

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
JOHN STARACE
JULIE MCKEON

ZONING BOARD OF APPEALS MINUTES

NOVEMBER 19, 2020

PRESENT: **CHAIRMAN: JOHN MAXWELL, VICE-CHAIRMAN: PHIL AGLIETTI,**
ROSE FABIANO, JULIE McKEON, WILLIAM ROSSITER & JOHN STARACE

ABSENT: **SILVIO BALZANO**

<u>APPLICANT</u>	<u>TAX MAP #</u>	<u>PAGE</u>	<u>ACTION OF THE BOARD</u>
Craig & Elizabeth Paschetti	87.5-1-3	1 – 2	Requested Variance Granted
Michael Myers	87.10-1-5	2 – 5	Requested Variance Granted w/cond.
John Brookhouse	54.14-1-13	5 – 6	Requested Variance Granted
Mahopac Drive-In/ Putnam House	65.10-1-45	7 – 8	Requested Variance Granted
Minutes: October 22, 2020		8	Accepted as Amended

The meeting was adjourned at 7:57 p.m.

Respectfully submitted,

Dawn Andren

NEW APPLICATIONS:

1. Application of **CRAIG & ELIZABETH PASCHETTI** for a Variation of Section 156-15 seeking permission to retain existing pool with deck and existing shed. The property is located at 5 Birch Lane, Mahopac NY and is known as Tax Map #87.5-1-3.

Code Requires/Allows	Provided	Variance Required
Pool Deck - 15' (side)	5.5'	10.5'
Shed – 10' (side)	9'	1'

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

NOTE: PODIUM MIC IS NOT TURNED ON.

- Mr. Craig Paschetti of 5 Birch Lane, Mahopac NY was sworn in.
- Mrs. Liz Paschetti of 5 Birch Lane, Mahopac NY was sworn in.

Mrs. Paschetti said we're here for a variance on our pool deck of 10.5' and 1' on our shed.

Chairman Maxwell said I didn't get a chance to see this but I did google-earth and photos were provided. What's the reason why this is coming up now?

Mrs. Paschetti said we're just trying to legalize everything, and we didn't realize we needed variances.

Chairman Maxwell said and you didn't know you needed the permit at that time as well? Have you spoken with your neighbors on the other side? There's no issue?

Mrs. Paschetti said yes.

Chairman Maxwell said I see there is some good screening there between the pool deck and the neighbor on the left side. I saw it from google-earth. If you had to relocate this to conform, what kind of costs would there be?

Mrs. Paschetti (inaudible).

Chairman Maxwell said it looks fairly new. How long ago was it done?

Mrs. Paschetti said ten years maybe.

Chairman Maxwell said you guys did it yourself or you had a builder?

Mrs. Paschetti (inaudible).

Chairman Maxwell said there's no concern from neighbors on the other side?

Mrs. Paschetti said none.

Chairman Maxwell said do you have a septic back there? It's between the pool and the shed?

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Mrs. Paschetti answered yes.

Chairman Maxwell said the shed looks like it's pretty well screened in the back at least.

Chairman Maxwell asked if there was any input from the Board Members of which there was none and then asked if there was any input from the public on this application, also, 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:

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

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

2. Application of **MICHAEL MYERS** for a Variation of Section 156-15 seeking permission to build garage/shed. The property is located at 4 Stephanie Lane, Mahopac NY and is known as Tax Map #87.10-1-5.

Code Requires/Allows	Provided	Variance Required
40' Front	24'	16'

- Mr. Michael Myers of 4 Stephanie Lane, Mahopac was sworn in.

NOTE: PODIUM MIC IS NOT TURNED ON.

Chairman Maxwell said you're looking for a variance for 16'. There's 24' provided and it's a 40' front. I'm a little concerned because on the site plan paperwork I got, you didn't show where you're planning to put this. Is it in front of the house? Is it an easement?

Mr. Myers (inaudible) side of the driveway.

Mr. Carnazza walked over to dais to point out position. This is the front. It's West Lovell and Stephanie on the corner so that's the other front.

Chairman Maxwell said it looks like a square shed but the one that is proposed is rectangular.

Mr. Starace said it's on the macadam drive entering the house – it's just off the side of that?

Mr. Myers said yes; it's right along (inaudible).

Chairman Maxwell indicated it was not drawn on survey so asked Mr. Myers to approach dais and draw in where it would be going.

Discussions about drawing took place at dais among all Board Members.

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Chairman Maxwell said this is like a butler type of building? What's the general use?

Mr. Myers said (inaudible) "toys".

Chairman Maxwell asked is there any other part of the property that you can make it work to lessen the variance.

