

**APPROVED**

JOHN MAXWELL  
*Chairman*

PHILIP AGLIETTI  
*Vice-Chairman*

**TOWN OF CARMEL**  
**ZONING BOARD OF APPEALS**



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ROSE FABIANO  
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JOHN STARACE  
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**ZONING BOARD OF APPEALS MINUTES**

**JULY 23, 2020**

**PRESENT:**    **VICE-CHAIRMAN: PHILIP AGLIETTI**  
**ROSE FABIANO, JULIE McKEON & WILLIAM ROSSITER**

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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>
Michael Frascone	74.42-1-16	1 – 4	Requested Variance Granted
Thomas Perricelli	63.82-1-40	4 – 6	Requested Variance Granted
Bernard & Mary Cotter	85.12-1-47	6 – 7	Requested Variance Granted
Pedro Tejada	74.42-1-8	7 – 8	Requested Variance Granted
Eric Pfisterer & Suzanne Papcsy	63.82-1-54	8 – 9	Requested Variance Granted
Minutes:	06/25/20	9	Approved as Written

The meeting was adjourned at 7:56 p.m.

Respectfully submitted,

Dawn Andren

## **HELD OVER APPLICATIONS**

1. Application of **MICHAEL FRASCONI** for a Variation of Section 156-15 seeking permission to install above-ground pool in front yard with 6' fence. The property is located at 120 Cross Hill Road, Mahopac, NY and is known as Tax Map #74.42-1-16.

Code Requires/Allows	Provided	Variance Required
4' fence	6'	2'
25' front yard	3'	22'

➤ Mr. Michael Frascione of 120 Cross Hill Road was sworn in.

Mr. Frascione said I want to put a pool on the side of my house and a 6' fence.

Vice-Chairman Aglietti said the 6' fence is for around the pool?

Mr. Frascione said it's around that section of the yard.

Vice-Chairman Aglietti said do you have any other land available that you could purchase to help with the variance that you're looking for?

Mr. Frascione said I do not.

Vice-Chairman Aglietti said it's a corner property? You're looking for a 2' variance for the fence and a 22' variance for the front yard out of 25'. That's a pretty substantial variance that you're looking for. It's probably like 80% or something to that effect. Is there anyway you could reconfigure where it's going to be to help us out there?

Mr. Frascione said no because on the other side of my house, I'm too close to my neighbor and I have a huge oak tree on that side. Behind my house, I'm even closer to the people behind me.

Vice-Chairman Aglietti asked what size pool are you putting in.

Mr. Frascione answered either a 15' round or 18' round.

Vice-Chairman Aglietti said would you need less of a variance if you were using the 15'?

Mr. Frascione said I don't understand.

Vice-Chairman Aglietti said if it's 15' around it's smaller than an 18' so would you need less of a variance.

Mr. Frascione said well that whole section would still have to get fenced in.

Vice-Chairman Aglietti said I understand the fence, I'm thinking more about the variance for the front yard – the 22' that you're looking for.

Mr. Frascione said yes; I guess if it's a smaller pool, it would be a smaller variance.

## **APPROVED**

Mrs. Fabiano said I have a concern because this fence could obstruct the view of people trying to make the turn so I'd like to see this fence brought in more. It may involve moving the pool over more and then moving the fence over more.

Mr. Frascone said the fence would be inside the hedges. There's a whole line of hedges that go along Topland. I don't know if you're familiar with that area.

Mrs. Fabiano said yes; I was there.

Mr. Frascone said it would be on the inside of those hedges so you wouldn't see the fence from the road. Only I would see the fence.

Mrs. Fabiano asked is there any way we can move this in a little more.

Mr. Frascone said no because that side of my house, I have an entrance to get into my basement so the pool would be too close to the entrance of the side of my house.

Mrs. Fabiano said what if you moved it back or some way move it off a little bit more. Is there any way?

Mr. Frascone said no; I don't think so.

Mrs. Fabiano said what if you made the pool less wide. What if you got a 12' pool?

