharat said actually we pushing it to more than 16. The 16 is to the front portion of where we are going to put the entrance to the house.

Chairman Maxwell said so the existing garage will be removed.

Mr. Besharat replied yes, the existing is going to be gone.

Chairman Maxwell asked if there were any issues with the septic.

Mr. Besharat replied no. The septic is on the opposite side towards the back of the house.

Chairman Maxwell asked if there was any other property they could purchase to bring this into conformity.

Mr. Besharat replied no. Properties on both sides of the home are developed. He said this is the smallest house in the neighborhood, so increasing the size of it to make it more habitable and more comfortable for family to live in will bring it into conformity with the neighborhood. It would not create a hardship, as it exists now it is a negative impact on the neighborhood because it is a tiny house.

Chairman Maxwell asked if everything will stay one story. He asked was there a reason why you just didn't go up?

Mr. Besharat stated the addition in the back is going to have a very tall roof on it because of the size of the addition and they want the option to be able to put a recreation room up there in the future.

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Chairman Maxwell stated cost wise if the foundation is stable enough it would have been effective.

Mr. Besharat stated we are not putting a second floor on the existing house. He said we are putting a second floor on the addition only. We are not doing anything to the existing house.

At which time, Chairman Maxwell asked the board members if they had any questions or concerns.

The board members had no questions or concerns.

Chairman Maxwell asked if there was any input from the audience on this application.

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

Decision of the Board:

Vice Chairman Aglietti moved to grant the requested variance. The motion was seconded by Mr. Balzano with all in favor.

5. Application of **JARDINE (LONGVIEW SCHOOL – CONTRACT VENDEE)** is seeking an Interpretation of Section 156-10F that only 50' of frontage is required because this is an "instance of a cul-de-sac, turnaround or similar case" (emphasis added). In the alternative, applicant seeks an area variance for frontage. The applicant is seeking an Interpretation of Section 156-23 which provides "...for a minimum of 10 parking spaces plus 3 spaces per classroom shall be required for those schools with pupils of elementary and junior high school age. Schools with pupils of a least high school age shall provide at least 20 parking spaces plus 5 per classroom". Applicant's history as a private school involves only a handful of high school students who have ever been able to drive to school. The code envisions the higher parking space count for schools that significantly or totally consisting of pupils of high school age. The higher parking requirement is inappropriate herein and inconsistent with Section 156-23. The property is located at 110 Scout Hill Road, Mahopac, NY and is known by Tax Map 52.-1-12.

Code Requires/Allows	Provided	Variance Required
100 ft. Frontage	52.74 ft.	47.26 ft.

The applicant's attorney requested an adjournment to February.

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

6. Application of **PALMIERI/LUTKENHAUS** is seeking an Interpretation to interpret code to determine if a private woodworking school is permitted by right in the R-120 zoning district.

DRAFT

Mr. Carnazza stated the applicant purchased another property and they requested their application be withdrawn.

Mr. Balzano moved to dismiss the application without prejudice. The motion was seconded by Mrs. Fabiano with all in favor.

7. **Minutes:** November 14, 2019 & December 10, 2019

Vice Chairman Aglietti moved to accept the November 14, 2019 minutes. The motion was seconded by Mr. Balzano with all in favor.

Mr. Balzano moved to accept the December 10, 2019 minutes. The motion was seconded by Mrs. Fabiano with all in favor.

The meeting was adjourned at 8:27 p.m.

Respectfully submitted,

Rose Trombetta