Mr. Myers said no. My whole property is on a slope (inaudible).

Chairman Maxwell said so it's level. Is there septic in the back?

Mr. Myers said yes; (inaudible).

Chairman Maxwell said this is not your typical home-type of shed. It's basically a metal building. Did you talk to all of your neighbors about this? No one has an issue? Otherwise, they'd be here – right?

Mr. Myers said right.

Vice-Chairman Aglietti said there was an email of support sent in that is in favor.

Mr. Starace read an email from Brian Prazenka of 100 East Lovell Street. "Good morning. I am writing to state that I have no objections to Michael Myers proposed shed/garage on his property at 4 Stephanie Lane, Mahopac."

NOTE: PODIUM MIC IS NOW TURNED ON.

Mr. Myers said he's the property right across the street and is the most impacted by building the shed here because he would be able to see it from his front yard.

Mr. Starace said this says West Lovell Street. So, you're saying his house is here?

Mr. Myers said yes.

Chairman Maxwell said he (Mr. Myers) is the corner lot; that's why he's got the 40'. Even on the back-end of the driveway, I know you're showing it to the right but even on the back-end, does it drop off drastically.

Mr. Myers said it drops off but there is a big boulder smack in the middle of that. I'm not sure how big it is but to dig it out would be an issue.

Chairman Maxwell said judging from the photos, is that a slab that's built for this already?

Mr. Myers said yes. So, I haven't built it but I put a slab there and realized I needed a permit so now I'm here.

Chairman Maxwell said what's the value of that slab?

Mr. Myers said about \$5,000.

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Chairman Maxwell said I guess the neighbor it affects the most is in support of this. I would say you don't need screening but it looks like you've got some tree lines going across there anyway.

Mrs. Fabiano asked how is this going to be sided. Is it metal?

Mr. Myers answered yes; it's metal.

Mrs. Fabiano said it's kind of inconsistent with the rest of your property. Your property is beautiful and then to put a metal shed.

Mr. Myers said it's the same color as my house. The colors match. It's just metal and my house is hardie board siding.

Mrs. Fabiano said it's up to you but I would think you wouldn't want a metal building next to this beautiful home. It doesn't seem to make sense to me.

Mr. Starace said there's a framed shed on this property. Is that still there?

Mr. Myers said no it's not there.

Mr. Starace said would you consider putting it there?

Mr. Myers said no. Where that shed is - is back in the woods. The problem with that is that is was overrun with animals. They destroyed everything I had in there so I'm trying to bring it into the property.

Mr. Starace said this is a very robust design. Would you be interested in putting some evergreens out there to cover that shed - against West Lovell Street?

Mr. Myers said yes; absolutely.

Mr. Starace said I'm just thinking to screen that.

Chairman Maxwell said we can condition that.

Mr. Starace said let's condition it.

Chairman Maxwell asked how long is the.....

Mr. Starace said 30' x 20'. What's the 30'?

Chairman Maxwell said is that parallel to West Lovell?

Mr. Starace said how is it laid out?

Mr. Myers said the longer part of it is parallel to Lovell.

Chairman Maxwell said so about 6 - 8 evergreens/arborvitae?

Mr. Starace said yes; they should start out 6' - 8' high & 3' on center to cover that 30'.

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Mr. Myers said the larger side which is 21' is parallel to Lovell Street.

Chairman Maxwell said still – 6 or 7 should satisfy.

Mr. Carnazza said (inaudible).

Mr. Myers said 19' x 21'.

Mr. Starace said the maximum design is on the front page of that.

Mr. Carnazza said yes. They just add extra panels on and make it longer.

Chairman Maxwell said okay. So, I think we'll condition that as part of this. In the grand scheme of the cost, it's not much but in fairness to anybody driving down that street, you're on a corner lot and people are slowing down to stop or whatever.

Mr. Myers said okay.

Chairman Maxwell then opened up this application to the public for input, comments or concerns of which there were 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:

Mr. Starace moved to grant the requested variance with the condition to provide 5 evergreen/giant arborvitae spaced to the satisfaction of the Building Inspector (Mr. Carnazza) and to be placed before the C.O. is issued; seconded by Vice-Chairman Aglietti with all in favor.

3. Application of **JOHN BROOKHOUSE** for a Variation of Section 156-15 seeking permission to retain existing deck. The property is located at 131 Crane Road, Carmel NY and is known as Tax Map #54.14-1-13.

Code Requires/Allows	Provided	Variance Required
Side: 20'	16.1'	3.9'

- Mr. John Brookhouse & Mrs. Mayra Brookhouse of 131 Crane Road, Carmel NY was sworn in.