Mr. Frascone said I don't know if they even make them that small. This is from G&R Pools. I think they said the minimum would be 15'.

Mrs. Fabiano said well there must be some way you could work with us on this; move it over 2 feet.

Mr. Frascone said move it over to my house 2 feet?

Mrs. Fabiano said yes 2 feet. It seems like there's quite a distance from the pool to your house.

Mr. Frascone said yes if I went with a 15', I could probably go a little bit closer to my house.

Mrs. Fabiano said okay.

Mr. Frascone said but then I just have an unusable space between the fence and the pool on the Topland side.

Mrs. Fabiano asked is the pool right next to the fence.

Mr. Frascone answered it would be; yes.

Mrs. Fabiano said because this picture doesn't reflect that.

Mr. Frascone said at that time, March I think, I was going with an oval pool but when I spoke to G&R about it, they said that process would be just too difficult and way too much money. I think they wanted double the price for an oval pool as they did for a round pool. So, there was some confusion with the pricing back when I was getting the price between the oval and the round pools. That's why I decided to go with a round instead of an oval.

## **APPROVED**

Mrs. Fabiano said so we're working with a survey here that isn't accurate.

Mr. Frascone said if it helps, I would just put the oval then.

Mrs. Fabiano said what's the width of an oval versus a round.

Mr. Frascone said I don't remember what it was off the top of my head. I don't think it's that much difference. It's just double the money of the round because ovals are not common. Round is a common pool. But; as far as the width, I think it's the same thing. The oval goes straight more.

Mrs. Fabiano said I thought the oval would be narrower.

Mr. Frascone said the oval comes in a minimum size as far as width. I believe the minimum for oval is 18' which would be the same as the 18' round.

Mrs. Fabiano said and you'll still maintain your hedges after the fence goes up.

Mr. Frascone said yes; I maintain my whole property.

Mr. Starace said I was over there with Chairman Maxwell. It's well maintained property. What you probably don't see on that survey is the house butts that lot behind him off of Topland. That's very close behind him in the back. On the side, he mentioned a very large specimen oak tree. It is an immense diameter on that and it takes up the whole yard. There's a lot of value to that tree because it's healthy and in good shape. There's really no other place to install the pool other than the right-hand side of that property. So, I see what you're up against and I believe that you do have room there to make that happen. The evergreens you're going to maintain are already there and I don't believe there's any problem with cars now coming down Topland or making turns. Your fence is going to be inside of that closer to your pool.

Mr. Frascone said right.

Mr. Starace said you might be able to address the pool and when you lay it out to give the maximum amount of distance for the variance. If you get a 12' oval or an 18' oval, maybe you can adjust it towards the house as much as possible so you can have the pool. But, I was out there and that is really the only spot to put the pool for your family to use. Was there any opposition or any neighbors in here on this application? (one set of neighbors were in audience.) When you lay it out, we may have a condition where it would be as far situated closer to your house to allow for the least amount of variance that we would have to grant for the pool.

Vice-Chairman Aglietti asked the public for any input 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.

## **APPROVED**

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

**Mr. Starace moved to grant the requested variance.**

**Vice-Chairman Aglietti requested a roll call vote.**

<b>Mr. Rossiter</b>	<b><i>in favor of the motion</i></b>
<b>Ms. McKeon</b>	<b><i>in favor of the motion</i></b>
<b>Mr. Starace</b>	<b><i>in favor of the motion</i></b>
<b>Mrs. Fabiano</b>	<b><i>in favor of the motion</i></b>
<b>Vice-Chairman Aglietti</b>	<b><i>in favor of the motion</i></b>

**Motion Carries.**

## **NEW APPLICATIONS**

2. Application of **THOMAS PERRICELLI** for a Variation of Section 156-15 seeking permission to install above ground pool and shed. The property is located at 205 Oak Road West, Mahopac, NY and is known as Tax Map #63.82-1-40.

Code Requires/Allows	Provided	Variance Required
Pool: 10' Side	2'	8'
10' Rear	2'	8'
Shed: 10' Side	1'	9'

- Mr. Thomas Perricelli of 205 Oak Road West, Mahopac was sworn in.