Chairman Maxwell said I did make it out there on Sunday to take a look. It looks like you guys are looking for a variance of 3.9' which is very minimal in the grand scheme. You did speak to your neighbors on the right-hand side. In fact, I think you have an agreement.

Mr. Brookhouse said I have a contract agreement with them that they're okay with it.

Chairman Maxwell said if you had to relocate this, what would it cost?

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Mr. Brookhouse said I have no idea.

Chairman Maxwell said give me a number: \$5,000, \$4,000?

Mr. Brookhouse said probably around that range.

Chairman Maxwell said you do have some screening there if I remember seeing correctly. Is there screening there? Is there natural....

Mr. Brookhouse said there are shrubs - about 5 or 6 feet high.

Chairman Maxwell said and that driveway was pretty far away from.....

Mr. Brookhouse said yes. The house is about ½ an acre or more from the line.

Chairman Maxwell said did you talk with any other neighbors?

Mr. Brookhouse said I actually don't know any of them because there is nobody on my right side and the other neighbors are so far, this is what we do (waves). I really don't know anybody.

Mr. Starace said do you know what year that deck was built?

Mr. Brookhouse said I have no idea. It was there when I bought the house. I re-stained it last year.

Mr. Starace said nice work.

Chairman Maxwell said I guess it got picked up when they did a title search?

Mr. Brookhouse said what happened was there was no Certificate of Occupancy on the house. There was no survey ever done. There was a drawn picture with a house. I just wanted to know where my property lines were and stuff so I did the survey. Then, I came here and gave one to the Town to have on file. After that, I got a letter about the deck. Other than that, I wouldn't have known about it. It was never brought up when I bought the house.

Mrs. Fabiano asked when did you buy the house.

Mr. Brookhouse answered I bought it in February 2018.

Chairman Maxwell then asked the public for any input, comments and concerns of which there were 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:

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

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4. Application of **MAHOPAC DRIVE-IN/PUTNAM HOUSE** for a Variation of Section 156-41C(2) seeking permission to install wall sign to front elevation of tenant space. The property is located at 983-1005 Route 6, Mahopac, NY and is known as Tax Map #65.10-1-45.

Code Requires/Allows	Provided	Variance Required
40 square feet	74 square feet	34 square feet

➤ Mr. Estanislao Ortega of Putnam House at 983 Route 6, Mahopac NY was sworn in.

Chairman Maxwell said I guess you're here for a variance for the sign to make this bigger. That seems to be the norm in that shopping plaza. According to the elevations and in my opinion, it's mostly proportionate. Has the landlord given you a certain height restriction?

Mr. Ortega answered no. They have a line where the sign should be.

Mr. Carnazza said they can't go above the façade on the front there. They have to stay within that box.

Chairman Maxwell said within that frieze zone?

Vice-Chairman Aglietti asked is this here now?

Mr. Ortega answered no.

Vice-Chairman Aglietti said that's what it's going to look like?

Mr. Ortega said yes.

Chairman Maxwell said this is a pretty big variance but I've been working on a master plan that is going to, hopefully, bring us into the 21st or 22nd century. In my opinion it is proportionate. It's a little out of character from the other side that are just red but I guess you're going to call yourself out a little differently than the other tenants there.

Mr. Ortega said we have a gable and tried to make it look good. We have a 50' wide storefront.

Chairman Maxwell said I know we just gave a variance to Ocean State down the way. We were kind of fair to them so I think we should be fair to you as well.

Mrs. Fabiano asked do you need to have 'steaks & seafood' on there? It would bring the variance down a little bit. It is proportionate. I don't think any of the other places describe what they have in there unless they use it in the name.

Vice-Chairman Aglietti said but if you look at Putnam House, you have no idea what they're doing.

Mrs. Fabiano said and the colors are as shown here?

Mr. Ortega said it's going to be red, gold and white letters on the bottom.

Mr. Starace said that's a nice rendition right there.

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Chairman Maxwell said is this going to be back lit?

Mr. Ortega said yes.

Mr. Starace said is that LED lit?

Mr. Ortega said yes.

Chairman Maxwell opened up this application to the public for input, comments or concerns of which there were 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:

Vice-Chairman Aglietti moved to grant the requested variance; seconded by Ms. McKeon with all in favor.

MISCELLANEOUS:

Minutes

- October 22, 2020
Vice-Chairman Aglietti moved to accept the minutes as amended; seconded by Mrs. Fabiano with all in favor.

The meeting was adjourned at 7:57 p.m.

Respectfully submitted,

Dawn Andren