Mr. Perricelli said I'm looking to put a 15' round pool in my back yard and on the side of my house an 8' x 10' shed.

Vice-Chairman Aglietti said so you're looking for a variance on the side 8' and a variance in the rear of 8' and a variance on the side of 9'. Almost the total amount there of the 10' setbacks. Is there any land around that you can buy to help get you more into conformity?

Mr. Perricelli said no.

Mr. Rossiter asked are you on septic and well.

Mr. Perricelli said no.

Mr. Rossiter said how big is the pool?

Mr. Perricelli said 15' round is the smallest one I could get.

Mr. Starace said this photo here – is this your fence?

Mr. Perricelli said no; that's my neighbor's fence.

Mr. Starace said and this area is where you want the 15' round [pool].

## **APPROVED**

Mr. Perricelli answered yes.

Mr. Starace said and you can't shift that any closer to your house?

Mr. Perricelli said I think it's only 7' from my house now – where I'm putting it.

Mr. Starace asked and where is the shed going.

Mr. Perricelli said where the wood is. Where the wood is, I put a white wire fence on the floor.

Mr. Starace said yes.

Mr. Perricelli said that would be the layout of the shed. I put that fencing up so that you could see where the.....

Mr. Starace said what size is the shed?

Mr. Perricelli said 8' x 10'. The fencing would be approximately....

Mr. Starace asked are you going to bring any electricity into the shed.

Mr. Perricelli answered no.

Mrs. Fabiano said these are significant variances. Is there any way you can bring them in. The shed – can you bring it in maybe two more feet? Can you bring in the pool maybe two more feet on either side? I hate to see a pool or a shed two feet from a property line. Is there any way you can bring them in.

Mr. Perricelli said I can bring the shed in another foot. I'd have to move it back against the pool because there's a gate on the fence.

Mrs. Fabiano said if you move the shed a foot in, then you're going to be.....

Mr. Perricelli said yes; I'd have to move it more into the property and back against the pool. I'm not sure where I would put a door to open the shed.

Mrs. Fabiano said what about the pool. Can the pool shift at all?

Mr. Perricelli said not really [with] the way I have it set up. If you could see by the picture there, I cut the grass out so you could see where I'm planning on putting it. There's a patio that's there and it would put it against the house or in the patio.

Vice-Chairman Aglietti opened this application up to the public for input of which there was none.

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

**APPROVED**

**Decision of the Board:**

**Mr. Starace moved to grant the requested variance; seconded by Mr. Rossiter.**

**Vice-Chairman Aglietti requested a roll call vote.**

<b>Mrs. Fabiano</b>	<b>for the motion</b>
<b>Mr. Starace</b>	<b>for the motion</b>
<b>Ms. McKeon</b>	<b>for the motion</b>
<b>Mr. Rossiter</b>	<b>for the motion</b>
<b>Vice-Chairman Aglietti</b>	<b>for the motion</b>

**Motion Carries.**

3. Application of **BERNARD & MARY COTTER** for a Variation of Section 156-15 seeking permission to retain existing shed. The property is located at 6 Richard Street, Mahopac, NY and is known as Tax Map #85.12-1-47.

Code Requires/Allows	Provided	Variance Required
10' Rear	4.6	5.4

- Mr. Bernard Cotter of 6 Richard Street, Mahopac was sworn in.

Mr. Cotter said I had taken down a wooden framed shed 8 years ago and I put up a lifetime plastic shed and I didn't know that I needed a building permit for it. In reference, I was also told I needed a variance because of where the shed was when I bought the house in 1993. I guess the prior people never did that.

Vice-Chairman Aglietti said and you're looking for just about half.

Mrs. Fabiano asked why is it coming up now.

Mr. Cotter answered a neighbor had complained about grass clippings/shavings; where they were being placed and Mr. Marousek went over to speak to my neighbor and then my neighbor said well the other guy does it too. So, then he came over and noticed the shed and all that. He called and I said I would straighten out whatever I've got to do.

Mr. Starace said that's the shed with the two skylights?

Mr. Cotter said correct. It basically is a pool storage/chemical. That's all it is.

Mr. Starace asked how is clock powered.

Mr. Cotter answered by battery.

Vice-Chairman Aglietti said and there's no other land you could purchase to help bring you into conformity.

**APPROVED**

Mr. Cotter said no; basically, I just took down and put back what was there. Where it was situated is perfect for the pool supplies.

Vice-Chairman Aglietti opened up this application to the public for input 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 the requested variance; seconded by Mr. Starace.***

***Vice-Chairman Aglietti requested a roll call vote.***

<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>Ms. McKeon</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>

***Motion carries.***

4. Application of **PEDRO TEJADA** for a Variation of Section 156-15 seeking permission to install above-ground pool 6' from rear property line. The property is located at 98 Circle Road, Mahopac, NY and is known as Tax Map #74.42-1-8.

Code Requires/Allows	Provided	Variance Required
10' Rear	6'	4'

- Mr. Kevin Cohen of Nejame & Sons representing the applicant was sworn in.

Mr. Cohen said we're looking to do a pool in the back yard. There's a 10' rear setback but we're going to be 6' away because there's an existing deck that comes out and there's really nowhere else to put the pool because of the well on the left side to be within that 10' setback so we're asking for 4'.

Vice-Chairman Aglietti said it's an above-ground pool?

Mr. Cohen said yes.

Vice-Chairman Aglietti said what's the size?

Mr. Cohen answered 16' x 27'.

Vice-Chairman Aglietti said it's pretty big.

Mr. Cohen said yes; it's a normal size.

Vice-Chairman Aglietti said is there any land in the area that can be purchased to help bring it into conformity?



**APPROVED**

Mr. Cohen said the rear property beyond this is not land for purchase. It's an easement I believe.

Mrs. Fabiano asked are there power lines behind it.

Mr. Cohen answered yes.

Mrs. Fabiano said that's all power line property?

Mr. Cohen said exactly.

Mr. Starace said on the layout, it looks like it's a kidney shaped pool but you said that's an above-ground?

Mr. Cohen said yes.

Mr. Starace said and it's kidney shaped?

Mr. Cohen said yes.

Mr. Starace said and it's not underneath those power lines?

Mr. Cohen said no. It's probably 40 to 50 feet from the lines.

Mr. Starace asked are you putting a deck around it.

Mr. Cohen said yes. Eventually either a patio up to it or a deck. For now, it's just the pool.

Mr. Starace said the variance is on the back end of it.

Mr. Cohen said right; it wouldn't be on the end closer to the house.

Vice-Chairman Aglietti opened up this application to the public for input of which there was none.

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

**Decision of the Board:**

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

5. Application of **ERIC PFISTERER & SUZANNE PAPCSY** for a Variation of Section 156-15 seeking permission to construct front deck. The property is located at 214 North Road, Mahopac, NY and is known as Tax Map #63.82-1-54.

Code Requires/Allows	Provided	Variance Required
10' Side	5.65'	4.35'
25' Front	17'	8'

## **APPROVED**

- Mr. Eric Pfisterer of 214 North Road, Mahopac was sworn in.

Mr. Pfisterer said I'm looking to put an 8' x 21' deck on the front of my house.

Vice-Chairman Aglietti said so you're looking for a variance on the side of a little over 4 feet and a variance in the front of 8 feet.

Mr. Pfisterer said correct.

Vice-Chairman Aglietti said is there any land that you can purchase to bring yourself into conformity.

Mr. Pfisterer said no.

Mr. Starace said no questions; it looks well laid out.

Vice-Chairman Aglietti opened up this application to the public for input of which there was none.

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

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

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

### **MISCELLANEOUS:**

- ***Minutes of June 25, 2020:***

***Mr. Starace moved to accept the minutes as written; seconded by Mrs. Fabiano with all in favor.***

The meeting was adjourned at 7:56 p.m.

Respectfully submitted,

Dawn Andren